

MARY BAKER EDDY'S  
CHURCH MANUAL  
and  
"Church Universal  
and Triumphant"

-Man. p. 19

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Helen M. Wright

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Tell the truth concerning the lie.

—MARY BAKER EDDY

A lie left to itself is not so soon destroyed as with the help of truth—telling.

—MARY BAKER EDDY

Error, when found out, is two-thirds destroyed, and the remaining third destroys itself.

—MARY BAKER EDDY

To all who love and revere God's recording angel, Mary Baker Eddy; who long to see her place in scriptural prophecy acknowledged; her name restored to its proper place in world esteem and human history; and

To all who have wondered why she rated her *Church Manual* second only to *Science and Health*; why she said: "Eternity awaits our *Church Manual*."

## ACKNOWLEDGMENTS

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No. 974002—The *Church Manual* and Church Government

No. 975050—What Do the Estoppels Really Stop?

No. 976051—What the Full Bench Actually Said.

Special thanks go to Abbie Bentley for her invaluable contribution, encouragement and support.

Above all, the author's deep gratitude is due Mary Baker Eddy, the Discoverer and Founder of Christian Science, for her unparalleled gift to mankind in this age, the Christian Science textbook, and her other writings, which show humanity its divinity and how to realize scientifically that each one of us is God in action.

## Explanatory Notes

Italics not appearing in the original quotations are sometimes used, not to emphasize, but to identify that portion of the quote directly applicable to the point under discussion.

Capitalization of the term "By-Laws": Mrs. Eddy capitalized the term "By-Laws" because she knew God had dictated those By-Laws: "They were impelled by a power not one's own" (see *Manual*, p. 3).

The title "Science and Health" is not italicized for the same reason that the Bible is not ordinarily italicized, in deference to the status of these books as divine teachers.

*Explanation:* "CHURCH UNIVERSAL AND TRIUMPHANT" as used throughout this book refers to a wholly spiritual state of consciousness to be attained by every individual, wherein man is aware of the omnipresence of present perfection as the fact of being, thus demonstrating the kingdom of heaven on earth. Mrs. Eddy used the terms "universal" and "triumphant" in the first *Church Manual*, copyrighted in 1895, as referring to the Church she founded. She shortly capitalized these terms, and in 1903 changed the early wording to read as we have it in the *Manual* today: "CHURCH UNIVERSAL AND TRIUMPHANT"

## IMPORTANT NOTE TO THE READER

In 1866 Mary Baker Eddy discovered the Christ Science or the divine laws of Life, Truth, and Love. She named this discovery Christian Science. Mrs. Eddy saw that God is All-in-all and is divine consciousness or divine Mind. In her textbook, *Science and Health*, page 468, she states, "All is infinite Mind and its infinite manifestation, for God

is All-in-all." Her Science teaches the omnipresence of present perfection. A great paradigm shift is necessary in order that humanity may come into line with what Mary Baker Eddy saw as the reality of being. This paradigm shift is today coming through "revolutions ecclesiastical and social"<sup>1</sup> through a consciousness revolution. A vast overturning of standpoints is presently taking place in which a spiritual scientific model of consciousness is supplanting the old model of materiality.

"The only fact concerning any material concept is, that it is neither scientific nor eternal, but subject to change and dissolution."<sup>2</sup> Understanding is the substance of Christian Science. This understanding operates as a solvent within human consciousness, stripping away our ignorantly cherished beliefs, and revealing the eternal facts of being which constitute reality. Mary Baker Eddy fully expected the Science she brought mankind to accomplish exactly what it was divinely commissioned to do: dissolve all material concepts with the introduction into human consciousness of spiritual ideas.

This understanding, active within the consciousness of Christ Jesus, was responsible for the dissolution of every molecule of matter in his ascending evolverment. As an individual, Jesus awakened from the myth of matter and established for all mankind the sublime goal of conscious attainment. It has been said that Jesus gave the laboratory experiment and Mary Baker Eddy wrote the scientific textbook explaining how it was done. She discovered the Science behind Jesus' works. God revealed to her the unity between the absolute letter of Christianity and the spirit of Christianity. She saw that this unity of the absolute letter and the spirit of Christianity dwells forever in the divine Mind, and so is the Principle of man's being. This Principle reveals itself through the human character, as Mrs. Eddy explains on page 246 of *Miscellany*. Mrs. Eddy reduced this absolute letter and spirit of Christianity to a divinely scientific system. This system works through a calculus of divine ideas, and it is today being taught in classrooms.

Mrs. Eddy's discovery of divine Science ushered in a totally new age—an age in which we will find ourselves "kings and priests unto God." An understanding of her textbook, *Science and Health with Key to the Scriptures*, gives the student a new Mind, a totally new consciousness in which the heart communes directly with God, good—ultimate reality. Mrs. Eddy taught mankind that finding the kingdom of heaven a present reality rests with the individual and his understanding. The kingdom is within, and it is within consciousness that we find our oneness with divine Principle, just as it is within consciousness that we find our oneness with the principle of mathematics or music. Each must become consciously aware of his individual oneness with divine Principle. This is the crux of Mary Baker Eddy's message to humanity.

Until Mrs. Eddy "learned the vastness of Christian Science, the fixedness of mortal illusions, and the human hatred of Truth, she cherished sanguine hopes that Christian Science would meet with immediate and universal, acceptance."<sup>3</sup> She soon found how subtle and determined were the ways of the carnal mind: "The powers of evil are leagued together in secret conspiracy against the Lord and his Christ, as expressed and operative in Christian Science."<sup>4</sup> The central point of attack in this "conspiracy" has been Mrs. Eddy herself. Above all else the enemy seeks to destroy the image of Mary Baker Eddy as God's recording angel to this age.

In this book, and in its predecessor, *Mary Baker Eddy: A New Look*, the author sounds a bugle call to reinstate Mary Baker Eddy in her proper place in world esteem and

human history and to acquaint all mankind with the fact that Mary Baker Eddy fulfilled Jesus' prophecy to St. John concerning the woman of the Apocalypse. The Science Mary Baker Eddy brought reveals man's true Mind to be the Mind of God.

That Mrs. Eddy was aware of the enemy's plan to move her out of her God-appointed place as the Leader of the Christian Science Movement can be seen from her two widely published letters:

One was a letter to Edward A. Kimball in which she explained that for the world to understand her in her true light and life would do more for the Cause of Christian Science than anything else could. Mrs. Eddy knew she was the "woman of the Apocalypse," the Revelator to this age, the woman Jesus had revealed to St. John in the Book of Revelation. The enemy, Mrs. Eddy said, tried harder to hide her true identity than to win any other point. She went on to say that Jesus' life and character had been treated in the same way her life and character were being treated (and we might add, are being treated today, in view of the disobedience to her *Manual* estoppels, and the failure to challenge the subtle and open denigration of her character.) Mrs. Eddy regretted to see that loyal students were not more awake to "this great demand" to meet the enemy's tactics.<sup>5</sup>

When Judge Septimus J. Hanna wrote Mrs. Eddy for advice regarding lecturing on Christian Science, she wrote him a similar letter in which she again explained that the united plan of the evil doers was to keep hidden her true identity as having fulfilled the prophecy of Christ Jesus—"to keep her as she is, out of sight." She told Judge Hanna that keeping the truth of her character before the public would help the students, and do more than all else for the Cause. Christianity, she said, lost its purity because of the persecution, defaming, and killing of its defenders. There is no doubt that Mrs. Eddy, when she placed the estoppel clauses in the *Church Manual*, knew that those who urged obedience to those estoppels would be defamed and persecuted, in order to protect the material organization and its continuity; hence her urgent warning: "Do not let this period repeat this mistake." "Tell the truth about your Leader," she said. "That will heal and save." She knew the lie would have just the opposite effect and that the enemy knew this more clearly than do most Christian Scientists<sup>6</sup>

In *Miscellany* she wrote: "The effort of disloyal students to blacken me and to keep my works from public recognition -students seeking only public notoriety, whom I have assisted pecuniarily and striven to uplift morally—has been made too many times and has failed too often for me to fear it." Then, because she didn't have the time to be continually pursuing a lie, she asked "the help of others in this matter ... A lie left to itself is not so soon destroyed as with the help of truth-telling"<sup>7</sup> The sole purpose of this book is to "tell the truth concerning the lie."

Strive it ever so hard, The Church of Christ, Scientist, can never do for its Leader what its Leader has done for this church; but its members can so protect their own thoughts that they are not unwittingly made to deprive their Leader of her rightful place as the revelator to this age of the immortal truths testified to by Jesus and the prophets [concerning her].<sup>8</sup>

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<sup>1</sup> Mary Baker Eddy, S&H. first ed.p.3 (1875)

<sup>2</sup> S&H. 297:16

<sup>3</sup> S&H 330:2

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<sup>4</sup> Mis. 177:5

<sup>5</sup> Divinity Course and General Collectanea, p. 111 & 112, Richard Oakes, Compiler, Publisher, Rare Book Company, Freehold, N. J. 07728

<sup>6</sup> Divinity Course and General Collectanea, p. 109

<sup>7</sup> My . 130:7

<sup>8</sup> My. Viii:3 (Dictated to Lewis Strang by Mrs. Eddy for Journal, May, 1906)

## CONTENTS

<b>Dedication .....</b>	<b>v</b>
<b>Acknowledgements.....</b>	<b>vi</b>
<b>Explanatory notes.....</b>	<b>vii</b>
<b>Important Note to the Reader .....</b>	<b>ix</b>
<b>Abbreviations .....</b>	<b>xv</b>
<b>Preface .....</b>	<b>xvii</b>

The lawsuit against the Independent Christian Science Church of Plainfield, xvii; Is the term Christian Science a "trademark"? xvii; Mrs. Eddy's position on church organizations in her first edition of Science and Health, xxi.

### **Chapter I Historical Background .....**

**1**  
The Archives, 3; the Dickey "Memoirs", 6; The Second Church Organization, 8; Mrs. Eddy's Theocratic Government, 12; Report of the Committee on General Welfare, 15; The heresy trial of John W Doorly, 20

### **Chapter II Mary Baker Eddy's Three Deeds of Trust and the Estoppel Clauses .....**

**26**  
Documents to be discussed, 26; Mrs. Eddy's three legal documents and her First and Second Church Organizations, 27; Deeds of Trust of 1892 and 1903, 31; Difference between 1892 Deed of Trust and Second Church Organization, 32; Publishing Society Deed of Trust, 34; Estoppel Clauses in the Manual, 42; Supreme Judicial Court recognized Estoppels, 52; Why did not Mrs. Eddy bluntly state her Intentions? 53; How the Estoppels work, 55

### **Chapter III Legalism's Challenge to Mrs. Eddy's Church Manual .....**

**65**  
First Church Organization 1879-1889, 68; Second Church Organization—First Manual, 68; Second Manual, 68; *Eighth Manual*, 70; Tenth Manual, 70; Twelfth Manual, 70; Eighteenth Manual, 71; Twentieth Manual, 72; Twenty-Eighth Manual, 72; Twenty-Ninth Manual, 72; First and Second Deed of Trust, 74; Important Change in Church Manual, 75; Two Boards of Directors Established—One Fiduciary, One Ecclesiastical, 76; Recognition of Estoppel Clauses by Supreme Judicial Court, 81; George Wendell Adams article, 81; The Extension is Branch not Mother, 91; Second Deed of Trust not Supplementary, 91; The First Church of Christ, Scientist, is Branch, 95; Mission of the Publishing Society, 96

### **Chapter IV The Great Literature Litigation and What the Full Bench Actually Said .....**

**99**  
Four Errors in Bill in Equity, 101; Second Bill in Equity, 102; Errors in Second Bill in Equity, 102; Interim Bill in Equity, April 10, 1920, 106; Findings of the Full Bench, 112; Interim

Injunction, 112; The Court's Decision, 114; Why the Publishing Trustees did not appeal to the U.S. Supreme Court, 127; Directors' Misinterpretation of Court's Decision leads to Ecclesiastical Monopoly, 127

## Chapter V Science and Health Copyright

"Act" 1971 .....	131
1934 Copyright Illegal, 132; the 1971 Copyright Action, 134; Copyright Act Unconstitutional, 135; Committee on the Judiciary Hearing, 140; Testimony of Attorney Hackman, 155; Choose Ye This Day Whom Ye Will Serve, 159; Result of the 70-Year Rule in Disobedience to the Church Manual, 161	
<b>Conclusion.....</b>	<b>165</b>

## APPENDIX

### Appendices .....169

(1) Mrs. Eddy's Will and Two Codicils .....	171
(2) Deed of Trust of September 1, 1892 .....	182
(3) Deed of Trust of March 19, 1903 .....	185
(4) Christian Science Publishing Society Deed of Trust January 25, 1898 .....	187
(5) Bill in Equity dated March 25, 1919 .....	193
(6) Bill in Equity dated April 10, 1921 .....	212
(7) Decision of the Full Bench of the Supreme Judicial Court of Massachusetts, November 23, 1921...	223
(8) Copyright Act on Science and Health: Committee on the Judiciary Report .....	255

### Index.....305

### Illustrations and Facsimiles

The Sunburst.....	opp. 24
Signed statement by Mrs. Eddy to Laura Sargent, 1910.....	37
Extract from letter by Mrs. Eddy to Augusta Stetson, 1898...	40-41
Mrs. Eddy's letter stating that The First Church of Christ, Scientist, was <i>her</i> church and not the Board of Directors' Church.....	82-84
North Gallery Window .....	85
The First Church of Christ, Scientist, in Boston, Massachusetts (architectural drawing) .....	92
Jesus and the Samaritan Woman: "The true worshipers worship the Father in Spirit and in Truth!"—Jesus.....	opp. 142
The angel with the little book .....	opp. 142
Letter from Library of Congress Copyright Office to D. J. Nolan, confirming no copyright registration exists on Science and Health 1907-1910	142a

Chart showing rise and decline of registered Christian Science Practitioners and Churches, 1910-1980....160

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Abbreviations for the titles of Mrs. Eddy's writings are those used in the Concordances to her works as follows

S&H	Science and Health
Man	Church Manual
Mis	Miscellaneous Writings
Ret	Retrospection and Introspection
My	The First Church of Christ Scientist and Miscellany
Rud	Rudimental Divine Science
Un	Unity of Good
No	No and Yes
'00	Message for 1900
Po	Poems

## PREFACE

IN 1980 a lawsuit was filed by the Christian Science Board of Directors of The First Church of Christ, Scientist, in Boston, Massachusetts, against Independent Christian Science Church of Plainfield, New Jersey, in which the Boston Board of Directors asked the Court to rule that the term "Christian Science" is a trademark, and as such is the property of the Board of Directors in Boston. The issue before the Court can be summarized in one question:

Do five individuals in Boston own the term "Christian Science?—do the members of Independent Christian Science Church of Plainfield have the right to call themselves Christian Scientists, or can they be deprived of their constitutional right to religious liberty and freedom to practice their religion, in accordance with their interpretation of the teachings of Mary Baker Eddy?

That the Board of Directors is trying legally to prevent non-church affiliated Christian Scientists from using the name "Christian Science," "Christ Science," or "Christian Scientist," should awaken every Christian Scientist to the further implications. Do the Courts of the land have the power to decide who can and who cannot call himself a Baptist, a Methodist, a Quaker, or a Christian Scientist?

This action by the Board of Directors in Boston to debar Christian Scientists from using the words "Christian Science" unless they have obtained the Board of Directors' express permission and approval, seems anomalous, and is entirely contrary to the Christian Science doctrine that "God has endowed man with inalienable rights, among which are self-government, reason, and conscience."<sup>1</sup>

For the Directors to claim ownership of the term *Christian Science* seems an attempt to hold a completely spiritual idea "in the grasp of matter."<sup>2</sup> We might compare this to an institution such as Oxford or Cambridge claiming ownership of the science of mathematics, and only those subscribing

to its conclusions and ways of teaching may use mathematics or be called mathematicians. Any such claim to the ownership of the science of mathematics would be considered ridiculous, and the attempt of the Board of Directors in Boston to claim ownership of the term Christian Science is no less ludicrous.

The thought of granting exclusive authority to a church body or any other body to control the use of such broad terminology is repugnant to the natural instincts of a Scientist who subscribes to Mrs. Eddy's "Declaration of Independence,"<sup>3</sup> wherein she writes: "God has endowed man within alienable rights, among which are self-government, reason, and conscience. Man is properly self-governed only when he is guided rightly and governed by his Maker, divine Truth and Love ' "

This statement by Mary Baker Eddy, and her "Magna Charta ' " are the key to her *Church Manual*, and the key to the understanding of this book. "The Magna Charta of Christian Science means much , " says Mrs. Eddy, " ... It stands for the inalienable, universal rights of men. Essentially democratic, its government is administered by the common consent of the governed, wherein and whereby man governed by his creator is self-governed. The church is the mouthpiece of Christian Science—its law and gospel are according to Christ, Jesus; its rules are health, holiness, and immortality—equal rights and privileges, equality of the sexes, rotation in office."<sup>4</sup>

Mrs. Eddy's Manual contains every provision necessary for the immediate establishment of the enlightened government that her Declaration of Independence in Science and Health, as well as her Magna Charta, urge upon us. These two statements epitomize the spirit of the *Manual* when the *Manual* is accepted in its entirety as written by Mary Baker Eddy.

A Court ruling in favor of the Boston Board of Directors would deprive tens of thousands of loyal Christian Scientists of the right to use the name Christian Science to identify themselves and their activities.

The material in this book will prove Mary Baker Eddy planned brilliantly for the future of the Christian Science Movement when she was no longer personally present. Her plans and intentions, however, were thwarted by the self-interest of a disloyal Board of Directors who annulled the By-Laws and disobeyed continued in office.

Students of Christian Science who study the *Church Manual* are often puzzled concerning those By-Laws containing an estoppel clause, meaning that an action cannot take place without Mrs. Eddy's consent. Usually the student is told that at the time of Mrs. Eddy's departure the government of the church passed into the hands of the Board of Directors. But eventually one learns that Mrs. Eddy insisted on leaving the estoppels in the *Manual* even though she was repeatedly asked to remove them and advised by her Board of Directors that if she did not remove the estoppels the church would be crippled at the time of her passing. Thus the student is faced with the decision: Do I follow the Board of Directors or do I follow Mary Baker Eddy?

The twenty-six or more estoppels in the *Manual* terminated The Mother Church and the offices of her Board of Directors. Every vital activity of The Mother Church required her signature, consent, or approval. When in December, 1910, Mrs. Eddy passed on, the five-member ecclesiastical Board of Directors, in power at that time, decided to ignore the estoppels (as has every Board since) thus violating the *Church Manual* and substituting human for divine guidance.

Four days after Mrs. Eddy's passing the Board of Directors issued a public statement to the press in which they stated:

"The authority given the Board of Directors by the *Church Manual* remains intact and is fully adequate for the government of the organization and all its affairs. The policy of the Board will be the same as under Mrs. Eddy's direction."<sup>5</sup>

Within a month or two of Mrs. Eddy's passing the Board issued a *Manual* of their own, the 89th *Manual*, in which they deleted Mrs. Eddy's name and title as Pastor Emeritus from the list of church officers and extended their control over the branch churches. The Board announced themselves to be Mrs. Eddy's successor, and gradually assumed the position of "the highest ecclesiastical court in the land."

Except for a few brave voices heroically raised in defense of Mary Baker Eddy's plan for spiritual government, the field in general never questioned the ecclesiastical hierarchy that developed as the result of waiving the *Manual's* estoppels.

Recently a number of members have begun to study the history of the *Manual* and the progressive ideas of Mary Baker Eddy. They now realize The Mother Church was dissolved at the Annual Meeting held in June, 1911, when the officers of The Mother Church could not be elected or reelected without the approval of the Pastor Emeritus, Mary Baker Eddy. Continuing The Mother Church government after the Annual Meeting in June of 1911 could only be done by waiving and annulling the estoppel clauses.

Article XXXV, Sections 1 and 3, have been violated since 1911 by those who have assumed a "perpetuity" not granted by the author of the *Church Manual*.

Because the Board of Directors sought a legal interpretation of the *Manual's* sacred By-Laws, the Christian Science Movement has been held in "the grasp of legal power" for the past seventy years. Today, as when Mrs. Eddy wrote in *Miscellaneous Writings* long ago,

The foundation on which our church [is] built [has] to be rescued from the grasp of legal power, and ... it must be put back into the arms of Love, if *we would not be found fighting against God*.<sup>6</sup>

In his 1980 booklet, *Science and Health and the Church Manual*, W. Gordon Brown throws light on the deep spiritual meaning of the *Christian Science Manual*. He states: "In its relation to Science and Health, the *Manual* liberates Christian Science from the shackles of organized religion, and so begins to solve for mankind the problems of life seemingly held captive in matter."

Mrs. Eddy's *Manual* "stands alone, uniquely adapted to form the budding thought and hedge it about with divine Love."<sup>7</sup> It contains rules and laws necessary to reach her goal, namely, to establish the Church of Christ, Scientist, as the CHURCH UNIVERSAL AND TRIUMPHANT—"the [eternal] church, built without hands. "

Because her followers wanted an outward sign, a material church, Mrs. Eddy allowed it as a concession to the spiritual blindness of that period. The real church, the Church of Christ, Scientist, is a wholly spiritual state of consciousness which will eventually be attained by everyone.

No one knew better than Mrs. Eddy the great danger that lay in the illusion that the material institution was the permanent and ultimate goal. She knew "there was never a religion or philosophy lost to the centuries except by sinking its divine Principle in personality."<sup>8</sup> In an effort to prevent the development of an ecclesiastical hierarchy, and the idolatry of loyalty to Boston rather than to divine Principle, Mrs. Eddy completely dissolved The Mother Church and its activities at her passing.

The theocratic government<sup>9</sup> of Mary Baker Eddy as outlined in the *Church Manual* ceased after her departure. The high standard of government she maintained by strict obedience to God's promptings should never have been replaced by a dictatorial regime of five persons. Had she wished this to happen she surely would not have inserted the twenty-six or more estoppels that abolished their office as Directors and brought all Mother Church activity to a halt; she could have enacted The

Mother Church legally as she did the Publishing Society, and the local Boston church which she established through two Deeds of Trust.

A Science does not need a church. Mrs. Eddy's position on this subject is expressed in her first edition of *Science and Health*, a position she maintained steadfastly to the end:

We have no need of creeds and church organizations to sustain or explain a demonstrable platform that defines itself in healing the sick and casting out error...The mistake the disciples of Jesus made to found religious organizations and church rites, if indeed they did this, was one the Master did not make. <sup>10</sup>

In 1910, at the completion of Mary Baker Eddy's mission, the breadth and grandeur of universal truth and Science lay before mankind. Then, through what has become known as the "1910 Coup," the Christian Science Movement began its decline toward a less and less influential world force in the "healing of the nations." Fortunately, however, since the Board of Directors usurped power and authority by ignoring Mrs. Eddy's estoppel clauses, we have witnessed the slow step by step egress of Mrs. Eddy's divine revelation—egress from the limitations, the ignorance, the cruelty, stagnation, and into the joy, grace, and glory of the liberty an understanding of her Science brings.

This book contains important documents; and the explanation of information they contain should hasten acceptance of the divine legacy of freedom bequeathed us by Mrs. Eddy's *Church Manual* estoppel clauses.

This is the first time these documents have appeared in one volume. Until now this information has been scattered. Some of it was available in separate tracts and pamphlets by courageous writers who gave brief, brave helpful accounts; certain legal documents could be found in courts, in various deeds of registry. Few people, however, took the trouble to seek them out. Now it has been brought together in one book. Each reader may now judge, may now decide. Was Mary Baker Eddy right to dissolve The Mother Church at the time of her passing? Or was the Board of Directors right when it continued the material organization in spite of Mrs. Eddy's explicit instructions in the *Church Manual* which terminate The Mother Church and its activities? Waiving the estoppels in the *Manual* instead of obeying them has led inexorably to today's crisis, the lawsuit filed against Independent Christian Science Church of Plainfield, and the Board of Directors' claim to the ownership of the term "Christian Science."

In the hope that the past seventy years have prepared all Christian Scientists to accept total freedom, we commit these pages to honest seekers for truth.

H. M. W.

June, 1981

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<sup>1</sup> S&H. 106:7

<sup>2</sup> S&H. 28:7

<sup>3</sup> S&H 106:6

<sup>4</sup> My. 246:30

<sup>5</sup> Preserved by Carpenter Foundation (Also preserved in Alice Orgain Library)

<sup>6</sup> Mis. 140:21

<sup>7</sup> Man. P.104

<sup>8</sup> My 117:22

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<sup>9</sup> For explanation of Mary Baker Eddy's "theocratic government" see p.12

<sup>10</sup> S&H. 166, first edition

## Chapter I

### HISTORICAL BACKGROUND

*Who is telling mankind of the foe in ambush? (S&H. 571:11)*

*Many are willing to open the eyes of the people to the power of good resident in divine Mind, but they are not so willing to point out the evil in human thought and expose evil's hidden mental ways of accomplishing iniquity. (S&H. 570:30)*

GOING to church on Sunday was a deep—rooted custom in the mid—nineteenth century. Mary Baker Eddy's followers longed for a place of worship. They felt lost without the church they had so recently left to join the ranks of Christian Scientists.

Mrs. Eddy had not wanted to form an organization; however, the difficulty of launching her great mission, together with the force of events, led her to conclude that a church organization could be useful in *the beginning—a "suffer it to be so now" expediency*. She saw it as a concession to the lack of spirituality of the age in which she was carrying out her God-appointed work. Thus in 1879 the first church organization was formed.

In 1889 she closed the material organizations she had established—her church and metaphysical college. She felt they had outlived their usefulness and that the time had come to adopt "the purely Christly method of teaching and preaching."<sup>1</sup> At the time she closed her College she said, "When students have fulfilled all the good ends of organization, and are convinced that by leaving the material forms thereof, a higher spiritual unity is won, then is the time to follow the example of the *Alma Mater*.<sup>2</sup>" The swaddling clothes of material forms of worship must be dropped. Though Mrs. Eddy never arbitrarily demanded that Christian Scientists dissolve their organizations, or desist from organizing churches and associations, she *did* persist in her strong warnings that continued organization would retard spiritual growth, blight spirituality, and finally wipe it out totally. She knew that material organization and spiritual organization are two different standpoints. We cannot obey both, for one absolutely destroys the other since one or the other eventually becomes supreme in our affections. It is impossible to work from two standpoints; therefore we shall presently "hold to the one and despise the other."<sup>3</sup> Tens of thousands of dedicated Christian Scientists have come to realize the true meaning of Church, and have left material organization which "wars with Love's spiritual compact"<sup>4</sup>.

In the Preface to Science and Health Mrs. Eddy wrote, "The time for thinkers has come." In 1891 misguided, misdirected students tried to form a general association for the dispensing of Christian Science literature. Mrs. Eddy was quick to detect in this move the beginnings of an arbitrary control of what

students should and should not read. She immediately sent word to the *Christian Science Journal* <sup>5</sup> that she disapproved of such an organization as it tended "to promote monopolies, class legislation, and *unchristian motives* for Christian work." Her instruction, reproduced below, indicates that she would have deplored the present rule of "authorized"<sup>6</sup> and "unauthorized" literature. This policy of "authorized literature" was enacted six years after Mrs. Eddy's departure to prevent Christian Scientists from reading anything that might shake their blind faith in the Board of Directors as Mrs. Eddy's successor.

#### CARD.

Since my attention has been called to the article in the May Journal, I think it would have been wiser not to have organized the General Association for Dispensing Christian Science Literature.

1. Because I disbelieve in the utility of so wide spread an organization. It tends to promote monopolies, class legislation and unchristian motives for Christian work.

2. I consider my student as capable, individually, of selecting their own reading matter and circulating it, as a committee would be which is chosen for this purpose.

I Shall have nothing further to say on this subject, but hope my students' conclusion will be wisely drawn, and tend to promote the welfare of those outside, as well as inside this organization.

MARY B. G. EDDY

Shortly after the "great literature litigation"<sup>7</sup> the page containing this wise and timely warning—so crucial to the success of the Christian Science Movement—was removed from copies of the *Journal* in the Christian Science Reading Rooms throughout the country. To maintain its prestige, power, and authority, the ecclesiastical hierarchy knew it must control what its membership reads or hears.

#### NOTE TO READER

The two letters by Mary Baker Eddy, printed below, came to light after this book had gone to press. They are inserted here because they graphically spell out Mrs. Eddy's feeling that the "authorizing" of Christian Science literature was little short of criminal. There can be no doubt that Mrs. Eddy reserved her severest criticism for the attempt on the part of her students to "authorize" only Mrs. Eddy's writings and "the literature best adapted to the demand [*which*] *will be named by a Committee*" (*The C.S. Journal, May, 1891.*)

Mrs. Eddy termed the students' plan to authorize only her own writings "prescriptive and tyrannical, working against justice and love." Further denouncing their plan, she vehemently characterized the *authorizing* of literature as "most wicked. . . uncharitable," as a "curse," an "offensive," and "obnoxious" measure. She declared that her writings were for the entire world; that what God had dictated to her was for THE WORLD and that she has not given God's Word to just a privileged MONOPOLY to tyrannize over other writers."

Mrs. Eddy rightly discerned what the outcome of such a scheme would be. Her letters to Mr. Nixon show her deep, heartfelt concern that Christian Scientists remain free of all attempts at mind-control by an ecclesiastical body. The reader can see for himself, from these letters to Mr. Nixon that the *authorizing* of Christian Science literature, which was begun six years after Mrs. Eddy's passing, was the very thing our Leader wished to prevent above all else:

- *Letters to Wm. G. Nixon: \* 1891*

(1) ([Dated June 24 and signed "Yours, M.B.G. EDDY"])

Dear Mr. Nixon: Did you consent to sell *Science and Health* and my works to those only who would buy and sell my writings, by a vote on this question, of the General Asso. for Dispensing C.S. Literature'?

Can it be that one who has written to me as you have on *offensive measures* used in our Cause could have done this?

I will rip up all my business relations and take into my hands before this *most wicked, prescriptive, uncharitable measure* shall be carried. I never read the May journal and never knew till now the curse in this platform of Stetson's. I never dreamed of such a platform as Stetson's being brought forward by a Christian Scientist! No man or woman has told me of this obnoxious feature, but my Father has, and it shall be stopped by His servant who has given His word to the world—not to a privileged monopoly to tyrannize over other writers.

N. B. [ signed "Affectionately, M. B. G. EDDY":] I cannot blame you if you did this out of a conscientious consent to my request [under the "Seven Fixed Rules,"] but I only marvel that you did not tell me of this prescriptive tyrannical clause on buying and selling other literature than mine. It is the "old" made worse than at first.

2) [Dated June 26 and signed "Lovingly, M.B.G. EDDY":]

My dear Mr. Nixon: I *did not* believe you would consent knowingly to anything that works against justice and love. Neither would my precious student, Mrs. Stetson. But *neither of you see what God shows me would grow out of this movement. I cannot make you see it. God alone can, and even He cannot until you grow up to it.* Then what can I do—only to speak His word of warning and wait for all the doubts to grow up to understanding His ways, and mine whom God directed?

N.B. Nothing should be published now relative to this organization—[now] that Mrs. S. has stopped the movement, *if indeed* she has. She will see me today. Then I shall know, for this *work is ours to do.* P.2-a

\*(Richard Oakes' *Mary Baker Eddy's Six Days of Revelation*, p. 373)

## THE ARCHIVES

Regarding the archives of The Mother Church, a former high official in The Mother Church writes: "Most Christian Scientists do not know the real purpose of the Archives. Ostensibly they were started to 'preserve' the historical documents and papers of the church. Actually they were intended to bring in and bury all evidence that showed that Mrs. Eddy did not want a highly organized church!

Biographers and historians can testify to the difficulties encountered when seeking admittance to the archives. Professor Braden, wishing to consult the archives, writes that an important official of the church told him that if he would "submit anything he might write concerning Christian Science, they would consult the archives and tell [him] whether or not it was true."<sup>8</sup>

The experience of Gilbert Carpenter, Jr. and Gilbert Carpenter, Sr. illustrates the Boston Board of Directors' determination to control the reading matter of the church. When Gilbert Carpenter, Jr. established The Carpenter Foundation for the preservation of unpublished documents, articles, letters, private instructions, and other material by and about Mary Baker Eddy, he was harassed by The Mother Church Board of Directors, who felt this material should not be given out to the Field, but should be kept "safe" in the archives of The Mother Church. Their reason, of course, was that the Field *was not ready* for what Mrs. Eddy taught students privately, in person, or via letters, articles, etc.<sup>9</sup>

As an interesting side note here, when Gilbert Carpenter, Sr., who had at one time served as Mrs. Eddy's secretary and had lived in her home, felt the need to broadcast the truths he had learned from Mrs. Eddy in her home, the Board of Directors complained that his activities *were not "authorized" by them*. In other words, he hadn't "got a license," Carpenter, Sr., pointed out that Mrs. Eddy had given him his degree of C.S.B. and declared he would continue to make his observations available to the public as he and the public saw fit. The Directors, however, insisted that Mrs. Eddy's having conferred on him the degree of C.S.B. didn't automatically include the right to *teach*.

When the elder Carpenter continued with his teaching activities the Directors removed his practitioner's card from *The Christian Science Journal*, stripping him of a major source of his livelihood. When Gilbert, Jr., who *did* have a Boston-recognized license to teach, expressed support for his father he was suspended from "teaching" for three years (further depriving the Carpenters of their meager means of subsistence). Gilbert was never reinstated; and the local church authorities in Providence, being no more enlightened than those in Boston, followed Boston's lead in ostracizing the Carpenters.

Bravely the Carpenters struggled on. By convincing the Boston authorities that only those who were advanced enough for these publications would be allowed to have them, the Carpenters managed to avoid excommunication and entanglement with Boston's "legal arm." Meanwhile Gilbert, Jr., was widely circulating, privately, these treasures of inestimable spiritual value to genuine students of Christian Science. Thus, the Field was blessed with an unheralded circulation of items from what became known as the "Carpenter Foundation." These included personal observations about Mrs. Eddy, her teachings and intentions (which, by the way, often revealed far more about the observer than about the Revelator of Christian Science.)

The Directors in Boston tolerated these personal glimpses of Mrs. Eddy, and then virtually endorsed many of them when they gathered them into official biographies—Robert Peel in his books drew heavily on the Carpenter collection. But much of the material has been buried by the church because it contained Mrs. Eddy's written instructions and divine warnings about the unscientific direction *church authorities* were taking. When it was the Board of Directors' own position which was called in question, it was *heresy* which must be suppressed by any means. Betes noires that troubled the Directors *were the Johnson History of Christian Science* and the Carpenters' *Mary Baker Eddy, Her Spiritual Precepts*. These books contained documented examples of how Mrs. Eddy kept making it plain to "infants in Christian Science" that *her* church was the manifestation of divine Principle and had nothing to do with material organization and personal decisions; and making plain also the dire consequences of continued organization. The Board felt compelled to suppress these outspoken warnings which evoked dire forecasts of the ruinous effects of continued organization.

"Fear is the weapon in the hand of tyrants,"<sup>10</sup> and Gilbert, Jr., was led to fear legal action if he circulated "private" messages concerning the Board of Directors which might cast doubt on the Board's claim to be worthy as Mrs. Eddy's successor. Gilbert therefore mentioned nothing of copies which were somehow or other in circulation. Accordingly, in God's good time, the *Johnson History* reached the public domain, and *Mary Baker Eddy, Her Spiritual Precepts* (never subjected to copyright) reached and was sold on the open market in 1966 (by the estate of a lady in Texas).

Gilbert Carpenter, Jr., was well aware of what would happen to his Foundation when he was no longer here. His cry of anguish was heard by one Richard Oakes residing in South Africa. Gilbert arranged for Richard to obtain the material which is now available from Rare Book Company in the "Red and Blue books" "The full strength of the legal arm was then invoked against Oakes, the compiler of these "Red and Blue books" (*Essays and Other Footprints*, and *Divinity Course and General Collectanea*). After many years of harassment all that the legal arm achieved was to rescue Oakes, the compiler, from personal responsibility for the books. When the law was persuaded to stop him putting out the books, Ralph Geradi (Rare Book

Company) stepped in as publisher, and the books remained in God's hands. The Court never disputed that the books were in the public domain anyway. The Court also agreed (May 1975) that the uncopyrighted items, acquired without restrictions by a lady in Texas, could not be included in items the Carpenter Foundation usurpers thought they were burying.

No person can decide what God has in store for His own. This is cause for joy and confidence on the part of God's "remnant"- those who look to divine Principle as the only governor of the universe.

### THE DICKEY "MEMOIRS"

Before leaving the subject of The Mother Church archives, a word about the "Dickey" book which has just recently been in the limelight, as the Boston Board of Directors' legal arm again reached out and sought to stem its further distribution. This book came to be written because on August 25, 1908, approximately two and a half years before Mrs. Eddy left us, she called Adam Dickey to her side and asked him to promise that if she ever left here, he would write a history of his experiences while living in her home as her secretary.

For sixteen years he neglected to keep his promise, because he was engrossed in the lawsuits (which are a subject of this book; he was one of the Directors being sued by the Publishing Society, and who in turn sued the Publishing Society).

"But when he felt his last illness upon him, he took pen in hand. He did not live to finish his story, but he completed one hundred and forty-one pages which were published in book form by his widow in 1927, the year after his death. The copies were distributed chiefly among the members of an association of Dickey's pupils.

"But when the [Boston Board of] Directors read the book, with its intimate details, their 'astonishment' they said, 'was great beyond expression. "

A work of this kind must be suppressed at once! The Board sent a letter to every member of the Dickey association requesting that the copies be returned. In their letter they said:

"We found that a grave mistake was made by Mrs. Dickey in publishing the book without direct instructions from our Leader, for even Mr. Dickey himself does not claim that he was authorized to *publish*, but merely to write, a history. ...In estimating the purport of the request which Mr. Dickey recites ... it is necessary to consider that she was then contending with an acute physical claim....

"It has been maintained that Mrs. Eddy's request that Mr. Dickey write a "history of his experiences" would have been fully complied with had he deposited his writings, relating to her, for preservation in the files of The Mother Church."<sup>11</sup>

Like a flock of sheep, nearly all the recipients of this letter returned their copies to the Boston headquarters where they were promptly destroyed. But there were still the copyright copies in the Library of Congress, and a few photostated copies elsewhere. And it is said that within five years fifty thousand people were reading Adam Dickey's words. It is not so easy to do away with a book; "tradition may be strong, but in the long run Truth is stronger."

This policy of "authorized" literature is in direct opposition to everything Mrs. Eddy taught. Mrs. Eddy freed every Christian Scientist not only to read what God leads him to read, but also to write on the subject of Christian Science what God leads him to write. "Christian Science is not copyrighted . " She said, "A student can write voluminous works on Science without trespassing, if he writes honestly, and he cannot dishonestly compose Christian Science."<sup>12</sup>

Material organization rapidly develops a frozen crust of ritual, rules, regulations and dogmas, arresting the spirit, impeding inspiration, and precluding unfoldment. Many instances could be cited where

inspired writing and teaching have been suppressed in the name of "keeping the doctrine 'pure.'" Under this ecclesiastical policy, writing and teaching, however scientifically true, is branded as "incorrect"<sup>13</sup> if it is not sanctioned by the Board of Directors.

## THE SECOND CHURCH ORGANIZATION

Even though unprecedented spiritual progress was being made after Mrs. Eddy dissolved the first church organization in Boston in 1889, her students began to clamor for a second organization. Letters and documents extant show Mrs. Eddy's unalterable opposition to reorganizing. In a March 23, 1891 letter Mrs. Eddy warned the Board of Directors<sup>14</sup> that their only danger now lay in the past being repeated. She reminded them that all she had counseled had worked well for the Cause and church. She admonished them to *watch*. The hour is ominous, she said, when a student "goes against my advice and still gives orders in my name." Then she rebuked them for reporting that she had given orders to organize when she had *not*.

Also she again repeated that they should not change their present materially *disorganized* church, but were to go on in spiritual organization alone.

Much can be learned concerning Mrs. Eddy's mistrust and opposition to continued organization from letters<sup>15</sup> she had written to her students in 1889 at the time of dissolving the first organization: The students were again called, she wrote, to accept, without a present understanding, the marked providence of God. Quoting Jesus, she said, "What I do thou knowest not now, but thou shalt know hereafter." She urged her followers to trust God in this "unlooked-for event" and He would sooner or later show them the wisdom of disorganizing. She told them that for the past two years this change had seemed to her the imperative demand of Christian Science in consonance with the example of Christ Jesus.

Then on November 23, 1889, she wrote her students that this morning had finished her "halting between two opinions , " and she had definitely reached the decision that "this Mother Church must disorganize , " Now was the time to do it, she said. She counseled them to form no new organization, but to go forward in spiritual organization alone.

She urged them to follow Jesus' example and not the example of his disciples. What the disciples organized has come to naught in Science. She said Christian Science should establish Science, *not* material organization.

Mrs. Eddy saw that the hour had come when the great need was for more of the spirit instead of the letter, and that Science and Health is adapted to work this result. In closing her Metaphysical College she stated "The fundamental principle for growth in Christian Science is spiritual formation, first, last, and always, while in human growth material organization is first." Then she counseled, "Because it is more in accord with Christian Science for you to unite on the basis of Love and meet together in bonds of affection, from unselfish motives and the purpose to benefit each other, and honor the Cause...I strongly recommend this method alone, of continuing without organization." <sup>15a</sup>

Scarcely two years had elapsed since the dissolving of the first organization. It was now 1892 and Mrs. Eddy's students were pressing hard for a *second* organization. Mrs. Eddy strongly warned against reorganizing. She insisted their move to do this was "not of God" and that only harm could come from returning to a position outgrown.

She carefully explained to the clerk of The Mother Church, William B. Johnson, that she hoped "a word to the wise would be sufficient, hence my caution .... If you organize again, " she said, "it will *ruin* the prosperity of our church." She said she had given full permission, or her poor consent for the church to do anything she chooses. "But I tell you the consequences of reorganization and you will find I am right.

Open the eyes of the church to these facts. I have consented to whatever the church pleases to do, for I am not her keeper, and if she again sells her prosperity for a mess of pottage it is not my fault."

At another time she sharply warned the church Directors that while they had her permission to reorganize if they desired to do this, yet she realized it was her duty to say that "our heavenly Father's hand was seen in your disorganizing, and I foresee that if you reorganize you are liable to lose your present prosperity and your form of church government, which so far has proved itself wise and profitable...."

When they continued insisting upon reorganization, Mrs. Eddy trenchantly warned that she heard so plainly the words that told her she had been doing too much for the church in Boston, more than it was her duty to do. So, she said, "Let ... the church reorganize if she thinks best. Perhaps this is the best lesson for her... God tests us all - tries us on our weakest points. Hers has always been to yield to the influence of man and not God. Now let her pass on to her last experience and the sooner the better. When we will not learn in any other way, this is God's order of teaching us. *His rod alone will do it*, and I am at last willing and will struggle no more."<sup>15b</sup>

"It is only a question of time," she wrote, "when God shall reveal his rod and show the plan of battle."<sup>16</sup> God's plan is spiritual organization.

Writing about reorganizing a second time and reflecting on the determined push of her students to do this, Mrs. Eddy first mentions the "new light" that broke in as the result of *dissolving* all material organization, and then added, "After this experience and the divine purpose is fulfilled in these changing scenes, this Church may find it wisdom to organize a second time for the completion of its history [*their* history, the *students'* history]. This, however, is left to the providence of God."<sup>16</sup> All records show Mrs. Eddy was unalterably opposed to the forming of a second organization, but knew she could not legislate freedom and decontrol. When it was clear that her students were not yet ready for a higher step, she accepted it as her "cross," and hoped it would be a step on the road leading to the "Church Universal and Triumphant" that Church which exists in consciousness alone as the "structure of Truth and Love."

So, trusting in the assurance that divine Love would eventually force each one to accept what would best promote his growth,<sup>17</sup> Mrs. Eddy directed twelve of her students to meet on September 23rd, 1892, and form the organization as a "suffer it to be so now" contingency. It is highly significant that Mrs. Eddy herself was *not* present at this meeting, and one of the twelve students (Ellen Clark) was absent. A new book by Richard Oakes<sup>18</sup> gives a comprehensive story of God's dispensation whereby twelve of Mrs. Eddy's students were able to "organize" a church, and yet be told by Mrs. Eddy (in a letter to one of the twelve, dated September 21, 1892): "You organize no special organization by which to obtain a charter, but only for the purpose of having a President of your meeting and Secretary in order to vote on receiving members."

As explained on page 130 of the *Church Manual*, Massachusetts law permitted the Directors to be a body corporate for the purpose of holding church funds without organizing a corporate church. Their duty was to select a pastor who would not deviate from the principles of Christian Science as laid down in Science and Health. This requirement was later obviated by the ordination of the Bible and Science and Health as the perpetual pastor. The duty of the twelve First members (later increased to forty, later renamed Executive members, later disbanded) was to vote trimestrially on admission of members (who had no say in the church "organization") and annually on the officers to conduct meetings and attend to business matters without any say in the appointment of the pastor, or in the framing of the rules, which developed from seven purely procedural regulations into Mrs. Eddy's *Manual*. Thus the statement that students met to reorganize the church and adopt rules is a palliative for saying they really organized nothing at all, and when this is seen Mrs. Eddy's church is reconveyed "to Mary Baker G. Eddy, her heirs and assigns forever by a proper deed of conveyance."<sup>19</sup>

Mrs. Eddy was determined that any semblance of material organization should last only as long as she was personally with them to guide and control it, which she did with a firm hand. Like Jesus, Mrs. Eddy listened only to the voice of God. In everything she did she was guided by God. While she personally governed the church it grew in power and stature because of her spirituality. Her whole demonstration showed that she was not acting as a person, but was at all times responding to and demonstrating God's man/woman. Her only successor would be "man in the image and likeness of the Father-Mother God, man the generic term for mankind."<sup>20</sup>

### MRS. EDDY'S THEOCRATIC GOVERNMENT

When the church members and the Board of the newly formed second organization asked Mrs. Eddy to provide them with specific written rules for governing their church, they were in effect acknowledging Mrs. Eddy's supreme authority and were relinquishing their independent democratic status. They adopted a theocratic spiritual government with Mrs. Eddy occupying the unquestioned position of Leader. They "reorganized *under her jurisdiction*" (Man. 18:15, Historical Sketch).

The By-Laws prepared by Mrs. Eddy were adopted. This act constituted the laying down of the essentially democratic government in exchange for a theocratic spiritual government under the jurisdiction of the Christ, manifested by Mary Baker Eddy. Early members, in recognizing Mrs. Eddy's absolute authority in all church matters, began referring to the church as "Mother's Church." Only later was it called The Mother Church.

It cannot be denied that once the church had relinquished its own democratic will and had subordinated itself to the authority of Mrs. Eddy, it did function as a Mother Church, inasmuch as the entire Movement was being loved and nourished by the Christ-mentality of Mary Baker Eddy.<sup>21</sup> The By-Laws in the 88 *Manuals* issued by Mrs. Eddy "were impelled by a power not one's own" they were impelled by the Christ-Mind she reflected.

In making the By-Laws Mrs. Eddy worked to get the divine leading. She then unhesitatingly followed that leading regardless of what the human reaction to it might be. The Board of Directors sometimes balked at these By-Laws, and after she passed on they resorted to legal measures in order to circumvent and annul her By-Laws.

Mrs. Eddy used estoppel clauses in the *Manual* because she knew that to place enactments of holy inspiration in the hands of groups of individuals, such as her Board of Directors, was to incur the possibility of the divine idea being lost sight of and human wisdom taking its place.

Mrs. Eddy wanted the Movement free to expand and develop infinitely under the spiritual guidance of the one infinite Mind as it reveals itself in our textbook, *Science and Health*.<sup>22</sup> But the Board of Directors in 1910 had not attained this lofty level of spiritual understanding, and they did not see the dangers inherent in material organization.

During the last few years Mrs. Eddy spent on earth, the Board of Directors on several occasions urged her to either delete the estoppel clauses or write a transferal clause in the *Manual* designating the Board of Directors as her successor- assigning and transmitting her authority to them. But Mrs. Eddy yielded to no pressure, firmly insisting the estoppels had been dictated by God and must remain to prohibit eternally all centralized control.<sup>23</sup>

Among the items preserved by the Carpenter Foundation in Providence, R. I., is an account by Mrs. (Warren) Mabel E. Brill, at one time Bicknell Young's secretary. Mrs. Brill states that just a year before Mrs. Eddy left us the Board of Directors realized the precarious situation the estoppel clauses in the *Church Manual* posed for them and their positions when Mrs. Eddy would no longer be present to fulfill the

requirements of the By-Laws. Thus, states Mrs. Brill, the Directors made repeated unsuccessful attempts to have Mrs. Eddy delete these estoppels or write an additional By-Law transferring her authority to the Board when she was no longer here. Mrs. Eddy steadfastly maintained that the estoppel clauses were God-impelled and must therefore remain. She told her Directors that she understood God showed her how to write the By-Laws, including the estoppel clauses, and that she had no right and no desire to change what God had dictated to her.

Frustrated by their failure to persuade Mrs. Eddy to change her mind and consequently her *Manual*, the Board arrived at a plan. They knew of Mrs. Eddy's high regard for her trusted friend, General Frank Streeter, an attorney. General Streeter had, through diligent study, acquired a good grasp of the teachings of Christian Science. His great desire was to represent and serve Mrs. Eddy in framing the legal instruments she, from time to time, called upon him to prepare. He earned her trust and confidence not only because he was a capable lawyer, but even more because he was able to catch the spirit of her wishes.

The Directors' plan was to engage General Streeter under a private financial agreement to approach Mrs. Eddy as though acting entirely on his own initiative and volition. He was to impress upon her the perilous state of affairs the Movement would be left in if she refused to write a transferal clause conveying her authority to the Board of Directors. Additionally, he was to offer his assistance in the drafting of this transferal clause which the Directors so eagerly desired.

While on his way to see Mrs. Eddy, General Streeter suddenly became aware of the real motive back of the Directors' plan. When he entered Mrs. Eddy's study, he immediately divulged to her the entire scheme the Directors had tried to involve him in. The following afternoon Mrs. Eddy dictated to Calvin Frye the *Manual By-Law*, p. 70, which reads: "Pastor Emeritus to be Consulted. Sect. 18. The Mother Church shall not make a church By-Law, nor enter into a business transaction with a Christian Scientist in the employ of Rev. Mary Baker Eddy, without first consulting her on said subject and adhering strictly to her advice thereon." This By-Law appeared in the 83rd *Manual*, the last of nine *Manuals* to appear in 1909.

Many in high places in the Christian Science Movement felt the estoppels in the *Manual* should be obeyed. Notable among these was Mr. Frederick Dixon, a Christian Science teacher, who had been summoned from London at Mrs. Eddy's request to become editor-in-chief of *The Christian Science Monitor*. (He later became editor-in-chief of all church periodicals.)

Shortly after Mrs. Eddy's departure Director Archibald McClellan insisted to Dixon that if the Board of Directors had not taken prompt action to ignore the estoppels and proclaim that Mrs. Eddy had left instructions that the Board was to run the Movement, the whole thing would have collapsed. He stated it was their prompt action that "saved" the Movement from being decentralized at Mrs. Eddy's passing.

Mr. Dixon wanted no part of this disobedience to Mrs. Eddy's estoppels. He is reported to have reasoned that Mrs. Eddy established the Publishing Society *legally*, granting it a perpetual Deed of Trust. She also provided *legally* for the continuation of the local Boston Church, The First Church of Christ, Scientist, through her two Deeds of Trust in the *Manual*, pp. 128-138. If she had wanted The Mother Church to continue she could have so provided legally, instead of inserting 26 or more estoppel clauses in the *Manual* to prevent its continuation. When Dixon was unable to persuade the Directors to his point of view, he resigned.<sup>24</sup> In his letter of resignation from The Mother Church he said,

Obedience to Mrs. Eddy can only be achieved by dissolving the material organization of The Mother Church. The spiritual reality [of The Mother Church] is, of course, indestructible.

Where many Christian Scientists are under the impression that Mrs. Eddy established a material organization, Dixon saw her real establishment was "the structure of Truth and Love; whatever rests upon

and proceeds from divine Principle.<sup>25</sup>"This spiritual concept supplants the concept of membership in a material organization and obedience to constituted authority rather than to Principle.

## REPORT OF THE COMMITTEE ON GENERAL WELFARE

Mr. Dixon was joined by a number of other upper-echelon Christian Scientists. And before proceeding with our detailed analysis of the entire situation, let us review briefly two of the other numerous attempts to point out the dangers of disobedience to Mrs. Eddy's estoppels. We will first review the famous *Report to the Members of The First Church of Christ, Scientist, in Boston, Massachusetts* (sponsored by the Christian Science Board of Directors), and then take up the celebrated case of John W Doorly of London. The findings and recommendations of the prestigious *Committee on General Welfare* was completed March 3, 1920, and copyrighted by Richard P Verrall and Martha W. Wilcox.

The Board's failure to accept the Committee's recommendations eventually led to the excommunication of the foremost thinkers in the Christian Science Movement, notably such world-famous leaders as Herbert Eustace, Alice Orgain, John Doorly, Peter Ross, Laurence Sinton, and Hendrik J. DeLange. Bicknell Young somehow escaped excommunication, but his one-time secretary, Margaret Laird, who became world-famous in her own name, particularly as a healer and demonstrator of the Truth she taught, was not spared excommunication.

The Report of the Committee on General Welfare was eagerly awaited. It must be remembered that this was at the time of the "great literature litigation,"<sup>26</sup> and the Board, in authorizing this Committee, no doubt expected a Report favorable to themselves. The Committee was chaired by the highly honored and influential Martha W. Wilcox, CSB, a teacher of Christian Science who had lived in Mrs. Eddy's home, and by Richard P. Verrall, CSB.

Here in essence are some of the findings and recommendations of this Committee:

- The discovery of Christian Science by Mary Baker Eddy in the year 1866, was followed by a new and more spiritual definition of the word "Church" as found in the Glossary, page 583, of Science and Health.
- During the first few years after her discovery, Mrs. Eddy herself was the chief visible manifestation of this Church, for, in the words of the definition of Church, Mrs. Eddy, above all others, was "found elevating the race, rousing the dormant understanding from material beliefs to the apprehension of spiritual ideas and the demonstration of divine Science, thereby casting out devils, or error, and healing the sick." Mrs. Eddy lived what she taught and this attracted others to Christian Science.
- In the spring of 1879, thirteen years after her discovery, Mrs. Eddy united with a little band to form a church to revive primitive Christian healing. After a ten-year struggle, this *first* church organization was dissolved, in 1889.
- On September 23, 1892, a *second* organization was formed in which Mrs. Eddy retained for herself, during its eighteen-year history, some thirty reservations of authority, which have become known as estoppel clauses. Upon the demise of Mrs. Eddy these estoppels would bring to a halt all centralized control, and begin the ushering in of her only *real* successor, namely, the spiritualized consciousness, or man in the image and likeness of the Father-Mother God.<sup>27</sup> On page 9 of the *Report of the Committee on General Welfare* we read that it is evident" the *Manual* had definitely determined the limitation [through its estoppel clauses] of the Board's powers, and it is generally conceded that no amendments shall be made to the *Church Manual*." Furthermore, nearly ten years before this, Mrs. Eddy had, with characteristic foresight and wisdom, provided for her successor, when she wrote in *Miscellany*, page 346:29:

Science and Health makes it plain to all Christian Scientists that the manhood and womanhood of God have already been revealed in a degree through Christ Jesus and Christian Science, His two witnesses. What remains to lead on the centuries and reveal my successor, is man in the image and likeness of the Father-Mother God, man the generic term for all mankind [the perfect man].

The "perfect man" is that compounded spiritual individuality which reflects God as Father-Mother, as two individual *natures* in one. As we gain this insight of what man really is we lose the sense of corporeal being. Writing of this perfect man on page 577 of Science and Health, Mrs. Eddy says, "In this divinely united spiritual consciousness, there is no impediment to eternal bliss,—to the perfectibility of God's creation." On page 57 of Science and Health Mrs. Eddy states, "Union of the masculine and feminine *qualities constitutes completeness.*"

The Committee on General Welfare saw this prophetic utterance as the key to the question of Mrs. Eddy's rightful and legitimate successor, since it enunciates the Principle upon which the government of The Mother Church could fulfill the Magna Charta of Christian Science, and prove itself "essentially democratic, its government [being] administered by the common consent of the governed, wherein and whereby man governed by his creator is self-governed."<sup>28</sup>

- The Committee could see that this Magna Charta of Christian Science, like the Declaration of Independence, has been realized in human experience only one step at a time. Thus, during the period of Mrs. Eddy's personal leadership she promulgated new By-Laws, introduced reforms, and established new agencies only as her followers advanced in understanding sufficiently to be able to obey and support them.

- Mrs. Eddy's vision extended far beyond the visible organization, and in her "Magna Charta"<sup>29</sup> and her "Declaration of Independence"<sup>30</sup> she depicted her ideal church.

- Every step toward the equalization of the responsibilities and honors in church government is therefore a step nearer to the fulfillment of Mrs. Eddy's ideal of the Christ Principle:

For this Principle there is no dynasty, no ecclesiastical monopoly. ... Its only priest is the spiritualized man.

- In this true government each individual has immortal sovereignty.

- On page 9 of the Report, we find that what hinders the progress of accepting this immortal sovereignty is that element in human nature which cries out: "Nay, but we will have a king over us! The servile element in human consciousness responds to the suggestion that it is easier to rely on someone else who apparently has greater ability and authority. To think out and work out one's own salvation requires more effort than many care to make. The dependence upon personal control and the disposition to take advantage of it, all the way from an individual to an organization, is a form of idolatry insofar as it limits dependence upon divine power. And there are always persons quick to take advantage of this dependency trait and assume "the divine right of kings" rule.

- In proportion as these human negative traits are overcome, will that "man , " referred to by Mrs. Eddy, who is to "lead on the centuries and reveal [her] successor,"<sup>31</sup> appear.

- It is the destiny of Christian Science to show to the world that mankind cannot be deprived of its right to think.

- The Committee on General Welfare found considerable sentiment in the Christian Science Field decrying the Directors' assumption that the *Manual* By-Laws placed the direction of the spiritual and

business affairs of the Church in the hands of the Christian Science Board of Directors. The Committee found a consensus that the estoppel clauses should be obeyed—in other words that those reservations of authority retained by Mrs. Eddy for herself, through her use of the estoppel clauses, passed legitimately to her *true successor* as named in her statement on page 347:2 of Miscellany. There she refers to "man in the image and likeness of the Father-Mother God, man the generic term for mankind" as her only successor.

- The Committee averred that the recognition of Mrs. Eddy's successor (as the God-like man) was of paramount importance because it supplies that potential authority without which neither the spiritual nor the business affairs of the Church can be properly administered. This means that the spiritualizing influence exerted by Mrs. Eddy's teachings upon the general human consciousness constitutes a moral force that can't be measured. What must be individually demonstrated is the true nature of man. This true nature is Mrs. Eddy's successor, and should be recognized as the great impersonal Leader of the Christian Science Movement.

This spiritually unique *Report of the Committee on General Welfare* did not support the position of the Board of Directors, and it was therefore quietly suppressed. Comfortably ensconced in their position of prestige, power, and authority, their inclination was toward more not less, control.

### THE HERESY TRIAL OF JOHN W. DOORLY

John W. Doorly of London, England, was an outstanding Christian Science practitioner, teacher, and lecturer, who had at one time served as President of The Mother Church. He had a natural proclivity for scientific research, and as a result of his forty-year dedicated study of Mary Baker Eddy's writings, he began to comprehend the *system* Mrs. Eddy had embodied in the textbook, and to glimpse the pure Science of Christian Science. Elated with the results of his research, which had culminated in great new insights into the textbook, Doorly began holding regular meetings to communicate his findings to his students and other interested Christian Scientists. When news of this type of independent thinking reached Boston an ordeal of relentless persecution began for Mr. Doorly. He was faced with countless charges, many of them scarcely to be distinguished from gossip.

Mr. Doorly's attempts to explain the "system" and the pure Science he saw in the textbook only brought further charges of improprieties—infractions and violations of *Church Manual By-Laws*. Each letter imperiously implied that the Board of Directors was the final authority in the interpretation of the Christian Science textbook. No ideas were to be advanced that had not been settled upon as correct during Mrs. Eddy's lifetime.

Their persistent harassment led Mr. Doorly to write the Board on November 7, 1946: "Your ... mistaken policy has distorted our Leader's 'mother' government into one of the most despotic oligarchies our world has ever known."<sup>32</sup>

In making the decision to publish and circularize a booklet of his understanding of Mary Baker Eddy's pure Science of Christian Science, and extracts of correspondence exchanged between himself and the Christian Science Board of Directors, entitled *A Statement*, Mr. Doorly said:

I am taking this step because I am convinced ... that unless *we* make a definite and dignified issue, and a very decided issue of this whole matter, we shall lose a golden opportunity that may not occur again for many years.

Mr. Doorly hoped that circulating his correspondence with the Board of Directors would stimulate, motivate, and impel the Directors to retrace their steps and in the future leave church members alone to

develop their own progressive sense of Christian Science. Mr. Doorly was also aware that refusing to submit to the Boston authorities might bring instant excommunication.

No one has contributed more to the step-by-step progress out of ecclesiastical bondage than the great and courageous Mr. Doorly, who was glad to be counted among the many men and women who have been willing to be ostracized and driven out of religious organizations rather than submit to the control and restraint of their spiritual vision.

In a letter dated November 7, 1946, Doorly wrote the Board:

... Mrs. Eddy was, in the purest sense, the 'mother' of her church. She was, moreover, a great spiritual genius who knew the value and the danger of By-Laws, as the Foreword in the *Manual of The Mother Church* indicates. Mrs. Eddy retained for herself the powers of appointment, of dismissal, and in fact the complete control of her church in every way through many specific By-Laws. Shortly before she left us, Mrs. Eddy was asked to amend those By-Laws which gave her complete control, and she absolutely refused to do so. It must be evident to any intelligent individual that a 'mother'<sup>33</sup> government, exercised and controlled by one of the world's greatest thinkers and religionists, could not possibly be the same government when this control is removed, and the government is left to a Board where amateur ecclesiasticism and commercialism might hold sway...

With Mrs. Eddy's passing, her 'mother' government passed also, and became an impossibility for exercise by anyone else. No one could for one moment believe that Mary Baker Eddy, who knew the fallibility of human beings so well, would commit her life work into the hands of five people whom she did not even know. If she had done this it would have been utterly unlike all that she ever taught. The fact is that Mary Baker Eddy left the future of Christian Science to the spiritual animus and development of her own demonstration and that of mankind. Hence she writes, "What remains to lead on the centuries and reveal my successor, is man in the image and likeness of the Father-Mother God, man the generic term for mankind."

This man is revealed in a spiritual understanding of the Christian Science textbook and the other writings by Mary Baker Eddy. When the Boston Board advised Doorly of the rumors and reports concerning him, the intrepid Doorly wrote Boston, July 4, 1942: Yes, "to put it quite frankly, the wolves of religious persecution are in full bay in London, and the theory on every hand is that your Board—collectively or individually—has unleashed them."

Here was an eminent spiritual thinker of world renown, honored with the respect and friendship of tens of thousands of Christian Scientists, suddenly being faced with excommunication, only because he had seen deeper into the Christian Science textbook and was the first of Mary Baker Eddy's dedicated students to divinely fathom and begin to teach the pure Science of her discovery, embodied in the textbook and amplified in her other writings.

On July 30, 1946, in answer to further accusations and threats, Doorly countered:

... If your Board imagines that honest, intelligent, and progressive men and women of today are going to submit to such processes, utterly unworthy of Christian Science and inconsistent with ordinary justice, then your Board is making a mistake. One individual who went to Boston on a matter of this kind wrote me as follows:

'... A group of 37 of us from all over the United States, unable to believe that the Board of Directors would place our teacher on probation on hearsay evidence from one side, went, of our own accord, to see the Board and place the facts before them. We were met in the reception room by their legal representative who asked us, when we told him our mission, if we were aware that we were approaching 'the highest ecclesiastical court in the land ' " Our reply was that we had come to see our loving Board of Directors....

Continuing his letter, Mr. Doorly again warned the Board that its regressive and false sense of Christian Science was helping the enemy destroy our Leader's lifework.

The foregoing extracts from Mr. Doorly's Statement speak with clarity and eloquence. They portray graphically what hundreds of genuine dedicated Christian Scientists have faced when their lives and careers have been temporarily blighted by the shadow of fear cast over them by the Boston Board. But once freed by excommunication, these doughty veterans and eminently distinguished healers rose higher in demonstration and usefulness to the human race. Beyond the restrictions of organization they were free to write, lecture, hold classes and seminars, and continue their healing practice.

The world stands sorely in need of a deeper understanding of the God-inspired writings of Mary Baker Eddy. In the next Chapter we will look at documents which reveal that the *Church Manual* in no way conflicts with the textbook, Science and Health, but instead shows the way out of a seeming seventy-year captivity to centralized ecclesiastical control. Gradually it will be seen that the *Church Manual* is the matrix of that spirit of Mrs. Eddy's Declaration of Independence, and her Magna Charta, that lifts man to the point of ascension where organized animate matter is no longer a legitimate state of man's conscious evolvment. Man will realize his divinity, held "forever in the rhythmic round of unfolding [bodiless] bliss, as a living witness to and perpetual idea of inexhaustible good.<sup>34</sup>" Because of the deep spiritual significance behind the "stuffy little *Manual* " Mrs. Eddy could say to a student that she considered her *Manual* second in importance only to Science and Health. In *Miscellany* she wrote, "Eternity awaits our *Church Manual* ." Mrs. Eddy saw material history drawing to a close.<sup>35</sup> As she looked out on the dawning twentieth century (which would urge its highest demands on mortals) and sensing "the human hatred of Truth," she wrote of this century's "God crowned ending-the threshold on which we now stand:

THOU God—crowned, patient century,<sup>36</sup>  
Thine hour hath come! Eternity  
Draws nigh—and, beckoning from  
above,  
One hundred years, aflame with Love,  
Again shall bid old earth good-by—  
And, lo, the light! far heaven is nigh!  
New themes seraphic, Life divine,  
And bliss that wipes the tears of time  
Away, will enter, when they may,  
And bask in one eternal day.

'Tis writ on earth, on leaf and flower:  
Love hath one race, one realm, one power.  
Dear God! how great, how good Thou art  
To heal humanity's sore heart;

To probe the wound, then pour the balm—  
A life perfected, strong and calm.  
The dark domain of pain and sin  
Surrenders—Love doth enter in,  
And peace is won, and lost is vice:  
Right reigns, and blood was not its price.

Pleasant View, Concord, N. H., *January*, 1901.

\*\*\* INSERT BACK OF PAGE 24 THE SUNBURST *The Christian Science Journal Vol. 12*

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<sup>1</sup> Mis. 359:3

<sup>2</sup> Mis. 358:30

<sup>3</sup> S&H. 182:9-14

<sup>4</sup> Ret. 47:2

<sup>5</sup> This admonition and warning from Mrs. Eddy appears opposite page 135 of the July 1891, *Christian Science Journal* (Vol. 1X)

<sup>6</sup> The notice "Authorized Literature of The First Church of Christ, Scientist, in Boston, Massachusetts", which began appearing in our study books in 1916 is entirely foreign to any mandated by Mrs. Eddy.

<sup>7</sup> See Chapter 1V

<sup>8</sup> Charles S. Braden, *Christian Science Today* Southern Methodist University Press, Dallas.

<sup>9</sup> After the death of both Gilbert Carpenter, Sr., C. S. B., the Board of Directors gained control of this vast priceless collection, and it is now buried in The Mother Church archives.

<sup>10</sup> Mis. 99:10. So great is the fear instilled in church members regarding the reading of Christian Science literature not "authorized" by the Board of Directors that few summon the courage to attempt it. The seven (Reginal) *Kerry Letters* have sparked a great awakening in the Christian Science Field, as have the UCS tapes circulated by David Nolan.

<sup>11</sup> Ernest Sutherland Bates, and John V. Dittmore, *Mary Baker Eddy*. (Alfred A. Knoph, New York, 1932)

<sup>12</sup> Ret. 76:2-7

<sup>13</sup> The Board of Directors promulgates the conception that literature not authorized by the Board in Boston is "incorrect". This is a rank perversion of Mrs. Eddy's By-Law concerning, "No incorrect literature."

<sup>14</sup> Norman Beasley, *The Cross and Crown* p.251-252. Dwell, Sloan and Pearce, New York, Little Brown and Company, Boston, 1952

<sup>15</sup> a—Ibid 209-210

<sup>15a</sup> Ibid 209-210

<sup>15b</sup> These pungent warnings from Mrs. Eddy about "reorganization" have been preserved by the Alice Orgain Library, the Shawk Historical Library, and the Carpenter Foundation.

<sup>16</sup> Ret. (first ed. p.57)

<sup>17</sup> S&H 266:11

<sup>18</sup> *Mary Baker Eddy's six days of Revelation*. Richard Oakes. Available from Rare Book Co. Box 6957, Freehold, N.J. 07728; Bookmark, P.O. Box 801143 Santa Clarita, Ca. 91380 Books & Things, Box 128, Ahwahnee, Ca 93601

<sup>19</sup> Man. 133

<sup>20</sup> My. 347:2-5

<sup>21</sup> Ret. 90:16

<sup>22</sup> My. 347:2-5

<sup>23</sup> Mrs. Eddy retained for herself the powers of appointment, of dismissal, and in fact the complete control of her Church in every way through many specific by-laws. Shortly before she left us, Mrs. Eddy was asked to amend those by-laws which gave her complete control, and she absolutely refused to do so. It must be evident to any intelligent individual that a Mother's government, exercised and controlled by one of the world's greatest thinkers and religionists, could not possibly be the same government when this control is removed, and the government is left to a Board where amateur ecclesiasticism might hold sway." (A statement by John W. Doorly, CSB, of London, England, Nov. 7, 1946 letter to C.S. Board of Directors. Used with permission of Peggy M. Brook, Trustee for the writings of John W. Doorly.)

<sup>24</sup> He later returned at Mr. Eustace's request to manage the periodicals.

<sup>25</sup> S&H 583:12

<sup>26</sup> See Chapter IV

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<sup>27</sup> This “image and likeness” is attained through a scientific understanding of the textbook, Science and Health. The textbook reveals man’s true spiritual nature and shows man to be the revelation of God. This perpetual revelation of God is Mrs. Eddy’s successor.

<sup>28</sup> My. 254:21

<sup>29</sup> My. 246:30

<sup>30</sup> S&H. 106:6

<sup>31</sup> My. 347:2

<sup>32</sup> *A Statement by John W. Doorly*, P.57 (This and following excerpts from *A Statement*, by permission of Peggy M. Brook, Trustee for the writings of John W. Doorly)

<sup>33</sup> For explanation of Mrs. Eddy’s “mother” or theocratic government, see p. 12

<sup>34</sup> Mis. 83:1

<sup>35</sup> No. 45:27

<sup>36</sup> Poem entitled *The New Century*

## Chapter II

### MARY BAKER EDDY’S THREE DEEDS OF TRUST AND THE ESTOPPEL CLAUSES

*Ignorance, subtlety, or false charity does not forever conceal error*  
(S&H. 447:12)

*For they have healed the hurt of the daughter of My people slightly, saying, Peace, peace; when there is no peace.*  
(Jeremiah 8:11)

A NUMBER of documents will be discussed as we produce our cause and bring forth our strong reasons" why Mrs. Eddy's Manual should be obeyed as *written*. Among these documents are Mrs. Eddy's Will and two codicils, as well as her Deed of Trust of September 1, 1892, and her Deed of Trust of March 19, 1903 <sup>1</sup>which concern the land for the two church edifices. These documents contain information vital to the Christian Science Movement, starting with Mrs. Eddy's passing on December 3, 1910, up to the present time.

Another vital document is the Deed of Trust of the Christian Science Publishing Society, dated January 25, 1898, which Mrs. Eddy established as an entirely separate and independent operation, with a self-perpetuating Board of Trustees. It was this Deed of Trust that became the center of conflict between the Board of Directors and the Publishing Society Trustees. The Board was obsessed with taking over the media of the church—the Christian Science Publishing Society. The Board's attempts to dictate to the Trustees of the Publishing Society became intolerable and led to a lawsuit in 1919, when on March 25th, 1919, the Publishing Trustees filed a Bill in Equity against the Christian Science Board of Directors. The presiding Judge granted the Publishing Trustees an interim injunction which called for the Board of Directors to cease and desist from harassing the Publishing Trustees.

The Board of Directors then instituted suit against the Trustees of the Publishing Society. This was the "second Bill in Equity,"<sup>2</sup> dated April 10, 1920. <sup>3</sup> These two Bills in Equity culminated in "The Full Bench

Decision" of the Supreme Judicial Court of Massachusetts, November 23, 1921.<sup>4</sup> These three documents will be discussed in the following two chapters.

We will also review the Congressional Copyright Relief Act of 1971<sup>5</sup> which resulted in the copyright on all 420 editions of Science and Health being taken out of the name of Mary Baker Eddy and vested in the Christian Science Board of Directors. This tightened the Board's control of Science and Health, making the earlier editions almost impossible to obtain, and the current edition increasingly difficult to purchase. It is now for sale only in Christian Science Reading Rooms, operated by branch churches, and as these branch churches close, one by one, the Reading Rooms also close.

### **MRS. EDDY'S THREE LEGAL DOCUMENTS AND HER FIRST AND SECOND CHURCH ORGANIZATIONS**

In the past the documents just mentioned and the events surrounding them have been discussed only generally. We will investigate details that were decisive, and point out the errors committed during the past seventy years that have contributed to the decline of the Christian Science Movement.

To understand Mrs. Eddy's three Deeds of Trust it is necessary to delve briefly into her first and second church organizations. We will see that by her two land Deeds she sanctioned the continuance of the local church in Boston. This is in sharp contrast to the estoppels she placed in the *Manual* which brought all central control to a halt when she was no longer present. Mrs. Eddy's legal documents containing provisions for a self-perpetuating four-member Board of Directors for the *local* Boston church, and a self-perpetuating Board of Trustees for her Publishing Society Deed of Trust, determined what was to continue after her passing.

A perusal of her March 19, 1903, Deed of Trust shows the land was granted on the condition that the estoppel clauses in the *Church Manual* would be honored. It reads:

This property is conveyed on the further trusts that no new Tenet or By-Law shall be adopted, nor any Tenet or By-Law amended or annulled...

The first church organization was formed by Mrs. Eddy and a few students in 1879. Its title was: "Church of Christ, Scientist." This first church organization existed until 1889. It was a completely democratic operation. It exercised no autocratic control over other Christian Science churches. The other churches of Christ, Scientist, operated on their own with no interference from Mrs. Eddy's first Boston church.

By the late 1880's Mrs. Eddy had concluded she could do the greatest good to the greatest number by giving her time to a complete revision of Science and Health. When she was no longer able to give the church the great amount of time and attention it obviously needed, the church deteriorated rapidly. Mrs. Eddy saw it was time to go forward in spiritual organization alone. Thus, on December 2, 1889, the church Board met and adopted unanimously the following resolution which dissolved the first little "Mother Church":<sup>6</sup>

(1) That the time has come when this Church should free itself from the thralldom of man-made laws, and rise into spiritual latitudes where the law of love is the only bond of union.

4) The members of this Church hereby declare that this action is taken in order to realize more perfectly the purpose of its institution as an organization, namely, growth in spiritual life and the

spread of the "glad tidings"—and that they will continue in a Voluntary Association of Christians knowing no law but the law of Love, and no Master but Christ in the exercise of all the ministrations and activities heretofore performed as a Church of Christ, Scientist....

Mrs. Eddy had reached, beyond cavil, the conviction that the distractions of material organization and ceremony and personal ambition are what keep people from seeing what Christian Science is really presenting. Her whole purpose was to design a Church—a *spiritual* organization—that would aid man to understand God and his relationship to God. Material organization was the antithesis of all Mrs. Eddy hoped and worked to establish.

Knowing there were many who still felt the need of a church to worship in, Mrs. Eddy gave land on which to build a church edifice for those who felt the need of a place to worship. In spite of the great prosperity that followed the dissolution of this first organization, it was not long before Mrs. Eddy's students importuned her to form another organization. People usually dislike being different, of course, but for Christian Scientists to have clung so tenaciously to churchgoing seems anomalous since Mrs. Eddy discouraged church attendance by her advanced students. She wanted them to realize more fully that God is *omnipresent* and not found only in church services.

Preserved in the Alice Orgain Library is the following instruction from Mrs. Eddy to her household on church attendance.

The thought of the advanced student should be turned away from too much church attendance. It is not to limit but to broaden their viewpoint—to free their thought from a sense that God is to be found only in church services. To be sure, attending church is a step in the student's progress, but if his concept of church stagnates at that point, and his demonstration of church does not gradually broaden to cover everything, then spiritual growth ceases, even with the most punctilious church attendance.<sup>7</sup>

Mrs. Eddy knew that a Science doesn't need a church. It needs only the willingness to study and learn, and thus grow in spiritual understanding. Jesus did not organize a church, and to the woman of Samaria who insisted she must go to the temple to worship, he said, "The hour cometh and now is, when the true worshippers shall worship the Father in spirit and in truth: for the Father seeketh such to worship him." The Pharisees insisted people should worship in a temple and be governed by certain laws. If the people accepted Jesus teaching, there would be no annual dues or tithes to support the temple and pay the salaries of those who ran it.

Like Jesus, Mrs. Eddy, from the very beginning, saw that "material organization wars with Love's spiritual compact" and in 1889 she irreversibly reached the conclusion that church organization should be "laid off ... in order to gain spiritual freedom and supremacy." In no other way can the "Church Universal and Triumphant" (*Manual* p. 19) be reached.

In *Mary Baker Eddy, Her Spiritual Precepts*, Mr. Carpenter states that Mrs. Eddy had a right to refer to members who had not cast out the old idea of church, as "infants in Christian Science." Infants, she maintained, were those who thought of church as an *edifice where* men go to worship a human sense of God, rather than a state of consciousness that demonstrates a scientific sense of Good. The true sense of Church makes a bridge over which mortals may pass to the infinite, so that mortality is swallowed up in Life.

Today a deeper sense of what Church really is and means is emerging and making itself felt on all levels of society. In great numbers Christian Scientists are freeing themselves from the centralized control of an ecclesiastical hierarchy. They are seeing Church as "the structure of Truth and Love," as a state of

consciousness that each individual can continually abide in and so find heaven right where he is. When this is spiritually comprehended it will be seen why Mrs. Eddy, through her estoppel clauses, terminated the five-member ecclesiastical Board of Directors and The Mother Church.

### DEEDS OF TRUST OF 1892 AND 1903

In 1892 Mrs. Eddy executed a Deed of Trust granting land for a church edifice. It is crucial that this Deed of Trust, and the second Deed of Trust of 1903, conveying land for an Extension to the first edifice, not be confused with the *second organization*.<sup>8</sup>

The Deed of Trust of 1892<sup>9</sup> merely granted land on which a church edifice was to be built. The Deed contained eleven provisions, such as:

- The four grantees were to be known as the Christian Science Board of Directors; the Deed *names* the four Directors.
- These four Directors were to be a self-perpetuating body
- Within five years they were to build a suitable and convenient church edifice, elect a pastor, maintain public worship in accordance with the doctrines of Christian Science, etc.
- The *congregation* worshipping in the edifice was to be called The First Church of Christ, Scientist.
- Whenever the Directors determined it was inexpedient to maintain public worship in this building, the lot of land and the building were to be reconveyed to Mary Baker G. Eddy, her heirs, etc., by a proper deed of conveyance. The church could be dissolved at any time.
- The Deed was perpetual and irrevocable.
- This Deed (1892) says nothing about an organization or about a "Mother Church"; it says nothing about becoming "members" of anything; it simply says that the *people* who worship in that edifice—the people who walk in the door and sit in the edifice, namely the "*congregation*," shall be known as "The First Church of Christ, Scientist."

### DIFFERENCE BETWEEN 1892 DEED OF TRUST AND SECOND CHURCH ORGANIZATION

The duties of the four-member Board under the 1892 Deed were *very limited*. This Deed was Mrs. Eddy's vehicle for providing the residents of Boston with an edifice in which to hold church services. The four Directors *could continue* to provide church services as long as there was any need for them; they did not require Mrs. Eddy's consent, approval, presence, or her signature in her own handwriting to carry on indefinitely. This was in sharp contrast to the second church organization, which in 1892, at the insistent urging of her students, Mrs. Eddy permitted to be formed, against her better judgment. Mrs. Eddy kept this second church organization entirely under her control through means of her *Church Manual*. Its operation depended on the availability of her consent, approval, presence, or her signature in her own handwriting. The Board of Directors of this second church organization (eventually to become five (5) in number) was not a self-perpetuating body as was the Board under the Deed of Trust of 1892. The second organization was first called "Mother's Church," and eventually it became known as The Mother Church. It is absolutely essential to understand the difference between The Mother Church and what was formed by the Deed of Trust of 1892 which established a Board of four Directors to maintain a place of worship for the convenience of the people in Boston, for as long a time as that Board deemed necessary. The same four men constituting the Board under the Deed of Trust of 1892 became the Board of Directors of the second church organization. Eventually a fifth member was added. Thus they became a five-member Board, an

*ecclesiastical* Board, wearing quite a different hat from the four-member Board—a legal Board under the 1892 Deed of Trust.

We saw earlier Mrs. Eddy vigorously opposed and sharply warned of the dangers inherent in organizing a second time, but she was also aware of the lack of wisdom in trying to force higher views on students before the founding work had been done in human consciousness. Divine Mind and thought (idea) comprise the whole of God expressed in the universe and man, but an understanding of this great fact cannot be legislated. She knew that "whatever needs to be done which cannot be done now, God prepares the way for doing."<sup>10</sup> Perhaps she saw these early followers must learn the evils of continued organization through sad experience, so she helped them, and in the ensuing eighteen years it was to throw a tremendous burden on her.

At the start, this second organization had just a few rules. The first *Church Manual* appeared in 1895, three years after the forming of the second church organization. It was a democratic document. Every officer of the church and every function of the church could operate under the Board of Directors without any reference to Mrs. Eddy. (The only procedure requiring her approval was the election of a Reader in The Mother Church. The Board of Directors, however, could remove the Reader.) But with the passing years Mrs. Eddy assumed supreme control.

Subsequent to this first *Manual*, Mrs. Eddy issued eighty-seven additional *Manuals* as the occasion required them. Each *Manual* contained changes. The 89th *Manual*, currently in use, was not published by Mrs. Eddy. It was hurriedly published immediately after her passing; it deleted the name of Mary Baker Eddy, Pastor Emeritus, as an officer in the church, and her name and office remained out of the *Manual* for fifteen years, until in 1925 pressure from the Field forced its restoration.

Among other changes, the Board of Directors, in order to extend their *Manual*—prohibited control over the branch churches, changed Mrs. Eddy's wording on page 120 of the *Manual* to read: "Present Order of Services in The Mother Church *and Branch Churches*" instead of merely: "Present Order of Services in The Mother Church." They also added the words: "*and Branch Churches*" on page 127, to Mrs. Eddy's wording: "Order of Exercises for the Sunday School of the Mother Church." In their haste to make these changes they neglected to change the wording in the Table of Contents which still continued to read: "Present order of Services in The Mother Church," and "Order of Exercises for the Sunday School of The Mother Church." Mrs. Eddy kept the branch churches separate from The Mother Church since the estoppels would terminate The Mother Church at her passing.

Mrs. Eddy never placed the Cross and Crown insignia on the *Church Manual*. This first appeared in 1916.

These bold and illegal appropriations of authority by the Directors had far-reaching disastrous consequences for the Christian Science Movement, initiating a policy entirely contrary to her "Declaration of Independence," in *Science and Health*, and her "Magna Charta" in *Miscellany*. In the eighty-eight editions of the *Manual* issued by Mrs. Eddy, one of her primary objectives was to protect the branches and individual Christian Scientists from any type of ecclesiastical control, as well as to "maintain the dignity and defense of our Cause."<sup>11</sup> Through the *Manual's* estoppel clauses Mrs. Eddy drew an ever tighter rein on her five-member Board of Directors and gradually established complete control over them.

## **PUBLISHING SOCIETY DEED OF TRUST<sup>12</sup>**

Mrs. Eddy executed the Publishing Society Deed of Trust on January 25, 1898. It established three people as Trustees of the Christian Science Publishing Society. It was a legal document, perpetual and irrevocable, with the three Trustees to fill vacancies on their own initiative without reference to Mrs. Eddy or anyone else. Mrs. Eddy's Deed granted the Publishing Trustees all necessary powers to carry on the

publishing business after she was no longer present and The Mother Church had been dissolved by the estoppels.

Gaining control of the means of communication was very important to the five-member ecclesiastical Board of Directors as they sought to extend their authority over both the branch churches and the individual church members. Soon after Mrs. Eddy's passing the Board endeavored to seize control of the Publishing Society by harassing the Trustees. The Board demanded that the Trustees acknowledge in writing the Board's authority over them as the price the Trustees must pay to continue in office. For details of this harassment, see Appendix, March 25, 1919, Bill in Equity The following three rules in Mrs. Eddy's own handwriting,<sup>13</sup> and sent by special messenger to the three Trustees of the newly formed Publishing Society, leave little doubt that Mrs. Eddy foresaw the ambitious designs of the Directors to secure control of the communications arm of the Movement:

1. When mother foils a demon scheme, do not mar her success. The hardest battle is the last one.
2. Never act on first thoughts unless they be of Good, God, but watch and separate the tares from the wheat. Learn by experience and careful comparison to know *whence* cometh your conclusions. "Try the spirits" before acting, look over the purposes that the enemy might be trying to accomplish and so avoid the snare.
3. Have the bird in your hand before disturbing the bush he hangs on.

There is also further evidence that Mrs. Eddy knew what her Board of Directors and others in high places were planning to do when she was no longer here. Her letters to the Board show Mrs. Eddy's desperate attempts to win them over to seeing that humility and patience gather blessings lost to the vainly aspiring. In the *Dr Baker Notes* is a statement by Mrs. Eddy which reads: 'All the trouble I have is with my students.'<sup>14</sup> Laura Sargent, a faithful worker in Mrs. Eddy's home, told Adelaide Still that on Mrs. Eddy's last carriage ride, two days before she left us, Mrs. Eddy was silent, lost in deep thought, then almost as though talking to herself, said, "Oh, if only the students had done what I told them, I should have lived and carried the Cause."<sup>15</sup> Five or six days before this, Mrs. Eddy had dictated and signed a note which read: "It took a combination of sinners that was fast to harm me."

\*\*\*INSERT PAGE 37

A REPRODUCTION OF A SIGNED STATEMENT DICTATED BY MRS. EDDY  
TO LAURA SARGENT. IT WAS RECORDED BUT FIVE DAYS  
BEFORE MRS. EDDY PASSED FROM OUR SIGHT.

(Many years ago when this signed statement was first widely circulated a Christian Science lecturer, who had known some of the early workers and those close to Mrs. Eddy, was asked privately, "What do you think she meant?" Without hesitation he answered, "Why, she knew those whom she trusted—those running the Movement—were planning to betray her. She knew they had sought legal advice on how to break the estoppel clauses. When the full import of the certainty of this betrayal broke upon her, it seemingly had the ability to harm her."

The men who were running the Movement were *good* men, but their materiality clogged their vision. They had fallen so in love with the *material organization* and all its trappings that they simply could not bring themselves to destroy it. The nature of their predicament is symbolized in the book, *Bridge Over the River Kwai*, depicting a World War II captured British colonel and his battalion forced by the Japanese to

build a strategic bridge essential to the Japanese war effort. The colonel was at first reluctant. But as he got into solving the difficult construction problems, the bridge became his idol. He fell so in love with the bridge, that when a group of British commandos infiltrated with intent to destroy the bridge, the colonel resisted to the point of killing his own countrymen rather than seeing the bridge destroyed.

In a similar way, the Board of Directors could not bring themselves to destroy "their" great material organization when the estoppels went into operation. No doubt they rationalized that due to her advancing age, etc., Mrs. Eddy had made a terrible mistake in not removing the estoppels so that the material organization could continue legitimately. They forgot Mrs. Eddy had trenchantly warned them in 1892 that if they organized again it would ruin the prosperity of the church.

Mrs. Eddy's ideas of church government differed radically even from those of her students in high places, and of course from mankind generally, causing great antagonism from almost every quarter. Mrs. Eddy's Church was established entirely by divine direction. In order to be perpetuated it must necessarily follow divine inspiration and not be the product of legal enactments or worldly-wise evolutions.

Regarding the By-Laws and her estoppels she said: "I have no right or desire to change what God has directed me to do, and *it remains for the church to obey it*" (preserved by Carpenter Foundation; also preserved in Adam Dickey's *Memoirs*).

When Mrs. Eddy asked Adam Dickey to write a history of what had transpired while he had lived in her home, she extracted a promise from him to tell the students, if she should ever leave here, that she had been "mentally murdered." Mrs. Eddy wanted to shock the students into an awareness of the power of wrong thinking to harm, to kill. Mental murder results from believing the evidence of the physical senses. The students were seeing Mrs. Eddy as aging and dying, and were concerned with how the *Manual's* estoppels would affect their positions when she was no longer present to fulfill the By-Law requirements. They were not supporting her by seeing her as the perfect reflection of ageless, endless, eternal Life. Mrs. Eddy was endeavoring to shock her students into seeing that this whole mortal picture is merely hypnotic suggestion with no more reality than the dream we have in sleep. Mental murder results from accepting the illusions presented by the physical senses as realities, when all the while "all is infinite Mind infinitely manifested." There is no reality in the testimony of the five physical senses.

Mrs. Eddy was well aware that some of her most trusted students, occupying the highest positions, were not supporting her spiritually, but were actually waiting for her to die, readying their affairs to take over at the moment of her death. This she considered "mental murder."

Calvin Frye, Mrs. Eddy's faithful secretary from 1882 until her death in December, 1910, made a most revealing entry in his *Diary* under date of December 7, 1900:

Judge Clarkson dined with Mrs. Eddy today and after dinner tried to convince her again that she was mistaken and the cause was going to ruin and the men were essential to take the lead of the cause of Christian Science and to assert their rights without her *dictation*.<sup>15a''</sup>

While many men in the ranks of Christian Science were faithful to Mrs. Eddy's teaching, others were ready to resist to the hilt the new idea of WOMAN which Mrs. Eddy's teaching was ushering in (with Christian Science) as she step by step fulfilled Jesus' prophecy to St. John concerning the woman of the Apocalypse. Jeremiah too had prophesied:

The Lord hath created a new thing in the earth, A woman shall compass a man. (Jeremiah 31:22)

This "new thing"—WOMAN—this new order of the ages, was "the stone which the builders [had always] rejected." It was the gift of Love, the spiritual understanding revealed in Mary Baker Eddy's

writings. It was the capstone that would crown the manhood of God with womanhood and reveal the man of God's creating- generic man.

But in their total materiality, this "new thing, " WOMAN, was viewed by certain men in the church organization as a threat to the age-old belief of male supremacy. Thus they again "rejected the stone which the builders [had always] rejected, " namely, the supremacy of Love, and equality of the sexes, resulting from the Christian Science teaching that each individual reflects all the qualities *of the Father-Mother God*. The Board in power at that time opted to keep alive material organization which wars with Love's [WOMAN'S] spiritual compact" Since 1910 the Board of Directors has made no attempt to defend Mrs. Eddy against the subtle insinuations of "mental incompetency for not having removed the estoppel clauses." Earlier we saw their attempt to rid themselves of her supervision when they omitted her name and office from the new Manual they hastily published after her departure.

In a letter to Augusta Stetson dated December 11, 1898, Mrs. Eddy first wrote that her trials were not confined to one person or one thing as their source, but "take in all earthly things and mortals." Then she speaks of the "antagonism" she is met with by all, in a certain sense. (Italics are in the original. The transcript is given below, followed by the original.):

I am *alone, absolutely*, here! No one can know me, really, or can see what I have to meet, or meet it for me.

All are far from seeing or understanding what I am at work all the time, and in every direction, to destroy; and so I am met by all in a certain sense, with antagonism. [Does this not parallel Jesus' words when he spoke of the antagonism with which he was met? "The world cannot hate you; but me it hateth, because I testify of it, that the works thereof are evil." (John 7:7)]

It is the errors that my students do *not see*, neither in themselves or in others, that I am constantly confronting and at war with. If they and the world did see these errors, which I see, they would take up arms against them and I could lay down mine.

But, to open the eyes of the blind from paralyzed optic nerve, is *nothing*, compared with opening them to see the tendencies of their own human natures, even at the *very best*. Which tendencies must be subdued to become a true Christian Scientist.

Thine own,  
M.B.G. Eddy.

\*\*\*INSERT PAGE 40-41  
SERMONS AND OTHER WRITINGS

LETTERS FROM MRS. EDDY

**ESTOPPEL CLAUSES IN THE MANUAL**

We return now to the Publishing Society Trustees. They were not only under oath, but equally under Mrs. Eddy's express admonition to follow the Deed of Trust. Thus when the Trust's provisions, as interpreted by its sworn executors, the Trustees, were challenged,<sup>16</sup> and the Directors ordered the

Publishing Trustees to break Mary Baker Eddy's Deed of Trust, the Publishing Trustees felt there was no road open to them other than the Court. In the following Chapters we will learn of the great mistake the counsel for the Trustees made when they inadvertently sued the wrong party and what occurred in the wake of this tragic error—error to human mortal sense.

Lastly we will discuss the Full Bench decision in this historic case. Most Christian Scientists will be surprised to learn what the Full Bench of the Supreme Judicial Court of Massachusetts actually said, and how it was grossly misinterpreted to the Field.

But before we go into the five-member ecclesiastical Board's struggle for power and authority, we will take a look at the estoppel clauses God led Mrs. Eddy to place in her *Church Manual* to prevent the grasp of legalism and ecclesiastical power.

The Supreme Judicial Court of Massachusetts in the Full Bench Decision of November 23rd, 1921, recognized and admitted that the *Church Manual* by its terms could not be changed after Mrs. Eddy's passing. The Chief Justice cited Article XXXV, Section 1, as binding, namely: "This *Manual* shall not be revised without the written consent of its author."

The Chief Justice further stated that under the principles of interpretation, the same words used elsewhere in the same instrument [meaning throughout the *Manual*] must have the same meaning. The Court thus recognized the validity of *all* the estoppel clauses.<sup>17</sup>

Continuing this train of thought, we are led back to the second Deed of Trust shown on pages 136-138 of the *Manual*, where at the top of page 136 we read:

This property is conveyed on the further trusts that no new Tenet or By-Law shall be adopted, nor any Tenet or By-Law amended or annulled by the grantees unless *the written consent of said Mary Baker G. Eddy, the author of the textbook "Science and Health with Key to the Scriptures", be given therefor*, or unless at the written request of Mrs. Eddy the Executive Members of The First Church of Christ, Scientist, (formerly called the "First Members") by a two-thirds vote of all their number, decide so to do.

It is important to understand that this additional trust in the Deed of March 19th, 1903 (covering the Extension), bound the fiduciary<sup>18</sup> Board of Directors to act in a certain way: the land was granted *on* the *condition* that there would be no annulling of the By-Laws. This made the *Manual* a part of the legal Deed of Trust. The ecclesiastical Board under the *Church Manual* and the polity of the Church was also prohibited from changing the *Manual*.

Because the estoppels appear to be the essence of the *Manual*, and in view of the Court's assessment of their importance, we will review these estoppel clauses after examining the Articles and Sections in which these estoppel clauses occur which require Mrs. Eddy's presence, approval, consent, or signature in her own handwriting:

## Church Officers

### Article I

Sect. 1. Church Officers	Presence
2. President	Approval
3. Clerk, Treasurer, etc.	Written Consent
4. Readers	Presence
5. Directors	Approval
8. Trusteeships and Syndicates	Approval
9. Replacing Directors	Presence

Article II		
Sect. 3. Removal of Reader		Consent
<b>Meetings</b>		
Article XIII		
Sect. 3. Clerk Calling Special Meetings		Consent
<b>Reading Rooms</b>		
Article XXI		
Sect. 2. Librarian and Staff		Approval
<b>Relation and Duties of Members to Pastor Emeritus</b>		
Article XXII		
Sect. 3. Filling vacancies for disobedience		Approval
Sect. 8. Private Communications of Pastor Emeritus not to be made public without		Written Consent
<b>Guardianship of Church Funds</b>		
Article XXIV		
Sect. 4. Finance Committee		Consent
7. Giving Donations		Written Consent
Important Movements of Manager of Committees on Publication		Approval
9. Committee on Business		Written Consent
<b>Christian Science Publishing Society</b>		
Article XXV		
Sect. 3. Vacancies in Trusteeship		Approval
4. Editors and Manager		Written Consent
8. Books to be Published		Written Consent
<b>Board of Education</b>		
Article XXVIII		
Sect. 1. Officers		Auspices
2. Vice President and Teacher		Approval
4. Vacancy of President		Signature & Approval
Article XXX		
Sect. 3. Board of Education's Certificates To Teach		Personal Signature
<b>Board of Lectureship</b>		
Article XXXI		
Sect. 1. Election of Lecturers		Approval

## Committee on Publication

### Article XXXIII

Sect. 1. Appointment of Manager of Committees on Publication	Written Consent
Sect. 6. Appointment of Assistant Manager	Approval

## Church Building

### Article XXXIV

Sect. 3. Demolition or Removal of 1894 Mother Church Building	Written Consent
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## Church Manual

### Article XXXV

Sect. 1. Revision of Manual	Written Consent
3. Amendment or Annulment of By-laws	Written Consent

These estoppels are the very heart of the *Church Manual*. Let us now see what each estoppel clause actually says. Turning to page 25 of the *Church Manual* we read under Article I, Section 2:

The President shall be elected, *subject to the approval of the Pastor Emeritus,...*"

On page 26, Article 1, Section 3, concerning the Clerk and the Treasurer, we read:

Incumbents who have served one year or more, may be reelected, or new officers elected, at the annual meeting held for this purpose, by a unanimous vote of the Christian Science Board of Directors *and the consent of the Pastor Emeritus given in her own handwriting.*

On this same page we come to Article 1, Section 4:

Every third year Readers shall be elected in The Mother Church by the Board of Directors, which shall *inform the Pastor Emeritus of the names of its candidates before they are elected; and if she objects, said candidates shall not be chosen.*

Further, on page 26, we come to Article 1, Section 5: This concerns an election to fill a vacancy on the Board of Directors of The Mother Church. We read:

They shall fill a vacancy occurring on that Board *after the candidate is approved by the Pastor Emeritus.*

Next we go to the bottom of page 27, Trusteeships and Syndicates, Article 1, Section 8:

Boards of Trustees and Syndicates may be formed by The Mother Church, *subject to the approval of the Pastor Emeritus.*

Now we go to page 30, Article II, Section 3:

If a Reader in The Mother Church be found at any time inadequate or unworthy, he or she shall be removed from office by a majority vote of the Board of Directors *and the consent of the Pastor Emeritus....*

We now go to page 57, Article XIII, Section 3. This refers to calling a special meeting of The Mother Church:

The Clerk must have the *consent* of this Board and *of the Pastor Emeritus* before he can call said meeting

We go to page 63, Article XXI, Section 2, concerning the Librarian:

The individuals who take charge of the Reading Rooms of The Mother Church shall be elected by The Christian Science Board of Directors, *subject to the approval of Mary Baker Eddy.*

On page 65, Article XXII, Section 3, in reference to *obedience required to a written order from Mary Baker Eddy*: disobedience is cause for removal. If removal of an officer is required, we read:

The vacancy shall be supplied by a majority vote of the Christian Science Board of Directors, *and the candidate shall be subject to the approval of Mary Baker Eddy.*

The By-Law just quoted *applies to* officers of The Mother Church, Editors of the Christian Science Journal, Sentinel, Der Herald, Committees on Publication, Trustees of the Christian Science Publishing Society, and the Board of Education.

The next estoppel clause occurs on page 67, Article XXII, Section 8:

A strictly private communication from the Pastor Emeritus to a member of *her Church* shall not be made public without *her written consent.*

Her prohibition of "unauthorized legal action" on page 67, Article XXII, Section 9, reads:

A member of this Church shall not employ an attorney, nor take legal action on a case not provided for in its By-Laws-if said case relates to the person or to the property of Mary Baker Eddy-*without having personally conferred with her on said subject.*

Our next estoppel clause occurs on page 70 of Article XXII, Section 18, concerning "Pastor Emeritus to be consulted":

The Mother Church shall not make a church By-Law, nor enter into a business transaction with a Christian Scientist in the employ of Reverend Mary Baker Eddy, *without first consulting her on said subject and adhering strictly to her advice thereon.*<sup>19</sup>

In this connection, it is important to also refer to pages 104 and 105 of the *Manual*, Article XXXV, sections 1 and 3, and to the Deed of Trust of March 19, 1903 (see *Manual* p. 137:1-11).

Now we go to page 71, Article XXIII, Section 4:

Branch churches shall not write the Tenets of The Mother Church in their church books, except they give the name of their author and *her permission* to publish them as Tenets of The Mother Church, copyrighted in Science and Health with Key to the Scriptures.

Next we go to page 76, Article XXIV, Section 4, concerning the Finance Committee:

There shall be a Committee on Finance, which shall consist of three members of this Church in good standing. Its members shall be appointed annually by the Christian Science Board of Directors *with the consent of the Pastor Emeritus*.

Article XXIV, Section 7 on "Debt and Duty" (page 78) states:

Donations from this Church shall not be made without *the written consent of the Pastor Emeritus*.

Also important movements of the manager of the Committee on Publication shall be sanctioned by the Board of Directors and *the approval of Mary Baker Eddy*.

In the estoppel concerning the Committee on Business, page 79, Article XXIV, Section 9, we read:

Before being eligible for office the names of the persons nominated for said office shall be presented to Mrs. Eddy *for her written approval*.

We come next to "Vacancies in Trusteeship" on page 80, Article XXV, Section 3, which reads:

Whenever a vacancy shall occur, the Pastor Emeritus reserves the right to fill the same by appointment; but if she does not elect to exercise this right, the remaining trustees shall fill the vacancy, *subject to her approval*.

Concerning "Editors and Manager" we go to page 81, Article XXV, Section 4:

The term of office for the editors and the manager of The Christian Science Publishing Society is one year each, dating from the time of election to the office. Incumbents who have served one year or more can be reelected, by a unanimous vote of the Christian Science Board of Directors, and *the consent of the Pastor Emeritus given in her own handwriting*. [It is important to remember that when the estoppel clauses dissolved The Mother Church, the Board of Directors here mentioned were also dissolved and no longer had any connections with the Christian Science Publishing Society. (Art. 1, Sec. 5)]

On page 81, Article XXV, Section 5, reads:

A person who is not *accepted by the Pastor Emeritus* and the Christian Science Board of Directors as suitable, shall in no manner be connected with publishing her books....

On page 82, still on Article XXV, we now go to Section 8, regarding the "Books to be Published":

A book or an article of which Mrs. Eddy is the author shall not be published nor republished without her knowledge or *written consent*.

Concerning the "Board of Education" and the teacher on the Board, we go to page 88 of the *Manual*, Article XXVIII, Section 1, which reads:

Beginning with 1907, the teacher shall be elected every third year by said Board, and the candidate shall be *subject to the approval of the Pastor Emeritus*.<sup>20</sup>

On page 89, we come to the estoppel concerning the "Presidency of College", Article XXVIII, Section 4:

Should the President resign over her own signature or vacate her office of President of the Massachusetts Metaphysical College, a meeting of the Christian Science Board of Directors shall immediately be called, and the vice-president of the Board of Education being found worthy, *on receiving her approval* shall be elected to fill the vacancy.

Going to page 93, Article XXXI, Section 1, we come to the estoppel covering the "Board of Lectureship":

This Church shall maintain a Board of Lectureship, the members of which shall be elected annually on Monday preceding the Annual Meeting, *subject to the approval of the Pastor Emeritus*.

On page 94, Article XXXI, Section 5, we have an estoppel concerning a "Circuit Lecturer":

*Upon the written request of Mrs. Eddy*, The Mother Church shall appoint a Circuit Lecturer ... [to] lecture in the United States, in Canada, in Great Britain and Ireland. [His term of office was to be for not less than three years.]

Now we go to page 97, Article XXXIII, Section 1, which deals with the "Committee on Publication" of The Mother Church:

He shall be elected annually by a unanimous vote of the Christian Science Board of Directors *and the consent of the Pastor Emeritus given in her own handwriting*.

On page 101, Article XXXIII, Section 6, we come to a "Case of Necessity," concerning an "assistant" Committee on Publication:

If at any time the Christian Science Board of Directors shall determine that the manager of the general Committee on Publication needs an assistant, the Board shall, *with the approval of the Pastor Emeritus*, appoint an assistant manager.

On page 103, Article XXXIV, Section 3, concerns "The Mother Church Building":

The edifice erected in 1894 for The First Church of Christ, Scientist, in Boston, Mass., shall neither be demolished, nor removed from the site where it was built, *without the written consent of the Pastor Emeritus, Mary Baker Eddy.* [Note: When the estoppel clauses operate and dissolve The Mother Church no conflict will exist between this By-Law and the provision in the Deed of Trust of Sept. 1, 1892 providing for the removal of the building under certain conditions.]

We come now to an estoppel which precludes revision of the *Church Manual*, page 104, Article XXXV, Section 1, entitled: "For The Mother Church Only":

The *Church Manual* of The First Church of Christ, Scientist, in Boston, Mass., written by Mary Baker Eddy and copyrighted, is adapted to The Mother Church only. It stands alone, uniquely adapted to form the budding thought and hedge it about with divine Love. *This Manual shall not be revised without the written consent of its author.*

[This was the point quoted by the Chief Justice in his opinion in the Decision of November 23, 1921.]

Now we go to page 105, Article XXXV Section 3:

*No new Tenet or By-Law shall be adopted, nor any Tenet or By-Law amended or annulled, without the written consent of Mary Baker Eddy, the author of our textbook, Science and Health.*

This completes the list of estoppels in the *Church Manual* that dissolve The Mother Church and terminate all ecclesiastical control. The foregoing estoppel clauses indicate how Mrs. Eddy gradually drew all activities of The Mother Church under the jurisdiction of the five-member ecclesiastical Board of Directors. This made it a simple matter to terminate all central control, through the estoppels, when she was no longer personally present to hold a tight rein. By requiring her approval in one form or another the whole operation would come to a halt when such approval could not be obtained.

The transfer of Mrs. Eddy's authority to someone else was nowhere stated, nor has it come to light since her departure. The Trustees under the Will of Mary Baker Eddy only have the power of handling the residual estate under her Will and two codicils. Nothing in her Will indicates that the Board of Directors was to assume her place or position.<sup>21</sup>

The purpose of the estoppels is plain, and if we are to be true to Mary Baker Eddy then we must honor them and abide by them. Ignoring the estoppel clauses is a de facto "annulment" of the By-Laws and is a violation of Article XXXV, Section 3, of these By-Laws.

It is crucial to understand that The Mother Church and The First Church of Christ, Scientist, in Boston are two *separate entities*. The Mother Church and its five Directors are governed by the By-Laws found between pages 25 and 105 in the *Church Manual*, whereas The First Church of Christ, Scientist, with its four-member Board of Directors, is established and governed by the Deed of Trust found on page 128 of the *Manual*, which shows The First Church of Christ, Scientist, to be a local church. This can be learned from reading the conditions in the Deed of Trust.

## **SUPREME JUDICIAL COURT RECOGNIZED ESTOPPELS**

Since the reader may still be undecided as to the control of these estoppel clauses, it might be well to refer to the Full Bench of the Supreme Judicial Court of Massachusetts and the opinions set forth in the decision dated November 23rd, 1921. Early in this decision by the Supreme Judicial Court we find the following:

The last several editions [of the *Manual*] issued during the life of Mrs. Eddy contained provisions that "this Manual shall not be revised without the written consent of the author." Since the *Church Manual* on its face purports to be the work of Mrs. Eddy as author, and the Master has found it to be proved that substantially all of its provisions were suggested or proposed by her, it is apparent that there can now, since the decease of Mrs. Eddy, be no change in the provisions of the *Church Manual*, in accordance with its terms.

The Court thus recognizes that the estoppel so stated in the By-Laws is effective and thus the *Manual* cannot be changed *without her approval*.

You may ask whether this recognition of the Court applies to the estoppel clauses operating elsewhere in the By-Laws. Yes, it does. In the third paragraph following the above quotation, the Court says:

Every instrument in writing, although it cannot be varied or controlled by extrinsic evidence, must be interpreted with a view to all the material circumstances of the parties at the time of its execution in the light of the pertinent facts within the knowledge of those who signed it, and in such manner as to give effect to the main end designed to be accomplished by the instrument.

Subsequently the Court made the following observation:

It is a well-recognized principle of interpretation that the same words used in different places in the same instrument commonly have the same meaning and effect, unless another meaning is demanded by the context.

The Court's opinion is that the estoppel requiring Mrs. Eddy's approval for revising the Manual and its By-Laws is effective and controlling. Therefore, by the principles of interpretation set forth by the Court, this would mean that the estoppels control wherever they occur. If the estoppels are ignored, they are thereby annulled, and this is a direct violation of the *Church Manual*.<sup>22</sup> The Court's recognition that the estoppels were a controlling factor makes it obvious that the ecclesiastical movement—The Mother Church and all its activities—came to a halt with Mrs. Eddy's demise.

### **WHY DID NOT MRS. EDDY BLUNTLY STATE HER INTENTIONS?**

Why didn't Mrs. Eddy publish her intention that The Mother Church cease when she was no longer here? A point often argued by attorneys is that Mrs. Eddy could have made her intentions clear through appropriate messages in the *Manual* or in the periodicals. But can anyone arbitrarily legislate religious liberty for everyone? Jesus couldn't, (nor could Moses). Those familiar with the Scriptures will recall that Jesus wanted to free humanity (John 8:32), but they sought the more to kill him (John 5:18); for whom [God] hath sent, ye believe not (John 5:38); many of his disciples murmured, "This is an hard saying; who can hear it?" They were offended (John 6:60,61). Jesus knew from the beginning who were they that believed not and who should betray him (John 6:64). From that time many of his disciples went back and

walked no more with him (John 6:66). "He deceiveth the people" (John 7:12). Then they reviled him (John 9:28), and took up stones to cast at him (John 8:59). Later they crucified him—all because they did not understand that he had been sent by God to set them free.

Mrs. Eddy's experience paralleled the experience of Jesus.<sup>23</sup>

Through hard experience she learned that freedom is something each must choose for himself. The estoppels, if obeyed, dissolve The Mother Church and all central control; they set the Christian Scientist free. Mrs. Eddy's way was always to leave the movement as far as possible to do things by demonstration. She knew that if she gave definite instructions regarding her intentions, the Movement would have followed them blindly like a flock of sheep, but of what spiritual value would that have been? Instead of giving specific instructions about dissolving The Mother Church, she left Christian Scientists to work out the question proportionately as they overcame fear and their sense of limitation which resisted progressive abandonment of organization. Obedience to the estoppel clauses must come through spiritual growth; obedience when the heart is not ready is of little value. The great need, Mrs. Eddy saw, was:

Learn to obey; but learn first what obedience is, When God speaks to you through one of His little ones, and you obey the mandate but retain the desire to follow your own inclinations, that is not obedience. I sometimes advise students not to do certain things which I know it were best not to do, and they comply with my counsel; but watching them, I discern that this obedience is contrary to their inclination. Then I sometimes withdraw that advice and say: "You may do it if you desire' " But I say this not because it is the best thing to do, but because the student is not willing, therefore not ready—to obey.<sup>24</sup>

Mrs. Eddy saw danger and lack of wisdom in trying to force higher views on people before the human consciousness was prepared for a higher step through proper founding work. She also knew that suffering is often the divine agent through which students learn Truth. It is a well established fact that Mrs. Eddy made it perfectly clear to the Board of Directors that the estoppels were to remain in the *Manual* and terminate all central control when she was no longer personally present. The Board had on several occasions attempted to persuade her to remove the estoppels or write a clause transferring her authority<sup>25</sup> to them. It is also well established that the Board consulted legal firms during Mrs. Eddy's last years about this issue. That Mrs. Eddy was not much impressed with legal interpretations, but was primarily concerned with obedience to her *Manual By-Laws as written* is evident from her letter to the Christian Science Board of Directors. Facsimile of her handwritten reply is preserved in Lyman P. Powell's book *Mary Baker Eddy* in which after lightly tossing aside their legal presentations, saying that she was not a lawyer and didn't sufficiently comprehend the legal trend of the copy they sent her, to make any comment, she informed them that she *did* feel confident to advise them *never to abandon the By-Laws*. She told them that if she is not personally with them the Word of God and her instructions in the By-Laws and there can be no doubt that by this she was especially directing their attention to the estoppel clauses—would remain to guide them safely on.

Then she speaks of the teachings of St. Paul being as useful today as when they were first written. Paul speaks much of being in bondage only to Christ.

She speaks of obedience to the By-Laws being essential to the *future prosperity* of The First Church of Christ, Scientist, in Boston. None but herself, she says, can know as she knows, the great importance of the combined sentiment of the Church remaining steadfast in supporting its present By-Laws. She indicates the By-Laws will continue to master and forestall any contingency that may arise.

In a postscript she asks the Directors to "put this letter upon our church records."<sup>26</sup>

In this letter she has specifically appealed to them to heed the By-Laws. She didn't say she wanted the Directors to give the Field *their interpretation* of her By-Laws. She wanted them obeyed *as written*.

When Mrs. Eddy spoke of the "future" prosperity of the church, she was, of course, speaking of The First Church of Christ, Scientist, and not of The Mother Church, since The Mother Church, according to the estoppel clauses, would cease to exist after the June, 1911, Annual Meeting, following her passing, as no officer of The Mother Church could be elected without her consent.

### HOW THE ESTOPPELS WORK

In forty different points, the *Manual* clearly shows that the Directors are *not* Mrs. Eddy's successor. Mrs. Eddy issued eighty-eight *Manuals* to protect her church from the evils inherent in a hierarchy or any form of autocracy. "Church" in Christian Science is not an organization, it is the "structure of Truth and Love." Mrs. Eddy definitely has a successor. She named this successor in *Miscellany*, when the *Herald* reporter asked her bluntly, unequivocally, "Will there be a hierarchy, or will it be directed by a single earthly ruler?" In clarification of her much misunderstood reply that her successor would be "a man," Mrs. Eddy's explanation given to the Associated Press, May 16, 1901,<sup>27</sup> stated in part:

What remains to lead on the centuries and reveal my successor is man in the image and likeness of the Father-Mother God, man the generic term for mankind."

But so wedded is the human mind to a *material* sense of government<sup>27a</sup> that many Christian Scientists have not accepted the liberty with which Mrs. Eddy endowed them through her estoppel clauses in the *Church Manual* and her declaration of independence in "The Magna Charta of Christian Science" wherein and whereby man governed by his creator is self-governed.

In a letter to the Field, George Lincoln Putnam, C.S., of San Francisco, California, stated:

Forty times [Mrs. Eddy] has named the Directors in connection with the most vital and essential functions of government, then cautiously worded the By-Law so as to render them incapable of performing those functions legally, or morally, *without the sanction* of a higher power within the Church. Forty times she has thus defined the powers that do NOT belong to the Directors under the general authority to them to "transact business" (Art. I, Sec. 6). For over eight years before her passing, Art. 1, Section 6, read as it now reads: "The business of The Mother Church shall be transacted by its Christian Science Board of Directors." Take your *Manual* and underscore ... the forty vital functions the Directors could *not* perform under Art. 1, Sec. 6 *or any other By-Law* during her lifetime.

Practitioner Putnam's research into the *Manuals* revealed that prior to February, 1901, and the issuance of the twentieth *Manual*, Mrs. Eddy had made only seven (7) positive checks, meaning places in the *Manual* where she had definitely named or indicated the Directors in connection with a specific act, and then so worded the By-Law as to render them absolutely powerless to legally perform that act without the sanction of the Pastor Emeritus.

Year after year, however, she increased the number and scope of these positive checks upon the Directors. As she watched these Directors and comprehended their limitations, she step by step hedged them in, restricted their power, curtailed the range of their independent action, until in 1910 there were forty positive checks on the Directors. And she left them *all* in the *Manual* "for eternity," so that when the

time came for her departure the Directors would be powerless to carry on in their own independent right as a hierarchy.

She once wrote, "Rules are necessary, and I made a code of by-laws, but each one was the fruit of experience and the result of prayer. Entrusting their enforcement to others, I found at one time that they had five churches under discipline. I intervened. Dissensions are dangerous in an infant church. I wrote to each church in tenderness, in exhortation, and in rebuke, and so brought all back to union and love again. "

Putnam further stated that in 1903 Mrs. Eddy was led to make profound and fundamental changes in the form of The Mother Church government after she had carefully watched the Directors in their new capacity for two years and had observed how they "transacted the business of The Mother Church." These two years enabled her to become fully conscious of the Board's limitations. "These radical changes first appeared in the twenty-ninth edition of the *Manual* and were adopted July 30, 1903.

The Directors were so reluctant to publish and give this *Manual* to the Field that Mrs. Eddy had to write and give them "direct orders to bring out [her] *Manual* and not to delay one more day!" She insisted she knew the *Manual* was right. She told them she had been divinely directed to have it published as she had written it; they had adopted the By-Laws; now they were to delay no longer in putting those By-Laws into book form. (Mrs. Eddy's letter to the Board is preserved in the Alice Orgain Library, and in Putnam's 1922 *Letter to the Field*.)

What were the great changes in the twenty-ninth edition that made this *Manual* such a bitter pill to some of the Directors?

(1) She forbade the Directors to make new by-laws, or to amend [her God-impelled] By-Laws. (Art. XXXV, and Deed of Trust, page 136.)

(2) She compelled the Directors, Clerk, Treasurer, and Committees to report to the *members* at "The annual church meeting."

(3) She placed the supreme power in The Mother Church in the hands of the members, by giving them in Art. I, Sec. 9, the final power of removal over the entire Board of Directors, giving them this power *co-equally with the Pastor Emeritus*.

"During Mrs. Eddy's lifetime, " says Putnam, "it was plainly her purpose that the Directors of The Mother Church should be responsible, or accountable, to the members. [At her departure the estoppel clauses dissolved The Mother Church and the five-member ecclesiastical Board.]

"Having waived the estoppel clauses, the Board...in their correspondence with the Trustees between October, 1918, and February, 1919 [magisterially] maintain that because the *Manual* gave to the Directors the power to remove the Trustees from office, it thereby automatically—and without need of further verbiage—gave the Directors certain other vast and compelling powers, namely,

"(a) The power of interpreting the *Manual* in order to ascertain whether or not the [Publishing] Trustees had violated the [*Manual's*] provisions.

"(b) The power to dictate all important matters of policy.<sup>28</sup>

"(c) That none of these powers belonged to the [Publishing] Trustees under the general head of the "transaction of business." [But the fact here was the Publishing Deed Mrs. Eddy granted the Publishing Trustees was a legal irrevocable Deed entirely complete in itself. It didn't require Mrs. Eddy's consent or anyone else's to operate. Any connection it had with The Mother Church was dissolved by the estoppels in the *Church Manual* I.]<sup>29</sup>

Along with these forty (40) positive checks on the powers of the Directors, and before this By-Law (Art. I, Sec. 9) was framed, Mrs. Eddy was given elsewhere in the *Manual* all the power she needed to enable her to cause the removal of any and all officers of the church. Art. 1, Sec. 9, was added for the express purpose of endowing the *members* with this final power, that they might possess it when she would no longer be here in case her estoppel clauses were waived and annulled. This By-Law, says Putnam, was framed in 1903, the year in which she executed her final Will. She was setting her house in order for the change that came December 3, 1910.

The demand for the assent of "The Pastor Emeritus" *before* a Board's act could be legally or morally completed was worded in several ways, but the effect was always the same; it left no loop—hole for the Directors alone to act. In Art. 1, Sec. 9, she gives to the members—the beneficiaries—in the person of "[any] member of this Church or the Pastor Emeritus" the same final power she had reserved to herself, making them co-equal in power at this *supreme point*: the power of removal over the entire Board of Directors. Here is the provision in the *Manual* whereby the mantle of the Pastor Emeritus descends upon the members. Here also is a clear coincidence between the Magna Charta of Christian Science, by Mary Baker Eddy, and the *Manual* by Mary Baker Eddy.

It must also be remembered that when The Mother Church was dissolved by action of the estoppel clauses in June of 1911, there were no longer any "*members of The Mother Church.*" Only the *local* Boston church, governed by the Deed of Trust of 1892, continued to exist as The First Church of Christ, Scientist, in Boston, Massachusetts. This is the way it would have been had Mary Baker Eddy's divinely impelled estoppels in the *Church Manual* not been waived.

When practitioner Putnam wrote the Board of Directors about these forty positive checks on their authority and the estoppel clauses in the *Manual*, and asked searching, intelligent questions, he states that the Board imperiously replied:

Your letter indicates that fundamentally you are not right in your thought about the Church government and our Leader's plan and purpose for the extending of the Christian Science Movement. Until your thought as to these important points is right any discussion with you on the questions raised in your letter would be futile.

The key to the situation lies in the first and last By-Laws. The last By-Law provides that the *Manual* shall not be altered. The first By-Law provides that the officers shall consist of the Pastor Emeritus, a Board of Directors, etc. Since Mrs. Eddy's passing, the attempt has been made to carry on The Mother Church without its chief officer, Mary Baker Eddy, to whom the By-Laws give the supervision over all its other officers. Mary Baker Eddy, the Pastor Emeritus, is an officer who cannot be replaced. This makes it clear that the world-wide organization—The Mother Church—ceased on Mrs. Eddy's departure. From then on Christian Scientists were left to demonstrate their membership in the true Church, governed solely by divine Principle.

On the other hand, Mrs. Eddy established the Christian Science Publishing Society to continue indefinitely under its own "perpetual and irrevocable Deed!" As long as Mrs. Eddy was alive and the Directors had the privilege of electing editors and the general manager, *subject to her consent*, the Publishing Society was the Publishing Society of *The Mother Church*, and the periodicals published by it were the organs of The Mother Church. After Mrs. Eddy's passing and the dissolution of The Mother Church due to the *Manual's* estoppels, the periodicals could scarcely any longer be described as organs of The Mother Church. The Publishing Society would then have to ensure that the periodicals were excellent, or at least so good that Christian Scientists and others would *want* to subscribe for them.

The Publishing Society was apparently to be the only official "teaching" institution when Mrs. Eddy was no longer here, to approve teachers, and to sign the teaching certificates issued.<sup>30</sup> Mrs. Eddy carefully arranged for the cessation of all "teaching" under the official sanction of headquarters, except by the Publishing Society, which would, of course, be subject to the criticism of all Christian Scientists. An example of this criticism descended in 1922, shortly after the Directors wrested the Publishing Society from the Trustees and published an editorial in the *Monitor*, which the Field thought of as spiritualistic teaching, and poured an avalanche of criticism on the editors.

Regarding teaching, Mrs. Eddy said, "My published works are teachers and healers,<sup>31</sup> and "you can well afford to give me up since you have in my last revised edition of Science and Health your teacher and guide."<sup>32</sup> Mrs. Eddy implied that all Christian Science practitioners should teach when she wrote that "the practitioner ... should teach his students to defend themselves from all evil and heal the sick by recognizing the supremacy and allness of good."<sup>33</sup> The best teacher is described by Mrs. Eddy as "the student who heals by teaching and teaches by healing, [this student] will graduate under divine honors, which are the only appropriate seals for Christian Science."<sup>34</sup>

No further "official" lecturers would be appointed since the required approval of the Pastor Emeritus was no longer obtainable (Art. XXXI, Sec. 1), and the existing official lecturers would have terminated their duties at the end of the year for which they were appointed.

After the departure of Mrs. Eddy the editors and the manager of the Christian Science Publishing Society (Art. 1, Sec. 3) could not be elected by the five-member Board of Directors since their office had been terminated by the estoppel clauses in the *Manual*, and the four-member Board of Directors, under the 1892 Deed of Trust had never had any connection with the Publishing Society.<sup>35</sup> The editors and manager of the Publishing Society would therefore be appointed by the Publishing Trustees under paragraph 6 of the Publishing Society Deed of Trust. Had the *Manual's* estoppel clauses been obeyed, the Board of Directors would have been the Board of the local Boston church only, The First Church of Christ, Scientist, in accordance with their 1892 Deed of Trust which clearly spelled out the limits of their authority. The Director who died in 1912 would not have been replaced, leaving a legitimate Board of *four* under the 1892 Deed. Actually, a 5th Director was illegal after June, 1911.

Regarding "discipline," the *Manual*, Article XI, Sec. 13, states: "Each church shall separately and independently discipline its own members—if this sad necessity occurs."

In summary, the question each individual Christian Scientist must decide for himself is:

Do I follow what Mrs. Eddy wrote in her *Church Manual*, or do I follow the Board of Directors' *interpretation* of what Mary Baker Eddy wrote?

What was the dominant intent and purpose of our Leader as set forth in her *Manual*? Was it not to insure eternal freedom in consonance with her "Declaration of Independence" and her "Magna Charta"?

The estoppels confirm and bear eloquent testimony to Mrs. Eddy's statements: "Christian Science is not copyrighted."<sup>36</sup> "Truth cannot be stereotyped; it unfoldeth forever." Official Boston's attempts to freeze Christian Science at the level of understanding the Field had attained by 1910, is a denial of the dictionary's definition of "science," as that which "includes trustworthy methods for the discovery of new truth within its own domain" (Oxford dictionary). When Mrs. Eddy's Science is understood in its pure Science and in its structural relationships, we will understand the trustworthy method for discovery, because a discovery is simply the bringing to light of new relationships, which have always existed but have not previously been perceived. This is why Mrs. Eddy could state that Christian Science is neither copyrighted nor stereotyped, but that it unfolds forever.<sup>37</sup>

Frozen dogma, ritual, and creed should have been forever melted away by the fire of love that came down from divine Principle to dictate the *Manual's* estoppel clauses which freed each Christian Scientist to teach, preach, read, speak, or write as God inspired him, undeterred by lack of "official" approval. For the

past seventy years the waiving and annulling of Mrs. Eddy's estoppels has held the Christian Science Movement in the grasp of legalism and ecclesiastical power and it is to the exposure and correction of this legalism and ecclesiasticism that we now turn.

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<sup>1</sup> See Appendix, p. 185 or Church Manual p. 128-138

<sup>2</sup> See Appendix, p.193

<sup>3</sup> See Appendix, p.212

<sup>4</sup> See Appendix, p.223

<sup>5</sup> See Appendix, p.255

<sup>6</sup> Preserved in Alice Orgain Library, and in Carpenter Foundation material.

<sup>7</sup> Also preserved in Rare Book Room of Library of Congress, Wash., D.C.

<sup>8</sup> The second "organization" resulted in The Mother Church for which Mrs. Eddy's estoppel clauses in the Manual provided the dissolution at her passing

<sup>9</sup> See Appendix or Church Manual p128-135 for complete text of deed.

<sup>10</sup> My. 12:22

<sup>11</sup> Man. P.3

<sup>12</sup> See Appendix for full text of Publishing Society Deed of Trust, p. 187

<sup>13</sup> Herbert W. Eustace, "Christian Science."It's Clear Correct Teaching,".xxv.

<sup>14</sup> Mary Baker Eddy: Her Spiritual Precepts is well-stocked with rebukes to her Board of Directors, as are certain other documents extant.

<sup>15</sup> Adelaide Still's Memoirs

<sup>15a</sup> Following Judge Clarkson's visit Mrs. Eddy wrote the priceless, inestimable article found on p.44-47 of "Essays and Other Footprints," which was copyrighted December 19, 1900.

<sup>16</sup> See March 25, 1919 Bill in Equity for nature of this challenge. Appendix, p. 193.

<sup>17</sup> The Court recognized the estoppels but did not actually grasp their full meaning; the Court apparently did not see that the estoppels terminated The Mother Church and all central control.

<sup>18</sup> Fiduciary means to hold something in trust; founded in "trust and confidence."

<sup>19</sup> See testimony of Mrs. Mable E. Brill, p.13

<sup>20</sup> No teacher's certificate was valid following Mary Baker Eddy's passing. The proper signature is missing on all certificates issued after December 3, 1910. The Christian Science Publishing Society survived as the only "official" teaching institution according to the Manual's estoppel clauses. See. 358:4

<sup>21</sup> See Appendix for Mrs. Eddy's Will and two codicils

<sup>22</sup> Article XXXV, Section I and 3

<sup>23</sup> Page 48 of Science and Health delineates Mrs. Eddy's experience on earth as well as Jesus'.

<sup>24</sup> Message for 1900 p. 8:26

<sup>25</sup> Verified in A Statement by John W. Doorly. See Footnote p. 24-A. Refer also to p. 13, testimony of Mabel E. Brill.

<sup>26</sup> Preserved in Alice Orgain Library; also found in Lyman P. Powell's Mary Baker Eddy, The MacMillan Co. 1930

<sup>27</sup> My. 346:18-347:5

<sup>27a</sup> My. 343:23

<sup>28</sup> The fact of course, was that the Directors had been shorn of all power through the action of the estoppels.

<sup>29</sup> George Lincoln Putnam's Letter to the Field. San Francisco, 1922 (Available from Bookmark, P.O.801145, Santa Clarita, Ca. 91380

<sup>30</sup> See Art. XXVII, Sec. 2; Art. XXVIII, Sec. 4; Art. XXX, Sec. 3.

<sup>31</sup> My. 218:24

<sup>32</sup> Mis. 136:18

<sup>33</sup> My. 364:13

<sup>34</sup> Mis. 358:4. See also Mis. 315:9

<sup>35</sup> See Man. P. 128-138

<sup>36</sup> Ret. 76:2

<sup>37</sup> No. 45:27

### *Chapter III*

## *LEGALISM'S CHALLENGE TO MRS. EDDY'S*

# CHURCH MANUAL

*Exposure is necessary to ensure the avoidance of evil. (S&H. 571:4)*

*Covering iniquity will prevent prosperity and the ultimate triumph of any cause (S&H. 446:30)*

*Resisting evil, you overcome it. (S&H. 446:24)*

OUR church must "be rescued from the grasp of legal power and now it must be put back into the arms of if we would not be found fighting against God"—Mary Baker Eddy<sup>1</sup>

This chapter will discuss the nature of the permanency or impermanency of The Mother Church, and will further consider the *Church Manual of The First Church of Christ, Scientist, in Boston, Massachusetts*, and how the Boston hierarchy's legal interpretation of the *Church Manual* declaring the material organization to be permanent—has all but destroyed the great prosperity the Christian Science Movement enjoyed at the beginning of this century.

There had always been those who felt Mrs. Eddy's *Manual* should be obeyed as written—that the estoppels should be obeyed *as written*. After the "great literature litigation" of 1919-1922 an increasing number of Christian Scientists raised the question of obedience to the estoppels. These continuing expostulations from the Field resulted in the publication of a series of tracts by the Boston authorities, stressing the "permanency of The Mother Church and its *Manual*."

These pamphlets—especially a pamphlet entitled, *The Permanency of The Mother Church and Its Manual*, for sale in Christian Science Reading Rooms, raised questions in members' minds: If Mary Baker Eddy formed a church and *intended* it to continue forever, why is it necessary to print pamphlets presenting opinions and interpretations from *legal* groups to justify its continued existence? On the other hand if Mrs. Eddy *did not* intend the church organization to continue forever, why is there such a concerted effort by the Boston church authorities to continue the organization through legal means in the face of Mrs. Eddy's instructions?

Mrs. Eddy found that when she could no longer devote most of her time to the church organization it quickly deteriorated. This convinced her that it was time to go forward in spiritual organization alone, and that she must spend the next few years in revising the textbook to make it the teacher of the future. In 1889 she therefore asked her students to disorganize. And while the second organization was not yet even contemplated we already see in the following statement, though faintly delineated, the certain coming of the estoppels:

When students have fulfilled all the good ends of organization, and are convinced that by leaving the material forms thereof a higher spiritual unity is won, then is the time to follow the example of the Alma Mater. Material organization is requisite in the beginning; but when it has done its work, the purely Christly method of teaching and preaching must be adopted.<sup>2</sup>

Here is clear evidence that Mary Baker Eddy did not intend the material church organization to continue forever. In dissolving The Mother Church through her estoppel clauses she was again setting an example as she had previously done in dissolving the first organization in 1889, at which time she urged them on to *spiritual* organization alone, saying: "I am still with you on the field of battle, taking forward marches, broader and higher views, and with the *hope that you will follow*."<sup>3</sup>

Further testimony indicating Mrs. Eddy's fundamental distrust of continued material organization is found in the following:

The apprehension of what has been, and must be, the final outcome of material organization, *which wars* with Love's spiritual compact, caused me to dread the unprecedented popularity of my College<sup>4</sup> ...”

Despite the prosperity of my church, it was learned that material organization has its value and peril, and that organization is requisite only in the earliest period in Christian history. After this material form of cohesion and fellowship has accomplished its end, continued organization retards spiritual growth, and should be laid off—even as the corporeal organization deemed requisite in the first stages of mortal existence is finally laid off, in order to gain spiritual freedom and supremacy.<sup>5</sup>

That Mrs. Eddy hoped her students would follow her example there is ample evidence. But, as Jesus, Moses, and other great spiritual leaders found, she could not legislate or force spiritual freedom on her students.

In *Permanency of The Mother Church*, Judge Smith writes:

From the time she founded The Mother Church, all that she did and said evinced the intention that it should be permanent.

The continued policy of the Board of Directors of The Mother Church, since 1910, to lean on, promote, and emphasize material organization in their reach for power and authority, has all been done despite the estoppel clauses in the *Manual* which definitely unfrocked the five-member ecclesiastical Board at the June, 1911, Annual Meeting when these church officers could not be reelected without the consent and approval of the Pastor Emeritus, Mary Baker Eddy.

### **FIRST CHURCH ORGANIZATION— 1879-1889**

The first organization (1879-1889) existed with only slight central control from Boston. Mrs. Eddy sent out teachers and practitioners to various parts of the Field to found churches, to teach students, and to bring a healing activity to the local communities. The Boston church was under a civil charter just as the churches elsewhere were under civil charter. There was *no central organization* since its officers were concerned only with the Boston church.

### **SECOND CHURCH ORGANIZATION— FIRST MANUAL**

The first *Manual* appeared in 1895, three years after the second organization was formed, and it left most functions of the church administration to the then four members of the Board of Directors, although their duties were not specifically mentioned in the *Manual* until several years later.

### **SECOND MANUAL**

In the second *Manual*, also issued in 1895, Mrs. Eddy began a gradual process of delegating duties to the Board of Directors, but making their actions always subject to her approval in one form or another.

Legally this is what is called "to stop," and in legal instruments an estoppel clause means a clause which stops, prevents, or bars an action.

After Mrs. Eddy's departure the Boston rulers of the Movement challenged the legality of the *Manual's* estoppel clauses, maintaining that since it was impossible to obtain her approval in those numerous instances in the *Church Manual* where such approval was mandatory, the estoppels should be waived. Thus the Board of Directors fell back on human law, for guidance, in which an impossible condition is rejected. But the *Church Manual* is ecclesiastical and hence not subject to interpretation by civil law criteria as the Chief Justice pointed out in the "great literature litigation."

In a previous chapter we saw that within a month after Mrs. Eddy's passing the Board of Directors issued their own *Manual*, the 89th, currently in use, from which they deleted Mrs. Eddy's name and office as Pastor Emeritus.<sup>6</sup> But Mary Baker Eddy, Pastor Emeritus, is an officer who cannot be replaced and the attempt to carry on The Mother Church without its chief officer, Mary Baker Eddy, to whom the By-Laws give the supervision over all the other officers, should never have been made.

In Article XXXV, Sections I and 3 (pp. 104 and 105) of the *Church Manual*, Mrs. Eddy wrote:

Article XXXV, Section 1: This *Manual* shall not be revised without the written consent of its author [Mary Baker Eddy].

Section 3: No new Tenet or By-Law shall be adopted, nor any Tenet or By-Law amended or annulled, without the written consent of Mary Baker Eddy, the author of our textbook, Science and Health.

In Article XXXV Section 3, Mrs. Eddy says that the By-Laws shall not be "annulled" without her written consent. Yet this is what the Board has done since our Leader's passing, through legally challenging the estoppels in the *Manual*. The words remain—no amendment or revision has been made to remove the estoppels—but the estoppels are *quietly ignored* to insure the permanency of The Mother Church and its officers, the five-member ecclesiastical Board which usurped power at Mrs. Eddy's passing.

According to Parliamentary law one of the oldest methods of amending is to "strike out" certain phrases or clauses or portions of a document. It is self-evident that the waiving or disregarding of the *Manual* estoppels was, in effect, none other than the well-known Parliamentary law method of amending by "striking out!"

At this point it is important to remember that the legal Deed of Trust of March 19, 1903, conveyed the land for the Extension "on the *further trust that no new Tenet or By-Law shall be adopted, nor any Tenet or By-Law amended or annulled* by the grantees unless the written consent of said Mary Baker G. Eddy ... be given therefor."<sup>7</sup> Her incorporation of this "estoppel" in her *legal* document absolutely bound the Board of Directors to obey *all* the estoppels in the *Church Manual*.

## EIGHTH MANUAL

The eighth *Manual* formalized the ecclesiastical Board of Directors, establishing that it could *not* fill vacancies on its own responsibility, and thus we see that *two* Boards of Directors have been established: one fiduciary<sup>8</sup> and self-perpetuating; the other ecclesiastical and *not* self-perpetuating. Additional changes deprived the Board of electing Readers. The Board could now only *nominate* Readers for The Mother Church and Mrs. Eddy had to approve them. Similarly, candidates for "First Members" had to be approved by Mrs. Eddy and then elected by a unanimous vote of First Members whereas, under previous By-Law provisions, this could all have been done by the Board of Directors. This curtailing and chipping away at

the authority of the Directors, by Mrs. Eddy, was all done to prevent an ecclesiastical hierarchy from developing at her departure, and to keep her church from again falling into "the grasp of legal power."

### TENTH MANUAL

In the tenth *Manual*, issued in 1899, the Board was mentioned for the first time—four years after the first *Manual*, and seven years after the ecclesiastical church was formed. (This was the four-member Board wearing ecclesiastical hats, as it were.)

In this *Manual* Mrs. Eddy's approval was required for the election of a President, by the Board. (See current *Manual* p. 25:5, Article 1, Section 2.)

### TWELFTH MANUAL

In the twelfth *Manual* a new By-Law stated it was the duty of the *church* to see that the periodicals were ably edited and managed, but in a later *Manual* this was changed to read that it was the duty of the *Board of Directors* to see that the periodicals were ably edited and managed. We can see how Mrs. Eddy was simplifying her plan to terminate The Mother Church at her passing, because an estoppel clause would preclude the reelection of the five-member ecclesiastical Board.

In the summer of 1908, after the Church By-Laws had practically reached their present state of completeness, and all of the discipline and executive management of the church had passed into the hands of the Board of Directors, Mrs. Eddy repealed the By-Law providing for "Executive Members (formerly known as "First Members"). This left the Board of Directors—subject to Mrs. Eddy's supervision and control—in full charge of the *business of The Mother Church*. This was the situation the Directors found themselves in at the time of Mrs. Eddy's passing, December 3, 1910. The only thing that then stood in the way of dissolving the material organization and all centralized control was the willingness of the Directors to obey the *Church Manual* containing estoppel clauses.

When the Board of Directors returned the church to "the grasp of legal power" Mrs. Eddy's plan was temporarily defeated; nevertheless "it is only a question of time when God shall reveal His rod, and show the plan of battle."<sup>9</sup>

### EIGHTEENTH MANUAL

The eighteenth *Manual* was issued in 1900. In this *Manual* the Librarian of The Mother Church was to be elected by the Board of Directors subject to the approval of the Pastor Emeritus. The Librarian had previously been elected by the Trustees of the Publishing Society, so the change was necessary because had the Librarian been under the control of the Publishing Society when The Mother Church was dissolved, it would have worked against the Deed of Trust of the Publishing Society.

### TWENTIETH MANUAL

In the twentieth *Manual*, issued in 1901, the business affairs of the Church were shifted from the First Members to the Board of Directors. Mrs. Eddy foresaw that the First Members would shortly be disbanded and that the business affairs of the church would have to rest with the Board of Directors so that the whole operation, as we just saw, could be dissolved by authority of the estoppels when she passed on.

## THE TWENTY-EIGHTH MANUAL

In the twenty-eighth *Manual*, issued in February of 1903, an important change was made; the number of Directors (ecclesiastical) was changed from four members to *five* members. The Deed of Trust of September 1, 1892, was irrevocable and had *four* Directors, so this change in the *Manual* had nothing to do with the number of Directors under that Deed. Further, the Deed of Trust of *March 19th, 1903*, covering land for the Extension, which Mrs. Eddy executed a month later, again named *four* Directors, and so confirmed the four Directors in the Deed of September 1, 1892. This makes it clear that Mrs. Eddy had two Boards, one ecclesiastical and temporary, under the *Manual*, to be terminated when she was no longer present to consent and approve. The other Board was a self-perpetuating Board, affirmed and reaffirmed *after* the *Manual* change to *five* Directors. Archibald McClellan took office as the fifth Director in February of 1903.

Thus we see that the four Directors in the irrevocable Deed of Trust remained four in number regardless of the change in the ecclesiastical Board of Directors governed by the *Church Manual*.

## THE TWENTY-NINTH MANUAL

In the twenty-ninth *Manual*, issued in 1903, the Board was authorized to see that the officers of the church faithfully performed their duties.

In the twelfth *Manual* "the church" had been entrusted with the obligation to see that the periodicals were ably edited and managed. In the twenty-ninth *Manual* this is changed, and the Board of Directors is charged with this responsibility. When The Mother Church and its officers were dissolved by the estoppels, this obligation was the sole responsibility of the Publishing Society Trustees under their Deed of Trust.

This is the *Manual* that George Lincoln Putnam referred to as "such a bitter pill for the Directors" because it forbade the Directors to make new by-laws; compelled the Directors, Clerk, Treasurer, and Committees to report to the members at the annual church meeting; and placed the supreme power in The Mother Church in the hands of the members. A two-thirds vote of the Executive Members (who had succeeded the First Members by a By-Law change in this same twenty-ninth *Manual*) with the consent of the Pastor Emeritus, could now remove all of the Board of Directors— meaning of course the five-member ecclesiastical Board. Therefore, both the Finance Committee and the Executive Members had the opportunity to remove the five-member ecclesiastical Board which operated under the *Church Manual*.

It is of interest to note in connection with the legal church under the Deed of Trust of September 1, 1892, and the ecclesiastical church under the *Manual*, that the present Article XXIII, Section 1, titled "Local Self-government," originally read: "The First Church of Christ, Scientist, in Boston, Mass." This was now changed to read: "The Mother Church of Christ, Scientist ..." as in our present *Manual*. This accomplished two things, says Dr. Shawk in his recorded talks on the *Church Manual*: it removed the fiduciary church, under the legal Deed of Trust, from the ecclesiastical *Manual*, and at the same time placed a ban on The Mother Church's interference with the branches in any way. We see again how carefully Mrs. Eddy planned to prevent her church falling prey to legalism's challenge.

The *impermanency* of The Mother Church and its auxiliary activities is most apparent in the two legal Deeds of Trust Mrs. Eddy placed in the *Church Manual*, and which we will take up next.

## FIRST AND SECOND DEED OF TRUST<sup>10</sup>

In the *Church Manual*, pp. 128-135, there is a legal Deed of Trust dated September 1, 1892, naming *four* Directors: Ira O. Knapp, William B. Johnson, Joseph S. Eastaman, and Stephen A. Chase, "and to their legitimate successors in office forever."

The Deed provides, among other things, that "said grantees shall be known as the 'Christian Science Board of Directors,'" and shall constitute a *perpetual* body or corporation.

Paragraph six says that "the *congregation* which shall worship in said church shall be styled 'The First Church of Christ, Scientist'."

Paragraph ten states: "Whenever said Directors shall determine that it is inexpedient to maintain preaching, reading, or speaking in said church in accordance with this deed, they are authorized and required to reconvey forthwith said lot of land with the buildings thereon to Mary Baker G. Eddy, her heirs and assigns forever by a proper deed of conveyance . "

The second document, dated March 19, 1903 (see *Manual* p. 136) is a Deed of Trust conveying land for a church edifice. Early in the Deed we find the following statement: "that the land conveyed by said deed was conveyed to the grantees therein, as they are the Christian Science Board of Directors, upon the trusts, but not subject to the conditions mentioned in the deed creating said Board [Ira O. Knapp, William B. Johnson, Stephen A. Chase and Joseph Armstrong who had replaced Eastaman during those eleven years] given by Mary Baker G. Eddy to Ira O. Knapp and others, dated September 1, 1892. ... In addition to the trusts contained in said deed of September 1, 1892, from Mary Baker G. Eddy, this property is conveyed *on the further trusts that no new Tenet or By-Law shall be adopted, nor any Tenet or By-Law amended or annulled* by the grantees...."

We can see that in the first of the two deeds:

- (1) The Board of Directors was formed, and provision made for its continuity as long as required.
- (2) The edifice was authorized and its use outlined.
- (3) The CONGREGATION to worship in the (little) Mother Church was named "The First Church of Christ, Scientist." (It is the little, original church, at first called 'Mother's church' that is referred to here.)
- (4) The deed is irrevocable and perpetual.
- (5) Provision is made for the dissolution of this trust and all of its conditions.

We can likewise see that in the *second* of the two deeds:

- (1) All trusts in the first deed are included in the second deed.
- (2) None of the *conditions* of the first deed are included in the second deed.
- (3) An *additional trust* is included covering Tenets and By-Laws.
- (4) The number of Directors established in the first Deed is reaffirmed in the second Deed. There are still four. They are specifically named.

## **IMPORTANT CHANGE IN CHURCH MANUAL**

In between the execution of the two Deeds of Trust, as we have already seen, Mrs. Eddy, in the 28th *Manual* in February, 1903, changed the number of Directors, creating a five-member Board. A month later she reaffirmed a legal Board of four members in her March 19, 1903 Deed of Trust.

The dates are significant because the change from four to five Directors in the *Church Manual*, and the reaffirmation a month or so later, in the second Deed, of the four-member Board established in the 1892 Deed, shows that Mrs. Eddy made the five-member Board an ecclesiastical *body* under the *Manual*, and retained the four Directors in the Trust Deeds as self-perpetuating fiduciary members.

In the next chapter we will see how this matter of the two different Boards relates to civil law

## **TWO BOARDS OF DIRECTORS ESTABLISHED—**

## ONE FIDUCIARY, ONE ECCLESIASTICAL

We have now seen how Mrs. Eddy established and identified two Boards of Directors. The first under the Deed of Trust of September 1, 1892, consisted of *four* members authorized to fill vacancies in their own ranks on their own responsibility. Under the conditions of that Deed they could dissolve all operations when it was deemed inexpedient to maintain preaching, etc. (Paragraph 10; see also paragraphs 9 and 11 of Deed.)

Since this Deed was a *legal, civil* document, the Board of Directors was responsible first to the law of the land.

Thus we have seen that eleven years later (and *after* she had named an ecclesiastical Board of *five* Directors) Mrs. Eddy on March 19, 1903, executed a second Deed of Trust in which she affirmed and reaffirmed the establishment of the "Christian Science Board of Directors" under the 1892 Deed, and again identified this group as being composed of FOUR named individuals. Further, while they were governed by all of the *trusts* of the earlier Deed, none of the *conditions* of the first Deed extended to the second Deed (See Manual pp. 136-138, or Appendix, p. 185). However a very important stipulation was contained in the second Deed, namely that no new Tenet could be adopted, nor any changes be made in the existing Tenets or By-Laws. The wording is almost identical with that found in Article XXXV, Sections 1 and 3, of the *Manual*.

Then we saw that in the 28th *Manual* of February, 1903, Mrs. Eddy had changed the number of members constituting the Board of Directors under the *Church Manual* (Art. 1, Sec. 5) from four to five members. This change in the By-Laws established a second Board of Directors whose authority and duties flowed from the *ecclesiastical* document governing The Mother Church, meaning the *Manual of The First Church of Christ, Scientist, in Boston, Massachusetts*. This Board is ecclesiastical. Its members cannot be elected unless the candidate is approved by the Pastor Emeritus (see Article I, Sec. 5, p. 26, lines 21-25 of the current *Manual*), Provision for the removal of one or all of the five-member ecclesiastical Board was made by Mary Baker Eddy in Art. 1, Sec. 5, p. 26, and Sec. 9, p. 29; and Art XXIV, Sec. 6, p. 77.

Compare these regulations for the ecclesiastical Board with those for the fiduciary Board, and it becomes apparent that (a) the two Boards are not the same; (b) the ecclesiastical Board could be removed at any time; the fiduciary Board could not. The ecclesiastical Board is controlled by the estoppel clauses requiring the *approval of Mrs. Eddy (or Pastor Emeritus)* in one form or another (and this ecclesiastical Board would be *dissolved* at the passing of Mrs. Eddy); and (c) the *fiduciary* Board, while it could terminate itself by its own decision, did not need Mrs. Eddy to give personal approval as is required in the *Church Manual* for the ecclesiastical Board.

This is all relevant to the question of the "permanency" of The Mother Church, the tract mentioned earlier, entitled, *Permanency of The Mother Church and Its Manual*, by Clifford P Smith, with Foreword by the Board of Directors.

In this tract Judge Smith also implies that with no Mother Church there can be no branches. But the fact is that at the time Mrs. Eddy dissolved her first Boston organization in 1889 there were 98 churches in the country (see February *Journal* of 1890); and just prior to the formation of the second organization on September 23, 1892, there were 210 churches (see September *Journal*, 1892). Thus in the interim, when there was NO Boston organization (no Mother Church) in being, 112 churches were established.

Then he states: "Later she established the present worldwide organization, The Mother Church, The First Church of Christ, Scientist, in Boston, Massachusetts, and its branches. ..." This is not correct, because by the Deed of Trust of September 1, 1892, Mrs. Eddy only provided a place where a "congregation" could worship, and "the *congregation* which shall worship in said church shall be styled "the First Church of

Christ, Scientist (Man. p. 132:4). Nothing is mentioned about "The Mother Church" or a "worldwide organization"

Additionally, Article XXIII, Section 2, "Titles" states:

" 'The First Church of Christ, Scientist,' is the legal title of The Mother Church." The Mother Church itself, being *ecclesiastical*, has no *legal* status. The Board of Directors' statement indicates that The Mother Church embraces The First Church of Christ, Scientist, "and this," states Dr. Shawk, is thus *incorrect*. The Mother Church does not embrace The First Church of Christ, Scientist in Boston. Through the estoppel clauses in the *Manual* The Mother Church was dissolved completely at Mrs. Eddy's passing and so could embrace no Church of Christ, Scientist. The First Church of Christ, Scientist, could embrace a *spiritual concept* of The Mother Church but not the reverse.

Further, on the second page of the Board of Directors' Foreword to Smith's tract, we read: "Under the jurisdiction of this Church, through provisions written by Mrs. Eddy in the *Church Manual*, she established the many needful activities of the Christian Science movement."

Let us see what Mrs. Eddy *did* provide temporarily while she was still here to govern and supervise, and what the *Manual* actually provides: Article 1, Section 8, "Trusteeships and Syndicates states, "Boards of Trustees and Syndicates may be formed by The Mother Church, *subject to the approval of the Pastor Emeritus*." Thus the *Manual* *PROHIBITS* the formation of what the Board of Directors in their "Foreword" refer to as "the many needful activities of the Christian Science Movement," initiated by The Mother Church, since Mrs. Eddy's passing in 1910.

In the Foreword to *Permanency of The Mother Church*, the Board of Directors also indicate that the Christian Science Publishing Society was created by the *Manual*.

This is not correct.

Mrs. Eddy formed the publishing Society by a Deed of Trust executed January 25th, 1898, and the 8th *Manual* of 1898<sup>11</sup> carried a portion of the provisions of the Publishing Society Deed of Trust. As long as Mrs. Eddy remained with us the Publishing Society had a relation to The Mother Church, but it had *no* relation at *any* time to The First Church of Christ, Scientist, under the Deed of Trust of September 1, 1892.

Continuing in their "Foreword" to *Permanency of The Mother Church*, the Board of Directors refer to the provision for the proper training of teachers of C.S. and for the conduct of their classes and the annual meeting of their students, etc. But under Article XXVIII, Section 2, we again find an estoppel clause which brings to a halt "official" teaching when Mrs. Eddy's approval is no longer available. But, as we have already seen, this does not prevent teaching. Mrs. Eddy opened the door to all genuine teaching when she wrote: "The student who heals by teaching and teaches by healing will graduate under divine honors which are the only appropriate seals for Christian Science ... <sup>12</sup>Qualifications for membership in Mrs. Eddy's spiritual church are: "The Bible, together with Science and Health and other works by Mary Baker Eddy, shall be his only textbooks for ... teaching and practicing metaphysical healing."<sup>13</sup> Nothing about being "officially" taught.

Through the estoppels Mrs. Eddy terminated all centralized control, insisting individuals are entitled to freedom of thought and action in religion and Science, "Let us serve instead of rule...and allow to each and every one the same rights and privileges we claim for ourselves."<sup>14</sup> Yet, as Professor Braden states:

... there is nowhere now any more centrally *controlled* religious organization than the church she founded. As a matter of fact, it is the rigidity of the organizational structure with its extraordinary *controls* over its branch churches, its members, and particularly over its teachers, readers, lecturers, practitioners, and other responsible leaders, that has been the occasion for most of the conflict that has been aroused.<sup>15</sup>

This "control" is particularly noticeable in the teaching field. Within the Movement today there are many excellent spiritually minded teachers, but once they have been made an "official" teacher they have signed away all rights to speak, write or publish freely. Everything must be "approved" by the Board of Directors. This bondage to a Board of—Director mind—control system is the antithesis of all Mary Baker Eddy taught. Our cause can only be carried forward as her admonition is heeded: "Let the Word have free course and be glorified."<sup>16</sup> The present sad condition of our branch churches is the result of the control the Boston organization maintains over them, even to the point of having it written into their by-laws that when they close and are sold, the proceeds are to go to The Mother Church. This is currently a much-discussed subject.

Earlier we spoke of Mrs. Eddy's letters of warning to the church and to William B. Johnson, clerk of The Mother Church, apprising them of the dire consequences of organizing a second time, predicting it would "ruin the prosperity of the church." To ward off the impending danger she foresaw, she allowed a "Mother Church" to exist *only* so long as she was personally there to govern it. Once it was decided to reorganize, she would not permit her Board of Directors or other immediate students to set up their *own* church organization, as can be inferred from the following news item [circa 1892]:

...When they met in Miss Bartlett's rooms for the purpose agreed upon, Dr. Foster Eddy was there to present...Mrs. Eddy's plan for founding the church...Later Mrs. Eddy was to point out that this was not the Board of Directors' church, or anybody else's church, but definitely "my church" [Stetson, Sermons, pp. 218-220]. Eventually she stipulated that all...deeds must include the phrase "Mary Baker Eddy's Church" (Man. p. 102:16, Article XXXIV, Section 2). Plainly the church was to be hers and not theirs.<sup>17</sup>

When inquiries came from the Field as to whether the *Manual* also governed the branch churches, a representative was sent to ask Mrs. Eddy about this. She replied, "Anyone should be able to see that the *Manual* is only for a church that I control."<sup>18</sup> While Mrs. Eddy was with us it may have appeared to the Field that the Board of Directors was in control, but the real control was always with Mrs. Eddy. The Directors did whatever Mrs. Eddy directed them to do. She held the reins at all times, and could at any moment dismiss a Board member or the entire Board.

\*\*\*INSERT PAGE 82, 83 & 84

#### SERMONS AND OTHER WRITINGS

Facsimile excerpt from Mrs. Eddy's letter pointing out that The First Church of Christ, Scientist was *her* church and not the Board of Directors' church.

#### SERMONS AND OTHER WRITINGS

\*\*\* INSERT PAGE 85

#### NORTH GALLERY WINDOW

*The First Church of Christ, Scientist-C.S. Journal Vol. 13*

## RECOGNITION OF ESTOPPEL CLAUSES BY SUPREME JUDICIAL COURT

In their decision dated November 23, 1921, the Supreme Judicial Court of Massachusetts recognized that there were two Boards of Directors. (The Court, of course, did not recognize this fact in the sense of making a correct differentiation.) They saw that one Board was ecclesiastical, deriving its powers from the Church Manual and composed of five members.

The second Board of Directors derived its power from the 1892 Deed of Trust, and was a self-perpetuating legal body. Its functions are defined in the Manual (pp. 128-135), none of which extend beyond the local Boston church.

It was to the advantage of the five-member ecclesiastical Board of Directors to confuse church members regarding the five-member Board and the four-member Board. An article by George Wendell Adams, a former Director of The Mother Church, reveals this confusion, resulting from the Directors' attempts to hold a completely spiritual organization in the grasp of material organization.

### GEORGE WENDELL ADAMS ARTICLE

In his article, George Wendell Adams states, "Another significant fact is that the Deed of Trust which was the nucleus of The Mother Church organization ...."

This is not correct. Neither the Deed of Trust of September 1, 1892, nor the Deed of Trust of March 19, 1903, had anything to do with The Mother Church organization, nor did it have anything to do with the Manual or any other ecclesiastical matter. It did relate to the Manual in that the 1903 Deed of Trust granted land for the extension on the condition that the By-Laws in the Manual would be obeyed as written with its estoppel clauses.

(The Manual, p. 132, paragraph 6, says: "The congregation which shall worship in said church shall be styled "The First Church of Christ, Scientist.") Adams' article further states that the Deed of Trust "does not call for Mrs. Eddy's approval in writing or otherwise...." This is correct, *but it has nothing to do with the ecclesiastical Board of five Directors under the By-Laws of the Manual who do require Mrs. Eddy's consent and approval.*

On page 3 Adams states: "This deed, dated September 1, 1892 ... created the Board of Directors and provided for their successors in office,..." which is correct, but he adds, "...and for certain other important administrative offices and functions of fundamental importance. This again is *incorrect*, as can readily be seen by reading Mrs. Eddy's provisions in the Deed of Trust in the *Manual*, paragraphs 1 through 11, on pp. 130-133, where the actual functions of the Board of Directors are defined. They are limited to keeping a preacher or reader in the pulpit, keeping the building in repair, etc. The building was to be maintained as a local branch church for the people of Boston who wished to worship in that edifice. Nothing is mentioned about "other important administrative offices and functions of fundamental importance. "

In his article, Adams refers to the letter Mrs. Eddy wrote the Board of Directors in response to their letter pertaining to legal matters (which we noted in Chapter II p. 55). There we noted Mrs. Eddy's primary concern was not with "legal" matters but with strict obedience to her By-Laws *as written*.

In this letter Mrs. Eddy wrote that if she was not personally with them her instructions in the By-Laws would remain to guide them safely on; and the teachings of St. Paul, she said, are as useful today as when they were first written.

In commenting on this letter from Mrs. Eddy, Dr. Shawk says that one of St. Paul's teaching was, "Dare any of you, having a matter against another, go to law before the unjust, and not before the saints?" (I Cor. 6:1).

Thus, we come to "the law" implied in Mrs. Eddy's reference to the teachings of St. Paul. In this matter of *law*, various versions of George Wendell Adams' church tract have appeared over the years and in each version one or more letters from prominent Boston legal firms are quoted in full, indicating the Board's need to justify its position legally.

In an early version, copyright 1927 by the Christian Science Publishing Society, three such letters from legal firms were included. The first was from

Choate, Hall & Stewart  
Counselors at Law  
30 State St. Boston  
(June 30,1926)

The second letter is from

John L. Bates  
Counselor at Law  
73 Tremont St. Boston  
(Sept.3, 1926)

The third letter is from

Abbot, Dane, Buffum & Sanderson  
Counselors at Law  
73 Tremont Street, Boston  
(March 21, 1927)

On the other hand, the Honorable Charles Evans Hughes—who later became Chief Justice of the United States Supreme Court—saw the issue clearly, and in his summary argument for the Publishing Trustees, said:

There are two conceptions of harmony One is teachings the harmony produced by despotic power; the other is the harmony that results from the unity of ideas and common views of a religious truth. It seems to us most unjust to Mrs. Eddy, most contrary to her, to assume for a moment that she relied upon the exercise of the despotic power which these Directors have arrogated to themselves.

... The unity which these [Directors) wish, the unity of despotic power, the control absolutely of this entire government of Christian Science in the church and in the publications and everywhere else, that is the unity which might well destroy the very faith of the organization for the propagation of the faith to which they profess to be devoted.

Returning to Judge Clifford P. Smith's article contained in the George Wendell Adams church tract, and entitled, "Mrs. Eddy's Expressed Intention" (p. 10), he states:

As distinguished from earlier forms of Christian Science organization, The Mother Church, The First Church of Christ, Scientist, in Boston, Massachusetts, was founded and organized by a

Deed of Trust, dated September 1, 1892, and a meeting of First Members held on September 23, 1892.

This is not true as can be seen by a perusal of pp. 128-135 of the *Manual*, or Appendix, p. 182. The Deed of Trust of September 1, 1892, named the *congregation* which would worship in the edifice to be built as "The First Church of Christ, Scientist;" in other words, the *people* who worshipped in the edifice were named "The First Church of Christ, Scientist. " On the other hand, the meeting of First Members on September 23rd, 1892 (three weeks later) formed a church which at first was called "*Mother's Church*" and which was eventually to be known as The Mother Church. The two churches were not identical. The Mother Church with its *five* Directors is governed by the By-Laws found between pages 25 and 105 in the *Church Manual*, while The First Church of Christ, Scientist, with its *four* Directors was established by the Deed of Trust of 1892, and is governed by that Deed, found on page 128 of the *Manual*. The Mother Church was terminated with Mrs. Eddy's passing.

Officialdom's statements, such as the one just quoted from Judge Smith's article, contribute to the Field's misunderstanding regarding the difference between the fiduciary and the ecclesiastical bodies. Judge Smith concludes his initial paragraph with the sentence: "From the time she founded The Mother Church, all that she did and said evinced the intention that it should be permanent. Let's look closely at this statement. It encompasses the period from September 23, 1892, until December 3, 1910. During these eighteen years Mrs. Eddy added twenty-six or *more* estoppel clauses which at Mrs. Eddy's departure would terminate The Mother Church, its officers, its various offices and functions. Mrs. Eddy refers to her "*instructions*" "as we saw earlier, in the letter dated February 27, 1903 (see; Chapter II, p. 55) and which Judge Smith reproduced in his article. These "instructions" mandate the dissolution of The Mother Church when Mrs. Eddy was no longer here.

Does this evince "the intention that [The Mother Church] should be permanent"?

Judge Smith, the Board of Directors, and the legal firms retained by the Board (in the late 1920's) to confirm their assumption of control of the church government, were of course acting in accordance with their interpretation of the By-Laws which, in effect, was "legalism's challenge" to Mary Baker Eddy's divinely inspired *Manual*. These legal opinions are without value, however, since they are civil *law* interpretations of a *spiritual law* instrument.

Both Judge Smith and the lawyers emphasized the Deed of Trust statements regarding the Directors: "and to their legitimate successors in office *forever*...."<sup>19</sup>

Why so much attention to this?

Under the Deed of Trust of September 1, 1892, these Directors could fill their own vacancies without reference to anyone, and since the Deed was "perpetual," the legal phrase: "and to their legitimate successors in office forever" was never questioned. But trying to grant perpetuity to the ecclesiastical Board of Directors by making them identical with the legally established Board under the Trust Deed of September 1, 1892, is an effort to annul the clause in Article 1, Section 5, p. 26 which does not provide for a self-perpetuating Board. Rather, it states:

The Christian Science Board of Directors shall consist of five members. They shall fill a vacancy occurring on that Board, *after the candidate is approved by the Pastor Emeritus.*"

The ecclesiastical Board has always attempted to make the two Boards appear identical and to operate under the Deed of Trust provision whereby the fiduciary (the legal) Board was "perpetual." This is a violation of Article XXXV, Sections 1 and 3 of the *Church Manual* which states:

This *Manual* shall not be revised without the written consent of its author [the Pastor Emeritus, Mary Baker Eddy].

No new Tenet or By-Law shall be adopted, nor any Tenet or By-Law amended or annulled, without the written consent of Mary Baker Eddy, the author of our textbook, Science and Health.

By not defrocking themselves at the June, 1911, Annual Meeting when the Directors' terms of office expired the Board was, in effect, revising the *Manual*, and annulling its By-Laws.<sup>20</sup>

We have already seen that "eternity awaits our *Church Manual*" and the *Church Manual* calls for the impermanence of The Mother Church. The *Manual*, however, is perpetual and "eternal" because it is the *Manual* of "The First Church of Christ, Scientist," the "perpetual" church under civil law, having been established by the Deed of Trust of September 1, 1892. The *Manual*, through its estoppel clauses, eternally guards the freedom of every Christian Scientist.

The *Church Manual* controlled the ecclesiastical body, The Mother Church, and thus it controlled the members of that church, who were also ecclesiastical.

The *Church Manual* also has provision for the protection of the branches of the Church of Christ, Scientist. These branches are chartered under civil law and are subject to civil law.

The contents of the *Church Manual* itself are not under civil law. But the legal Board of four Directors is not free to disregard the *Church Manual's* provisions because the land in the second Deed of Trust of March 19, 1903, was "conveyed on the further trusts that NO NEW TENET OR BY-LAW SHALL BE ADOPTED, NOR ANY TENET OR BY-LAW AMENDED OR ANNULLED by the grantees." Since, in this legal Deed of Trust, this additional trust was imposed on the grantees it makes the adherence to this trust a matter of civil law.

### THE EXTENSION IS BRANCH NOT MOTHER

It is interesting to note that the Boston congregation which met in the little Mother Church was given the capitalized "The," as we saw—"The First Church..." to distinguish it from the other churches of Christ, Scientist, existing in Boston and elsewhere.

Now, turning to the second Deed of Trust of March 19, 1903, (page 136 of the *Church Manual*) we see that this condition in regard to the name of the congregation using the *first* edifice does not apply to the congregation using the second edifice, the Extension. The Extension is *branch*, not Mother.

This raises an interesting question, comments Dr. Shawk. Since the Extension is branch and not "Mother," why does it appear prominently in sketches and photographs put out by the Boston Headquarters indicating the Extension is *The Mother Church*? This is a misrepresentation, because the Extension is a branch like any other branch in the U.S.A. or worldwide. It is inaccurate to picture it as *The Mother Church*.<sup>21</sup>

\*\*\*INSERT PAGE 92

*Architectural drawing of The First Church of Christ, Scientist, completed in 1894. Expressing the outpouring gratitude of her students, it stands as an enduring recognition of her labors and achievements. In 1906 the magnificent Extension, sometimes erroneously referred to as The Mother Church, was completed. \*\*\*INSERT WITH PAGE 92*

## SECOND DEED OF TRUST NOT SUPPLEMENTARY

At this Point let us briefly review the highly damaging statement in the two "BILLS in EQUITY" that the second Deed of Trust in the Manual (pages 136-138) was "supplementary to and in amendment of" the Deed of September 1, 1892. The second Deed, written a month *after* Mrs. Eddy created the five-member ecclesiastical Board, confirmed—reaffirmed—a Board of *four* Directors as the only *legal and self-perpetuating Board*. This second Deed was complete and self-contained. So the statement that it was "supplementary to and in amendment of" the Deed of 1892 is utterly false and it is hard to understand how Counsel for the Publishing Society Trustees could have made such an error. But they did! and it was to cost the Publishing Trustees the victory.

The second Deed of Trust didn't add anything to the first Deed. The second Deed was complete in itself and its trusts were taken verbatim from the first Deed. The second Deed being self-contained it could not "amend" anything in the first Deed. The effort seems to have been directed, mistakenly, towards combining the (little) Mother Church with the Extension. This should never have been done by the legal counsel for the Publishing Society, since the Publishing Society had nothing to gain by this effort.

This was the point on which the Publishing Trustees could have won their suit, says Dr. Shawk, had they recognized it and taken advantage of it. But, as we saw earlier, while it seems inconceivable that counsel for the Publishing Trustees could have made an error of this magnitude, "God works in mysterious ways His wonders to perform,"<sup>22</sup> and one cannot doubt that the decision of the Massachusetts Supreme Judicial Court was a right decision under the circumstances. It was not up to the Court to legislate freedom of religious choice onto people who had barely begun to grow toward it. We don't see much progress by "a man convinced against his will."

The legal counsel for the Board of Directors recognized this phraseology—"supplementary to and in amendment of the Deed of September 1, 1892"—as being what they needed, even though it was an error. The shrewd and astute lawyers for the Board of Directors seized on this point and used the identical phraseology in their Bill in Equity, dated April 10th, 1920. They had everything to gain through this error by the Publishing Society's lawyers, namely:

(a) The five-member ecclesiastical Board of Directors was not a self-perpetuating body since they needed Mrs. Eddy's approval to fill a vacancy in their ranks. They therefore needed to somehow tie themselves to, or get themselves confused with, the self-perpetuating legal four-member Board of Directors Mrs. Eddy established in her 1892 Deed of Trust.

(b) When Counsel for the Publishing Society Trustees erroneously characterized the 1903 self-contained (second) Deed of Trust as "supplemental to and in amendment of" the [first] Deed of September 1, 1892, they gave the lawyers for the five-member ecclesiastical Board of Directors what they needed to support *their case*.

(c) If the second Deed of Trust could be characterized as merely being "supplemental to, and in amendment of" the first Deed of Trust of September 1, 1892, then it could be made to appear that the (actually temporary) five-member ecclesiastical Board that Mrs. Eddy established under the *Manual* in February, 1903, took precedence over the 1892 Deed of Trust. But the March 19, 1903 Deed actually confirmed the four-member legal Board a month *after the* five-member ecclesiastical Board was established in the *Manual*.

The question might be asked, "Why did Mrs. Eddy include the two Deeds of Trust covering land for the two church edifices in the *Church Manual*?" Surely Mrs. Eddy wanted to have on record for eternity that there was a great difference between The Mother Church (ecclesiastical) and The First Church of Christ,

Scientist (fiduciary), and that there was also a great difference between the five-member *ecclesiastical* Board of The Mother Church and the four-member *legal* Board of The First Church of Christ, Scientist, Boston.

It is very fortunate that these two Deeds of Trust are in the *Church Manual*, otherwise they could easily have disappeared, comments Dr. Shawk, and the Field would have remained ignorant of very important fundamental facts. As an illustration of this: Mrs. Eddy's card regarding her disapproval of "authorized" literature was removed from Reading Room copies of Volume IX of the *Christian Science Journal*. This card contained vital information concerning her opinion that rather than have an official ecclesiastical Committee select reading material for Christian Scientists, she considered each of her students capable of selecting his or her own reading material. Had her instruction on this absolutely crucial point been preserved in the *Manual* the policy of "authorized literature" could not have been imposed on the Field over these many years. The fear that has been instilled in Church members regarding the reading of Christian Science literature not "authorized" by the Board of Directors in Boston is completely incomprehensible to those outside official church circles. The Board's chief weapon is fear. Veiled threats of excommunication with its resultant disgrace, and ostracism by fellow Christian Scientists, keep dissenters in line.

### THE FIRST CHURCH OF CHRIST, SCIENTIST, IS BRANCH

The four-member legal Board of Directors, under their Deed of Trust, had authority only over the local Boston church. Both the little Mother Church and The First Church of Christ, Scientist, became, in effect, branch churches at Mrs. Eddy's passing. If branch churches were in fact branches of The Mother Church then dissolution of The Mother Church at Mrs. Eddy's passing would also have dissolved the branches then existing. But Article XXIII, Section 6, provides for the continuity of those branches after her passing.

Here again we come to the important question: Did Mrs. Eddy intend for the human organization, *including the branch churches*, to go on *forever* after she was no longer here to control it?

At this point Dr. Shawk calls special attention to page 72:19 of the *Manual* which reads:

If the Pastor Emeritus, Mrs. Eddy, should relinquish her place as the head or Leader of The Mother Church of Christ, Scientist, each branch church shall continue its present form of government in consonance with *The Mother Church Manual*.

Shawk says: "Read this again, and note that 'each branch church shall continue its *present* form of government....'" This means that no more branches could be formed after her passing since a church formed after her passing could not '*continue its present* form of government.' It had not yet been created, and thus could not 'continue.' This again testifies that Mrs. Eddy did not intend for the material organization to continue when she was no longer here to control it."<sup>23</sup>

On the basis of the above-quoted By-Law the thousand or so branches became fixed at the June, 1911, Annual Meeting when the estoppels dissolved The Mother Church, and no more branches were to be formed. Only the branches that existed at that time could be called branches.

### MISSION OF THE PUBLISHING SOCIETY

Through the entirely separate establishment of the Publishing Society, Mrs. Eddy hoped to protect Christian Science from an ecclesiastical hierarchy, and to give Christian Science to the entire world. She did not copyright her last fourteen editions of Science and Health even though they contained vital and

far-reaching "changes"—momentous scientific changes—which consummated the teachings of the Christian Science textbook. Here it must be remembered that Mrs. Eddy said, "I have revised Science and Health only to give a clearer and fuller expression of its original meaning. Spiritual ideas unfold as we advance." <sup>24</sup> A Science doesn't need to be copyrighted.<sup>25</sup> "Christian Science is not copyrighted," and a Science doesn't need a church. A church can only hinder a Science. Religion binds thought back to outgrown modes. Science eternally unfolds new, higher, light. Mrs. Eddy was concerned with spiritual development, not with becoming more "religious" or more bound back into outgrown forms of worship. Mrs. Eddy taught that all is infinite Mind, infinitely manifested, and that existence separate from divinity is illusion since all that really exists is the omnipresence of present perfection, forever unfolding new and higher views.

Sooner or later every Scientist must learn to prefer the divine facts of reality to his dearest illusions.

Having a divine outlook, Mrs. Eddy hoped to establish Christian Science through spiritual means alone. Each individual must learn for himself the Science of the Christ which she discovered. Living in a religious age, her followers, clogged by their materiality, clamored for a "church" and a church was formed as a concession to the spiritual benightedness of that period, with the hope that it would be a step in the way of leading humanity to an understanding of the "CHURCH UNIVERSAL AND TRIUMPHANT," which is found in the Christian Science textbook and not in a material church organization. Succinctly Mrs. Eddy defines Church on page 583 of Science and Health as:

The structure of Truth and Love; whatever rests upon and proceeds from divine Principle.

The Church is that institution which affords proof of its utility and is found elevating the race, rousing the dormant understanding from material beliefs to the apprehension of spiritual ideas and the demonstration of divine Science, thereby casting out devils, or error, and healing the sick.

Correctly seen, the *Manual* and the Christian Science textbook complement each other. The *Manual* liberates Christian Science from the shackles of organized religion and so frees us from the materiality that would try to "hold Spirit in the grasp of matter."

The various documents we are examining in this book bear on "Church" and are an aid to seeing that Church (meaning the CHURCH UNIVERSAL AND TRIUMPHANT) is not to be found in material organization but in the textbook, Science and Health with Key to the Scriptures. Through its teaching we find ourselves to be the image and likeness of the Father-Mother God, or man, the generic term for mankind. Because Mrs. Eddy knew that this state of consciousness cannot be attained within organizational fetters, i.e. by material ways and means, she inserted in the *Church Manual* estoppel clauses designed to terminate the material organization at her passing. But when legalism challenged Mary Baker Eddy's *Manual* as written, and the estoppels were waived, the harmonious church government she had planned did not materialize. Instead conflict ensued and led to the great literature litigation which we will discuss next.

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<sup>1</sup> Mis. 140:22

<sup>2</sup> Mis. 358:30

<sup>3</sup> Mis. 136:5 Letter read at Massachusetts Metaphysical Association June 3, 1891

<sup>4</sup> Ret. 47:1

<sup>5</sup> Ret. 45:5

<sup>6</sup> In 1925 pressure from the Field caused the restoration of Mrs. Eddy's name to the list of Church officers on p. 21 of the *Manual*.

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<sup>7</sup> Man. p. 137

<sup>8</sup> The fiduciary Board acted under the 1892 Deed of Trust in which Mrs. Eddy granted property to *four* Directors in whom she had “trust and confidence” that they would carry out her desires.

<sup>9</sup> Mis.348:12

<sup>10</sup> See Appendix, p.182 or *Manual*, p.128-138

<sup>11</sup> Current *Manual*, Art.25, Sect.1,p.79

<sup>12</sup> Mis. 358:4

<sup>13</sup> Man. 34

<sup>14</sup> Mis. 303:13

<sup>15</sup> Charles S. Braden, *Christian Science Today* p. 43 Southern Methodist University

<sup>16</sup> No. 45:24

<sup>17</sup> Braden, *Christian Science Today*, p.52

<sup>18</sup> Carpenter Foundation (Microfilm recording)

<sup>19</sup> See Man. p. 128-129

<sup>20</sup> The five-member ecclesiastical Board needed. Eddy’s approval in order to be reelected or to fill a vacancy in their ranks (Article 1, Section 5, page 25, of *Church Manual*)

<sup>21</sup> From Dr. Shawk’s copyrighted cassettes on the *Manual*.(used by permission)

<sup>22</sup> The one Mind sees all angles at one go.

“To attempt the calculation of His mighty ways, from the evidence before the senses is fatuous.”(Un.10)

<sup>23</sup> From Dr. Harry R. Shawk’s copyrighted cassettes. (See also Mis. 358:30; Ret. pp. 44, 45 and 47:1-3)

<sup>24</sup> S&H. 361:21

<sup>25</sup> Ret. 76:2

## Chapter IV

# THE GREAT LITERATURE LITIGATION and WHAT THE FULL BENCH ACTUALLY SAID

*To put down the claim of sin, you must detect it, remove the mask, point out the illusion, and thus get the victory over sin...It is Christian Science to do right, and nothing short of right-doing has any claim to the name. (S&H.)*

*We should not be error’s advocate (S&H.)*

This Chapter concerns the great literature litigation of 1919 to 1922. This unfortunate episode in Christian Science history would never have occurred if Mrs. Eddy's estoppels had been honored. But the Board's illegal assumption of power was nowhere more apparent than in its struggle to gain control of the Publishing Society which Mrs. Eddy had set up as a complete and independent body under her Deed of Trust of 1898. The first thing a dictator must control is the communications arm, the news media.

While Mrs. Eddy remained with us, the *Manual* provided that the Board of Directors should see that "these periodicals are ably edited and kept abreast of the times."<sup>1</sup> She also stipulated, "The Christian Science Board of Directors shall have the power to declare vacancies in said trusteeship...They had this power to oversee and to declare vacancies *only* so long as Mrs. Eddy was present to authorize it. The estoppels in the *Church Manual* dissolved the five-member ecclesiastical Board at her passing. The four-member Board under the legal Deed of Trust of 1892 was never given such powers, as can readily be seen by reading the two Deeds of Trust.

Soon after Mrs. Eddy's departure, the Board of Directors began a harassment of the Publishing Trustees which continued unabated. In October 1918, the Directors made a formal demand to the Publishing Trustees that hereafter they should not act independently but in conformity with the objectives and aims of the Board of Directors; they also demanded that the Trustees agree in writing to accept the Directors' claim of supreme authority, and to thereafter discharge their duties in accordance with the Directors' interpretation of the *Manual*.

According to the Bill in Equity filed by the Publishing Trustees, the Board of Directors had threatened to either obtain control of the Publishing Society or destroy it by making it just "an empty shell."<sup>2</sup> The Board demanded that the Publishing Trustees sign the following statement:

It is mutually understood by the Trustees and the Board of Directors that the Board has final authority in regard to the editorial policy and final authority in regard to all matters affecting the policy of The Mother Church or the cause of Christian Science.

The Board also required the signing of this agreement as the price for allowing the Publishing Trustees to continue in office.

The issue was sharply drawn. A decision must be rendered by the Court as there seemed to be no agreement between the two Boards. When the Directors insisted that the Publishing Society Trustees break their Trust Deed on occasions when the Directors' interpretation of the *Manual* did not agree with Mary Baker Eddy's Publishing Society Deed of Trust, the Publishing Society Trustees sought legal counsel, and the Bill in Equity dated March 25, 1919, was drawn up.

The plaintiffs in this Bill in Equity were Herbert W. Eustace, David Ogden, and Lamont Rowlands, Trustees of the Christian Science Publishing Society. The defendants, the Board of Directors, were at first listed as: Adam Dickey, James A. Neal, Edward A. Merritt (who had replaced Director Archibald McClellan who died in 1917), and William R. Rathvon. Later in the preamble the Directors added a fifth defendant.

#### **FOUR ERRORS IN BILL IN EQUITY**

Dr. Harry Shawk<sup>3</sup> tells us there are four errors in the Bill in Equity. The first error is that the Publishing Society lawyers refer to the Board of Directors under the *Deed of Trust of 1892*. This Deed stipulated *four* Directors, and the defendants (the Board of Directors) are actually going to name *five* persons. This is therefore an error, and we can see from this that the Publishing Trustees are going to sue the wrong party. They should be suing the five-member ecclesiastical Board instead of the four-member Board under the Deed of Trust of 1892 which had nothing to do with the case.

The second error made by counsel for the Publishing Trustees was in calling Mrs. Eddy's second Deed of Trust "supplementary to and in amendment of" the first Deed of Trust. This was not correct.

The third error occurs in the wording: "dated March 19, 1903, and as they are also Directors of The First Church of Christ, Scientist, in Boston, Massachusetts ..." This is an error because the Board of five Directors is the Board of The Mother Church. It is not the Board of four Directors named in the September 1, 1892, Deed of Trust establishing The First Church of Christ, Scientist.

The fourth error occurs in the wording: "And John V. Dittmore and Annie, both claiming to hold the position and office of Trustee and Director in accordance with the other claimants." This is an error. It recognizes six persons.

In summary, the defendants (named in the Bill in Equity) were the legal or fiduciary Board named by Mrs. Eddy in the September 1st, 1892, Deed of Trust. This four-member Board had absolutely nothing to

do with the Publishing Society as can be seen by reading Mrs. Eddy's two Deeds of Trust on pages 128-138 of the *Church Manual*, or Appendix, p. 182. Thus we see that the Publishing Trustees' lawyers made the tragic error of suing the wrong party. No doubt this error occurred because counsel for the Publishing Trustees knew that an *ecclesiastical* body cannot be sued in a court of law.

## SECOND BILL IN EQUITY

A second Bill in Equity was filed on April 10, 1920, approximately a year after the first Bill. This Bill was filed by the Board of Directors against the Publishing Society to try to acquire funds which the Publishing Society had been earning and were holding. The plaintiffs in this second Bill in Equity were *five* Directors: Dickey, Neal, Rathvon, Merritt, and Knott.

## ERRORS IN SECOND BILL IN EQUITY

Again Dr. Shawk points out the errors in this second Bill in Equity which reads: "As they are the Christian Science Board of Directors of said 'The First Church of Christ, Scientist, in Boston, Massachusetts'...." This is an error because they have named *five* (5) Directors, and there are only *four* Directors provided in the Deed of Trust of September 1, 1892, in connection with the above-mentioned church.

Continuing: "*and* Edward Ripley, as he is Treasurer of said 'First Church of Christ, Scientist, in Boston, Massachusetts'....." This is an error because Ripley was the Treasurer of *The Mother Church* not of The First Church of Christ, Scientist.

Continuing: "and for purposes of this suit is a corporation by virtue of Revised Laws, Chap. 37, Sec. 12, and Chap. 132 of the Special Acts of 1917, and is otherwise known and referred to hereinafter as 'The Mother Church , ' and said 'The First Church of Christ, Scientist'<sup>4</sup> is the sole financial beneficiary under the trust deed hereinafter mentioned .....

These statements are not true. The beneficiary is the First Members of The Mother Church, later changed to Board of Directors of The Mother Church-the Board of *five* Directors-which ceased to exist at Mrs. Eddy's passing. (See *Manual* p. 26, Art. 1, Sec. 5.) The disposition of funds was provided for in the Publishing Deed of Trust Mrs. Eddy executed in 1898.

The Bill of Complaint came up for a hearing before the court on June 3, 1919. As we have seen, the Publishing Trustees sued the *legal* four-member Board of Directors, who operated under the Trust Deed of 1892, and had absolutely nothing to do with the case.

In spite of this error, however, a decision favorable to the Publishing Trustees was handed down by the Master, Judge Dodge. The Board of Directors then appealed to the Full Bench which stated that the Master's findings of fact *were undisputed*, but it reversed the rulings of law handed down by Judge Dodge. The Full Bench, however, ruled on *only one* point.

Before continuing with the trial let us delve briefly into the background-the factors contributing to the dispute which ended in "the great literature litigation."

In order to understand the situation correctly it is necessary to go back to early 1898, when on January 25, 1898, Mrs. Eddy, through a Deed of Trust, established the CHRISTIAN SCIENCE PUBLISHING SOCIETY This Publishing Society was stated to be: "...for the purpose of more effectually promoting and extending the religion of Christian Science as taught by me...." She named three Trustees: Edward P. Bates, James A. Neal, and William P. McKenzie.

In mid-year, 1898, to set up a system of checks and balances, Mrs. Eddy instituted new By-Laws which brought the Christian Science Publishing Society under the *Church Manual*. It is important to note that not

all of the conditions of the Deed of Trust of January 25, 1898, were recited in the *Church Manual*. And the *Church Manual* contained material about the Publishing Society that was not contained in the Publishing Society Deed of Trust. At first glance this would appear to cause disputes after Mrs. Eddy's passing, but no disputes would have occurred if, after Mrs. Eddy's leaving, the *Church Manual* had been obeyed as she intended. The estoppels terminated the five-member ecclesiastical Board. The quarrel arose because the five-member Board disobeyed the estoppel clauses and usurped control of the church organization. In this suit the Board of Directors was attempting to wrest the Publishing Society from its legitimate and legally appointed Trustees. The Directors' attempts to make the Publishing Trustees break Mrs. Eddy's 1898 Deed of Trust is detailed in the March 25, 1919, Bill in Equity. See Appendix, p. 193.

Mrs. Eddy's legal Publishing Society Deed of Trust was "irrevocable and perpetual," and was so judged by the Court. The three Trustees signed the Deed indicating their acceptance, and every succeeding Trustee signed and dated his acceptance. The last three Trustees served until their resignation, effective January 30, 1922.

The estoppels in the *Manual* had terminated all Board of Director control over the Publishing Trustees, but when the Directors waived the *Manual's* estoppel clauses, a dispute came about as a result of two *Manual* changes and the By-Law under "Discipline," which read: "it shall be the duty of the Directors to see that these periodicals are ably edited and kept abreast of the times .<sup>5</sup> " This provision to see that the periodicals were "ably edited" was naturally directly related to the provision in Article XXV, Section 4, p. 80, of the current *Church Manual*, under which the editors and the manager of the Christian Science Publishing Society were to be elected by "the Christian Science Board of Directors *and the consent of the Pastor Emeritus in her own handwriting.*"

It is important to understand that the above duty of the Directors was nowhere mentioned in the Deed of Trust of January 25th, 1898, which created the Christian Science Publishing Society. This Deed contained *all* of the provisions necessary for the operation of editors and manager under the *sole* responsibility of its Publishing Society Trustees.<sup>6</sup>

Now, states Dr. Shawk, if the Publishing Society Deed of Trust *had been* filed with the Courts, there would have been an immediate conflict between the fiduciary Board of Directors under the legal Deed of Trust of September 1, 1892, and the five-member ecclesiastical Board of Directors, acting under Mrs. Eddy's *Manual* provisions. But when Mrs. Eddy left us, the relationship of the Publishing Society to the ecclesiastical Mother Church was terminated. At that point, had the By-Laws containing the estoppels not been annulled, the Publishing Society would have become a completely independent operation.

The Publishing Society would have been entirely dependent upon producing articles of merit, since with The Mother Church terminated, there would no longer have been any pressure from the By-Law stating: "It shall be the...*duty* of every member...to subscribe for the periodicals which are the organs of this Church." With The Mother Church terminated, the periodicals would no longer be "the organs of [The Mother Church]." Henceforth the articles would have had to be of the caliber people in or out of the Christian Science Movement would *want* to subscribe for, and be willing to pay for.

The struggle between the ecclesiastical Directors and the Trustees of the Christian Science Publishing Society came to a head in 1919 when the Publishing Society Trustees filed a Bill in Equity on March 25th,<sup>7</sup> which requested the Court to enjoin the Board of Directors from:

(1) removing Lamont Rowlands as a Trustee

(2) requiring the Trustees of the Publishing Society to comply with the Board of Directors' demand that the Publishing Society Trustees agree in writing that the Directors had absolute control over the Publishing Society.

Now, the first of these requests to the Court was based upon the premise that both the Publishing Society Deed of Trust and the Church Manual (in 1898) provided that the First Members together with the Board of Directors could declare a vacancy in the ranks of the Trustees of the Publishing Society, and that since the First Members had been abolished, the Board of Directors alone had no right to declare a vacancy.

We will see later that this position regarding First Members, while it was supported by Judge Dodge, the Master, in his interim injunction, was not accepted by the Chief Justice, and was one of the reasons for reversing Judge Dodge's findings. (The matter of the estoppels seems to have been overlooked entirely.)

Judge Dodge also found for the plaintiffs against their having to agree in writing to the demand of the Board of Directors that the latter was in supreme control of all activities of the Publishing Society. Judge Dodge included this in the interim injunction.

The Chief Justice, on the other hand, stated that the Court had no basis for making a ruling on an *ecclesiastical* matter. Thus both findings of the Master were reversed.

### INTERIM BILL IN EQUITY APRIL 10, 1920

After the interim injunction was given by Judge Dodge, and before the Full Bench met for its final decision, the Board of Directors filed an interim Bill in Equity on April 10, 1920.

One of the items in the Publishing Deed of Trust of January 25th, 1898, and also in the *Church Manual* (Article XXV, Section 2, page 80) pertains to the disposal of the net profits of the Publishing Society. This is a very important point: Under the Deed of Trust of January 25th, 1898, establishing the Publishing Society, we read:

Once every six months the Trustees shall account for and pay over to the treasurer of "*The First Church of Christ, Scientist, in Boston, Massachusetts*", the entire profits of said business.

Now, the *Manual* states in Article XXV, Section 2, page 80, the following:

The net profits of the business shall be paid over, semiannually, to the Treasurer of *The Mother Church*.

This means that the directions in the *Manual* ordering payment to the Treasurer of *The Mother Church* would disappear after Mrs. Eddy's passing since her estoppels had dissolved The Mother Church. But the Publishing Society Deed of Trust of January 25th, 1898, provides that these funds be paid over to the Treasurer of *The First Church of Christ, Scientist*, the fiduciary church, and the fiduciary body.

The Board of Directors filed their interim Bill in Equity because the Trustees of the Publishing Society had withheld payment since the initiation of the first Bill in Equity, dated March 19, 1919.

You will remember that counsel for the Publishing Society unfortunately and erroneously viewed the two Boards of Directors (fiduciary and ecclesiastical) as being identical. So *now* the plaintiffs (the Board of Directors) in *their* Bill in Equity are described as follows:

The First Church of Christ, Scientist, in Boston, Mass., Adam H. Dickey, James A. Neal, Edward A. Merritt, William R. Rathvon, and Annie M. Knott, as they are the Christian Science Board of Directors of said The First Church of Christ, Scientist, in Boston, Mass. [They also include

Edward L. Ripley, who was identified as the Treasurer of the said The First Church of Christ, Scientist, in Boston, Mass.]

The Bill also states:

The plaintiffs, Dickey, Neal, Merritt, Rathvon, and Knott are the Directors of The First Church of Christ, Scientist, and are charged with the transaction of the business of said church by virtue of the By-Laws thereof, contained in the *Church Manual*.

Now, the Church Manual, Article 1, Section 6, on page 27, states:

CHURCH BUSINESS. Sect. 6. The business of *The Mother Church* shall be transacted by the Christian Science Board of Directors.

Note that the Board of Directors, while citing the *Manual* as its authority for conducting the business of the Church, incorrectly identifies its powers with The First Church of Christ, Scientist. This five-member ecclesiastical Board of Directors was only identified with *The Mother Church* which disappeared at Mrs. Eddy's passing; it was *never* in any way identified with The First Church of Christ, Scientist, as they here state in their Bill in Equity. Commenting on these allegations, Dr. Shawk says, "This false identification did not confuse the Chief Justice of the Supreme Judicial Court of Massachusetts as we will see later; and the credibility, honesty, and integrity of that Board of Directors is certainly compromised by their official assertions."<sup>8</sup>

The Board of Directors' chief petition to the Court in their Bill in Equity was the release of the Publishing Society profits since *the church* needed them to carry on its functions. The Chief Justice pointed out that the net profits were intended for the "promotion and extension of the religion of Christian Science" as taught by Mrs. Eddy, and *not* as a money-making operation to pay to the church for its normal operation. The Publishing Society Trustees had been sending these net profits—which the Court found to be nearly one million dollars (\$1,000,000) a year (in 1919 dollars!)—the Board of Directors of The Mother Church.

Eustace reports the final settlement of the Publishing Society in his book, *Christian Science, Its Clear Correct Teaching*,<sup>9</sup> p. xxix:

On March 6th, 1920, Judge Dodge handed down his final report, finding for the trustees in all essential facts and making his rulings of law in conformity with those facts.

Then on page XXX, we read:

... a new decision was handed down on November 23rd, 1921. The Master's findings were undisputed ... but the Supreme Court of Massachusetts reversed the rulings of law as handed down by Judge Dodge....

When the Supreme Court handed down its decision reversing the Master's findings of law, the trustees were glad to resign their offices and elect new trustees in subordination to the directors, and to turn over to them, immediately, the business of the Publishing Society.

A verbatim report of the entire case of the *Trustees vs. the Directors* was first published in extenso and without comment during each day of the trial (1919 through 1921) in the *Christian Science Monitor* by mutual agreement of the Board of Trustees and the Board of Directors. But upon orders from the Board of Directors these issues of the *Christian Science Monitor* containing this material were soon removed from the *Christian Science Reading Rooms*. (The Court record was not one the Directors could afford to have the Field see.<sup>9a</sup> At the conclusion of the litigation the Publishing Society Trustees published the Court record in book form as a limited subscription edition (1922). This volume is still to be found in some of the larger libraries in the United States. It is entitled: *Proceedings in Equity*, and contains 1,360 pages with a supplement of 204 pages.

Why did the Court rule as it did?

Professor Braden, realizing the judges were practical men and believers in institutional religion, points out that the court seems to have proceeded upon the premise that any church is the church it is because people want it that way. The court seemed to feel that the general membership had acquiesced, because they had not opposed the Board of Directors' moves.

True, the Field generally had become conditioned to looking for direction from the Board during the eighteen years the Board had acted as Mrs. Eddy's agent; so there was little sign of revolt when, at Mrs. Eddy's passing, the Board proclaimed itself as her successor. In a syndicated press release they falsely stated:

The adequate written instructions and directions of Mrs. Eddy, under which the Christian Science movement has grown and prospered, including the by-laws which place the direction of the spiritual and business affairs of the Church entirely in the hands of the Christian Science Board of Directors, will continue to guide their actions. (Chicago Tribune, December 10, 1910)

During the trial the great majority supported the Directors, and it came as a shock to the "Field" when Judge Dodge, the Master, before whom the first hearings were held, sustained the Publishing Trustees in all three of their major contentions. Those who supported the Board of Directors had thought it a foregone conclusion that the Court would decide in favor of the Board. "Instead, the Directors were branded as guilty of illegal action in violating the injunction and required to pay a fine or go to jail."<sup>10</sup>

Shortly after the Master's decision on February 20, 1920, the Directors sent all the members a letter saying that while the Court's decision was unfavorable, it was subject to review by the Supreme Judicial Court of Massachusetts.

Those who were loyal to the Directors were caught up in a strong wave of emotion. No longer so sure the Directors would be victorious, they flew into action. The Board itself was restrained by the court's injunction so that it was unable to launch a boycott of the publications by the Trustees. But since the authority of the Massachusetts Court only covered the state of Massachusetts, other states quickly united in an attempt to destroy the Publishing Society. Groups were formed throughout the United States, urging members to cancel their subscriptions to the periodicals.

"A group calling itself 'The Executive Committee of the Christian Science Delegates of New York State' issued bulletins purporting to keep the Field informed of what was going on in Boston. They definitely urged the boycott of the official church periodicals....This and other such efforts were augmented by certain of the Christian Science lecturers who undertook in their travels to spread the word throughout America and abroad through private conferences with local leaders everywhere."<sup>11</sup>

As a result of this propaganda against the Publishing Society, 70 percent of the *Sentinel* and 80 percent of the *Journal* and *Monitor* subscriptions were cancelled. <sup>12</sup>Churches and practitioners withdrew their advertisements from the *Journal* registry.

After the trial finally ended with the Directors, this time, victorious, the Directors charged the Publishing Trustees with gross mismanagement because of the heavy loss of sales.

Replying to the charge of misconduct of the Publishing business, Eustace wrote the Board:<sup>13</sup>

...You know in your hearts, and every Christian Scientist knows that the injury to the periodicals was caused by the insidious propaganda which you have wholly inspired and approved. If you will appoint a fair and disinterested tribunal, we will lay before it such proof as will convince the Christian Science world of the insincerity of this charge, and the duplicity of your conduct. I challenge you to such a hearing.

Other charges were also answered one by one, but the one as to expenses for bringing in an accountant to put the books in proper shape is particularly interesting:

...practically our entire accounting department [being under the Board's influence] suddenly and without a moment's notice left their appointed tasks. Our books were left in a condition positively disgraceful; pages were torn and mutilated; footings were inaccurately cast; and in general there had been interposed difficulties to prevent a correct accounting. This occurrence—which from facts within our knowledge had the approval of the Directors if it was not directly inspired by them—caused the remainder of the expenditure of which you complain.

Concerning conduct of this character, Professor Braden comments: "The outsider might find it harder to believe this kind of charge if he had not come upon the same thing so often in other cases in the Movement. Over and over again, loyalty to the Board of Directors...has led people to behave in a way difficult to justify.

"Nowhere is there a more centrally controlled religious institution than the Boston organization with its extraordinary controls over branch churches, teachers, lecturers, practitioners, and other responsible leaders. Yet Mrs. Eddy time and time again reiterated her basic precept that every individual is entitled to freedom of thought and action in religion or Science. She counseled serving instead of ruling, allowing to each and every one "the same rights and privileges we claim for ourselves."<sup>14</sup> But ignorance of the facts concerning our freedom is the foundation of continued bondage, and this ignorance, Mrs. Eddy says, must be seen and corrected before we can attain harmony."

## FINDINGS OF THE FULL BENCH

We will now consider the findings of the Full Bench of the Supreme Judicial Court of Massachusetts, dated November 23, 1921, prepared by Chief Justice Rugg. As you will see, the Court merely reversed the interim injunction granted by Judge Dodge, and dismissed the suit brought by the Trustees of the Publishing Society.

As we examine the Full Bench decision in detail, the following points should be kept in mind:

- the "plaintiffs" are the three Trustees of the Christian Science Publishing Society who have brought the matter to Court.
- the plaintiffs ask the Court to rule in their favor, thus preventing the Board from declaring a vacancy in the Trustees of the Publishing Society,

- the plaintiffs also ask the Court to enjoin the Board from taking actions which will impede carrying out the business of the Publishing Society,
- an interim injunction in favor of the Publishing Society was issued by the Court,
- the court can rule only on matters brought before it, although important opinions may be expressed by the justices of the Court,
- a counter suit by the five-member ecclesiastical Board of Directors was filed and pending, awaiting the action of the Full Bench.

## INTERIM INJUNCTION

It is important to know what the Master, Judge Dodge, set forth in the interim injunction since it is frequently referred to by the Chief Justice in the decision of the Full Bench, dated November 23, 1921. The injunction reads:

### INJUNCTION ISSUED

On this bill on March 25, 1919, an ad interim injunction by the Supreme Judicial Court was issued restraining all the defendants [Board of Directors] as follows:

Until said hearing, you, the said defendant Directors, your agents, attorneys and counselors, and each and every one of them are commanded to desist and refrain from taking any further action intended directly or indirectly to impede or to interfere with the plaintiff, Rowlands, or either of the other plaintiffs, in the discharge of his or their respective duties as trustees, under the trust instrument of January 25, 1898, and from carrying out of any purpose or plan by either direct or indirect means to compel the plaintiffs or any of them to resign their offices as trustees; to impair, destroy, or in any way injure the business of the Christian Science Publishing Society as conducted by the plaintiff trustees; or in any way to carry out any threat or purpose to injure the business of said Publishing Society either by creating or maintaining a publishing Society to conduct a business in competition therewith, or otherwise; and from taking any action to defeat or tending to defeat the purposes of Mrs. Mary Baker G. Eddy, the Donor, as set forth and declared in the Trust Deed of January 25, 1898.

Thus the scene was set for the five-member ecclesiastical Board of Directors to declare a victory when this interim injunction was reversed by Chief Justice Rugg. It made it very simple for the Board of Directors to declare, falsely, of course, that the Supreme Court had ruled that the Board of Directors was to rule the Christian Science Movement absolutely and forever.

*But the Court had not done this at all!*

It merely dismissed the suit and reversed the Master's injunction on the grounds that a civil law court cannot enter into purely ecclesiastical matters. Also by overlooking Mary Baker Eddy's divinely impelled estoppels, the Court mistakenly ruled that the Board of Directors had the power to remove a Publishing Society Trustee.

So, in 1922 the five-member ecclesiastical Board of Directors succeeded in seizing the Publishing Society, the communications arm of the Movement, and in deluding the Field into believing that the Court had ruled that the five-member ecclesiastical Board of Directors was perpetual.

## THE COURT'S DECISION

In discussing the Court's decision, we must remember, says Dr. Shawk, that the Court can render a decision only on what has been brought to the bench. The Court may, in its analysis, set forth its opinions, which can often be of greater importance than the finding itself. This importance is apparent in Chief Justice Rugg's opinions on the estoppels. These opinions of the Chief Justice of the Supreme Judicial Court of Massachusetts have been ignored by the Boston authorities and overlooked by the Field since the Court's decision.

The following are the major points in the Full Bench decision:

The opening paragraph reads:

Rugg, C.J. [i.e. Chief Justice]. This is a suit in equity *The plaintiffs* are three persons who, by succession, are trustees under a Deed of Trust, executed by Mary Baker G. Eddy, the founder of "Christian Science, " so called, as Donor, on January 25, 1898, to three persons therein named as Trustees.

*The defendants* are four persons alleged to be trustees under another deed of trust executed by Mrs. Eddy, dated September 1, 1892, and also to be Directors of The Mother Church of Christ, Scientist, in Boston, Massachusetts, and two other persons, each alleged to be claiming to be a trustee and director in association with the other four.

Keep in mind that the Board under the Deed of Trust of September 1, 1892, consisted of only four persons and here five are claiming to be legitimate as the four. The Chief Justice concludes the first paragraph as follows:

The basic question is whether the directors have power to remove one of the plaintiffs from the position of trustee.

Rugg [ C. J.] makes it clear that the only point for the Court to consider is whether the Board has the right to declare a vacancy in the Trustees of the Publishing Society. This is the only question that is before the Court.

The Chief Justice continues:

The answer to that question depends upon the true interpretation of these deeds of trust executed by Mrs. Eddy and whatever other matters rightly may be considered in ascertaining their meaning.

Note that the Chief Justice is to take both Deeds into his consideration (the one dated September 1, 1892, establishing, among other things, the "Christian Science Board of Directors" as a four-member fiduciary body; and the second Deed of January 25, 1898, establishing the three Trustees of the Publishing Society).

The Chief Justice continues:

The deed of Mrs. Eddy of January 25, 1898, whereby were created the trusts hereto administered by the plaintiffs [the Publishing Society Trustees], hereinafter called the first deed, related

wholly to personal property. The declared object of that trust recited in the early part of the trust deed is "for the purpose of more effectually promoting and extending the religion of Christian Science as taught by me." ... The grantees were three individuals who accepted the transfer upon the trusts set forth in the deed. These are stated in paragraphs numbered from 1 to 14, both inclusive.

The Chief Justice also noted that the Trustees of the Christian Science Publishing Society were to carry on the business:

upon their own responsibility and without consulting me (Mary Baker Eddy) about the details, subject only to my supervision, if I shall at any time elect to advise or direct them.

This provision applied only to Mrs. Eddy and was not transferable to others. The Board of Directors, having seized the Movement at Mrs. Eddy's departure, considered that they had taken over her position as well, and were thus endeavoring to supervise and manage the business of the Publishing Society.

A few paragraphs later the Chief Justice brings out another point in the Publishing Society Deed of Trust concerning conduct of the business, as follows:

Clause 8 of the trust deed is in these words: Said trustees shall have the direction and supervision of the publication of said Quarterly and also of all pamphlets, tracts, and other literature pertaining to said business, using their best judgment as to the means of preparing and issuing the same so as to promote the best interests of the Cause, reserving the right to make such changes as I may think important.

Note that the three Trustees of the Publishing Society have the *sole responsibility* to prepare and issue the items coming under the Publishing Society's sphere.

Then the Chief Justice quotes the contents of Clause 10 about vacancies in the ranks of the Trustees of the Publishing Society:

Clause 10 of the trust deed provides that "vacancies among the trustees should be filled by the donor, if she so elected. Otherwise by the remaining trustees, and that the First Members together with the directors of said church shall have the power to declare vacancies in said trusteeship for such reasons as to them may seem expedient."

Looking at page 80 of the *Church Manual*, Article XXV, Section 3, we read:

*VACANCIES IN TRUSTEESHIP:* The Christian Science Board of Directors shall have the power to declare vacancies in said trusteeship for such reasons as to the Board may seem expedient.

Whenever a vacancy shall occur, the Pastor Emeritus reserves the right to fill the same by appointment; but if she does not elect to exercise this right, the remaining trustees shall fill the vacancy, subject to her approval.

The provision for declaring a vacancy is identical in the Trust Deed and in the *Church Manual*. However, bear in mind that the Deed of Trust of January 25th, 1898, given to the Publishing Society was an irrevocable Deed of Trust, while, on the other hand, the *Church Manual* had been altered in 1903 (29th

*Manual*) changing the First Members to Executive Members. Then, in 1908 (73rd *Manual*) the Executive Members had been disbanded and all their functions vested in the Board of Directors, that is, in the five ecclesiastical members who were in authority *only* while Mrs. Eddy remained to give her consent and approval.

This is the heart of the Bill in Equity raised by the Trustees of the Publishing Society, and the decision of the Full Bench.

While the Court recognized the estoppel clauses as binding, they somehow completely failed to see that an estoppel terminated the five-member ecclesiastical Board of Directors at the June, 1911, Annual Meeting when Mrs. Eddy's consent and approval for filling a vacancy on this five-member ecclesiastical Board of Directors was not available, nor could a Board member be reelected without Mrs. Eddy's approval.

The Chief Justice next pointed out an important fact concerning the fiduciary Board of Directors under the Deed of September 1, 1892. He says:

... under the date of the first of September, 1892, she conveyed to four persons as trustees [Board of Directors] as hereinafter provided and to their legitimate successors in office forever, land in Boston upon which, within five years, they were required to build a church edifice. It was provided that the grantees shall be known as "Christian Science Board of Directors." Thus that Board was first constituted.

The First Church of Christ, Scientist, [note] was not organized until September 23, 1892.

The Deed [of September 1, 1892] declared that the grantees should constitute a perpetual body or corporation under and in accordance with Section one, Chapter 39 of the Public statutes. The Master has found that the grantees never organized themselves as a corporation, and *never* became such by virtue of their duties of similarity to deacons and wardens. The mere declaration of the grantor could not make them a corporation.

This finding of the Court should be noted because on page 25 of the *Church Manual* there is a footnote frequently cited by the Board. It reads: "See under 'Deed of Trust' for incorporation of the 'Christian Science Board of Directors. '"

The ecclesiastical Board of Directors endeavored to identify themselves with the fiduciary Board under the legal Deed of Trust of September 1, 1892, so that this ecclesiastical Board of Directors and The Mother Church would be granted perpetuity. This is an effort to evade the control of the estoppels over the ecclesiastical Board of Directors and The Mother Church. The Chief Justice points out that they were never incorporated and that Mrs. Eddy's statement alone could not render them to be so. The fact here was that they never incorporated as a "church" but only as a "group who could hold church funds." The Chief Justice, in the Full Bench decision, then recites a number of the duties of the Board of Directors as stated in the Deed of September 1, 1892.

Then he continues:

The number of directors named in the deed of September 1, 1892 was *four*. In addition to the duties imposed on them by that deed, they have executed further powers, and performed additional functions assigned to them by the *Church Manual*, all of a highly important nature and covering a wide field. There was no rule fixing their number until February, 1903, when a By-Law was adopted, which has since continued in force establishing their number at *five*. By the name "Christian Science Board of Directors" originally the *four* persons named as Trustees

by the deed of September 1, 1892, were described. As often, if not universally used thereafter in the *Church Manual*, that name designates the Board of *five* exercising powers and performing functions *not* derived from the deed *but from the Church Manual*.

Thus the Chief Justice has found two different Board-of-Director functions and powers: one fiduciary, and the other ecclesiastical. This is an important opinion of the Court for it is contrary to the Directors' interpretation that the fiduciary and ecclesiastical Boards are one and the same.

Several paragraphs later the Chief Justice gives another significant opinion:

The last several editions [of the *Church Manual*] issued during the life of Mrs. Eddy contained the provision that 'This *Manual* shall not be revised without the written consent of its author.' Since the *Church Manual*, on its face, purports to be the work of Mrs. Eddy as author, and the Master has found it to be proved that substantially all its provisions were suggested or proposed by her, it is apparent that there can now, since the decease of Mrs. Eddy, be no change in the provisions of the *Church Manual* in accordance with its terms.

Here the Chief Justice specifies that the authorship of the *Manual* is vested in Mrs. Eddy. He then brings in the statements contained in Article XXXV of the *Manual*, Section 1, p. 104, which read:

FOR THE MOTHER CHURCH ONLY. The *Church Manual of The First Church of Christ, Scientist, in Boston, Massachusetts*, written by Mary Baker Eddy, and copyrighted, is adapted to The Mother Church only. It stands alone, uniquely adapted to form the budding thought and hedge it about with divine Love. This *Manual* shall not be revised without the written consent of its author.

This indicates that the Chief Justice has recognized and acknowledged the presence of, and the control exercised by, the estoppel clause in this Article and Section of the By-Laws.

Human law, we are told by the Directors and their legal counsel does not recognize an impossible condition, and hence the estoppel clauses must be ignored or the ecclesiastical Board of Directors would have no power to govern. But is there an "impossible condition" here, or is it merely an unwillingness to surrender the enormous power and prestige their positions offered? The decision of the Full Bench of the Supreme Judicial Court of Massachusetts indicates this estoppel *does* govern.

You will see later how the Chief Justice extends the control of this particular estoppel to the estoppels found elsewhere in the *Manual*.

Then the Chief Justice again apprises the Court of the issue before it:

The precise question to be decided is whether, under these circumstances, one of the trustees [of the Publishing Society] can be removed by the Board of Directors since the First Members have been deprived of all ecclesiastical power and have been disbanded in accordance with the polity of the Church.

This refers to the phrase in the Deed of Trust of January 25th, 1898, and those in the *Manuals* of that period, that removal was a concurrent action of "First Members together with the Board of Directors." The decision of the Chief Justice in this matter indicates to the Court that this action had been charged to the Board of Directors only, since the First Members had become Executive Members, and in 1908 had been disbanded entirely, leaving all their functions to the Board.

The Chief Justice—by overlooking the fact that the five-member ecclesiastical Board had been dissolved at Mrs. Eddy's passing—naturally concluded that the Board of Directors (ecclesiastical) *did* have the right to remove a Trustee of the Publishing Society. This conclusion overturned the interim injunction of Judge Dodge and ruled in favor of the ecclesiastical Board of Directors, but *only* on this limited question—and of course only because Mrs. Eddy's God-impelled estoppel clauses had been entirely overlooked.

The Chief Justice then states:

Every instrument in writing although it cannot be varied or controlled by extrinsic evidence, must be interpreted with a view to all material circumstances of the parties at the time of its execution ....

He considered that the intent of the donor [Mrs. Eddy] in executing the Trust Deed was to supply a vehicle that would "promote and extend the religion of Christian Science, and not be merely a mechanism whereby the First Members together with the Board of Directors could remove a Trustee. He pointed out that if the latter view prevailed, the Publishing Society Deed of January 25th, 1898, would have to come to an end since the First Members no longer existed.

The Bench wording on the above was as follows:

It is manifest from the structure of the trust deed as well as from its express words that the single and only design of the founder was to promote and extend the religion of Christian Science as taught by her [Mrs. Eddy]. Every part of the trust deed reinforces and makes even more plain the avowed purpose of Mrs. Eddy that her sole and completely dominating aim was to promote and extend the religion of Christian Science as taught by her. The administration of the trust must continue to be directed exclusively to the accomplishment of that object alone.

A trust of that nature cannot be revoked or modified in the absence of reservation of express power to that end by the donor. The deed in question created a trust complete in itself. By its own phrase it was declared to be upon "the irrevocable and perpetual trust and confidence therein set out."

Thus the Court stated that the Publishing Society Trust Deed was "complete in itself," recognizing that Mrs. Eddy had provided a trust instrument that could function on its own at her departure; there was nothing in her 1898 Deed of Trust to connect it to any other body or church.

The Chief Justice also stated that in interpreting a legal instrument the same words used throughout the instrument would have the same meaning:

It is a well recognized principle of interpretation that the same words used in different places in the same instrument commonly have the same meaning and effect unless another meaning is demanded by the context.

Here we see that the recognition of the estoppel in article XXXV, Section 1, page 104, regarding revising the *Manual*, must be applied to the estoppels wherever they occur in the *Church Manual*. In other words, the Court did not consider the estoppels as creating an "impossible situation," but held them to be valid, and to be *obeyed*. (Here again recall that when Mrs. Eddy was asked to change the By-Laws containing

estoppels her fervent exhortation was that we *obey* the By-Laws *as written*. Her reason for not changing those By-Laws was that they were God-impelled and she had no right or desire to change what God had directed her to do, "and it remains for the Church to *obey* [them]." For seventy years the church has disobeyed the By-Laws containing estoppels.)

The Chief Justice then discusses the existence of the two Boards of Directors:

The board of directors as those words are used in the [Publishing Society] trust deed of January 25, 1898, do not in our opinion refer to the [fiduciary] board established by the deed of September 1, 1892, but to the officers constituting the ecclesiastical board of directors under the polity of the church. The reasons already stated respecting First Members lead to this conclusion.

No reference to the deed of September 1, 1892 is found in the [Publishing Society] trust deed of January 25, 1898. The latter [the Publishing Society] deed throughout relates to those connected with The First Church of Christ, Scientist [The Mother Church], either as First Members or directors. These terms are ECCLESIASTICAL. When, therefore the board of directors under the practice of the church was increased in membership it became vested with powers formerly exercised by the four directors, so far as concerns the power of removal in the trust deed of January 25, 1898.

It is unnecessary to determine in this connection whether the board of directors constituted a corporation or not. For the purpose of this decision, the finding of the Master that they never became a corporation is accepted.

The result is that the board of five directors have the power, if they act in accordance with law and with the terms of the [Publishing Society] trust deed of January 25, 1898, to effect the removal of a trustee under that deed.

The conclusion that the power of removal of a trustee is now vested in the board of five directors is contrary to that of the Master, [Judge Dodge], but it is in substance and effect the application of different legal principles to the facts found by the Master. The facts found by him [Judge Dodge] are accepted in their entirety. The result which has been stated follows in law from those facts.

The Chief Justice's establishment of the presence of two Boards is one of the most important opinions to come out of the Court's findings and actions.

The Chief Justice in discussing the events leading to the Bill in Equity dated March 25, 1919, stated in part:

The controversy appears to have centered about the meaning of certain sections of the *Church Manual* and to the extent to which its provisions authorized the directors to supervise the matter to be printed and sent out by the trustees, and to what extent the trustees were required to heed the provisions of the *Church Manual*. Into the details of this controversy, it is not necessary to enter.

Both points in the controversy concerned ecclesiastical matters and civil law courts do not enter into ecclesiastical controversies, as the Chief Justice again indicated:

The judgment of the Court cannot be substituted for the discretion of the constituted authorities when fully exercised. Whether the decision be right or wrong is not for the courts to decide.

Then the final conclusion of the Full Bench is stated:

The result is that upon application of the principles of law to the facts found by the Master, the removal of Mr. Rowlands as one of the trustees was effected.

We now come to the findings of the Full Bench and the action taken:

The result is that the exceptions of the defendants to the Master's report so far as they relate to his [Judge Dodge's] rulings that the directors had no power under the deed of January 25, 1898, to remove a [Publishing Society] trustee and that the removal of Mr. Rowlands was ineffectual must be sustained. On the facts found by the Master in the light of the principles of law here found to be controlling, the plaintiffs cannot maintain their bill.

Bill dismissed, November 23, 1921.

The findings of the Full Bench are *only*, you will notice, "so far as they relate to Judge Dodge's ruling that the Directors had no power under the Deed of January 25, 1898, to remove a Publishing Society Trustee." Earlier the Chief Justice stated, "The facts found by him [Judge Dodge, the Master] are *accepted in their entirety*." The Chief Justice was merely applying "different legal principles to the facts found by the Master."

What were some of the facts found by the Master, Judge Dodge, which the Chief Justice "accepted in their entirety," but because they were *ecclesiastical* in nature they could not affect the Court's decision?

The Master had found that the Directors were:

(1) endeavoring by direct and indirect means to interfere with the publishing Trustees in the discharge of their duties under Mary Baker Eddy's Deed of Trust. (The Court considered this an ecclesiastical matter into which civil law courts do not enter.)

(2) striving "by direct and indirect means "to compel the [publishing Trustees] ... to resign their offices as trustees." (This again was considered ecclesiastical.)

(3) attempting by direct and indirect means "to impair, destroy, or...injure the business of The Christian Science Publishing Society." (This too was an ecclesiastical affair.)

The Master's injunction ordered the Directors to desist and refrain from "in any way [carrying] out any threat or purpose to injure the business of said Publishing Society either by creating and maintaining a publishing society to conduct a business in competition therewith or otherwise; and from taking any action to defeat...the purposes of Mrs. Mary Baker G. Eddy, the Donor, as set forth and declared in the Trust Deed such as demanding the Trustees agree in writing that the Board of Directors was in supreme control, and that the Trustees break Mrs. Eddy's Deed of Trust when that Deed conflicted with the plans of the Directors. (Again, the Court considered this of an ecclesiastical character.)

But the Court did admonish the Directors that Mrs. Eddy intended the profits of the Publishing Society to be used for promoting and extending the Science taught by her and "not as a money-making operation to pay to the church for its normal operation."

Since these findings of the Master, Judge Dodge, were all of an ecclesiastical nature, the Chief Justice said that whether the Directors were right or wrong was not for the Court to decide; therefore the injunction restraining the Directors was reversed. This reversal was heralded by the Directors as giving them power and authority to "rule the entire Movement forever."

The other finding of Judge Dodge, concerning First Members, was reversed because the Court did not take into consideration that the estoppels had terminated all Board-of-Director control over the Publishing Trustees.

In reflecting on the Court's decision, Dr. Shawk comments:

"The Plaintiffs cannot maintain their bill." Why? Because they sued the wrong party. The ecclesiastical Board of five Directors was the Board they should have sued (and actually five Directors were named in the suit). But since counsel for the plaintiffs (Publishing Society) knew that an ecclesiastical Board of Directors could not be sued in a human court of law, the lawyers for the Publishing Society sued the *legal* Board of Directors established under the two legal Deeds of Trust who had absolutely nothing to do with the dispute since these Deeds were not mentioned in the Publishing Society Deed of January 25, 1898.

"A second costly error concerned the Trustees of the Publishing Society wanting the Directors to discontinue removing a Trustee of the Publishing Society, although (as long as Mrs. Eddy was personally with them and in control) it was clearly spelled out that the Board of five ecclesiastical Directors did have this power which was given both in the *Manual* and in the Publishing Society Deed of Trust. But, of course, this power was only to have remained in effect as long as Mrs. Eddy was present to authorize it. [All offices in The Mother Church were dissolved at the first Annual Meeting (June, 1911) following Mrs. Eddy's departure.]

"Given these premises, the Court was limited as to what it could rule on, so it merely straightened out the record by removing the master's injunction against the Board of Directors, and threw out the suit! Since the plaintiffs had sued the wrong party there wasn't much the Court could do. So, when the Court did rule (by removing the injunction) in favor of the Board—on something that was never in question—the ecclesiastical Board of Directors portrayed this to the Field as the Court having ruled in favor of the Board to rule the Christian Science Movement forever. Clifford P. Smith, a lawyer, was undoubtedly the author of this misstatement of fact."<sup>15</sup>

The Court ruled on only one point, and of course it never gave the Board of Directors the right to "rule the Christian Science Movement forever."

The Court rendered its opinion that the estoppels control in the *Church Manual*.

The Court also identified an ecclesiastical Board of five under the polity of the church and its *Manual*; and a fiduciary Board of four Directors deriving its power from the September 1, 1892 Deed of Trust.

### **WHY THE PUBLISHING TRUSTEES DID NOT APPEAL TO THE UNITED STATES SUPREME COURT**

When the Publishing Trustees were urged to appeal their case to the United States Supreme Court, they found themselves faced with the following insurmountable deterrents:

- (1) The Directors had unlimited funds to carry on another lawsuit. (Besides the nearly one million dollars a year the Publishing Trustees had been paying over to them, the Directors had access to the money Mrs. Eddy had left in her Will to the church, which the Directors had sued for and had become "Trustees" of.)

(2) By influencing the Field to cancel their subscriptions to the Christian Science periodicals, the Board of Directors had been instrumental in bankrupting the Christian Science Publishing Society Trustees.

(3) During Mrs. Eddy's lifetime the Field had become accustomed to viewing the Board of Directors as Mrs. Eddy's agent; so when the Board announced themselves as her successor, the Field, in general, acquiesced, and during the lawsuit the Field had vigorously plied the Court with demands favorable to the Directors and would, no doubt, have continued to do so had the Publishing Trustees appealed to the United States Supreme Court; the Publishing Trustees felt this unremitting badgering of the Court by the Directors' supporters was a force to be reckoned with.

(4) In a gross violation of the separation of church and state, the Directors had persuaded the State's Attorney General to intervene on their behalf.

These were a few of the factors influencing the Publishing Trustees against a United States Supreme Court trial.

### **DIRECTORS' MISINTERPRETATION OF COURT'S DECISION LEADS TO ECCLESIASTICAL MONOPOLY**

The Board of Directors' misinterpretation of the Court's decision and of the *Church Manual* led to the type of ecclesiastical monopoly which Mrs. Eddy deplored:

All revelation (such is the popular thought!) must come...along the line of...ecclesiastical descent, as kings are crowned from a royal dynasty... For this Principle [the Principle of Christian Science] there is no dynasty, no ecclesiastical monopoly. Its only crowned head is immortal sovereignty. Its only priest is the spiritualized man.<sup>16</sup>

"Material organization...wars with Love's spiritual compact."

"Conflict and persecution says Mrs. Eddy, "are the truest signs that can be given of the greatness of a cause or of an individual, provided this warfare is honest and a world imposed struggle. Such conflict never ends till unconquerable right is begun anew, and has gained fresh energy and final victory."<sup>17</sup>

Strength and freedom will be gained from the motivation to obey our Leader's estoppel clauses, and all fear of getting lost in life will fall away. A lesson can be taken from the migration of birds. The Pacific Golden Plovers, for example, are hatched in the far north of Alaska and Siberia. The old birds desert their young and fly away to the Hawaiian Islands long before the baby birds are able to fly any distance. But as soon as these fledglings have grown strong enough to follow their parents, they, too, rise into the sky and set their course over the Pacific. In a journey they have never made before they must cross two thousand miles of ocean without rest, without food. Frequently they encounter storms and tornado winds. Unerringly they fly onward to those tiny specks in the Pacific Ocean, the Hawaiian Islands. Surely if God has provided for these birds such unerring direction, we can be certain He has provided for man the same infallible guidance when we are willing to obey His dictates. Mrs. Eddy gave us God impelled By-Laws which she was asked to change because they did not conform with any known form of religion that had evolved according to the wisdom of man. But Mrs. Eddy knew that her church—because it had been established under divine direction—must necessarily follow divine inspiration and could not be the product of legal enactments or worldly-wise evolutions. She knew God had dictated the estoppels in the *Manual*. She therefore had no right or desire to change what God had directed her to do, and it remains,"

she said, "for the church to obey it." Only through obedience can the profound scientific discoveries embodied in Science and Health be realized to constitute our true identity.

Mrs. Eddy discovered the impersonal divine Science which reveals our real being as a system of divine ideas showing that in reality we *are* the holy city foursquare. In the predecessor to this book, *Mary Baker Eddy: A New Look*, the reader is shown how Mrs. Eddy step by step fulfilled her divine mission to "complete the work of Christ Jesus on earth." She brought forth the "little book, " Science and Health, prophesied in Revelation, chapter 10. As we obey the command to assimilate the contents of this "little book, " and obey the estoppel clauses in the *Manual*, we free ourselves of the belief of being imprisoned in a material, fleshly body; we find ourselves to be the timeless spiritual proposition that Mrs. Eddy designated as her successor when through her estoppel clauses she terminated all personal control. Obeying these estoppel clauses and the dictates of Science and Health we begin to put on our ever-present divinity. In that divinity every requirement for becoming Mrs. Eddy's successor is met. See Mrs. Eddy's reference to "the good soil" in *Collectanea*.<sup>18</sup>

An important phase of the conflict engendered by material organization that "wars with Love's spiritual compact" concerns the copyright of Mary Baker Eddy's writings. Chapter V, to which we will now turn, discusses the impact of the new Copyright Act of 1971 on Science and Health.

\*\*\*INSERT pictures opposite page 142

#### JESUS AND THE SAMARITAN WOMAN

" *The true worshipers worship the Father in Spirit and in Truth*"—Jesus

#### THE ANGEL WITH THE LITTLE BOOK

*Science and Health*

<sup>1</sup> Man. p.44:21

<sup>2</sup> See March 25,1919 Bill in Equity, p.193

<sup>3</sup> Taken from Dr. Shawk's copyrighted cassettes,(Used by permission)

<sup>4</sup> Here The First Church of Christ, Scientist is confused with The Mother Church but The Mother Church *is not* the recipient of The Publishing Society funds. Students of the *Church Manual* know that a distinct separation exists between The Mother Church and The First Church of Christ,Scientist,in Boston, Massachusetts. The Mother Church and its Board of *five* Directors is governed by the By-Laws found between pages 25 and 105 in the *Church Manual*. On the other hand, The First Church of Christ, Scientist, with its *four* Directors was established by the legal Deed of Trust found on page 128 of the *Manual*, and is governed by the two Deeds of Trust found on pages 128-138 of the *Manual*.

<sup>5</sup> Man. p.44:20.

<sup>6</sup>.See Appendix for full text of Publishing Society Deed of Trust,p.187

<sup>7</sup> For full text of March25,1919 Bill in Equity, see Appendix p.193

<sup>8</sup> From Dr.Shawk's copyrighted cassettes on the *Manual*. (Used with permission)

<sup>9</sup> Available from Rare Book Co. P.O. Box 6957, Freehold, N.J.07728, and from Bookmark P.O. Box 801143 Santa Clarita, Ca. 91380

<sup>9a</sup> A Christian Science practitioner of international repute, who secured a copy of Proceedings in Equity and is making a study of the "great literature litigation" writes,"I have made notes on the first 500 pages of the tome, and will continue as I am able. That litigation is the most damning piece of evidence there could ever be as to the motives of those righteous and moral men, who immediately after Mrs. Eddy's passing fell into the trap of animal magnetism (the name for error in Christian Science), that the power and the prestige of office were all that mattered to them—all neatly translated to them as the right thing to do to save the movement and run it forever.

<sup>10</sup> Braden, Christian Science Today, p. 82

<sup>11</sup> Braden, Christian Science Today. P. 87

<sup>12</sup> Hugh Studdert Kennedy, Christian Science Organized Religion (Available from Rare Book Co., P.O. Box 6957, Freehold, N.J. 07728 and from Bookmark,P.O.Box 801143 Santa Clarita, Ca. 91380)

<sup>13</sup> Material preserved in Alice Orgain Library

<sup>14</sup> Mis. 303

<sup>15</sup> From copyrighted cassette tape by Dr.Harry R. Shawk. (Used by permission)

<sup>16</sup> S&H. 141:10

<sup>17</sup> '00. 10:5

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<sup>18</sup> Divinity Course and General Collectanea, p. 169. Compiled by Richard Oakes. (Available from Rare Book Co. P.O. Box 6957 Freehold N.J.07728):"The good soil is the active honest heart. Where this exists there is energy, fidelity and reward gained by the individual, not a gift of God, but the wages of uprightness and hard work, struggle and victory" (From Mrs. Eddy's Article,Soldier, Seed, and Soil).

## Chapter V

### SCIENCE AND HEALTH COPYRIGHT "ACT" 1971

*When needed tell the truth concerning the lie. Correct the false with the true-then leave the latter to propagate.  
Expose and denounce the claims of evil.*

*Withhold not the rebuke or explanation which destroys error.*

*Mary Baker Eddy.*

*Justice also will I lay to the line, and righteousness to the plummet: and the hail shall sweep away the refuge of lies,  
and the waters shall overflow the hiding place—Isaiah 28:17*

THE last document under discussion is the Copyright "Act" on Science and Health passed by Congress in 1971. This copyright action was a private bill introduced into the Senate. It was called "An Act for the relief of Clayton Bion Craig, Arthur P. Wirth, Mrs. Lenore D. Hanks, David E. Sleeper, and DeWitt John:" These five named persons were the five-member ecclesiastical Board of Directors. This private copyright bill was numbered S. 1866. It has no connection with the revised copyright law which took effect January 1, 1978.

Testimony of various witnesses before Subcommittee No. 3, Committee on the Judiciary, House of Representatives, on S. 1866, can be read in the Appendix (see p. 255).

It is illuminating to read Mrs. Eddy's comments regarding copyright:

Christian Science is not copyrighted; nor would protection by copyright be requisite, if mortals obeyed God's law of *manright*. A student can write voluminous works on Science without trespassing, if he writes honestly, and he cannot dishonestly compose *Christian Science*. The Bible is not stolen though it is cited, and quoted deferentially.<sup>1</sup>

To understand the situation it is necessary to go back to the time of Mrs. Eddy's passing. Mrs. Eddy in her Will had left a large portion of her estate to "the church, to be used for "the promotion and extension of the Science taught by [her]. " The five-member Board of Directors (whose office as Directors had actually been terminated by the estoppel clauses in the *Church Manual*, as we have seen) sued to gain control of this money. Around 1913 the Court awarded them custody of these funds, and thus the Board of Directors also became known as the Trustees under the Will of Mary Baker G. Eddy. This is how the Trustees under the Will of Mary Baker G. Eddy came into being. The Court, of course, did not realize that through her estoppel clauses in the *Church Manual* Mrs. Eddy had terminated this Board of Directors.

In 1916 the Board of Directors began the policy of "authorizing literature. " This was a powerful tool in molding church-member opinion in conformity with the convictions of those in authority in Boston. It was a move that stifled growth, understanding, and inspiration.

The next important move of the Board of Directors came in 1919 when they launched a concerted campaign to take over the communications arm of the Movement, the Christian Science Publishing Society. This they accomplished by means of a protracted legal battle, which was covered in Chapter IV

### 1934 COPYRIGHT, ILLEGAL

In 1934 the five-member ecclesiastical Board of Directors moved to get the copyright on Science and Health out of Mrs. Eddy's name and into their own through the renewal of the 1906 edition of Science and Health. This caused a great stir in the Christian Science Field since most Christian Scientists felt Mrs. Eddy wanted Science and Health to be in the public domain at the earliest possible time and she had made no provision for the 1906 copyright renewal, nor had she copyrighted the vital changes made in her last fourteen editions. To give the copyright on Mrs. Eddy's great work, Science and Health, to five individuals in Boston seemed a grave injustice to Mrs. Eddy.

Attorneys familiar with the case felt that as Mrs. Eddy had made no provision to pass on these copyrights, or for the renewal of the still-existing 1906 copyright, it was clearly her intention to let that copyright lapse.

Attorneys also contended that the renewal of the 1906 copyright in 1934 was illegally obtained because under copyright law at that time the only one who *could* renew a copyright was the originator of the work, meaning in this case, Mary Baker Eddy herself, or the executor of her estate, Mr. Fernald. Mr. Fernald had passed on prior to 1934. In his place Boston appointed an "administrator . " They could not appoint an *executor* since only the person who initially takes the responsibility of resolving an individual's estate can be termed an "executor." Because the man who replaced Mr. Fernald was merely an administrator, he did not have the legal authority under copyright law, at that time, to renew the copyright on the 1906 edition.

Furthermore, it must be remembered that the five-member ecclesiastical Board of Directors had usurped power and authority illegally in 1910 at Mrs. Eddy's passing, since the estoppel clauses terminated The Mother Church and its Board of Directors.

(During the years from 1907 to 1910 momentous scientific changes consummated tgghe teachings of the Chrisatian Science textbook Science textbook, Science and Health. While Mrs. Eddy issued 432 editions of Science and Health, her statement on page 361:21 must be born in mind: "I have revised Science and Health only to give clearer and fuller expression of its orginal meaning. Spiritual ideas unfold as we advance." *They unfolded in greatest profusion during the years 1907 to 1910*, but always as an unfoldment of that "final revelation of the absolute divine Principle of scientific mental healing" she received initially in the year 1866. [See S&H. 107:1-6.]

The 1906 edition of Science and Health was therefore the only edition on which the Board could obtain renewal of copyright, but this edition had not been used by Christian Scientists since 1906 because much-changed and updated later more scientific editions superseded it. Since 1910 the only edition of Science and Health in general use, and for sale in Reading Rooms, is the 1910 edition, which differs radically from the 1906 edition. The 1906 cannot be substituted for the 1910 edition.

Because of the complete control, and the great financial resources of the Board of Directors, this 1934 copyright action was not challenged in the Courts of the land.

### ERRATA

NOTE TO READER:

Since publication the following facts concerning the illegal 1934 renewal of copyright on Science and Health have come to light, and take precedence over any conflicting statement in this Chapter.

The second codicil to Mrs. Eddy's will states: *the residue of my estate...I have left to said The First Church of Christ, Scientist, in Boston, Massachusetts*" (see Appendix, p. 180, line 24). This codicil, dated May 14, 1904, had priority at any point where there was a variance between it and her basic will dated September 13, 1901. In this codicil she does not mention The Mother Church since the estoppel clauses would terminate The Mother Church at her passing.

In 1901 the four-member Board of Directors was not only the legal entity which Mrs. Eddy created by her September, 1892, Deed of Trust but was also the governing Board of the second organization which was at first called "Mother's Church" and later designated "The Mother Church." Thus the Board of Directors wore two hats and continued to do so until the estoppel clauses in the Manual *terminated The Mother Church* and the five-member ecclesiastical Board of Directors at Mrs. Eddy's passing, following which only the four-member legal Board existed.

In order to trace the ownership of the copyrights on Science and Health and to show the illegality of the 1934 renewal of this copyright, we submit the following vital information taken from Alice Orgain's *Angelic Overtures to Christ and Christmas*, pp. 819-821:

On March 6th, 1907, Mrs. Eddy made a *personal* Deed of Trust placing her entire earthly fortune in the hands of three Trustees, Henry M. Baker, Josiah E. Fernald, and Archibald McClellan. This Deed of Trust transferred and assigned to these three Trustees ownership of the copyrights to her writings, as can be seen from the following quote from this Deed of Trust:

KNOW ALL MEN BY THESE PRESENTS: that I, Mary Baker G. Eddy...do hereby grant, convey, assign, and transfer unto the said [three Trustees]. . .all my interest of every kind and description . . . including stocks, bonds, *interests in copyrights, contracts*, . . . *First: To manage, care for, and control all the above granted real estate and interest therein during my earthly life . . . . Fourth: At the termination of my earthly life, this trust shall terminate, and all the personal estate then held by my said trustees shall pass to the executor of my last will and codicils thereto, to be disposed of in accordance with the provisions thereof.*

At Mrs. Eddy's passing, the five-member ecclesiastical Board of Directors, which included the four-member legal Board within itself, refused to obey the By-Laws containing estoppel clauses. This, in effect, amended and annulled these By-Laws, and the four-member Board never discharged its responsibilities, never lawfully took office. This constituted a breach of trust. On p. 133:13, the *Manual states*:

11. The omission or neglect on the part of said Directors to strictly comply with any of the conditions herein contained shall constitute a breach thereof, and the title hereby conveyed shall revert to the grantor Mary Baker G. Eddy, her heirs and assigns  
(Man. 133:13.)

Remember, Principle, God, dictated the Manual. Did this breach of trust deprive the Board of Directors of any rights to Mrs. Eddy's copyrights on Science and Health? Certainly the five-member ecclesiastical Board of Directors never had any legal authority to renew the copyright on Science and Health in 1934 or in 1971.

Also, Mrs. Orgain states that in 1934 the courts very definitely said that there is no provision for an administrator to renew. Additionally, it is a definite fact that neither an Executor nor an Administrator so

appointed could renew copyrights after he had completed the administration of the estate. Josiah E. Fernald was appointed Administrator by the Court to succeed the deceased Executor Henry M. Baker. Mr. Fernald "closed his final account [as Administrator] *March 26, 1914,*" according to the Register of the Court of Probate for the County of Merrimack in New Hampshire. It was therefore illegal for past Administrator Josiah E. Fernald to renew the 1906 copyright on Science and Health twenty years later. That the Board of Directors knew this is evidenced by the fact that the copyrights of 1890, 1894, and 1901 were properly renewed by Ebenezer J. Foster-Eddy, who, however, had passed on shortly before the time to renew the 1906 copyrights.

A pregnant question, rich in significance and implication, remains unanswered:

Mrs. Eddy previously had always copyrighted her editions at the time any extensive changes were made, regardless of the date of her last copyright. For instance, she took out copyrights on Science and Health in 1375, 1878, 1883, 1885, 1890, 1894, 1901, 1902, 1906. Why then did she not copyright the extensive changes made after the second edition in 1907? She tells us "spiritual ideas unfold as we advance," and after her second edition in 1907 spiritual ideas began unfolding exponentially in her consciousness bringing forth evolutionary statements and changes of the greatest spiritual magnitude, ushering in the "culmination of scientific statement and proof."

Do these extensive spiritual additions, covering the whole range of Science and Health universalize our textbook? Do they evince that her final great illuminations lifted Science and Health beyond the power of law or church to bind?—Do they establish that the Church of Christ, Scientist, is a wholly spiritual state of consciousness, the Church Universal and Triumphant? This must be so because her last 24 or 25 highest statements (other than those in Science and Health) were not given to The Mother Church periodicals but to *the WORLD* through its own channels: New York World, The Ladies Home Journal, Boston Herald, Boston Globe, Concord Monitor, New York American, The Independent, The Evening Press, Cosmopolitan, Minneapolis News, Boston Post, New York Commercial Advertiser, etc.

"Sweeping down the centuries" Science gathers beneath its wings all humanity, inexorably bringing to light Mary Baker Eddy's successor, man in God's image and likeness, generic man.

#### END OF ERRATA

"There is nothing covered that shall not be revealed; or hid, that shall not be made known."  
—Christ Jesus

Dear Reader:

Slowly all the facts in connection with the Copyright Act of 1971 on Science and Health are coming to light.

None of these facts are more pertinent than Mrs. Eddy's letter to William G. Nixon (p. 163 of this book) evincing her fear of legalized suppression of Science and Health through copyright legislation. She wanted Science and Health to be given at once to the people, and expressed utter dismay at the prospect of any copyright legislation that would impede the greatest world-wide distribution of Science and Health, knowing that such legislation would do incalculable harm to the prosperity of her book. The thought of giving certain individuals a monopoly on Science and Health and thus limiting its accessibility to the public through copyright legislation, was intolerable to Mrs. Eddy.

In order to avoid this "great sin," she said, "God's law to 'Feed my sheep,' to give Science and Health at once to those hungering for it, must be obeyed and held paramount to an international law on copyright" (pp. 163 and 164.)

The 1971 Congressional Copyright Act on Science and Health threatens to ruin, totally, the "prosperity" of this book. This 1971 Congressional Copyright Act was "for the relief of" five named individuals in Boston who were the "Trustees under the Will of Mary Baker Eddy," and at the same time were also the five-member ecclesiastical Board of Directors of The Mother Church.

In order to get at the heart of this copyright matter it is important to understand how the "Trustees under the Will of Mary Baker Eddy" came into being.

In the second codicil to her will (see p. 180) Mrs. Eddy bequeathed the residue of her estate "to the said The First Church of Christ, Scientist," the local Boston church.

As has been well-chronicled in this book, the estoppel clauses in the Church Manual terminated both The Mother Church and the five-member ecclesiastical Board of Directors leaving only the four-member legal or fiduciary Board established by Mrs. Eddy's 1892 Deed of Trust. This was a self-perpetuating Board, controlling only the local Boston church.

However, the five-member ecclesiastical Board, which was governed by the Church Manuals estoppel clauses, refused to step down when, at Mrs. Eddy's passing, these estoppels (terminating The Mother Church and its five-member ecclesiastical Board) went into effect. This five-member ecclesiastical Board was made up of the four-member legal or fiduciary Board, which simply wore another hat when it acted as Mother Church ecclesiastical Directors. (A fifth Director was added from the Field in February, 1903.) As fiduciary Board members under the 1892 and 1903 Deeds of Trust this 4-member Board was only a housekeeper for The First Church of Christ, Scientist, the local Boston church. But when they put on their ecclesiastical hat and acted as the Board of Directors of The Mother Church (which they were allowed to do during Mrs. Eddy's lifetime) they enjoyed almost unlimited power, prestige, authority, and "glory".

When Mrs. Eddy passed on in 1910 her estoppel clauses in the Manual ended all that power and authority. This was a pill too bitter for the five-member ecclesiastical Board to swallow. They refused to obey the estoppel clauses, which terminated their Board, and they quickly instituted suit to gain control of the money and property Mrs. Eddy had left in her second codicil NOT to The Mother Church, but to The First Church of Christ, Scientist, the local Boston church which was legally set up to receive it.

In an original will, dated Sept. 13, 1901, Mrs. Eddy had left everything to The Mother Church. But in the *second codicil* to her will she changed the beneficiary, and left everything to The First Church of Christ, Scientist, a completely different entity from The Mother Church. (By 1911 standards the estate was very large.)

A committee of dedicated Christian Scientists which is making a thorough investigation of the 1971 Congressional Copyright Act on Science and Health, requested the complete New Hampshire Probate Court records in connection with the granting of Mrs. Eddy's estate to the five-member ecclesiastical Board of Directors of The Mother Church. The Court records arrived without the codicils which in 1904 changed the beneficiary from The Mother Church, as named in the original will of 1901, making the new beneficiary The First Church of Christ, Scientist, the local Boston church.

When inquiry was made regarding the missing codicils, the New Hampshire Probate Court official stated the codicils were not sent because in the Court's opinion they in no way influenced the will. In a telephone conversation which followed, the New Hampshire Probate Court official stated that the lawyers acting for the Mother Church Board of Directors never explained to the Court that The First Church of Christ, Scientist, was a different entity from The Mother Church; instead the Mother Church attorneys allowed the Probate Court officials to believe that The Mother Church and The First Church of Christ,

Scientist, were one and the same thing. Thus the New Hampshire Probate Court was kept unaware that the second codicil to Mrs. Eddy's will changed the beneficiary to her estate.

The Court therefore awarded, in error, Mrs. Eddy's estate to the five-member ecclesiastical Board of Directors of The Mother Church instead of to the four-member legal or fiduciary Board of The First Church of Christ, Scientist, the local Boston Church. But it must be remembered that the two boards were constituted of the same individuals, except for a fifth member. They merely Performed different functions. After Mrs. Eddy's passing the four-member fiduciary Board never lawfully took office, never discharged its duties; thus they broke their trust. These four members of the legal Board, who were governed by the two deeds of trust shown in the back of the Manual breached their trust agreement when they waived the Manual's estoppel clauses and refused to give up the great power and authority they wielded during Mrs. Eddy's lifetime. Because of this breach the entire estate legally reverted to Mrs. Eddy's heirs and assigns as provided by condition No. 11 of the trust agreement, (Man. 133:13)

The probate court, unaware of all the foregoing facts, awarded Mrs. Eddy's estate (which included copyrights) to the five-member ecclesiastical Board of Directors. And this is how the "Trustees under the Will of Mary Baker Eddy' came into being. Thus, the five-member ecclesiastical Board of Directors now held yet another office.

The estate (including copyrights) should, of course, have gone to The First Church of Christ, Scientist, as Mrs. Eddy intended and specified in the last codicil to her will. But it did not. Instead, the "Trustees under the Will" kept the copyrights for sixty years and derived all revenues, royalties, and other benefits therefrom.

Through the copyright legislation of 1971 these Trustees under the will secured the copyrights not only to the 1906 edition but to all 432 editions of Science and Health, in their own names-in the names of Craig, Wuth, Hanks, Sleeper, and John. This copyright legislation was consummated in December of 1971. A month later, in January of 1972, Craig, Wuth, Hanks, Sleeper, and John sold the copyrights to The First Church of Christ, Scientist, for the reported sum of two million dollars. (This in spite of the fact that Mrs. Eddy had bequeathed her estate, including copyrights, to this church sixty years prior to this time.) Also it must be remembered that Craig, Wuth, Hanks, Sleeper, and John were simultaneously the Board of Directors and the Trustees under the Will.

In view of the above and the fact that many leading authorities found the 1971 Congressional Copyright Act to be unconstitutional, violating the First Amendment prohibition of Congress making a "law respecting an establishment of religion, or prohibiting the free exercise thereof," we feel this 1971 copyright legislation should be rescinded. A petition to return all 432 editions of Science and Health to the public domain would extend to our Congress an opportunity to set the highest example of justice and equity ever to be performed by any government, since it would be asking that legislative body to free the Word of God from legalized suppression by international copyright law, and to let God's Word have free course and be glorified.

Gods message to humanity during the past 70 years has been obvious, namely, that a society of sheep invariably begets a government of wolves and that the great need of the hour is for each one to claim and accept his true heritage: government by divine Principle alone.

MARY BAKER EDDY'S CHURCH MANUAL AND CHURCH UNIVERSAL AND TRIUMPHANT was written and published in the hope that human rights can only be violated if the truth is allowed to go unpublished.

## THE 1971 COPYRIGHT ACTION

The next renewal could have come up in 1962, but due to the new Copyright Act, which was under consideration in Congress, all copyright renewals were extended until the new Copyright law took effect (which would be in 1978).

The many voices of protest raised in 1934 against the copyright renewal on Science and Health caused the Board of Directors to pursue their next copyright plans in utmost secrecy. Accordingly, in 1971 a private bill titled "An Act for the Relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and DeWitt John "was introduced into the Senate.

The Board of Directors' homework was well done and well timed. With the No. 1 and No. 2 principals on the White House Staff and a number of influential Senators and Congressmen all members of the Christian Science Church and all loyal to the Board of Directors' point of view, the bill was planted in a fertile field.

So, in 1971 while the Board of Directors *portrayed* the copyright action they were taking as being just a 'renewal' the fact was that it was NOT a renewal. They were actually securing a *brand new* copyright *in their own name*, not only on the 1906 edition but on all the other 431 editions of Science and Health most of which had long been in the public domain. They obtained this through a most unusual procedure, which the Congress enacted and President Nixon signed into law. This copyright is to be effective for 75 years.

While the Trustees under the Will of Mary Baker G. Eddy are also the Christian Science Board of Directors, it is reported that within t copyright the name changed from Trustees Eddy to "The Christi; transaction is partially *Journal* of November, section).

Among other things, this same *Journal* article states:

In her will, Mrs. Eddy made several specific bequests. The balance of her estate, *including the copyrights on her books*, was left to the Church.

This is *not* correct. If the reader will turn to Mrs. Eddy's will, reproduced in the Appendix,<sup>2</sup> he will not find anywhere in her Will a bequeathing of her copyrights to the church, and hence not to the Trustees under the Will of Mary Baker G. Eddy, who are the five-member ecclesiastical Board of Directors.

## COPYRIGHT ACT UNCONSTITUTIONAL

Competent legal and constitutional authorities have severely criticized and condemned the 1971 Copyright "Act" on Science and Health as totally unconstitutional. Senator Jacob Javits took a strong position against the bill, S. 1866. He pointed out that it would vest in the Board of Directors (or the Trustees under the Will of Mary Baker G. Eddy) exclusive copyright "over Mrs. Eddy's great work, 'Science and Health,' upon which a copyright law for the *one* edition which was published in 1906. Numerous editions [actually 431 editions] are now in the public domain, and of course *other revisions may take place hereafter.*"

Senator Javits then again requested, that because of the alleged unconstitutionality of this copyright Act, Congress delay consideration of it. Javits wanted to give the New York Bar Association an opportunity to file a statement of its objections to this copyright Act.

Following are some excerpts from report of the Committee of Civil Rights of the Association of the Bar of the City of New York on the subject of S. 1866. The report was forwarded with the approval of the President of the Association, the Honorable Bernard Biotin:

On behalf of the Association, we again strongly urge that this bill not be enacted. As you will note, the report recommends the rejection of the bill...or its recommitted to the Committee on the Judiciary for hearings on the constitutionality of the issues involved, so as to give its proponents an opportunity to respond to our views as to the bill's *un*constitutionality.

In closing they again stress the Copyright Act's unconstitutionality.

The Association of the Bar of the City of New York, Committee on Civil Rights, after strongly recommending rejection of this copyright Act on Science and Health, stated:

The Association's Committee on Copyright Law, basing its stand on the constitutional provisions for copyright and the policy of copyright law, has announced its opposition...because it would violate the First Amendment prohibition of Congress making a "law respecting an establishment of religion, or prohibiting the free exercise thereof."

While the Bar Association's letter urged rejection of this Copyright "Act," on the grounds of its unconstitutionality and its impingement on the First Amendment guaranteeing religious liberty, they may also have seen the grave injustice being done the author, Mary Baker Eddy, in granting to five persons in Boston no but only a copyright on the 1906 edition, but on all 432 editions, 418 of which had long been in the public domain; and the cruelest blow of all to the author, Mary Baker Eddy, came with granting these five persons in Boston *the right to bring out their own versions and revisions of Science and Health*.

The Bar Association points out that this copyright Act on Science and Health would have the following unfortunate effects:

In sum, the effect of 1866 would be ...to single out Mrs. Eddy's works in the following respects: (a) remove all versions published prior to the 1906 edition from the public domain and impose thereon until 2046 or 2047, either a new copyright or a copyright for the first time; (b) extend to the same date the copyright on the 1906 edition; and (c) allow future versions' [of Science and Health] to be registered for a period of 75 years from date of publication.

(The question many dedicated Christian Scientists are asking is: "If the Directors of The Mother Church are not planning to bring out their own revised editions, why was it so important to have the copyright Act on Science and Health cover "future *versions*"?)

The Bar Association in its letter urging rejection of the copyright Act on Science and Health listed the reasons given by the proponents of S. 1866, and then stated:

We believe that those very arguments [given by the proponents of the copyright Act] point to the unconstitutionality of the bill...we confess ourselves unable to perceive how S. 1866 can be other than unconstitutional. Its purpose and its ultimate effect are to single out a particular doctrine within a particular church to grant to writings embodying that doctrine protection [?] that has never been made available to any other religious or non religious writings, aid to supply civil and criminal sanctions against those I who, religiously or non-religiously, whether calling themselves Christian Scientists or not, may choose to deviate from that doctrine. Indeed our research... has failed to disclose any constitutional decisions involving similar statutes—an indication, if constitutionality can be regarded as quantitative, how "*extremely unconstitutional*" S. 1866 is.

Think of Christian Scientists advocating an "extremely unconstitutional" course! No more law-abiding citizen than Mary Baker Eddy ever walked on American soil. She said genuine Christian Scientists are or *should be* the most law-abiding people on earth.<sup>3</sup> Mrs. Eddy was a strict believer in the Constitution of the United States. She would have deplored Christian Scientists endeavoring to circumvent the Constitution in trying to pass an "extremely unconstitutional" law that deprives dedicated Christian Scientists of religious freedom and deprives the public generally of the benefit of Science and Health, and that will permit the trustees of Mrs. Eddy's estate (the Board of Directors) to publish 'revised *versions*' of Science and Health. S. 1866 gives the Board of Directors the *legal* right to bring out revised versions of Science and Health.

Senator Javits summed up his position by stressing that the copyright Act on Science and Health raised fundamental questions concerning conflict between S. 1866 and the First Amendment provisions guaranteeing *religious liberty*. He agreed with the Bar Association that S. 1866 violated the basic principle which governs the granting of copyrights. Javits reminded the Committee that the Senator from Michigan, Philip Hart, had raised the same objections to S. 1866.<sup>3a</sup>

It is also clear the the proponents of the bill, representing the Board of Directors' position, had led Senator Javits to believe that the 1906 edition of Science and Health was the edition in general use and sold in Christian Science Reading Rooms. This, of course, was totally false. The 1906 edition has not been sold in Christian Science reading rooms since 1907 nor could the 1906 edition be used by Christian Scientists in "getting their lesson" or in Sunday Church services, since the pagination and lineation of the 1906 edition is entirely different from any of the more scientific 14 editions Mrs. Eddy subsequently published. Her 1910 edition is the one that has been in use since 1910. The 1906 edition has not been in use for nearly three-quarters of a century.

Senator Javits then once again pointed out the Bar Association's severe condemnation of this bill as unconstitutional, as impinging on the First Amendment and supplying *civil and criminal* sanctions against those who, religiously or non-religiously—whether calling themselves Christian Scientists or not— may choose to deviate from that doctrine.

Javits observed that no doubt Catholics would like to have a copyright on the New Testament, and he himself knew the Jewish faith would like to have a copyright on the Old Testament. He indicated the entire world had as much right to Science and Health as the world has to the Holy Scriptures—both the Old and New Testaments. He indicated it did not seem quite right to him that a great work like Science and Health should become the personal property of five persons in Boston. "There is a question, " he said, "which a copyright raises, of a monopoly and accessibility of this great book to everyone."

Javits then asked to have printed, among other communications he had received, the following:

To Senator Jacob K. Javits: On behalf of the Committee on Civil Rights of the Association of the Bar of the City of New York, I strongly urge that no action be taken by the Senate on S. 1866 'for the relief of Clayton Bion Craig, et al.' which raises serious constitutional problems relating to the constitutional provisions prohibiting the establishment of religion, as well as other constitutional provisions....

From Robert M. Kaufmanns, Chairman, Committee on Civil Rights, the Association of the Bar of the City of New York.

The Committee on Copyright and Literary Property of the Association of the Bar of the City of New York sent the following telegram to all members of the House Judiciary Committee:

At its meeting last night the Committee on Copyright and Literary Property, of the Association of the Bar of New York City, unanimously *disapproved that* portion of S. 1866 which purports to restore to copyright protection editions of Science and Health which have long been in the public domain. The bill would create for the first edition of that work a copyright term in excess of 170 years. We believe that such action exceeds the congressional power under article 1, section 8, of the Constitution and would represent unsound copyright policy. We urge you to object to the passage of private bill S. 1866.

### COMMITTEE ON THE JUDICIARY HEARING

On page 2 of the "Hearing before the Committee on the Judiciary <sup>4</sup>Representative McClory, a member of The Mother Church, testifying for the Christian Science Board of Directors, stated:

The final edition of the Christian Science textbook was published and copyrighted in 1906..."

This statement is not correct. The 1906 edition was not the final edition because Mrs. Eddy issued fourteen editions subsequent to the copyrighted 1906 edition. Each of these fourteen editions contained changes of the greatest magnitude.

Then Representative McClory continued:

The complete and final revelation of Christian Science, as set forth by Mrs. Eddy, the Discoverer and Founder of Christian Science, is embodied in the copyrighted edition of the textbook..."

Again, of course, this is not correct. A committee set up to compare the 1906 last—copyrighted edition with the 1910 more complete edition found that Mrs. Eddy had made 3,906 additions, changes, and deletions in the 1910 edition. This means Mrs. Eddy made nearly 4,000 changes in her 1910 edition. Many of these changes had supreme significance in the unfoldment of her Science. For instance, a radical change was made in her fourth edition in 1907 when she changed her definition of God which brought the entire textbook into line with the Science she was teaching.

The complete and final revelation of Christian Science is not set forth in the 1906 edition. Fourteen more editions were required to bring out the final revelation. Mrs. Eddy speaks of her first edition in 1875 as having been revised only to give a clearer and fuller expression to its original meaning.<sup>5</sup> But it took the unfoldment that came with all 432 editions to make the pure Science of Christian Science clear to humanity in such a form and manner as would enable it to be taught in the same way that music and mathematics are taught. A vital part of this unfoldment came between 1907 and 1910. A science does not need to be copyrighted, and Mrs. Eddy stated, "Christian Science is not copyrighted." When Mrs. Eddy made no arrangements to copyright the major developments and profound unfoldments that came with the last fourteen editions, it seems evident that she wished Science and Health to be in the public domain at the earliest possible time.

Continuing on page 3 of the Congressional Record, the Hon. Robert McClory states:

While I speak only as one member of the Christian Science Church, I can assure you that I do, indeed, voice the interest and support of all Christian Scientists...

This seems a rather sweeping statement from Representative McClory when there are perhaps more Christian Scientists outside than inside the official Boston church, and those outside the official church

circle (as well as a great many still within the material organization) would tend to feel Mrs. Eddy's writings should be in the public domain just as the Bible is. If "all Christian Scientists" supported taking the copyright out of the name of Mary Baker Eddy and vesting it in the Board of Directors why was it deemed necessary to maintain absolute secrecy in planning this seventy-five year copyright "extension"?

Dr. J. Burroughs Stokes, Manager of the Christian Science Committee on Publication, representing the Trustees under the Will of Mary Baker G. Eddy, and "spokesman for all Christian Science church members," stated:

Not a single member of our church has indicated any opposition to the passage of this bill, or is opposed to extending the copyright on "Science and Health." Our members realize that the last edition of "Science and Health" is the pastor of this church. To protect this pastor, it is necessary to *extend* the copyright on "Science and Health," which is owned by the Trustees under the Will of Mary Baker Eddy. The Christian Scientists know that these Trustees must maintain the book as their pastor in its final form as written by the author, and will not change it, revise it, annotate it, or issue abridged versions. (p. 10 of Committee on Judiciary Report)

Dr. Stokes avers: "Not a single member of our church has indicated opposition..." But he fails to mention that no one knew about the bill. It had been prepared in *absolute secrecy*. It had not been advertised in any of the Christian Science periodicals or in the *Monitor*. Shortly before the bill was passed, a student in Washington, D.C. heard of it, by chance, and did what she could to alert Christian Scientists. The worldwide stir aroused by the 1934 copyright renewal obviously warned the Directors of the inadvisability of letting the Field know of their plans. When asked by the Committee if the bill had any publicity, G. Ross Cunningham, Christian Science Committee on Publication for Washington, D.C., replied:

There has been *national publicity* about S. 1866 in *various publications*, such as Publishers' Weekly, Variety, and the American Patent Law Association Bulletin. To the extent that this bill can be considered *newsworthy to them*, the public and publishing interests are informed concerning S. 1866. (p. 6 of Judiciary Report)

No notice of any kind had been sent to the more than three thousand churches or any of the church members. When asked later by an interested member of the Committee why nothing had appeared in the *Monitor* or any of the Christian Science periodicals concerning S. 1866, the answer given was, "We thought it best to keep it quiet and not to stir up anything."<sup>6</sup>

A second item in Dr. Stokes' testimony asserted that the members realize the last edition of Science and Health "is the pastor of this church. To protect this pastor it is necessary to 'extend' the copyright...." The last edition changes in Science and Health were never copyrighted. The following letter from Library of Congress Office, confirms that no copyright exists on the vital changes Mrs. Eddy made in her last 14 editions:

\*\*\*INSERT PG. 142A

COPYRIGHT  
OFFICE

United Christian Scientists, Inc.  
P.O. Box 8048

San Jose, California, 95155

Attention: David James Nolan

Dear Mr. Nolan:

LIBRARY  
OF  
CONGRESS

Washington  
D.C.  
20559

This refers to your letter of August 11, 1980. The following search report is made:

Search in the indexes and catalogs of the Copyright Office covering the period 1898 through 1945 under the name Mary Baker Eddy and title SCIENCE AND HEALTH WITH KEY TO THE SCRIPTURES failed to disclose any separate registration for a work identified under this name and specific title and bearing the year dates 1907 through 1910.

Your remittance of \$20.00 has been applied in payment for this search and report.

Sincerely yours,

Robert G. Myers  
Bibliographer,  
Reference and Bibliography Section

Furthermore, the Copyright Act of 1971 was not an "extension" This "Act" gave the Board of Directors of The Mother Church a *brand new* copyright, vesting all rights to Science and Health on all 432 editions in the Trustees under the Will of Mary Baker G. Eddy, namely, the Board of Directors.

Dr. Stokes further declared that the textbook will not be "changed, revised, annotated, or abridged."

For a number of years, however, rumors have circulated among highly placed Boston officials that the Board is working on extensive revisions to Science and Health. In the past the Directors have made changes to Science and Health. They have removed Mrs. Eddy's picture from the front of the book; they have moved and deleted testimonies Mrs. Eddy carefully selected; they have changed marginal headings; they have added "Authorized Literature of The First Church of Christ, Scientist, in Boston, Massachusetts"; they have listed books and booklets on the flyleaf of Science and Health; they have reduced the size of the cross and crown insignia on Science and Health, etc. This is not reassuring for a future policy that "will not change it, revise it, annotate it, or issue abridged editions" now that they are *legally* empowered to make any changes they may wish to make.

Dr. Stokes offered to show the Judiciary Committee how the "lesson sermon" is carried out with the Quarterly. But this couldn't have been the 1906 edition of Science and Health for which they sought the copyright since its pages and lines are not the same as the 1910 edition currently in use. Church members use the 1910 *edition* "to get their lesson." It is this edition which corresponds to the page and line listed in the Christian Science Quarterly. The 1906 edition was last used for this purpose in 1906, and never since.

Mr. C. Ross Cunningham, Manager of the Washington, D.C. office of the Christian Science Committee on Publication, told the Judiciary Congressional Committee why the Board of Directors was seeking to "extend the copyright on the book Science and Health." After affirming that the most recent copyright was in 1906, and S. 1866 would "extend" the copyright 75 years, he stated that "this book [the 1906 edition] is used together with the Bible, as the basic textbook for all instruction in the Christian Science religion, and for the teaching and practice of the spiritual healing which is a central part of this religion." He stated a copyright "extension" was needed on this book since the present copyright was due to expire December 31, 1971. He said Christian Scientists look to this book as the pastor of their church, and all sermons throughout the world are comprised of scriptural readings together with readings from this book. He explained in detail how necessary this "extension" on the 1906 copyright was. But these statements are *not correct*. 14 editions followed the 1906, in which Science and Health "gathered momentum and clearness and reached its culmination." The latest is used in Sunday services throughout the world, and by students for instruction in Christian Science. Few, indeed, are the Christian Scientists who have ever seen a 1906 edition of Science and Health.

He further stated that without the copyright extension on this [1906 edition] of Science and Health "there would be serious danger that the course of Christian Science church services and the basis of individual religious study by Christian Scientists would be seriously impaired. The result, " he said, "would be a definite limitation on the freedom of adherents of this denomination to practice their religion! These statements, again, are not correct.

As has been previously brought out, the 1906 edition of Science and Health has not been used by Christian Scientists either individually or in church services since 1906. Mary Baker Eddy never copyrighted any of the more than 4000 changes she made in the 14 editions of Science and Health published after 1906. As has been previously brought out, she made no provision in her Will or elsewhere for an extension of copyright on Science and Health after it had run its normal course of 28 years.

Ignoring the fact that the edition of Science and Health currently in use in all Christian Science churches *should have been in the public domain* since 1934, Mr. Cunningham told the Congressional Judiciary Committee: "Our concern is that if this book *goes* into the public domain, as a practical matter, the public will not know whether it is buying or reading what Mrs. Eddy wrote ....."

Mr. Abe Goldman, General Counsel, U. S. Copyright Office, like Senator Javits and others, based his testimony before Congress on his understanding that the 1906 edition was the one now used in church services and by individual Christian Scientists, which the proponents of the bill had obviously led him to believe. Mr. Goldman stated:

We understand that the 1906 edition, the one still under copyright, *is the one now used* by the Christian Science Church as the basic text... for instruction in the Christian Science religion, and for the practice of its teaching and its church services.

Since all the witnesses representing the Board of Directors knew that the 1906 edition had not been used by Christian Scientists or for church services for nearly three-quarters of a century, how could this copyright have been *legitimately* obtained?

Mr. Goldman testified that there had been little opposition to the bill, S. 1866. But it must be remembered *no one knew about the bill*. It was kept a closely guarded secret until the very last minute. It was only when Senator Javits requested a postponement of the bill that the supporters of the Christian Science Board of Directors launched a concerted drive for support.

At this point an interesting episode developed. The Directors of The Mother Church had hoped to steer the bill smoothly through the Congressional hearing without the Christian Science Field hearing about it. And from May, when the bill was first entered, until late November they had succeeded in keeping it wholly hidden from the Christian Science Field. But when Senator Javits of the State of New York requested the bill be held up indefinitely, those supporting the bill decided the time for secrecy was past. All Christian Science church members (in New York State) and their friends, and all Sunday School students and their friends were then urged to send letters and telegrams to their Senator, Mr. Javits, saying, "Please release bill S. 1866, protecting copyright on Science and Health, our Pastor."

Thousands of *identical* telegrams began pouring into Senator Javits' office. The great multitude of senders did not realize they were crying: "Crucify Mrs. Eddy's textbook, crucify Science and Health!" The flood of telegrams received was in sharp contrast to the intelligent, meaningful letters received by Senator Javits from dedicated Christian Scientists unalterably opposed to the Directors' latest attempt to get the copyright out of Mrs. Eddy's name and into their own. Membership in branch churches today<sup>8</sup> consists for the most part of those who believe in material organization and, thus, would naturally support the Board of Directors' position, since they tend to read only what is 'authorized' by the Board of Directors. This probably accounts for Senator Javits hearing *mostly* from those favoring the Board of Directors' position, since Christian Scientists who do not attend church services -and who surely far outnumber those who do-would have had no way of knowing about the Board of Directors' copyright action.

Senator Javits, to his everlasting credit, saw the unconstitutionality of the bill, and voted "No!" However, he did not continue to take a determined stand on the bill mainly, perhaps, because true and pertinent facts concerning this copyright action had been withheld from him, and he also had been led to believe, as had others, that the 1906 edition on which copyright still existed was the *final* edition, the one for sale in Reading Rooms, and used by Christian Scientists individually and in church services. No doubt the telegrams received from Sunday School children and their friends and from church members, had also had their effect. All these factors, plus the normal Senatorial pressures, weighed against his taking an uncompromising stand against what he "obviously" felt in his heart was an unlawful and unconstitutional act.

Mr. Cunningham, Manager of the Washington, D.C. office of the Christian Science Committee on Publication, stated:

The copyright on Science and Health is owned by...the five individuals named in the caption of the bill (S.1866)....The trustees under the will [of Mary Baker G. Eddy]...own many other copyrights, some of them on the works written by the author of "Science and Health"....

As previously noted, if the reader will turn to the last Will and Testament of Mary Baker Eddy in the Appendix<sup>9</sup> he will *not* find that Mrs. Eddy bequeathed the copyrights to any of her writings to either the temporary five-member Board of Directors which the estoppel clauses in the *Church Manual* terminated at Mrs. Eddy's demise, nor to the four-member self-perpetuating Board left legally in control of the local Boston First Church of Christ, Scientist. That she did not copyright changes in her last fourteen editions and made no provision for extending the 1906 copyright is a clear indication that Mrs. Eddy wanted that copyright to lapse, and go into the public domain also.

Regarding the \$200,000.00 yearly profit from the sale of Science and Health, the Honorable Robert F Drinan of Massachusetts, member of the Judiciary Committee, asked:

If the copyright were not renewed, I would assume Bantam Books or MacMillan...would put out a paperback....And I would assume that this would mean some diminution of revenue from the person who now owns the copyright.

Congressman Drinan said he was making the point because a publisher had said he was opposed to the bill. This publisher was no doubt typical of many who feel that after a copyright has run its course the book should pass into public domain so that everybody, wishing to, could publish it and derive profits from it.

To this argument Dr. Stokes, representing the Christian Science Board of Directors, responded that it was the aim of the proponents of the bill to "protect religion." "We have got to protect religion," he said. "We have got to protect what God wants his children to hear." This, regardless of what the author of Science and Health obviously wanted when she made no provision in her Will or elsewhere for extending the copyright on the textbook after its normal run.

Congressman Drinan replied, in substance, that the U. S. Supreme Court said in the case of *Kedoff* that state protection of any particular denomination is forbidden by the "establishment clause." Congressman Drinan stated that in the U. S. Supreme Court opinion there is a long line of cases now saying that the establishment clause means no aid to one particular religion and no aid to all religions across the board.

When Attorney Peterson, C.S., was asked, "Can you give us an idea how accessible the copies are?" he responded:

Yes, there is a bookstore edition that is published for sale in commercial bookstores. We would like it to be much more generally carried in the bookstores than it is. We make every possible effort to make it available to them.

The sad *fact*, here, is that after the new seventy-five-year copyright was granted, Science and Health and other writings by Mary Baker Eddy were *withdrawn* from bookstores and are now for sale only in the rapidly closing Reading Rooms.

All through the hearing the proponents of the bill insisted the copyright protection was necessary because of the possibility of someone publishing a distorted version, but when a member of the Judiciary Committee asked Attorney Peterson, "Can you give us examples of where people have tried to distort or change or misrepresent them? [meaning any of the 418 editions of Science and Health that have long been in the public domain]." Attorney Peterson answered, "No, no one has tried it as far as we know"

Returning for a moment to Mr. Goldman, General Counsel, U. S. Copyright Office, we can see from his testimony that he had been entirely misled as to the reason for seeking an "extension" of the copyright.

His statement on page 33 of the Hearings before Subcommittee No. 3 of the Committee on the Judiciary, House of Representatives, is here quoted, in part:

They say they need this bill to protect the integrity of the work. With respect to the 1906 edition, which is the one still under copyright, and which is the one I understand is *the present text used in the practice of the Christian Science Church*, it could be that its integrity is extremely important to them for the reason they state that even the pagination, the numbering of the lines, and the precise wording must be maintained because it is used all over the world, and

references are made to it by page and line number for the purpose of indicating what text is for the week's service.<sup>10</sup>

These statements by Mr. Goldman indicate he had been led to believe that the pagination, numbering of lines, and wording in the 1906 edition of Science and Health matched the Quarterly in use by Christian Scientists in "getting their lesson, " and in church services. Mr. Goldman's testimony shows he had been allowed to believe something totally false. The fact is it is the 1910 edition not the 1906—which in 1971 should have been in the public domain for 37 years—that has been used all over the world since 1910 in church services, and is the only edition for sale in Christian Science Reading Rooms.

The fundamental changes made in the 14 editions following the 1906 copyrighted edition were not submitted for registration, as we saw from the Copyright Office's letter to Mr. Nolan, (see p. 142a).

That the Librarian of Congress had also been misled and was unaware of the facts, can be seen from *The Report of the Librarian of Congress*, dated September 30, 1971, which stated:

We understand that the 1906 edition, which is still under copyright, *is the one now regularly used for the teaching and practice of the Christian Science religion.* (House of Representatives Report No. 92-604, 92nd Congress, 1st Session, accompanying Senate Bill S. 1866.)

This misleading of Mr. Goldman, the Congressional Librarian, Senators, Representatives, and others, by the church authorities, shows the length to which they were willing to go to betray Mrs. Eddy, their professed Leader, in their reach for place, power, and authority.

Earlier we quoted testimony by the Honorable Robert McClory of Illinois, found on page 2 of the Congressional Judiciary Report" in which, testifying on behalf of the Christian Science Board of Directors, he said:<sup>11</sup>

The final edition of the Christian Science textbook was published and copyrighted in 1906.

Evidence has already been produced to show that the 1906 was not the *final* edition, that the 14 editions which followed it contained the greatest fundamental and comprehensive changes Mrs. Eddy ever made in all her 432 editions. We have also seen that chief among the nearly 4,000 alterations distinguishing the 1910 edition from the 1906 was the change Mrs. Eddy made in her definition of God in 1907, which constituted perhaps the most important and basic change Mrs. Eddy ever made in her many editions.

No doubt Mrs. Eddy purposely did riot copyright vital changes in her last 14 editions in which the culmination of her discovery of Christian Science, as a Science, was reached. A Science, she said, does not need to be copyrighted. In 1906 she had not yet reached this culmination of her discovery as a pure Science. But once this Science had reached its culmination, in 1910, she knew it no longer needed to be copyrighted.

During her last years Mrs. Eddy gave all her messages to the world-press rather than to the Christian Science periodicals which reached only a limited number of people. Mrs. Eddy was always eager for her discovery to reach the entire world, and she yearned for her students' spiritual progress. The majority of her students, on the other hand, were always more interested in building up a material organization.

In December, 1887, Mrs. Eddy asked a student to insert part of one of her (Mrs. Eddy's) letters in the *Journal*. It read:

True Christianity began to wane as Truth became hid in churches and ritualistic forms; and just as you lay more stress on the formation of church-organizations than you do on the work of healing, will your cause decline and eventually be lost.

...Not all your churches and preachers will do as much to win people to the Truth as the few good healers....Science and Health ...is greater than any Church....This book, or rather the truth therein, *needs no church* to proclaim it or bolster it...I condemn the mistaken policy of embalming any truths. [The last statement no doubt refers to the fact that church organizations tend to embalm Truth, to fix it in a static condition, leaving no opportunity for growth or development.]

In the June *Journal of 1887* in an article, *Mind-Healing History*, Mrs. Eddy wrote:

My discovery promises nothing but blessings to *every* inhabitant of the globe. This glorious prospect seems to incense some degraded minds, and stimulate their unscrupulous efforts to thwart its benign influence and defeat its beneficence.

Many earnest dedicated students of Christian Science are today asking: "Since Mrs. Eddy did not make provision for extending the copyright on Science and Health, and did not copyright the revisions, doesn't this prove beyond cavil that she wanted Science and Health to have the widest possible exposure and acceptance, rather than be confined and limited by copyright regulations? As was pointed out, the Old Testament has not suffered because those of the Jewish faith did not protect it by copyright regulations, and the New Testament has not suffered because neither Catholic. Mrs. Eddy counseled: Let the Word [the scientific Word embodied in Science and Health] have *free course* and be glorified<sup>12</sup>

Almost from the beginning Mrs. Eddy's students tended to confuse her idea of Church as "the structure of Truth and Love" with material organization. This cast a heavy burden on Mrs. Eddy As we learned earlier she stated, "All the trouble I have had has been with my students' " In Science and Health she comments sadly, "If the Master had not taken a student he would not have been crucified. The determination to hold Spirit in the grasp *of matter* [to hold the spirit and the absolute letter in a church organization] is the persecutor of Truth and Love. " While Mrs. Eddy turned unreservedly to God for comfort and direction, her students occupying the highest offices were turning to *human law* and *legal power*. We saw this was true even before Mrs. Eddy left us-when they turned to legal opinion in the matter of theestoppel clauses in the *Church Manual*.

As we have been seeing, there was considerable determined opposition to S. 1866, but it was successfully throttled. It is a matter of record, and of deep regret, that unbelievable manipulative pressure was brought to bear upon those members of the Judiciary Committee—Congressmen and Senators—to rescind their objections to the bill.

Senator Philip Hart, who voted against the bill, stated that this copyright would grant a monopoly over expression, and limit what may be freely said and heard in public, thus conflicting with the guarantees of free speech under the First Amendment. (See page 12 of Committee on Judiciary Hearing, Appendix p. 303.) Senator Hart also insisted that Congress does not have the power to grant copyrights to trustees of an estate. He was concerned the bill might put the support of the government on the side of the established Christian Science Movement in any dispute it might have with groups differing from the view of the official Boston hierarchy.

Some opposition surfaced on the present difficulty of obtaining the earlier editions of Science and Health. A letter read into the Congressional record stated:

Dear Sirs: I am a member of The Mother Church and have been for over 25 years. I urge the Committee to vote against S. 1866 on the ground that it would shut off completely availability of all earlier editions of Science and Health by Mary Baker Eddy, none of which The Mother Church publishes or makes available to its members or the general public...

The Board of Directors' refusal to make available the early editions of Science and Health has effectively eliminated a most useful aid in understanding Christian Science, namely, the help of following the evolution of the Science as Mrs. Eddy developed it in her many revisions. Former high officials in the church report that early editions were bought up by the church so they would *not* be available to students seeking them. They also report that the fear of the Board of Directors' legal arm prevented any but the most intrepid from reproducing a few of the earliest editions.

In the *Christian Science Journal*, April, 1891, p. 7, Mrs. Eddy, through an article dictated to her student, Rev. Norcross, urged all Christian Scientists to keep their editions. In this article Mrs. Eddy stated:

A practical suggestion or two regarding study of the new edition: In the first place, *do not attempt to dispose of the earlier editions*. Some are asking, "Can we be permitted to exchange?" Probably not; but you do not want to do so, even if you can. Fortunate is he who has all former revisions with the original edition of 1875! They are indicators of successive stages of growth in Christian Science; and as such, a some future day will not only possess historic value, but will be extremely difficult to procure. Keep them all; they will prove a "*treasure trove*." *Again*, Let the new volume be studied *in connection with earlier editions*. The very contrasts help to see how the thoughts have risen only as we have been able to receive them. This, again, will reveal why the new edition could now be written for us. It is simply because the advancing thought, or demonstration, of Christian students has ascended to that plane which makes it both possible and practicable for us to have the new work. [Italics are in the original.]

Many Christian Scientists have been led to believe that Mrs. Eddy warned against studying the earlier editions. This is not true as can be seen from her article in the *Journal*, just quoted. She, of course, recommended that her last edition, published in 1910, be the basic edition used, since it alone contained the full and final revelation of her great discovery. As we saw in comparing it with the 1906 edition, the 1910 editions contained nearly 4,000 changes, additions, and deletions.

Genuine Christian Scientists dread the consequences of robbing the world of the privilege of having all 432 editions of Science and Health in the public domain.

The Christian Science Field owes a great debt of gratitude to Mr. Ralph Geradi of Rare Book Company for reprinting a number of the early editions, principally the much sought after and highly prized first edition.

Mrs. Eddy left a good share of her estate to the church to be used for the promotion and extension of the Science taught by her. This would surely mean, for one thing, the reproduction of the books written by her. Also in her Deed of Trust given to the Publishing Society she stipulated the profits were to be used for the promotion and extension of the Science taught by her. Again, what is more important than making available the "treasure trove" of her 432 editions of Science and Health to students of Christian Science? Most of the funds, however, were spent to support the organization, and as we saw, for such things as quadrupling the Directors' salaries shortly after Mrs. Eddy's departure, and for legal fees, funding of lawsuits, etc. This apparent lack of a genuine interest in the promotion and extension of the Science taught

by Mary Baker Eddy was a substantial factor contributing to the precipitous decline in the spread of Christian Science that became noticeable as early as 1935.

When the Congressmen asked if any publishers were known to be interested in publishing Science and Health, representatives for the Board of Directors said, "No. " This was not entirely true, of course, because over the years there have been those who wished to do so but feared the legal arm of Boston. Recently, however, Eric W. W. Taylor of Seven Lakes, West End, North Carolina, 27376, published a magnificent reproduction of the 1910 edition of Science and Health with all details exactly as Mrs. Eddy left them, including the frontispiece picture of Mary Baker Eddy.

Mr. Ralph Geradi of Rare Book Company reports he has had many requests for copies of the 1910 edition, meaning, of course, the 1910 edition just as Mrs. Eddy left it, containing her picture, 700 full pages, and without the various changes that were made in Science and Health after Mrs. Eddy's departure.

### TESTIMONY OF ATTORNEY HACKMAN

The last witness to be questioned by the Committee on the Judiciary concerning the copyright on Science and Health, was Attorney Mary Cook Hackman of Arlington, Virginia. She apparently believed strongly that the 418 editions of Science and Health should remain in the public domain, and that the 1906 should also be allowed to go into the public domain along with the 14 subsequent editions, having had 65 years of copyright protection. She said:

The proponents have basically advanced two arguments: One, that what they have asked you to do is a *legal* thing for you to do; that is, it is *constitutional*. I would question that, on the First Amendment basis. And as for the citations they have given you, they all go back to 1898 and before, and we all know that the Constitution is interpreted very differently in the last 30 years than it ever was prior to then. I also feel that there is some question as to whether the Trustees [C.S. Board Of Directors] under the Will of Mrs. Eddy, as a matter of fact, *violate* the rules against perpetuities....

The second argument that the proponents use is that they need this legislation for protection....We feel that the better understanding of Christian Science itself requires the *greatest possible distribution* of the textbook, Science and Health.

Attorney Hackman advanced the feeling that the motives of those seeking this copyright legislation "are the perpetuation and protection of the church *as an organization* and this, of course, is specifically in violation of the Constitution. *The church organization* is what they [the proponents of the bill] feel is at stake here. " The church organization is what the proponents want to maintain at any cost.

Christian Scientists, she said, are by nature non-contentious people, and that is why there is not more opposition. This aside from the fact, of course, that only a dozen or *so non-church* Scientists knew about the copyright action. And they only heard about it at the very last minute, when it was too late to organize any type of resistance.

Miss Hackman felt there would be no problem at all about maintaining the purity of the contents of Science and Health, just as there has been no problem maintaining the purity of the Bible. This argument about "purity," she maintained, was only the decoy; what the proponents of the bill were really seeking, was absolute control of the church organization: "And that, " she said, "is the real purpose of this bill, it is to protect the organization of the church rather than the spiritual teachings of Mrs. Eddy."

One senses from Miss Packman's testimony that this copyright action is sought more to protect the public from access to Mary Baker Eddy's writings than to protect the writings from possible distortion by the public. Mrs. Eddy wanted everyone to be blessed by the teachings of Science and Health: "My discovery," she said, "promises nothing but blessings to *every* inhabitant of the globe." With Francis Thomson she knew that

All things by immortal power  
Near or far  
Hiddenly  
To each other linked are,  
That thou canst not stir  
a flower  
Without troubling of a star.

Mary Baker Eddy's great work on earth was not done for her own self, nor for God; she dipped her pen in the well of Love and wrote for all people wherever they might be, to bless them and show them their divinity. Innately all humanity has the capacity to understand what is in Science and Health; it should have the widest possible distribution rather than have its accessibility restrained and shackled by copyright regulations.

Attorney Hackman had been given only five minutes in which to present the side of perhaps the vast majority of Christian Scientists in the world today. Her excellent arguments for obedience to the laws of the land and for the religious liberty our great Constitution provides, fell largely on deaf ears, however. The 75-year copyright on Science and Health "For the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and DeWitt John," was passed by both Houses of Congress and was signed into law by President Nixon.

Having secured a new copyright in their own name, on all 432 editions of Science and Health, the Christian Science Board of Directors in Boston is now free to remove Mrs. Eddy's name entirely from Science and Health, as in 1911 they removed her name and office as Pastor Emeritus from the *Church Manual* when, at that time, they put out a *Manual* of their own. Her name remained removed for fifteen years until pressure from the Field caused its restoration.

Writing in the April edition of the *National Educator*, Ron Bartlett (not a Christian Scientist) stated in part:

Haldeman and Ehrlichman, those two so-called Christian Scientists, were able to get the government under President Nixon to carry out a copyright on the writings of the Founder of the Christian Science religion, when she expressly wanted her works to go completely public as the Bible [is], as her book must be studied with the Bible. She prayed for her country; asked others to pray for our country; but apparently the Directors of The Mother Church took over after her death and did her in. The religion declined, members vanished from the churches...

Writing from the Republic of South Africa, a Christian Scientist of world renown gives his opinion:

It can now be said that in those copies of Science and Health —printed after 1971—the seemingly innocent and harmless words, "1971 The Christian Science Board of Directors copyright under special act of Congress. All rights reserved in all editions, " constitutes—by all that is sealed beneath them—a ghastly vilification of Mrs. Eddy.

It can be clearly shown that this so-called copyright is the very antithesis of Mrs. Eddy's committal of Science and Health to "honest seekers for Truth"....Science and Health has a rebuke for every action taken by the Christian Science Board of Directors to achieve that Act of Congress, and divine Principle will not allow that evil work to stand.

Then, writing about the Board of Directors' current legal action in which they are claiming they own the term "Christian Science," this same gentleman writes: "Now, what must surely be the *final* act of their [the Christian Science Board of Directors'] own self destruction, the Board places "Christian Science" on trial by its own god, legal power."

Another student writes, "the more one studies the history of Christian Science, the more one becomes aware of the intent of evil to separate the Discoverer of Christian Science from her discovery. This is as true today as it was a century ago. Evil's design and aim is, secondly, to separate the students from Mrs. Eddy through denying her place in prophecy- denying that Mrs. Eddy fulfilled step by step Jesus' prediction to St. John regarding the woman of the Apocalypse in chapter twelve of the Book of Revelation. This Woman brought Science and Health, the Comforter, promised by Jesus in chapters 14 and 16 of the Gospel of St. John which, in turn, fulfilled his parable of the 'leaven, which a woman took and hid in three measures of meal, till the whole was leavened.'"

Robbing Mrs. Eddy of her rightful place in scriptural prophecy, world esteem, and human history is an error that must be exposed. 'It requires courage to utter truth Mrs. Eddy states, and also, it requires the spirit of our blessed Master to tell a man his faults and risk displeasure ..... Writing in *Historical Sketch of Metaphysical Healing*, Mrs. Eddy says, "There is but one way to deal with sin; namely, if you can't stop it, *expose it*, for the safety of others."

Writing in the 1885 *May Journal*, on *Love* and "over what worlds of worlds it has range and is sovereign", she says she stands in awe before it, but states that

Sometimes this gentle evangel comes to burst the pent-up storm of error with one mighty thunder-bolt, and clears the moral atmosphere, foul with human exhalations. It is a born blessing at all times, either as a *rebuke* or a benediction.

Many alert Christian Scientists have been asking: "Was the 1971 copyright on Science and Health—which took the copyright away from Mrs. Eddy and gave it to the five individuals—legal? Or was the 75-year copyright obtained by misrepresentation and fraud?"

On page 253 of Science and Health Mrs. Eddy writes:

If you believe in and practice wrong knowingly, you can at once change your course and do right.

Nothing prevents those who advocated a wrong course of action from admitting a mistake was made, and from doing all in their power to rectify the error. This would require moral and spiritual courage, but it would attract respect.

Elsewhere she tells us, "All bonds that hinder progress will be broken." Evil will be seen powerless, and God, good, will be seen as infinite and omnipotent. In Science and Health we read, "It is Christian Science to do right, and nothing short of right-doing has any claim to the name."

## CHOOSE YE THIS DAY WHOM YE WILL SERVE

\*\*\*INSERT CHART PAGE 160

*Chart prepared by Dr Harry R. Shawk of Lacey, Washington*

In an article<sup>13</sup> a few years ago the Board of Directors declared the organization to be "the watchful and tender guardian of human consciousness in its ascent Godward"! and in a letter to a Christian Science teacher in England, John Lawrence Sinton, the Board asserted that "any attempt to teach or lecture on Christian Science in any manner other than as provided for in [the Board's interpretation of] the Manual, constitutes an attack upon the sufficiency and finality of the revelation embodied in the textbook, its author's establishment of the church organization, and her divinely inspired provisions for its growth and progress." <sup>14</sup> At this time the Field had already been warned, says Braden, that any preference for the "irregular and unauthorized (literature) is distinctly a manifestation of mortal mind," and the Field had been reminded that if there were need of additional literature on the subject of Christian Science "it would naturally be recognized and satisfied by the Board of Directors."

A vast gulf yawns between such "paternalism" and Mrs. Eddy's basic teaching that every individual is entitled to freedom of thought and action in religion and Science, since the only "enemy" is the belief in a power apart from God. So, she counseled,

Let us serve and not rule...and allow to each and everyone the same rights and privileges we claim for ourselves" (Mis. 303).

Christian Science is not copyrighted....A student can write voluminous works on Christian Science if he writes honestly... (Ret. 76).

Spiritual rationality and free thought accompany approaching Science, and cannot be put down... (S&H 223)

Let the Word have free course and be glorified. The people clamor to leave cradle and swaddling clothes...Truth cannot be stereotyped; it unfoldeth forever. (No. 45)

### RESULT OF THE 70-YEAR RULE IN DISOBEDIENCE TO THE CHURCH MANUAL

What has been the result of the seventy-year rule in disobedience to the *Church Manual's* estoppel clauses?

Mrs. Eddy's estoppel clauses were intended to terminate the five-member ecclesiastical Board of Directors. This was her way of assuring that there would be no one *to stand between* her writings and the world. She wanted all mankind to be the owner of her writings and to be blessed by them.

Mrs. Eddy was betrayed; her plan was scuttled.

The chart prepared by Dr. Shawk, p. 160 shows how the number of registered Christian Science practitioners has dwindled from a magnificent 12,000 to perhaps less than 5,000 today. Of the approximately 800 churches that have closed, more than 500 have closed in just the last four years. As the churches close, the Reading Rooms they maintained also close. The closing of the Reading Rooms at this alarming rate makes it increasingly difficult and inconvenient for the public to obtain the writings of Mary Baker Eddy since the Christian Science Board of Directors in Boston allows Mrs. Eddy's writings to be sold only in Reading Rooms, as the profits are doubtless needed to support the church organization.

Fortunately, today thousands of Christian Scientists are awakening, and as they do, they find it almost impossible to conceive how free people can be deluded into supposed obedience to such dictatorial rules controlling their lives and their thinking.

How many spiritually-minded, gifted writers have been prevented by the Boston hierarchy from sharing their divine inspiration with the field through the media Mrs. Eddy provided—the Christian Science Publishing Society—the only 'official' teaching institution Mrs. Eddy established legally, under a perpetual and irrevocable Deed of Trust to continue the spiritual education of the world when she was no longer here.

How many divinely gifted teachers have been prevented by Board-of-Director edicts from teaching and sharing their Christly input? Mrs. Eddy freed everyone to teach, requiring only that our great desire be to live the life of Love. Mrs. Eddy closed her College at the height of its prosperity. When it was re-opened, under her control, she used an estoppel clause to make sure that "organized" teaching would cease when she was no longer here to supervise it. Teaching Christian Science was, to Mrs. Eddy, a proper preparation of the heart from which teaching, practicing, and living would follow naturally. A prepared heart can give to the world the benefit of its preparation, and teach and heal with increased confidence, speaking, teaching, and writing freely the truth of Christian Science—the absolute letter combined with the spirit. The kingdom of heaven is within you, Mrs. Eddy emphasized—not afar off—but right within that which you accept as mind, as consciousness, and this includes all that you call person, place, or thing, all that appears as a book, a church, or a remedy.

Speaking to the "remnant" Mrs. Eddy counseled:

The letter of your work dies, as do all things material, but the spirit is immortal. Remember that a temple but foreshadows the idea of God, the "house not made with hands, eternal in the heavens," while a silent, grand man or woman, healing sickness and destroying sin builds that which reaches heaven. Only those men and women gain greatness who gain themselves in a complete subordination of self.<sup>15</sup>

It is only "the adamant of error" that keeps us from this complete subordination of self, which is gained through obeying the sixteen chapters of Science and Health. These sixteen chapters of our textbook constitute our true body and our true Mind. Mary Baker Eddy's writings give us a whole new frame of reference, a totally new standpoint. As we learn to reason and deduce from our one divine Principle, we achieve that paradigm shift out of the world's way of thinking, into oneness with our true divine being. Our only need is to discover our divinity, and in that divinity every need is met.

This divinity is gained as we assimilate the divine character through exchanging mortal beliefs for the divinely scientific facts taught in Science and Health. This is why Mrs. Eddy felt that suppression of the textbook, such as has been accomplished by the 1971 Congressional Copyright Act, was far more dangerous than copyright violation. In *Mary Baker Eddy's Six Days of Revelation* Richard Oakes writes: "Mrs. Eddy's concern was not that someone else might print and sell her book....so much as the possibility of legalized suppression.... Mrs. Eddy wrote William G. Nixon: 'Some *worldly-poor* Christian in England and elsewhere, can publish it for the good of our race; or translate it with more facilities than we can, in the old countries (Europe). Let them do it. It is God's Book and He says give it at once to the people. . . . There is a great *sin* being committed by delaying or suffering my Book, Science and Health, to be delayed for money consideration. If this course is pursued the unprecedented prosperity of this Book that I have always conducted on the opposite basis will go down in the hands of those who do this. This I *know*.'

"God's law to 'feed my sheep,' to give *Science and Health* at once to those hungering for it, *must be obeyed* and held paramount to an international law on copyright."

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<sup>1</sup> Ret. 76:2

<sup>2</sup> See Appendix p.171

<sup>3</sup> Ret. 87:10

<sup>3a</sup> Even though Senator Phillip Hart had been led to believe the 1906 edition was the one currently in use in Christian Science church services and by students of Christian Science, he nevertheless insisted that "Congress of the United States ought not aid directly a specific institution:"

Finally, enactment of S.1866 violates the copyright clause of the Constitution. Article 1, Section 8 of the Constitution precludes extension of copyright protection to the trustees of an estate. The limitation to authors is specific, and Mary Baker Eddy was afforded ample protection and monopoly power over her work since 1875, notwithstanding the normal protection being 28 years with the right of renewal for an additional 28 years.

The constitutional collision course being steered by S. 1866 can and should be easily avoided-and with no adverse effect upon the Christian Science Church. An official and authorized version of the text could be established and recognized and denominated as such by the church to assure the page for page, line for line, word for word adherence to the original text, which the church deems essential to its members. This is a well-recognized practice in other religions with regard to their basic religious texts. I opposed the bill in committee and renew my opposition now.

<sup>4</sup> See Appendix for complete text 1971"Relief from Copyright Act" (Report of the Committee on the Judiciary)p. 255

<sup>5</sup> S&H. 361:21

<sup>6</sup> Item in letter of a Christian Scientist covering the Senate Hearing.

<sup>7</sup> See Appendix page 266.

<sup>8</sup> From one million Christian Scientist in 1901 (see Message 1901) nearly all of whom attended church services, church attendance has dwindled to a mere handful. Churches built to seat 1200 sometimes have less than fifty in attendance today.

<sup>9</sup> Appendix p. 171

<sup>10</sup> See Appendix p. 292

<sup>11</sup> See Appendix p. 262

<sup>12</sup> No. 45:24

<sup>13</sup> Christian Science Sentinel, Vol. XLIX, p.1114

<sup>14</sup> Braden, Christian Science Today,p.119

<sup>15</sup> My. 194:5

## CONCLUSION

**EMBOLDENED** by their success in wresting the copyrights on all editions of Science and Health from Mrs. Eddy, the Board of Directors are now claiming they own the term "Christian Science"-that the term Christian Science is a trademark, and as such it is the property of the Boston Board of Directors. The Board, as we saw in the Preface, is now in the process of suing the Independent Christian Science Church of Plainfield. The question before the Court today is: Do five individuals in Boston own the term "Christian Science"? Can the members of Independent Christian Science Church of Plainfield be deprived of their constitutional right to religious liberty and freedom to practice their religion in accordance with their interpretation of the teachings of Christian Science? Can any Christian Scientist anywhere in the world be summarily stripped of his right to call himself a Christian Scientist? Can only those who have permission from the Boston Board of Directors call themselves Christian Scientists?

The last By-Law in

No new tenet or By-Law shall be adopted, nor any Tenet or By-Law amended or annulled, without the written consent of Mary Baker Eddy, the author of our textbook, Science and Health.

When Mrs. Eddy lifted this By-Law out of the ecclesiastical document (the *Church Manual*) and placed it in the heart of her legal Deed of Trust (see *Manual*, p. 136) it made all 26 or more estoppels in the *Church Manual* a part of that Deed. By annulling the estoppel clauses every Director since 1910 has been in breach of the trusts contained in the 1903 Deed. This 1903 Deed, conveying land for church purposes is a legal instrument over which the Courts of the land do have jurisdiction. The Board of Directors in their suit against the Plainfield church may find their legal action has no basis whatever.

Furthermore it may well develop, at long last, that the Courts will recognize that the five-member ecclesiastical Board of Directors was made non-existent through the operation of Mrs. Eddy's estoppel clauses.

Mary Baker Eddy faced a world sunk in materialism. But she brought the message from God which was to bring change. On the capstone marking the place of her birth were four inscriptions—facing North, South, East, and West. The inscription facing west reads:

NOVUS ORDO SECLORUM  
(NEW ORDER OF THE AGES)

This new order of the ages which Mary Baker Eddy's writings initiated points "westward,"<sup>16</sup> to the grand realization of the Golden Shore of Love and the peaceful sea of harmony. Mrs. Eddy's "MANUAL" embodying the spirit of her Magna Charta and her Declaration of Independence, breathes the omnipotence of divine justice which is the matrix of that peace which passeth all understanding . It lifts thought to the point of ascension where organized animate matter is no longer a legitimate state of man's conscious evolvment , and mortality is no longer seen "to be the matrix of immortality."<sup>17</sup>

This is the higher spiritual message of the *Manual* and the reason Mrs. Eddy said, "Notwithstanding the sacrilegious moth of time, eternity awaits our *Church Manual*, which will maintain its rank as in the past , amid ministries aggressive and active, and will stand when those have passed to rest. <sup>18</sup>

In studying the *Church Manual*, ones admiration and profound respect and gratitude for Mrs. Eddy is immeasurably heightened : one's heart overflows with love for this lone brave woman who single-handedly laid the foundation for the new order of the ages—a world government based on divine Love manifesting itself in brotherly love. Her *Manual* estoppel clauses lead the way: "It remains for the church to obey(them)." Mrs. Eddy finished the work God gave her to do. Of the kingdom her Science brought there can be no end. It will unfold forever.

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<sup>16</sup> S&H. 575:32

<sup>17</sup> S&H. 250:5

<sup>18</sup> My. 230:1