

answer to the document served upon him on the twenty-seventh of April, the appellant expressly denied the false statements; declared any statements made by him in his said circular to be true, and demanded a proper enquiry whether the statements of the circular were not only true, but moderate and necessary, or whether they were such as mentioned in the document delivered to him.

No evidence however was taken on either side; the fact of publication alone was admitted, and not the alleged circulation amongst people not belonging to the Church referred to in the beginning of the minute of the 26th April.

The course of the proceedings, points, in many parts, to the conclusion that the members of the session treated this admission, as in itself a sufficient admission of guilt, and held that the falsity of the statements etc., needed no proof.

Indeed the document served on the appellant on the 27th April (after the meeting of the 26th) seems to point the same way. It in effect says: "Inasmuch as Mr. Johnston has been charged with issuing, publishing and circulating a printed circular containing false statements, &c, and having admitted this, and having been called upon to retract and express regret, &c., and having refused to do so, the session do now again give Mr. Johnston an opportunity to retract and express regret, &c."

If the Session held the simple infringement of the "rule" against addressing circulars a sufficient cause of discipline such language as that cited is intelligible. As containing an accusation to be met by a defence, to be examined into and tried by evidence, the language appears wholly unsuitable and is certainly not in accordance with the usual forms. So in the minutes of the 26th April, it is said Mr. Johnston having admitted the issuing and circulating the circular and its averments *having been proved* to be untrue by the unanimous testimony of the Session, as well as by the minutes of the Session and the language and insinuations of said circular appearing on its very face to be unchristian. Mr. Hunter moved, &c., that the Session do now depose, &c.

Assuming this to be the language of a preamble to the resolution (which resolution, strangely enough, refers to grievous and calumnious mis-statements, as well as gross insults to the Moderator and members of the Session,) the Session cannot be considered as adopting or justifying it, but it confirms what the official document served on the Appellant on the 27th April, also indicates, viz: that the Appellant was not cited to answer an accusation and to submit to trial and proof in the usual way, but was called upon to retract and express regret, or to submit to the consequences.

The Appellant respectfully submits to the Presbytery by this appeal, that such an alternative is not consistent with the law or practice of *Presbyterian Courts*.

Whilst the Appellant earnestly denies the alleged false statements, etc., said to be contained in the circular, and solicits a full examination into the truth of the matters of fact set up in it, (If such proof can be gone into in any way consistent with the laws and practice of the Courts of the Church), he fears that the Presbytery as a Court of Appeal, may find difficulty in entering into such proof, there being no witnesses heard on either side in the Court below. He desires nevertheless, under the indulgence of the Presbytery, to indicate briefly the principal matters of fact referred to in the circular which may, by possibility, be those characterized as *false, &c.*