

4. The FIRST CHARGE brought against Mr. Sutherland in the petition presented to Presbytery was one of Sabbath desecration, specially inasmuch as he on the Lord's day, in the church, after or before the close of Divine Service, made intimation that a vessel had arrived or was about to arrive with lumber for his manse, that he would be away from home, and therefore the congregation would need to make arrangements for the landing of the lumber and bringing it to the manse. That this representation was correct is shown by the following *exhibit of testimony*: (The evidence of A\* is not of importance, because of the irregularity of his attendance at church; that of I and K is valueless, except in so far as it confirms that of the others, because of the evident unwillingness with which they testify. G. was not present on the Sabbath referred to.) Mr. Sutherland made an intimation on the Sabbath-day in reference to discharging a vessel, B, C, D, E, F, H, I, K, L, M, N. He made the intimation from the pulpit, B, C, E, K, L, M, N, (—on the floor of the church, H, I,)—before the benediction B, C, D, E,—after the benediction H, I, K, L, N. He said: That the vessel was coming, B, E, H, I, L, M, N: with lumber for the manse, B, E, H, I, M, N; the congregation must arrange to take the lumber off the vessel, C, E, H, I, K, L, M, N, and haul it to the manse, E; and that he had to leave home, H, I, K, L, M, N. John McLean, elder, then asked if they would take horses, B, C, D, E, F, I, K, L, M, N; Mr. Sutherland replied, Be quiet, C, we will not talk of such things now, B, D, E, F, I, K, L, M, N. He also asked the elders and trustees to meet in the vestry immediately to make arrangements for the work, B, D, E, (he did not ask them H, I, K, L, N.) "We met in the vestry, trustees and elders, and considered how we might discharge the vessel and bring up the lumber. Mr. S. was out and in with us. We were not consulting with him in the arrangements. We made arrangements and Mr. S. told me I was to have charge of the arrangements in his absence," B. The trustees and elders did not meet, H, I, L. The trustees and elders were asked on other Sabbaths to consult about scantling, digging cellar, &c., B. Mr. Sutherland spoke of scantling, &c., on other Sabbaths, E, F. "A Sabbath after (that first spoken of,) Mr. Sutherland said from the pulpit, Let the people come with their horses and haul the lumber up to the house. John McLeod said they had not food for the horses. Duncan Morrison said if they had no hay they had oats. On this second Sabbath he again told the trustees and elders to remain after the service to make arrangements in carrying this out," E. It was not his custom to make such intimations, H, I, N, (but N. was not regular in his attendance at church.)

5a. The finding of the Presbytery, based upon the above evidence is as follows (from report of Committee adopted by Presbytery):—"With reference to the charge of Sabbath desecration, your Committee disapprove of the intimation regarding the unloading of the vessel, which your Committee regard as proven, as inconsistent with the solemn services of the sanctuary, and censurable because (1) of the example of a minister in speaking of worldly matters on the Sabbath, and (2) the great amount of thinking and speaking of worldly matters such intimation would likely cause amongst the congregation." b. Unwarrantably reviewing the above finding, the Synod gives the following judgment:—"That the conflicting character of the evidence preferred with reference to the charge of Sabbath desecration against the Rev. D. Sutherland, disables the Committee from determining to what extent this charge can be pressed. But sufficient remains to show that Mr. Sutherland cannot be fully exonerated from somewhat of impropriety in referring as he did to secular matters on the Lord's Day, and accordingly, in the opinion of the Committee, the Synod should enjoin him to exercise due discretion in this respect hereafter." c. Testimony in which a "conflicting character" appears less than in the above (§ 4) would be hard to receive from an equal number of witnesses upon a kindred subject. The Synod was not in a position to weigh conflicting evidence, and therefore ought not to touch the

\* See Appendix A,—List of witnesses.