

11a. The civil law of Nova Scotia, when any deed of trust, made for the benefit of a congregation, does not specify the manner in which vacancies in the trust are to be filled, prescribes the following order to be taken: "When a vacancy shall occur by reason of the death, removal or resignation or displacement of any trustees, it shall be lawful for the members of the church or congregation, from time to time, as occasion shall require, at any meeting convened, after public notice thereof from the pulpit of the church, for two consecutive Sundays preceding such meeting, or by printed notices posted in one or more conspicuous places in or about the house of public worship of such church or congregation for such two preceding Sundays, which published notices shall state the place and hour of such meeting, and the object for which the same is convened, by any resolution passed by not less than two-thirds of the members present at such meeting, to appoint one or more trustees, in place of any trustees dying, removing, resigning, or being displaced, as aforesaid,—provided always that a copy of said resolution, verified under the oath, before a Justice of the Peace, of the Pastor or Clerk, for the time being, of such church or congregation, shall be filed with the Clerk of the Peace for the County, within one month from the passing of such resolution. In default of the filing of such resolution, all acts done thereunder shall be void and of none effect." *Revised Statutes of N. S.*, 1873, page 594. Thus without authority of the congregation, who knew nothing of the necessity or election of new trustees, or of his Presbytery, and in direct contravention of the laws of the Province, Mr. S. appointed these new trustees, invading the office of the old trustees without any other necessity than the desire to remove honest and highly-honored men who would not do his bidding.* And yet the Synod says that no proof is given to justify the charge of irregularity on his part. b. The Synod says that "from the evidence it did not appear that any person in the congregation was injured by the mode of election carried on by Mr. Sutherland." Forty-seven persons in the congregation cry out that they are injured! The old trustees, whose office has been invaded and whose power is usurped by others, cry out that they are injured!! The trustees are reduced from the status of a body whose acts are legal and have all the force of law to that of one whose transactions are null and void from the beginning!!! The Synod, however, decrees that not only is there no injury, there is not the appearance of injury. If the eyes of that court were not turned away in another direction, it would surely discern an appearance and a reality of injury here.

12a. THE FIFTH and last COMPLAINT embodied in the petition was that Mr. Sutherland had assaulted Roderic McLean, Esq., [at a meeting of the congregation], and had caused bodily injury both to McLean and another man. *Exhibit of Testimony*: Mr. Sutherland assaulted McLean, B, E; he did not, H, K, L, M, N. Mr. S. was in the Precentor's desk as chairman, E, F, M, and left his seat and came down to the passage in front, E, L, M, when McLean was about to pass, B, C, D, E, I. McLean attempted to pass, D, G, H, L, M, O; Mr. S. said, "Young men, cause the man to sit down," I, K, M. Mr. S. then laid his hand on McLean's breast, D, G, laying hold of him by the coat or vest, C, E, G. Something occurred to throw McLean into the pew in which Capt. McLeod was, D, H, I, L, M; Mr. Sutherland pushed McLean on Capt. McLeod, A, B, C, D, E, G. Capt. McLeod cried out, "Don't murder me," A, B, C, E, F, G, L. Capt. McLeod was hurt, A. McLean was hurt, E. Mrs. Sutherland rose, B, C, D, E, L, and cried out, "Papa, papa, B, D, E, L, N, what are you doing? D, E; let the man alone, B, E. Capt. McLeod, Junr., cried out, B, D, E, G, L, N, O, "Clear out, L, N, O, such proceedings were never seen," [or words to that effect], B, D, E, G, N, O. Duncan Morrison rose and said, "Mr. S., let McLean alone," B, E. John Ferguson interfered, H, I, K, N. There was a great sensation in the congregation, B, C, G, I, K; several went out, B, C, D, E, G. McLean did not put his hand on Mr. S., B. McLean forced himself on Mr. S., gave himself a turn and stumbled, I. McLean

* E. g. The old trustees as well as the old elders would not stoop to deprive McDonald of his right in his own pew.