

Protestant Episcopal Church
in the U. S. A. Diocese
of New Jersey.

A full Report of the
Proceedings of the Special
Convention

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A FULL REPORT

OF

THE PROCEEDINGS

OF THE

SPECIAL CONVENTION

OF THE

Diocese of New Jersey,

HELD IN St. MARY'S CHURCH,
BURLINGTON,

March 17th, 1851.

AND REPORTED FOR THE BANNER OF THE CROSS.



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EDITORIAL OF THE BANNER OF THE CROSS.

March 20th.

As a subject in which the whole Church is interested, we publish a full and accurate report of the proceedings of the Special Convention of New Jersey. Feeling the deep importance of these proceedings, as a matter not merely concerning present interests of great moment, but as a matter to be placed upon lasting record, we employed a special reporter for the Banner, to spread before the world the sayings as well as the *doings* of this Convention, in order that there might be no misrepresentation made concerning what was there said or done. Even with what is before them, none can mistake the loud, clear, voice, in which the Diocese of New Jersey has declared, in her solemn synodical action, to the Church and the world, her deliberate judgment in this behalf. There was not the slightest restriction upon the freedom of debate. Every one who desired to speak, was allowed to do so, and in the manner he wished. And when it is considered, that in this Convention were assembled some of the most eminent men of the State of New Jersey, men distinguished for their moral as well as intellectual qualities, the solemn, recorded, vote of that Convention on the resolutions concerning their Bishop, passed by such an overwhelming majority, must satisfy every reasonable man. If such solid testimony will not outweigh the breath of rumor, and have more force than the opinions of the few who listen to its voice, then we live in strange times. If the vote of such a Convention, and sustained by such men as those composing the overwhelming majority, and uttered by such a voice, cannot shield a Bishop's character against attacks like those made upon the Bishop of New Jersey, then what is character worth, how shall it be estimated, how shall it be upheld?

Among the lay gentlemen, composing this Convention, and voting with the majority, were the Hon. J. W. Miller, United States Senator, the late Governor Stratton, Judge Ogden of the

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Supreme Court, late Judge Carpenter of the Supreme Court, Judge Robeson, Captain Engle, of the U. S. Navy, Hon. Wm. Wright, D. B. Ryall, Esq., J. J. Chetwood, Esq., and many others well known, even beyond New Jersey. It is also worthy of remark, that the motion for the Committee was made by a *Judge* of the Supreme Court, and the resolutions were first supported by one who lately held the same high and responsible office in the administration of justice.

Now, when it is considered, that these gentlemen united in the judgment expressed upon the resolutions, with the fullest knowledge and understanding of all that is urged against the Bishop, we should think the vote of this Special Convention, recorded before the world, would put to silence, or else overwhelm, the effect of all that either has been, or can be, urged by public rumor, or in the more tangible shape of unsupported charges.

New Jersey has not only asserted her unshaken confidence in her Bishop, but she also claims, by her Convention, to be the proper guardian of her own character. And it remains to be seen whether this right will be disputed. Others have taken the great liberty of predetermining for the Bishops what course they will pursue. And injuriously, as we think, to these Bishops, hints have been thrown out, as to the determination with which they will pursue a purpose upon which they are said to have resolved. We cannot think thus of Bishops of the Church. We feel persuaded, that as it now must be acknowledged that the New Jersey Convention have taken full cognizance of the matter, they will leave it in the hands of those who are well qualified to sustain the purity, the honor, and dignity of the Church in their own Diocese. Even should it not be so, as deep concern for the peace and welfare of the Church alone, lead us to hope it will be, then we are confident that the verdict of the New Jersey Convention will certainly be sustained by any court, or any tribunal, wherein justice presides, in our land.

EDITORIAL IN BANNER OF THE CROSS.

March 27th.

SPECIAL CONVENTION OF NEW JERSEY.

Again our paper is occupied, to the exclusion of much other matter in hand, with an account of this important Convention. We have spared no pains to have a full and accurate report of the debate upon the resolutions, to show to the Church the grounds upon which the action of this Convention rested. We think it will be conceded that this Convention has acted calmly, deliberately, and with a proper regard to the great interests concerned. And we think our readers will agree in the opinion thus expressed, by the *Newark Daily Advertiser*, of this Convention:

“Its deliberations were earnest, solemn and decorous, and entirely decisive—as the resolutions we subjoin, and which were adopted by majorities almost amounting to unanimity, will show.”

In accordance with this opinion is the testimony of the *New York Courier and Enquirer*, thus expressed:

“The tone on the part of the Bishop’s friends, was bold, manly, and straight-forward. Nothing could be more evident than that the great mass of the Diocese, clergy and laity, including all the names of highest ability, learning and worth, are united as one man in their love for, and confidence in, their Bishop, and their determination to stand by him to the last, notwithstanding all the assaults of his enemies and their assistants.”

Indeed, the scene witnessed in St. Mary’s Church, Burlington, was one never to be forgotten by those present. Although it was one of the stormiest days of this stormy season, the church was crowded from morning till night. The order and quiet which reigned within, were in contrast with the disturbance of the elements without. From the beginning to the end, all seemed to feel, that a question of deep and solemn interest

was before them ; and, only once or twice did the intense feeling, which pervaded that anxious assembly, find vent in manifest expression, and this was gently, but firmly, stopped at once by the Bishop.

From the full debates, now presented to them, our readers may derive a just idea of the import of the questions concerned in this matter. They are not merely of a *personal* nature, though the dearest interests of humanity are involved. They concern not merely *one* Bishop, or *one* Diocese, but every Bishop, every Diocese, of our confederated Church. How far a Diocese is to be independent and sovereign, in matters touching first and chiefly its own interests ; how far the most awful power in the Church is to centre in the Bishops, as a distinct order, or to be shared by them with the Clergy and Laity in due measure and order ; these are among the solemn questions which have arisen to startle many in the Church, and upon whose present determination grave and serious issues are depending. That the Diocese of New Jersey is thoroughly aroused to a full sense of the import of the questions forced upon her consideration, and that her present action has taken place in full view of all this, none who were present at that Convention, and had an opportunity of knowing the prevailing sentiment and feeling, can for a moment doubt. For the present, we refer our readers to the full report to judge for themselves.

SPECIAL CONVENTION OF NEW JERSEY.

Morning prayer was offered by the Rev. J. L. Watson, Rector of Grace Church, Newark. Selection IV. was used instead of the Psalms for the day, and Special Lessons were also used. The 55th chapter of Isaiah was read for the first, and Ephesians 4th for the second lesson.

The Bishop read the Ante-Communion service, the Rev. Mr. Otis reading the Epistle. After singing the first two verses of the 212th Hymn, the Bishop delivered a most appropriate and impressive address to the congregation, of clergy and laity, assembled. It was an earnest and forcible exhortation, founded upon those words of St. Paul, "Brethren, pray for us." The great truth was enforced that 'not even in prayer' can Christian people be separated from Christian ministers.

After the address, the Bishop proceeded with the Holy Communion, assisted by the Rev. Messrs. Dunn, Watson and Otis. There was a very large Communion, in which many clergymen from other Dioceses, partook.

The Convention was then called to order by the Bishop, when the Secretary, Rev. E. B. Boggs, called the roll of the Clergy and Laity entitled to vote at this Convention. Forty-one clergymen were present, and fifty-three parishes were represented. Although there are sixty-three clergymen in the Diocese, there are only *thirty-seven* entitled to a vote, in accordance with the Canon requiring Rectors to be instituted before they can have a vote. There were twenty-eight clergymen entitled to vote, present in this Convention, several being kept away by other necessary duties.

The Convention having been organized, the Rt. Rev. Bishop delivered the following Address :

ADDRESS.

My Brethren of the Clergy and of the Laity,

For the tenth time, I bid you welcome, to the humble altar, which I have served, in all humility, for nineteen years. You never were so welcome! If strange events, within the last few weeks, have made me doubt my whereabouts, I know, and own it now. When I look round, upon "the old familiar faces," and feel, distinct and clear, the beatings of the old familiar hearts, I recognize, in this auspicious gathering, an assemblage, such as Paul had seen, had he gone, after his brother Epaphroditus; and found him, at Philippi, surrounded by "the saints in Christ Jesus, with the presbyters and deacons." I catch, instinctively, the apostolic tones; and lay them to your hearts, and mine: "Grace be unto you, and peace, from God our Father, and from the Lord Jesus Christ. I thank my God, upon every remembrance of you, always, in every prayer of mine, for you all, making request with joy, for your fellowship in the Gospel, from the first day until now; being confident of this very thing, that He, which hath begun a good work in you, will perform it, unto the day of Jesus Christ: even as it is meet for me to think this of you all, because I have you in my heart: inasmuch, as both in my bonds, and in the defence and confirmation of the Gospel, ye are all partakers of my grace." "Stand fast, in one spirit, with one mind, striving together for the faith of the Gospel." Which, may He grant, who gave His Son to die for us; and sends His Holy Ghost, to be our Sanctifier, and our Comforter!

In exercising, for the first time, in almost twenty years, the constitutional power of the Episcopate, to call a Special Convention, I have carefully considered my duties and my responsibilities; and acted, under their most solemn sense. To say, that it appeared, to my mind, "requisite" to call this Convention, "for the good of the Church," would fall very far below my estimate of the occasion. To me, it seems that, in the question now to be considered, the frame-work of the Church, not only, but its foundations, are concerned. And, were I silent, I should bring upon my head the curse of the unfaithful watchman.

I shall recite to you, as briefly as I may, the circumstances which have occurred; and show their bearings on our relations and interests, as a diocese; and leave the action, then, for you to take, with God to guide and bless you. As far as shall be

possible, I shall divest myself of personal regards; and bring the case before you, as near as may be, on its abstract merits. And may we have, in this momentous matter, the promised presence of the Holy One, to guide us into all the truth; and to fill us with all spiritual blessings, in Christ Jesus!

It was on the second day of February, the Feast of the Presentation of Christ in the Temple—a day, which blends a human memory with the divine; since it took from me, in the flesh, my dearest Ogilby—that the matter came into my hands, which forms the occasion for your presence. We had commemorated, at the Chapel of the Holy Innocents, as our custom is, on all the feast days of the Church, the dying love of our dear Lord; and I was sitting with my family, one of the clergy of the diocese, and two of the candidates for holy orders, who pursue their sacred studies here, being present, when an unknown person, without asking to see me, or leaving his name for me, handed in, at the door, a sealed enclosure, to my address. It contained—besides the documents, signed by the three bishops and the four laymen, which you all have seen, the following, of which copies will be laid upon the Secretary's table: a copy of an affidavit, purporting to be made by Michael Hays;* a letter from the Bishop of Ohio to the Bishop of Virginia, dated at Cincinnati, January 15, 1852; and a letter of instruction from the Bishop of Virginia, dated at Millwood, January 26, addressed to "the Honorable Mr. Halstead," concluding with the following sentence, "I sincerely pray, that the God of truth and holiness may take your well-meant endeavor for godly discipline, into His hands, and bring it to the proper result," and signed, "your friend and servant, W. Meade." It also contained a letter addressed to me, in the handwriting of the Bishop of Virginia, the contents of which, in the same handwriting, were these words, only—"Bishop Doane is requested to communicate his determination to Bishop Meade." There was neither date, nor signature, to this. It took but little time, to make up this "determination." The man that sees a woman threatened, by a ruffian, requires no time, for his "determination," to protect her. When the Prometheus had been fired at, the Government at Washington required no time, for their "determination," to have the wrong, done to our flag, repaired. And, when the heathen magistrates, who had beaten

* A copy of this paper was sent, by me, to the printer, to be included in my "Protest, Appeal and Reply." But, on the advice of the friends, on whom I most rely, it was withdrawn from the printer; on the ground, that it was not referred to, in the other documents.

Paul and Silas, at Philippi, and cast them into prison, affrighted by the earthquake, sent the sergeants to the jailor, to say, "Let these men go," it took no time for Paul to send them his "determination:" "they have beaten us openly, uncondemned, being Romans, and have cast us into prison; and, now, do they thrust us out privily? Nay, verily; but let them come, themselves, and fetch us out!" The determination of my mind and heart was made, as soon as I had closed the documents. And I only regretted, that I could not send it by the magnetic telegraph. I came the nearest to it, that I could, and, in two weeks, mailed to the Bishop of Virginia, with a printed copy of my "Protest, Appeal and Reply," the simple words, "Bishop Doane sends his determination, to Bishop Meade, by the mail, which bears this note." On the same day, the Circular was issued, to the several churches; which has brought you here: "to consider, and express" your "judgment, on the official conduct of the Bishops of Virginia, Maine and Ohio, as touching the rights of the Bishop and the Diocese, in dictating a course of action to be pursued by "us;" in their letter, addressed to "me," dated 22d September, 1851, and received, 2d February, 1852.

I could pursue no other course. I am your Bishop. You took me, a man of your coasts; and set me, for your watchman. I saw your dearest and most sacred rights endangered. I saw your most deliberate and unanimous action disregarded. I saw the liberty wherewith Christ has made you free, invaded and denied. I felt, that, in me, you were assailed; and, in the invasion of my rights, as your Bishop, your diocesan independence was attempted to be set at nought. If I could have looked upon the action of the Bishops of Virginia, Maine and Ohio, as a wrong to me, alone, I should have prayed for grace, to bear it patiently. I take you all to witness that I have borne many wrongs, and submitted to most grievous injuries, and, my very patience has been turned against me. I remembered, who, for me, was spit upon, and buffeted, and scourged; and I rejoiced, that, for His name, I was counted worthy of these sufferings. But, when my sacred order was invaded; when the trust, which I received from Jesus Christ, as a Bishop and Pastor of His flock, was interfered with; when foreign hands attempted to come rudely in, between us, who are knit together, before God, by the holiest ties, that can be formed, on earth, there was but one course open for me to take: to resist the inroad, in the name and strength of God; and summon you, to take such counsel, and adopt such action, as the emergency demands. I have lived peaceably, with all my brethren. No one has yet complained, that I have injured

or offended him. But, when Peter was come to Antioch, Paul withstood him, to the face; because he was to be blamed. And I have now withstood, and shall withstand, as blameworthy, towards myself, the Bishops of Virginia, Maine and Ohio: and I call on you to withstand their action as an aggression on your rights, as a Convention of the Protestant Episcopal Church; as an encroachment on the freedom, which was vindicated and asserted at the Reformation; and as an attempted overthrow of the whole venerable fabric of our Catholic and Apostolic Church.

For, observe its bearings, on our relations and interests, as a diocese. The Church was not created, by the Constitution or the Canons. Long before any canons were enacted, there were dioceses; with bishops, at their head. For this cause, Titus was left in Crete, and Timothy was sent to Ephesus, and Epaphroditus went to Philippi. The relations and the interests of dioceses with their bishops are of divine authority. Constitutions and canons do but set forth, and define, them. They are the rules of order, as it were, by which the Church agrees to act, in doing its great work, for Jesus Christ. These are unquestionable truths, of universal application. They are more important, to be watched and guarded, when, as with us, a number of sovereign and independent dioceses, each one complete, in Christ, with its own bishop, have consented, for certain purposes, to come into an organized confederation. Nothing more cardinal, in such a case, than careful observation of the metes and bounds, which mark out and define the rights of dioceses. Nothing more capital, than the just discrimination, between the things which were surrendered, by the confederating dioceses, and those which were not, and can never be. "Power always passes," says an eminent divine and canonist,* of our own Church, "slowly, and silently, and without much notice, from the hands of the many to the few; and all history shows, that an ecclesiastical domination grows up by little and little." "Then come canons, to bolster up the pilfered power, until the bold usurpation has fenced itself around with a wall, which even truth may long assault in vain. The overwhelming tyranny, from which the Reformation freed the Protestant Church, grew up, by this *paulatim* process. The very warning, let it be remembered, of the third General Council, which met at Ephesus, A. D. 431, "that, so, the canons

* The Rev. Dr. Hawks, on the Constitutions and Canons. See also, the admirable work, "The Law of the Church," by the Hon. Murray Hoffman, of New York, late Vice-Chancellor.

of the Fathers be not transgressed ; nor the pride of worldly power be introduced, under the appearance of a sacred office ; nor we, by little, lose that liberty, wherewith our Lord Jesus Christ, the Deliverer of all men, has endowed us, by His own blood." The American fathers of our Church were not unmindful of this danger. Of six general principles, established, " as a foundation for the future forming of an ecclesiastical body, for the Church at large," at a Convention of the Church, held in Philadelphia, in May, 1785,—the first in any of the States, at which the laity were present, the last recited was in these words : " that no power be delegated to a general ecclesiastical government, except such as cannot conveniently be exercised by the clergy and laity, in their respective congregations." Of course, when diocesan conventions came to be organized, with clergy and a representative laity, the reservation became more stringent ; as it became more available, and more important. Nothing can be clearer, than that nothing, which is not plainly, *ex concessio*, from the several dioceses, belongs to, or can be claimed by, any general organization. The canonist, already quoted, in a very careful and exact discrimination, between the things conceded, and the things retained, recites seven instances of rights as very clearly retained by the dioceses. And these are two of them : " To hold the sole and exclusive jurisdiction in the trial of offending clergymen, within their respective limits ; and to prescribe the mode of trial." A point, not yielded, as regards the trial of a bishop, until the General Convention of 1841. And, again, " to have their respective bishops subject to no other prelate, and to be interfered with in the discharge of their duty by no other bishop, but in all things belonging to their office, to be equal to every other bishop in the Church." These instincts of diocesan self-preservation were finally embodied, in the fourth article of the Constitution ; which requires, that " every bishop of the Church shall confine the exercise of his Episcopal office to his proper diocese ; unless requested to ordain, or confirm, or perform any other act of the Episcopal office, by any church destitute of a bishop." All of them, echoes of the ancient canons. As of Nicæa, A. D. 325, that " Bishops must not go beyond their dioceses, nor enter upon churches without their borders, nor bring confusion into their churches." These ancient rules, embodied, in our constitutional restriction, supply the principle, by which the canon " Of the trial of a Bishop," the third of 1844, must be interpreted. It must be a strict construction. Nothing must be taken, by it, to the disadvantage of the dioceses. Nothing must be claimed, from it, to the increase of what is yielded to the Bishops, generally.

The whole construction of the canon favors these conclusions. Authority, to make presentment of a Bishop, is first committed to the Convention of his diocese. The care, with which their action is restricted, shows the deepest sense of the importance of the act, and the necessity of guarding it, from probable abuse. Two-thirds of the clergy, entitled to seats, must be present. Two-thirds of the parishes, canonically in union, must be represented. At least, a day must pass, before the resolution offered to present, passes into the action of presentment. Two-thirds of each order present must concur. When it is added, after all these guards and limits, "and it may also be made, by any three Bishops of the Church"—as it is now constituted, less than one-tenth of the whole number—there can be nothing more apparent, than that the presentment, by three Bishops, is provided, as a dernier resort; that the prior right and duty lie with the Convention; that they must be presumed reliable, for its exercise; that they are entitled to do it on their own instance, at their own time, and in their own way; and, that, only, in the case of culpable neglect; as for heresy, when the Convention itself is heretical; or, if for immorality, when the Convention is overruled, or, in some other way, deprived, of its free action, is the alternative to be employed. An alternative, which, if not strictly guarded, and made fearfully responsible, will exercise an *in terrorem* influence, in all the dioceses; tempt, on the one hand, to the pandering to power, and to grasping after it, on the other; and create, extend, and make perpetual, a mutual distrust and jealousy, which will destroy the possibility of love. No doubt three Bishops may present. As little doubt, three Bishops never can present; and not imply, by their presentment, the inability, or else, the indisposition, of the Convention, to discharge what they believe to be its duty. An exercise of judgment, it will, at once be seen, most delicate, most dangerous. To be shrunk from, by all Bishops; so long as conscience suffers them to shrink; and, then, to be performed most carefully, most tenderly, with most exact observance of the law. To be resisted by all Conventions, unless all the letter of the law, with all its spirit, can be clearly shown to authorize, not only, but require, it. To admit any other construction, in the premises, is to allow the monstrous supposition, that the Convention of a diocese, in which a thousand pastors feed a thousand flocks, may, in the matter of the presentment of its diocesan, be set aside, and superseded, by "any three," out of three hundred bishops, is to incur the fearful risk, in times of doctrinal discussion, or ecclesiastical division, of offering a premium to disaffection and sedition; that, so, numbers may be regulated

and votes controlled, for the establishment of a hierarchy, or for the attainment of a primacy. We need but look to Rome, to see what has been. We need not look so far, to see what may be.

Such is the theory of the Canon "of the Trial of a Bishop," so far as the presentment, by three Bishops, is concerned. Such are some of the dangers to which it is exposed. And such the care and caution, with which it needs to be interpreted, and acted on. Its bearings, and relations on the diocese, as connected with the action, which is now complained of, are now to be set forth. In doing so, there shall be no want of pains, that self-control and self-subjection can supply, to merge the personal in the official. And the utmost brevity shall be employed, which truth and duty will permit. As late as the annual Convention of the diocese, which met at Newark, in 1848, there was no intimation of complaints, against the Bishop. Nor, until the early part of the next year. He had been, then, for twelve years engaged in carrying on an institution for Female Education, on Church principles; and was connected, of necessity, with large financial responsibilities and transactions. These were greatly increased, when, in 1846, a College was established; and the Trustees being without funds for the purpose permitted him to use the College property; and carry on the Institution, at his own risk, and for his own advantage. It seemed the only way to get the work in operation. The enterprise was prosperous. Buildings and fixtures and furniture were needed. The Trustees had no funds. They permitted the Bishop to collect money, in their name and to use it, for them, in his discretion. But his duties in the College, increasing with its increase, forbade his going from home, on such an embassy. And the pressure for accommodation being urgent, he yielded to the importunity of those, who, on his responsibility, were willing to erect the buildings; and, being without pecuniary means, himself, embarked his credit, in the undertaking. The work went on. The debt, incurred, pressed heavily. The expected relief was not received. The cost of carrying the debt, and meeting the demands of an increasing patronage, was ruinous. As it could not be paid, and had no basis in real estate, it had to be turned, from time to time. And, every time it had to be turned, the weight was fearfully increased. A sickness, of five months, suspended all personal exertion: and, after an unsuccessful effort to continue the Institutions, by special Trustees, with an extension from the creditors, the Bishop, by the advice of some of the most influential laymen of the diocese, made, on the 26th day of March, 1849, an assignment of all his property. Arrange-

ments were completed, to carry on the Institutions, under his direction, through the agency of others ; and they opened, on the first day of May, with the fairest prospect of success. On the 30th day of May, the annual convention assembled, in this city. And, on the next day, a Lay Deputy from St. Michael's, Trenton, introduced the following preamble and resolution : " Whereas, A Bishop should be blameless, and should have a good report of those that are without, lest he fall into reproach ; and whereas, public rumor, as well as newspaper publications, have made serious charges against our Bishop, impeaching his moral character, tending to impair his usefulness, and to bring the Church, of which he is Bishop, into disrepute, therefore, *Resolved*, that a committee be appointed consisting of three clergymen and three laymen, who, or a majority of them, shall make such inquiries, as shall satisfy them of the innocency of the accused, or of the sufficiency of ground, for presentment and trial ; and that they do make report to this Convention, at its present session, or at such other time, as this Convention shall designate." The full and minute report which has been made public, drawn up by a distinguished lay member of that Convention, and certified, by his well-known initials, dispenses with the necessity of detailing the proceedings, which followed. There was a wide and earnest discussion. No one admitted that the course pursued was regular or allowable. All who opposed it, declared themselves ready and willing, to receive authenticated charges, and to give them the fullest, most deliberate consideration. Challenges, more bold, unqualified, unsparing, were never made. And were not met, in any way ; to secure the attention of the Convention. When the vote was taken, on the resolution, no voice sustained it. When the Convention had adjourned, the mover of the resolution, in the presence of the whole assemblage, offered his hand to the Bishop ; and declared himself entirely satisfied with the result. And the Convention of this Diocese, at two subsequent annual sessions, have signified their own satisfaction, by their perfect silence on the subject. Consider the circumstances of the case ; and say, if they had not reason to be satisfied. The Bishop of the diocese had lived in Burlington, more than sixteen years. During all that time, he had had the care of souls, as the Rector of the Parish. For twelve years he had been extensively engaged, in a responsible and arduous business, as the Founder and Head, not only, of two extensive Academic Institutions, but as their financial provider and director. He had thus been brought in contact, every way, with every body. With a large and increasing number of parishioners ; with numerous and powerful patrons ; with a host of persons, in

various departments of academic and subordinate service; with business people, of every kind; and, with the whole community. He had failed, in his business; disappointed the expectations of many; put them to serious inconvenience; it might be, subjected them to loss. Two months after that occurrence, the Convention sat, in the very seat and centre of all this. The delegates, Clerical and Lay, were dispersed about the town. Their coming had been known, from the beginning. There were time and opportunity, to prepare charges, if there were grounds for any to be made. There was access to those, who could present them, and enforce them. There was, at least, one willing hand. And that presented itself, late on the second day of the session, and, on the sole ground of "public rumor, and newspaper proceedings," laid on the table of the Convention, a resolution of accusation against the Bishop. Let it be supposed, that the same hand, or any other, had laid on that table, articles of presentment duly framed; and the Convention, after a consideration and discussion, of several hours, had said, unanimously, We will not receive them; the subject shall not be entertained—and who is he, that should declare such action not compatible, with its responsibilities and rights, or deny that it was final? There are charges so monstrous, there are assertions so outrageous, that an instinct of humanity revolts, at their reception; and an acclamation of indignant virtue scouts them, from its presence. It cannot be denied, and never has been, until within the last few months, that this Convention, in the month of May, 1849, being in full possession of the whole case, as concerning the Bishop, or, in a position to have that full possession, did freely, fully and finally dismiss the subject; and, by that act, declare its full, perfect, and entire satisfaction, with the innocence of the accused. "The vote of the Convention in 1849," writes a man, than whom the State of Pennsylvania holds not one of higher character and influence, "had struck your chief accuser dumb: a vote given on the spot, in answer to every local complaint; and suited by its earnestness and unanimity to supersede all further investigation." "The public, generally, viewed it as a full refutation." Until new subject matter, for an accusation has been found, the action of that Convention, is insisted on as final. The action *has* taken place in diocesan Convention. The Bishops cannot take it up. To admit it, were to surrender the very outposts of all freedom, ecclesiastical and civil. Against such action, the Bishop of this diocese has protested; and now protests, again; and ever will protest. He protests, not for himself, alone, or chiefly: but for the diocese; for his successor; for the whole Church; for every Bishop, always,

and every where. He may be left to protest, alone. He may be left, to suffer. He may be left, to fall. But, it never shall be said of him, that he was faithless to the trust, which he received from Jesus Christ, to be transmitted, unimpaired, to his successor. It never shall be said, of him, that, in the time of trouble, he forsook the flock, which Jesus Christ had left with him, to feed ; and fled.

But, there is a further ground of protest and resistance. Suppose, that this Convention had not acted, in the case. Suppose its action had not been conclusive. The Bishops or any of them, would have had undoubted right to make inquiry, in the case. If they did, they would have been expected to do so, under a full sense of what is due to every brother ; and with a careful observance of all the charities and all the courtesies, involved in that relation. But, to make inquiry would have been their right. It might have been their bounden duty. For such an inquiry, every facility would have been furnished. To such an inquiry every encouragement would have been given. The books would have been thrown open. The Institutions would have been thrown open. The access to every person and every paper, connected with the business, would have been thrown open. No one, that knows the truth, in this connection, doubts the issue, for a moment. No wrong has been done. No wrong could have been discovered. Complete and perfect satisfaction would have waited on, would have met half-way, an inquiry, instituted so, and so conducted. Or, for a moment, grant, it was not so. Then, any three of all the Bishops would have had the clear canonical right to present. But, only to present. *No right*, conceded to them, anywhere—no right, in nature, or in reason, and, much less, in Christian obligation, and ecclesiastical relations—to adopt a list of accusations, supported but by rumor, and without suitable inquiry, as to the responsibility of those who furnished them, as the ground of an official action ; *no right*, to make a formal communication, under their official signatures ; *no right*, to call, in such official paper, on a diocesan bishop to take prompt and effectual measures for securing the action of his Convention, under the Canon, “Of the Trial of a Bishop ;” *no right*, to express judgment as to the past action of a diocesan Convention, as having refused “to institute inquiry,” or neglected to do it, “for too long a period,” or performed its duty “unfaithfully,” and as having been “resisted and prevented” when the attempt was made, to induce them to discharge it ; *no right*, to indicate as the course to be pursued the calling of “a Special Convention,” “without delay,” when the matters in accusation were, at least, three years old, and the stated Annual Convention of

the Diocese was to be held, in less than four months; *no right*, to direct that such Special Convention should be for the purpose of "a full investigation, of all that has been or *may be*" charged, "whether in the document transmitted" or "otherwise;" *no right*, to require of such Convention when it should be called, as the only means of satisfying others, and removing "the suspicion of great guilt" the appointment of a Committee; *no right*, to imply that such Convention would appoint any other than "an impartial and intelligent Committee, in whom great confidence" would "be reposed;" *no right*, to furnish instructions for such Committee, when appointed, as to the nature and extent of its investigations; *no right*, to declare, beforehand, and lay down as law, that "no mere report of a Committee, or vote of a Convention declaring a belief of innocence, and that an inquiry is unnecessary will suffice" to vindicate reputation or "give satisfaction to the public," and, that "nothing but such an investigation" will satisfy those who are deemed "unfriendly," or "relieve the minds of friends;" *no right*, to call upon the Bishop, to "disprove" or "satisfactorily explain," the things laid to his charge, or else "acknowledge" them; *no right*, finally, and above all, to declare the purpose, in the failure to make such disproof, or extenuation, or to make it satisfactorily to them, to present the Bishop of New Jersey—the alternative proposed, in terms, being, either, a presentment made by the Convention, or sufficient reasons assigned by the Convention, why it is not merited; or else, the three communicating Bishops themselves, to institute a trial, according to the Canon of the General Convention: in one word, in the Bishops of Virginia, Maine and Ohio, *no right*, in any form or shape, much less, in the form and shape adopted by them, to dictate to the diocese of New Jersey, and its Bishop, under the enforcement of a threat, a course of action, to be pursued, by them.

The Bishops of Virginia, Maine and Ohio, with an unquestionable right, upon the hypothesis now made, of no Conventional action, and of unsatisfactory inquiry and their part—to present the Bishop of New Jersey, if they believed they were bound to do so, under all the circumstances, by their vows of consecration, had no right to adopt a list of accusations, presented upon public rumor, and without inquiry as to the responsibility of those who presented them, as the ground of an official action. That the action was official, is apparent, by the whole terms and tenor of the communication; by the pains taken to secure the number of signatures required for an official act; by the official style adopted, in the signatures; and by the formal, impersonal, and abrupt communication, which accom-

panied the document, "Bishop Doane is requested to communicate his determination to Bishop Meade." That the accusations furnished to the Bishops, were presented on public rumor, the communication of the four laymen shows for itself. That the three Bishops, not only received but adopted it, is obvious, from their language. "Such is the character," they say, "and so great is the number of charges specified, in that document, that we do not feel ourselves at liberty to decline the call thus made upon us." They speak of "the reasonable demands of complainants." They describe the charges, made, in the document before them, as of a nature to cause "great grief" to many; to have occasioned "the injury of religion;" and to warrant "the suspicion of great guilt." That this was done without suitable inquiry, as to the responsibility of those who furnished them, rests on the reasonable claim, that such inquiry should have addressed itself, to the Bishop, concerned in the subject of it; or to his friends; or, at least, to some of his neighbors: which it did not. The Bishops of Virginia, Maine and Ohio had no right to pursue the course of action which they adopted, on the *ex parte* representations of four persons; one of them extensively known to have been opposed to the Bishop for many years, in the proceedings of the Convention; and of another, known, as extensively, to be in opposition to his Bishop; and, that, when one of their number, the Bishop of Ohio, was in the diocese, and in the city of Burlington; and had the opportunity to inquire into the allegations, or into the responsibility of those, who presented them; and did not do it.

The Bishops of Virginia, Maine and Ohio, with an unquestionable right, upon the hypothesis now made, to present the Bishop of New Jersey, if they believed they were bound to do so, under all the circumstances, by their consecration vows, had no right to make a formal communication to him, under their official signatures. No one of them is his ecclesiastical superior. The three, together, have no ecclesiastical superiority over him. This Protestant Episcopal Church still holds to "the ancient customs" enjoined at Nicea, in A. D. 325; still stands upon the fundamental principle, on which the American dioceses came together, in A. D. 1785: "to have the respective Bishops subject to no other prelate, and to be interfered with in the discharge of their duty, by no other Bishop; but in all things belonging to their office, to be equal with any other Bishop, in the Church." They might have made the canonical presentment. They hold no other official right, in regard to him. They might have addressed him, jointly or severally, as Christian brethren, in the common bond of the Episcopate.

They have no right to address him, in official form, and with the authority of their official station.

The Bishops of Virginia, Maine and Ohio, with an unquestionable right, upon the hypothesis now made, to present the Bishop of New Jersey, if they believe they were bound to do so, under all the circumstances, by their vows of consecration, had no right, to call on him, in an official paper, to take prompt and effectual measures for securing the action of the Convention, under the canon, "Of the Trial of a Bishop." They rightly state the expectation of the Church, in that canon, to be, that action shall "first take place, in diocesan Conventions;" though by subsequent limitations, they deny it, and destroy it: constituting themselves the judges, as to whether a diocesan Convention shall act, when it shall act, and how it shall act; a power which no canon could confer on them: because it would annul the first and fundamental principles of Episcopal independence, and diocesan sovereignty. But, most assuredly, they have no right, officially, to call upon the Bishop, to secure the action of his own Convention, in a matter of discipline, relating to himself. The relations between the Bishop of a Diocese and his Convention are the most delicate, that can exist, on earth. They must be close. They must be private. They must be sacred. If any one may come between them, if any thing can be supposed possible to come between them, there is an end of intimacy, there is an end of confidence, there is an end of mutuality. It is what the ancient canons so positively forbid, "the bishops must not go beyond their dioceses, nor enter upon churches, without their boundaries, nor bring confusion into their churches:" and what the constitution for the government of this church expressly ordains, "every Bishop of the Church, shall confine the exercise of his episcopal office to his proper diocese."

The Bishops of Virginia, Maine and Ohio, with an unquestionable right upon the hypothesis now made, to present the Bishop of New Jersey, if they believed that they were bound to do so, under all the circumstances, by their vows of consecration, had no right to express their official judgment, as to the past action of the Convention of his diocese, as having refused to institute inquiry, or neglected to do it, for "too long a period," or performed the duty unfaithfully; and as having been resisted and prevented, when the attempt was made. The sufficient disposition of all this will be found in the official record,* in the Journal of 1849, so far as that Con-

* The Journal says, "After full debate and discussion of this resolution, the question being put, none voting in the affirmative, it was lost by a unanimous negative."

vention is concerned; and for the subsequent Conventions, in the reference, to the recollections of their members.

The Bishops of Virginia, Maine and Ohio, with an unquestionable right, upon the hypothesis now made, to present the Bishop of New Jersey, if they believed they were bound to do so, under all the circumstances, by their vows of consecration, had no right to indicate, as the course to be pursued, the calling of a special Convention "without delay;" when the matters in accusation are at least three years old, and the stated annual Convention of the diocese, was to be held in less than four months; no right to direct that such special Convention should be for the purpose, of a full investigation of all that has been, or "that may be," charged, whether in the document transmitted, "or otherwise." Where did these Bishops get the power to issue their *mandamus*, to compel the Convention to discharge its duty? Why, when almost three years had passed, since the occurrence of the last of the accusations, charged, as criminal, this hot impatience, that could not wait from the second day of February, till May, when the annual Convention meets; but must have a "Special Convention," and that "without delay?" And, where, their right to issue a roving commission, for this Special Convention, for the full investigation, not only, of what has been, but of "what may be" charged; not only for the allegations presented in the document transmitted, but in any "otherwise?" Where is the limit to so broad a claim? Who is to see the first end, of what has reached so far, at first?

The Bishops of Virginia, Maine and Ohio, with an unquestionable right, upon the hypothesis now made, to present the Bishop of New Jersey, if they believed, they were bound to do so, under all the circumstances, by their vows of consecration, had no right to require of such "Special Convention," when it should be called, as the only means of satisfying others, and removing the suspicion of great guilt, the appointment of a Committee; no right to imply that such a Convention would appoint any other, than an "impartial and intelligent committee," "in whom great confidence would be reposed;" no right, to furnish instructions for such Committee, when appointed, as to the nature and extent of its investigations; no right, to declare beforehand, and lay down as law, that no mere report of a Committee, or vote of a Convention, declaring a belief of innocence, and that an inquiry is unnecessary, will suffice to vindicate reputation, or give satisfaction to the public; and that nothing but such an investigation will satisfy those who are deemed unfriendly, or relieve the minds of friends. One knows not which to wonder at the most; the

complacency that undertakes to represent the public—the friends alike, and those who are “deemed unfriendly—”and prescribe just the course, which will be satisfactory, when no other will; or the boldness, which presumes to make it indispensable. Will it be believed, that these words are written to a Bishop? Will it be believed, that they are written of a Convention, which includes, with seventy clergymen, the representatives of sixty congregations? Will it be believed that they apply to freemen? Will it be believed that they apply to Protestants? Really, these are truths, which are more strange than any fiction: and these are of them.

The Bishops of Virginia, Maine and Ohio, with an unquestionable right, upon the hypothesis now made, to present the Bishop of New Jersey, if they believed that they are bound to do so, under all the circumstances, by their vows of consecration, had no right to call on him to disprove, or satisfactorily explain, the things laid to his charge, or else acknowledge them. When was this new administration of the law against alleged offenders, introduced? Or, is a Bishop, when accused, an outlaw? “It would certainly be introducing a new and dangerous principle in our jurisprudence,” writes an eminent layman, from another diocese, “to require a person, accused of high misdemeanors or crimes, that he should be able to disprove or satisfactorily explain, the things laid to his charge. Under such a rule who would be safe? Even the secular law is of a more Christian character than this. In cases of the grossest felonies, our courts, are prone to caution jurors, against allowing their judgment, to be swayed to the prejudice of the prisoner, by “rumors, publication in newspapers,” or other extraneous appliances, and to enjoin them, to give to him the benefit of every doubt; observing in its strictest sense, the humane maxim, the boast of the Common Law, that the accused is entitled to be considered innocent, until he is proved guilty. It would hardly seem possible, that some of the highest dignitaries of our Church, a Church of charity and forbearance, would desire to reverse this maxim; and yet, the course proposed to you, by your right reverend brethren, proposes no less.”

The Bishops of Virginia, Maine and Ohio, with an unquestionable right, upon the hypothesis now made, to present the Bishop of New Jersey, if they believed they were bound to do so, under all the circumstances, by their vows of consecration, have no right to make his presentment dependent on the failure, to make such disproof or explanation, or make it satisfactorily to them, the alternative proposed being, either a presentment made by the Convention, or sufficient reason assigned

by the Convention, why it is not merited ; or else the three communicating Bishops, themselves, to institute a trial according to the canon of the General Convention ; in one word, the Bishops of Virginia, Maine and Ohio, have no right in any form or shape, much less in the form and shape adopted by them, to dictate to the diocese of New Jersey, and its Bishop, under the enforcement of a threat, a course of action, to be pursued by them. This is the acme of the wrong. The Bishop of New Jersey is to call a "Special Convention," to investigate the charges made against him ; and that Convention are to make the investigation, in exact accordance with the mind and will of these three Bishops. Or, else they will present him. To avoid a presentment, he is to admit that he is afraid to be presented. To shield their Bishop from presentment, the Convention must admit their fear of the results of the presentment. Could it be believed, that any Bishop, or that any Convention, could be so driven ? Most certainly, the Bishop of New Jersey cannot be.

Will it be said, that all that was designed, was to advise ? Why the necessity of just three Bishops, to advise a brother ? Why spend the time, from September 22d, 1851, to January 15th, 1852, in the pursuit of a third Bishop, merely to give advice ? Why give advice in an official form, and with official signatures ? Why give advice, with the enforcement of a threat ? Above all, if the sole object were advice, how comes it that the Bishop of Ohio, writes to the Bishop of Virginia, on the 15th of January, 1852 : "You are aware, that I was applied to, long since, in connection with Bishop Burgess and yourself, to take into consideration, certain serious charges, preferred against Bishop Doane, by a respectable layman of his Diocese, *with reference to his being presented for trial.*"

Or, is it said that the communication from the Bishops of Virginia, Maine and Ohio, was private, to the Bishop of New Jersey ? That its publicity is his act, and not theirs ? How does it come to pass, then, that the alternatives which they propose are both of them, public, solemn, world-resounding acts : to call a special convention of his own Diocese, for the investigation of his conduct, that they may present him, or show why, he should not be presented ; or else, themselves, to institute a trial ? And these are private acts !

" It were a delicate stratagem, to shoe
" A troop of horse with felt."

But, if the letter of the Bishops was a private letter, how came its tenor to be known, and its proposals talked of, every where, throughout the land, before the Bishop of New Jersey

had received it? How came it to be matter of public remark, in Washington, in January, that the Bishop of New Jersey was to be tried? How came a traveller from the South-West, to learn, in one of our remotest western dioceses, in December, that such a letter was in progress to the Bishop of New Jersey? How came it to be familiar, in an Eastern diocese, that the Bishop of Maine, was committed for such a movement? How was it on the lips of light and trifling talkers, in the city of Trenton, in September, that every thing was all arranged, three Bishops secured, and the Bishop of New Jersey marked for ruin? Was it a private letter, to the Bishop, not received until February 2d, that gave wind to all these rumors?

But it is said, and that by friendly mouths, sometimes, why should the Bishop of New Jersey not desire an investigation? Is it in proof that he does not? Has he yet shunned it? Has he showed himself unready to confront it? That he has not sought it is the truth. The action of the Convention of 1849, within three months of any claimed occasion, might well be taken, as the starting point of his assurance, that investigation was not needed. And the progress of his diocese, the patronage of his Institutions, the perfect unanimity of his parish, and the unfaltering confidence of the community in which he lives, and the hundreds, everywhere, who honor him as friends, have re-assured that strong assurance. As soon as he was apprised of the intended introduction of the resolutions, into that Convention, he required of all his friends, to urge their introduction. When introduced he threw no hindrance in the way of their unlimited discussion, and unhindered issue. At no succeeding moment, has he held himself other than ready, to answer any question, or further any inquiry, that any one might ask, or institute. And, when, for the first time, on the second day of February, the accusations against him, took, to his eye, the aspect of responsibility, he threw them all before the world, with a reply; which, as more than a hundred letters, through the length and breadth of all the land, from men, whose names are honor, influence, integrity, bear unsolicited and unexpected attestation, entirely meet the case. This, surely, has no look of shrinking from publicity, or fearing an investigation. But to invite it is another thing. Others may be accused, as he has been. Others, that have not have had, from God, the gracious gift, to stand and bear, as he has stood and borne. Others, who as unquestionable, as he is, in integrity, might be more easily alarmed; and driven, by violence, against the wall. He stands, for all such persons. No precedent of his shall ever peril them. For them, more than for himself, by far, his answer is, to whosoever will, if you desire investigation, come and

make it! Made, in a canonical way; made in a christian spirit; made, as humanly will sanction it, he meets it, in a moment; and leaves God to guard the right.

Dearly Beloved, the Clergy and the Laity of this Convention, your Bishop was a man before he was your Bishop; and is, yet. He has been grievously assaulted; and, in the fear and strength of God, he has protested, and resisted. On the ground which he has taken, as he believes, impregnably, with the testimony of a good conscience, and with the avalanche of attestation which has rushed in, in his behalf, he might, so far as he himself, his children, and his name, can be concerned, rest well contented. But, that he is your Bishop, is more to him, than that he is a man. Therefore the call of this Convention. Therefore your presence. Therefore this statement of the case. It has been made fearlessly, but charitably. It has been made in God's name, and for the Church of Jesus Christ. He stands by it now. He humbly hopes for grace, to stand by it, when he shall stand, before his Saviour-Judge.

And, now, the matter is with you. You have your duties and your rights as well as he. You know your duties, and you know your rights. Your rights you will maintain; your duties you will discharge. I exhort you to firmness and decision, as becomes men, entrusted with the "Ark of God's magnificent and awful cause." I exhort you to moderation, to forbearance, to forgiveness, as sinners whom the blood of Jesus has redeemed. In all humility, I ask for you, the presence and the power of the Divine and Holy Spirit. In all affection, I commend you to the guidance and protection of the Father of our Lord and Saviour Jesus Christ. "The God of peace, who brought again from the dead our Lord Jesus Christ, the great Shepherd of the sheep, through the blood of the everlasting covenant, make you perfect in every good work, to do His will; working in you that which is well pleasing in His sight, through Jesus Christ, to whom be glory for ever and ever. Amen."

G. W. DOANE.

Riverside, 17th March, 1852.

JUDGE OGDEN.—Mr. President: That the important duties now devolving upon this Council of the Church of Jesus Christ may be discharged dispassionately, understandingly, and in order, I offer for adoption the following resolution:

Resolved: That the call of the Bishop for this Convention, be referred to a Committee of five presbyters and five lay delegates, to be selected by ballot upon a vote by orders, upon open nominations, to report resolutions for the consideration and action of the Convention.

The resolution was seconded and adopted.

The Committee was composed of the Rev. E. D. Barry, Rev. Clarkson Dunn, Rev. Jas. A. Williams, Rev. Saml. L. Southard, and the Rev. John S. Kidney; also of Judge Carpenter, Hon. J. L. Miller, D. B. Ryal, Capt. Engle, and Mr. A. C. Livingston.

The Convention then adjourned for one hour.

When the Convention assembled after the recess, the above named Committee reported the following resolutions:

Whereas, The Right Rev. William Meade, Bishop of the Protestant Episcopal Church of Virginia; the Right Rev. George Burgess, Bishop of the Protestant Episcopal Church in Maine, and the Right Rev. Charles P. McIlvaine, Bishop of the Protestant Episcopal Church in Ohio, did address to the Right Rev. the Bishop of this Diocese, a letter, bearing date the 22d day of September, 1851, and delivered on the 2d of February, 1852.

And *Whereas* the said Right Rev. Bishops do state therein, "that they have received, from certain lay members of the Church in the diocese of New Jersey, a communication, in which they are called upon to determine whether it may be proper to institute a trial according to the Canon of the General Convention provided for that purpose; and that such is the character and number of the charges contained therein, that they do not feel at liberty to decline the call thus made, unless the object can be obtained in some other way."

And, *Whereas*, the said Right Rev. Bishops do in such letter declare their opinion to be that, "it is only when a Diocesan Convention refuses to institute inquiry, or neglects to do it for too long a period, or performs the duty unfaithfully, that the Bishops can be reasonably expected to interfere."

And *Whereas*, the said Right Rev. Bishops do call upon the Bishop of this Diocese, as the only way of obtaining the object, other than a presentment by them, that "he have without delay a special convention, for the purpose of a full investigation of all that has been, or may be laid to his charge, whether in the document transmitted to them, or otherwise."

And, *Whereas*, the Bishop of this Diocese, did, by a document

bearing date the 2d of February, 1852, refuse to pursue the course thus pointed out, and did protest against the action of the said Right Rev. Bishops, "as an aggression on the Diocese of New Jersey, as an invasion of his sacred rights, and as a dictation to pursue a course marked out to him and his Convention,

Therefore, *Resolved*, that the refusal of the Right Rev. Bishop of this Diocese to call a special Convention, for such purposes, at the instance of the Bishops of Virginia, Maine, and Ohio, meets the entire approbation of this Convention, it being in conformity with Ecclesiastical law, a proper assertion of Episcopal jurisdiction, and a just vindication of the rights and dignity of the Diocese and Convention of New Jersey; and, that the official action of those Right Rev. Bishops in the premises, is, in the judgment of this body, unwarranted by any canon, law, or usage of the Church.

Resolved, That, in view of the unanimous action of the Convention of this Diocese in 1849, and of all that has since occurred in reference to the subject matter of the alleged charges against our Bishop, this Convention has entire confidence in the uprightness of character and purity of intention which have actuated him during his Episcopate.

Resolved, That, while the Bishop has always heretofore, and in his address this day, avowed his willingness to meet an investigation of any charges duly made and presented, and while we affirm with entire confidence, in behalf of the Convention of this Diocese, that it ever has been ready to make such investigation, yet, that this body feels no hesitation in expressing its decided opinion, that the best interests of the Diocese and of the Church at large, require no such proceedings.

JUDGE CARPENTER said—As one of the Committee who have presented the Report, it may be proper for me to state, in moving its adoption, the scope of the resolutions. The resolutions based upon the Preamble are three.

The first, it will be perceived, affirms, as the sense of this Convention, that the Bishop of this Diocese was right in refusing to obey the demand of the three Bishops of Virginia, Maine, and Ohio, who urged upon him the call of a Special Convention. He said, that the Bishop was perfectly justified in refusing to accede to what was urged upon him by the three Bishops. They had in their letter assumed a *prima facie* case of guilt; and they made this assumption the basis of their action. This idea of guilt seems to pervade the whole letter. Acting upon this unwarranted assumption, these Bishops prescribed to our Bishop and to this Convention a particular mode of action—in fact a trial. For this we believe they had no warrant in any canon, law, or usage of the Church.

The second expresses it as the sense of this Convention, that notwithstanding the rumors which have been spread abroad with so much industry, from so many quarters, this Convention has

entire confidence in the purity of intention of our Bishop. The third, that the Conventions of New Jersey, have always been, and always will be ready—notwithstanding their confidence in the purity of his intentions—to make proper inquiry when specific charges are made; and it expresses also as the sense of this Convention, that the Bishop will be always ready, as he has always been ready, to meet them.

He said, unless a division of the question should be requested, he would move the adoption of the preamble and resolutions.

Having called for the reading of the resolutions separately—the REV. MR. RANKIN spoke upon the first, as follows:—

Right Reverend Father in God.—The resolution which has just been read, embraces, as I think, two propositions. First, that the action of the three Bishops in the premises, is an *official action*—and next, that this their action is *in violation of the fundamental principle of Diocesan independence*. And although it may seem like an attempt to “gild refined gold,” to add anything to the masterly argument in support of these propositions, in the address which was delivered at the opening of the Convention; yet, as a Presbyterian of this Diocese, I feel that it is my duty to state briefly, the grounds on which I will support this resolution. That the action of the three Bishops is to be regarded as official, is evident, I think, from these considerations. First, from the fact that *three*—the number necessary by the canon, for the presentment of a Bishop—has been chosen. No more. No less. Why, if the action were unofficial, should such a choice be made? And why, if this letter were simply a letter of friendly advice, should it have been subscribed, not by the signers, individually, but as their *joint act*? Again, it bears an official character in the opening sentence. It is written from Bishops, as such, to a Bishop, as such. “We, the undersigned, *your brethren in the Episcopate*”—and again, “it is also our duty, as your brethren, and as *Bishops of the Church*”—and, as if to remove all doubt as to the character of the communication, it is signed by them in their official capacity, as Bishops, respectively, of Virginia, Maine, and Ohio. I am compelled, therefore, to believe, that this letter is, and was designed to be, an official communication, and the Church is now called upon to behold the strange and almost unprecedented spectacle, of Bishops dictating to a brother Bishop, as independent as themselves, a course of action, such as they direct, and this, however it may be veiled by the courtesies of language, under the enforcement of a threat.

But the point on which I wish to speak more fully, is the fundamental principle of Diocesan independence, which has been assailed by this official action. And as it is of the first importance to have a correct idea of the constitution of the different branches of the One Holy Catholic Church, I will lay before the Conven-

tion the testimony drawn from Holy Scripture and Ecclesiastical History.

It should never be forgotten, that these are the tests to which we should refer these subjects, and that we are never safe when we violate the spirit which has run continuously throughout the Church's history. In accordance with that spirit I hold that every Diocese, complete in its organization, with its Bishop, Clergy and Laity, is an independent spiritual sovereignty, possessing within itself full power for all purposes, legislative, judicial and executive, and this, not from any human source, not from power received in any way from the people, but by virtue of a Divine organization and an authority derived from Jesus Christ, the great Head of the Church. By virtue of this inherent power, each Diocese is complete within itself, and independent of all others, except so far as they may be held together in the terms of a mutual compact and the bonds of a common faith. It was so with Timothy at Ephesus. It was so with Titus at Crete. It was so with Epaphroditus at Phillippi, and it is so with the Bishop and the Diocese of New Jersey.

This independence has been asserted and defended from the beginning, and, although our Bishop has given us the decrees of the first general council, held at Nice in A. D. 325, yet I would ask the indulgence of the Convention, while I present additional authorities from the Councils of the Church.

By the 14th of the Apostolical Canons, (supposed by Bishop Beveridge to date from the second century), it is declared that "a Bishop is not to be allowed to leave his own limits and pass over into another, although he may be pressed by many to do so, unless there be some proper cause constraining him; as if he can confer some greater benefit upon the persons of that place, in the word of godliness, and this must be done, not of his own accord, but by the judgment of many Bishops, and at their earnest exhortations."

The 35th of these Canons, repeats the same injunction, under the penalty of deposition.

The 17th Canon of the Synod of Arles, A. D. 314, forbids one Bishop to trample upon another.

The 13th Canon of the Council of Antioch, A. D. 341, enacts, that no Bishop shall dare to pass from one province to another, and ordain any persons in the churches to the dignity of officiating. And if, without a written invitation from the metropolitan, and other Bishops of the country into which he comes, he shall proceed disorderly to the ordination of any persons, and to the *regulation of Ecclesiastical matters which do not belong to him*, the things which are done by him shall be annulled, and he himself suffer the punishment proper for his insubordination and unreasonable attempts, being deposed forthwith by the Holy Synod.

The 22d Canon of the same Council repeats this injunction.

If it were not too great a tax upon the time of the Convention,

I might go on to cite authorities from the Councils of Sardica, A. D. 347, Constantinople, A. D. 381, Ephesus, A. D. 431, and Chalcedon, A. D. 451, all confirming the principle which has been asserted, of the inherent independence of every Diocese.

But as our union with the early Church, and our obligation to conform to the spirit of its legislation, comes to us through the medium of the Anglo-Saxon Church, it will be of particular interest to us, to know how steadily the principle we are now maintaining, has been defined and defended there. I will call the attention of the Convention, therefore, to the action of two Synods in our mother Church, which bears directly on the point before us.

In a Synod held at Hertford, A. D. 673, under Theodore, Archbishop of Canterbury, the second Canon which was enacted, enjoins that no Bishop intrude into the Diocese of another, but be satisfied with the government of the people committed unto him, and this on the authority of the decrees of the early councils of the Church.

The Synod held at Cealchythe, under Wilfred, A. D. 815, passed two canons, the 5th and 11th, the first of which asserts the primitive independence of Bishops, and the last, acting upon that principle, enacts that it be unlawful for any Bishop to invade the Diocese of another, or to draw any ministrations to himself which belongs to another; and if any one transgress in this respect, let him make satisfaction according to the judgment of the Archbishop, unless he be willing first to be reconciled to the proper Bishop of the Diocese.

These canons are remarkable, as showing the basis on which all ecclesiastical legislation should rest. They give as their authority, the action of the early Councils of the Church. And it should be observed, that this was fully recognized, even where the Papacy had made her earlier strides in the course of usurpation, which resulted in her unjust supremacy.

It will be seen from these enactments that the principle of Diocesan independence, which has been assailed in the instance of New Jersey, is vital to the well-being of the Church. It lies at the foundation of our ecclesiastical organization. And the care with which it has been guarded in the past, should teach us to resist with the most watchful anxiety, and to repel the first approaches to an intrusion upon the liberty wherewith Christ hath made us free. Hence it is, that the question now before us, is more than personal, with the Bishop, and more than local, with the Diocese of New Jersey. It is one of principle. It underlies the framework of all the churches in this country. Not only does it come to us with the support of antiquity, we find it as clearly recognized in the successive steps which led to the union of the churches in a General Convention, and the establishment of a constitution for their government. There is perhaps no more striking feature in the history of the formation of that instrument, than the scrupulous watchfulness which the churches in the several States

exercised upon this point. It was guarded with a jealous care. It was asserted in the "fundamental principles" which were adopted as the basis of their consultations, and was finally embodied in the fourth article of the Constitution of the Church. And it is this which has been assailed by the Bishops of Virginia, Ohio, and Maine, in their official action towards the Bishop and the Diocese of New Jersey.

I have said, Right Reverend Father, that this their action, is almost unprecedented. It is without a precedent in the history of the churches in this country; but it is not without a precedent in the history of the Church at large. Sin runs in cycles. The errors and corruptions of an earlier, are reproduced in substance, in a later age. And we find in the aggressions of the Papacy, the counterpart of an aggression here. There is an instance so nearly parallel to the case before us, that I need hardly ask the indulgence of the Convention while I point it out. There is this difference. Two hundred years had passed before the Church of Rome had ventured to attempt what less than a single century has witnessed now. We have not lived under our present ecclesiastical confederacy a hundred years. And yet the Synod of New Jersey has been assembled to consider a case like that which brought the Synod of the Church of Carthage together, under St. Cyprian, its Bishop, in the year of our Lord 255, to take action against Stephen, Bishop of the Church of Rome. It is true, the occasions were not the same. It was not the action of a Bishop against a brother Bishop on the representations of four laymen. But it was an act of Episcopal dictation, and dictation under the enforcement of a threat. There, as here, a Synod was convened. There, the Bishop of Carthage, had at the opening of the Synod set forth a clear and manly statement of the case, as here the Bishop of New Jersey has laid before his Convention the action of the intruding Bishops. There, there was a fearless vindication of the Church's independence, in language which will remind you of a vindicature no less fearless.

"Let us every one," said the noble Cyprian, "give our opinion of this matter, judging no man, nor expelling any from our communion, who shall think otherwise? For no one of us makes himself Bishop of Bishops, or compels his colleagues by tyrannical terror to a necessity of complying, forasmuch as every Bishop, according to the liberty and power that is granted him, is free to act as he sees fit; and can no more be judged by others than he can judge them. But let us all expect the judgment of our Lord Jesus Christ, who only hath power both to invest us with the government of His Church and to pass sentence upon our actions."

You will not need a comment on the parallel. Nor can you fail to see how clearly the course which our Bishop has pursued, is in harmony with ecclesiastical precedent, and marked by the spirit of the martyred Cyprian.

I congratulate the Synod of New Jersey; and as a Presbyterian of

this Diocese, and a member of her Synod, I am thankful, that she has, as Carthage had before her, a Cyprian to assert and maintain her rights and his own. I move the adoption of this resolution.

MR. WALTER RUTHERFORD here rose and read the following protest—[we print this Protest, although not entered upon the Minutes. It is therefore inserted only as part of the debate. *Editor of Banner*—to so much of the resolution as censures the Bishops of Maine, Virginia, and Ohio.

Whereas, a Special Convention has been called at Burlington, on Wednesday, 17th of March, to consider and express their judgment on the official conduct of the Bishops of Virginia, Maine and Ohio, as touching the rights of the Bishop and the Diocese, in dictating a course of action to be pursued by them:

We, the undersigned, without intending by this our action, to express any opinion on the points alluded to in the letter of the Bishops of Virginia, Ohio and Maine, and willing at all times to yield all canonical obedience to the lawful authorities of the Church both in the United States and in the Diocese to which we belong, respectfully decline acting in any manner on the special subject designated in the call of this Convention, for the following reasons:

I. In accordance with the 1st article of the Constitution of the Diocese of New Jersey, we owe allegiance and obedience to the Constitution and Canons of the Protestant Episcopal Church in the United States. In that branch of the Church Catholic, Episcopacy is recognized and established as the highest ministerial order; and by the laws of that Church, if Bishops offend, there is a tribunal constituted, consisting as it should do, of their peers, by which offending Bishops may be tried; but it is nowhere provided that presbyters and laymen sitting in a Diocesan Convention have co-ordinate jurisdiction with the members of the Episcopate to try Bishops. A Diocesan Convention can lawfully do no more than prefer charges (if there be cause,) against its *own* Bishop; it cannot try him *a fortiori*; it can neither accuse nor try Bishops of other dioceses. As sound churchmen, therefore, entertaining a proper respect for Episcopacy, and willing to uphold it in every lawful exercise of its authority, we cannot consent to degrade it before the world, and treat it with contempt ourselves, by assuming the high function of “expressing their judgment on the official conduct of Bishops.” Such is not our churchmanship.

II. If the Bishops of Virginia, Ohio, and Maine have injured the Bishop of our Diocese, the latter is not without remedy. Our refusal to act, therefore, (even had we power to do so) will work no injustice.

III. The nature of the question at issue, as set forth by the Bishop of our diocese, in his published Appeal and Protest, is such as warns us to caution. We purposely avoid here the expression of any opinion on the charges which our Bishop has published in the Appeal and Protest, but we cannot shut our eyes to the fact

that they are of such a character as concerns not the Diocese of New Jersey exclusively, but the whole Church in the United States. We, therefore, leave them to the action of the Bishops of the whole Church in the United States.

We protest, because our action as a Diocesan Convention will fully justify similar action on the part of our Christian brethren, the presbyters and laymen of the several dioceses of Virginia, Ohio, and Maine. Diocesan Conventions may then be called to censure us—"to consider and express their judgment" whether there was not sufficient cause for the action of the Bishops of those dioceses of which our Bishop complains; and thus the Bishop of New Jersey would virtually be put on trial before the several Conventions, a precedent most dangerous would be established, whereby any action of a Bishop, disapproved of by one of his brethren, might be made the subject of inquiry and judgment by the clergy and laity of another diocese. The harmony and love which should exist between those of the same household would be interrupted, if not destroyed; and the just and necessary powers of the Episcopate would be brought into contempt.

For these reasons, the undersigned, intending no personal disrespect thereby to the Bishop of the Diocese, respectfully, but decidedly protest against any action having relation to the conduct of the three prelates named in the summons to this special Convention, and respectfully ask that this protest, with their reasons, may be placed upon the records of this Convention.

(Signed)

WALTER RUTHERFORD,
 ——— BRIDGES,
 H. B. SHERMAN.

SENATOR MILLER.—I think it is out of order. If it is an amendment, it ought to be presented at a proper time; and, therefore, it is now out of order.

MR. WALTER RUTHERFORD.—I being a humble layman, and not a senator, yield to the better knowledge of the gentleman, but think it ought to come in according to order, in its time; and, it seems to me, the best time is now.

HON. D. B. RYALL.—The first resolution is under discussion, and the gentleman reads a protest. He does not offer it by way of amendment. I take it, that if there is any thing in that paper, presented as an argument, it might be discussed; but the resolution is now under consideration. And does the gentleman offer this as a protest against the first resolution? I apprehend, sir, if there is any thing contained in it against its adoption, it may be ascertained upon a question of "yeas" and "nays" in its passage. He must wait until the resolution is adopted, if he intends to protest against it as a minority. What is a protest? It is an objection to the proceedings of a majority. Suppose the resolution is negatived, then the protest will be altogether unnecessary.

MR. WALTER RUTHERFORD.—The protest goes as to the power of the Convention to pass the resolution. A committee has been appointed, it makes unanimously a report for the action of this Convention, and we suppose the members of the Convention will adopt the course marked out by their own committee. My objection is, that this Convention has no canonical power to entertain such a resolution and pass it.

REV. C. DUNN.—I would ask if there is any thing in our resolutions, that provides for one man stopping the proceedings of this Convention.

JUDGE ROBESON.—I think it is the proper time for that protest to come in; and I wish to express my views upon it, to show that I do not intend to vote for it when presented; but if it is presented at all, this is the proper and only time it can be presented. It goes to a stoppage of the whole action of this Convention. It is not a protest against the resolution, but against the action of this Convention, and this is the proper time to act upon it; and, therefore, I hope the gentlemen will let it come forward, and be entered upon the Minutes.

J. J. CHETWOOD.—If a protest is made by any gentleman, civil in its language as this is, it ought to receive a civil reception, and kind attention ought to be given to it. But, gentlemen, let us consider the consequences of this thing. If we listen to them, we might have similar protests upon other points, consisting of some two or three pages, which would keep us sitting until next Convention, and then we should have a paper which no one could read. I am entirely opposed to having it entered upon the Journal, although I shall be glad if the gentleman has shown in his protest, so great an improvement in his principles of sound churchmanship.

MR. WAKEFIELD. Some gentlemen think it ought to stop the proceedings; but if I understand the matter at all, it is merely the action of an individual member, protesting against the action of the majority. I believe the proper way is to allow the presenter to put his protest on record; if it is proper, after the vote of the majority, I am in favor of such a course.

REV. MR. THOMPSON, of Patterson.—In regard to the first half of that resolution, I am decidedly in favor of it. I agree that the Bishop has acted right in refusing to call a Convention; but I confess I am rather more doubtful as to the second part of it, that is, as far as an expression of our *judgment* on the canonical action of these three Bishops; and there is no Law, Article, or Canon in the Constitution, which gives us a right so to do. It is right that this Convention protest against any prescribed or dictated course of action, but we have no right to express our judgment as to any action; and in seeking to do this we fall into the same fault of which we accuse them.

REV. MR. BOGGS.—It was hoped that this resolution would

meet the views of all. As it does not, I would offer an amendment which, while it would make it more acceptable, would also make it stronger than that for which it is substituted. I think that a protest against action, is stronger than a mere expression of an opinion. It is a very important resolution, and it seems the first part is unanimously approved—or nearly so—and I would, therefore, offer an amendment from the word *and*, when the resolution will read thus, “and that this Convention protests against any right of these Right Reverend Fathers, to prescribe to this body any course of action.”

JUDGE CARPENTER—The dispute is one entirely about words. The Reverend gentleman from Paterson, agrees with the Committee in the sentiment expressed in the first part, of the resolution; but the difficulty is that the latter part, in his judgment, goes beyond our jurisdiction, as it throws blame upon the three Bishops. But it must be observed that what is objected to, is but the inference that follows from the proposition asserted in the first part of the resolution. I think the whole difficulty arises from a mistake as to the character of the resolution. If these three Bishops have called upon the Bishop of this diocese, and upon this Convention to do something they have no right to call upon them to do, undoubtedly this Convention may give a reason why the Bishop was right. It seems to my mind that nothing can be more plain, and I think the objection arises from a mistaken application of the principle upon which the gentleman relied.

REV. MR. THOMPSON.—I do not think the gentleman is right in his assertions. In the former part it maintains the proper rights of the Bishop of this diocese, and in the latter part it condemns the action of the other Bishops. We have a right to do the first. If a man comes into my house and uses abusive language, I have a right to put him out, but when he is in the street I have no right to beat him there. If we had this right, and believe that their conduct has been wrong, we ought to go a step further—that is, if they have acted in an uncanonical manner.

REV. J. KIDNEY, of Salem.—The last is the only point involved in the objection, and if we consider ourselves aggrieved by the action of the three Bishops, we have a right to repel the aggression. I advocate the last clause, because there is no law why we have not, as a Convention, the right to repel any such steps.

MR. J. B. HALSTEAD.—I am in favor of the amendment, and I shall then vote against the whole resolution, because I hold it to be uncanonical, and that this Convention has no right to express an opinion upon the action of the three Bishops, whose conduct this Convention was specially called to express a judgment upon. I hold that no body has a right to express a judgment, unless that body has the power to enforce the judgment, which shall thus be expressed, either by censure or by some other mode of punishment. I hold that no body of men has a right to call before them and to

try questions involving the character, not merely of citizens, but of presbyters, of the first men in the land, without summoning these people before them, to give them an opportunity of being heard. We are called here to express our judgments on the official conduct of these Bishops. I cannot express my opinion upon the official conduct of Bishops until they have an opportunity of being heard, and called upon for their defence. I have had some experience in courts of justice, and I never knew a man, be he ever so ignorant or destitute of friends, that was called upon to account for any charge, until that charge was read to him, and he was asked what he had to say in answer to it. But it appears these Bishops are to be condemned, and our judgment expressed, unheard. Where is the evidence by which these Bishops are to be tried. It has not been read to us. But now these Bishops are to be judged by the Diocesan Convention of New Jersey, without their having an opportunity to reply to the charge, and without any evidence to show that they are guilty. I hold that this Convention has no such authority. I call upon the gentleman to show me the canon. There was not a single canon mentioned that applies to the present subject. I differ wholly with the gentleman who undertook to say that because their hand was attached to the letters written to the Bishop of this Diocese, that therefore the letter must be official. It don't follow at all. Had they not a right to express their opinion? There has been no official action by the Bishops of these three States. The letter sent to the Bishop of this Diocese was a private letter, a perfectly kind and courteous letter. (General Laughter.) I am not to be laughed down; I shall express my opinions fearlessly, and I do it upon my own responsibility. I am amenable to my God, and nobody else. In my opinion, it was a kind and courteous letter; and if they had not written it, they might have been censured more than they can be now. The charge would then have been, why didn't they tell their brother Bishop that they were going to present him. They spoke to him as a brother Bishop, they wrote to him a private letter, and they told him what they were going to do. They acted, I say, as brothers and Christians; and, let me say, that they did not act, in that matter, by the advice of the four laymen. It was not at my instigation that letter was written. They did it from the best of principles; and suppose they erred? We are all human, all fallible, all liable to err. But is there no charity, even if they did err? Are they not to have a good motive accorded to them? You are not going to impute to them a good motive, but to put the worst construction upon it. It appears now, that we assume, in the first place, that these Bishops acted in an official manner. That assumption is not proved, and we have no right to assume it. Ought we to condemn these men unheard? Ought we to presume that three Bishops, who have heretofore stood high in the Church, have, out of pure malice, so disregarded the Canon Law, that they

have wilfully and dishonorably written a letter in their official capacity, for the purpose of treating with contempt this Convention, and infringing upon the rights of the Diocese.

Can we apply this doctrine to ourselves? I trust that the gentlemen of this Convention will oppose an act of this kind. Where is this to end? If we have a right to express our opinions, have they not a right to express their opinions upon our Bishop's conduct? Precisely the same right. It is not the signature that makes the letter official. They do not undertake to do anything in their official capacity. They have done no more than, when one gentleman writes to another, and says you are doing so and so. They have addressed a letter to Bishop Doane, and is it not a courteous letter? Have we not a right to go and transact our business, and are we bound in any way by the suggestions of these Bishops? Certainly not. It is unfounded to say that these Bishops have undertaken to dictate to this Convention.

It appears that the Committee have been unanimous upon the subject; but for my own part, I do not know the evidence upon which the Committee have acted. It has not been submitted to me and the Convention. They may be right, and I wrong.

Now, sir, I perhaps have occupied too much time upon this subject, but I claim to say one word upon the protest. I believe that every member of every deliberative assembly, has a perfect right to express either orally or by writing, his dissent to any resolution brought before that body; and if it is put forward as a protest, either written or orally, it is the same thing. I believe it was offered at the proper time, notwithstanding an honorable Senator seemed to think different. How is the protest to come up, when the subject matter of protest has been passed upon, and another resolution taken up. I submit, therefore, it was offered at the proper time, and ought to go upon the Minutes, and that the gentleman is entitled to make the protest.

MR. WAKEFIELD.—Mr. President: It seems to me, that this debate may be confined to a smaller compass. The resolution affirms that the refusal of the Bishop of New Jersey to call a special Convention for certain purposes, at the instance of the Bishops of Virginia, Maine and Ohio, meets our entire approbation—is in conformity with Ecclesiastical law, a just vindication of Episcopal jurisdiction, and the rights and dignity of this diocese; and that the official action of the three Bishops is unwarranted by any canon, law, or usage of the Church. I go for the resolution as it is. Let us examine it for a moment, and the arguments of gentlemen against it.

It is said the letter of the three Bishops is not *official*, but merely a kind and loving letter of *advice*. It seems to me, sir, that no one can make a mistake in this matter. The three Bishops, armed with the power of presentation, and holding in their hands the charges and specifications of the four laymen, prepared for that purpose,

send their letter founded upon those charges, to the accused under their *official hands*. They evidently do this as preliminary to a presentment, as the first step in their course. It is only in their *official* character that they have any connection with the matter at all. If they do not act as *Bishops*, they have no right to act in the matter in any capacity. The letter has every mark of its official character on its face. It has official signatures—it has the “three” requisite for a presentment, and is accompanied with technical charges, and an implied threat, the import of which no one can for a moment misunderstand. The letter is also dictatorial. It not only advises, but urges a particular course. The Bishop of New Jersey and this Convention are directed to take a particular course. The Bishop must call a special Convention without delay—must see that the Convention appoint an impartial and intelligent committee of inquiry, and that that committee are instructed in a certain way. All this he must compel this Convention to do, and unless the three Bishops should be then satisfied with the result, they would present him. It urges a particular course under a threat of presentment—and reversing the rules of the common law, calls on the Bishop of New Jersey to disprove the charges, which have never yet been proved against him. The whole letter from beginning to end, is manifestly official and dictatorial. It is an interference in the diocese of another Bishop, and with the rights and dignity of this Convention.

Again: Such interference is uncanonical and unconstitutional. The 4th article in the Constitution of the P. E. Church of the U. S., declares, “that every bishop of this church shall confine the exercise of his episcopal office to his proper diocese, &c.” This is but a reiteration of the canon law of all antiquity. The same rule is to be found in the canons and usages of the Church from the earliest times to the present moment, and is especially a rule of the Protestant Church. The general rule is non-interference, and the only exception to it is the right to present. Beyond the constitutional right to present, the three Bishops have no power or authority, under any canon, law, or usage, to interfere with the Bishop of New Jersey, or this diocese. Instead of doing the only thing permitted them by the constitution, they take a different one, urging a special Convention for a special purpose. The course of the three bishops is therefore uncanonical and unconstitutional.

But Gentlemen say, we must not say so in this resolution, because that would be trying the three Bishops. They assume that this is a trial, and argue at large that this Convention cannot try the three Bishops, and pass, and execute judgment upon them. This argument is unnecessary—no one pretends that we have such power. This is not a trial; it is simply the expression of the opinion of this Convention. The word “judgment” is used in the resolution, but that word has two senses—the technical, and popular—and it is to be construed in any given case, with refer-

ence to the subject matter. In this case it cannot be construed in its technical sense, because we all know and admit, that this Convention cannot pass, or execute a technical judgment upon the three bishops. It is used here in its popular sense—as synonymous with opinion. We pass our opinions upon a President of the United States or an administration, in the shape of resolutions, and will it be pretended, that because we cannot impeach and punish, we cannot pass such resolutions? And may we not express our opinion upon the conduct of the three bishops, in proper and respectful language? Gentlemen say, the Conventions of other dioceses may retort upon our Bishop. So they may, when our Bishop interferes with such dioceses, as the three have done in this.

Has it come to this, that we cannot respectfully and in proper language, express our opinion upon the conduct of these bishops? This is a free country, and a free church, where every man may express his opinion respectfully upon any subject. We may express our opinion of the conduct of three bishops in any case, and certainly we may do so, when they unconstitutionally invade our rights.

Gentlemen say, “will you try these bishops without *evidence*?” Sir, we do not try them at all, and for our opinions we want no evidence other than we have. The whole case arises upon an official document which is before us. Its character is manifest—no other evidence is wanted, or could be used if we had it. The letter itself, with the constitution and canons, makes the whole case.

Again, sir, I prefer the original resolution without amendment. The amendment changes the words without materially changing the sense—we would not *protest* against the conduct of these bishops, if we did not consider that conduct uncanonical and unconstitutional, or worse. The resolution says, their conduct is “unwarranted by any canon, law, or usage of the church.” This is a mild and respectful expression of opinion upon their conduct. It imputes no wrong motive. It is as mild and respectful as the extraordinary occasion for it will allow. We say their conduct was not warranted by any canon, law, or usage of the Church—well sir, is it? I call on the gentlemen to produce any canon, law, or usage of the Church, that will sanction such a course as the three bishops have taken—or such a cold and heartless letter as they have written.

In view of the occasion, the official conduct and character of the three Rt. Rev. Prelates, the conduct of our Bishop under the extraordinary circumstances, and the rights and dignities of this diocese and Convention, I think this resolution, as it came from the committee, eminently appropriate.

Our Bishop did right, in refusing to follow the course marked out for him, and protesting against this unconstitutional interference. It is a proper assertion of Episcopal jurisdiction, and a just vindication of the rights and dignity of this diocese and Convention; and it is eminently right and proper for us now, to say

to those three bishops—"your present interference is unwarranted by any canon, law, or usage of the Church."

I hope the resolution will pass without amendment.

REV. MR. DUNN.—What I have to say will be a small speech about a large one. The remarks of my learned friend to my right might induce me to think him a very good churchman. I do not deny that he is, and I will admit his argument, if rightly applied. I find he is very cautious about making up a judgment; and he talks about a charitable view; but that may do very well for another text. But I cannot admit the force of his argument, and adopt it, until he reconciles the argument with the *expression of an opinion and judgment*, about the conduct of his superior in this Church, (*Mr. Halstead*.—I call the gentleman to order.) and that he should take upon himself to act contrary to the apparent unanimous voice of the Convention to which he belongs, and when he has reconciled his conduct with his argument, I will admit the force of it. There is no law by which the argument, as he uses it, can be sustained, and I think it amounts to nothing.

MR. HALSTEAD. I beg leave to answer the gentleman. He has thought proper to make a direct attack upon me. The gentleman says my argument is worth nothing, until I show I do not pre-judge the Bishop. I beg to state what my course of conduct has been towards the Bishop. I am known to be a gentleman residing at Trenton, and a member of the bar. I am known perhaps as well throughout this State, as well as any other member of the bar. I am known to be a churchman, and an officer of the Church. I reside in the central part of the State, and my business calls me North and South. In 1849, if others had moved in this matter, I myself should, not have introduced this resolution. My object was to give the Bishop an opportunity of clearing his character of these rumoured charges. I had no intention when I left home, to offer this resolution. I looked around to see if there was any member upon whom it would come more properly than upon myself. I could not go to the younger, and I could not ask the two elder gentlemen. I looked around on the Lay members, and I found none who were in the habit of public speaking; and in short, I think the conduct of the Bishop required an explanation to put these charges down. When the matter of the Bishop's account came up, and an exposure was made of the Episcopal fund; I knew nothing about it at that time. The Bishop got up and stated that he intended to give security, and speedily, I understood him. I then got up and said I was glad, and I hoped he would give the security. There was nothing wrong in that. I felt no hostility to the Bishop, nor he to me; and he called me to him and said, you have not spoken to me, or something to that effect.

BISHOP DOANE.—I am very unwilling to interrupt you, sir, but I cannot permit that statement to pass uncontradicted.

MR. HALSTEAD.—What do you mean ?

BISHOP DOANE.—The statement that I solicited your hand. I did no such thing. You came to me and offered yours.

MR. HALSTEAD.—Oh, very well: I do not pretend to be infallible.

MR. HALSTEAD.—I say I had no hostility towards the Bishop, and I felt that I had done my duty. I thought the Bishop would give the security. He did not do it; and I said I would attend another Convention, to see that the security was given. At that Convention the Bishop got up and said, that the Counsellor from Trenton had told that he meant to come to that Convention for the purpose of having that fund secured. Somehow or other the Bishop seems to know all that is going on. I got up and said, that I mean to, before I leave here. What occurred afterward it is not necessary to state, for it has been made public. I had done my duty, as I supposed. I came to the Convention the ensuing year, and a respectable citizen of this place presented to me a memorial, drawn up in his own handwriting, and sworn to, containing charges against Bishop Doane; and I thought it was a duty I owed to every citizen, to present that memorial; and I would have presented it at the last Convention, because the Convention adjourned while I was at home, but I could not; and so I failed in two attempts. I thought they were charges which ought—for the good of the Church—to be investigated, and I felt it my duty to send these charges to the three Bishops; and there were other gentlemen who agreed with me in my opinion. I supposed that the names of four members of any church would have been sufficient to warrant the reception of our memorial by the three Bishops. They did so. That was all we had to do. It will give me pleasure if Bishop Doane can show that these are ill-founded, for I have no interest in it if they prove true. I have the common interest with every churchman, and I want to see my Church relieved from any imputation; and I want to see her without blemish or wrinkle, holy and pure. If there is any thing wrong in that, I am wrong. No such charge as that should remain without being investigated; and I do say, that until they are investigated, you may pass resolution after resolution, and the public will never be satisfied.

MR. J. J. CHETWOOD.—The gentleman from St. Michael's certainly cannot now complain, that he has not had a full hearing, while making a clean breast of it. He congratulated him on the opportunity he had embraced of lauding himself as in the first rank of *the bar*, and of his high standing as a member of the *Church*. His fame had been trumpeted in a *certain* newspaper; and his pamphlet had spread far and wide, *his own* estimate of his standing in Church and State. (Laughter.) He too, though somewhat his junior, had spent many years in the profession,

which, however, gave him no special claims for consideration. He had no desire to make any personal attack upon the gentleman, and would not even assail the dogged *stubbornness* with which he had pursued his *object*, notwithstanding the professions he has now made. (Some person called to order, and amid the confusion, Mr. C. said, "Can't I be permitted to follow the gentleman? I will follow him, and set him right as to a few of his facts.") I recollect perfectly, at the adjournment of the Convention of 1849, that the gentleman went up to the Bishop, and said, I am delighted (or pleased, I can't say which) at the result; I would not have offered the resolution, but for the outside pressure. (Mr. H. It is not true.) Mr. C.—I reassert it, I was near by, and cannot be mistaken, (and turning to Mr. H.) said, I am perfectly willing to put my word against yours, before this or any other assemblage of the people of New Jersey. (Laughter and applause, which were checked by the Bishop.) And let me impress on the gentleman, that the charge of falsehood *in such a place*, is no greater evidence of *courage*, than of Christian courtesy. In the charge, too, relating to the Episcopal fund, at the Convention at Newark, in 1850, Judge Duer, Mr. Ryall, and the other member of the Committee, whose name I forget, reported that it was satisfactorily secured. Mr. H. insisted that the security should be stated publicly, and when told it was on the clerk's table, open for inspection, and an appeal was made to his instincts as a gentleman, and the Bishop himself having called for the reading of the papers, he finally seemed to acquiesce in the propriety and delicacy of not further urging his purposes of publicity. The gentleman is also mistaken as to the adjournment of the last Annual Convention. He was not present, and I know not whence he obtained his information. At the close of ordinary business, Judge Duer and Mr. Rutherford requested me to offer an amendment to the Constitution, for triennial meetings of Convention. The reasons stated need not be repeated. I at first declined, but finally consented at their solicitations.

This being disposed of, a motion was made for adjournment; when a clergyman objected that there was other business. On being asked what it was, that it could then be considered, he declined to state, or make any proposition. Some discussion occurred, after which, either Mr. Rutherford, or some person in the same pew, moved an adjournment, to which I objected; and upon the question being taken, my vote was in the negative, and, I believe, the only negative vote given. Upon this matter I cannot be mistaken; and there are several gentlemen now present, who recollect that their attention was called to the fact, by me, the same evening, with the remark, that no doubt some persons would speak of the meeting being concluded the first day as being unusual. In the face of all these facts, the gentleman, not only here, in his speech, but elsewhere, in his pamphlet and the newspaper, has charged upon the Bishop's friends, the hurried adjournment.

Now, Sir, the only opposition to the adjournment, was from one who has always been, and still is his friend.

But the gentleman has said the letter of the three B'shops was a friendly and private, and not an official communication. Friendly, indeed! Kind and courteous too, he has called it—that cold vapor of the grave which can hardly be spoken of in any proper terms in this place and presence—a private letter—why, sir, I have examined the envelope, addressed in the handwriting of the gentleman—I have read the papers enclosed, and now hold in my hand the letter of Bishop McIlvaine to Bishop Meade, the very first paragraph of which refers to the object, which he states to be the presentment of Bishop Doane for trial. (A call was made for the letter, which was read by Mr. C., and created a marked sensation.) The Convention can now judge whether the Bishops' letter could be viewed in any other light than official. Why, sir, Bishop McIlvaine authorizes Bishop Meade, as the senior of *the three*, to have his name put to the *document*, and Bishop Meade, in his most friendly and flattering communication to the gentleman, requests him to sign for Bishop McIlvaine; and we leave this *private, friendly, and courteous* letter, finished for its purpose, by the gentleman of St. Michael's affixing the name of the Bishop of Ohio.

The gentleman triumphantly reiterates the question, "Where is the evidence to support the resolution?" I point to that letter, and ask what further evidence could be desired. Not content with its dictatorial language to the Bishop, they also impeach the action of the Convention. I am perfectly willing that the Convention shall be judged by its acts. The members of this body will compare favorably with those of any other Convention in the Union, and I mistake my fellow-citizens, if they do not know their rights, and knowing, dare maintain them. Would that the three were present, to hear the statements and arguments of their advocate. But I rejoice that there are those who will report verbatim, our proceedings, and when the course of the gentleman is seen, I doubt whether his conclusions will stand the test of sound judgment any better than his facts that of examination.

Mr. President, our course, under the Divine blessing, is onward, still onward, notwithstanding the obstacles and opposition which two or three of our own number are endeavoring to throw in our way. The gentleman has professed his desire to see "the Church without spot or wrinkle, or any such thing." I trust the time is soon coming when he, and the few who consort with him, will look back with regret on the hindrances they have vainly endeavored to interpose; when co-operating with their brethren to advance all her institutions and interests, they shall behold our Church among the high places of Zion.

JUDGE OGDEN.—I think, Mr. President, that the debate has taken a wide departure from the question before the Convention; but I do not complain, sir, of the digression made by the delegate from St. Michael's Church, Trenton.

Advocates of the resolution have indulged in personal remarks, and the gentleman was fairly entitled to make a defence. He has claimed and exercised his right without stint; not extending his observations beyond what the occasion justified.

I should have been disappointed, if he had not made an explanation. But, sir, I think that the discussion will *now* be confined to the proposed amendment. The language employed in the resolution is very suitable, and in my opinion is more delicate towards the Rt. Rev. Bishops, than that of the substitute. It is neither more nor less, than a firm declaration of our judgment, that their proceedings are not supported by the law of the Church—whereas the amendment, if adopted, will make us “protest against their right” to prescribe to us a course of action. I am not prepared to adopt the language of the amendment. It might be exceptionable to the three Bishops. I hope, sir, that it will not prevail.

REV. SAML. L. SOUTHARD.—This debate, sir, has taken such a latitude, that I rise in the hope, that, by a few brief sentences, I may recall the attention of the members of Convention to the point—the real point which is involved in this discussion—to the real merits of this question. Now, I submit, to the brethren around me, who have moved and advocated this proposed amendment, and who find themselves unable to vote for the *entire* resolution, the question, what is *the idea* which they are willing to embody in *that portion* of the resolution they approve? It is, that, a *wrong* has been done to the Bishop, and the Diocese of New Jersey. What is the nature of that wrong? Is it a violation of good taste? Is it the infliction of personal injury? Or, is it a *violation of law*—of ecclesiastical law? Is it not against their action *as unlawful*, that they are willing to *protest*? And, if it be so, why not say it is *unlawful*? Why avoid the term? Is not the very *pith*, and life, the substance, and the whole, of the ground of their objection, and of their willingness to make this *protest*, that the action of these Bishops is *unlawful*? I submit to them, that by the change of phraseology, they do not escape the declaration! And I ask them now, to consider the matter in this light, and to withdraw their motion, in order that we may go on, to the consideration and adoption of the preamble and the resolutions which are now before us. And, if they are not willing to withdraw it, then, I earnestly implore the members of Convention, to have the question taken at once, on the proposed amendment.

REV. MR. STARR.—I wish to call upon the Secretary, to read the concluding clause of that article of the Constitution providing for Special Conventions.

(The clause is read.) My objection to the resolution is twofold, viz. the first part is unconstitutional according to the clause of the Constitution which we have just heard read. My objection to the latter part is that it refers to parties who have nothing to do

with us. Under these circumstances I cannot vote for the resolution.

The Rev Mr. Sherman, of Belleville, asks leave of absence, which is granted.

MR. A. GIFFORD.—I should beg leave to decline acting upon this resolution, inasmuch as it is of a very important character, and one which affects the interest of the Church. It is one which requires solemn deliberation, and more than I could give in the short space of time allotted to consider it. I feel it is a matter of so much consequence, that, under the present circumstances, I am not in favor of acting upon it. I for my own part would not take the responsibility of it. We stand here, sir, before the assize of the people. In a court of justice we agree to abide by the decision of the court. It is not so in deliberative bodies. The people will consider the question, and therefore how deeply important it is to consider upon what we are doing. Is there no other time but the present? Must we close this matter at the present moment? We have heard the learned, able, and eloquent address of the Bishop upon the subject. Is it to be supposed that such resolutions as these, if they were passed in the Legislature, would pass at once? No, there the business is presented one day, and the people have time to consider of it; and often the governor puts his veto upon it, notwithstanding that deliberation. And why should we, in a matter of this kind, which is going to affect the Church so deeply, pass a precipitate judgment upon it? Now here we are come together as delegates from our respective parishes. Have we been appointed for this particular purpose? Last Easter such an event as the trial of a bishop never entered into the minds of our people. Had it been so they would have sent men more capable of acting upon so momentous a matter than myself. I should wish that we might have an opportunity of placing it before the people, and then we have accomplished the great and important object of being called together here. We have seen and discussed the resolutions, we have interchanged our opinions with one another, and we can go home and tell what has been done, and the people can reflect upon it. There is a convention to take place in the month of May; I move that to that period we adjourn the whole matter.

HON. J. W. MILLER, U. S. Senate, said:—

If I understand the motion of my friend from Newark, Mr. Gifford, correctly, it is to substitute his resolutions for those reported by the committee, and that his object is to postpone the further consideration of the whole subject until the next annual Convention.

In making this motion of postponement the gentleman must, I think, have overlooked the facts and circumstances which led to the call of this special Convention. Had he adverted to them, his own good judgment would have told him that the case required

prompt and immediate action, and that delay on our part would be an abandonment of our diocesan rights. The call of this special convention was not induced by any act of ours; nothing within the diocese required this meeting. It has been forced upon us from without, by foreign dictation; we have met to resist an aggression, and if we are compelled to act promptly, or as the gentleman says, hastily, the fault is not ours, but theirs who forced the emergency upon us. What are the facts and circumstances which induced our Bishop to call this convention?

On the 22d of September, 1851—I take the date of their joint letter—three Right Reverend Bishops met somewhere, either in Ohio, Virginia, or Maine—they do not tell where—and jointly received, considered, and determined upon certain grave charges, made against our Bishop, and there jointly, and in their official characters, make known their determination to the accused bishop, in the form of a joint letter. In that letter they say, “we have resolved to advise and urge you to have without delay a special convention for the purpose of a full investigation of all that has been or may be laid to your charge, whether in the document we transmit to you, or otherwise.”

Here, in this dictation by the three bishops to our bishop, to call, “without delay,” a special convention, is found the first reason why this Convention, should, without delay, declare that we acknowledge no authority out of our diocese, to direct when, or for what purpose, the Convention of New Jersey shall meet. But, Sir, the three bishops, not content with directing the call of a “special convention, without delay,” they, also, proceed to direct and control the proceedings of the Convention, when assembled. They tell us, or, rather, they direct you, the bishop, to dictate to us, the course of our proceeding. “To appoint an impartial and intelligent committee, in whom great confidence will be reposed, with instructions to make the fullest investigation of the evil reports, which are, and have been assailing your character and conduct; and that no mere report of a committee, or vote of a convention, declaring a belief of your innocency, and that an inquiry is unnecessary, will suffice for your own reputation, or give satisfaction to the public.”

Upon the receipt of this letter, and after giving to its authors the answer it deserves, our Bishop so far complies with the demand of the three, as to call without delay a special Convention of the Diocese of New Jersey, upon whom, that letter, its advice, its orders, and commands were intended to operate; and he now submits to us the whole of these strange proceedings, with his official action thereon, and asks us to take such action therein as in our judgment may seem right and proper.

This Convention, acting within its own jurisdiction, and upon a subject which deeply concerns its rights, its honor, and its purity of character, has proceeded to consider the subject, appointed a committee, consisting of members of each order, to whom

the whole subject was referred. As I am an humble member of that committee, I will not stop to inquire whether this Convention, in making the selection, were governed by the special directions of three Bishops to appoint "an impartial and intelligent committee," or not; such as the committee is, partial or impartial, intelligent or stupid, it is *the committee of this Convention*, freely and unanimously chosen by the legal representatives of the churches of the Diocese of New Jersey. This committee has with perfect unanimity reported the resolutions now under consideration.

These resolutions, if passed, will be the answer of this Convention to the letter of these Bishops. The resolutions merely assert what we believe to be our diocesan rights and privileges, and in the mildest language which the nature of the case admits of, declare, that the action the three Right Reverend Bishops in the premises, is in our judgment, unwarranted by any canon, law, or usage of the Church; and, in answer to the assumption of guilt against our Bishop, and the insinuation that this Convention, has or may neglect its duty, contained in the letter of the three Bishops, we repel alike the assumption and the insinuation, by declaring our entire confidence in the uprightness of character and purity of intention of our Bishop, and that we have always been, and are still willing and ready to meet and investigate any charges duly made and presented against him; and also expressing our opinion, in view of all that has passed, and also in answer to the opinion of these Bishops to the contrary—That the best interests of the Diocese and of the Church at large require no such proceeding.

Now, sir, in view of all these facts, and proceedings, it is proposed that this Convention adjourn without taking any further action, or expressing any opinion on the subject. To do so, would, in my opinion, be a tame submission to a known aggression upon our diocesan rights.

It would be a yielding up of the whole case; I mean, the case as made out and forced upon us by the three bishops and their coadjutors. They have invaded our diocese. They have sent here charges of perjury and fraud against our bishop; they have backed those charges with an opinion of *primâ facie* guilt: they have charged us with neglect of duty; they direct us to proceed and try the charges, and prescribe the manner and mode of our proceedings. They express a suspicion of our integrity and of our intelligence; and then enforce all these their most friendly directions, demands, and commands, by a covert threat to our bishop, that unless *such a course* as they, the three Rt. Rev. Bishops, have "*pointed out*," in their letter, be "*pursued*," they will take the matter in hand. Now, I ask, who in this Convention desires time to consider what answer he shall give to demands so illegal and so offensive? Delay, in a case like this, is acquiescence in the wrong.

If we believe that the three bishops have unlawfully interfered with our diocesan rights, it is the duty of this Convention, upon

whom the question has been forced by the action of the three bishops, to meet and resist the interference at once. To postpone the question to the next Annual Convention for the reason assigned by some gentlemen—that new delegates may be elected by our constituents, who may be better prepared to determine this question—would be to stultify ourselves. Such a course would make us obnoxious to all of the charges made by the three bishops, that we had neglected and delayed to perform our duty to the Church, and that some of us were even destitute of the ordinary qualifications of fairness and intelligence, and not fit to be placed upon a committee of inquiry. I trust that the Convention has too much respect for the character of churchmen in New Jersey, to make any such admission.

But it is said that the letter of the three bishops was a private letter, a friendly epistle intended merely for your eye, and for your consideration; and that you did wrong in publishing the letter to your diocese, and in calling this Convention to consider its contents. No man who reads that letter, with care, together with the facts stated in your address of to-day, can doubt as to its true character. Its form and substance show that it is an official communication, intended to operate on official and public matters, relating, not merely to your character, rights, and duties as the Bishop of New Jersey, but, also, relating to the duties, to the character, the proceedings, and the official conduct, or judgment, of this, the Diocesan Convention of New Jersey. We, Sir, the clergy and laity of New Jersey, are made parties in that letter. We are as much, nay, more concerned in its contents, than you are. You are the instrument, we are the subjects. They advise you to dictate to us; they direct you to call, without delay, a special Convention, and when assembled, to point out, as they have directed you, the mode and manner of our proceedings. It is three bishops dictating to a fourth, to dictate to his Diocesan Convention, how it shall act upon a matter submitted to its consideration and judgment.

Yet, this is called a private letter, one in which this Convention has no concern. Sir, if you could have so far forgotten what was due to your own reputation as a man, and to your character as a Christian Bishop, as to receive and treat this letter, with all its offensive contents and accompaniments, as a private communication, as mere friendly advice from your Right Rev. Brothers, and had suppressed their publication to your Diocese, you would, in my opinion, have been guilty of a gross neglect of duty towards that portion of the Church, over which God in His providence, has placed you to be its head, its protector and defender. You might have yielded your own independence, and in silence submitted to the dictation. I beg pardon for making so monstrous a supposition, yet it you had the power to do—but you could not, you dared not, surrender the civil and religious rights of this diocese. Neither could you suppose, as a private matter, charges, sanctioned by

the name of these Bishops, deeply affecting not only your character as Bishop, but also implicating the fairness, the honesty, and the independence of this and the former Conventions of the diocese.

This letter is also an official communication. It was evidently intended as such by its authors; the form and manner of the letter declares its character. "We have received certain charges. We have considered them. We have resolved upon a certain course. We have been selected to perform a painful duty, in order to determine whether it may not be proper to institute a trial, according to the canon provided for that purpose." In other words, the letter shows—(provided it correctly reports their proceedings,)—that the three Bishops met somewhere—they do not tell us where, and jointly received the nineteen charges, with their specifications:—No that they proceeded to consider these charges; that they determined upon the character of them; that they resolved what to do with them; and then, in their official characters, acting together as a board of three Bishops, engaged in the painful duty prescribed by a canon of the Church, write a joint letter to the Bishop of New Jersey, directed to him by his official name and character, advising him to take official action on the subject matter of their communication. If this be not an official communication, upon a public matter, I cannot conceive what further formalities are necessary to give to it that character. It is certainly a very strange kind of private letter.

I now desire to say a word upon the construction of the canon of 1844, under which the three Bishops say they viewed the charges from the four lay members in New Jersey. That canon declares that "the trial of a Bishop shall be on a presentment in writing, specifying the offence of which he is alleged to be guilty, with reasonable certainty as to time, place, and circumstances." The presentment may be made by the Convention of the diocese, to which the accused Bishop belongs; and it may also be made by any three Bishops of the Church.

It is admitted by the three Bishops—and such is the fair construction of the canon—that the diocese has the prior right of presentment, and that it is only when the diocese neglects to perform the duty that the Bishops should interfere. Now, without ever claiming this priority of right for our diocese, I desire to put the present case upon a point which cannot be disputed, to wit, that the diocese of New Jersey has, by the canon, an *equal right* with the three Bishops to determine for itself, *where and under what circumstances* it will present its Bishop for trial, and that the diocese is the sole judge of its duty in the matter of presentment. The only control over its proceedings is, that the canon requires two-thirds of both orders necessary to make a presentment. The mode and manner in which to consider and dispose of any complaint made against their Bishop, is for the Convention to determine. They may do it by a *mere report of a committee, or a vote of the Convention, declaring that they believe their*

Bishop *innocent*, and that inquiry is *unnecessary*. The three Bishops have concurrent jurisdiction with the diocese; they also can, as the three Bishops in this case have done, determine for themselves, when charges are worthy to be considered and presented. But where, I ask, do they find the law, or the canon that gives to them a supervisory jurisdiction over the proceedings of a diocese, or that authorizes them to inquire into the mode and manner in which the diocese performs its duty. The three Bishops have the undoubted right to present, but I know of no canon, law, or usage in the Church which authorizes them to constitute themselves into a court of inquest to receive charges and specifications in the nature of a presentment. They may present a Bishop for trial, specifying the offences of which he is alleged to be guilty, but they have no right to receive presentments against Bishops for crimes, and against dioceses for neglect of duty, and then transmit them for trial and judgment to the accused, accompanied with their official opinion as to the serious nature of the charges, with directions as to the manner in which they are to be disposed of.

What a strange spectacle this strange proceeding exhibits to the world. Four laymen residing in this diocese, one of them a member of this Convention, turning their back upon this body, leaving behind them all the courts, civil and ecclesiastical, of the State in which the crimes are charged to have been committed, and passing over the mountains to Ohio, thence down into Virginia and away up to Maine, for the purpose of charging our Bishop with perjury, fraud, lying, and cheating. Sir, a decent respect for common humanity, a proper regard for ordinary character, should have caused those fugitive charges to be looked upon with suspicion. But when it is remembered that these charges made against one of the highest functionaries in the Church, the Bishop of one of the oldest Dioceses in America, and against a man who has devoted the best days of his life to the cause of religion and education, and including also within the presentment statements which imputed ignorance, partiality, and gross neglect of duty, to the whole Diocese of New Jersey; the conduct of the three Bishops, in receiving and officially acting upon a presentment so suspicious and so monstrous, cannot be justified by any known rules or laws which govern the social intercourse of individuals or churches. The churchmen of New Jersey may not be as intelligent as some of their brethren in other States, but they must be both vicious and stupid, if they cannot find out for themselves when their own Bishop has been guilty of perjury, cheating, and lying, within their own Diocese, and about matters concerning the affairs of the Diocese.

If the three Bishops think proper to assume that we are ignorant of these alleged crimes, or that we have neglected to prosecute them, they may upon their own high responsibility act

upon their superior knowledge and zeal, and present our Bishop for trial, but they have no authority to arraign the Diocese of New Jersey, for neglect of its duty.

But, it is said that we are arraigning the three Bishops for trial before this Convention. No one can, with any show of justice, so construe the resolutions reported by the Committee. They are merely defensive. They only resist what we consider an aggression upon our Diocesan rights. All that we say about the conduct of the three Bishops, is, that "their official action in the premises is, in the judgment of this body, unwarranted by any canon, law, or usage of the Church."

This we have a right to say—duty to ourselves forbids us to say less. The circumstances of this case would justify us. We carry our defence much further. We have been assailed in our character, in our rights, and the law of self-defence, human and divine, would justify us in resisting the attack; to carry the war made upon us into the enemy's camp; but we prefer to remain here within our own proper jurisdiction, and simply repel the aggression by saying to those who have invaded our Diocesan rights, that there is no canon, law, or usage of the Church to warrant the aggression.

To call this a trial of the three Bishops, is to pervert the whole case. The Reverend gentleman from Paterson, although in favor of the first part of the resolution, which asserts our rights, finds difficulty in voting for that part which declares that the three Bishops are not warranted, by law or usage, in their aggression upon these rights; he is willing, to use his own simile, to order an intruder out of his house, but he would not pursue him into the streets; but I submit to my Reverend friend, that if, when he ejected the intruder from his house, he should say to him, sir, there is no canon, law, or usage to warrant the trespass you have committed upon my domestic peace and rights, he would consider that he was passing judgment upon the intruder. The civil law would justify a much more active course, but certainly neither Christian patience, nor clerical forbearance, can suggest a more mild and gentle rebuke to an intruder than that proposed by these resolutions.

We all know that this Convention cannot try the three Bishops for this aggression upon its rights, yet all must admit that we have the right to resist the aggression. To do so, is not only our right, but our duty. If, therefore, this Convention be of opinion that our diocesan rights have been invaded—and I have heard no opinion to the contrary—let us express that opinion at once. It has been published to christendom by three Bishops of the Church, that we are an unfaithful Convention, and cannot be trusted with affairs of our own diocese; we have been tried without notice, and condemned unheard. We do not retaliate this unjust proceeding upon our accusers; we do not try them, but may defend ourselves, when they say that this Convention is partial and unfaithful. We reply, Reverend Fathers, you have no right to make the accusation.

To omit to say this, would be submission to their wrong. Aggressions, known and understood, should be met at once, met at the door, and resisted before they have time to enter our household, and disturb its peace. Now or never, is the time to take our position; we must either submit to, or resist the aggression now; we cannot, without disgrace, pass it over to another Convention. I desire no rash proceeding, no angry recrimination, but I ask for prompt and final action upon a case known and understood. And if the old Jersey spirit—that spirit which warmed the hearts and nerved the arms of our fathers when they achieved our civil and religious liberties—still lives in the hearts of their sons, we shall to-day maintain, against all foreign aggression, the freedom and the independence of the diocese of New Jersey.

The question being taken on Mr. Gifford's resolution, to postpone the whole matter until the Annual Convention, it was lost by an overwhelming negative vote.

The Convention being now ready for the question, the ayes and nays were called for, and resulted as follows:

FIRST RESOLUTION.

CLERGY.

AYES 25.

NAYS 2.

Declined to vote 1.

LAITY.

AYES 25.

NAYS 8.

Divided 1. Declined to vote 1.

REV. SAMUEL L. SOUTHARD—I ask, Sir, if you please, for the reading of the *second* resolution.

After the reading of the resolution, Mr Southard said—

(MR. STARR again raised the question whether this resolution was within the call of the Convention, but Mr. Southard claimed that he had the floor, and the Bishop so decided.)

I rise to advocate the adoption of this resolution, not only with my *heart*, but as an act of simple *justice* to yourself. There might be circumstances, in which no resolution of the kind could be required. The Convention of 1849, in which an indirect attack was made upon your character, expressed, by a vote unanimous, their confidence in you. If, *since* that time, no action had been taken, which, in any way, impeached your character, the circumstances then would *still* be such, that no such resolution could be needed. But, such is not the case. In 1849, in perfect knowledge of the *rumours* which were then existing, by some termed *charges*, the Convention, very properly I think—although I had not then the pleasure to be present—expressed their confidence (turning to the Bishop,) in your honesty, and your integrity. And I wish that the Bishops of Virginia, of Maine, and of Ohio, had been there, that they might have weighed, in an equal scale on the one hand, the reputation and the influence, the weight and number of his adversaries, (and the power perhaps, which is behind, to which allusion has been made,) to whose charges they have *listened*—and on the other, the numbers, and the character, the purity and the intelligence, the uprightness,

and the bearing of the multitude whose voice they have *refused* to hear! But circumstances have occurred, which force upon us, as an act of simple justice to the Bishop of this Diocese, the passing of this vote.

And I knew, by intimations which were given in the discussion of the former resolution, by the Reverend gentleman from Trenton, that objections would be made to the *legality* of such a vote. And I insist that it comes *within* the call of the Convention, which specifies the *rights* both of *the Bishop* and the Diocese, which have now been assailed—and that the action of the Bishops of Virginia, Maine, and Ohio, has *furnished the occasion* for the adoption of this resolution. For the character of the Bishop of this Diocese had been vindicated by the expression of their confidence, by the Convention of 1849—and *if* it had been *left* where they had placed it, we might be silent *now*. But as a part of their *official action*, they have thought fit, in the letter they have sent, to *question* and *impeach*, directly or indirectly, the integrity and purity, not only of the Bishop of New Jersey, but of the majority of this Convention. Had no such imputation been *renewed*, and from that quarter, then, no such resolution would have been demanded.

Now, Sir, as to the *meaning* of this resolution—its intended and true sense. Objection has been made to the vote of 1849, that it is claimed, and was regarded, as a *verdict after trial*! No such idea is entertained. There could not be a verdict after trial, where no charges were preferred—no inquiry had been instituted—no trial had been had. But, it *was* conclusive under the circumstances of the case, and as to the matters which had *then* been brought before the members of Convention. We, now, are asked, by the offering of this resolution, to express our confidence, our *unshaken* confidence, in the uprightness of character, and purity of intention, of the Bishop of New Jersey, *after* all, that, *since* that time, and up to the passing hour, in any way has come to the knowledge of the members of this body. We do not mean it, we could not mean it, as the rendering of a *verdict after trial*. No trial has been instituted. No trial has seemed, as yet, to be required. We are asked to express our unshaken confidence in the uprightness, and the pure intentions of the Bishop, during the time of his Episcopate, *notwithstanding* all that has been written and whatever may have come to the knowledge of the members of this body—in view of, bearing in mind, considering, allowing, weighing, the so-called charges, and the vindication—the reply, the protest, the appeal—the published pamphlets, the wars of rumours, the *newspaper* reports, and *all* that we have heard as individuals, and, as members of this deliberative body—in view of all these—in view of *all* that has been charged, and *answered*—that our confidence remains *unmoved*. And, we see not, how any man can, with the least propriety, refuse it. I do not think, myself, that I shall live to see the day, when any thing will be discovered in the transaction of the Bishop, to which reference is made, which will shake

my confidence in him. But, still we must allow, it *may* be so, in the case of any individual. As yet, however, it is not so. Nothing has come to light to impeach the purity of his *intention*. Nothing in 1849 had been preferred in such a manner as to justify the imputation—and I was glad to hear the language of *the four* and of *the three*, in reference to that Convention, so manfully rebuked by the *Senator* from New Jersey. Nothing has *since* come to light to justify the imputation. I have read whatever has been written. I have read, and seriously pondered, the charges which have been directly or else *indirectly* made, in every way; and, in view of *all*, I am prepared to adopt this resolution.

And, now I ask you, Brethren of the Clergy, partners, and sharers with me, in the joy of having such a head—and *you*, Lay members of this body, partakers with us, of the benefits of such a ministry, the ministry of such a man—I ask you, if he shall not have the expression of your confidence, *unshaken still*, in his uprightness, and his purity? I wish that I might hear, in answer, now, the voices of the whole community, of those who are around us, and among whom he long has lived *here*: on the very theatre of his alleged offences. I wish I were at liberty to call upon them for the verdict of this whole community—and we should have a repetition of the scene of 1849; upon the one hand, there would be *the few* dissatisfied complainants—and, on the other, *a vast multitude*, of worthy and intelligent, of loving, grateful, benefited, trusting citizens! I wish that I might call upon the yearning and parental hearts, through every portion of our land, whose *homes* are *cheered*, and *blessed* by their returning offspring, who have been trained *by him*, not only in the graces, and accomplishments of life, but in that better knowledge which has made them “wise unto salvation!” I wish, that, I might call upon the soil around us, which is *worn* by the *incessant treadings* of his steps, as through the lapse of nearly twenty years he has been going in and out among his own parishioners, in all the duties of his ministry, and in deeds of sympathy, and sorrow, and of love! Do they not warrant the expression of your confidence? May I not ask—he asks it not—but may I not demand for him as his own right, his *new created* and invested right, after the late action of *the four* and of *the three*, the renewal of your own expression of your trust in his integrity?

My Father, I, for one, will vote my confidence in you.

The Convention being now ready for the question, the ayes and nays were called for, and resulted as follows:

SECOND RESOLUTION.—CLERGY.	LAITY.
AYES 25.	AYES 25.
NAYS 1.	NAYS 7.

Declined to vote 1. Divided 2.

When Mr. Starr's name was called, he declined to vote, and stated as his reason that the resolution was not within the call of the Convention.

MR. RYALL called Mr. Starr to order. He then voted in the negative, being the only one among the Clergy.

The Belvidere Lay delegates, through Judge W. P. Robeson, declined voting on the ground taken by Mr. Starr.

Third resolution read.

JUDGE OGDEN. I rise with hesitation, Mr. President, at this late hour, to speak to this Convention. So much has already been *so well* said, that silence would better become me. But, sir, the character of the resolution last read, should commend it to the favor of the Convention; and I feel it to be my duty to direct attention to it, at the same time promising not to inflict a speech upon them.

The resolution states two facts, and draws a conclusion.

It sets out that the Bishop has avowed, in his address, his willingness to meet investigation of any charges properly made: and that he ever has been so ready. The first you have heard from his mouth this morning, and who can gainsay the last? Who can complain that he has ever shunned or ever evaded such investigation?

Who of those, that have proclaimed that inquiry was avoided, can rise up and say, that he has ever shrunk from meeting the case?

I pause for a reply. None.

The resolution then sets forth an affirmation, that the Convention has always been ready to make such an investigation. In proof of this, reference is made to the action had in 1849. Although the exceptionable shape in which intimations were then made, drew forth a full discussion, which terminated in unanimity against the resolution proposed, yet it was *then* again and again declared, that if complaints should be properly made, the Convention would enter upon a full investigation. No complaint was made; of course no investigation took place. In 1850, the Convention passed without hearing of complaint. In 1851, no complaint was made, although the delegate from St. Michael's has told us, that if the Session had continued until the second day, he should have presented an affidavit of Michael Hays. It is sufficient to say, that no such affidavit was offered—no investigation required; if he omitted to do on the first day, what he should have done, his negligence cannot be turned into an argument against the willingness of the Convention to meet and discharge its duty.

In view of these facts, the resolution declares it to be the opinion of the Convention, that the best interests of the diocese and of the Church at large, require no such proceedings. Is this a just conclusion?

It is a negative proposition, and hence not to be maintained by argument.

In support of it, however, I would ask for evidence to show that our diocese would be benefited by the investigation.

Have we dwindled? Are we retrograding under the "obloquy" which is charged by the four laymen, as marring the Church?

Do not the annual reports of greatly increasing confirmations, communicants, parishes, and missionary stations, show the prosperity of this branch of Zion? It may be true, that defection and apathy pervade some particular parishes, but may not a more immediate reason for such calamity be found in the parochial unfaithfulness of their pastors, in their disposition to alienate their flocks from the shepherd of the diocese?

These are questions of some significance.

Does the Church at large call for an investigation?

Who can answer that she does?

Would the prosperity of the Seminaries, conducted by our Diocesan, be promoted by such proceedings? They are constantly sending out into the length and breadth of our land, youth of both sexes, well furnished with useful and elegant literature, grounded in Church principles, to do their good works in their various circles of action and influence.

A continued patronage shows that parents and guardians have no lack of confidence in the moral and religious character of the aspersed.

I will not detain the Convention longer, but in conclusion I ask, who will put his hand upon his heart and say, that the disturbance in the Church, which would follow such proceedings, might not produce evil consequences, which would far outweigh any good that can possibly be anticipated from them?

Might not a wedge thus be entered, which would rive our Church in twain?

The REV. MR. PRATT, (of Perth AMBOY,) said:

It is with much diffidence that I, one of the youngest, and most unnoted representatives of the Church in this diocese, venture to address a few words now to this reverend and learned Council.

This, however, is an occasion, Right Reverend Sir, when I would wish and strive to overcome any diffidence, and let my voice be heard. And there is a reason, too, why I may claim your indulgence, and that of this Convention, in taking the privilege to speak.

Had I the weight of a *vote* in this body, I should, doubtless, be content to let its *silent significance* indicate my convictions and my judgment on the grave and momentous question that is now before us. For, I am well aware that my vote would be of far higher importance and interest, at this time, than any remarks it is in my power to proffer. But as I have *no vote*, I beg to be permitted to speak, that so my voice at least may humbly express its opinion, though it may not have the honor of appearing on the record.

For nearly three years past, I have been numbered with that, in some respects, unfortunate class, styled "*Rectors Elect*," who, according to a canon of this diocese, can have no vote, nor be eligible to any office in, or from, this Convention.

Owing to some old, but I know not how well-founded, prejudice

of those who are the controllers, in things temporal, of my parish, they are unwilling to have him whom they have chosen to be over them in the Lord, "instituted" in his cure.

One of our diocesan canons is indeed thus deliberately disregarded; one of the excellent and beautiful offices of our inestimable Book of Common Prayer is certainly set at nought; yet none heeds or suffers thereby—except, perchance, the poor "*Rector Elect!*"

This, however, I am well aware, is not the occasion to discuss the expediency of that canon, which I do not see any good reason to question; neither is this the time or place to reflect upon that sense of justice, equity, and generosity manifested by the temporal officers of any church, who would debar their chosen Rector the high and precious privilege of *suffrage*, nullify his eligibility to whatever offices in the ecclesiastical councils; and yet, be represented by a lay delegation in Conventions, who, themselves enjoy and exercise the right to vote!

But let this matter pass, for the present. I was moved to allude to it, because now, more than ever, I could well nigh chafe and repine, that I, a presbyter in this ancient diocese, and the *Rector of its most ancient parish*, am quite powerless, and of no importance here! My tongue, for this reason, was loth to be silent, on *this* occasion. For silence, at such a crisis as this, in one who is *voteless*, might be misconstrued! I, for one, wish not to run the risk! On the grave and vitally important business *now* before this Convention, the opinions of all should be known! Let none now wear the mantle of evasion, indifference, or silence, or fear. Let "Rectors elect," as well as "Rectors Instituted," here publicly declare their calm and conscientious judgment, and the movement, and the object which have caused this assembling of ourselves together!

This is a time, Sir, when the voice of New Jersey's Convention should every where be heard, giving forth no uncertain sound! This is the momentous day when all true churchmen of this diocese should be unhesitating and united in expressing their sense of the exciting cause which is now presented for their consideration. And whatever the action and the decision of this special council may be, it is *my* desire that I be ranked with them, in sentiment and in judgment, though I cannot be by vote! And this, Sir, because I am deliberately persuaded that the voice of the *majority* will accord with justice and with truth! I shall be with them *in heart*, because I feel assured that they will deal fairly, impartially, and honorably towards him, whom the event of this memorable day must chiefly interest and concern!

Now, Sir, in connection with this confident opinion of the stand which the great body of this Convention must surely take, in expressing their sense of the unprecedented demonstration which has specially convened us—permit me, at this opportune moment, to make particular allusion to the relations which exist between the Bishop of this diocese, and the united band of brethren in Christ

who deem it a happy privilege to look to him as their Overseer, and Father in the Church. I have heard and known some persons, who were graciously privileged to receive holy baptism in this fold, to bemoan, and ridicule, and sneer at, the devotion of the clergy—the “subserving and cringing servility”—as some have termed it—to their Bishop.

I will not descend so low as to ask whether these latter terms are merited or just! But I will ask, if such individuals have ever witnessed or read the solemn vow and promise made by these ministers when they presented themselves to receive their sacred commission and spiritual authority at a Bishop’s hands?—“Will you reverently obey your Bishop, and other chief ministers, who, according to the canon of the Church, may have charge and government over you; following with a glad mind and will their godly admonitions, and submitting yourselves to their godly judgments?” What is the answer? “I *will do so*, the *Lord* being my helper.” If any one does *not* do so, then, may we not justly conclude the Lord does not help him at all?

We of the clergy believe, Sir—and we would fain hope there is not one among our ranks disposed to be recreant to his vow—that there is a meaning, and a particular significance in these words of the Ordination office. We believe that the order, peace, and quietness of the Church are involved in the observance of this promise. We have heard, Sir, of “false prophets.” And there is a considerable and respectable number of us, who desire not, and pray that they may never be among those who are “presumptuous, self-willed, not afraid to *speak evil of dignities!*”

Such of our order beg leave to be withdrawn from “every brother that walketh disorderly;” we hope not to think more highly of ourselves than we ought to think! Our ambition on this point is a higher and a nobler! It is to “obey them that have the rule over us, and submit ourselves.” We know that God has “set” some as His chief officers in the Church. We own some deference and allegiance to our *chief!*—because we would not have *schism* in the “one body.” It seems strange, therefore, that men should not *honor* these feelings of the clergy towards their Bishop, rather than *vilify* and *scoff* them! They are but doing their duty, in this particular, as the ministers of Christ! They have promised to be submissive and reverent; shall they be *disobedient*, and arrogant? If the clergy, in their hearts and consciences have faith in the integrity, honor, and morality of their Bishop, and believe these virtues to be unjustly assailed, shall they be denied, because they choose to stand by their head, defend him in the assault, and yield to his “godly judgment?” Shall they *desert* and *decry* him, whom they have sacredly vowed to reverence and serve; because, in time of adversity and disappointment, he has proved to be fallible—like other men—and not free from fault, though *free from the design* of fault?

But, Sir, to leave the clergy—who, to say the least, are happily

unconscious of the imputed "servility,"—how is it with the *Laity* of New Jersey? They have made no such solemn promise to their Bishop, and therefore, need not feel quite so strictly bound! Yet, if my observation has not greatly deceived me, *never* was there a more devoted, enthusiastic, and faithful band of *laymen* rallied around a minister of Christ's Gospel, and a Bishop of His Church, than here in this Convention, and throughout this Diocese; who thus nobly distinguish themselves and honor the object of their esteem!—No! thank God, the clergy of New Jersey are not alone and singular, in their affection and support! The number of New Jersey's most distinguished, warm-hearted, and worthiest churchmen of the *Laity*, is quite large and strong enough to defend their Bishop in his rights, ward off the darts of persecution, and sternly rebuke the unworthy originators of mischief and discord in our midst!

The multitude of our Diocesan's unshaken and trusting *friends*, I cannot count; but the force of those who think evil of his words and works could be easily and quickly reckoned—at least of all those who have the hardihood to *show their colors*!

We of the clergy, and you, brethren of the *Laity*, admire and honor our Bishop for what he has done; we sorrow with him that he has been to some extent disappointed in what his genius planned; but we submit with him to God's dispensations; we love him for what he is, and what he is now doing; but, believe him guilty of *wilful wrong*?—not yet, *not yet*, and *never* do we think that time will come!

But what is it, Sir, that we are besought to do? And what would the adversary have?—And what has brought together this Convention, now, before the annual time? We are besought to investigate charges against the good name of our Bishop, which have no better parent than "*public rumor*." Fit offspring of such a parent!

The adversary would have us yield to his—(I say not, as some have judged, "*malicious*") instigation—that we should attack and hunt down one, against whom the great mass of the impartial and the unprejudiced have no cause of suspicion, nor complaint.

And this Convention, at a special time, has been primarily induced, by a hostile movement against its head, on the part of four individuals who, I believe, claim the right, and enjoy the honor of a seat here! What, Sir, would they have us rake open the *buried ashes* of the past, that we may see whether no living coals can be discovered there, either to consume the lofty and silvered Oak, which they would fell, or else to burn and blacken his accusers?—Better, methinks, to let those coals lie hid that they may *die*, and so, both parties live!

Would *any* investigation give *satisfaction* to these accusers, and those whose hearts are warped by bitter prejudice? They so certainly affirm their charges to be true—and that they believe them so, that I much doubt, if an angel from heaven could convince

them to the contrary, or persuade them that they were hugging only a *false belief!*

Is it possible, Right Reverend Sir, that these individuals, and their unnamed abettors—if such they have—may be deluding themselves with the idea of bringing about *peace* in the Church? Is it possible they are deceiving others, and beguiling them to favor their attempt, and drawing them over by their show of honest intentions, while they cry out “Peace! Peace!”

This, Sir, has before been used as the cry of those who have brought ruin, dissensions, and sorrowful desolation into many a fair and goodly heritage! Let us not be unsettled by this cry! Let us beware in time, and shun the snare!

There are some men, Sir, so strongly prejudiced they will not heed the truth. So blinded they will not see, nor come to the light! So obstinate they will not be convinced by fair reason! And some, so fond of *war*, they mistake that for *peace*! So small of heart they know not how to be generous or charitable themselves, and cannot appreciate these virtues in another! God help such! Let us leave them to His mercy and their own consciences!

Before concluding these imperfect but heart-felt remarks, permit me to call to your remembrance, and that of this reverend and learned body, what one of the most eminent, eloquent, and successful advocates who has ever graced the bar in this country, who was also one of our most consistent, staunch, and pious churchmen, (David B. Ogden, Esq., since called to a higher than earthly court,) once said—on a memorable occasion—upon the same cry, which is now the plea and watchword of some among us—“*The good of the Church!*”

“This cry of “the good of the Church,” has led to the perpetration of more iniquity than has any other appeal to the passions of mankind! It was the regard of the Jews for *their Church!* that induced them to call out, “Crucify Him! Crucify Him!” It was the cry of “the good of the Church,” which led our blessed Redeemer to the cross! It was the cry of “the good of the Church!” that produced the martyrdom of the holy St. Stephen! It was the cry of “the good of the Church!” that led to the establishment of the Inquisition, and all the horrors and enormities of that accursed institution! The cry of “the good of the Church!” has put thousands of martyrs to death, and has, I repeat it, produced more bloodshed, and cruelty, and desolation on this earth than any argument ever used by man! Let it not be said, that in this enlightened day there is no danger from this appeal! The human heart is the same in all ages! It is the same now, that it was in the bloodiest days of the Inquisition—the same as it was when the blessed Saviour was crucified on Calvary! Man is still the same being that he was when driven from the gates of Paradise. He has the same passions, the same prejudices, the same feelings; and if you once convince men that “the good of the Church” requires extreme measures, (in a case like this,) there is imminent danger that justice, mercy, and truth will be trampled under foot!

“These observations are the result of deep-rooted and long cherished feelings in my bosom. They are founded on history—on the history of mankind during all ages. Once actuated by this blind zeal for the Church, men go on headlong, conscientiously believing they are right, but trampling under their feet all that is right! So it was with the Jews—they were zealous for their beloved and ancient Church! They thought they were right when they were nailing the Redeemer to the accursed tree; and He, you all recollect, prayed, “Father! forgive them, for they know not what they do!” But will it excuse the blind and maddened zealot, who may hereafter plead that he knew not what he did? Let us be cautious, then, how we regard this cry, *for the sake of a doubtful good.*—“Our Church is the Church of God;—THE GOD whose distinguishing attributes are truth, justice, and mercy! The God of the Church can never require that justice should, be trampled under foot, truth disregarded, and mercy forgotten!”—

And, now, Sir, let me ask what answer can New Jersey’s Convention make, and what should be their forever final voice upon these charges? Justice, truth, and mercy, and honor, and dignity, and Christian charity demand, that we should not countenance the aggression, nor satisfy the call of four individuals here against *him*, whom we delight to honor still! And, lastly, that we should neither yield to the *advice and urgency*—I speak with due respect—of even three Rt. Rev. Fathers—appointed over *other* folds than his and ours—who have thought fit to recommend that we should *first treat as guilty* in order to prove innocent one, *their peer*, whom we *already* believe, and in our hearts and consciences, long since judged to be, *intact of guilt, and in morals irreproachable?*

The Convention being now ready for the question, the ayes and nays were called for, and resulted as follows:

THIRD RESOLUTION.

CLERGY.	LAITY.
AYES 24.	AYES 22.
NAYS 1.	NAYS 5.

Divided 2. Declined to vote 2.

MR. RUTHERFORD again offered his protest, and in reply to it, Judge Ogden said that he did not intend to object to the right of protesting in proper language, but that it is evident that this motion is nothing more than a written argument upon the questions before the Convention, couched in language disrespectful to the Convention. He therefore objected to its reception.

Resolved, That a copy of the resolutions adopted by this Convention be transmitted to the Bishops of the various Dioceses, and to the Standing Committee of any Diocese without a Bishop, or whose Bishop is under disability.

After singing the Gloria in Excelsis, and Prayer offered by the Bishop, the Convention adjourned.

From the Trenton State Gazette.

THE REAL ASPECT OF THE VOTE.

“Another Member of the Convention” is at odds with facts. The whole clerical vote of the diocese of New Jersey is thirty-nine. When the Bishop declines to vote, as he did at the Special Convention, it is *thirty-eight*. *Twenty-eight* clerical voters were present. *Twenty-five* sustained the Bishop. One declined to vote. There remain to be accounted for—not as he states, *thirty-two*, but—TEN. Of these, there were kept from the vote by sickness, one; one by parish duty; one was in Europe. The absence of five is unexplained. SEVEN of those ten, it is known, sympathized with the majority. It is not known that the other three did not. So far of *the clergy vote!*

Now, of the clergy not entitled to vote. Of these there are *twenty-one*. Twelve of them, though canonically resident in the diocese, actually reside out of it; or, in other ways, are not reliable for attendance at the Convention. Of the remaining *nine*, it is known that seven sympathized with the majority.

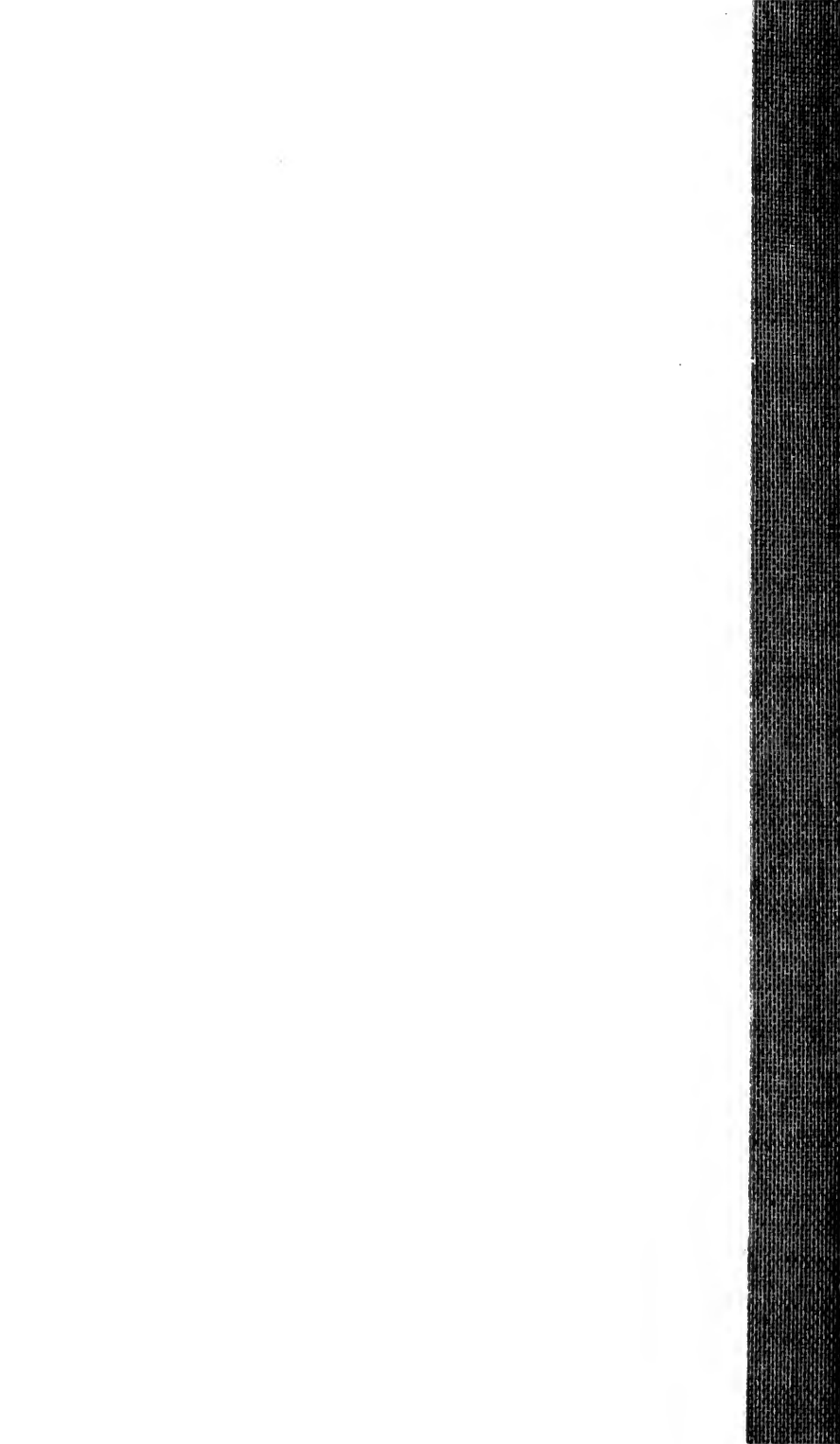
If, then, these nine had been entitled to vote with the thirty-eight—the whole number of clerical votes, which would, then, be *forty-seven*, being present—the majority vote would certainly have numbered *thirty-nine*. And of the remaining eight, but FOUR can be set down as *certain for the opposition*.

“ANOTHER MEMBER OF THE CONVENTION” makes out but little better with the Lay vote, when the facts confront him. The “published list” to which he refers, has always been furnished by the Bishop. It contains the names, not only of the parishes, but of the Missionary Stations, and all other places where services are ever held. The whole number of such places, as stated in the last Journal, is fifty-eight. To these three new parishes are to be added; making sixty-one. At five of these places there is no claim pretended for a representation; leaving the *maximum* that could be represented, FIFTY-SIX. There were present *thirty-seven* representatives. *Nineteen* are left to be accounted for. At three of these no service is held; which leaves *sixteen*. Eight of these were not represented at the last Convention. And of the remaining eight, four would certainly have voted with the majority. There remain FOUR that can possibly be added to the minority in the Special Convention. This, on the first resolution was eight, (Christ Church, Bordentown, having been erroneously included by the Secretary;) on the second was seven; and on the third was five. Add four, and they become *twelve, eleven, nine*. No very great proportion of FIFTY-SIX. And yet, *one* must be taken even from this; a vote having been given in the minority, from a place where

no congregation and no service, (but at funerals,) except the Bishop makes his annual visitation. The number thus reduced to *eleven, ten, eight*. Deduct the four which were represented, in whole or in part, by the users of the Bishop, and for the time no doubt contrary to them, and there remain, SEVEN, and SIX, and FIVE. On the scale the whole of the eight parishes not represented at the last Annual Convention—which would be most half of them—and the *maximum*, that would not have favored of the resolution, dwindles from “twenty-nine,” another Member of the Convention” states it, to fifteen, twelve—an average of FOURTEEN out of *fifty-six*—the more probable number.

He request “that every clergyman be present and every presented,” “ANOTHER MEMBER OF THE CONVENTION” every well that none of those who voted against the would have waited for his invitation.

A MEMBER OF THE CONVENTION.



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