

REPORT
of
INVESTIGATION



Proceedings of Elders Council
And Correspondence



Convened at Cleveland, Tennessee

June 12-21, 1923

INTRODUCTION

At the session of the Elders Council that convened, Sept. 6, 1922, some lengthy consideration was given to complaints of irregularities at the Headquarters of the Church of God. It was decided by the council to select an investigating committee, to hear complaints and adjust differences and make such investigations as they deemed necessary. F. J. Lee, J. B. Ellis and J. S. Llewellyn were duly selected by the Council as the committee.

After the committee was selected, they met together from time to time for the consideration of the matters in question. It was finally unanimously decided by the committee to employ a competent auditor to examine the books and records of Headquarters, in order that they might make an intelligent report at the next convening of the Elders Council. The Auditor proceeded with his work, made up his report, and submitted the same to the investigating committee who had engaged his service. A. J. Tomlinson was immediately notified of the findings of the Auditor. Then after some considerable delay he returned to Cleveland, Tenn., on May 7, and on May 8, a copy of the Auditor's report was submitted to him for examination and reply. He stated that it would require some time for examination and consideration so his reply was deferred to later date.

It was decided by the Executive Council, composed of A. J. Tomlinson, General Overseer, F. J. Lee, Superintendent of Educational Department and J. S. Llewellyn, Editor and Publisher, to call the council of twelve Elders to convene in Cleveland, Tennessee, on June 12, 1923, for to consider of the matters in question.

It was also decided by the Executive Council that the Seventy Elders also should have the privilege of attending this Council.

The council convened at the time appointed in the Church of God Auditorium. Prior to the real opening for business, A. J. Tomlinson proceeded to make some comment on the Auditor's report and explanation of the alleged shortage. Immediately after the council was declared in session for business or in open conference, apparently according to a well understood plan, C. T. Anderson of Florida, addressed the moderator, who was immediately recognized by the moderator. He proceeded with some introductory remarks and filed complaints against M. S. Lemons, J. B. Ellis and J. S. Llewellyn. The Secretary then read the complaints.

Then the moderator, A. J. Tomlinson, formerly opened the subject for discussion for those only who favored the complaints as read, and for hours these three men were subjected to the most severest criticism and slanderous insinuation. All seemed to be welcomed by the moderator, but no one was permitted to speak in their favor or defense. Finally after hours had been spent in this very unbecoming way, and no other to be

found to speak against the accused, the way then opened for the accused to defend themselves under the most strictest ban with specific instructions to confine their remarks to their own defense and were not even permitted to speak of any circumstance that lead up to, or surrounded the complaints filed. The accused and their friends finally seeing that they were not allowed equal liberty with their accusers, submitted their case to the remaining Council of Elders for decision without further defense. The Elders then retired to form their conclusions, and brought back their decision that the complaints were filed pre-maturely. A number of the Elders contended that the complaints were filed illegally and designed only for the purpose of putting to silence the three Elders, and to block the way of the investigation, and to divert the meeting and its proceedings contrary to the purpose for which it was called. (The three accused were later declared to be EXONERATED). After the three accused were liberated and permitted to proceed with their official duties and exercise their privileges, the meeting then proceeded to the business and the purpose for which it was called.

The moderator, A. J. Tomlinson, then on account of the investigation vacated the chair as chairman and took his seat in the congregation. The council selected Efford Haynes, of Michigan, to preside. Then the investigating committee's report was read by J. S. Llewellyn and filed the same with the Clerk of the Council with the exhibits referred to, which was a copy of the Auditor's report of the examination of the books and records of A. J. Tomlinson as kept at the Headquarters of the Church of God, and two copies of minutes of the General Assembly. He then proceeded to a brief explanation and review of the circumstances leading up to the questions at issue. Then after the facts and circumstances were laid before the council, A. J. Tomlinson and his son, Homer A. Tomlinson, proceeded at length to explain matters brought in question. After which, the questions were referred or left with the Council of Elders for their final conclusion and decision, which is hereinafter set forth, which articles will best speak for themselves.

REPORT OF THE INVESTIGATING COMMITTEE

To the Council of Elders of the Churches of God to convene in the City of Cleveland, Tennessee, on June 12, 1923—Greeting:

We, your investigating committee, beg leave to submit the following report:

After meeting together from time to time to consider the matters for which we were appointed by this honorable body, we unanimously decided in the latter part of November, 1922, that we would be unable to present to you an intelligent report without the aid of a competent auditor. After some consideration, we employed Lee H. Hattle Audit Co., of Chattanooga, Tennessee, who by their representative proceeded with the examination of the books and records of the business headquarters of the Church of God and made their report to us which we herewith submit to you, marked exhibit A, to this our report, and made a part of said report.

The said audit report will best speak for itself. A copy of said report was submitted to A. J. Tomlinson for his consideration and reply which we presume he will make to this honorable body which should claim our attention and consideration along with the said audit report and the report of this committee.

The auditor's examination did not deal particularly with the misapplication of funds, which is to say, funds used contrary to the purpose for which it was raised. We find that approximately, \$31,000.00 has been misapplied, and seems to have been used contrary to the purpose for which it was raised and in violation of our long cherished principle that "the tithes are for the ministry only." However, \$3,973.23 of the above amount was orphanage money.

In the General Overseer's Evangel financial report which appears on page 52 (of the Minutes of the Seventeenth Annual Assembly) as follows: "The Magazine has paid for itself for the seven months and about \$60.00 for the House." This appears in the minutes of the General Assembly, which convened at Cleveland, Tennessee, November 1-7, 1922, which was written on the original copy of his report in his own hand. The references and the minutes referred to are made a part of our report and marked exhibit B, to this our report. We further find contained in a letter under date of March 17, 1923, the following statement: "The Faithful Standard has not only been self supporting, but has shown a little profit about \$200.00 a month, after paying all expenses, interest on investment, and wages." This estimate conflicts with the report to the Assembly. The difference in the

two statements amounting to \$1,340.00. The letter referred to purports to be from A. J. Tomlinson which we file and make a part of our report, marked exhibit C.

We find in the latter part of the third paragraph of the same letter above referred to the following statement with reference to the Bible Correspondence School, "When Brother Lee assumed the superintendence of the Bible Correspondence School at Cleveland, there were outstanding accounts of about \$28,000.00." Our investigation determines the fact that there were approximately \$5000.00 outstanding accounts in favor of this department and a liberal estimate that not less than \$3,000.00 of these accounts are of no value and do not represent an asset of that department. We are informed that in consultation with the board of directors of this same department that A. J. Tomlinson stated to them that there were \$11,000.00 outstanding accounts. The three statements that apparently conflict with each other, need explanation which we are unable to give.

We further find that since the year 1920 that A. J. Tomlinson put into operation a financial scheme called Evangel Loan Fund or Exchange and Indemnity Department. Your committee is of the opinion that such a department or scheme was never authorized by the Church of God or its General Assembly, neither was it operated according to any legal constituted authority by the Church or its General Assembly. See resolution beginning on page 68 and ending on page 69 in the Minutes of the fifteenth Annual Assembly of the Church of God which convened, November 3-9, 1920, to which reference is here made. The said resolution being made a part of this report. The said minute is filed as exhibit D to this our report. We are not of the opinion that the Church is legally responsible for the obligation of this department. The moral responsibility will be for you to determine. As further support of our view with reference to this department we fail to find where this department was ever constituted or authorized or where A. J. Tomlinson ever included this department in his financial report. We further find that these certificates were signed by him as Editor and Publisher which no such official position was ever created or brought into existence in the Church of God or its General Assemblies, until the Assembly which convened in Cleveland, Tennessee, November 1-7, 1922 which action appears in the minutes of said Assembly, pages 49 and 50 to which reference is here made and filed as exhibit E, with this report and made a part of same.

We, your committee, respectfully recommend that a fair, square adjustment be made of all of the matters in question, whether contained or pointed out in this report or otherwise, and that proper steps be taken in this council that will guarantee the just rights of the people and a square deal for all parties con-

cerned, or in any wise affected. The welfare of the Church requires it.

We humbly submit to this honorable body this report, "With malice toward none, and with charity for all, Let us strive to do the right, as God shall give us to see the right." "Let us hold fast the faith that right makes might, and that in that faith let us dare to do our duty to the end as we understand it."—Lincoln.

Respectfully submitted,

Investigating Committee.

{ J. S. Llewellyn.
J. B. Ellis.
F. J. Lee.

ELDERS DECISION

Copy of Record of Proceedings and Conclusion reached in the investigation of A. J. Tomlinson are as follows:

Cash not accounted for which amounts to \$14,141.83 is considered a shortage. Furthermore the investigating committee is instructed to continue their work; they are further instructed to have the assistance of the General Secretary, also the privilege of calling the auditor and paying him for his service. The further investigation to include the checking of all the check stubs available with the daybooks, then if any are missing look up the checks, then foot up the daybooks, and see that the total is correct. If they find any checks not on the day book that has been paid out by Brother Tomlinson, they are to give him credit on the ledger account on the above. If Brother A. J. Tomlinson shall be able to produce anything to show where he has paid out in cash which is not on the daybook, such as receipts or receipted bills or other written evidence, he is to be given credit for all such items on presentation of such sufficient proof.

The auditor's advice filed and made exhibit A, under date of June 16, 1923 was accepted and made a part of record.

Approved and passed.

The explanation given with reference to the circular letters, marked exhibit C, are not satisfactory.

Adopted and passed.

We accept and approve that part of the committee's report that refers to the Loan and Indemnity department and decide it to be illegal and unauthorized by the General Assembly. It is an established fact from figures that the money has not been used in the Church of God Publishing House. This was unanimously accepted by all the Elders with the exception of Geo. T. Brouayer who files no objection but is not sufficiently clear in his mind regarding same.

S. O. Gillaspie gave his approval and consent at the time it

passed, then later changed his mind and concluded possibly that it might be legal. Exceptions were taken to Brother Gillaspie's explanation and regarded as illegal and not to be considered as any embarrassment to the action taken by the Elders above referred to.

J. S. Llewellyn.

Brother Geo. T. Brouayer has the privilege of filing a written objection.

Passed.

Bible Training School by Correspondence

After making a careful investigation of the circumstances surrounding the Bible Training School and the prospective new institution of like nature which is being planned in New York by A. J. and Homer A. Tomlinson should be considered as antagonistic and embarrassing to the one owned and controlled by the Church of God at Cleveland, Tenn. It is further understood that those who aid in any way in the established aforesaid institution in New York City shall be construed as unfriendly and disloyal to the Church in its various departments. It is further understood that this council in no case give their endorsement to said institution. It is further ordered by this council that immediate steps be taken for the correction of the Copyright of a portion of the lessons of the Bible Training School, owned and controlled by the Church of God which should have been continued to be copyrighted in the name of Bible Training School, owned by the Church of God at Cleveland, Tenn. It is further understood and so construed that the purposes and intentions and motives in copyrighting the publications owned by the Church were impure, unjust and unauthorized and should be immediately corrected.

Approved by the Elders in Council the 19th day of June, 1923.

E. J. Boehmer,
Clerk of Council.

Cleveland, Tenn.

A. J. Tomlinson,
Dear Brother:

In compliance with your request I herewith submit to you a copy of the record of proceedings of the investigation, conducted by the investigating committee and the Elders Council to this date, together with their conclusion up to this time and order for continuance.

Very sincerely yours,
E. J. Boehmer (clerk).

Conclusion of the Council of Elders of the Investigation of A. J. Tomlinson

We accept and approve the report of the investigating committee with the exhibits thereto. We have further concluded that the shortage in his accounts as shown by the examination of the books and records is \$14,141.83 except the provision herein-after set forth.

We further order and advise that the committee proceed further with their investigation and check all check stubs with daybooks. then if any are missing, look up the checks. Then foot up the daybooks and see that there is no mistake and that the totals are correct. If there are any checks not on the day-book that was paid out for the Church, he shall be entitled to credit for total of such checks not on book.

If he can produce anything to show where he has paid out cash which is not on the daybooks, such as cancelled checks, or receipted bills, he is entitled to credit for all such items.

The committee may call the auditor for further assistance and is authorized to pay the same. Also they may have the assistance of the General Secretary in their further examination and investigation. This examination is to proceed at once and the final conclusion reached and settlement made at the earliest date possible.

We further advise that the explanation given in the investigation with reference to the circular letters sent out by the Faithful Standard Publishing Co., and those promoting the same are not satisfactory.

We further advise that the circular letters or a portion of them sent out by the Bible Correspondence School and that feature of them that was brought into question, that the explanations given were not satisfactory.

We further advise and so conclude that inasmuch as the attempted action and complaints filed on the night of June 12, against J. B. Ellis, M. S. Lemons, and J. S. Llewellyn was indirect connection with this investigation and designed only for the purpose of hindering and blocking said investigation; that we, here in conference assembled, do declare said complaint to be illegal, arbitrary and coercive and for the purpose of intimidating the council in this investigation for which cause and purpose the council was called.

We further advise that the council and its committee proceed to safeguard the interest of the Church untrampled in their action.

We further advise that A. J. Tomlinson proceed no further with his official duties or ministerial activities until a satisfactory agreement or settlement can be reached for the adjustment of the matters in question.

IMPEACHMENT

To the Supreme Judges—Court of Justice

M. S. Lemons, F. J. Lee, J. S. Llewellyn, T. L. McLain, S. W. Latimer, J. B. Ellis and E. J. Boehmer presiding.

We, the undersigned, respectfully submit and file this article of impeachment against A. J. Tomlinson as General Overseer and Chairman of the General Assembly and member of the Supreme Council by virtue of his office as General Overseer, also Bishop in the Church of God, and Geo. T. Brouayer and S. O. Gillaspie, both members of the Supreme Council and State Overseers and Bishops in the Church of God, and C. T. Anderson, Evangelist, in the Church of God. We file this article of impeachment and charges as herein set forth against the above named parties, seeking immediate relief from their unlawful and illegal practices as such ministers and officials as above indicated, and for the reasons hereinafter set forth.

The jurisdiction of any State official body or any other council claiming jurisdiction over matters herein referred to hereby waived and immediate relief sought at the bar of Supreme Judges—Court of Justice, whose names appear as such judges for the year 1923 on page 106 of the Minutes of the Seventeenth Annual Assembly of the Church of God, held at Cleveland, Tennessee, November 1-7, 1922.

For authority for the preceding reference is here made to Article Five, Section One, also Article Four, Section Eleven of the Constitution as appears in the Minutes above referred to.

This article of impeachment and the charges herein contained is filed for and on behalf of ourselves and all other officials, ministers, and members of the Church of God not connected or allied with the above named officials in the various official capacities, also as the next friend to all other parties concerned or effected by their disloyal and official misconduct as contained in the complaints and charges as follows: which are taken up separately, which are to apply to each party as indicated: Against A. J. Tomlinson.

First—For failing to turn over to the proper officials all funds that should have been in his hands at the close of the General Assembly, November, 1922.

Second—For mis-appropriating contrary to the purpose, for which it was raised, approximately \$3,900.00 of Orphanage money and thereby depriving them of the necessary support and leaving the treasury destitute of funds to meet urgent bills made by him.

Third—For mis-applying other funds amounting to several thousand dollars contrary to the purpose for which it was raised

and the intention for which it was to be applied.

Fourth—For ignoring and refusing to discharge his official duties as General Overseer and member of the Executive Council, by refusing to cooperate in the manner prescribed by the General Assembly.

Fifth—For forfeiting agreements made in Supreme Council and Executive Council and ignoring the same.

Sixth—For copywriting certain publications belonging to the Church of God in his own name and for permitting his son, Homer A. Tomlinson, to copyright a part of the lessons of the Bible Correspondence School owned by the Church of God, and for undertaking to aid him in establishing legal claims for publications owned by the Church of God, after making repeated statements that it was the property of the Church.

Seventh—For making misleading statements or allowing same to be made over his signature that were calculated to unduly influence and financially injure any who might be influenced by such statements.

Eighth—For making conflicting reports to the General Assembly and the board of directors of the Bible Training School and prospective investors.

Ninth—For attempting and undertaking to establish other publishing interests and correspondence school that is calculated to be in opposition and antagonistic to that owned and controlled by the Church of God.

Tenth—For failing to account for a considerable shortage in his accounts and failing to give satisfactory explanation for same.

Eleventh—For employing unfair, unjust, and illegal means to block the way of a fair investigation of his affairs and business relations with the Church by circulating petitions and framing charges against certain ministers and officials who sought to protect the interest of the Church and its members and friends.

Twelfth—For unbecoming conduct in presiding as chairman over a council in which he himself was a party to the litigation. And showing partiality by allowing those favored to him to slander and criticize in a very unbecoming manner without restraint and then refusing the opposite side equal liberty in defending themselves against such evil and unjust use and abuse. It is further alleged that on account of this unfair and unjust conduct it has rendered him unworthy of the honor of presiding over such a meeting and that it has brought shame and disgrace on the dignity of the position that he undertakes to occupy.

Thirteenth—For condemning some of the rules of govern-

ment as passed and outlined by the General Assembly in its regular session and allowing those under him to do the same and using his influence in a very disloyal manner against the action of the General Assembly, while said rules and principles of government are in full force and effect.

Fourteenth—For refusing to cooperate with those associated with him in lifting the burdens of debt off the Church of God Publishing House but at the same time using his energies and influence against it and causing others so to do and promoting his own private interest by putting on a stock selling campaign, for the promotion of a separate enterprise now owned by the Church but calculated to be antagonistic to the interest and welfare of the Church in its various departments. This was done while on salary paid him by the Church of God. In view of this fact it should be so construed that it is a misappropriation of his time, energy, and influence which should have been used in favor of the Church of God in its various departments, according to agreements made by him in Executive Council.

Fifteenth—For holding secret councils and conspiring and seeking to influence others to rebel and oppose certain actions of the General Assembly and to embarrass certain positions created and filled by the said General Assembly.

The said Geo. T. Brouayer and S. O. Gillaspie in their positions above described are charged with aiding and abetting the said A. J. Tomlinson in the principal part of his illegal acts above referred to, and embarrassing the deliberations of the council in their efforts to investigate the serious complaints against A. J. Tomlinson, also by manifesting a contentious spirit which is foreign to our Holy Religion, also for aiding him in promoting a private enterprise against the interest of the Church and its general welfare.

The said C. T. Anderson is also charged with acting in a very unbecoming manner by aiding and becoming a party to conspiracy to thwart the purposes of the Council in the investigation of the alleged shortage in the accounts of A. J. Tomlinson. It is further alleged that he has acted in a very unbecoming manner by instituting illegal proceedings against certain officials of the Church, to embarrass them in the discharge of their official duties in protecting the interest of the Church and procuring for its ministers, membership and friends their just rights. It is further alleged that he has conducted himself in such an unbecoming manner as to render him unworthy of the honor and rank of an Evangelist in the Church of God.

For and on account of the above complaints, we respectfully plead and seek for relief from further illegal practices and

that the said A. J. Tomlinson be restrained from further official acts and ministerial activities and any interference whatsoever until the final termination of this action. And that the General Secretary shall be restrained and so advised to withhold any further compensation for his service until the final termination of this litigation.

That the said Geo. T. Brouayer and S. O. Gillaspie be restrained from any further official action or ministerial activities until the final termination of this litigation.

That the said C. T. Anderson shall be restrained from acting or serving in any capacity as a minister or evangelist until the final termination of this litigation.

The undersigned believe that the above complaints and charges are true in substance and fact but part of them are not of their own personal knowledge but from the best information obtainable.

It is plead and insisted that this honorable body proceed with the judicial investigation of all of the complaints and any others that may develop in said investigation and give to the Church such relief as may be asked in this article, also such relief as may be found necessary for the protection of the general interest of the Church of God and the rights of its ministers, members and friends.

We further ask that the clerk of this judicial body serve a copy of these complaints on the defendants above mentioned and that this board of justice arrange for an early hearing, the welfare of the Church requiring it.

A. Gann.
T. S. Payne.
E. Haynes.

Filed June 21, 1923, 9:15 P. M.

FINAL

We, the Elders Council of the Church of God, with business headquarters at Cleveland, Tennessee in conference assembled on the 21st day of June at 9:20 P. M. agree and pass the following:

Whereas, we have been in conference from day to day for the consideration and investigation of the accounts of A. J. Tomlinson who has attempted in various ways to explain the shortage referred to in these proceedings and to this date has failed to give satisfactory explanation or reparation. We, now in the closing hours of this conference, express our deep regret for the unseemly situation that has developed on account of this seeming unfortunate affair.

We heartily commend and endorse the work of the in-

vestigating committee and their exceeding liberality toward Brother Tomlinson and the many earnest efforts that have been put forth by them and other members of this council.

After considering some slight objections referred to in these records as exceptions taken by Geo. T. Brouayer, and S. O. Gillaspie and the contentious spirit that they manifested and the unreasonableness of their objections and their refusal to accept the facts, we, the moderator and Elders in council, do overrule said exceptions and regard them as illegal and not well founded and on account of being so overruled are forever hereafter to be regarded as though no exceptions were taken.

On account of the conclusion and decision of this council disqualifying A. J. Tomlinson as chairman until such time as a satisfactory agreement and adjustment can be reached on the matters in question, and in view of the fact that he relinquished his right as such chairman and voluntarily surrendered same to Efford Haynes after being selected by this council, we therefore, in view of these facts and failure to this date on his account of our reaching a satisfactory settlement, retain the said Efford Haynes as chairman of this council until the final termination and full acceptance of this council of the terms and agreements on the matters in question.

At the conclusion of this session we adjourn to meet on the 25th day of October, 1923 after leaving the matters of further consideration and adjustment in the hands of the investigating committee with power to act.

The provisions referred to in the conclusion of the Elders Council to give credit for any paid check or receipted bill in no case is to be construed now or hereafter of any doubt of the correctness of the auditor's report, but on account of the possibility of the bookkeeper failing to record some of the items. This is done only from the sense of fairness and liberality and to give them the benefit of their own mistakes. In view of the fact that the auditor could not take them into consideration on account of them not being on the book.

We deplore the unpleasant situation that developed in the early part of this council as a result of an effort to block the investigation, that of charges being filed against J. B. Ellis, M. S. Lemons and J. S. Llewellyn who suffered unwarranted criticism because of their efforts to protect the interest of the Church and its membership. They were fully exonerated by this council.

Reaffirming our firm belief in the principles and practices, government and teaching of the Church of God, we herewith, submit the facts as found by our investigation to the judgment of the fair-minded people with the earnest plea that you be not soon shaken by letters or communication that do not contain

the facts, but withhold your judgment or any action until you have the whole matter before you and above all stand true to the Church of God and the principles of right and justice.

Letters

Cleveland, Tenn.
June 25, 1923.

J. S. Llewellyn,
2524 Gaut St.,
Cleveland, Tenn.
Dear Brother:

Since the business that was to come before the Council which was called in session June 12th, was not completed, and considering the matter of dismissal, I conclude that it has not yet closed, but since the brethren have dispersed I have decided to give them a little space of time to come together again and finish up the business. Therefore, I send out this special notice and call.

You will be expected to meet again on July 24th, 1923, in Cleveland, Tenn., the hour to be named after the arrival of the councilors.

There are some matters of the utmost importance in the interest of the Church of God to be considered. By giving this much time I trust you will be able to make all arrangements so it will not unduly inconvenience you to be in Cleveland at the time named above.

With due regards, I remain

Yours truly,
A. J. Tomlinson.

Cleveland, Tenn.
June 26, 1923.

A. J. Tomlinson,
Dear Brother:

We, the undersigned members of the Executive Council, acknowledge receipt of your letter of June 25, 1923, in which you undertake to call the Council of twelve Elders to re-convene on the 24th of July, 1923.

We, constituting a majority of the said Executive Council, do not agree or concur in the action that you undertake for the following reasons:

First—Because the General Assembly has advised and so ordered that the Executive Council, "Shall council together on all matters of general interest to the Church of God." See page 49 of the minutes of the Seventeenth Annual Assembly. We regard

these matters and the questions at issue as of general interest to the Church in general. This order of the Assembly you seem to have overlooked or undertake to ignore.

Second—Because the Council of Elders was called by the said Executive Council to convene in the city of Cleveland, Tennessee, June 12, 1923, for the well understood purpose of investigating and considering the report of the investigating committee of your official conduct and the alleged shortage in your accounts as shown by the auditor's report of examination of your books. After meeting together from time to time until the night of June 21 the said Council adjourned in good order to re-convene the 25th day of October, 1923 after leaving the matters in question in the hands of the investigating committee with power to act in the final settlement with you. This is contained in the article adopted in the final session of the said Elders Council, called FINAL which is of record in the clerk's office of the said Elders Council.

Third—Because the said Elders Council ordered and so decided and advised that you discontinue your official duties and ministerial activities until a satisfactory adjustment could be made of the matters in question.

Fourth—Because the remainder of the questions clustering around the investigation was referred to the investigating committee which was to allow you the privilege of producing any cancelled checks or receipted bills not on your books. The committee stands ready to consider any question of credit of the nature above mentioned and are very anxious to go with you into the matter looking forward to a peaceful settlement of the matters in question.

Fifth—Because impeachment charges were filed against you, Geo. T. Brouayer, and S. O. Gillaspie in due form on the 21st of June, 1923. The Judges are ready to convene at such time as may best suit your convenience and hear whatever plea of defense you may wish to make against the complaints filed. A copy of the complaints is filed with the clerk of the board of Judges. The same document of complaints contains charges against C. T. Anderson. Contained in said complaints are restraints sought for the discontinuance of official duties and ministerial activities until the final termination of the litigation. The said prayer for restraint was granted by the board of Judges until the conclusion or a peaceable adjustment of the questions at issue. On account of said complaints, duly filed as above stated, we conclude that neither you, Geo. T. Brouayer, nor S. O. Gillaspie has any just or legal right to act or serve in any official capacity until the complaints herein referred to have been duly disposed of. We, therefore, would appreciate some expression from you as to the best suited time for the hearing, also if you wish to continue the search further as to cancelled checks or re-

ceipted bills representing cash paid out by you for the Church and not on your books. We want to re-assure you that we will take pleasure in cooperating in any fair and just manner to bring about a satisfactory settlement that will insure all parties affected and concerned, a square deal.

We are at a loss to know of your purpose in undertaking to independently call a council of the Elders without consultation with other two members of the Executive Council, even if there had been no complaints filed to render you ineligible for such an official act.

In view of the facts and circumstances above referred to, we are of the opinion that you have no legal right to re-convene the Council of Elders and for the reasons herein contained, we are unable to agree or give our consent to such a move but do insist that we proceed in the manner already prescribed by the decisions and conclusions reached by the recent Elders Council, with the earnest hope that a satisfactory agreement may be reached that will guarantee the just rights of all parties concerned, and thereby restore harmony and good will throughout the Church, in order that this cause that we all love so well be no longer hindered.

Very sincerely yours,

Members of Executive Council. { F. J. Lee.
J. S. Llewellyn.