

And first, as to whether the report of the Moderator was actually *put to the Session and adopted*, or was *not voted on, nor adopted*, as insisted on by Appellant.

This is a matter of little real interest, because the reception and adoption of the report would not carry with it a vote or decision either for or against the proposed changes, but it would test the accuracy of the minutes, and shew, as Appellant believes, that there was error in inserting in the minutes of the 15th of April, that the report *was adopted*, as there is in the omission to state in the minutes of the same date, that the motion to the effect that parties should adopt the changes, or adhere to the previous postures, was passed *unanimously*, since in fact the Appellant opposed it. By the minutes of the 2nd April, it does not appear that the motion to request the opinion of the Congregation as to the changes, *was put to the meeting or carried* with but one dissenting voice. This last error appears in the certified copy of the minute signed by the Session Clerk, and delivered to the Appellant. Nor was there any entry in the minute book itself, when examined by appellant in July, as to this motion having been *so put and carried*.

This statement in the circular, as to the report not being put or voted on by the Session may be, and probably is one of the statements stigmatized as *false*, and the Appellant had an interest in proving its truth even although the point was of little moment in itself, and although such proof would contradict the minutes.

The Appellant is prepared to state, and does state, as his firm belief and conviction, then and now, that the motion to receive and adopt the report was not put to the Session, nor voted upon. He therefore could neither retract the statement, nor express regret for having made it, without an investigation and proof. If proof had been adduced, it might have convinced the Appellant he was in error on the point, but Appellant believes it would have shown the error to have been in the minutes.

Another question of fact referred to in the circular was the actual number who voted against, or for the changes, or were indifferent. The Moderator's report was based on the number of answers sent in by the congregation, and made the minority opposed but small. The Appellant basing his view upon the total numbers of *tickets issued* which he put at about 480, came to the conclusion that the number which could really be considered as "opposed" was 258, and the number "agreeable" as 222.

The Appellant may have been wrong in his figures, or in the conclusions drawn from them, although he then considered and still considers his statement correct, but it was only fair that the figures and matters of fact should at least have been examined into—before punishing Appellant for publishing false statements.

But an examination would have brought out, what it is very important to know, namely, how many Church members, how many pew holders, and how many of the Trustees, or officers of the Church voted one way, and how many the other way—and knowing how many had voted each way, how many officers, and Trustees of the Church and who they were, and what heads of families voted or failed to vote there would have been fair *data* from which to judge how the proposed changes were looked upon by those whose opinions were entitled to most weight. See note in Appendix.

No record of this is to be found on the minutes, and a change of such importance is made, and what is more is acted upon, without there being any motion or resolution of the Session to that effect, or sanctioning a change except the resolution of the 15th April leaving the whole matter *an open question* by the terms of the resolution quoted above "that the Session do con-