

humbly submit that there were other elements to be taken into account in order to come to an equitable decision in the case. I indeed agree with His Honor, that there was not in reality more than one question before the Court, viz.: "Had the Defendants a right to do as they did?" But before a sufficient answer can be obtained to this question, it appears to me that something more must be done than determine the exact legal value of the receipts held by Mr. Johnston. It is, perhaps, not to be wondered at that Judge Johnson should have been reluctant to enter upon a consideration of the ecclesiastical complications involved in the case, and which, as I believe and hope to show before I have done, were unwisely and unwarrantably dragged before the Court by the Counsel for the defence. He is, in my humble judgment, much to be commended for having ignored as irrelevant to the case, the vast amount of evidence led by the Defendants' Counsel, bearing upon the character and conduct of the Plaintiff. But while His Honor was justified in disregarding their plea of justification, how comes it that he did not take into consideration *the nature of the trust* held by the Defendants and overlooked the fundamental question, *for whom do they as trustees act?* I notice that he is reported in one place as putting the case thus: "They once let him a pew in *their* church." The *italics* are mine. In this sentence we find the groundwork of the judgment rendered, a judgment which must have been a surprise to many as it certainly was to me. But this *premise* is fallacious. The Church is *NOT their* church. It is as much Mr. Johnston's as theirs. His Honor seems unaccountably to have overlooked the difference between this trust and an ordinary one. It is not as if they represented property or interests alien to Mr. Johnston, to which he bore no relation until *they* put him into that relation. On the contrary, they were elected to the office of Trustee by Mr. Johnston himself, among others, to look after *his* interests as well as their own, and it might, as well as not,