

and false statements, and unchristian averments, and insinuations, in said circular, the same should have been enumerated or pointed out, but were not enumerated or pointed out, and an opportunity given to said James Johnston to prove the truth of the allegations in said circular, which opportunity, although asked for in said answer, was not given, nor any evidence given or taken in respect thereto, nor was there anything to justify the said judgment of said Session."

"Because as well from the proceedings of said meeting of the twenty-sixth day of April, as by the terms of the said complaint and judgment and the proceedings in the said matter had, it appears, and was in fact true, as the said James Johnston alleges, that the said proceedings were irregular, and were taken hastily, and without regard to the rights of the said James Johnston as being entitled to urge and establish in evidence the objections by him taken against the proceedings, had to establish the consent of the members and Pew Holders of the Church, to the changes and alterations proposed in the mode of worship in the said Church; and because the said proceedings were illjudged, hasty, and were injurious, and unfounded, and apparently tended to convict the said James Johnston of having printed and circulated as well among the Church and Congregation, as among other people not belonging to the Church, misrepresentations and false statements, and unchristian averments, and insinuations without proof thereof, without detail of any specific points so alleged to be false, and without an opportunity having been given to said James Johnston to show either the truth of the said circular, or to contradict the allegations so made in the said complaint or minute of the said twenty-sixth day of April last."

"Because if the allegations of said complaint as made in respect to said misrepresentations and false statements, are to be held as established by the said judgment, the said James Johnston, by the said proceedings and judgment has been, and is charged and condemned in respect of matters which completely destroy his character, and influence as an Elder in said Church without an opportunity of exculpating himself, or specification even of the alleged misrepresentations and false statements."

"Because in other respects the said judgment was and is wholly contrary to, and beyond the powers vested in the said Session: and because the said judgment and all the proceedings upon which it was based, were and are irregular and unsupported by proof, and are moreover highly injurious to the said James Johnston, and the said James Johnston is therefore compelled from regard to his own character, and to prevent further injury, not to submit to said judgment but to notify his reasons for appeal therefrom, all which is done wholly irrespective of the merits of the proposed changes in the mode of worship, or the right of the Moderator to ask the Session by his report to set aside the formal dissent handed in by sixty of the members, by the statement in the report, in respect of their consent to the proposed changes; and without reference to proceedings had in case the judgment so rendered be set aside."

The Appellant adheres to these reasons and respectfully submits them to the judgment of the Presbytery, as well as all the facts connected with the case, so far as they now appear of record. Indeed he might content himself with the general reasons of appeal copied above, were it not that some more amplified statement of these reasons may tend to justify more fully the conduct of the Appellant, and to show the dangerous assumption of power into which the Session was led.

AS TO THE POWERS OF KIRK SESSION IN MATTERS OF DISCIPLINE. The Ap-