

PRESBYTERY OF MONTREAL.

IN THE MATTER OF

JAMES JOHNSTON,

An Elder of St. Andrew's Church, Montreal,

APPELLANT;

AND

THE KIRK SESSION

Of said ST. ANDREW'S CHURCH,

RESPONDENTS.

TO THE PRESBYTERY OF MONTREAL :

The Petition of the said James Johnston hereby appearing as appellant to prosecute the same by him instituted

Respectfully Represents,

That in order to the due understanding by the said Presbytery, of the present appeal, the Appellant directs the attention of the Presbytery to the main facts and circumstances which give rise to it, and which seem to the Appellant to leave no other course open to him, than either to submit to a judgment, which he considers to be contrary to the discipline and rules of the Church, and highly injurious to his character and standing as an Elder of the church, or to demand the judgment before the Presbytery for a hearing and adjudication, at the risk of increased suffering by doing so.

The case although directly affecting the Appellant only, yet raises before the Presbytery important questions as to the jurisdiction and powers of Kirk Sessions, and their modes of procedure, and indirectly brings up still more vital questions which must ultimately be decided upon, as to how far changes in the mode of worship can under the laws of the Church be decided upon by Kirk Sessions and Congregations, and how far an inferior court, can interfere with the standards and modes of discipline and worship, without the action of the Presbytery and the consent of the Church.

This case originated in proposed changes in the mode of worship in St. Andrew's Church, on the first occasion on which the changes came up, or were spoken of, in the Kirk Session, so the minutes show, or as this Appellant is aware, was on Sunday the 2nd day of April, 1871, and the business of the meeting is recited in the minutes in the following terms :

The object of the meeting having been stated, it was moved by Mr. Morris, seconded by Mr. Ewing, with but one dissenting voice, " That the Congregation be requested to express their opinion, as to the propriety of changing the mode of Public Worship, to standing at sing-