

the Rev. James Gallaway a minister of the congregationalist union of England and Wales had visited Liverpool, and Preached in the Congregationalist Meeting House there. He again came to Liverpool in the month of September and left it before the defendant's return. While there three of the four deacons, viz. James Clements, George McLeod, and William H. Freeman applied to him for advice as to difficulties, which they represented to be existing in the church in relation to the complainant, and a meeting was arranged between him and the deacons which occurred shortly afterwards.

It was there determined that if possible the complainant should be induced to tender his resignation; and with this view the Rev. Mr. Gallaway was requested to address a letter to him. A day or two afterwards he prepared one accordingly, which I will now read.

LIVERPOOL, Sept. 26th, 1847.

*Dear Brother,*—Having been in Liverpool during the last two weeks, you will naturally suppose that I have heard many rumours and opinions respecting your position here, and the matter of your continuance in this sphere of Christian labor. In compliance with the wish of the Deacons, I have met with them to advise them what course to take.

The *unanimous* opinion of the Deacons is, that it will be best for all parties, yourself, your family, the Church and Congregation at Liverpool, for you to relinquish your present connexion with the people here. In this opinion, from all that has been told me, I concur.

At the same time this opinion is not founded on the *truth* of the rumours which have been circulated respecting you. The Deacons do not credit them, I do not credit them, nor does the Church credit them. I believe there is strong sympathy in your favour; and yet it is a *general*, perhaps unanimous, opinion, that your usefulness is done at Liverpool; and that it will be better for you, as well as for them, *for you to resign*.

I believe that if you were to tender your resignation it would be accepted, and you would receive an honorable testimonial, signed by the Church generally.

On receiving such a testimonial, your brethren in the Province would exert themselves to secure another and an eligible sphere of labor for you. In New Brunswick there is a Church which is in want of a Pastor. There is a Minister's house attached to the Chapel, and the people have engaged to raise eighty pounds per annum. The Union will be able to add something to this amount.

My dear Brother, I deeply sympathise with you, I am convinced that you are an injured man. All attempts however, to have the oppo-

sition that is raised against you here, would have an injurious effect. In all respects, *now* you have sympathy in your favour, *now* you can get an honorable testimonial, and hence you may live to be useful, respected, and happy, in another sphere of labor.

Yours affectionately,

(Signed) J. C. GALLAWAY.

This he handed *open* to George McLeod, who read it as did also W. H. Freeman, and it was by him *sealed* and given to James Clements to be presented to Complainant. James Clements did so, and became only aware of its contents, from the Complainant's mentioning them to him on the day he delivered it to him.

At or about the same time that Mr. Gallaway prepared it at the request of George McLeod and W. H. Freeman, he prepared (and handed to George McLeod, who gave it to W. H. Freeman) a draft of a resolution to be moved the purport of which was that the Church should get another pastor. When the request to prepare this resolution was made, neither James Clements nor Samuel Kinney was present, nor were they aware that it was intended that such a paper should be prepared.

It was then arranged by these Deacons that a Church meeting should be called immediately after Complainant's return, to investigate the reports against Complainant's moral character.

After this letter and resolution had been thus prepared, Messrs. Gallaway, Freeman, and McLeod, called on Mrs. Melvin; but what took place does not appear.

On the Saturday after the Complainant's return, viz.: 16th October, 1847, a Church meeting was held in the meeting house at Liverpool. The notice that it was to be held was given at a prayer meeting; none was published on the previous Sunday from the pulpit of the meeting house, nor was any notice sent to the members of the Church at Milton, Herring Cove, Beach Meadows, or to those members of the congregations that resided at those places.

Neither Mr. Gallaway nor the Deacons had any communication with the Complainant relative to those proceedings; nor did they or any of them, apprise him that the draft of the resolution had been prepared by Mr. Gallaway. Nor did they take any steps to ascertain the sentiments of the Church or congregation generally, before they were prepared. This meeting consisted of seventeen members only of the Church, and they