

Synod; and the Synod could therefore have pronounced no deliverance in regard to it.

It was sent down with the memorial itself to the Presbytery with the most ample power to them to examine its validity, its competency, and its regularity. The Synod entered upon no discussion of its merits, its forms, or its manners. They pronounced no judgment upon it in any respect, but sent it down unopened to a Court fully competent and authorised properly to dispose of it. Its whole merits and demerits, with those of the memorial, ought therefore to have been considered and adjudicated upon according to the laws of the Church, and ought not to have been invested with false dignities, which the Synod by no action of theirs invested it with.

2. Because Thomas Kydd was heard by the Presbytery in support of this document, as well as of his memorial, without any preliminary enquiry as to his status in the Church as to whether he was a fit and proper person to appear at your bar; and because he was so heard against the protest of the Minister of St. Andrew's Church, founded on the objection that he was a person of immoral character, whose connection with the congregation had been severed for many years, and under circumstances of a disreputable character. And because he was so heard, notwithstanding that ample and sufficient proof was tendered of his unfitness to appear in any Church Court, of his having long since ceased to be a member of the congregation, by his own will and act, and under his own hand, and of his having absented himself from Ordinances since the month of July, 1837.

3. Because the removal, by the Presbytery, in 1861, of the sentence of deposition from the Eldership passed upon Thomas Kydd and Duncan McLaren in 1858, and the continuance of the same sentence as against James Leys and John Nairn was irregular and anomalous, and in violation of the laws of the Church, as sanctioned and construed by the highest authorities in ecclesiastical law, inasmuch as the reason for the restoration of Thomas Kydd and Duncan McLaren prevailed with as much force if they had any force at all, for the restoration of James Leys and John Nairn, who are rendered less objectionable on account of moral character, fitness and acceptability, and inasmuch as the said sentence of deposition as against all the persons named, having been confirmed by the Synod in their attestation of the minutes of the Presbytery, it was *ultra vires* of the Presbytery to rescind a sentence so sanctioned and confirmed.

4. Because that sentence of deposition was removed without any enquiry having been instituted into the relations of Thomas Kydd and Duncan McLaren, with the Church, since said deposition was pronounced, without any enquiry into their religious principles, moral habits, or conduct, either before or since their said deposition, without any enquiry into their acceptableness as elders, by the present congregation, without any official and regular notice to the congregation of the course intended by the Presbytery to be pursued, without any opportunity of the congregation being heard in the matters of rescinding the said deposition, and therefore, without due consideration of the disastrous consequences to the congregation, should these individuals be distastefully thrust upon them as elders.

5. Because the disagreements and estrangements alleged to exist in the congregation are matters of the past, and no longer exist, and were brought under the notice of the Presbytery by persons no longer connected with the congregation, whose efforts for years, when they were in Church