

read and considered, it was moved, duly seconded, and agreed to: 'Whereas, Mr. McQueen was instructed to forward these documents to the Clerk; and whereas, Mr. McQueen has notified the Presbytery (by extract minute) that the Session of Lingwick seems to regard these as the property of the Session, the Presbytery hereby orders the said Session of Lingwick to forward the said documents to the Clerk of Presbytery without delay.' At a meeting of Session of Lingwick, January 3rd, 1910, the foregoing extract being duly submitted, the Session finds as follows: "The Session does not, as minute of Presbytery states, refuse to obey the order of Presbytery, but will agree to forward minutes in question when properly required. The Session takes the ground that the minutes in question have been before the Presbytery, and that all matters appertaining thereto adjudicated upon, and no question raised requiring the minutes on their merits, the case is closed so far as the Presbytery is concerned. The question at issue can only mean who has the right to hold the minutes? If the Presbytery claim the right to hold possession of the minutes in question, why does it not claim the right to possession of all the minutes of Session? The Session says that the minutes, being the property of the Session, must remain the property until properly required by the higher court. The Session, in so acting, is not disobeying an order of Presbytery, but the Session cannot release its own legitimate right to hold the minutes in their possession until the higher court of the Church decides or orders otherwise."

At a meeting of Presbytery, held in Sherbrooke, March 1st, 1909, "the Clerk, being asked if the Session of Lingwick had forwarded the documents which the Presbytery at their preceding meeting had ordered them to send, replied that he had not yet received any of said documents nor any communication concerning them. Mr. McQueen, at this stage, tabled an extract minute of the proceedings of the Session of Lingwick, which, on being read, was, in substance, another refusal to obey the Presbytery in the matter, and setting up of the claim that the Presbytery had no jurisdiction in the matter. Much time was consumed in considering this attitude of the Session of Lingwick and in endeavoring to ascertain whether or not the elders were overriding the Moderator in withholding documents he had promised to send to the Presbytery. The Presbytery not all accepting the construction put upon this matter by the Session of Lingwick, it was moved by Mr. H. C. Sutherland, seconded by Mr. P. D. Muir, and agreed to, "That a Commission of Presbytery be appointed, the same to consist of the Moderator of Presbytery, the Clerk, Mr. W. C. Clark, and Mr. H. C. Sutherland, to interview the Session of Lingwick at such a time, in such a place, and in such a manner as they think best, in order to bring about the said Session's obedience to the order of the Presbytery in the matter of the documents in question; and in case of failure, to cite them to appear before Presbytery at such a time and place as the Commission may determine; and that the Session Record of Lingwick be sent to the Moderator of Presbytery within ten days."

It should be noted that the Session of Lingwick never set up the claim that the Presbytery has no jurisdiction in the matter. The Presbytery can order Session to produce the minutes, the Presbytery can review the minutes, and the Presbytery has the power of supervision, but the Presbytery has not the right to possession of the minutes. When the question was brought up at the Presbytery in March, 1907, it did not come before the Session; it was raised suddenly and unexpectedly. At the time I saw no objection to the motion of Rev. Jas. A. McFarlane. I am not, however, the Session of Lingwick, and I have no power to override the judgment of members of Session. The Session claim the right under the constitution to possession of minutes and all documents coming before the Session and appertaining to the Session. This claim the Session put forward with no uncertain sound. Why should the Presbytery spend time in endeavoring to ascertain if the elders were over-