

That in the month of June last past, (1878.) the following members of the said Board, Respondents, by Law ceased to be members of the said Board, and should have retired therefrom, to wit: the said Reverend J. H. MacKerras, William Darling, Esquire, and Alexander Mitchell, Esquire.

That the remaining members of the Board, to wit: the said James Michie, Esquire, has seceded from the said Presbyterian Church of Canada, in connection with the Church of Scotland, and has joined the said Presbyterian Church in Canada, and has ceased to be a member of the Presbyterian of Canada, in connection with the Church of Scotland, and has *ipso facto* vacated his seat as a member of the Board, Respondents, and the said Reverend John Jenkins, Reverend 10 Gavin Lang, William Walker, Esquire, Robert Dennistoun, Esquire, Reverend John Cook, Reverend Daniel M. Gordon, John L. Morris, Esquire, and Sir Hugh Allan, heretofore members of the said Board, Reverend John H. MacKerras, William Darling, Esquire, and Alexander Mitchell, Esquire; were not legally re-elected and appointed members of the said Board, Respondents, and they and the remaining member of the said Board illegally pretend to exercise and do in fact exercise and perform all the functions appertaining to legally elected and appointed members of the said Board.

That the said Reverend John Jenkins, Reverend Gavin Lang, William Walker, Esquire, Robert Dennistoun, Esquire, Reverend John Cook, Reverend 20 Daniel M. Gordon, John L. Morris, Esquire, and Sir Hugh Allan, Reverend John H. MacKerras, James Michie, Esquire, Alexander Mitchell, Esquire, and William Darling, Esquire, are not entitled to administer the said Fund, or to be or remain as members of the Corporation, Respondents, and should be removed from the said Board, and the said Respondents are not entitled further to administer the funds under the control of the Corporation, Respondents, or to make any infringement upon the capital thereof, or to disburse the revenues thereof in any manner whatever, the said Board being illegally constituted.

That the said Corporation, Respondents, have infringed upon the capital of the said Fund under their management and control in the manner hereinbefore 30 indicated, and have illegally paid money, proceeds of the capital and revenues of the said Fund, in the manner hereinbefore indicated, without any legal power or authority so to do, and have illegally continued and permitted the said Reverend John Jenkins, Reverend Gavin Lang, William Walker, Esquire, Robert Dennistoun, Esquire, Reverend John Cook, Reverend Daniel M. Gordon, Sir Hugh Allan, and John L. Morris, Esquire, Reverend John H. MacKerras, William Darling, Esquire, and Alexander Mitchell, Esquire; to act as members of the said Board, Respondents, without having fulfilled the formalities prescribed by law and the Act of Incorporation of the Corporation, Respondents, for their election as members of the said Board, and all the members now comprising the Board 40 of the Corporation, Respondents, are illegally exercising the power of legally elected members, and the said Corporation, Respondents, composed as aforesaid, are now acting beyond their power in continuing the exercise of the powers conferred on the said Board without having a *quorum* of the said Board duly elected as members of the said Board, and by permitting the said parties, not being members thereof, to take part in the deliberations and proceedings thereof, and by