

as an Elder of St. Andrew's church, the same moral disqualifications which unfitted him for that office in 1858, will operate against him in 1861,—he will still be required to establish his general worthiness, his truthfulness, his integrity,—his possession of all those Christian graces which the church positively requires that her elders shall have, and he shall do so before the whole congregation, before he can be allowed to touch the sacred things on the altar.

And will matters be different with Thomas Kydd when he appears as a complainant before any of the church courts? Will the rescinding deliverance of this Presbytery which has given him the nominal status of an Elder, not still have him exposed to every charge of fraud, falsehood, malice, dishonesty, immorality, that could ever have been brought against him? It can have no effect in relieving him from any of those preliminary objections which affect the status of every member of the church who may present any complaint against one of her ministers. It will still be necessary for him to shew in this as well as in every other church court, that he is a person of "good report"—that he is entitled by his merits to the respectful consideration of this court, and it will still be necessary for him to rebut the charges preferred against him,—that he is a breeder of disturbances in the congregation, an habitual mischief maker, a scandal monger, a wicked calumniator of the ministers of Christ, a man whose tendencies and disposition are prone to do acts which will bring discredit on the church.

Holding these views of the laws of the church as applicable to Thomas Kydd's position in this court, your memorialists have beheld with sorrow the indifference of this Presbytery to all the preliminary objections which were urged by their minister, in the case submitted by him at the last meeting of Presbytery held in this place. We are aware that this Presbytery regarded these objections as having been theretofore virtually disposed of by the Synod when they received the memorial of Thomas Kydd, and sent the case down to the Presbytery,—but so confident are we that such is an erroneous view of the Synod's proceedings—an erroneous construction of their directions—so confident are we that the Synod in these proceedings and instructions, recognised, or intended to recognise, all the rights, functions and privileges of the Presbytery, as a court of original enquiry and jurisdiction, and that in sending this important case down to this Presbytery, they sent the whole case and not a fragment of it, with full instructions to deal with it as a whole, and with the full weight of their inalienable privileges and functions. And so satisfied are we with the extreme peril to the church or Presbytery, voluntarily and from mistaken views of its position and duties, hazard the surrender of any of their privileges or functions, as a court having original jurisdiction in such matters—that we now freely and without any reserve, adopt every word and argument urged by our minister in his case, now on the table of the Presbytery, as embodying our own clear and decided opinion on what we think ought to have been the position of the Presbytery in this enquiry, and as containing the substance of our own objections to Mr. Kydd's status in this court, should the Presbytery deem it proper to resume the enquiry.

Your memorialists, as a congregation, have been asked, as a congregation, to concur in the proceedings of the Presbytery, at their meeting in September last, but believing as they do, that these proceedings were entirely irregular, that the complainant ought to have been compelled to