

other year, because we can let it to greater advantage to some other person, who will pay for it more than you are willing to pay—but at the same time we will find you a pew elsewhere, so situated that the sum you can afford to pay will be an adequate rent," Mr. Johnston would have felt the request to be reasonable, and would have complied with it at once. But the letter of the Trustees shows that they not only declined to give Mr. Johnston possession of the same pew that he had occupied before, but to rent him *any* pew.

If, then, the Trustees have the right to do as they did, that right does not arise out of the nature of their trust, and unless there is something in the Constitution and By-Laws of the congregation specially claiming this right for them, in opposition to both common sense and equity, I fear it will be long before we can point in any other quarter to either law or precedent for their action. The Act of Incorporation confers upon the Trustees the power of making By-Laws, under certain limitations, one of these being that such By-Laws or Regulations "shall not be contrary to the Constitution of the Church of Scotland." By-Laws were afterwards framed, and the first section of Article XVIII of these By-Laws reads thus: "This Church shall be under the jurisdiction of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland." We look in vain in the By-Laws for any special right claimed by the Trustees to disfranchise a member of the Church who pays his dues, and conforms to the requirements of the trust. The fact is, no body of men in framing By-Laws would be so foolish as to conspire against their own rights in constructing them; and I venture to say that until a crisis arose in their Church, which seemed to them to demand a stretch of their prerogative, the present Trustees never entertained the claim which they now put forth, of being able to take pews from one set of men and give them to others, at their own option. There being, therefore, no specific authority in