

SUPPLEMENT TO THE RECORD, JULY, 1853.

At Hamilton, the 9th day of June, one thousand eight hundred and fifty three, the Synod of the Presbyterian Church of Canada met and was constituted. *Inter alia*, the Synod then took up a Reference from the Presbytery of Toronto, in regard to a Memorial from members of the Congregation of Knox's Church, Toronto, relating to evidence given by Rev. Dr. Willis before the Police Court in Toronto, affecting the character of their Pastor, Dr. Burns. The Synod agreed, in the peculiar circumstances of the Church, to sustain the Reference, refer it to a Committee to consider the whole matter, confer with the individuals interested, if they shall see cause, and report at a future diet—the Committee to consist of Mr. Bayne, convener, Mr. Young, Mr. Gregg, Mr. Roger, Mr. Dickson, Mr. Duncan, Mr. Scott, Mr. McMurray, and Mr. Inglis, ministers; and Mr. Redpath, Mr. Court, Mr. Morgan, Mr. Stewart, Mr. Hay, Mr. Clarke, Mr. Young, Mr. Matthews, and Mr. Breakenridge, elders.

WILLIAM REID,
Clerk of Synod.

At Hamilton, 10th June, 1853, the Synod of the Presbyterian Church of Canada met and was constituted. *Inter alia*, the Committee appointed to consider the Reference from the Presbytery of Toronto, presented a Report, which was read by Mr. Young. On motion made and seconded, it was unanimously agreed to sustain the Report, and a lapt the deliverance recommended by the Committee in their Report, as the deliverance of Synod.

WILLIAM REID,
Clerk of Synod.

REPORT OF THE COMMITTEE APPOINTED TO CONSIDER THE REFERENCE FROM THE PRESBYTERY OF TORONTO.

Published by Authority of the Synod.

At Hamilton, the 9th day of June, 1853, the Committee appointed to consider the Reference from the Presbytery of Toronto met, and was constituted with religious exercises. Sederunt—Rev. John Bayne in the Chair. Rev. Messrs. Young, Gregg, McKenzie, Zorra, Duncan, Roger, Scott (London), McMurray, Inglis; with Messrs. Redpath, Morgan, Court, Stewart, Clarke, Young, Breakenridge, Mathews, elders.

The Chairman called upon the Moderator of the Toronto Presbytery to explain the Reference; whereupon he read the Reference and offered to answer any questions which the Committee might put. On being asked as to the ground of the Reference, he replied that he was not prepared to give a definite answer; and on the members of Presbytery present being appealed to, they acquiesced in his reply. The Committee therefore found themselves under the necessity of beginning *de novo*, and taking up the case as it came before the Presbytery. The document from Knox's Congregation, along with the report in the *North American* of April 22nd, which was given into the Presbytery and on which the action of the Presbytery was taken, was read. It was moved and seconded that Dr. Willis be asked whether the Report from the *North American* was correct. It was moved in amendment and seconded, that the investigation be delayed till the arrival of the Commissioners from Knox's congregation, who happened not to have yet arrived. The former motion was carried by a majority. Upon this Dr. Willis mentioned that the Report was very incorrect, and that he disowned it altogether. In particular, as to his evidence "that Dr. Burns would make statements which to his certain knowledge were incapable of proof," Dr. Willis mentioned that the pronoun "his" referred not to Dr. Burns, but to himself; "Dr. Burns

would make statements which to his (Dr. Willis's) certain knowledge were incorrect. Moreover, Dr. Willis stated that the matters he had in view when he spoke of Dr. Burns making such statements, were not matters of fact generally, (but as he hinted at the time) judgments hastily pronounced by Dr. Burns in regard to character, or rehearsals of things bearing on character. Still further, Dr. Willis stated that, in using the term "falsify," he introduced qualifying clauses: viz., "that he did not suppose that Dr. Burns would utter a falsehood" and also that he did not say that Dr. Burns would forswear himself; but "that in certain circumstances, goaded by impulse, and forgetting what he said before, he might do so"—moreover in regard to the word forswear, he stated that it might not be the best word, but his intention was to express, not the case of a man swearing what he knew to be false, but the case of a man stating on oath rashly, that he was positive about a thing which he had too hastily made up his mind upon, or which experience of a treacherous memory should have prevented him from affirming.

Mr. McMeekin, one of the commissioners from Knox's congregation, being now present, was asked if he had made any enquiry as to the correctness of the Report in the *North American*, before giving it in to the Presbytery. He answered in the negative, and explained that the Report had remained for a length of time unchallenged, and that almost up to the time of the meeting of Presbytery, he believed the Report to be substantially true.

Query—Did the Commissioners any other evidence than the *North American's* Report to ground upon in their application to the Presbytery?

Answer—B. M. McMeekin—Many of the congregation were present when the evidence was given, and the general impression was, that the Report was correct.

A question was then put from the Chair, whether the Committee would be satisfied with Dr. Willis's statement as to the correctness of the evidence, or whether other evidence should be sought? but the hour of adjournment having arrived, it was a *travail* to a *journa*.

(Signed) JOHN BAYNE,
Chairman,
GEORGE P. YOUNG,
Clerk.

6 O'CLOCK, P.M., SAME DAY.

The Committee resumed according to adjournment. Sederunt as above. When the question put at the close of the last Sederunt was again put.

Mr. Young, Mr. Irvine, and Mr. Boyd, who were present when the evidence was given, were asked whether Dr. Willis's statements as to the language he used in Court, at Toronto, were correct: when these parties confirmed substantially the statements of Dr. Willis and especially his corrections of the Reports in the *North American Newspaper*. Dr. Burns was then asked if he also admitted the correctness of Dr. Willis's statement, as to the words he had employed;—when he denied that Dr. Willis accompanied that clause in which reference is made to his [Dr. Burns] having made statements, which he must have known at the time incapable of proof, without any limitation to matters of opinion.

The Committee having considered the evidence thus given, agreed to receive the statements of Dr. Willis, as far as they relate to the terms employed by him, as substantially correct.

The Committee resolved at their next meeting, to take up the question as to the charges which Dr. Willis intended to bring against Dr. Burns, on the occasion referred to.—Adjourned.

(Signed) JOHN BAYNE,
Chairman,
GEORGE P. YOUNG,
Clerk.

SAME EVENING, 9 P.M.

The Committee resumed according to adjournment.

Dr. Burns requested permission to bring forward witnesses at a subsequent period, to substantiate his views as to what Dr. Willis had said. Permission was granted. Dr. Willis was at the same time permitted to adduce such further evidence as he thought necessary.

The question mentioned at the close of last meeting was taken up. The following extract from the *North American* was read:—

"Mr. FREELAND—In statements such as those made in this case, do you suppose that Dr. Burns could be entirely and implicitly depended upon even on oath?"

Dr. WILLIS—So far as the general subject of the accuracy of memory is concerned, he had not the least hesitation in saying that he would place very little reliance upon his statements, even made in the most solemn manner. He could not possibly credit any thing that came from him in reference to personal character, even upon oath. He would be slow to credit anything unfavorable to any person which comes through the medium.

On this, Dr. Willis explained that he not intended to state his opinion that Dr. Burns would make oath to anything that he did not believe to be true, but simply that he would be ready to swear to a belief very rashly and unwarrantably formed, and which might be in contradiction even to something which he had already said, but which contradiction he [Dr. Willis] was willing to impute to forgetfulness.

Another extract was read:—"Is not Dr. Burns in the habit of making statements not correct, even in regard to matters that occurred only a few minutes previous? Dr. Willis—Could not say as to minutes, but he could speak to days or weeks, for he had felt it to be the case. He did not believe that such was his manner, either from lubricity or defect of memory, that statements were made by him, that, to his certain knowledge, were not only entirely incorrect, but which he must have known at the time incapable of proof."—On this, Dr. Willis explained that he employed the term "lubricity," not at all in a moral sense, but simply as equivalent to forgetfulness. Likewise, that he used the clause, "which he (Dr. B.) must have known at the time incapable of proof," not because he thought Dr. Burns would utter a deliberate untruth, but because he (Dr. Willis) was aware that Dr. Burns was in the habit of making statements in regard to personal character, the certainty of which, from the nature of the case, he could not possibly know.

Another extract.—"He would say, that such was Dr. Burns's facility for taking up all reports, and rashly circulating them, that whether through lubricity of memory, or the desire to circulate these reports—that such is his facility—that he (witness) believed, that under such circumstances—he was very sorry to say it—but under such circumstances he believed Dr. Burns would forswear himself." Dr. Willis stated that his intention here was simply to express, as strongly as possible, his opinion that Dr. Burns's habit of forming rash conclusions about character, might lead him to the belief of facts without due investigation, and in circumstances where he ought to have known that he could not substantiate them.

In answer to an enquiry from a member of Committee—Dr. Willis stated that he did not go to the Court with any previous understanding with any party, as to the evidence he would be called to give.

The question was then taken up, whether Dr. Willis's explanation as to his meaning be in harmony with, or warranted by, the evidence as corrected by himself. The Committee recorded their unanimous opinion, with the exception of Mr. McMurray, that the language of Dr. Willis was fitted to convey a very different impression.