

J. Weaver

A Consideration of the
Acts of the General
Conference of the
United Brethren in
Christ of 1885

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The Work of the Commission.

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J. Weaver, D. D., and W. J. Shuey.

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ECCLÉSIASTICAL GOVERNMENT.

NO FORM IN DETAIL GIVEN IN THE WORD OF GOD.
THE UNITED BRETHREN NO EXCEPTION.

The object in preparing these pages is to lay before the members of the Church of the United Brethren in Christ some facts respecting the form of church government in general, and of the United Brethren in particular.

In all the ages past good and wise men have differed in their views. But all *manly men*, notwithstanding their differences, have maintained the true dignity of men. Good and wise men have differed on some of the great truths of the Bible; and more especially on questions of church polity. But why this difference of opinion? There is but one answer. No form of church government in detail is given in the Holy Scriptures. This is admitted by nearly all theologians and writers on church polity. General principles are given, but nothing more. The mode of governing the Church is left to its own judgment and the exigencies of time and place. No one, except through ignorance and sectarian bigotry, will claim as divine the details of any form of church polity. Constitutions, confessions of faith, and general rules, are all of human origin. If the wise Father had intended that the Church in all time, and in all places, should be governed by one particular form, he would have given it; but it is not given, and we, therefore, conclude that the details of all forms of church government are human. Good and wise men may adopt them, but that does not make them divine or infallible.

The history of the United Brethren Church, like the history of every other aggressive and progressive church, is a history of changes in church rules. Compare the disciplines for fifty years, and one can easily see what changes

have been made. Every General Conference since 1815 has made changes, and some very radical ones too. The exigencies of time suggested many, if not all, of the changes that were made. The discipline of to-day compared with that of fifty years ago is almost entirely new. One change after another has followed in rapid succession. I venerate the fathers; they did a grand and noble work in their day; but those who cling so tenaciously to what they did would do well to read some of the old disciplines. For many years there was nothing in the discipline on missions, Sunday-schools, church-erection, education, course of reading, etc.

Otterbein organized the first congregation in Baltimore in 1774, and it was forty-one years before the first confession of faith was adopted. And after it was adopted, in 1815, several changes were made. The fathers thought it was no great harm to change the confession of faith. As increasing light fell upon them they would change. But they seemed finally to reach a point where they thought it was safe to say—"Ne plus ultra." Now, while I have great respect for their piety and wisdom, I also respect the piety and wisdom of good men of this day. The fathers knew many things, but they did not know it all. Then it should be remembered that they changed their articles of faith, and their general rules, as often as their sons have done. If they were blameworthy at all, it was in their effort to bind the membership in such a manner that it would be next to impossible ever to change it. This was not wise, nor would it be wise to-day. They might have thought, and I will put it a little stronger—they should have thought, that the Church in time to come would see as good reasons for change as they had seen during their day.

The moral force of the church of Christ does not live in any particular form of law, whether it be organic or legislative, but in the hearts of the members of Christ's body. A change of method does not necessarily include a change of principle. A man whose opposition to an evil is measured by his adherence to a certain form of law, is of but little force in the church of Christ.

It was sixty-three years after Mr. Otterbein organized the first congregation in Baltimore before the church had a constitution at all. How they got on all those years we may not know, but they grew and prospered. Finally, in 1837, they formulated and adopted a constitution, which, if it was acceptable to the members, was to be ratified by the General Conference of 1841. When the General Conference met in 1841, instead of declaring the constitution which had been before the Church for four years

to be the organic law of the church, they, by usual parliamentary process, formulated and adopted a constitution almost wholly different from the one that had been before the church for four years, and which they by a circular had asked the members to ratify. It is said by some that the constitution adopted in 1841 was only *slightly* changed from that of 1837. To show how *slight* the change was, we give both:

CONSTITUTION OF

At a meeting of a General Conference held by the United Brethren in Christ in Germantown, Ohio, May 10th, 1837, it was resolved that a constitution should be formed for the better government of the Church.

We as members of the United Brethren in Christ, in order to retain a *perfect union*,—accomplish the ends of *justice and equity*,—insure *ecclesiastical* as well as *domestic tranquility*, provide for the *common interest of the Church*,—promote the *general welfare of society*, and to secure the *blessings of the gospel to ourselves, our posterity, and our fellow men in general*; do ordain and establish the following constitution, for the Church aforesaid:

ARTICLE I.

Sec. 1. All ecclesiastical power herein granted, to make or repeal any rule of Discipline, shall be vested in a General Conference, which shall consist of ministers chosen and elected by the members, in every conference district throughout the society. Nevertheless nothing shall be done so as to change the article of faith or in anywise destroy the itinerant plan.

Sec. 2. No minister shall be considered eligible for election until he has stood in the capacity as elder for the term of three years, having maintained a good moral character during that time. Any elder receiving a transfer from one conference to another, shall not be considered eligible for election under a term of two years, and not then without a sufficient recommendation from the conference of which he had been a member.

Sec. 3. The number of delegates from each conference district shall not exceed one for every five hundred members. But should it so happen that a conference would be formed in a territory not having five hundred members within its district, that conference shall nevertheless have one delegate to represent its members in General Conference.

Sec. 4. If any vacancies should occur through sickness or otherwise, after the election of delegates, it shall be the duty of the presiding elder or elders immediately to notify the next highest on the list of votes that he is now a member to represent that district in the ensuing General Conference.

Sec. 5. The bishops shall upon all occasions be considered members of the General Conference, to preside as the organs of that body as in annual conferences. Bishops shall be elected every four years, during the sitting of the Gen-

eral Conference, by the members of that body, from among the elders throughout the Church, who may have stood in that capacity for a term, not less than six years.

Sec. 6. The General Conference shall be held once every four years. At the adjournment of which it shall be the duty of the same to publish or cause to be published (excepting such parts as may not be considered expedient) all their proceedings, for the benefit of society in general.

ARTICLE II.

Sec. 1. The members in each conference district shall solely have the privilege of choosing and electing the delegates for General Conference, which shall invariably be done at least three months previous to the sitting of the same.

Sec. 2. In the election of delegates for General Conference, it shall be the duty of each annual conference to appoint a committee of three, in their several conference districts, to receive and count the votes, and immediately apprise those who may have been elected.

Sec. 3. It shall also be the duty of the annual conference to furnish the presiding elders with a list of all the elders eligible for election. The presiding elders shall furnish each circuit-preacher in charge, whose duty it shall be to furnish each class-leader or steward throughout the circuit with a copy of the same.

Sec. 4. It shall be the duty of each class-leader or steward to appoint a meeting of the members of each class, for the purpose of electing, by ballot or otherwise, one or more delegates to represent them in General Conference.

Sec. 5. It shall also be the duty of each class-leader or steward to sign, enclose and seal each bill of election, hand it over to the preacher in charge; he again to the presiding elder, whose duty it shall be to transmit the same to the committee appointed by the annual conference.

Sec. 6. The committee appointed to receive and count the votes shall make a list of all the persons voted for and the number of votes for each. Should any two or more of the candidates have an equal number of votes, the individuals thus appointed shall determine by lot who or which of them are elected. They shall also forward the names of those elected to the conference printing establishment for publication.

ARTICLE III.

Sec. 1. Each annual conference shall come fully under the jurisdiction of the General Conference, except under such regulations as the General Conference may deem expedient in relation to local matters, so as not to prove prejudicial to the interest of the whole society.

Sec. 2. The business of each annual conference shall strictly be done according to Discipline.

Sec. 3. Any annual conference acting in violation of the doings of General Conference, shall, by impeachment, be tried by the same.

Sec. 4. No annual conference shall have the exclusive right to form or admit any new conference within the bounds of society, without the consent of the General Conference.

Sec. 5. All officers, whether bishops, presiding elders, etc., shall, on impeachment, be dealt with according to Discipline, as other members, expelled or retained, as the case may require.

ARTICLE IV.

Sec. 1. If at any time after the passing of this constitution it should be contemplated either to alter or amend the same, it shall be the privilege of any member in society to publish or cause to be published such contemplation at least three months before the election of delegates to the General Conference.

Sec. 2. No General Conference shall have the power to alter or amend the foregoing constitution, except it be by a vote of two thirds of that body.

RESOLUTIONS.

Inasmuch as it is the indefeasible right of every man to think and act for himself in matters of faith and morality, this right not only being granted by the charter of his creation, but also by the Discipline adopted for the better government of the church of the United Brethren in Christ; be it resolved, therefore—

1st. That no rule be adopted by General Conference so as to infringe upon the rights of any, as it relates to the mode and manner of baptism, the sacrament of the Lord's supper, or the washing of feet, etc.

2d. *Resolved*, No rule or ordinance shall be passed in General Conference so as to deprive the local preachers of the eligibility of election as delegates to the same. Nor yet to deprive them of their legal vote in the annual conferences to which they severally belong.

3d. *Resolved*, That the foregoing resolutions shall neither be altered or appealed without the unanimous consent of the whole conference.

Done in General Conference by the unanimous consent of that body, this 11th day of May, in the year of our Lord, one thousand eight hundred and thirty-seven. In witness whereof, we have hereunto set our names.

HENRY KUMLER,	} Bishops.	GEORGE HISKEY.
SAMUEL HIESTAND,		JOHN COONS.
JACOB ERB.		WILLIAM HANBY.
JACOB WINTER.		JNO. FETHERHOFF.
JACOB RHINEHART.		WILLIAM STUBBS.
JACOB J. GLOSSBRENNER.		FRANCIS WHITCOM.
ADAM HETZLER.		JOHN LOPP.
DAVID WEIMER.		FREDERICK KENOYER.
JOHN DORCAS.		WILLIAM DAVIS.

CONSTITUTION OF 1841.

We, the members of the CHURCH OF THE UNITED BRETHREN IN CHRIST, in the name of God, do, for the perfecting of the saints, for the work of the ministry, for the edifying of the body of Christ, as well as to produce and secure a uniform mode of action, in faith and practice, also to define the powers and the business of quarterly, annual and general conferences, as recognized by this Church, ordain the following articles of Constitution :

ARTICLE I.

Sec. 1. All ecclesiastical power herein granted, to make or repeal any rule of discipline, is vested in a general conference, which shall consist of elders, elected by the members in every conference district throughout the society; provided, however, such elders shall have stood in that capacity three years, in the conference district to which they belong.

Sec. 2. General Conference is to be held every four years; the bishops to be considered members and presiding officers.

Sec. 3. Each annual conference shall place before the society the names of all the elders eligible to membership in the General Conference.

ARTICLE II.

Sec. 1. The General Conference shall define the boundaries of the annual conferences.

Sec. 2. The General Conference shall, at every session, elect bishops from among the elders throughout the Church, who have stood six years in that capacity.

Sec. 3. The business of each annual conference shall be done strictly according to Discipline; and any annual conference acting contrary thereunto, shall, by impeachment, be tried by the General Conference.

Sec. 4. No rule or ordinance shall at any time be passed, to change or do away the Confession of Faith as it now stands, nor to destroy the itinerant plan.

Sec. 5. There shall no rule be adopted that will infringe upon the rights of any as it relates to the mode of baptism, the sacrament of the Lord's supper, or the washing of feet.

Sec. 6. There shall be no rule made that will deprive local preachers of their votes in the annual conferences to which they severally belong.

Sec. 7. There shall be no connection with secret combinations, nor shall involuntary servitude be tolerated in any way.

Sec. 8. The right of appeal shall be inviolate.

ARTICLE III.

The right, title, interest, and claim of all property, whether consisting in lots of ground, meeting-houses, legacies, bequests or donations of any kind, obtained

by purchase or otherwise, by any person or persons, for the use, benefit, and behoof of the Church of the United Brethren in Christ, is hereby fully recognized and held to be the property of the Church aforesaid.

ARTICLE IV.

There shall be no alteration of the foregoing constitution, unless by request of two thirds of the whole society.

Now, if as some are wont to say that the changes were but slight, then why not go back and adopt the constitution of 1837? But let it be distinctly remembered that neither of these constitutions was ever formally voted upon by the members of the church. The one adopted in 1837 was before the church in a general way for four years, but there is no record that it was ever voted upon. The one adopted in 1841 was simply put into the discipline, and the members were never so much as allowed to pass an opinion upon it. But look at the difference in the constitutions. The one adopted in 1837 has not a word in it on secret combinations or slavery. Then notice the difference in the provisions made for changing the constitution. Now, if in four years the fathers found it necessary to make such radical changes in their own constitution, is it not strange that they would venture to put into the constitution of 1841 a provision that would make it impracticable if not impossible ever to change it? Every man must know that to follow the literal reading of our present constitution, and adopt no method except what is therein named, would render it utterly impossible ever to change it. Some who oppose the work of the commission insist that the General Conference had no right to change, or propose a change in the constitution until two thirds of the whole society requested it. Is this practicable? Could it ever be reached? If so, how? Who is to start this request? Where will it start? Upon these details the constitution says not one word. Again, while we may not be a whit behind the best church in the land, it is safe to say that one third of our members are quite indifferent concerning the general interests of the church. They pray but little and pay less. Now if the active working members of the church must wait until these dead ones move, or ask the General Conference to move, we will never move upward or onward. I ask a careful reading and comparison of these constitutions, just to see how much the fathers changed in four years.

Wise and good as the fathers were, they certainly did not take into the account the impracticability of reaching a change in the way they proposed,

When we look at the changes they made in 1841 in their own constitution, which was only four years old, it is difficult to determine why it was that they should thrust upon the members a constitution which it would be next to impossible to change.

Concerning their right to do what they did, I have this to say. The validity, if acquired at all, was accepted on *prudential* ground. This would justly require the covering of all the ground in the case. If *impracticable* things should be insisted upon, the *prudential* consideration would demand that the work of the General Conference of 1841 be accredited the character of valid legislation, and nothing more. By common consent we have accepted the constitution of 1841 as valid legislation. But that does not make the act of that General Conference legal.

It will be proper in this connection to give some facts concerning the manner of the adoption of our constitution in 1841. In 1837 the General Conference did adopt a constitution. But they recognized the fact that they had no authority to do so, and issued the following

CIRCULAR.

To the Members of the Church of the United Brethren in Christ throughout these United States:

Dear brethren, by whose authority we, as a General Conference, have been authorized to legislate on matters pertaining to the government of our church, and having long since been convinced of the great necessity of a constitution for the better regulation thereof, have, by unanimous consent, framed and established the foregoing. We are well aware that we have transcended the bounds given us by our Discipline, which will be found in the constitution, Article IV., Section 2, declaring that the said constitution can neither be altered or amended without a majority of two thirds of a General Conference. If there had been a general notice given to the Church previous to the election of delegates that there would be a memorial offered to General Conference, praying them to adopt a constitution, and to ratify it agreeably to Article IV., Section 2, then the General Conference would have had full power to have done so. The object of this circular is (feeling that the government of our church is not as firm as it ought to be) to give notice to our church throughout the Union that we intend to present a memorial to the next General Conference, praying them to RATIFY THE CONSTITUTION NOW ADOPTED, according to Article IV., Section 2, in testimony of our ardent desire for the welfare of our church, and the general spread of the gospel.

Written by order of General Conference, Germantown, Ohio, May 12th, 1837.

Signed in behalf of the same, by

WILLIAM R. RHINEHART, Sec'y.

Now observe the words in this circular. They did not ask the people to memorialize the next General Conference to formulate and adopt *a* constitution. What then did they ask for? They say in their own circular that "The object of this circular is to give notice to our church throughout the Union that we intend to present a memorial to the next General Conference (1841) praying them to RATIFY THE CONSTITUTION NOW ADOPTED." Did the General Conference of 1841 ratify that constitution? It did not. By whose authority then did it adopt our present constitution? The General Conference of 1841 appointed a committee on constitution; that committee reported *a constitution* which was adopted, item by item. Scarce a word appears upon the record concerning the constitution of 1837. It was virtually ignored.

"The General Conference of 1841 had no more power than the General Conference of 1837. If the conference of 1841 had any 'instructions' they were confined solely to the adoption of the constitution of 1837. To do more than this was an assumption of authority unwarranted by the 'instructions.' It did assume to frame and adopt another constitution radically different from the constitution of 1837."

I have always sought to obey the constitution as it is. But to say that it was adopted according to the usual way of adopting an organic law, I can not; for it was not so done. In what way was the General Conference of 1841 instructed by the church to act upon the question of a constitution? The record does not say. So far as the record goes we have nothing to guide us but the circular sent out by the conference of 1837. Did the General Conference of 1841 act under the instructions contained in that circular? If it did not, then upon what instructions did it act? Did the members in some other way memorialize the General Conference of 1841 to take action on the question of a constitution? There is nothing upon record to show this. If the conference of 1841 acted under the instructions contained in that circular, then it transcended its bounds, for the circular did not propose the adoption of *a* constitution, but the *ratification of the constitution now adopted*. What does the word ratify mean? Webster defines it thus: "To approve and sanction; to make valid; to confirm; to establish; to settle, especially to give sanction to, as something done by an agent or servant, as to *ratify* an agreement or treaty." Did the General Conference of 1841 do this? It did not; unless the word ratify means something very different from what Webster defines it to mean.

Another point has been raised which is not only weak but foolish. It is this: Because the majority of our members today have joined the church under our present constitution, therefore they should never ask for any change. By the same mode of reasoning then, all persons who have become citizens of a state, or of the United States, should never ask or vote for any change in the constitution of either.

It is easy for men to talk and say how this or that ought to be, but they are not the men to tell us how to meet and overcome difficulties. There were two difficulties before the last General Conference. (1.) On account of our rigid law against secret societies, more than half of the ministers and members of the church openly violated or silently ignored the law. (2.) A modification of the law so as to discriminate between the orders could not be made without involving a departure from what is held to be constitutional law. These are facts with which the General Conference had to grapple. No matter what produced this state of things in the church, the facts were before that body. In 1877 two thirds of the members were "radicals." In 1881 the "radicals" and "liberals" were about equally divided. In 1885 nearly two thirds were "liberals." Now let those who have so much to say about the last General Conference, tell us just what was the best thing to do in the face of the facts herein stated. Would it have been wise to attempt to carry forward a law when more than a majority did not and would not enforce it? Could the General Conference have modified the law so as to discriminate between the orders without violating the constitution, which says "there shall be no connection with secret combinations?" What then was the wisest thing to do? The delegates in the General Conference of 1841 took the matter into their own hands and made a constitution to suit themselves, and never asked the people to ratify it. The late General Conference did vastly better, for they determined that the whole matter should go to the members for them to settle for themselves. Is this unfair? Is it unreasonable? Is it unjust? After forty-five years of membership in the United Brethren Church, I have the utmost confidence in the good sense and honesty of the ministers and members of the church. They will decide this question as it ought to be decided. We will never have rest until the members settle this question for themselves.

ACTS OF THE GENERAL CONFERENCE FROM 1841 TO 1885.

From the time the constitution was adopted until this present time, the church has been more or less restless. At the General Conference in 1849, only eight years after its adoption, J. Markwood moved that it be stricken from the Discipline, because it was not legal. This motion was entertained, debated, and voted upon. I mention this to show that at that early day there was a feeling of restlessness in the church. It is not true that all this unrest is of recent origin.

At the General Conference of 1857, when it was agreed to read the Discipline in course (as was the custom in that day), it was moved that the reading of the confession of faith and constitution be omitted. This motion was lost, because it was urged by H. Kumler and others that some amendments in both the constitution and confession of faith were desired.

On motion, Section I of the constitution was referred to the committee on revision. The subject was lay-delegation. The committee reported the following: "That at the present it would not be advisable to submit the constitution to the laity, for the vote relative thereto, with a view to the modification of it, or any part of it." On motion, the report was re-committed with instruction to a favorable report, or else a reason for the reverse. The committee, after full consideration, again reported and gave extended reasons for not reporting favorably. The report closed as follows: "We have too much respect for the members of the Church to take the initiative steps in a movement which so directly affects their rights." On motion of Bishop Edwards, this part of the report was stricken out. At this same General Conference there was a change made in the last paragraph of the Confession of Faith. The words, "these respects," were substituted for the words, "this respect." I was a member of that General Conference, and particularly interested in the discussions. Let it be remembered that the General Conference of 1885 was not the first conference in which the constitution and confession of faith were referred to committees on revision. It dates back of that almost thirty years.

At the General Conference of 1873 a proposition to amend the constitution was before the conference for a number of days, so that the delegates had ample time to consider the whole question. A few of the delegates claimed that they had no right to vote for an amendment to the constitution, because only about *one sixty-seventh* of the members had requested

such a change. But that matter was wholly ignored. The question was on lay delegation. The constitution says :

SECTION I. All ecclesiastical power herein granted, to make or repeal any rule of discipline, is vested in a general conference, which shall consist of elders, elected by the members in every conference district throughout the society ; provided, however, such elders shall have stood in that capacity three years, in the conference district to which they belong.

The amendment proposed was as follows :

SECTION I. All ecclesiastical power herein granted to enact or repeal any law or rule of Discipline is vested in a general conference, which shall consist of elders and laymen, elected in every annual conference district throughout the Church.

After the question had been fully discussed, the vote was taken, and the following was the result :

Yeas.—Glossbrenner, Edwards, Weaver, Dickson, Ambrose, Allaman, Best, Breden, Bowman, Beauchamp, Bishop, Bunce, Bulger, Brazee, Baldwin, Carter, Connor, Colestock, Castle, Cowgill, Drury, Doyle, Davis, Dillon, Evans, T., Evans, J. R., Favour, Gelbach, Greene, Garst, Gardner, Gillespie, Griffith, Hoy, Hoffman, Hill, Hager, Healey, Harper, Hallowell, Hershey, Hamilton, Hott, Howe, Ham, Jacobs, Light, Luce, Lemasters, Miller, W., Miller, D. R., Millar, McGrew, Mills, McKee, Martin, Mittendorf, Nye, Nickey, Osmun, Poulton, Plowman, Peters, Ross, Rose, Rigor, Speck, Sherk, D. B., Sherk, A. B., Shuck, Schwimley, Smith, W. C., Smith J. C., Scammahorn, Statton, I. K., Sickafoose, Slaughter, Simpson, Thrasher, Tibbetts, Tritch, Vandever, Vardaman, Wagoner, Whitney, Walker, Warner, Williams, Wilkison, Wright, Watrous.

Nays.—Alwood, Alderman, Bay, Bacon, Bowman, Barnaby, Fritz, Hurless, Kretsinger, Scholler, Smith, O. F., Statton, G. W.

Now look at the names of those who voted for the amendment: remembering two things, (1.) Only about one *sixty-seventh* of the members had requested such a change. (2.) Many of those very same persons now say, that the General Conference has no right to make or propose an amendment to the constitution until requested by two thirds of the whole society to do so. One of two things must be true—they were right then and wrong now, or they were wrong then and right now. Which is it?

After the vote was taken, and the amendment declared adopted, the whole matter respecting the holding of elections, etc., was referred to the board of bishops. They were to arrange the time and manner of voting, and to decide what the constitution meant by two thirds of the whole society, thus delegating to the board of bishops its power in carrying out its wishes. No man that voted for the amendment in 1873 has any just right

to find fault with the action of the General Conference of 1885, unless he is willing to say in just so many words that he was wrong then. But up to this time not one of them, so far as I know, has ever said he was wrong then. Yet they oppose the action of the late General Conference, and denounce it as illegal, and in every way out of order. What rights did the General Conference of 1873 have that the General Conference of 1885 did not have? Men who are so free in denouncing the actions of the latter, and in talking and writing about the *commission nonsense*, should not forget where their names stand in the vote of 1873. Was there any *nonsense* about that?

Another fact should be carefully noted, which is this: that according to the work actually done, and the plan proposed by the General Conference of 1873, if the amendment which they adopted had been submitted to the members as they intended that it should be, and the requisite majority had voted for it, then laymen would have been elected and been members of the next General Conference. The vote of the members was to be final. Not a word is said about its coming back to the next General Conference for final ratification. I now say, notwithstanding all that has been said to the contrary, that the General Conference of 1873 did give to the board of bishops as much authority as the General Conference of 1885 gave to the commission. The General Conference of 1841 did formulate and adopt the constitution, and never so much as asked the members to ratify it. Mark that. The General Conference of 1873 wholly ignored the two thirds idea, and voted to amend the constitution. Mark that.

If it be said that the plan adopted by the late General Conference is unconstitutional, we reply, that the constitution gives no plan at all, by which an amendment may be reached. It simply allows it, but gives no outline as to the manner by which it is to be done.

The General Conference of 1885 was composed of one hundred and twenty members; seventy-eight of these voted for the commission, and forty-two against it. Of the forty-two who voted against the commission, about twenty-two voted for Luttrell's substitute; so that of the one hundred and twenty delegates, about one hundred voted in favor of amending and improving the constitution and confession of faith, and then submitting the whole matter to the members for adoption or rejection. Surely the opinion of so large a number of intelligent men can not be far wrong. Now, if the constitution pointed out in exact terms just how an amendment is to be reached, and the General Conference had gone contrary to such

direction, then there would be just grounds for complaint; but no such directions are given.

The constitution does not say who is to be requested, nor how it is to be done. Let any man confine himself to the exact language of the constitution and there is no way to reach an amendment. The constitution recognizes the right to change, but gives no plan by which it may be done. Can it be that the General Conference of 1841 intended simply to dally with the Church? Surely not. Does any one say that it must be done by petitioning the General Conference? But the constitution does not say so. Does any one say that the inference is that it must be done by petition? But inferences can not be allowed in this case. Those who pronounce against the commission as unconstitutional must confine themselves to the exact words of the constitution.

In the *Telescope* of April 7th, 1886, Bishop Wright, who is opposed to the Commission, says:

It may be asked, What is meant by "request of two thirds of the whole society?" (Discipline, Article IV.) There are three views on the subject:

1. The first view is that it means the actual request in some way of two thirds of all the members literally, according to our statistics.
2. The second view is that it means two thirds of all the members voting (however small that vote) on the submitted amendment.
3. The third view is that a two thirds majority of a *large vote*—say, one half or two thirds of all enrolled—would indicate sufficiently the will of two thirds of our people concerning any proposed change, and that if our people really desired such proposed change there *would be a large vote*.

Probably somewhere in this medium view lies the most reasonable solution of this disputed question. It seems unreasonable that changes in the constitution should be decided by the request of *less than one tenth* of the whole Church, or that, on the other hand, members, hardly to be found by any process, should prevent all change.

After giving the three views, he then says, "Probably somewhere in this medium view lies the most reasonable solution of this disputed question." Here the Bishop, just like the rest of us, finds himself at sea. If somebody can tell us just where that "*somewhere*" is, it would be an accommodation to us all. I quote this from Bishop Wright not to criticise, nor find fault, but to show that the very best and ablest men on the other side of this question, are not able to give us anything definite. I have claimed from the first that our constitution is obscure with respect to the provisions for amendments, and the bishop's statements fully confirm my views.

THE COMMISSION.

There has been for a number of years a growing sentiment in the Church in favor of amending our constitution and confession of faith. But the question was to adopt a method by which to reach this end. As has been insisted upon, our constitution does not provide any method in detail. It simply allows it to be done, but furnishes no outline with respect to doing it. Those who find so much fault with the plan adopted by the last General Conference, would do the Church a great favor if they would tell us just how an amendment is to be reached, and at the same time confine themselves to the exact words of the constitution. All the constitution says on the matter is "There shall be no alteration in the foregoing constitution, unless by request of two thirds of the whole society." Who is to formulate changes in the constitution? With whom is this request to originate? When some body formulates changes, how are they to be gotten before the whole society? On all such questions the constitution is silent. If we confine ourselves to the exact words of the constitution there is no way under the heavens of ever reaching an amendment. When we go outside of the provisions of the constitution, which we must do in order to reach an amendment, what then? Is not the General Conference as capable of devising ways and means as any other body?

The General Conference might have adopted any one of a dozen methods by which to reach an amendment. But no matter what plan had been adopted, some one would have thought of a better way. Suppose that two thirds of the whole society had sent a request to strike out that clause on secret combinations, would all the members of the General Conference have been agreed to it?

In view of the obscurity of our constitution respecting matters of detail, the General Conference constituted the Commission, and gave to it certain instructions how to proceed. Nearly two thirds of the delegates voted in favor of the Commission. According to the instruction of the General Conference the Commission met in Dayton, Ohio, November 17th, 1885. This was six months after the General Conference. During this time the members of the Commission had been exchanging views, not only with each other, but with many not members of the Commission. When the Commission met, they spent seven days in untiring work before they completed it. Of one thing I am fully convinced, that unless the General Conference could have found far more competent men than those composing

the Commission, the work could not have been done during the session of the General Conference.

For convenience and for comparison, we place together the Confession of Faith and Constitution as they are in the Discipline, and as recommended by the Commission :

Confession of Faith as it Is.

In the name of God we declare and confess before all men, that we believe in the only true God, the Father, the Son, and the Holy Ghost, that these three are one: the Father in the Son, the Son in the Father, and the Holy Ghost equal in essence or being with both; that this triune God created the heavens and the earth, and all that in them is, visible as well as invisible, and furthermore sustains, governs, protects, and supports the same.

We believe in Jesus Christ; that he is very God and man; that he became incarnate by the power of the Holy Ghost in the Virgin Mary, and was born of her; that he is the Savior and Mediator of the whole human race, if they with full faith in him accept the grace proffered in Jesus; that this Jesus suffered and died on the cross for us, was buried, arose again on the third day, ascended into heaven, and sitteth on the right hand of God, to intercede for us; and that he shall come again at the last day, to judge the quick and the dead.

We believe in the Holy Ghost; that he is equal in being with the Father and the Son, and that he comforts the faithful, and guides them into all truth.

We believe in a holy Christian Church, the communion of saints, the resurrection of the body, and life everlasting.

We believe that the Holy Bible, Old and New Testament, is the word of God; that it contains the only true way to our salvation; that every true Christian is bound to acknowledge and receive it with the influence of the Spirit of God, as the only rule and guide; and that without faith in Jesus Christ, true repentance, forgiveness of sins, and following after Christ, no one can be a true Christian.

We also believe that what is contained in the Holy Scriptures, to wit: the fall in Adam and redemption through Jesus Christ, shall be preached throughout the world.

We believe that the ordinances, viz.: baptism and the remembrance of the sufferings and death of our Lord Jesus Christ, are to be in use, and practiced by all Christian societies; and that it is incumbent on all the children of God particularly to practice them; but the manner in which ought always to be left to the judgment and understanding of every individual. Also the example of washing feet is left to the judgment of every one, to practice or not; but it is not becoming of any one of our preachers or members to traduce any of their brethren whose judgment and understanding in these respects is different from their own, either in public or private. Whosoever shall make himself guilty in this respect, shall be considered a traducer of his brethren, and shall be answerable for the same.

Confession of Faith as Recommended by the Commission.

In the name of God, we declare and confess before all men the following articles of our belief :

ARTICLE I.

OF GOD AND THE HOLY TRINITY.

We believe in the only true God, the Father, the Son, and the Holy Ghost ; that these three are one—the Father in the Son, the Son in the Father, and the Holy Ghost equal in essence or being with the Father and the Son.

ARTICLE II.

OF CREATION AND PROVIDENCE.

We believe this triune God created the heavens and the earth, and all that in them is, visible and invisible ; that he sustains, protects, and governs these with gracious regard for the welfare of man, to the glory of his name.

ARTICLE III.

OF JESUS CHRIST.

We believe in Jesus Christ ; that he is very God and man ; that he became incarnate by the power of the Holy Ghost and was born of the Virgin Mary ; that he is the Savior and Mediator of the whole human race, if they with full faith accept the grace proffered in Jesus ; that this Jesus suffered and died on the cross for us, was buried, arose again on the third day, ascended into heaven, and sitteth on the right hand of God, to intercede for us ; and that he will come again at the last day to judge the living and the dead.

ARTICLE IV.

OF THE HOLY GHOST.

We believe in the Holy Ghost ; that he is equal in being with the Father and the Son ; that he convinces the world of sin, of righteousness, and of judgment ; that he comforts the faithful and guides them into all truth.

ARTICLE V.

OF THE HOLY SCRIPTURES.

We believe that the Holy Bible, Old and New Testaments, is the word of God ; that it reveals the only true way to our salvation ; that every true Christian is bound to acknowledge and receive it by the help of the Spirit of God as the only rule and guide in faith and practice.

ARTICLE VI.

OF THE CHURCH.

We believe in a holy Christian Church, composed of true believers, in which the word of God is preached by men divinely called, and the ordinances are duly administered ; that this divine institution is for the maintenance of worship, for the edification of believers, and the conversion of the world to Christ.

ARTICLE VII.

OF THE SACRAMENTS.

We believe the sacraments, Baptism and the Lord's supper, are to be in use in the Church, and should be practiced by all Christians; but the mode of baptism and the manner of observing the Lord's supper are always to be left to the judgment and understanding of each individual. Also, the baptism of children shall be left to the judgment of believing parents.

The *example* of washing of feet is to be left to the judgment of each one, to practice or not.

ARTICLE VIII.

OF DEPRAVITY.

We believe man is fallen from original righteousness, and apart from the grace of our Lord Jesus Christ, is not only entirely destitute of holiness, but is inclined to evil, and only evil, and that continually: and that except a man be born again he can not see the kingdom of heaven.

ARTICLE IX.

OF JUSTIFICATION.

We believe that penitent sinners are justified before God, only by faith in our Lord Jesus Christ, and not by works; yet that good works in Christ are acceptable to God, and spring out of a true and living faith.

ARTICLE X.

OF REGENERATION AND ADOPTION.

We believe that regeneration is the renewal of the heart of man after the image of God, through the word, by the act of the Holy Ghost, by which the believer receives the spirit of adoption and is enabled to serve God with the will and the affections.

ARTICLE XI.

OF SANCTIFICATION.

We believe sanctification is the work of God's grace, through the word and the Spirit, by which those who have been born again are separated in their acts, words, and thoughts from sin, and are enabled to live unto God, and to follow holiness, without which no man shall see the Lord.

ARTICLE XII.

OF THE CHRISTIAN SABBATH.

We believe the Christian Sabbath is divinely appointed; that it is commemorative of our Lord's resurrection from the grave, and is an emblem of our eternal rest; that it is essential to the welfare of the civil community, and to the permanence and growth of the Christian Church, and that it should be reverently observed as a day of holy rest and of social and public worship.

ARTICLE XIII.

OF THE FUTURE STATE.

We believe in the resurrection of the dead; the future general judgment; and an eternal state of rewards in which the righteous dwell in endless life, and the wicked in endless punishment.

Constitution as it Is.

We, the members of the CHURCH OF THE UNITED BRETHREN IN CHRIST, in the name of God, do for the perfecting of the saints, for the work of the ministry; for the edifying of the body of Christ, as well as to produce and secure a uniform mode of action, in faith and practice, also to define the powers and the business of quarterly, annual, and general conferences, as recognized by this Church, ordain the following articles of Constitution :

ARTICLE I.

Sec. 1. All ecclesiastical power herein granted, to make or repeal any rule of discipline, is vested in a general conference, which shall consist of elders, elected by the members in every conference district throughout the society; provided, however, such elders shall have stood in that capacity three years, in the conference district to which they belong.

Sec. 2. General Conference is to be held every four years; the bishops to be considered members and presiding officers.

Sec. 3. Each annual conference shall place before the society the names of all the elders eligible to membership in the General Conference.

ARTICLE II.

Sec. 1. The General Conference shall define the boundaries of the annual conferences.

Sec. 2. The General Conference shall, at every session, elect bishops from among the elders throughout the Church, who have stood six years in that capacity.

Sec. 3. The business of each annual conference shall be done strictly according to Discipline; and any annual conference acting contrary thereunto, shall, by impeachment, be tried by the General Conference.

Sec. 4. No rule or ordinance shall at any time be passed, to change or do away the Confession of Faith as it now stands, nor to destroy the itinerant plan.

Sec. 5. There shall no rule be adopted that will infringe upon the rights of any as it relates to the mode of baptism, the sacrament of the Lord's supper, or the washing of feet.

Sec. 6. There shall be no rule made that will deprive local preachers of their votes in the annual conferences to which they severally belong.

Sec. 7. There shall be no connection with secret combinations, nor shall involuntary servitude be tolerated in any way.

Sec. 8. The right of appeal shall be inviolate.

ARTICLE III.

The right, title, interest, and claim of all property, whether consisting in lots of ground, meeting-houses, legacies, bequests or donations of any kind, obtained by purchase or otherwise, by any person or persons, for the use, benefit, and behoof of the Church of the United Brethren in Christ, is hereby fully recognized and held to be the property of the Church aforesaid.

ARTICLE IV.

There shall be no alteration of the foregoing constitution, unless by request of two thirds of the whole society.

Constitution as Recommended by the Commission.

In the name of God, we, the members of the Church of the United Brethren in Christ, for the work of the ministry, for the edifying of the body of Christ, for the more speedy and effectual spread of the Gospel, and in order to produce and secure uniformity in faith and practice, to define the powers and business of the General Conference as recognized by this Church, and to preserve inviolate the popular will of the membership of the Church, do ordain this Constitution :

ARTICLE I.

Sec. 1. All ecclesiastical power herein granted, to enact or repeal any rule or rules of Discipline, is vested in a general conference, which shall consist of elders and laymen elected in each annual conference district throughout the Church. The number and ratio of elders and laymen, and the mode of their election, shall be determined by the General Conference.

Provided, however, that such elders shall have stood as elders in the conferences which they are to represent for no less time than three years next preceding the meeting of the General Conference to which they are elected; and that such laymen shall be not less than twenty-five years of age, and shall have been members of the Church six years, and members in the conference districts which they are to represent at least three years next preceding the meeting of the General Conference to which they are elected.

Sec. 2. The General Conference shall convene every four years, and a majority of the whole number of delegates elected shall constitute a quorum.

Sec. 3. The ministerial and lay delegates shall deliberate and vote together as one body; but the General Conference shall have power to provide for a vote by separate orders whenever it deems it best to do so; and in such cases the concurrent vote of both orders shall be necessary to complete an action.

Sec. 4. The General Conference shall, at each session, elect bishops from among the elders throughout the Church who have stood six years in that capacity.

Sec. 5. The bishops shall be members *ex-officio* and presiding officers of the General Conference; but in case no bishop be present, the conference shall choose a president *pro tempore*.

Sec. 6. The General Conference shall determine the number and boundaries of the annual conferences.

Sec. 7. The General Conference shall have power to review the records of the annual conferences and see that the business of each annual conference is done strictly in accordance with the Discipline, and approve or annul, as the case may require.

Sec. 8. The General Conference shall have full control of The United Brethren Printing Establishment, The Home, Frontier and Foreign Missionary Society, The Church Erection Society, The General Sabbath-School Board, The Board of Education, and Union Biblical Seminary. It shall also have power to establish and manage any other organization or institution within the Church which it may deem helpful in the work of evangelization.

Sec. 9. The General Conference shall have power to establish a court of appeals.

Sec. 10. The General Conference may—two thirds of the members elected thereto concurring—propose changes in, or additions to, the Confession of Faith; *provided*, that the concurrence of three fourths of the annual conferences shall be necessary to their final ratification.

• ARTICLE II.

The General Conference shall have power, as provided in Article I., Section 1., of this Constitution, to make rules and regulations for the Church; nevertheless, it shall be subject to the following limitations and restrictions:

Sec. 1. The General Conference shall enact no rule or ordinance which will change or destroy the Confession of Faith; and shall establish no standard of doctrine contrary to the Confession of Faith.

Sec. 2. The General Conference shall enact no rule which will destroy the itinerant plan.

Sec. 3. The General Conference shall enact no rule which will deprive local preachers of their votes in the annual conferences to which they severally belong.

Sec. 4. The General Conference shall enact no rule which will abolish the right of appeal.

ARTICLE III.

Sec. 1. We declare that all secret combinations which infringe upon the rights of those outside their organization, and whose principles and practices are injurious to the Christian character of their members, are contrary to the Word of God, and that Christians ought to have no connection with them.

The General Conference shall have power to enact such rules of Discipline with respect to such combinations as in its judgment it may deem proper.

Sec. 2. We declare that human slavery is a violation of human rights, and contrary to the Word of God. It shall therefore in no wise be tolerated among us.

ARTICLE IV.

The right, title, interest, and claim of all property, both real and personal, of whatever name or description, obtained by purchase or otherwise, by any person or persons, for the use, benefit and behoof of the Church of the United Brethren in Christ, are hereby fully recognized, and held to vest in the Church aforesaid.

ARTICLE V.

Sec. 1. Amendments to this constitution may be proposed by any General Conference—two thirds of the members elected thereto concurring—which amendments shall be submitted to a vote of the membership throughout the Church, under regulations authorized by said conference.

A majority of all the votes cast upon any submitted amendment shall be necessary to its final ratification.

Sec. 2. The foregoing amended constitution shall be in force from and after the first Monday after the second Thursday of May, 1889, upon official proclamation thereof by the Board of Bishops; *provided*, that the General Conference elected for 1889 shall be the lawful legislative body under the amended constitution, with full power, until its final adjournment, to enact such rules as this amended constitution authorizes.

Let every minister and member of the Church carefully examine the constitution and confession of faith as they are in the Discipline, and then compare them with what the commission recommends, and then when the time comes vote for or against the work of the commission. The time for taking the vote is set for 1888. This will give ample time for careful thought, and patient investigation. Some say the vote should have been taken sooner, but questions of so much importance should not be acted upon hastily, but with candor and due deliberation.

I have the utmost confidence in the honesty and intelligence of the ministers and members of our Church. What they approve they will affirm, and what they disapprove they will reject. The people are, and of right ought to be, supreme. I am not so tenacious as to the precise plan of reaching the end. If our constitution gave us in detail some definite plan, then I would say that we should go by that, but as it does not, I know of no better plan than to let the General Conference devise ways and means

to reach the end. Any reasonable plan would have satisfied me. What I most desired was to get the whole matter before the people in a clear light, and then let them decide. This question will never be settled in any other way. I shall submit to the decision of the majority.

CHANGE OF VIEWS ON QUESTIONS OF CHURCH POLITY.

Some men seem to think that it is a mortal sin for any man to change his views on questions of Church polity. What he believes to be for the best at one time, he must believe to be best at all times. If he changes he has fallen from grace. Let me see, how does that old proverb run? "Wise men change, but fools never;" or is it this way: "Fools change, but wise men never?" Judge ye. If it is an evidence of weakness and wickedness to change on questions of Church polity, then are we all weak and wicked. Take our Discipline as it is to-day and compare it with what it was, ten, twenty, thirty, and forty years ago, and it will appear that somebody has been weak and desperately wicked. Almost every rule has been changed, and many new ones inserted. Why is this? There is but one answer: the exigencies of time made these changes necessary, and so it will be in time to come. Change after change will occur in human legislation. Some changes may be wise, and some otherwise. The confession of faith and constitution are no more divine than are the general rules in Discipline. If the one may be changed why not the other? Is it an evidence of greater weakness to vote for a change in the confession of faith and constitution than it is to vote for a change in the general rules? If so, why?

Some of the fathers changed very radically, and very rapidly, not only with respect to general rules, but with respect to the constitution. Compare the constitution of 1837 with the one they adopted in 1841. Only four years had elapsed, and yet they made almost a new constitution. They changed, added, and dropped out until the one seems to be a stranger to the other. All this in four years. If it is an evidence of weakness and wickedness to change views on questions of Church polity, then the fathers must have been very weak and wicked.

I remember very distinctly when Bishop Edwards, both in public and private, strenuously opposed instrumental music in the Church. He wrote some vigorous articles against it. I remember when he, and Bishops Glossbrenner and Markwood, wrote and published an episcopal letter, urging our people not to use organs in the churches. He found fault with me because I thought it not wise to sign that episcopal document. I remember distinctly that at the General Conference held at Lebanon, Penn-

sylvania, in 1869, Bishop Edwards advocated and voted for an advisory rule with respect to the use of organs in the churches. Not that he loved instrumental music in the congregation, but because he saw that it could not be kept out by arbitrary legislation. I will give his own words. He said: "I hate it as much as ever. I have not changed from that. But I saw that we could not keep it out by this legislation; I saw the spirit of this General Conference; and I thought it one of those things upon which we could compromise, and try the strength of advisory law. But I still expect to oppose it." A man to-day who changes his views on a question of Church law, is branded as disloyal. It is not supposed that he can be opposed to an evil unless he is in favor of a certain form of legislation. Bishop Edwards did not think so. And here I wish to insert the remarks made by Bishop Dickson on the same day, and on the same subject, but along a different line of thought. I insert them because they are wise and good, and very appropriate at this time:

"But in my mind, what more threatens this beloved Church of ours than either organs or choirs is the spirit of insubordination to Church authority. It seems to be assumed by some of our people that individuals and congregations have the right to dictate to this General Conference as to whether this or that subject is a proper matter for our legislation. I hold that it is the prerogative of this body to decide as to what subjects we have a right to legislate upon. If this and that individual says, 'I won't obey this or that law, because the General Conference had no right to make it,' what is the use of legislation? what is the use of this General Conference? It is my belief, friends, and I say it with a feeling heart, that this kind of spirit threatens the disruption of this Church. It has been openly declared here, not only in this particular but in other particulars, that the congregations and individuals in the Church will not submit to our legislation; that they set themselves up as umpires in these particulars, and say what is right and what is wrong, regardless of what the General Conference may say. I should like for this General Conference now, or at some convenient time, to settle the question whether it has the right to regulate the public worship of the Church."

The views expressed by Bishop Dickson at that time, are my views to-day. The General Conference has the right to decide as to what questions it should legislate upon, and the manner of reaching certain ends. If it has no such right, then who has? "What is the use of legislation?" "What is the General Conference for?" Insubordination to the authority of the General Conference is to-day just what it was when Bishop Dickson used the foregoing language. If it were wrong then, it is wrong now. Let wise men consider.

I remember very distinctly that Bishop Edwards, at the General Conference held in Dayton, Ohio, in 1873, wrote out a paper with respect to the minor secret orders, in which he proposed a very considerable modification of our rule. That paper was passed into the hands of the committee that had that part of the Discipline in their care. Bishop Edwards was one of the best and greatest men we ever had in the church, and yet I know that he changed his views on many questions of Church polity. Was he weak? Was he wicked? No. He was a progressive man. That is all.

A man who has never changed his views on questions of Church polity, or who has never voted to change any rule of Discipline, is the only man who has a right to denounce others who may have changed. But where is that man? The Church would be glad to hear from him. Possibly he may be dead. Narrow men think it is all right for others to change, provided they come over to their side, and think as they do.

THE SECRECY QUESTION.

Beyond all doubt the secrecy question is the absorbing one in the Church to-day. If that question had been involved in the constitutional amendment of 1873, no doubt the two thirds idea would have been insisted upon. We should look at the question fairly. It may be well in the first place to give some facts as they stand upon record in the past. In the constitution adopted in 1837 there is not a word on the secrecy question. In the constitution adopted in 1841 the following clause was inserted: "There shall be no connection with secret combinations." These are plain, unambiguous words. But notwithstanding the explicit language of the constitution, the General Conference, from time to time, has adopted just such laws as it deemed wise and good.

At one time the law provided that members of the Church who were connected with a secret order might have a *reasonable time* in which to sever their connection with the order. But who was to determine as to what constituted a reasonable time? It would seem that each class or conference was to decide this question for itself. One might say three months, and another might say ten months. The fathers adopted that rule.

In 1861 the General Conference adopted a law which provided that those who joined a secret order should be dealt with as in case of other immoralities. In 1869 the General Conference adopted a law which provided that members of the Church who should join a secret order might remain in the Church for six months. Is all this implied in the constitution? Might not the General Conference have said ten or twenty months just as well as six months? If not, why not?

In 1877 the General Conference adopted a rule which provided that members of the Church who joined a minor order might remain in the Church one year. Might they not have said two or three years just as well as one year? Does the constitution say anything about the minor orders? Does it say anything about one year? Does it say anything about six months? Not a word of it. The constitution says, "There shall be no connection with secret combinations." Just that and nothing more. What right had the General Conference to name minor orders? What right had it to say six months or one year? With equal propriety the General Conference might have adopted a rule allowing members of the

Church to hold slaves for a reasonable time, for six months or one year. The constitution is no more explicit on one question than it is on the other. Why then this difference in legislation?

The simple truth is that the General Conference has been unsettled as to the best method of dealing with secret orders. While the great majority of our people are, and always have been opposed to secret orders, yet they do not, and will not, believe that all members of all secret orders should be excluded from Church fellowship. Here is where our law broke down. If the General Conference, without violating the constitution, could have made some discrimination between the major and minor orders we would not be where we are to-day. But our constitution, as well as the law adopted in 1877, met at the door all persons that belonged to any secret order, and indiscriminately turned them away. Many of the older ministers and members, whose fidelity to God and the Church can not be questioned, deliberately turned against the law. Hundreds of the members of the G. A. R., who were converted at our altars, and for whom we prayed when they were in the field of deadly conflict, were turned away from our Church door for no offense save that they belonged to some post that had some secret sign or password in it. Many of our people do not believe that it is right to turn such away. What is said of the G. A. R. may be said of many of the minor orders. But our constitution knows no difference. Any law adopted by the General Conference that would permit a member of any secret order to join the Church, is a violation of the constitution.

Considering all the facts as they stood before the last General Conference, what was the wisest and best thing to do? (1.) The constitution as it is simply excludes all the members of all secret societies; no matter what their standing and character in other respects may be. (2.) The majority of our ministers and members would not enforce a law that excluded all. These are facts that we can not ignore, and these are the facts the General Conference had to meet. How long can a minority control a majority? What then was to be done? Do you say, leave the law as it was? But is it wise to retain a law when the majority will not enforce it? The constitution recommended by the commission empowers the General Conference to enact such rules of discipline with respect to secret combinations as in its judgment it may deem proper. Is this not wise? The General Conference, if a majority agree to it, may adopt a rule excluding the members of all secret orders. It may if it deems best adopt a rule of discipline discriminating between the orders. Under the constitution as it is, the General Conference could do but one thing, which was to exclude all.

Is not the General Conference, composed of delegates elected by the members throughout the whole Church, capable of adopting a rule of discipline on this question, as well as other questions? This it always has done on all questions of legislation, changing again and again, as the exigencies of time seemed to demand.

Every organization should stand or fall upon its own merits or demerits. Because the members of some secret orders should be excluded, it does not follow that all members of all secret societies should be excluded, unless it can be shown that secrecy is a sin *per se*. Some secret societies are short-lived, others are simply beneficiary. These orders are springing up continually; some are very objectionable, while others have but very little in them: Is not the General Conference capable of adopting rules to meet these cases as they may come up? I remember when the Grange sprang up that Bishop Edwards advised moderation. He said we must have patience, and wait a little until we see what there is in it. Does our constitution advise moderation? Not a bit of it. The constitution as recommended by the commission will permit the General Conference, from time to time, to adopt rules to meet each case as it may come up. If ten years ago the constitution would have permitted such legislation we would not be where we are to-day.

THE LEGAL ASPECTS OF THE QUESTION.

BY W. J. SHUEY.

Much has been said, on both sides of our church differences, with respect to the legal bearings of the acts of the late General Conference in the creation of a commission, and its work in preparing amendments to the confession of faith and the constitution of the Church. It is claimed that the best legal opinion has been consulted, and that those who profess to stand by these instruments, as adopted in 1841, will finally possess all the property belonging to the Church, and be proclaimed the original and only true Church of the United Brethren in Christ; also that the General Conference and all who stand by it must go out.

Before this was "settled" by the opponents of the General Conference and the commission, our people were advised not to pay church and college debts, because amendments to the constitution would absolve them from all moral obligation to meet their pledges, though solemnly and lawfully made.

Singular views have been promulgated concerning law and the principles of common righteousness. The friends of the General Conference and of the work of the commission have been indifferent to these pretensions. There are many able lawyers in the land; but those who understand questions of church policy are not so numerous, and those who know the history of the United Brethren Church laws are less numerous still.

We have, fortunately, a few of these. We have consulted them, and given them abundant time to examine the whole ground. One of these gentlemen has thoroughly known our legislative history for almost forty years, and for twenty-five years has been a successful lawyer. He has read the *Religious Telescope* closely for forty years, and knows what has been written on both sides of this vexatious question. He is, moreover, an earnest anti-secrecy man, and believes that all secret orders will ultimately be put down by the strong hand of the law. We give his views as a lawyer on the question at issue. We quote:

"I am of the opinion that the old constitution of the Church was valid and binding. Acceptance and a long acquiescence is a waiver of any

irregularities in the adoption of a constitution. I am also of the opinion that if the requisite vote is given to the newly proposed confession and constitution, and they are affirmed and adopted by the next General Conference, by delegates fresh from the people, they will become a part of the organic law of the Church, and will be binding on all the members. The United Brethren Church is emphatically a voluntary organization. All the rules and regulations it has, have been made from time to time by the voluntary society, in one way or another, regularly and irregularly. It is not to be supposed that a voluntary society can so hedge itself about with impossible conditions that all who come into the society, in all ages, must be bound by the rules and regulations at first adopted, or adopted in any particular year. Self-government is an essential principle in such a society. Had such a society no power, inherent in itself, to modify its religious thought, or its rules and regulations, it might, and often would, perish for the want of it. While the American nation was in the throes of a civil war, strict constructionists urged that it had no constitutional power to protect its own life; but that doctrine was overthrown twenty years ago. Such are my views, and authorities could be cited; but this is not necessary in a friendly letter."

It has been conceded by all parties for years, that a literal and "strict construction" of the amendment clause of the constitution renders any and all change in that document an absolute impossibility. It is an "impossible condition," and when adhered to, brings destruction to the Church. These "strict constructionists" are abroad in the Church now as they were in the state during the War of the Rebellion. No court, civil or ecclesiastical, will sustain any such construction of the fourth article of our constitution.

Again: we sought and obtained an interview with a lawyer of twenty years' busy practice, and now a judge of one of the highest courts in Ohio. He has read the *Religious Telescope* from his youth; has made our church legislation and methods a study, as well as the decisions of courts on church questions. This gentleman does not agree with the first opinion just given, as to the validity of the present constitution without the formal consent of the people of the Church, but in all other respects acquiesces in the foregoing views. The first question propounded to him related to the possible grounds upon which a legal action could be predicated in connection with the tenure of church property. His reply was that he had thought the matter over with care, and could form no conception of

even the slightest foundation upon which an action could be brought. He said he did not think a lawyer of any standing could be found, who would attempt to formulate charges out of the utterly flimsy pretexts which might be alleged by the opponents of the commission and the General Conference.

The second question presented was based upon the supposition that a civil action was brought to test the powers of the General Conference under the present church constitution, in connection with its amendments and otherwise. If any court of competent jurisdiction were to decide that the last General Conference transcended its powers in the appointment of the commission, and the methods adopted by which the constitution and confession of faith are proposed to be amended, what would be the effect of such decision upon the relations of the General Conference to the Church, as its highest governing body, and what the effect upon the tenure of church property—in other words, would such a decision turn the General Conference and all who adhere to it out of the Church of the United Brethren in Christ and destroy their identity as *the* Church of the present constitution? He promptly and emphatically replied, “*No!*” The only effect such a decision could have would be to annul the acts of the General Conference relating to the constitution, and set us back to where we were when the Conference of 1885 convened. Such a decision would leave the whole church machinery intact, precisely as it was before the enactment of such unconstitutional laws. Whoever dreamed that when the Supreme Court of the State or nation pronounces a law of the legislature or of Congress unconstitutional, such a decision overthrows the legislature or Congress, and destroys the government, that those who have opposed such laws may step in and assume its forfeited powers and possess the property of the people! It is the climax of absurdity so to hold. No sincere member of this church can have any interest in being deceived. The General Conference and the majority of the people of this church will stand as the original denomination of our fathers.

In conclusion, we commend the opinions of the two gentlemen here given to the sober thought of our readers. They are not chimerical. Their authors are living, level-headed men, who know the history of this church as no other two lawyers on earth know it. They do not agree on the secrecy question, but they do agree on the law of the case. Neither of them is connected with any secret order, and they cannot be charged with biased prejudices.

OTHER POINTS OF LAW AND THEIR APPLICATION.

We respectfully request all those interested in our church controversy with respect to the powers of the late General Conference and the work of the Church commission, to devote their most thoughtful and impartial consideration to the following points of law, which we believe to be easily understood, and almost, if not quite, axiomatic :

1. The *agent* cannot circumscribe or bind the rights and privileges of the *principal* without his consent. Apply this plain proposition to our case.

2. The members of the United Brethren Church are the *principal*. The General Conference is the *agent*. Therefore, the General Conference cannot limit or bind the powers of the people.

3. While the *agent* cannot limit or bind the powers of the *principal*, the principal can limit or bind his own powers.

4. If the General Conference of 1841 framed a constitution which limited and bound the powers of the membership without submitting said constitution to a vote of the people, to be ratified by a *majority* thereof, then such constitution is void in law until it is thus approved by the membership of the Church, thereby making it the act of the people, who are the principal in the case.

5. While there are instances in which custom and long usage have crystallized into *law*, there are no precedents in civil or ecclesiastical government in which custom and long usage have made *constitutions*, either written or unwritten. Therefore, our constitution is not made valid by long usage. The constitution, or "common law," of England is unwritten, and the ancient usages of the kingdom may be urged in argument against any proposed measure in Parliament; but all the laws of Parliament are supreme *because* there is no written and regularly established constitution. The Parliament cannot give to England a *written* constitution without the consent of the people, whose *agent* it is.

6. The voice of the people is supreme ; therefore, if our people adopt a constitution which in any wise conflicts with the laws of the last General Conference, such laws become void, for the simple reason that the decision of the people is above the will of the *agent* of the people—the General Conference. On this account the commission has put into the amended constitution a section fixing the precise time when it shall take effect after the sitting of the next General Conference, and legalizing that General

Conference after the unamended constitution has passed away. The *people* do this. Therefore, it is absolutely lawful.

7. A legislature cannot delegate to others its legislative powers. It is charged with this duty itself by every well-ordered constitution, and it alone can perform it. No legislative power was delegated to the commission, unless it is in formulating the details of a plan for submitting its work to the vote of the people. Civil constitutions place this latter duty upon the legislature. Our constitution (?) does not do anything by way of placing this responsibility. It gives no definite method for its own amendment. On this account the commission creates precedent by the authority of the General Conference, in framing and executing a plan of submission. The General Conference of 1873 bestowed the same power upon the Board of Bishops. Disagreement among them prevented its exercise by them.

8. Constitutions do not fix tenures of property. The constitution may be wholly changed by the sovereign power to do so, and not affect in the least the property owned by such sovereign power. Rightful ownership turns wholly upon *identity*, not upon constitutions. The question in law must be, *Is the party claiming title the identical party known in the legal incorporation?*

Those who have feared that the Commission Act, with its accompanying agitation, would seriously retard the growth of the Church, are requested to consider the facts of statistics here presented.

At the present writing, only one complete calendar year—that of 1886—has elapsed since the action of the General Conference, and the Year-Book of 1887 gives us the result of that year's work, the *whole* of which was accomplished *subsequently* to the sitting of the commission.

A comparison of the statistics of 1886 with those of the preceding year shows an *increase* in membership, church-houses, itinerant ministers, Sabbath-school scholars, teachers, and officers, conversions in the Sunday-school, and in nearly every financial interest, especially in salaries of ministers and college and seminary funds, and in total contributions; while the authorities of the Publishing House report a larger circulation of literature than ever. Almost every column of the chart shows an advance, and in some of them this advance is **VERY DECIDED**.

Special attention should be called to a few particulars. It is remarkable that in membership no such increase has been reported in the whole history of the Church. It was 11,838; in round numbers, nearly **TWELVE THOUSAND**, with a corresponding increase in Sabbath-school scholars. The increase in the few years preceding was as follows: 1885, 6,942; 1884, 4,495; 1883, 2,281; 1882, 1,835; 1881, *decrease*, 123; 1880, increase, 3,039; 1879, 2,565; 1878, 3,468; 1877, 4,882; 1876, 7,805; 1875, 4,217.

How much of this increase was the result of the action of the General Conference, no man knows. But it is plainly manifest that such action did not **PREVENT** it.

LAY DELEGATION.

The question of lay delegation in the Annual and General Conferences of the United Brethren Church has been agitating the minds of the ministers for many years. As early as 1857 the constitution was referred to a committee to see if something could not be done to open the way for lay delegation. In 1881, the General Conference provided for lay delegation in the Annual Conferences, which has met with pretty general favor among our people. A large majority of the Conferences throughout the Church have adopted lay delegation, and wherever it is well understood and properly managed, it has added interest and force in our annual gatherings. The tendency in nearly all the live denominations is to unite the laity and ministry more closely together. This is as it ought to be. They should feel that they are co-workers in the Master's vineyard. God is using lay members in many ways to bless his cause.

The question of opening the way for lay delegation in the General Conference of the Church is of greater importance than to admit them into the Annual Conference. It is in the General Conference where the laws to govern both the ministry and laity are adopted, and it is only just that the laity should have some say in it. Upon the laity rests the main burden of supporting the Church. They furnish nearly all the money to build our colleges and houses of worship. They support the ministry, pay the missionary money, and indeed nearly all the moneys expended in carrying forward the various interests of the Church, and yet they have no voice in making the laws and adopting the rules by which all these interests are to be governed.

Among the aggressive and progressive denominations we stand almost alone. While it may be that we are a little better than others, it is not apparent that we have accomplished more than others in the last hundred years. Nearly all the large denominations, (except may be the Roman Catholic,) have lay delegates in their legislative bodies. What harm would likely come to the Church if forty or fifty of our good laymen were among the delegates in the General Conference?

But our constitution, as it is, cuts them off. The lay members should remember that in voting against the amended constitution, as recommended by the commission, they vote against their own rights. They will say by that vote that they should not have a voice in the legislative body

in the Church. Those who from one cause or another think it best not to vote at all, are virtually voting against their own rights. Signing protests and petitions when the people have the chance to vote, will amount to nothing at all. Protests and petitions, when the people have had no chance to vote, should always be treated with great respect. But when a small minority take it upon themselves to ignore the authority of the legislative body of either church or state and adopt a method of their own, it must, in the very nature of things, fall to the ground. Why send a petition or protest to a body whose authority they ignore, when the members shall have had a fair chance to express their will by a vote that will stand?

Our lay members should remember that this is the first time in the history of the Church when they will have a chance to vote on this question. The constitution as it now is was formulated and adopted by ministers alone. But it is now proposed that ministers and lay members vote together, and thereby settle the question of lay delegation in the General Conference. A large majority of the ministers throughout the Church will vote when the time comes, and nearly all of them will vote in favor of lay delegation in the General Conference. Those who refuse to vote, silently, but none the less surely, virtually vote against lay delegation.

I want our lay members to understand the whole question. Some have told me that when they signed that petition, or protest, they did not understand the whole question. But now they intended to vote when the time came. Members who feel like voting against the recommendations of the commission, have a perfect right to do so. What I want, and all I want, is for our members to understand the whole question, and then vote their sentiments. If lay delegation in the General Conference is wrong, then vote against it; but if it is right, vote for it. Let no one be deceived by supposing that his name attached to a protest or petition will have the same weight with the General Conference that his vote would have. Ten thousand votes against the work of the commission will have more weight with the General Conference than five times that number of names attached to a petition or protest. Do you ask why? My answer is this:

1. The members will have had a fair chance to vote their sentiments, and,
2. It will be in evidence that a considerable number who signed the petition or protest afterward changed their mind and voted. I trust that all our members will investigate the whole question, and then vote their sentiments.

J. WEAVER.

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