

In respect to the settlement, the facts are that the plaintiff, who had been caretaker of the church, and who had, of his own motion, given up the keys a few days before, came on 8th November to the church, at which was present Mr. Hoover, who seems to be a prominent member of the church. This was on Sunday; the plaintiff went to his seat in the church, called Hoover over to him, and said: "I am sorry for all I have done; if you see Samuel Wideman, tell him to come over in two weeks, and I will confess to the church that I have done wrong, if the Lord lets me live. I have been misled by others" (p. 38). The plaintiff says that he added, "if the thing was settled" (p. 13); but this the witness Hoover denies, and the learned Judge fully accepts Hoover's account.

Wideman and Hoover went to the plaintiff's place on the 16th November. No imputation is made against Hoover or the Bishop of any desire on their part for anything but the salvation of the soul of the plaintiff. They were in no way acting as agents for the defendant, and it cannot be contended, and it is not, that they had any intent or desire to benefit any one else. The defendant had a few days before seen Hoover, as he had heard that the plaintiff was going to make a confession; the church had told him that he was ready to make a confession; and the defendant said he came out to find out the nature of the apology. The defendant has insisted throughout on his innocence.

According to the story of the plaintiff, Wideman and Hoover threatened to expel him from the church if he did not go to the defendant and ask his forgiveness, saying "you know the church rule" (p. 4). In addition to the apology to the defendant, he says, they wanted him to go before the congregation and say that he had done wrong, and said that, if he did not do so, they would expel him from the church (p. 5); they thought he had done wrong in bringing the action because it was against the rules of the church (p. 14).

This was no new experience for the plaintiff. On a previous occasion the same daughter had had a child, and Wideman had on that occasion threatened the plaintiff that, if he went to law, he would be expelled from the church (p. 18). An action was not brought on that occasion. Upon the present occasion there is a little conflict as to the part taken by each; but I do not think anything turns on this conflict. It seems quite clear that the brethren who were reasoning with the