

PLAIN STATEMENT 6
OF THE
FACTS IN THE CASE

OF
DANIEL L. GEAR,

AND

REVIEW OF REV. DR. PARSONS COOKE'S

"DEFENCE, &c."

BY

WILLIAM R. BAGNALL,
Secretary of N. E. Conference.

BOSTON:
WILLIAM M. KENDALL, PRINTER,
36 WASHINGTON STREET.
1859.

A

PLAIN STATEMENT OF FACTS.

“As every one who fills the office of a minister of Christ exerts an influence for good or harm on public interests, the Christian public have an interest in his character. And if one minister gives the hand of fellowship to another that is unworthy of Christian confidence, he does a public injury. And if, through any cause, or combination of causes, suspicion has been thrown upon one holding the ministerial office, we ought to have good reasons to assure us that such suspicions have not a solid basis before we accord to such a one our fellowship.”

The above is an extract from the pamphlet recently written by Rev. Parsons Cooke, D. D., of Lynn, in defence of Daniel L. Gear, — and contains sentiments to which we cordially subscribe. And we add, further, that if a minister, after an examination of only a part of the facts and documents in the case, has judged said suspicions groundless, has extended the ordinary Christian and ministerial courtesies to the suspected party, and defended the act by the publication of a pamphlet, professing to present the evidence in the light of which he acted, which evidence is but a small part of the evidence in the case ; it is due both to him and to the public, who may be misled with him and by him, that all the facts should be laid before him and before the public. And lastly, if misled by insufficient evidence, and by erroneous information as to the action of a body of Christian ministers in the case of said suspected party, the author of the pamphlet has misrepresented their action, or inveighed against their course, it is due to them that

facts which are necessary to set that action in its true light should be published.

In view of the above considerations, and advised by the vote of the meeting of Methodist Preachers of Boston and vicinity, including Lynn, I have judged it my duty, as the Secretary of the New England Conference, to lay before the public a full statement of all the facts in the case of Daniel L. Gear, in view of which the members of the New England Conference have withdrawn from him their Christian fellowship, and deny that he has right to exercise the functions of the ministerial office, unless he has obtained such right since the dissolution of his connection with the Methodist Church.

I shall in the first place make a succinct statement of facts in the history of D. L. Gear, having relation to the matter at issue between him and his defender, on the one part, and ourselves on the other.

1. D. L. Gear, then D. L. McGear, was, on the 7th of July, 1853, expelled from the Tabernacle Baptist Church in Rochester, N. Y., for fornication and lying.

2. Under the assumed name of D. M. Gear, he went to Damariscotta, Me., and, on the 7th of August, 1853, joined the Methodist Church on trial.

3. In less than six months from that time, he came to Boston, and presented the pastor of the Bromfield St. Church, with a certificate of membership in the Methodist Church, dated Dec 24th, 1853, and purporting to have been written and signed by A. Foster, — which certificate was not written or signed by A. Foster.

4. At that time, having, when convicted of crime in Rochester, surrendered his license to preach, and been deposed from the ministry, and never from that time having been licensed to preach by any authority in the Methodist Church, he claimed to be a preacher, and was permitted, without suspicion, to assume the work of the ministry.

5. On the 8th of May, 1854, having, since the 7th of August, 1853, passed under the assumed name of Daniel M. Gear, and having no ministerial authority, he, under the name and style of "Daniel L. McGear, of Boston, Clergyman," petitioned the Probate Court of Suffolk County to have his name changed to Daniel L. Gear, which petition was granted on the 22d of the same month.

6. For some months he exercised the functions of the ministry at Quincy, Mass.; and in April, 1856, was received on trial in the New England Conference of the Methodist Church, and was stationed at the Union St. Church in Lynn. On the 29th of October, 1856, in conversation with Rev. L.

Crowell, his Presiding Elder, and Rev. Isaac Smith, in reference to certain rumors affecting his moral character, he affirmed positively that he was not guilty of the charges referred to in those rumors, that he was not expelled from the Baptist Church, that he withdrew from it, that he could at any time return and take position in that church, and that he had been invited to do so. He had previously affirmed the same to Rev. James Porter, and afterwards repeated the affirmation to Rev. E. A. Manning and N. T. Gowdy.

7. Shortly after said conversation with the Presiding Elder, he announced his intention to withdraw from the Methodist Church, but did not then do so. On the 20th of December, 1856, a charge was presented against him, involving the crime of *lying*. Said charge was submitted for investigation, according to the Discipline of the Methodist Church, to a committee of Local Preachers. After a full hearing of the case on both sides, they voted unanimously that "the charge of *lying* is sustained;" and in view of the above finding, he was suspended from the ministry of the Methodist Church. The case then came regularly before the Quarterly Conference of which he was a member, and they, being members of his church and under his personal influence, and swayed, it is believed, by partizan feeling, if not by pledges made before the trial, acquitted him of the charge and removed the sentence of suspension.

8. D. L. Gear alleged falsely to Rev. D. Steele and another person that he was a member of the *Φ. B. K.*, an honorary collegiate society.

9. At the session of the New England Conference, the facts in the case of D. L. Gear having been, in the regular course of business, submitted to a committee, that committee presented a report, which was published, according to the instructions of the Conference, by its Secretary.

I will now present the proof of the foregoing allegations.

1. In proof of the first allegation, I present the following duly certified copies of documents, presenting the action of the Tabernacle Baptist Church in Rochester, N. Y.

Extract from the Minutes of the Tabernacle Baptist Church, held Lord's Day, June 19, 1853.

"This morning, after the usual service, the church was requested to tarry a few moments, when, by a vote of the church, Brethren D. Denny, S. G. Crane and I. Hagreen were appointed a committee, with power to add to their numbers, to inquire into certain reports relative to our pastor, Rev. Daniel L. McGear, and Sarah Pew."

I certify the above to be a true copy from the Minutes of the church.

LEWIS DENNY,

Clerk of the late Tabernacle Baptist Church, Rochester, N. Y.
Rochester, December 17, 1856.

Copy of Report of Committee of Investigation of Tabernacle Baptist Church on the case of D. L. McGear and Sarah Pew.

DEAR BRETHREN : -- Your committee to whom was entrusted the investigation into the truth or falsity of certain unfavorable rumors respecting our pastor, Rev. Daniel L. McGear, and our sister, Sarah Pew, beg leave respectfully to report :

That at the commencement of their investigations, they requested Bro. C. B. Denny to assist them in their labors, and under a due sense of their responsibility in a matter so solemn, and their duty to the cause of Christ and the individuals implicated, they have endeavored to discharge fully and faithfully their obligations. Your committee would say that, after a thorough examination of the facts, they have been forced to conclude that Sarah Pew has been guilty of fornication with Daniel L. McGear. Miss Pew's condition establishes the fact of her illicit connection with some one, and her solemn and reiterated assertion fixes upon Mr. McGear as her companion in guilt.

Your committee would add, that after repeated denials, and the most reverent appeals to God (apparently) to witness to his innocence of any connection with Sarah Pew, Mr. McGear at length confessed his guilt to some of the members of the committee, and has also put his confession in a tangible form for the benefit of the church. That confession at this point we will read.

(The following is a copy of the communication referred to and read in connection with this report.)

(Copy.)

Rochester, June 25th, 1853.

To the Tabernacle Baptist Church, Rochester, N. Y.

DEAR BRETHREN AND SISTERS IN CHRIST : — It is with feelings of unmingled pain that I communicate to you the necessity which is upon me to resign the pastoral care of the church, and to retire from the work of the ministry. I have placed my credentials in the hands of the committee, and await your decision in the matter. I confess with pain and humiliation that I have been overtaken in a fault. I have been tempted, and have sinned. I do not persist in the wrong, but repent of it in dust and in ashes. I hope you will look upon me with pity, forbearance and love. I would rather go into the grave than to be separated from your fellowship. Still, I leave myself in your hands, and trust in the mercy of God. If you can forgive me, I beg you to do so ; but if duty constrain you to put me away, I will still pray for restoration. In the present state of my mind, I hardly know what to do. I confidently look to you for counsel, direction and advice.

Penitentially and confidentially yours, &c.,

D. L. MCGEAR.

Your committee is sorry to be compelled to say that, although Mr. McGear has made a confession of his guilty connection with Miss Pew, he has given them but very little, if any, evidence that he looks upon his act as a great sin in the sight of God, and that he deeply deplotes it. On the contrary, there

has been evinced on his part a disposition to regard himself as more sinned against than sinning, to hunt up real or fictitious palliating circumstances, to complain of those who were disposed to blame him, and on the whole, to look upon the act itself as of very little consequence.

The committee, feeling the weight of the responsibility that rested upon them to render equal and exact justice to the cause of Christ, to the church, and to the parties concerned, deemed it advisable to call in, for counsel, elder brethren in the ministry. They accordingly invited brethren Howard, Smith, Stanwood, Case and Watrous, to listen to a statement of all the facts in the case. These brethren, after listening patiently to a recital of the whole matter, came to the unanimous conclusion that the church owed it as a duty to her Saviour, to herself, and to the good of the world, and the parties concerned, that Daniel L. McGear and Sarah Pew should be excluded from the fellowship of the church, and that even the common tokens of friendship, such as reception to our houses and our tables, and being seen with them in the street, should be carefully avoided. The apostle is explicit on this subject — “that we are not to keep company with a fornicator, no, not even to eat,”—otherwise we encourage them in their sin, and we lead others to think that we regard it as a trivial thing, and thus throw open the flood gates of vice and impurity. Your committee would therefore recommend, in order that we conform to established Baptist usage, that we call a council of brethren from sister churches in the neighborhood, to advise us in our final action ; and we would suggest the 1st Church, Rochester, requesting them to send their pastor, Dr. Conant and Prof. Robinson ; 2d Church, Rochester, and delegates ; German Baptist Church, Church at Clifton, Church at Wheatland ; also, brethren Stanwood, Case, Woodward and Watrous. Your committee would mention next Thursday P. M., 2 o’clock, as the time, and at our meeting house, as the place. We would suggest, therefore, that this meeting postpone all action on the cases of these members, and when it adjourns, adjourn to the time and place above mentioned.

All which is respectfully presented.

[Signed.]

LEWIS DENNY,
S. G. CRANE,
ISAAC HAGREEN,
C. B. DENNY.

I hereby certify the above to be a true copy.

LEWIS DENNY,

Clerk of the late Tabernacle Baptist Church, Rochester, N. Y.
Rochester, Dec. 17, 1856.

It is due to the Baptist Church at Rochester that the following letter should be published, as Mr. Gear has asserted that he had no notice of his trial.

Copy of Communication from Tabernacle Baptist Church to Mr. D. L. McGear.

Rochester, July 6th, 1853.

REV. D. L. MCGEAR.

Dear Sir:—The following resolutions were passed at the Special Church Meeting last evening :

Voted, That the church call a council from sister churches on the case of Elder McGear.

Voted, That Brethren A. Grant, C. B. Denny, G. Benton, I. Haggren, S. G. Crane and C. E. Boswell be our delegates to the said council.

Voted, That the said delegates have power to invite any other Baptist ministers to the council.

The churches and brethren whom the church has decided to invite are as follows: First and Second, Rochester, German Baptist Church, Church at Clifton, Church at Wheatland; also, brethren Stanwood, Case, Woodward and Watrous.

If you desire any other ministering brethren present, I doubt not but that the delegates named will cheerfully extend to them an invitation.

The council will meet at our meeting house on Thursday, July 7th, at 2 o'clock, P. M.

Respectfully yours,

LEWIS DENNY, Church Clerk.

Tabernacle Baptist Church, Rochester, July 7, 1853.

Proceedings of Council called to advise the Church in the matter of Daniel L. McGear and Sarah Pew.

1st. On motion of Bro: Watrous, Bro. Zenas Case was elected Chairman, and N. W. Benedict, Clerk.

2d. Prayer by Bro. A. Angier.

3d. Delegates from the 1st Baptist Church, Rochester—the Pastor, Rev. L. A. Smith, and Dea. O. Sage.

Second Baptist Church—Pastor, Rev. W. G. Howard, N. W. Benedict, Dea. A. G. Smith, ——— McMaster.

German Baptist Church—Rev. A. Heinrich.

Clifton Church—Pastor, Rev. H. R. Stimson, A. A. Hosmer, C. Tenny.

Wheatland—Pastor, Rev. S. M. Bainbridge.

Invited Brethren—Stanwood, A. D. Watrous, Z. Case, A. Angier.

Delegates from Tabernacle Church—Brethren A. Grant, C. B. Denny, G. Benton, I. Haggren, A. G. Crane, C. E. Boswell.

4th. Report of the case and confession of Mr. McGear; Report of Committee that sat in reference to same case, read by C. B. Denny. Copy of a letter to Mr. McGear apprising him of the session of the council. Another communication reported from Mr. McGear. On motion of Rev. Mr. Stim-

son to appoint a committee to examine and report and decide on the propriety or relevancy of hearing said document. Chair appointed Messrs. Stimson and Sage.

5th. On motion of Rev. Mr. Howard, the council listened to a statement of facts in reference to the parties accused.

6th. Committee on Mr. McGear's letter reported, and were discharged. Said letter was laid on the table.

7th. By request of the council, Rev. Mr. Howard gave a statement of the facts in reference to the accused parties.

8th. The communication of Mr. McGear read.

Prayer by Bro. Woodward.

9th. Whereas, the charges preferred against Rev. Daniel L. McGear, of Fornication and Lying, have, in the opinion of this council, been fully established by competent testimony ; therefore,

Resolved, That we recommend to the Tabernacle Baptist Church of the city of Rochester to exclude him from their fellowship.

Resolved, That Rev. Daniel L. McGear be, and he hereby is, deposed from the Gospel ministry.

10th. Resolved, That the said church be requested to publish the proceedings of this council, with their action thereon.

11th. Adjourned. Prayer by Rev. W. G. Howard.

[Signed.]

ZENAS CASE, Moderator.

N. W. BENEDICT, Secretary.

I certify the above to be a true copy of the minutes of the council as presented to the church.

LEWIS DENNY,

Clerk of the late Tab. Bap. Church, Rochester, N. Y.

Rochester, Dec. 17, 1856.

Extract from Minutes of an adjourned Special Church Meeting of the Tabernacle Baptist Church, Rochester ; held July 7th, 1853.

Resolved, That we withdraw the hand of fellowship from the Rev. Daniel L. McGear for the crime of Fornication and Lying.

Resolved, That the Rev. Daniel L. McGear be and is hereby deposed from the Gospel ministry.

Resolved, That we publish the decision of the council and the action of the church.

[Signed.]

A. GRANT, Sec. pro tem.

I certify the above to be a true copy from the Minutes of the church.

LEWIS DENNY,

Clerk of the late Tabernacle Baptist Church, Rochester, N. Y.

Rochester, Dec. 17, 1856.

We, the undersigned, hereby certify that we were members of the Tabernacle Baptist Church, Rochester, during the year 1853; and that we were appointed delegates from said church to a council convened in their meeting house on the seventh of July, 1853, in the matter of Daniel L. McGear, and that we were present during the entire session of said council, and that the within minutes are true according to the best of our recollection at the present time; and also that the church was dissolved, and letters of dismission granted to those who were members, on the 2d day of April, 1856; also, that we fully concurred in the action of the council in the case of the said D. L. McGear.

C. B. DENNY,
G. L. BENTON,
S. G. CRANE.

In connection with this evidence, bearing on the proceedings at Rochester, it may be well for the reader to examine the affidavit contained in the Report of the Conference Committee, presented in a subsequent part of this pamphlet. It has been judged better to publish it in that connection.

The following letter will show the reader how the doings of the Baptist Church at Rochester were obtained.

Rochester, Dec. 18th, 1846.

REV. L. CROWELL.

Dear Sir:—Yours of the 11th inst. was received on the 16th inst. Enclosed you will find a certified copy of all the proceedings in the matter of Mr. McGear, believing that to be the only way in which you can arrive at a correct understanding of the case.

The Tabernacle Baptist Church of this city was dissolved last spring, and consequently have no pastor. I was the clerk of the church during its entire existence, and the Records of the church are in my possession. Mr. McGear gave to the committee his license to preach from the church that first sent him out, and stated that he never had a certificate of ordination.

I think, from an examination of the enclosed papers, that you will see we came to a just conclusion in the matter.

Yours fraternally,

LEWIS DENNY.

That the decision of the council and the action of the church is proved from the statement of Rev. Dr. Eaton, President of Madison University, in his letter under date of Aug. 22d, 1856, in which he says: "I know (because it was so published in our papers) that he was deposed from the ministry and excluded from the church."

Rev. Dr. T. J. Conant, President of the Theological Seminary at Rochester, says: "The action of the church and council was published and seen by me in some of the newspapers of the time."

2. In the second allegation there are two points: First, that he went to Damariscotta, Me., under an assumed name. Secondly, that he joined the Methodist Church in that place *on trial*.

As to the first, it is said in the "Defence," that

The change in his name, slight at the most, was legally made. The reasons filed were satisfactory to the court, and the certificate was issued. The change had been contemplated for years, as many personal acquaintances will testify; and was not, at this time, made with the design of imposing on any one. The matter had been intrusted to other hands, and the delay was simply a matter of neglect or oversight.

This apology may satisfy the defender, but it rests on the mere assertion of Mr. Gear. Even if the apology states the truth, the allegation is sustained by it, and he did assume a name which was not his.

As to the second point, viz: — that "he joined the Methodist Church on *trial*," or, in the words of the Conference Committee, he "insinuated himself into the Methodist Church on *trial*," the answer of the "Defender" is this:

2. It is charged that Mr. Gear "*insinuated* himself into the M. E. Church in Damariscotta on *trial*." This he denies, and his denial is supported by the following testimonials from the pastor and other official members of that church.

Rev. Daniel Cox, under date of Damariscotta, February 2, 1859, writes:—

My dear Brother Gear, — I have conversed with a number of the brethren on this subject, and they do exceedingly regret that so unjust, unbrotherly, and unchristian a charge should be brought against you, as having imposed yourself on the M. E. Church. There was not the least shadow of fraud or working yourself into society here, from the beginning to the middle and end. My brethren know, and I know, and God knows, you was the last person to do it. They did, and I did, urge you forward to join us, and to receive license to improve in public, almost without your consent, although you did assent reluctantly, providing the brethren thought it best.

Under date of April 5, 1859, he writes again:—

I can but sympathise with you in these unrighteous charges of false statements, deceitful professions, and even forgery, in working yourself into the M. E. Church. I do regret that this did not come to my knowledge in season to have met these charges on the spot. The signers of the card here inclosed, do not hesitate a moment to set our seals to its truth. We are willing you should make any use you please of this card. We hold ourselves responsible for what we here affirm, and we have no fear of a successful contradiction.

Here is the card. It covers not only the charge of *insinuating* himself into the church at Damariscotta *on trial*, but also of forging a certificate from that to the Bromfield Street Church in Boston.

CARD

It having been charged that Rev. D. L. Gear, in 1853, presented himself to the M. E. Church at Damariscotta, Me., and, by false statements and deceitful professions,

worked himself into the church, and that in December of the same year, forged a certificate from that to the Bromfield Street Church in Boston. We, official members of said church, having knowledge of the facts, take pleasure in stating that no such thing transpired. Mr. Gear did not present himself to the church and ask for admission, but was first invited, and even urged to do so, and also to receive license to exercise his gifts in public discourse. We further state, that his conduct, far as known to us, was upright and Christian.

DANIEL COX,
ANDREW BAKER,
S. C. WHITEHOUSE,
ELIJAH CROCKER.

Damariscotta, March 16, 1859.

Rev. A. Foster, who was at that time pastor of the church into which Mr. Gear is charged with having insinuated himself, writes : —

I hereby testify that D. L. Gear came into the M. E. Church at Damariscotta, Me., in an honorable manner. I knew of nothing in his conduct or deportment, while there, derogatory to his moral or Christian character.

A. FOSTER.

Portland, April 11, 1859.

Now, what does Mr. Gear deny? Does he deny that he *insinuated* himself into the Methodist Church? A stranger may insinuate himself into a church, either by false professions or by the concealment of facts, which the church to whom he presents himself for admission, or its pastor, ought to know. Did Mr. Gear then state, when he was urged to join the Methodist Church, that he had been, only a month before, expelled from the Baptist Church on the charge of immorality? If he had stated that fact, and convinced them of his innocence, though thus expelled from the church, or of his penitence, and his desire and purpose to live thenceforward a godly life in connection with the church, they might have received him honorably to himself, and it could not then have been alleged that, by this neglect to state facts the knowledge of which was due to them, he had insinuated himself among them. We ask, then, of Mr. Gear, of his defender, and of the brethren at D. who say, so positively, that he came into their church *honorably*, whether the facts of his so recent expulsion from the Baptist Church in Rochester, his deposition from the ministry, and the change in his name, were known to the pastor and the brethren at Damariscotta, when he accepted their urgent invitation to join them? If he did not give them such information, if he stated to them, as he did afterwards to other ministers and members of the Methodist Church, and induced them to believe, that he had withdrawn from the Baptist Church in good standing, it was something very much like *insinuating* himself into the church. Would Dr. Cooke consider such a way of gaining entrance into his own church *honorable*?

Does Mr. Gear deny, on the other hand, that he joined that church "*on trial*?" How otherwise could he join it? He had only one month previous been expelled from the Baptist Church. Did he bring to Damariscotta a *forged* letter? If he joined without a letter, he joined on *trial* or *probation*. And here we introduce a certified extract from the records of the Methodist church at Damariscotta:

"Daniel M. Gear joined Augt. 7, 1853."

I hereby certify that the above is a true copy of the Church Record of the name and time when Daniel M. Gear joined the Damariscotta Methodist Episcopal Church on probation; and also, that no record is found of his ever being admitted in full, removing by letter, or receiving license to preach.

[Signed.]

H. C. TILTON,

Pastor of the Damariscotta M. E. Church.

Damariscotta, Dec. 29, 1856.

The letters and card of our brethren at Damariscotta do not refer at all to the question whether he joined *on trial*, and they are of no weight in reference to the charge of presenting a *forged* certificate to the Bromfield Street Church in Boston. That is a fact which those brethren could not know. They might know that a certificate was sent to him. But they could not know that *the* certificate presented to the pastor of the Bromfield St. Church was not a forged certificate. The proof that it was forged we shall present in the next allegation.

Before leaving this point, it may be proper to add that the Daniel Cox who is introduced in the "Defence" as the pastor of the Damariscotta Church, never has had that relation to said church. He is a superannuated minister of the Methodist Church, residing in that town. He has held that and the supernumerary relation to the Conference for more than twenty years.

3. The principal point in the third allegation is that D. L. Gear presented to the pastor of the Bromfield Street Methodist Church in Boston, a forged certificate of membership. In proof of this we introduce the following papers:

"Daniel M. Gear."

I hereby certify that the above is a true copy of the name of Daniel M. Gear from the Church Record of the Bromfield Street M. E. Church, Bos-

ton ; and also that no minute is found of his removal. Nor is there any other name of Gear found on the books of this church.

WM. R. CLARK,
Pastor of Bromfield St. Church.

Boston, Dec. 30, 1856.

“This certifies that Daniel M. Gear has been an acceptable member of the M. E. Church in this place.

A. Foster,
Preacher in charge of the M. E. Church in Damariscotta,
East Maine Conference.

Dec. 25, 1853.”

I hereby certify that the above is a true copy of the certificate of the church membership of Daniel M. Gear, found by me among the filed papers of the Bromfield St. M. E. Church, in Boston, and that no other person by the name of Gear has ever been connected with said church so far as its records show.

I further certify that the Records of the Quarterly Conference of said church do not show that Mr. Gear ever received from said church a license to preach.

WM. R. CLARK,
Pastor of Bromfield St. M. E. Church.

Dec. 30th, 1856.

The original certificate, together with two letters, written by Mr. Gear, and dated Lynn, Oct. and Dec., 1846, and two letters, signed “A. Foster,” and dated Portland, Feb., 1856, and Feb., 1857, were submitted to Nath. D. Gould, Esq., the well known teacher of penmanship, and expert in the courts of Boston, and the following certificate gives the result of his examination :

“I have examined a recommendation purporting to be written by A. Foster, and compared the writing with two letters dated Lynn, Oct. and Dec., 1856 ; also, two signed by A. Foster, dated Portland, Feb., 1856, another Feb., 1857.

I will mention some of the most prominent unmistakable similarities between the recommendation and the Lynn letters.

[Here follow several points of comparison, which need not be printed.]

These, with many other similarities, are satisfactory to my mind that the certificate and the Lynn letters were written by the same hand. But as to the Portland letters, there are no peculiarities or similarities to be found. In fact, I do not think it in the power of the Portland hand to write a hand so easy and correct. So that I have no hesitancy in the opinion that the certificate and the Lynn letters were written by the same hand ; and that

the Portland man *did* not, nor could not, write the certificate. To whom it may concern.

NATH'L D. GOULD.

I have examined with care the papers referred to by Mr. Gould, and am decidedly of the opinion that the certificate is not in the handwriting of Mr. Foster.

B. H. BARNES, Teller Atlas Bank.

Boston, March 10, 1857.

The certificate was also placed in the hands of Mr. Foster, and the following letter contains his statement concerning it.

Portland, Feb. 12, 1857.

BROTHER CROWELL.

Dear Sir:—I have looked over the papers you sent to Bro. Randall, among which I found a certificate running to Daniel M. Gear, with my name signed to it. I am confident I never wrote that certificate; also, that I never saw that paper until handed me this day by Bro. Randall. Can it be possible that Gear forged my name to that document? The writing is not mine, though written probably in imitation of my hand writing. My wife said, as soon as she looked at that letter, that it was not my writing. Now, it is possible that I might have given him a certificate as a probationer, and the hand writing might have been imitated by him or some other. I now say, once for all, that I am not conscious of discharging said Gear from our church by letter in any form.

Respectfully,

A. FOSTER.

In answer to this, the "Defence" presents a certificate of Rev. D. Cox, of Damariscotta, that he did send a certificate obtained from Rev. A. Foster, to D. L. Gear. It is possible that he did so, though Mr. Foster does not remember it, and there is no record of such a transfer, and though Mr. Cox, having been for thirty years a minister of the Methodist Church, knew that six months had not elapsed since Mr. Gear joined the church on probation, and that he had never been admitted to the church in full.

It might have been well had the "Defence" published a copy of the certificate, said to be now in the possession of Mr. Gear. Was there any reason that it should be withheld? Other documents less important and very much longer, are published. Was it after all a certificate of membership on trial? And may not Mr. Cox be mistaken in regard to the particular item, in which a letter given to a member in full, differs from one given to a member on trial—a difference of only one or two words; and is he now after a lapse

of six years, and when it required a letter from Mr. Gear to bring to his remembrance the fact that he had obtained any letter at all for Mr. Gear from Mr. Foster, certain that it was a letter of full membership? But if he did send such a certificate, it is evident that the certificate he sent was not presented to the pastor of the Bromfield St. Church, which is the point at issue. It is of no consequence whether or not Mr. Foster gave one certificate to Mr. Gear personally, and afterwards another to Mr. Cox for Mr. Gear, and whether he did it by authority or otherwise, if it be proved, and we think that has been done, that Mr. Gear presented another certificate, which Mr. Foster affirms he did not write, and which experts say "he could not write."

4. There are four points in the fourth allegation. First, that he surrendered his license to preach, received from the Baptist Church. Second, that he was deposed from the ministry. Third, that he did not afterwards receive any license to preach from any authorized person or body in the Methodist Church. Fourth, that he claimed to be a preacher, and was permitted to assume the work of the ministry.

The first point is substantiated by his own statement, contained in his letter of confession, p. 6, l. 30, and by the statement of Mr. Denny, p. 10, l. 29. The second is proved by the vote of the Council at Rochester, p. 9, l. 17, and the consequent action of the Tabernacle Baptist Church in that city, p. 9, l. 33. In proof of the third point, we refer to the certificate of Rev. H. C. Tilton, p. 13, l. 11; of Rev. W. R. Clark, p. 14, l. 18, and to the following from Rev. J. Paulson, the successor of Mr. Gear at Quincy. He writes under date of Dec. 29th, 1856: "He (Gear) was not licensed to preach by our Quarterly Conference."

Confirmatory of Mr. Tilton's statement that he did not receive a license to preach while at Damariscotta, is the following certificate from Rev. A. Church, at that time the Presiding Elder of the district which included the church at D.

This certifies that I was Presiding Elder on the Rockland District, East Maine Conference, during the year 1853. The above named district then included Damariscotta station. I was present at each of the Quarterly Conferences held on that station during the above year, and to the best of my knowledge and belief, Daniel L. Gear was not examined before nor licensed by that Quarterly Conference as a local preacher; nor did I sign a license for him during that time.

ALBERT CHURCH,
Pastor Orrington Station M. E. Church.

July 7, 1859.

Mr. Gear himself does not claim to have received a license from any other authority in the Methodist Church than that of Mr. Foster, and Mr. Cox certifies that he received from Mr. Foster's own hand a license for Mr. Gear to "exercise his gifts in public discourse." If Mr. Gear did receive any license from Mr. Foster, it must have been only an Exhorter's license. A license to preach, as Mr. Gear knows, can be given, in the Methodist Church, only by the Quarterly Conference, and be signed, not by the pastor, but by the Presiding Elder. Was Mr. Gear's license only an Exhorter's license, and is that the reason that it is not published in the "Defence?" So brief a document might certainly have been admitted, and it would serve Mr. Gear's purpose of defence better than the mere assertion that such a document is in his possession.

We here introduce a remark, having reference to the previous allegation as well as to this. If Mr. Foster did give Mr. Gear a letter of full membership, and "by oversight or design transcended his authority," Mr. Gear must have known that, as less than five months had elapsed since he joined the church on trial, he had no right to have or to use such a letter; and if, as he avers, Mr. Foster gave him a license, whether that license was to exhort or to preach, he must have learned before this time that such a license was without authority, and void, and that he had no ministerial rights under it; — and both he and his "defender" must have low views of morality, if they suppose that under the shield of such a license, the one can morally claim, and the other can morally concede and, by an "act of justice," so called, recognize a ministerial character resting on such a basis.

We remark, further, that this license, which may indeed be in the possession of Mr. Gear, though even the author of the Defence does not claim to have *seen* it, — a license which, if it is only a license *to exhort*, does not confer authority to preach, and if it is a license *to preach* is wholly without validity, not having been given by a Quarterly Conference and signed by a Presiding Elder — even if it were valid and did confer authority to preach, did not and could not confer authority to perform the functions of an ordained minister. In the case of Mr. Gear, his authority as an ordained minister ceased when he was deposed from the ministry. Yet with only the authority of this license, he has not only presumed to preach, but has performed the marriage ceremony, and administered the sacraments. And Dr. Cooke defends him in so doing. Would he countenance such a course in a mere licentiate of his own church?

If it be claimed still that he has a license to preach, and that the fact that it was received from Mr. Foster's hand does not, of necessity, prove that it

was written by Mr. F., but that it was given by the proper authority according to the Methodist Discipline, why will not Mr. Gear inform the public — or enable his defender to do so — as to the date of his license, the Quarterly Conference that examined him and voted to give the license, and the names of the Presiding Elder and Secretary of the Conference who signed it. If his license has the least shadow of validity, he can easily establish it. We challenge its publication ; and in the meantime confidently assert that he has no ministerial authority whatever.

We refer to the fourth point chiefly to acknowledge the mortifying fact that due care was not exercised by the Methodist Church and her officers, in permitting a stranger, however fair in his appearance and winning in his manners, to perform the functions of the ministry, without a suitable scrutiny of his credentials. It must be confessed that he was able to pass himself off on the Rev. Mr. Cummings, then pastor of Bromfield St. Church, and the Rev. Mr. Hascall, the Presiding Elder of Boston District, as well as upon Rev. Mr. Porter, the successor of Mr. Hascall, and upon other ministers and the church in the vicinity generally, as a local preacher. This fact, mortifying as it is, may however be attributed rather to that “charity which thinketh no evil,” than to the spirit of jealousy and persecution which has been charged upon the church. Confidence was freely bestowed, but upon a most unworthy recipient. It might be expected that such an example of morals and manners would be a sufficient admonition to ministers and members of other denominations. One, however, has been found ready even to volunteer for the defence of the man who has thus unworthily abused the confidence so unsuspectingly reposed in him.

5. The fifth allegation is sustained by the following certificate : —

Commonwealth of Massachusetts.

SUFFOLK COUNTY.

The subscriber, Register of the Court of Probate for said County, hereby certifies and attests that on the eighth day of May, in the year one thousand eight hundred and fifty-four, Daniel L. McGear, of Boston, in said County, Clergyman, petitioned said court to have his name changed to Daniel L. Gear, that said change was made by the order of said court on the twenty-second day of May aforesaid, as will appear on reference to the records of said court.

Given under my hand at Boston aforesaid, this thirteenth day of December, in the year one thousand eight hundred and fifty-six.

WM. C. BROWN,
Register of Court of Probate, Suffolk County.

We do not refer to this act of Mr. Gear, with the idea of alleging it as a crime that he had his name changed, but that the public may see that under the name of Daniel L. McGear he was expelled from the membership of the Baptist Church in Rochester; that in the interval of nearly a year, and in two other States, he had passed by the name of Daniel M. Gear; and that in May, 1854, acknowledging his name to be McGear, but falsely claiming to be a clergyman, as he had no ministerial character or authority whatever, he asked that his name should be changed, not to Daniel M. Gear, but to Daniel L. Gear. With his motive for having it changed, we and the public have nothing to do; but we have to do with his falsely and without right assuming the title of "clergyman."

6. For proof that Mr. Gear did, to the several persons whose names are mentioned in the sixth allegation, deny the facts which were proved under the first allegation, we present the following documents taken from the testimony given at his trial before the Quarterly Conference, duly certified by the Secretary of the trial: —

Rev. Isaac Smith testified: —

On the day of the general love-feast at the Common St. Church, I was present at Bro. Schoff's house. I heard Bro. Gear say he was not expelled from the Baptist Church — that he withdrew; that he could go in among them and take position among them now if he chose; that he had been invited to do so since he had become a Methodist; that he was not the guilty man he was represented, that he had not fallen. His Presiding Elder remarked, if he had fallen, if he pursued a consistent course, his past conduct would not necessarily condemn him. To which he replied, he had not fallen.

Cross examined by Bro. Lummus: —

Is this testimony true? It is. Do you now recollect any other conversation bearing on the case? I do not, except that the conversation was in reference to reports coming from Rochester. Had you then any documents from Rochester? I had not. Had you then particular reference to any stories from Rochester? I had not any reference to any particular reports, but our conversation included the reports from Rochester. How did the conversation begin? By Bro. Crowell saying that he was there to have some conversation with him upon reports in circulation affecting his character and standing; also, remarked that it was an unpleasant task to him, but it devolved upon him, as his Presiding Elder, to confer with him in reference to these matters. Was everything brought up there that is brought up to-day? No, sir; the report that he was expelled from the church in Rochester was one special topic of conversation. And was the Pawtucket difficulty brought up? It was. Was not this denial of Bro. Gear's immediately upon the subject of Pawtucket being brought up? It was not.

Rev. L. Crowell testified as follows : —

On the 29th day of October last, I called at Bro. Gear's study in company with Bro. Isaac Smith. During the conversation in regard to reports relating to his character, he said that he was not expelled from the Baptist Church, that he was not the fallen man he had been said to be, that he had not been guilty of the things of which he was accused by the Baptists. At a subsequent conversation at his study some day in the following week, he said that he was innocent, not guilty, as he had been reported ; and he would say that, if he were going to the judgment that moment. He also said, in the first conversation, that he withdrew from the Baptist Church.

Ques. by Bro. Hatch. — What things did Bro. Gear refer to of which he was accused ? The conversation was in reference to things said to have been done at his trial in Rochester, N. Y.

Ques. by Bro. Lummus. — Was this true ? Yes. Did Bro. Crowell know of this report of his expulsion at Rochester ? I did. Was Pawtucket mentioned in conversation ? I did not know then or recollect that he had been in Pawtucket. Might not Bro. Gear have thought you were referring to Pawtucket rather than Rochester ? I do not know. The Pawtucket matter made but little impression on my mind. Bro. Gear spoke of persecution by Baptist ministers. In Bro. Gear's denial, did he mean Pawtucket rather than Rochester ? I do not know.

Rev. E. A. Manning called.

Bro. Gear called at my house four weeks ago, and reference being made to those letters from Rochester, he said that he was persecuted in a most bitter and malicious manner ; that he never was notified to attend the trial ; it was almost a farce, informal, not worthy of his notice ; he had no notice of it. A certain person overheard three ministers in that city declare that they would ruin his prospects or character ; and I think he added that persons were hired to lie against him ; and farther, that the writer of those letters, Prof. Conant and Mr. Scott, knew nothing about the matter except what was told them by his enemies.

Mr. N. T. Gowdy called.

He said several times he was not expelled. Did he refer to Rochester, N. Y. ? I cannot say.

I hereby certify that the above statements of Messrs. I. Smith, L. Crowell, E. A. Manning and N. T. Gowdy are true copies from their testimony as given by them at the trial of D. L. Gear before the Quarterly Conference, Dec. 31st, 1856,

JOS. W. LAW,
Secretary of Quarterly Conference.

For the testimony of J. Porter, we refer to the first paragraph of the statement of Mr. Porter, contained in the Report of the Conference Committee, to be found near the close of this pamphlet.

7. The point in the seventh allegation requiring proof is that which refers to the examination of the charge by a committee of local preachers, and their verdict. The following is a statement of the opening of the case, also of the verdict of the committee, duly certified by the Secretary of the committee : —

The committee appointed by Rev. Loranus Crowell, of local preachers, to examine the charge brought against Rev. D. L. Gear, met at the house of Rev. L. Crowell, in Lynn, Dec. 31, 1856.

After singing and prayer by Rev. Mr. Lummus, Rev. L. Crowell called Rev. J. Augustus Adams to act as Secretary.

Committee — J. A. Newman, Ipswich ; J. Blodgett, Malden ; Oliver S. Butler, Danvers ; George F. Pool, Lynn ; H. N. Macomber, Lynn.

The charge and specifications against D. L. Gear were read by the Secretary.

In behalf of D. L. Gear, who was absent, Rev. Mr. Lummus appears as his counsel, and for him pleads not guilty.

Rev. Wm. H. Hatch acted as prosecutor.

Charge and Specifications against the Rev. D. L. Gear.

1. *Charge.* Lying.

1st Specification. In saying to the Rev. Daniel Steele on the 21st day of July, 1856, in Boston, that he (Gear) was a member of the Phi Beta Kappa Literary Society in Madison University, Rochester, N. Y., he himself wearing at the time and since a key known as a badge of membership in said society.

2d Specification. In saying to the Rev. George Bowler, in the summer of 1855, at Neponset, that he (Gear) was a Doctor of Divinity, and had been for some six years.

3d Specification. In saying to Rev. James Porter, his former Presiding Elder, and others, during this present year, that he (Gear) withdrew from the Baptist Church in good standing ; was not expelled, and was not guilty of licentious conduct while a member thereof.

4th Specification. In becoming a member of the Damariscotta M. E. Church, East Maine Conference, and subsequently a member of the Bromfield St. M. E. Church, Boston, by letter from the aforesaid church in Maine, dated Dec. 25, 1853, and also acting as a preacher, under the false name of D. L. Gear, his true and lawful name being at that time, and for months after, D. L. McGear.

W. H. HATCH.

Saugus, Dec. 20th, 1856.

The verdict of the committee is as follows : —

“ It was unanimously voted that the charge of Lying is substantiated. In view of the above finding, it is our conviction that said D. L. Gear be, and hereby is, suspended from the office of the ministry in the Methodist Episcopal Church.”

I hereby certify that the above is a true record of the action of the committee appointed to examine the above charges against Daniel L. Gear.

J. AUGUSTUS ADAMS, Secretary.

Lynn, Mass., Dec. 31st, 1856.

It will be observed that Mr. Gear was not present personally, but he had due notice of the examination, and was represented by Rev. A. Lummus, who acted as his counsel by his request. Mr. Charles E. Schoff, who acted as one of his counsel at the succeeding trial, was also present.

The case then came regularly before the Quarterly Conference, with the result which is stated in the allegation.

To those who are not acquainted with the economy of the Methodist Church, it may be important, for a full understanding of the case, that they should be informed that, as Mr. Gear was only a member on trial in the Conference, he was, according to the theory of our Discipline, only a local preacher. The course adopted by our presiding Elder was consequently the disciplinary course. Any local preacher, being charged with immorality, may be cited by his pastor (or, if he be himself the pastor of a church, by his Presiding Elder) before a committee of not less than three local preachers, who, if they find him guilty, may suspend him from the ministry till the next Quarterly Conference, who will then adjudicate the case. Had Mr. Gear been a member in full of the Annual Conference, he must have been cited before a committee of not less than three members of the Conference ; and if they had found him guilty his suspension would have held till the next session of the Annual Conference, and the case would have come before that body for trial.

In reference to the matter contained in this allegation, the following language is used in the “ Defence : ” —

The church courts that had cognizance of his case, while he was in the Methodist ministry, have twice formally adjudicated upon that case. They had the advantage, as a court, of hearing both sides — of seeing the accused and the accusers meet face to face, and of canvassing testimony by cross questions and counter testimony. When a question has been so settled in the courts, and there is no pretence of new evidence subsequently coming to light, that judgment of the court should be the end of all

strife; at least my Methodist friends will not blame me, if I receive for truth the solemn verdict of their court, and that even when some of the members of that court afterwards spit it out in revenge for Mr. Gear's secession, as the fact of his secession, and not any evidence of his guilt, was all that had transpired to induce a change of their mind, I feel warranted to stand by the judgment of the court, as it was dispassionately formed and uttered after hearing both sides.

The author of the "Defence" has permitted himself to be deceived as to the facts connected with the investigations claimed to have been held in the Methodist Church, and so to be placed in a false position, or he has, with a knowledge of the facts and of purpose, withheld all reference to one most important investigation, the only unprejudiced investigation of the case which has been made by the authority of the Methodist Church. He certainly does not refer to this examination before the local preachers when he speaks of the two formal adjudications of the case in the courts of the Methodist Church, for he intimates that in both of these Mr. Gear was acquitted, whereas he was found guilty by the unanimous decision of the committee of local preachers. The language which he adopts here, as well as his reference to the matter on the 4th page of his pamphlet, shows that he regarded the first presentation of the matter to the members of the Quarterly Conference, by the Presiding Elder, as a regular trial.

It was not a Quarterly Conference, but an informal meeting of the Presiding Elder and the official members to consult concerning the rumors in reference to Mr. Gear. No charge was made against Mr. Gear, and no evidence was presented. After an evening spent in this informal and desultory conversation, the preamble and resolution quoted on the 4th page of the Defence were adopted. The wording of the resolution confirms this statement. The document does not claim to be the action of the Quarterly Conference as such, and it is not signed by the officers of the Conference. The preamble makes it plain that the matter had been presented to them only as "reports," not in the form of charges; and the resolution only states the confidence of those who signed it, in Mr. Gear, and that his conduct while in Lynn had been such as to secure their approval. Had this been an investigation of charges, supported by evidence, they would have spoken of them, and pronounced them to be sustained or not sustained.

The first investigation of the case was by the committee of local preachers — men selected from different societies on the district, for their prudence, wisdom and integrity; men whose impartiality and honor cannot be impeached. A majority, if not every one of them, had hardly heard even of the rumors concerning Mr. Gear, and came to the investigation in a state of

mind prepared for a thorough and candid scrutiny. They heard both sides patiently and dispassionately. They had not been acquainted with the matter, and were not so interested for or against Mr. Gear as to influence their decision. They decided unanimously, and in the light of the evidence, and have never swerved from that decision.

The second investigation came before the Quarterly Conference. Dr. Cooke has called the decision of that body, a judgment "dispassionately formed and uttered after hearing both sides." He may regard it as such. But the public will probably decide otherwise in view of the facts, that a majority of the members of the court were committed to the side of Mr. Gear by their vote of Nov. 5; that it had been matter of frequent conversation between him and some or all of them; that he had most solemnly alleged to them his innocence; that he secured, or endeavored to secure from some of them a pledge in advance that they would not vote against him at the forthcoming trial; that, by his popularity as a preacher, his smooth and plausible manner, his solemn appeals to God and the judgment, he had secured the confidence of the members of the Quarterly Conference, and they were really, and some of them violently, his partizans. They had formed an opinion so decidedly as to be strongly biassed. They were, however, legal members of the ecclesiastical court, and their decision was a technical acquittal.

It is a pertinent question, then, did Dr. Cooke know, when he wrote the "Defence," the fact or the result of the investigation by the local preachers? If he knew it, why does he avoid all reference to it? If he did not know it, then he is bound, on the very principle which, he says, governs him in this matter, if not to reverse his decision, at least to regard the verdict of the local preachers as an offset to that of the Quarterly Conference. He says:—

In view of that judgment, and all that has since transpired, Mr. Gear is fully entitled to be treated as in regular standing in the ministry, at least so far as moral character is concerned, until he forfeits that standing by some act subsequent to the trial. And it is on this ground that I stand, when I offer to reciprocate with him the courtesies of the Christian ministry. I am no judge of hearts; for aught I know, he may be more wicked than his worst enemies allege. Nor am I responsible, if he is. There stands the record of his acquittal, by the court to which he was amenable, and in which he answered and refuted all accusations against him; and I am not allowed to go behind that record.

If it was true that Mr. Gear was acquitted in the only investigation of his case, held in the Methodist Church, the argument of the defence would be very plausible, and perhaps valid. But there having been, in effect, two trials; the first before five men, so related to the matter coming before them,

that there is no reason to suspect them of prejudice, who came to their decision unanimously and have never swerved from it ; the other before eight men with whom he had previously conversed freely on the subject of the charges, to whom he had addressed the most solemn asseverations of his innocence, and who were strongly biassed in his favor, who were not unanimous in their decision, and of the six voting in his favor all but one of them receded from their decision, and afterwards declared their belief in his guilt ; — in view of these facts, pertaining to these two investigations, may we not ask which of these results should be received as a basis of decision, and whether, without any reference to the first decision, the second is to be regarded as a “ warrant in regarding him a regular Christian minister.”

It is said in the “ Defence : ” — “ there is no pretence of new evidence subsequently coming to light.” We reply, that there is, not a mere pretence, but the most positive avowal — the truth of which cannot be questioned — that the most important facts did come to light after the trial, sufficient in themselves to satisfy candid men that Mr. Gear was wholly unworthy of their confidence, and to change the opinion even of those previously prejudiced in his favor. The fact that the certificate which he presented to the Bromfield St. Church was a forged letter, and the fact that he had performed the functions of the ministry without a license and without authority, were not known with certainty at the time of the trial before the Quarterly Conference, though the statement, in Mr. Tilton’s letter of Dec. 29th, and in Mr. Clark’s of Dec. 30th, that there was no record of his having received a license to preach from the Quarterly Conference of either of those churches, had awakened a suspicion on the latter point. No charge was made and no evidence was introduced on that point. Additional evidence settled that fact after the trial, and all the evidence of the forgery was received after the trial. There was then new evidence before the members of the Quarterly Conference, who had acquitted Mr. Gear, sufficient to lead them to reconsider their position.

Again, if Dr. Cooke, being ignorant — for that is the charitable supposition — of the whole investigation of the Baptist Church, or having been misinformed as to its character, and of the examination before the local preachers, and having been informed that the first introduction of the matter before the Quarterly Conference was a trial, has not “ dared to take the responsibility on his individual judgment to condemn one whom the proper courts have acquitted,” will he now dare “ to take the responsibility on his *individual judgment*,” though that judgment has the support of the decision of six persons — from which decision all but one of them have receded

—to acquit one who has been convicted of gross crime by the unanimous vote of a large and highly respectable council of the Baptist Church, which conviction was followed by his expulsion from the church, and deposition from the ministry, who has also been convicted, by a competent and impartial tribunal of the Methodist Church, of lying in reference to the transactions in the Baptist Church, and who still persists in asserting the fact of his innocence, and that he withdrew from the Baptist Church in good standing, while his own letter, confessing his guilt, and other official documents, proving his expulsion from that church and his deposition from the ministry, are still in existence.

If Dr. Cooke does not now come out openly and acknowledge that he has been grievously mistaken in the rendering of the "Act of Justice," so called, and in his defence of that act, most men who shall read the evidence which we have here presented, will be convinced either that he has been more grievously and irretrievably duped by Mr. Gear than were his brethren in the Methodist ministry and in the Union St. Church, or that, in his hostility to Methodism, while in word and conduct he withholds ordinary ministerial courtesies from regular Methodist ministers, however irreproachable in conduct, cultivated in intellect, or devoted in piety, he is so blindly and desperately partizan, that he will defend one, who has claimed to be a Methodist minister, and has called his church a Methodist Church, while there rest on his moral character such imputations, sustained by such evidence, and whose ministerial authority is without the shadow of a claim.

8. The proof that he claimed to be a member of the Phi Beta Kappa Society is found in the following documents:—

Rev. Daniel Steele called as a witness:—

On Monday, the 21st of July, 1856, being in the Methodist Book Room in Boston, and seeing Bro. Gear wearing a Phi Beta Kappa badge, I said to him, I suppose I am entitled to wear such a badge as well as you. On looking at his badge, I found it to differ from the badge generally worn by members of that society, and playfully said, I guess you are a bogus; can you give us the grip? I then asked him to translate my key, which I showed him. To which he replied, why, don't you think I can? I then asked him at what college or chapter—I forget which word was used—he was elected a member of the Phi Beta Kappa Society? He replied, Madison. I then asked him,—at Rochester, N. Y.? and he replied, yes.

Cross examined by Bro. Schoff:—

How were you able to fix the time so definitely? I was on a journey to visit my friends. Who was present? Several preachers, perhaps a dozen; I remember A. Binney. I do not know as any preacher heard our conver-

sation. Was the whole conversation as jocular as the first question? Not the question as to what college. What reason have you to discriminate? The first was answered jocularly — the latter, seriously. Do you know that he is not a member? I do. How? He told me so. When and where? In Bro. Crowell's study, October last. Did he offer any apology or explanation for having said he was a member? He did not then allow that he had told me he was a member, but he said he might have left the impression on my mind, and for which he expressed sorrow. Did he say that it was all in joke, the conversation at the Book Room? I think he did.

Ques. by Bro. Hatch. — Did he give an explanation how he came by that key, and why he wore it? He said it was given him by an intimate friend. I asked him to give me the name of the friend, and he declined for private reasons. About an hour afterward, I again pressed him to give me the name of the individual, and his post office address, and he said that he did not know where he was, whether dead or alive. Did he give any reason for wearing the badge? He wore it because a friend had given it to him; that he never supposed any one would think him to be a member of the society by his wearing the badge.

Ques. by Bro. Lummus. Do you remember the description of that key, and was it such that his wearing it was calculated to deceive any one? The key was in the exact form of the genuine key. On the front side having the three Greek initials, $\Phi. B. K.$, engraved in a large form. The key on the reverse side was a blank, but at a distance of three or four feet no one would observe that it was blank, the genuine key being filled with fine writing.

This certifies that the above statement of Rev. Daniel Steele is a true copy from his testimony, as given by him at the trial before Quarterly Conference.

JOS. W. LAW,

Secretary of Quarterly Conference.

The testimony of Miss Mary H. Lindsay before the committee of local preachers, was read under protest by Bro. Schoff.

Miss Mary H. Lindsay, of Lynn, called as a witness: —

She stated that on the 1st or 2d day of Sept., 1856, Mr. Gear stated in conversation with me at the pic-nic at Beverly that his badge that he wore was from the University of Pennsylvania. I asked him if his badge was a Phi Beta Kappa badge? and he answered that it was. (In answer to question by Bro. Hatch.) I said, I see you wear a badge of the Phi Beta Kappa Society. To which he assented. I said then, where do you hail from with your Phi Beta Kappa badge? His reply was, the University of Pennsylvania.

This certifies that the above statement of Miss Mary H. Lindsay is a true copy from her testimony as given before the committee of local preachers, and

and read as competent testimony at the trial before the Quarterly Conference.

Jos. W. LAW,

Secretary of Quarterly Conference.

That he was not a member at the Madison University is proved by the following extract from a letter from Dr. Eaton, President of the Madison University : —

Madison University, Aug. 22d, 1856.

REV. DANIEL STEELE.

Dear Sir : — Your's making inquiry in respect to a *Mr. D. L. McGear*, has been received. In reply I would say, that a student by this name was for a time connected in the institution some years ago, but he left before completing his course, and commenced preaching in connection with our denomination. He subsequently became pastor of a small Baptist Church in Rochester. He there committed some immorality, of what kind or aggravation I do not precisely know. I think it was *licentiousness*. At any rate, I know (because it was so published in our papers) that he was deposed from the ministry and excluded from the church. Since then (some four or five years ago) I have heard nothing of him. There is no branch of the Phi Beta Kappa Society in our University, and if there had been, McGear's scholarship was not such as to entitle him to membership.

Very respectfully and fraternally yours,

GEO. W. EATON,

President of Madison University.

9. This allegation and the evidence by which it is sustained, having been virtually published before, is here introduced only for two reasons. First, in some of the copies circulated, it is believed, by Mr. Gear in Lynn, the Report of the committee of the New England Conference, though published in full in the pamphlet, as it came from the press, has been mutilated by cutting out half a leaf and pasting the other half of the leaf down upon the following leaf. The part so cut out contained the Rochester Affidavit, in reference to which there is so much special pleading at the close of the pamphlet ; also, the letter of Rev. James Porter. The public must judge what was the motive for this mutilation. If we may be allowed to state our opinion, it is this,—that Mr. Gear was not sufficiently satisfied with the special plea of his volunteer defender, to allow the affidavit to go with the plea even among his own personal friends. The plea was not a sufficient antidote, in his judgment, for the affidavit.

There are, however, one or two points in this special plea that may with propriety be noticed, though we do not deem it necessary to follow the defender in his attempt to argue away the force of that affidavit, by a plea

worthy rather of a pettifogging attorney, than of one who would seek after the truth and justice, and would defend both. The paper states, with particular and distinct details, the events of Mr. Gear's sorry history at Rochester. The men who gave that testimony before a justice, are men of character and responsibility, and are ready to meet the responsibility of their affidavit. If it is not true in general and in detail, it is undoubtedly a libel, and of the grossest character.

In fact, these men, who are represented by the defence as conspirators, persecutors, and enemies of Mr. Gear, moved with pity towards him, after he had acknowledged to them his guilt, and while the ecclesiastical decision of his case was yet pending, to save him from a civil prosecution, interposed their mediation between Mr. G. and the parents of the girl with whom he had committed crime.

The Defence endeavors to throw discredit on the character of these gentlemen, by distorting or misrepresenting the facts as they are represented in the affidavit. It says : —

As to the library transferred as in part payment — one hundred dollars for three — if the story is true, these enemies of Mr. Gear were remarkably generous with him. To save him from prosecution they bind themselves to pay for him more, perhaps, than any damages that could accrue from a successful prosecution against him, and then are content to receive one hundred dollars' worth of old books for three hundred dollars in money. This act of benevolence is so strained beyond the bounds of nature, or of the supernatural, that it reveals itself to be of an opposite character.

How does the defender know they were "content to receive one hundred dollars' worth of old books for three hundred dollars in money?" The affidavit states the security to have been "Mr. Gear's library and book-cases, and an order on the Trustees of the Tabernacle Baptist Church for one hundred dollars." They had, then, an order from Mr. G. for one hundred dollars yet due him from the Trustees of the church for his services as pastor, and his library and book-cases as security for the remaining two hundred dollars. Any one who knows the taste of Mr. Gear for rare and costly books, must certainly regard it as insulting in his defender to insinuate that his ministerial library at Rochester was only a hundred dollars' worth of old books. We doubt whether Mr. Gear will thank him for the insinuation. Those gentlemen had ample security for the pecuniary responsibility which they assumed.

Second. In the "Defence" the following language is used : —

As long after it as the time of the meeting of their Annual Conference, in April, 1857, they issued, and published against him, a document that was as strange in its

origin as in its contents. It purports to have originated in the Conference itself; it claims to be a report of a committee appointed by the Conference. The Secretary of the Conference certifies that he was ordered by the Conference to cause its publication. But the published Minutes of the Conference neither contain the document nor any record of the appointment of such a committee. So it appears in a very questionable shape — as well befits a document so questionable in itself.

In answer to this we need only say that the published Minutes of our Conferences never contain all the action of the Conferences. Committees are frequently appointed, and their reports are filed, or disposed of in other ways than by publication in the Minutes. To publish every thing done in the Conference would make the pamphlet too large and expensive for its object. That object is only to furnish the members of our church with information concerning the doings of the Conference, which will be of general interest and advantage. And the selection of such matter is usually left to the discretion of the publishing committee. If any body wishes information as to matters not published, they can have it at any time by application to the Secretary of the Conference, who has the charge of all the Conference Records and Documents.

We doubt whether there can be found in New England another evangelical clergyman than Dr. Cooke, who would, without availing himself of all the information within his reach, endeavor to throw discredit on an official document, published by order of a large body of evangelical ministers. We doubt whether even he would have done it, had it not been convenient to his purpose to regard and to represent said document as “questionable;” — and we think that we may characterize as most unworthy a purpose to which such a course has been convenient.

Again — the action of the Conference was not, in fact or in design, an arraignment of Mr. Gear. He was admitted at the session of 1856 as a member on trial. And when, in the regular routine of the business of the next session, the names of those who were admitted the previous year were read and their cases acted upon, the name of D. L. Gear was called. This was proper and necessary for the completeness of the Conference Records. His Presiding Elder simply stated that D. L. Gear had withdrawn from the church, and then stated briefly the facts, namely, that on certain charges involving his moral character, the case of D. L. Gear had been examined by a committee of local preachers; that they had found him guilty, and suspended him from the ministry; that he had afterwards been acquitted by his Quarterly Conference, and that he had then withdrawn from the church. If the case had not seemed to demand some further consideration by the Con-

ference, the Secretary would have been directed to record his name on the journal as *withdrawn*, and that would have ended the matter. But the Conference judged that it was due to itself; that its character had become so far compromised before the public, by admitting even to membership on trial, and appointing to the charge of one of its churches a man who had come into the church with such antecedents, and who had not manifested penitence but had aggravated his guilt by falsehood, as to require some action in the case.

This view was enforced by the consideration that new facts in the case of Mr. Gear had come to light since his trial, particularly the fact that he had no authority to preach, and no claim even to membership in the church. The Conference had, by appointing him pastor of one of its churches, given the weight of that fact to his pretences, and the public had a right to know from the same source that his pretence to ministerial authority was unfounded. One of its churches had been distracted, and was at that time threatened with dissolution, as the result of said appointment from the Conference. It was incumbent then on the Conference to do what it could to save that church.

A large committee, composed of some of the most judicious and influential members of the Conference, was appointed, and after much deliberation they reported in substance that it was due to the church who had been deceived, and to the public who might be deceived, that a brief statement of the facts in the case of D. L. Gear should be published. They presented their report, not as arraigning or convicting him, not as claiming any jurisdiction over him, but as, in their judgment, necessary to the reputation of the church and the interests of the public.

I now present an attested copy of the Records of the New England Conference in the case of D. L. Gear : —

“Thursday April 9th, 1857.

“The 2d question was taken up. Who remain on trial? Horace F. Morse, Jarvis A. Ames, M. Emory Wright, Wm. P. Blackmer, Wm. J. Hambleton, Wm. J. Pomfret, Jonas M. Bailey and Cyrenius N. Merrifield—passed and continued on trial. Daniel L. Gear—his case was referred to a committee of five to be appointed by the chair.”

“*Friday, April 10th.* — The committee on the case of D. L. Gear was announced by Bishop Baker: M. Raymond, A. D. Sargeant, G. F. Cox, W. R. Clark and W. Gordon. On motion of A. D. Sargeant, C. K. True and E. O. Haven were added to the committee.”

“*Monday, April 13th.*—The committee in the case of D. L. Gear, reported. The report was re-committed.”

" *Wednesday, April 15th.* — The committee on the case of D. L. Gear reported the part which they had added. The report was then adopted."

A true copy from the Records of the New England Conference.

Attest,

W. R. BAGNALL,

Sec'y of the N. E. Conf.

In accordance with the action of the Conference adopting the report of the committee, which recommended the publication of the report, the report was sent to the Lynn Reporter and published. We subjoin the report : —

REPORT

Of the Committee appointed by the N. E. Conference, held at Lowell, April 8th, in the case of D. L. Gear.

Inasmuch as D. L. Gear was admitted on trial to the New England Annual Conference of the Methodist Episcopal Church, in April, 1856 ; and inasmuch as unfavorable rumors with reference to his character arose, and on examination it was found we had been deceived, and that D. L. Gear was not regularly licensed as a minister, and that he had even entered our church through a false and forged certificate, and by false statements, we deem it our duty to make the following statement of facts : —

1. D. L. Gear presented himself early in the year 1854, to the Bromfield Street Church, Boston, with a certificate bearing date Dec. 25, 1853, stating that he had been, and was, regularly, a member in full connection of the Methodist Episcopal Church, at Damariscotta, Me., purporting to be signed by A. Foster, pastor of that church. This certificate, being in the usual form, was received without suspicion by the pastor of Bromfield Street Church, and D. L. Gear was accepted as a member.

Facts have since proved that D. L. Gear was not at that time a member in full connection of the Damariscotta Methodist Episcopal Church, and that Rev. A. Foster never wrote the certificate bearing his name, or any other certificate for D. L. Gear, and that the certificate was undoubtedly a forgery.

2. The said D. L. Gear having been thus admitted to the church on a false certificate, stated that he was a preacher, and was allowed to officiate, and his services being acceptable, he was carelessly and unsuspectingly permitted to preach ; and was finally recommended to the New England Annual Conference, and admitted on trial ; the Quarterly Conference at Quincy having so recommended him, without carefully inquiring, as, according to our rule, it should have done, whether he had a license to preach.

3. Having been appointed to preach at the Union Street Church, Lynn, Mass., it was not long before rumors arose against the character of said D. L. Gear, which made it necessary for his Presiding Elder, and others, to inquire into them ; the result of which was, a discovery of the facts as above stated, proving that D. L. Gear, formerly D. L. McGear, is utterly unworthy to be received as a Christian minister.

4. It was ascertained that D. L. Gear, under the name of D. L. McGear, had been the pastor of the Tabernacle Baptist Church, in Rochester, New York, in the year 1853, and that he was charged in June, 1853, by that church, with fornication and lying. He at first denied it ; then confessed it ; was deposed from the ministry by

a council of Baptist ministers and laymen, regularly called, and conducting their examination in a thoroughly legal manner, was expelled from the church, and shortly after left the place.

It was only one month after the above named transaction had closed, that the said D. L. McGear appeared in Damariscotta, Me., under the assumed name of D. L. Gear, and insinuated himself into the Methodist Episcopal Church, *on trial*.

These last mentioned facts are so astonishing, that we deem it proper to append the following affidavit, furnished us by the Clerk of the Tabernacle Baptist Church, Rochester, N. Y.

Munroe Co., ss. Conrad B. Denny, and Samuel G. Crane, of the city of Rochester, Munroe County, and State of New York, being duly sworn, depose and say, that they were members of the Tabernacle Baptist Church, in this city, during the time the Rev. Daniel L. McGear was pastor, and that they each acted on the committee to investigate certain charges against the said McGear, in the months of June and July, 1853, and that the said Daniel L. McGear, on or about the 24th day of June, 1853, in the presence of Mr. Joseph D. Husbands, who was then an attorney in this city, and now is, or lately was a resident of the city of Buffalo, acknowledged and confessed that he had sexual intercourse with one Miss ———, and the said D. L. McGear acknowledged and confessed about the time above mentioned, that he had paid to some of the members of the ——— family, the sum of two hundred dollars, in consideration of not being accused of this thing; and as we were informed and believe after the payment of the above sum, Mr. ———, who was the step-father of the said Miss ———, threatened a prosecution of this matter, and consulted Mr. J. D. Husbands, above named, in reference thereto, and by and with the advice of said Husbands, the said Daniel L. McGear agreed to pay the further sum of three hundred dollars in consideration of not being prosecuted in this matter, and that Conrad B. Denny, one of these deponents, and Rev. W. G. Howard, who was then pastor of the Second Baptist Church in this city, and now is, or lately was, pastor of the First Baptist Church, Chicago; and in the presence of the other deponent, Samuel G. Crane, did each advance and pay to either Mr. or Mrs. ———, the sum of seventy-five dollars, on or about the 25th June, 1853, and each signed a joint bond or obligation conditional, for the payment of one hundred and fifty dollars, if the child with which the said Miss ——— was then pregnant, should live to arrive at the age of six months; and of which sum above mentioned Conrad B. Denny, one of these deponents, paid on the 13th March, 1854, the sum of seventy-five dollars.

And these deponents further say, that Daniel L. McGear, on or about the 25th day of June, 1853, did deliver to the said Conrad B. Denny and Rev. W. G. Howard, his library and book-cases, and also an order on the Trustees of the Tabernacle Baptist Church for the sum of one hundred dollars, as part payment, and security for the above mentioned three hundred dollars.

And the deponents further say, that Mrs. ———, the mother of the said Miss ———, or Mr. ———, her husband, or both of them, did then and there, in presence of Mr. Husbands, agree with said D. L. McGear, that no legal prosecution should be taken in this matter, and these deponents believe a written obligation was executed by them to this effect, and delivered to said McGear.

And these deponents further say, that the said Miss ——— acknowledged and asserted to them that the said Daniel L. McGear had had sexual intercourse with her at two different times, and that she was then pregnant in consequence thereof.

C. B. DENNY,
S. G. CRANE.

Subscribed and sworn to before me, this 18th December, 1856, at Rochester Munroe Co., N. Y.

DANIEL WOOD,
Justice of the Peace in and for the city of Rochester, and Co. of Munroe.

With reference to the forged certificate, we have the direct statement of the man whose name it bears, that he never wrote it. And moreover it would have been contrary to our Discipline, and illegal, to give Mr. Gear a certificate at that time, he not having been a member of the M. E. Church, on trial, six months.

And, again, we have the testimony of three experts in Boston, stating that the man whose name the certificate bears could not have written it, and that the similarity between its handwriting and the known handwriting of Mr. Gear, convinces them that he did write it.

The above is a concise statement of painful facts. A regard for the purity of the church compels us to make this exposure of the gross impostures of this man.

Trusting in Providence we leave the results to a discriminating public.

The following statement from the Rev. J. Porter, will show Mr. Gear's denial of the above stated facts, and explain the apparent mystery of his introduction to our Conference : —

After Mr. Gear had been recommended to the Conference for admission on trial, having heard a rumor that he had been expelled from the Baptist Church for the crime of fornication, I felt it my duty to converse with him on the subject before presenting his application to the Conference. Availing myself of a favorable opportunity, I informed him of what I had heard, to which *he replied in the most solemn and positive manner, that the report was false and slanderous*, and I think he appealed to God for the truth of his assertion. He then said, with great apparent sincerity, that *he left the Baptist Church while he was in good and regular standing*, that these stories were started after he had withdrawn, and chiefly by the agency of two men who had received their reward, for the curse of God had followed them, and they had sunk as low as they had tried to sink him. He also stated that *he could return to the Baptist Church at any moment*, and had been invited to become the pastor of one of the largest and wealthiest societies in that denomination. *He left the Baptists, he declared*, because he was dissatisfied with their narrowness and illiberality.

Knowing little of the circumstances connected with the alleged crime, and therefore having little data upon which to base an investigation, had it been my duty to inquire into his antecedents, and being perhaps too prone to believe men, and especially ministers of the Gospel, when they speak with so much religious solemnity, and knowing that several Baptist families were regular attendants upon his ministry, who would not be likely thus to recognize him as a minister, if he had been expelled as alleged, I was deceived and induced to believe that the rumor was without foundation, and therefore I presented his application to the Conference.

J. PORTER.

Your committee recommend that the above be published in the Lynn newspapers, or in such other method as the Secretary of Conference may judge proper.

(Signed.)

M. RAYMOND,
A. D. SARGEANT,
G. F. COX,
WM. R. CLARK,
WM. GORDON,
E. O. HAVEN,
C. K. TRUE.

I certify that the above is a true copy of the report of the committee, (with the exception of certain names in the affidavit, which it has been judged proper to suppress, *but which are in my possession*,) appointed by the New England Conference at its

recent session in Lowell, Mass., in the case of D. L. Gear; and that I have been instructed by the vote of that body to forward it for publication.

W. R. BAGNALL,
Sec'y of N. E. Conference of the Methodist E. Church.

LYNN, April 13th, 1857.

We, the undersigned, members of the Quarterly Meeting Conference of the Eastern Methodist Society, were present at the trial of the Rev. D. L. Gear, on the evening of the 31st of December, 1856—for lying—and with the light, evidence and conviction we then had, voted that the charges brought against him were not *fully* sustained.

Now, it is with pain and mortification that we have to confess, that being too much influenced by the solemn and positive manner of the denial of the truth of the *allegations*, by Mr. Gear; and not so fully weighing all the circumstances and evidences in the case at the time; and being more fully convinced by a subsequent development of facts and circumstances in regard to his conduct and character; we wish it to be understood that we have so far changed our minds upon this subject, that if we had the opportunity to do so, we should change our vote, and say that the charges preferred against him were *all true, and should be sustained*.

WM. A. RICE,
N. T. GOWDY,
JOS. W. LAW,
PETER H. ALLEY,
J. W. CARLL.

We, the undersigned, members of the Quarterly Meeting Conference of the Eastern Methodist Society, but not being present at the trial of the Rev. D. L. Gear, held at the Union Street Church, on the evening of December 31st, 1856, for lying, hereby wish to say that we now believe him to be guilty of all the charges preferred against him at that trial.

PHILIP SHORT,
JOHN MARSTON.

Lynn, April 13, 1857.

We have been reluctant to spread before the public the proofs of the guilt of one, who occupies the position of a Christian minister. Christianity has already been too often disgraced, and too many arguments against her have been afforded to her enemies, by those who have occupied the place of her teachers. It would be our wish, rather, as to our own feelings to cover the faults of another with the mantle of charity; as to the community to apologize for the fault, if apology was at all possible; and as to the offender to restore him, if that might be done. The Apostle teaches us—"If a man be overtaken in fault, ye which are spiritual, restore such an one in the spirit of meekness; considering thyself lest thou also be tempted." In this spirit his Presiding Elder, Mr. Crowell, approached Mr. Gear, in learning that unfavorable rumors concerning him were in circulation. But so far from acknowledging that he had been guilty, that he had ever yielded to temptation, or from manifesting anything like penitence or humility, Mr.

Gear at once assumed the position and the appearance of injured, abused, persecuted innocence, and to that position he has adhered. He has denied persistently, not only his guilt, but the fact that he was expelled from the Baptist Church on the charge of immorality, and has, without authority, as it is believed, performed all the functions of the ministry. He has unblushingly asserted that he was the victim of conspiracy and persecution in the Baptist Church, and has induced a Doctor of Divinity and other ministers in the Methodist Church to believe his story, so that they received him into their ranks. He now asserts that he has been the victim of conspiracy and persecution not only in the Baptist Church but in the Methodist Church, and has secured not only the confidence but even the advocacy of another Doctor of Divinity, and, it may be, is looking to admission into the ministry of another evangelical denomination. We have felt therefore that it would be a neglect of duty to our common religion, to a sister denomination of Christians, and to the public, should we withhold the documents in our possession.

We have, notwithstanding the above considerations, hesitated to publish the documents contained in this pamphlet. They are of such a nature that only a case of great urgency, if not of absolute necessity, would warrant their publication. It was proposed to publish them two years since, and they were then prepared for publication, but it was thought that the report of the committee would be sufficient. And the members of the New England Conference were not unwilling, if, with such a statement, even, as that contained in the Conference report, before the public, Mr. Gear could have the effrontery to stand up and claim to be an innocent and abused man, and if any could be duped by him, that on him and on them should rest the responsibility. And had he and his friends let the matter rest, we should not have disturbed it. They are not so disposed. The only proper course for us then, in defence of ourselves, and that other denominations and the public may not be deceived, is to lay all the facts before them.

It is now for the public to decide whether Mr. Gear was ever expelled from the Baptist Church and deposed from the ministry on the charge of immorality; whether he has since that time received any ministerial authority from the Methodist Church; and whether the act of Dr. Cooke in extending ministerial courtesies to Mr. Gear is not something else than "an act of justice," or even of benevolence; whether, to adopt his own language, used in reference to the interposition of the gentlemen at Rochester in Mr. Gear's behalf, his course, in espousing the cause of the same individual, is not "an act of benevolence so strained beyond the bounds of nature and the supernatural that it reveals itself to be of an opposite character."