

to the Presbytery, and that the design was to strangle it. The Clerk having stated that a duplicate copy was handed him, it was moved and carried, that in the circumstances the said copy should be substituted for the original." After some further delay, "Mr. Sutherland presented the original petition. The Presbytery considered such conduct on the part of Mr. Sutherland exceedingly strange and even censurable, inasmuch as he had the petition in his possession while he trifled with the court, declaring that he knew nothing about it; and that it was laid on the table of the session of Gabarus." See *Min. of Presby.* Sept. 10, 1879. *b.* Mr. Sutherland at the same meeting presented a petition as from the Session at Gabarus, to which were signed the names of John McLean and John McCormick, elders, who, subsequently on oath, testified that they were at no meeting of Session at which charges against Dr. McLeod (the subject of the petition) were mentioned, had no knowledge of the petition, and if their names were to it, they were not subscribed by their hand or authority. The names appear to be in Mr. Sutherland's handwriting, and are witnessed by his initials. See also *postea*, sec. 14, *c. d.*

9 *a.* The examination of witnesses who appeared on behalf of and against the complainants, upon the matter of McDonald's pew, was not "unwarrantable," as the Synod affirms. The Presbytery had two petitions before it; the one *special* having reference to McDonald's pew alone, signed by McDonald, and endorsed as truthful and concurred in by all the elders but one, and all the trustees of Gabarus congregation, presented to the Presbytery several weeks before the other which was *general*, and signed by some of the elders, trustees, communicants and adherents. The first charged Mr. Sutherland with depriving McDonald of his pew; the second, with depriving members of the congregation of their property, viz.: pews in the church at Gabarus. Since both were so related, it could not be very "reprehensible" to take evidence on them at the same time. The two petitions are still more closely related. McDonald had left the bounds of the congregation, had settled the preliminaries of the sale of his pew before Mr. Sutherland was settled at Gabarus (1875) to Mr. Hector McKinnon, who bought his farm, and intended to take his place in the support of ordinances, from which he was driven by Mr. Sutherland's conduct. Mr. S. in depriving McDonald of the pew, deprived McKinnon of the opportunity of purchasing it. McKinnon signed the general petition, and thus the Presbytery was forced to notice the McDonald pew case in examining witnesses on the general petition. *c.* The Synod's action in condemning in such strong language and so repeatedly the conduct of the Presbytery, against which there was not a dissenting voice in the lower court, even from the parties interested, is more "unwarrantable," than that condemned. *d.* So officiously careful is the Synod to show the Presbytery the error of their ways that it three times orders them to destroy "the whole of the minutes of the procedure bearing upon this case," which minutes extend to the length of 59 words, including a record of an appeal and a dissent.

10 *a.* THE FOURTH COMPLAINT was that Mr. Sutherland had taken into his own hands the management of congregational affairs to the extent of turning away the old trustees and appointing new ones. *b. Exhibit of Evidence:* Mr. S. turned out Mr. McLean from the trusteeship, E, F, G; a confused vote was taken, E, F; new trustees were appointed (April 1879), A, D, H, K, N, O; (to take the place of some who died, H.) None of the old trustees had died. K; \*the old trustees were not consulted in the appointment of successors, B; Mr. Sutherland appointed said new trustees, A, C, E, K, N, O, (he did not, M); he nominated them, B, C, D, K; there was no time between nomination and voting, A; a confused vote was taken. A, K, N; the congregation was not aware they were to elect new trustees until the meeting of April 10th or 11th, B, C. (R. McLean was never a trustee, H.)

\*It will be observed that although H, I, K, M, N, sometimes draw on imagination, such attempt is generally rebutted by one of themselves. None of the old trustees had died before even the closing of the case before Presbytery.