

circular is characterized as 'containing mis-representations and false statements and unchristian averments and insinuations.' "

"This language I consider wholly unwarrantable and even calumnious; the circular published by me contains no such false or unchristian statements or averments, and I believed them to be in all respects true and proper, and necessary to be known by the Congregation, and I still do so, and therefore cannot retract them, *but demand a proper enquiry as to whether the statements of my circular were not true and moderate, as well as necessary, or whether they are such, as mentioned in the Document just delivered, and signed by the Clerk of the Session.*"

"As to the rule of the Session passed the other day, I am not aware of its precise terms, but I suppose it cannot be held fairly to apply to my circular, intended for the information of the members of the Church and Congregation and which I could not communicate in time in any other way. The Rule was new, and was opposed by me, and although far from desiring to infringe the authority or wishes of the Session, I considered it but right and proper to state the facts as I understood them, and to do so in a proper way, when changes were being pressed through in a way I could not sanction, and which I had a right to oppose, even if in the minority."

I am yours respectfully,

(Signed,) JAS. JOHNSTON.

The Rule of session referred to above was passed on the 15th instant. See Minutes, Montreal, 29th April, 1871.

The proceedings of the Session, after the entry of the Appellant's answer, will be seen by following extracts from the copy of minutes furnished to Appellant.

"Which" (answer), "being read by the clerk, was considered by the Session as *unsatisfactory*, and Mr. Johnston, having been entreated and requested in the most patient and forbearing manner, by more than one member of the Session, to reconsider his answer and written statement, but declining to do so, and expressing a determination to persist in the course he had adopted, Mr. Hunter, pressed his motion of expulsion, which after some discussion, with the approval of the seconder, and the concurrence of the meeting he consented to withdraw."

Then follows the proceeding of suspension delivered to the Appellant some days after.

(COPY OF JUDGMENT APPEALED FROM)

Vestry St. Andrew's Church.

Montreal, Saturday, 29th April, 1871.

"An adjourned meeting of the Kirk Session in connection with this church was held this day, and being constituted,

INTER ALIA:

"It was moved by Mr. Reekie, and seconded by Mr. Brodie, and resolved.

That inasmuch as Mr. Johnston has again been asked to express regret for his conduct in issuing and circulating a circular amongst the members of St. Andrew's Church, containing misrepresentations and untrue statements, that this Session, unwilling to proceed to severer mea-