

clinched Mr. S., and his weight came on no one, K. F bent his head, K "lost his sight," and O turned his back just before the assault. *b.* The Synod finds that "it is not clear that there was an assault at all, much less, if there was an assault, by whom it was committed." Such a decision when laid alongside of the evidence, carries its own condemnation. Even the Synod itself deems "the occurrence of such facts as worthy of being reprehended." It further says, "It is to be deplored that a scene such as appears to have occurred should have occurred upon any occasion in any circumstances, and, above all, in a church, and with a minister as one of the parties concerned." *c.* All those who spoke in the excitement of the moment, even Mrs. Sutherland herself, addressed Mr. Sutherland as the aggressor.

13a. Mr. Sutherland's FIRST APPEAL from the Presbytery of Sydney to the Synod was taken against the resolution to allow\* the commission of Mr. Alexander McDonald, as representative elder, lie on the table, until an investigation had been made of the rumors regarding his election. His reasons of appeal are too long for insertion, and are grounded upon the three assumptions (1) that the Presbytery must receive the commissions of Sessions upon their presentation, notwithstanding any knowledge members may have with regard to the ordination or non-ordination of the parties commissioned; (2) that the Presbytery rejected the commission in question; (3) that it was rejected because of a fault in McDonald's character. We are sorry to find that the Synod not only approves of these reasons, but repeats the statements that the Presbytery rejected the commission and supported the rejection by a "*fama* and rumors alleged against his character." These two have been repeatedly denied, and their falsehood can be seen from the record. It has been said that the meaning of the word *fama* countenances the latter; but fortunately the signification of words does not depend on the prejudices of men; a *fama* is a rumour which specifies some particular sin or sins, is widely spread, generally believed, and has strong presumption of truth—*Constit. and Proce.* 248. That the rumors upon which the Presbytery felt itself bound to act fulfilled these conditions. See above, § 1a. The sins were charged in the *fama* not in Mr. McDonald, but in Mr. Sutherland. *b.* If the Venerable the General Assembly declare it to be the law of the Church that a Presbytery is bound under all circumstances, notwithstanding the existence of grave complaints, to receive an elder's commission without inquiry as to the truth or untruth of such complaints, the Presbytery has nothing to say, but must bow to the decision. The Synod did not however pretend to give a decision in accordance with the law of the church. In answer to Mr. Gordon's reason: "By the decision a Presbytery has no protection from an irregularly ordained or an unordained person being a member of court, if he is commissioned by Session," the Synod replies: "Presbytery may justly take for granted that those commissioned by the Sessions under its jurisdiction are regularly ordained." There is no appeal to ecclesiastical law or usage.

14. SECOND APPEAL—*a.* Mr. Sutherland read in Presbytery the following paper and then handed it over to the Clerk of Presbytery, stating, at the same time, that the Session of Gabarus had taken evidence in the matter: "Sydney, 1879. I hereby refer Dr. McLeod's conduct towards the congregation and minister of Gabarus, as contained in the minutes of session, to Presbytery for adjudication. By order of Kirk-session, D. Sutherland, Mod'r. To the Clerk, to be communicated." The Presbytery found that this paper was no reference (which the Synod partially concedes) and dismissed it. *Constit. and Proce.*, 120: "A reference, as to form, consists of an extract minute of the resolution to refer, and must be accompanied with an extract minute of all proceedings in the case, and must be accompanied with all the papers necessary for the proper consideration of the matter referred; and is presented by commissioners appointed for the purpose." Mr. S. appealed to Synod against this decision. *b.* The Synod sustained the appeal and said that there is "no evidence of irregularity of procedure on the part of the Session of Gabarus in submitting their complaint to the Presbytery of Sydney." Of course not, for at the time of the appeal the