

call in favour of Mr. Spencer. A petition was then presented, praying that the Presbytery should not proceed with the moderation. They complied with the request of the petitioners, and adjourned to the town of Port Hope, to give those who called Mr. Spencer an opportunity of increasing the amount of their subscriptions, which fell short of the minimum sum required by the law of the church. Mr. Spencer's friends made an effort, and raised the amount of the subscription to \$312, which they further increased from the rents arising from seats, making up the minimum stipend required. Still further delay was occasioned by the Presbytery until they held an adjourned meeting in Montreal.

The first point of the appeal is the unconstitutionality of the action of the Presbytery. In the minutes of Synod for 1863, it is enjoined that after a congregation have fully complied with the rules and regulations of the church, and no objection is offered to the doctrine or moral character of an elected minister, the Presbytery may proceed with the moderation of the call and final settlement of the minister. But in 1867, at a meeting in Montreal, this act was changed, and in accordance with the terms of this act the Presbytery of Toronto refused to moderate the call, first on the ground that there was not perfect unanimity in the matter of the call, and that harmony might be restored if other candidates were heard. Well, sir, an opportunity was given to the minority of choosing another, but they took no steps whatever in the matter, and the majority wished the Presbytery to proceed with the induction, but they objected doing so because there was not unanimity. But, I would ask, is it possible according to the constitution of men's minds to secure unanimity in a call to any clergyman? No, there was one vote in favour of Mr. McLellan of Mulmur, and one in favour of Mr. McLennan of Demerara, and a few voted for no one, while all the rest were in favour of Mr. Spencer. Has not the majority used every effort to conciliate the minority? And seeing that the great majority of the congregation, 27 to 5, have expressed their opinion in favour of Mr. Spencer, have the Presbytery of Toronto acted fairly towards us in refusing to meet our wishes? It is a rule absolutely necessary to be observed that the minority should acquiesce in the views of the majority, especially when that majority is so large as it was in this case. These are the chief facts, and I do not know that I have anything else to say in the matter just now.

Mr. Campbell (Markham): I will endeavour to be as brief as possible, because I regard it as unnecessary to say much. It is a very clear case; it requires no lengthened discussion or great wisdom to decide upon its merits. It will be necessary to go back upon the history of the case to see on what it hinges. As already stated, the request for moderation was made to the Presbytery over a year ago. The Presbytery met in the afternoon. The train from the East was late, and some members did not arrive in time for the opening of the meeting. But it will be shown that upon this fact the whole case turns, that on account of the absence of these members, facts were not ascertained which

had they been known, the case would have been stopped at the very threshold; the first moderation would not have been granted, but owing to the want of these facts the case went on to moderation. Mr. Galbraith was appointed by the majority of the congregation to appear there as their representative to request moderation. But when Mr. G. presented his own credentials he neglected to present a very important document entrusted to him by the minority, and allowed the Presbytery to go on without informing them. Had the Presbytery possessed this information they would have unanimously decided to proceed no further with the moderation. That paper, as we found out afterwards, represented that there was a strong feeling of opposition against Mr. Spencer being settled in Bowmanville; and not only so, but this feeling was manifested by a number of the most influential parties in the congregation—parties who from the outset had taken the deepest interest in the welfare of the congregation and the church at large—parties who were able to judge in all these things, and who had shown a degree of wisdom in former years, which but few manifest in such circumstances. It appeared afterwards from that paper that not only was there a strong party as far as moral influence was concerned, but as far as financial interests were concerned, notwithstanding the statements made in your hearing. As stated by the former Treasurer of the congregation, at least half the financial ability under the previous pastorate of the congregation was to be found among the minority; and the Presbytery saw no reason for disputing the word of that gentleman, a gentleman of standing in the community, and a member of our Local Legislature. What explanation can Mr. Galbraith give for his not having laid that document before us? Moderator:—This is not a case where the Presbytery could proceed according to the law of the Church of Scotland. In Scotland a minister may be settled if he gets a presentation, even though there be a majority against him. But it is not so here, where we are entirely dependent upon the voluntary system, I am sorry to say, (laughter), and likely to be more dependent in the future. In a case like this, where the congregation were weak, numerically and financially—I will not say spiritually, because it is not for me to judge of that—that during the pastorate of our worthy Clerk it was with the greatest difficulty they made up the stipend they had promised. The idea that any man could live in a place like B. without extraneous aid is preposterous; it will not do for the Synod to look upon this case in the light of a majority or minority: unless the congregation are united to a man, their very existence is imperilled. They cannot afford to divide, if they could exist in a divided state, the Presbytery would have proceeded with the settlement of Mr. Spencer. It was stated by the last speaker that means were adopted to reconcile the views of the minority to those of the majority; so far as I know no effort of the kind was made. This Synod will see that the members of Presbytery had no object to gain by refusing to settle Mr. Spencer. This is shown by the fact that when the first moderation was requested, Mr.