

jurisdiction, the course pursued by the Synod, although, perhaps, more lenient to the complainant than he merited, was, in our opinion, the only one that could be adopted consistently with the laws of the Church, when the memorial itself was not to be thrown under the table. But as the whole of the matter contained in the memorial was sent down *simpliciter* to this Presbytery, as the court fully competent to deal with them, we respectfully submit that the memorial should have been considered by this Presbytery in the same manner, and subject to the same rules of procedure, of evidence and of adjudication as if it had been presented in the first instance to the Presbytery; that its merits were exposed to the same scrutiny, and the complainant, personally, was subject to the same disabilities, and his status in the Church to the same investigation as if he had directly appealed to the Presbytery for the first time, and had not taken the extraordinary course of addressing his complaint at once to the Synod. At the reception of the memorial by the Synod they had no opportunity of making *any* enquiry into the character, conduct or status of the complainant. They made no effort to do so, nor was the attempt necessary, for in sending down the whole matter to the Presbytery, they could not for a moment imagine that the Presbytery would fall in its duty to institute such a preliminary enquiry into the status of the complainant, agreeably to the laws of the Church. The Synod was well aware that the mere waiver of an objection to the personal appearance of the complainant before the Synod could not invest him with virtues, reputation or standing which he did not possess, had he complained in the first instance to the Presbytery; and it was also aware that, if his character was deficient in those qualities which were necessary to his appearance before a Church court, as this was an enquiry which the laws of the Church expressly imposed on the Presbytery, as a duty properly belonging to and incumbent on all Presbyteries to perform, the postponement of such an investigation until the whole matter was submitted to the Presbytery, could not be productive of any evil either to the complainant or to the parties complained against; while thereby the proceedings of the Church court would be taken with due regard to system and regularity, and consistently with express ordination. The Synod, no doubt, well understood that in sending down the whole subject matter of the memorial to the Presbytery of London, they could not suspend or sanction the suspension of any of those wise laws which the Church has, from the earliest times, provided for her own good government, and for the protection of her ministers and members from the wicked assaults of her enemies.

It appears, however, that the Presbytery of London, from a sincere, but as your memorialists believe, from a mistaken desire to render due obedience to an assumed direction of the Synod, have considered it incumbent on them to enter at once, and without any reference to the character or status of the person complaining at their bar, without any enquiry as to the quarter whence that complaint proceeds, to enter upon a painful investigation involving the character and conduct of one of the ministers of the Church, and the peace, prosperity and even the existence of one of her congregations. Viewing the personal status of the complaint as a matter already disposed of by the Synod, the Presbytery of London seem to have considered that any enquiry into this vital question would be regarded by the Synod as evidence of the Presbytery's contumacy, and in order to avoid even the appearance of disobedience to the instructions of the supreme court of the Church, this Presbytery has thus, we respectfully think, shrunk from the consideration of some of the most important matters that were actually sent down to them.