

## DIET III.

*St. Andrew's Church, Kingston, 3rd August, 1832.*

The Synod met, and was constituted with prayer.

The Rev. George Cheyne appeared, and his name was added to the Sederunt. A letter was read by the Moderator from the Rev. Alexander Ross, assigning satisfactory reasons for his absence. The Report of the Arbitrators in the case of the Church of St. Gabriel Street, Montreal, being called for, Mr. McGill reported verbally on behalf of the Arbitrators, that they had come to a unanimous decision, which was read as follows:—

The Arbitrators chosen by the Rev. Henry Esson and the Rev. Edward Black, on their own behalf and on behalf of the congregation of St. Gabriel Street Church, Montreal, agreed unanimously in the following decision and award. The charge of two separate acts of intoxication alleged against Mr. Esson is totally unsubstantiated, and balancing the vague and inconclusive testimony of John Whitelaw and John Bruce, with that which establishes the general sobriety of Mr. Esson's conduct, the Arbitrators pronounce the charge of drunkenness frivolous and vexatious; and from the whole view of the evidence on this charge, they are grieved to discover an eagerness of crimination exceedingly at variance with that feeling which ought to subsist in the relation in which the accusers stand to Mr. Esson and which has manifestly led them to attach an undue importance to the testimony on which they rest their accusation. The charge of fornication is also in the judgment of the Arbitrators supported only by evidence vague and inconclusive, and when the character of the witnesses, and the irregular and objectionable manner in which the oaths and declarations of some of them appear to have been taken are considered, together with the defence of Mr. Esson, the Arbitrators regard him as exonerated from that charge, and they do hereby pronounce him not guilty of the same. In regard to the allegations so frequently brought, in the course of the defence, against Mr. Black as having originated and carried on a conspiracy with the view of effecting Mr. Esson's extrusion from the Church, the Arbitrators find these allegations unsubstantiated. But while they thus acquit Mr. Black of this charge, they think it necessary to remark that there is much in the proceedings of Mr. Esson's accusers to be condemned as hostile to the attainment of justice and in opposition to those Ecclesiastical laws which they were solemnly bound to reverence and obey. On the other hand the Arbitrators regard Mr. Esson's declining to use means for removing suspicion from the minds of his Brethren in the Session as censurable in the circumstances of the case; and it seems to them that had he, overlooking altogether the incompetency of the Session according to ecclesiastical law to decide as his judges, and seeking only to aid their investigations with a view of clearing himself from unfounded rumours, met at once in a manly and christian spirit the allegations made against him, much of the division and animosity which has so unhappily prevailed in the congregation, would have been prevented. In general, on the conduct of parties, the Arbitrators, as Christian Minis-