

finding of the Presbytery. *d.* This decision of the Synod, and especially its designation of a breach of the Divine law by the euphemistic "somewhat of impropriety," has weakened the hands of members of Presbytery who have to contend for the sanctity of the Sabbath against Utilitarianism.

6a. THE SECOND COMPLAINT made against Mr. Sutherland by the petitioners was that he had left them for many Sabbaths for the last two or three years without any service; and that he had been going without their permission or that of the Presbytery to preach at Loch Lomond, where there was a minister of our church already settled, thus keeping up a division there. *b.* This charge has not been denied by Mr. Sutherland or his witnesses. The Presbytery, therefore, found "that Mr. Sutherland acted irregularly (1) in dividing his time between his own congregation and another without the leave of his Presbytery; (2) in going to a congregation belonging to a sister church without the leave of the Presbytery of that Church in whose bounds the congregation is; and (3) in going to such church in the immediate neighbourhood of a brother minister's congregation." The Synod determined that Mr. Sutherland committed no irregularity in this matter. *c.* This case embraces a very important question of ecclesiastical law: Are ministers allowed without the sanction of Presbytery to give a definite proportion of their time to congregations or stations other than those over which they have been placed by the Church, to the detriment of the latter? An affirmative answer to this question would appear as ridiculous in Presbyterianism as a negative in Congregationalism.

7a. THE THIRD CHARGE was more serious than the second, viz.: that Mr. Sutherland had deprived the petitioners of their pews, and had given said pews to others who had no right to them. The Presbytery were glad to find this charge not proven with regard to the petitioners themselves; but the evidence showed that he unjustly deprived one Alexander McDonald of his pew. There was an appeal taken upon the further order that the pew be restored to McDonald, but against the decision of Presbytery that the minister of Gabarus has been guilty of a tyrannical abuse of his office in this matter, there was no appeal. *b. Exhibit of Testimony:*—McDonald owned a pew in Gabarus church (C, D, E, G, H, I, N), and paid for it (A, H, I, K, M, N); Mr. Sutherland took it from him (A, B, F,) and gave it to Donald McIntyre (A, B, C, D, G, N). Donald McIntyre has it (M). McDonald lost his right to it by nonresidence; Mr. S. did not take it (K). "I cannot tell whether he (Mr. S.) did it, *i.e.* take the pew and give it to MeI. himself, or by the concurrence of the session," (A*) "Mr. S. offered my pew to Hector McKinnon in my own presence," (E).

8. The Synod charges the Presbytery with acting "toward Mr. Sutherland, alike in the conduct of "this" case, and in their findings thereanent with a degree of harshness not a little reprehensible." That the Presbytery had many provocations to harshness from Mr. Sutherland, and that at the same time it acted towards him with the greatest leniency and long-suffering, will be admitted by any candid reader of the record of the case. As specimens of Mr. Sutherland's conduct we give the following: *a.* "At last meeting the Commissioners from Gabarus who presented a petition complaining of the state of matters in that congregation were instructed to send their petition, to the Presbytery through the session. Roderick McLean, Esq., and Philip McDonald, elder and trustee, stated that they enclosed it to the Rev. Mr. Sutherland, Moderator of Session, with a written request to transmit it through session to the first meeting of Presbytery, and delivered the package to Mr. John McCormick, elder, who forwarded it to Mr. Sutherland. Mr. Sutherland, as Moderator of Session, being asked whether the Session of Gabarus had the aforesaid petition before them, answered that no petition was presented to the Session. On being pressed for a decided answer, he said there was a paper containing falsehoods which was allowed to lie on the table of Session at Gabarus. It was now manifest that the petition was not transmitted by the Session

* Mr. S. had not the concurrence of the session. The elders concurred in McDonald's petition.