

As the court of competent authority, fully recognised by the Synod, in the very letters of their instructions, in all their functions, powers, duties, and responsibilities, we submit that the Presbytery were bound in duty to the laws of the Church, and to the instructions of the Synod, to consider the form and regularity of the complaint—the personal status of the complainant in the Church—his right to appear before any Church court as a party complainant. If these vital considerations formed no part of the enquiry enjoined by the Synod, then it is at once obvious that any person, whatever, without character or responsibility, holding no recognised position in the Church, or any connection with it, might at once break down all the restrictions and safeguards with which the Church has fenced round her Presbyteries, her Sessions, her ministers and members, with which she has guarded them from intrusion by parties suffering under Church censure and disabilities, and from the assaults of wicked enemies from without, by demanding directly and at once the ear of the Synod, on the subject of alleged wrongs and grievances, claiming its immediate interposition, with its ministers and members and inferior judicatories; and that matters which belong exclusively to the civil tribunals of the land should be heard and adjudicated by the Supreme Ecclesiastical Court; or, if resort to the Synod, in such a case, would be an anomaly so monstrous that a speedy check to the absurdity would be found by the Legislature, it is at least abundantly obvious, that the precedent that has just been made by the Presbytery of London, must give facilities to any person whatever, who may at one time have been a member of the Church, for disregarding the constitution of the Synod as a court of appeal and ultimate jurisdiction, ridding himself at once of all the disabilities which would overwhelm him in an inferior judicatory, and addressing himself immediately and directly to the Synod as a court of original jurisdiction in all matters of complaint against a minister of the Church, and thus avoiding the preliminary enquiry as to the status which the Church has ordained shall be made in the case of every person seeking relief within her jurisdiction. But your memorialists apprehend that, in the present case, the Synod assumed no such arbitrary power—no such anomalous jurisdiction. We cannot imagine that the Synod ever conceived any attempt to abrogate or limit any of the powers or functions of the Presbytery, and with which, by the laws of the Church, Presbyteries are Ecclesiastically invested, we cannot imagine that the Synod, when it directed an enquiry into the matters contained in Thomas Kidd's memorial, did not to the fullest extent recognise the right of the Presbytery to enquire into the character in which he appeared in this court; into his antecedents in the Church; into his rights to appear in any Church court whatever, we assume that as the Synod did not think itself competent to institute such an enquiry, the memorial was sent down to the Presbytery unshorn of any of its inherent qualities, with all its merits and imperfections untouched, and deserving no adventitious sanctity from its presumptuous appearance in a higher tribunal to which it did not legitimately belong.

If your memorialists are correct in their assumption, they respectfully submit that the Presbytery of London committed a fatal error in allowing Mr. Kydd to be heard on the subject of his complaint before he had justified his own position in the Church, and in treating with indifference the preliminary objections, which were urged with much force by their ministers; to Mr. Kydd's personal status, in summarily disposing of these objections without any enquiry into their foundation and validity, and in disregarding the protest and appeal taken by their minister against the summary disposal of these objections. In this departure from precedent, from express law, from immemo-