

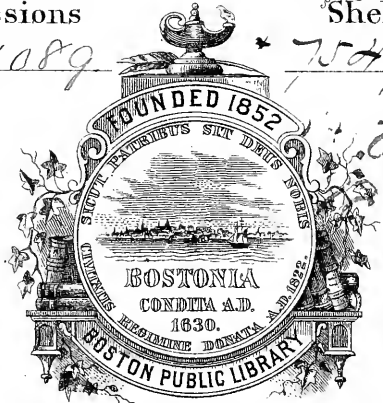


Accessions

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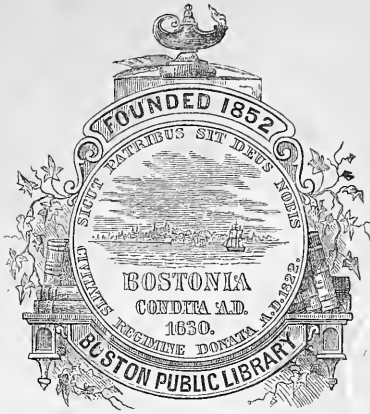
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PAMPHLETS.

Ecclesiastical Councils.

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ACCESSION No. 344-089.....

ADDED..... 9 Mar 17..... 18784.

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MEMORANDA.

A SECOND
SOLEMN APPEAL
TO
THE CHURCH:
CONTAINING
REMARKS AND STRICTURES
ON THE
LATE VIOLENT PROCEEDINGS
OF A PRETENDED
ECCLESIASTICAL COURT
AGAINST THE AUTHOR.

BY THE
REV. JOHN IRELAND,
LATE RECTOR OF ST. ANN'S CHURCH, BROOKLYN, L. ISLAND.

Duplex libelli dos est: quod risum movet,
Et quod vitam monet.

Phæd.

Let the righteous smite me friendly, and reprove me :
But let not their precious balms *break my head.*

David.

———Frenzy to their hearts was given,
To speak the malison of heaven.

Campbell.

BROOKLYN:
PRINTED BY THOMAS KIRK.
1811.

judges righteous judgement : such a censure as this cannot be bound in heaven." But when a state of things arrives which could not have been anticipated ; when subjects of complaint are accumulating without end ; when new acts of oppression grow out of former attempts at despotism ; when the very garb of decency is laid aside, and tyranny stalks abroad without disguise ; when every prescribed mode of redress has been tried in vain ; then, I humbly conceive, we have reached the point at which longer forbearance would be criminal, and a deviation from the established rule is imperiously demanded. " The once famous controversy on passive obedience and non-resistance (observes an eminent modern divine,*) seems now in *this* country to be pretty much over. When power, *wherever lodged*, comes to be exercised in a manifestly tyrannical manner, the party oppressed may certainly resist it : to deny this inherent right in every man is to establish injustice and tyranny, and to leave a good citizen as a tame prey to the ambition of others." If *resistance* be justifiable when every avenue to redress is barred up, (and where is the man in this country who will controvert the doctrine?) can it be improper for one, who is groaning under a load of oppression, to pour out his complaints before the public, to excite their sympathy, and to prevent as much as in him lies a recurrence of similar outrages? Were I allowed to judge of my own heart, I would boldly assert, that I am the last man in the world who could take pleasure in exposing the nakedness of the land ; in lifting the robe and thereby disclosing the deformities of any member of our church. But concealment is now no longer practicable ; the doors have already been thrown open ; the curtain has been raised ; the public have been invited to survey all that is passing behind the scenes ; the dressing room will be ransacked ; every mask and garb will be turned inside out ; every crevice of the building explored ; every stage trick detected ; and I much doubt if the uproar will cease, until some of the managers and principal actors be driven from the boards.

But, much as I deplore the present evil, I foresee that good will result from it : ambitious men will be deterred for some time to come from displaying that furious "lust-

* Dr. Witherspoon.

of power" which has excited such a commotion in the diocese ; and the Park may, for some years, be exempt from the disgrace of being converted into a second Smithfield, for the good of the church and for the glory of God.

I should not have hazarded an attempt to justify an appeal to the public in a case of this nature, had I not been assured that several lay-members of our church, distinguished by their station in society, their influence, their talents, their piety, and their firm attachment to our doctrines and discipline, concur with me in sentiment on this subject. I regarded the opinions of those clerical gentlemen, with whom I am in the habit of conversing, with a jealous eye, lest they might have some interest in their decision : but neither the sincerity nor the judgement of those disinterested lay-gentlemen, to whom I allude, can be questioned.

Let it not be supposed, because I have adopted the title of a noted pamphlet now current through the diocese, that I have any connection with either that performance or its author. Mr. Jones was too long and too actively engaged in that system of proscription, which he now so loudly condemns, to have inspired me with any respect for his late character or conduct. Too often have I witnessed with pity and surprise, his amazing ductility and malleability : too often have I seen him, red hot, under the hammer of our ecclesiastical Vulcan, delighted with the sparks which issued at each stroke, and seemingly unconscious that every scintillation contributed to the diminution of his weight. His deportment towards myself in particular, previously to and during my trial, was not merely reprehensible ; it was so excessively indecent as to have excited the indignation and disgust of many.* I am unwilling, however, to indulge any unnecessary resentment towards him : he has manifested signs of contrition ; he has departed from the tents of his former ungodly associates ; he has developed *some* of their stra-

* It is exclusively owing to Mr. Jones's pamphlet and Dr. Hobart's reply, that I am thus compelled to obtrude myself on public notice. A reluctance to hazard the peace of the church had hitherto deterred me from taking this step ; but were I now to keep silence, those who are strangers to my real character might be induced to believe, that I am indeed such " a wretch" as a certain "reverend ruffian" represents me to be.

tagems and intrigues ; and he has, perhaps, smarted sufficiently for the acts of violence in which he was so recently engaged. “Fas est et ab hoste doceri :” let Mr. Jones then take advice from one to whose injury he has contributed no small share;—never to lose sight of that inestimable rule “do unto others as you would have others do unto you;”—never to go with the multitude to do evil ; and whenever his indignation rises against the puny oppressors of the day, to remember the passage “Quorum pars magna feci.”

This gentleman’s pamphlet is generally considered, with respect to its construction, as a contemptible performance : but I cannot, in justice, admit that it is wholly devoid of merit. It furnishes, for instance a further proof (as if further proof were necessary) of the truth of the poet’s remark

“Nec quemquam jam ferre potest Caesarve priorem
Pompeiusve parem.”

that two ambitious men, having the same object in view, cannot long live together in harmony ; it serves to shew that men of unsanctified tempers cannot be restrained, even by the solemnity of a funeral, or during the sacred services of the Altar, from betraying the ungodly emotions of their hearts : it serves, above all, as a “lengthy” peg, on which the Rev. Mr. Feltus has hung up to the public gaze a half-length* portrait of a RIGHT REV. FATHER IN GOD. Gracious heaven, how my hand trembles while it traces these last awful words !

It will be observed that I have, as usual, prefixed to my name the title of Reverend. This I feel myself justified in doing for several reasons. It will not be denied that a bishop may commit an unjust act : “it is possible” (says Potter) “for one to be excommunicated from the church’s outward communion, and at the same time to maintain an uninterrupted communion with Christ ; which is the case of all those who are *unjustly* excommunicated.” Nor will it be denied that an unjust act, an act which is committed even by an authorised bishop in direct violation of the

* The remainder of the picture is said to be under the pencil of the same masterly painter.

letter and spirit of the gospel, fails to be binding in the court above : " such an act " (says Burnett) " can not be bound in heaven." Precisely such is the nature of the transaction which I shall proceed to detail in the sequel.

The late proceedings against me were in direct violation of the *letter* of the gospel.

The mode of proceeding against an offender, prescribed by the benevolent author of our religion, is first to attempt his reformation by private *admonition*, by telling him his fault between the parties concerned alone. Should this gentle procedure fail of the desired effect, if it did not bring him to repentance, then was he to be *reproved* in a more public manner, before two or three witnesses. If this second attempt should be equally unsuccessful, the last step was, to lodge a formal complaint against the refractory delinquent before the church. Neither of the two former attempts to reclaim a supposed offender was made with respect to myself ; neither admonition nor reproof (nor indeed any thing else) was ever tried ; but resort was had at once to that measure, which Dr. Potter styles *the last remedy*.

I am fully aware that some divines have regarded the foregoing directions of our Saviour, as referring exclusively to such private differences as might arise between individual members of the church. But I am disposed to believe that the weight of authority is greatly in favour of the contrary opinion ; and that whoever will read the 18th ch. of St. Matt. with a mind devoid of prejudice and partiality, will concur with Dr. Potter in the sentiment—that " what " is there said manifestly applies to something to be done " by the *church*, and not by any private members of it ; for " 'tis the *church's* sentences of binding and loosing which " our Lord promiseth to ratify in heaven, and the prayers " which he promiseth to answer are those which the " congregation makes in his name :—that from the whole " passage together it appears, that our Lord thereby " instructed his church to exercise a judicial power over " its members :—that this is a manifest description of a " judicial process ; he who has been injured is first " directed to tell the offender of his fault privately between themselves ; if that have no effect, to admonish " him before witness ; if this admonition also prove un-

“ successful, to complain to the church ; then, if he neglect
 “ to hear the church, follows the church’s censure ; which
 “ being decreed by virtue of Christ’s commission, he
 “ promiseth to ratify it in heaven.” It may be necessary
 to inform some of my readers, that “ Potter on church
 government” is a book of the highest authority among
 us ; and that every candidate for priest’s orders is required,
 previously to his ordination, to be examined therein. If
 then we may rely on the judgement of such men as Potter,
 Hammond, and the most celebrated divines who have
 discussed this subject, the late proceedings against me
 are invalid, because they were a direct inversion of the
 order prescribed in the written rule of the gospel. This
 rule, it must universally be admitted, is paramount to all
 rules, regulations and practices whatsoever. “ It is not
 “ lawful, say the canons, for the church to ordain any thing
 “ contrary to God’s written word : an assembly of men,
 “ whereof all be not governed with the Spirit of God, may
 “ err, and sometimes have erred : wherefore things ordained
 “ by them have neither strength nor authority, unless it be
 “ declared that they are taken out of the holy scriptures.”

The proceedings against me, are no less opposed to the
spirit of the gospel.

Perhaps I might justly be charged with travelling out
 of the record, were I here to attempt a description of all that
 the genuine spirit of our religion inculcates. Let it suffice
 then to say, that it breathes peace upon earth, good
 will among men, gentleness, forbearance, long suffering,
 moderation, justice, readiness to forgive the offences of
 our brethren ; in one word, every thing that is venerable,
 lovely, and of good report. Was any one of these christian
 virtues displayed in the late conduct of my *christian*
 brethren towards me ? Did they do to me as they would
 wish others to do unto them under similar circumstances ?
 Did they once reflect that “ the authority which the Lord
 hath given to his vicegerents, was given for edification, and
 not for destruction ?” Did they once consider that mercy
 is more acceptable to the God of mercy, than *sacrifice* ?
 I will not multiply these interrogatories, because I feel
 compassion even for my enemies, persecutors and slan-
 derers ; and because every such question must, I know,
 (unless their consciences be seared as with a hot iron,) go

like a dagger to the heart of each of them. I will therefore dismiss them for the present with this assurance, that if, after taking a serious retrospect of their conduct towards me, they can lay their hand on their heart, and solemnly aver before God—that they were actuated by no unworthy motives—that they were as truly solicitous to substantiate my innocence as to prove my guilt—that for their deportment previously to, during, and subsequently to my trial, their own consciences do not condemn them—neither will I condemn them: I will endeavour to cultivate a grateful remembrance of those their labours of love, to correct my past and present erroneous notions of right and wrong, and to adopt the modern interpretation of that apostolical advice—“Love as brethren, be pitiful, be *courteous*.” In the mean time, by way of extenuating the guilt of having entertained, for almost half a century, mistaken opinions of the real design of church discipline, I will subjoin a short extract from some of those *wicked* authors, who have contributed so egregiously to misguide me. “In pronouncing the censures of the church,” (says Bishop Burnett in his celebrated exposition of the articles,) “great care and tenderness ought to be used: *nothing but a wilful obstinacy* in sin, and *a deliberate contempt* of the rules and orders of the church, can justify an extremity, which, like punishments inflicted by the civil power, is not to be proceeded to but upon great occasions, *when milder censures will not prevail*; like a parent’s disinheriting a child, it ought to be proceeded in with that slowness and upon such considerations as may well justify the rigour of it. To admonish offenders as brethren, and not to use them as enemies, this is suitable to the designs of the gospel, both for preserving the church pure, and for reclaiming transgressors: all affectation of excessive severity looks like pharisaical hypocrisy; whereas the spirit of Christ, which is made up of humility and charity, will make us look so severely to ourselves, that on that very account we shall be gentle to the failings of others.” “The discipline of the church,” says Bingham, “being a mere spiritual power, was confined to these following acts—*first*, the admonition of the offender, which was *solemnly repeated* once or twice, before they proceeded to greater severi-

"ties, according to that injunction of the apostle—a man
 "that is an heretic, after the first and second admonition,
 "reject. After this manner St. Ambrose represents their
 "proceedings; a putrified member of the body is *never*
 "cut off but with grief; we try *a long time* whether it can
 "not be healed by medicines; if not, then a *good* physician
 "cuts it off. Such is the affection of a good bishop; he
 "is very desirous first to heal the infirm, to put a stop to
 "growing ulcers, to burn and sear a little, and not cut off;
 "at last he cuts off with grief what *cannot* be healed; for
 "they that being long endured, and *often kindly admonished*,
 "will not be corrected, must be cut off as putrified mem-
 "bers. An over rigorous severity is a *great offence* and a
 "manifest abuse of power; it is not the true exercise of
 "discipline, but imperiousness and humour, and a mere
 "domineering over God's heritage by an exorbitant
 "stretch of ministerial power." I shall close this part
 of the subject with another quotation from the same res-
 pectable author, conveying a sentiment from which I
 have drawn repeated consolation. "An anathema ill
 "founded cannot hurt him against whom it is thundered."

The late proceedings against me are invalid, not only
 because they militated against the letter and the spirit of
 the gospel, but for this further reason—that none of the
 parties concerned in the prosecution, the trial, or the sen-
 tence, had any authority to act.

I will not undertake to say that the consecration of Dr.
 B. Moore was invalid: but I venture to assert that he was
 consecrated to an office to which he was not elected. The
 case was this. Dr. Provoost, the bishop of this diocese,
 was desirous of resigning his ecclesiastical dignities and
 retiring from his official duties. Dr. B. Moore was
 chosen to fill the station *supposed* to be thus vacant. The
 house of bishops decided that a bishop could not resign his
 episcopal charge; but that, in the case of his inability to
 perform the duties of his office, he might be aided by a
 suffragan who should be ordained for that purpose. Had
 Dr. Provoost been timely informed of this decision, it is
 possible that he might have resumed the exercise of his
 functions, and required no assistant. But he was never
 consulted on the occasion: delay might have been dange-
 rous; and he was thus compelled to take assistance which

He did not claim and might not have wanted. It is well known to those who are conversant with church history, that the office of an assistant bishop did not exist in the days of primitive Christianity: "Post primum, secundus esse non possit: quisquis post unum (qui *solus* esse debeat) factus est, non jam secundus ille, sed nullus est:" that is, after the first there can be no second; whoever is made a bishop after the first, is not a second bishop, but no bishop. So that to have two bishops at once in one place is (in St. Cyprian's opinion) utterly inconsistent with the constitution of the Christian church. How the election of a *third* bishop, of an *assistant* to an *assistant*, is to be reconciled with this venerable father's opinion, I leave to the decision of those who have introduced the innovation. Will they say, that *because* the second was nobody, they *therefore* chose a third who would doubtless make himself somebody?

Be this as it may, an assistant bishop has no authority, except such as has been expressly delegated to him by his principal or diocesan. I have heard it said, that one of the most (if not the most) respectable lay members of our church has expressed his doubts, whether the convention were authorised by the constitution of the church to create the office of an assistant bishop; and that he is decidedly of opinion that the powers and duties of the assistant ought, at least, to have been expressly defined. Much as I am disposed to respect the opinions of that learned, judicious, and pious gentleman, I am equally disposed to believe that those powers and duties are sufficiently declared and defined, in the rules and practice of that church from the bosom of which our own has immediately sprung. In G. Britain the statute of Henry 8th, is still in force and obligatory: it enacts that "any infirm and sick bishop in any
"of the King's dominions may, *if he desire it*, have a
"suffragan; but that such suffragan, or *coadjutor*, shall have
"no jurisdiction in the diocese of him whose suffragan he
"may be, save what said bishop shall *by commission under his*
"seal allow him, and *only for such time* as said bishop shall
"allow: that such suffragan, for his better maintenance may
"hold two livings, &c. but then, he who *desires* a suffragan
"is to name two to the king, and he (the king) is to ap-
"prove one who is then to be *consecrated by the metropoli-*
"tan." "If" (says an eminent prelate on this subject) "if he

"demean himself piously and diligently in his office as
 "suffragan, it will be a great and most probable means to
 "prefer him to a bishopric of his own: which to many may
 "be a great encouragement to undertake the office of a
 "suffragan." From the foregoing extract and the bishop's
 observation upon it, we may fairly infer that the
 offices and powers of a bishop, and those of his assistant,
 are essentially different. The ordination of a bishop is
 to be performed by *three* officiating bishops: but an assis-
 tant may be ordained by *one* bishop only, viz: the bishop
 of the diocese to whose jurisdiction he belongs. That I
 have good authority for this assertion will appear from
 the following extract.—"Those canons which require three
 "bishops to impose hands in the ordination of a bishop,
 "speak of such bishops only as were to be absolute and
 "supreme governors of their own diocese; and not of suf-
 "fragans (or coadjutors) or such as were subordinate,
 "whom the diocesan bishops might ordain at their own
 "discretion." It cannot, indeed, be unknown to *some* of
 my readers, that from the limited authority of assistant
 bishops it was inferred, by many intelligent writers, that
 they were not virtually bishops, but merely presbyters
 invested with enlarged authority. Their *office* was to
 preside over the country clergy, to enquire from time to
 time into their behaviour, to make report thereof to the
 bishop, and to provide suitable persons for the inferior
 service and ministry of the church. They had *power* to
 minister confirmation to such as were newly baptized, and
 to grant letters dimissory to the clergy who desired to
 remove from one diocese to another: but they had no
 power to ordain either presbyters or deacons. The fol-
 lowing quotation from Bingham will justify me in saying
 so:—"The council of Antioch gave them (assistant
 "bishops) a general commission to ordain all *under* pres-
 "byters and deacons, such as readers, subdeacons, &c.
 "without consulting the diocesan upon every such occa-
 "sion: and for presbyters and deacons they might ordain
 "them too; but not without the *special* leave of the bishop
 "under whose jurisdiction they were. And this (con-
 "tinues he) is the meaning of the council of Ancyra,
 "which says—suffragan bishops shall not have power to
 "ordain presbyters or deacons: which must be interpreted
 "by the explication given in the council of Antioch, that

“they should not be authorized to do it without the particular direction of the diocesan; but by his leave they might.” “Next to the bishop” (says the same author on another occasion) “there were a sort of ecclesiastical persons, called suffragans or coadjutors, who officiated in certain episcopal duties, *under the bishop*. These acted by a *limited and dependant* power; but many times were inclined to assume a power to themselves beyond their commission. The church was therefore obliged to make certain laws and rules to restrain their usurpations. These men might ordain subdeacons, readers, &c. by a general commission; but not presbyters or deacons without a *special* license: yet sometimes they would take upon them to do that also, without consulting the bishop: for which offence they were liable by the canons *to lose their office and be degraded.*”

And now let me ask—If an assistant bishop have no jurisdiction in the diocese of him whose assistant he may be, *save what his bishop shall, by commission under his seal, allow him*, by what authority can he, without such commission, appoint judges, direct the attendance of witnesses, summon a presbyter to trial, and exercise the highest prerogative of a real bishop? If he have no authority to *ordain* a presbyter, or even a deacon, without the special leave of his superior, by what authority can he, without such leave, proceed to *degrade* a presbyter, to take back a commission which he cannot grant? These are very serious enquiries; and their importance to myself must be the apology for making another observation on the subject.

If the opinions of such men as Bingham, Burnett, Barlow, &c. or if the established practice of the church of England, should be said to have no weight in these states, what say the canons of our own church? “Every trial of a clergyman shall be on presentment made to *the bishop*;—*the bishop* shall nominate—*the bishop* shall appoint—decision shall be communicated to *the bishop*—proceedings shall be laid before *the bishop*—his judgement is to be final—sentence shall be pronounced by *the bishop* only.” Now who is *the bishop* of this diocese? Every thing in the present case depends on the answer. Far be it from me to attempt to abridge the powers, or to curtail the privileges of any in authority, but while I am ready to admit

that Dr. B. Moore may be a *bishop* in the P. E. Church, I scruple not to assert that he is not *the bishop* of this diocese ; that he is not *the person* designated in the canons ; and that in the late proceedings against me, he was instigated by certain artful, officious, malicious young men, to “ take too much upon himself.”

Nor is this a sentiment which I have recently adopted ; I mentioned it to a few judicious friends before the consecration of Dr. M. took place ; and then expressed my apprehensions that we had embarked in a plan of innovation, which might eventually bring into disrepute our pretensions to undeviating regularity and order. Sorry am I to add, that I suffered myself to be silenced by the plea (that fruitful source of incalculable mischief,) the plea of expedience.

If my premises be established, the conclusion follows— that the sentence of my degradation is null and void, because it violated alike, the letter and spirit, both of the gospel and canons ; and because those who recommended the sentence, and he who pronounced it, were alike destitute of all authority to act upon the occasion. Let Dr. B. Moore produce the *special license* of his diocesan to bring me to trial, and then will I candidly confess that I have been fairly driven from untenable ground.* But in order that Dr. M. for himself, or his friends in his behalf, may be fully prepared to obviate the foregoing remarks, I beg leave to remind them of the account of his consecration given in the regular journal, and subsequently confirmed in the history of the P. E. church in these states:†—“ The house of bishops, “ being sensible of the exigency existing in the State of “ N. York, consent to the consecration of an *assistant* “ bishop. But this house must be understood to be expli- “ cit in their declaration, that they shall consider such a “ person as assistant or coadjutor bishop *during Bishop* “ *Provoost's life*, although competent in point of character to “ all the episcopal duties ; the extent in which the same

* If Dr. Moore were possessed of such special licence, was it not incumbent on him at the very threshold of the investigation to have exhibited it as the evidence of his delegated authority ?

† Rees's New Cyclopaedia, vol. 8, part 2d.

“ shall be discharged by him to be *dependent* on such regulations as expediency may dictate to the church in New-York, grounded on the indisposition of Bishop Provoost, and with *his* (Dr. P.’s) concurrence. Conformably with the line of conduct thus laid down, Dr. B. M. was consecrated.” If I understand this account, the line of the assistant bishop’s conduct was *first* laid down, and *then* his consecration took place: and the extent of his duties is to be regulated by the convention of this state, provided that such regulations receive the sanction of the diocesan’s approbation. This limitation of the assistant bishop’s power is in exact conformity to the established usage of the P. E. church, and to Bishop White’s late assertion*—that “ the very existence of the church in this country depends on an undeviating adherence to the principles which she has inherited from the church of England.”

And after all, even admitting the proceedings against me to have been valid, still my claim to the character of Reverend remains indefeasible. This position is, however, too unimportant both to myself and my readers, to justify the discussion of it before the public, did it not serve in some measure as a reply to an observation respecting me, in Dr. Hobart’s defence. He there asserts, and his obsequious echo Mr. How repeats it, that “ there is not an instance, in the whole history of the christian church, of the restoration of a degraded clergyman.”

Granting for a moment the truth of this assertion, I would ask—Does the want of such an instance prove that a degraded clergyman *may* not, or *can* not be restored? Was not the power of *loosing* given to the church, at the same time and by the same authority, with the power of binding? Does not the term *loosing* imply that the subject to be loosed was previously bound? does it follow, because this power does not appear to have been exercised hitherto, that such power does not exist? Is it not the obvious meaning of our Saviour (Matt. 18th ch. 18th verse,) that those who are authorized to impose the censures of the church, are equally empowered to remove

* Sermon delivered in New-Haven before the general convention.

them? Is it then necessary to produce an instance of this power having been exercised, since it is universally admitted that the power and the right have been conferred? If a person were duly commissioned by the President of the United States to negotiate with the court of Great Britain, would he be required to shew an instance wherein any other person had acted under a similar commission? The church in her dispute with the Novatians, (who maintained that such as had fallen into any great sin after baptism, were to be for ever excluded from her communion) always insisted on her own just right and power, that "by the commission of the keys from Christ, she had power to loose as well as to bind; to receive offenders into the church upon their reformation, as well as to cast out any of her members for notorious transgressions." I had concluded that the doctrine of the power of the keys, (as it is called,) the power of binding and loosing, had been so long, so amply, so ably discussed, that it was now completely understood and set at rest. Instead, therefore, of reasoning on a subject over which I can not hope to throw any additional light, especially as

" Men convinced against their will,
" Are of the same opinion still,"

I proceed to lay before my readers the sentiments of two authors, whose writings are held by all churchmen in the highest veneration, and whose judgement on this subject ought to be decisive. "Since God" (says Dr. Potter in his discourse on church-government) "has no where signified that the character which he confers on persons admitted into holy orders, shall expire before their death, we might safely conclude (though we had no further reason for it) that it is indelible and perpetual, such as cannot be forfeited by any misbehaviour. This may be illustrated by comparing the character of holy orders with that of baptism. The person baptised is dedicated to God, and admitted, by the ministry of his priest, to be a member of his church. This done, the person may forfeit his title to the privileges of the church by breaking his baptismal vow: he may fall into schism, heresy, or even into idolatry, but he still belongs to the

“ church ; he still retains his baptismal character ; and, if
 “ he repent and return to the church’s communion, he *must*
 “ be admitted without being rebaptized This is a ruled
 “ case, and universally confirmed by the practice of the
 “ church in all ages and countries. So they who are or-
 “ dained receive authority from God, in whose name the
 “ bishop puts his hands on them : and authority conferred
 “ by God can be destroyed or resumed by none but God,
 “ or one commissioned by him for that purpose. We
 “ do not find in the scripture one example of any priest,
 “ whose character did not last as long as his life. Mel-
 “ chisedek was a priest for ever : all the Jewish priests
 “ and Levites, though the exercise of their functions was
 “ limited to a certain age, were accounted sacred persons,
 “ and distinguished from common Israelites, from their
 “ birth to their death : and the apostles and all the minis-
 “ ters under them maintained their respective characters
 “ from the time of their consecration to their death, with-
 “ out any exception. If we descend to the churches of
 “ the next ages after the apostles, we shall find no exam-
 “ ples of ordained ministers who outlived their orders :
 “ there is not the least footstep of any such practice in the
 “ church : these orders were fixed and perpetual. It was,
 “ in that age, thought to be as impossible for one to lose
 “ the character of his order, as that of his baptism. De-
 “ posed clergymen, though they were forbidden to *exerc-*
 “ *cise* their office, still retained their *character*. *Such*
 “ *men were sometimes admitted to exercise their office*
 “ *again*, and this was done without their being reordain-
 “ ed ; which could not have been, if deposition had de-
 “ prived them of the character of their order. The *cha-*
 “ *racter* of any order is a quite different thing from the
 “ *exercise* of the power belonging to that order, and the
 “ former may remain when the latter is taken away. Thus
 “ in the case of deposed clergymen, the acts which they
 “ performed during the time of their suspension from the
 “ exercise of their office, were allowed to be valid, though
 “ irregular. So that the same thing seems to be done to
 “ clergymen with regard to their order by deposition,
 “ which is done to laymen with regard to the effects of
 “ their baptism by excommunication: the deposed clergy-
 “ man is forbidden to exercise his function, and loses his

“ share of the maintenance which was allotted for the
 “ clergy ; and the excommunicated person is rejected
 “ from the Lord’s supper and all other acts of Christian com-
 “ munion to which he was entitled by his baptism : and yet
 “ neither of them are divested of their *characters* ; and
 “ therefore when the sentence of excommunication is
 “ taken off, the layman returns to the church without be-
 “ ing rebaptised ; and the sentence of deposition being
 “ taken off, *the clergyman resumes his office* without re-
 “ peating his ordination. The rebaptization and reordi-
 “ nation *even of schismatics*, was universally condemned
 “ by the church, as appears from the works of the fathers
 “ still extant.”

“ As to reordination,” (says Bingham in his elaborate
 “ treatise on the antiquities of the Christian church,) we must
 “ distinguish between the orders that were given regularly
 “ and canonically by persons rightly qualified in the
 “ church, and such as were given irregularly by persons
 “ disqualified, or by heretics and schismatics out of the
 “ church. As to such orders as were given regularly in
 “ the church, they were supposed, like baptism, to im-
 “ press a sort of *indelible character*, so as that there was
 “ no necessity, *upon any occasion*, to repeat them ; but on
 “ the contrary, it was deemed a criminal act so to do.
 “ The third council of Carthage, following the steps of the
 “ pleuary council of Capsa, decreed—that it was equally
 “ unlawful to rebaptise and reordain. And those called the
 “ apostolical canons made it deposition, both for the or-
 “ dainer and the ordained, to give or receive a second or-
 “ dination. St. Austin says, it was not the custom of the
 “ catholic church to repeat either orders or baptism :
 “ for men did not lose their orders, as to the internal cha-
 “ racter and virtue, though they were suspended from the
 “ execution of their office for some misdemeanour. Op-
 “ tatus testifies the same, telling us that Donatus was con-
 “ demned in the council of Rome under Melchiades, for
 “ reordaining certain bishops, because it was contrary to
 “ the custom of the catholic church. So that we have no
 “ instances of reordaining such as had been regularly or-
 “ dained in the christian church, it being esteemed un-
 “ lawful (as Theodoret words it) to give any man the
 “ same ordination twice. St. Austin says, that when the

' church judged it *expedient* not to suffer the Donatist
 ' bishops to officiate upon their return to the church, she
 ' did not thereby intend to deny the reality or validity of
 ' their ordination, but supposed *that* to remain still perfect
 ' and entire in them. And this is what the same father
 ' meant by the sacrament of ordination, (as he words it,)
 ' or the indelible character which is thereby imprinted;
 ' that though a man turned apostate, or was suspended, or
 ' deprived for any crime, yet if upon his repentance and
 ' satisfaction, the church thought fit to *admit him to offi-*
 ' *ciate again*, there was no necessity of giving him a new
 ' ordination, no more than a new baptism; for the character
 ' of both remained entire; though he should be *wholly di-*
 ' *vested of his office and power*, yet so much of the marks
 ' and footsteps of his former office would remain upon
 ' him, as that if he should be *recalled again to his office*, he
 ' would not need the outward character or ceremony of a
 ' new ordination. An *apostate* clergyman, though he was
 ' reduced to lay-communion, or even *fallen below it*, could
 ' not need a new ordination, but only the church's com-
 ' mission and authority to release him of his bonds, *which*
 ' *she did* by absolution, and not a new ordination: thus far
 ' St. Austin and all the ancients allow.'

I shall close the remarks on this subject by a short ex-
 tract from the learned Dr. Forbes:—' There remains some
 ' distinguishing character in a man that is deposed, by
 ' which he is distinguished from laymen. The character
 ' that remains in a deposed person is not the character of
 ' any present office or power, but only some mark of an
 ' honour that is past, and of a power that he once had;
 ' by which mark he is distinguished from others who
 ' never were ordained, and may, if he be found fit, and the
 ' benefit of the church require it, be *restored* without a
 ' new ordination—*restitui poterit absque novâ ordina-*
 ' *tione.*'

It is presumed that some of my readers will here pause
 and ask,—how can these things be? Can men, eminent for
 the depth of their researches into ecclesiastical history;
 men who have read, collated, digested all that has been
 written on this subject; men whose authority is not to be
 questioned; can such men assert—' that deposed clergy-
 ' men were sometimes admitted to exercise their office

‘ again—that the sentence being taken off, the clergyman resumes his office—that upon their repentance and satisfaction the church thought fit to admit them to officiate again—that they may, if the good of the church require it, be restored without a new ordination—that the church did, by absolution, release from their bonds clergymen who had been reduced to the lowest state of degradation:’ and can Messrs. Hobart and How assert, in the very face of such authority, that no instance exists of the restoration of a deposed * clergyman?

The latter of these two personages is fairly entitled to the plea of ignorance. A man who has never been able to reach the standard of mediocrity, in any one of the various professions which he has followed, may well claim indulgence for want of proficiency in a new calling; nor would it be reasonable to expect from one who has so lately become a convert to the church, that progress in ecclesiastical, which he had previously failed to make in commercial, legal, and tactical knowledge: besides, we are to recollect that—‘ non ex quovis ligno fit Mercurius.’† But Dr. Hobart can lay no claim to such indulgence: the man who, for several years, has had his eyes immoveably fixed on a mitre, cannot plead ignorance of books in which every candidate for orders is to be examined: he cannot but have read the celebrated case of Maximus, who had been formally *cut off* from the church, and who was afterwards ‘ received to his place in the presbytery again—Maximum presbyterum locum suum agnosnoscere jussimus:’ he cannot, indeed, but have read of Hundreds,

* Aware of the *twistical* disposition of those who have advanced this assertion, I must, if possible, bar every avenue against their escape from detection. Will they say that they employed the word *degraded*, and not *deposed*; and that all my authorities refer to the latter term only? The reply is—they are convertible terms: they mean the same thing. ‘ Deposition or degradation’ (says Bingham) ‘ is a suspension of the power and authority committed to a clergyman in his ordination: when he is divested of the power and authority formerly belonging to him, by some canons he is said to be deprived; by others, to be degraded; by others, to be deposed: these expressions are so understood by modern writers.’

† I remember, when I was at school, to have heard an arch boy translate this Roman adage thus:—“ You must not expect to make a silk purse out of a sow’s ear.”

who after having been deposed, degraded, excommunicated, anathematized by bell, book and candle, have been restored to their respective offices in the church. To what then is to be attributed the rashness of this assertion? Did Dr. Hobart expect it would operate as an extinguisher, and put out all light on the subject? Or is this another instance of the leakiness of his memory? There is a faculty, which a facetious modern writer denominates—‘remembering to forget, and forgetting to remember.’ This singular quality Dr. Hobart seems to possess in an eminent degree; and it will hereafter be made to appear that he occasionally exercises it with no little success: is it not possible that he may have seized this opportunity, among others, of exhibiting his skill ‘at remembering to forget?’

What effect the foregoing statement will have produced on the minds of my readers, I presume not to judge. The incredulous will probably be incredulous still; some may begin to doubt; others, perhaps, may be convinced: but I am constrained to confess, that if the number of the last mentioned should be comparatively small, the deficiency is ascribable, not to any want of satisfactory testimony, but to my manner of presenting it. I can safely aver, that as far as my own knowledge, and the information which I have gleaned from others, can be depended upon, there is but one sentiment prevailing on the subject of the proceedings against me. I have neither heard, nor heard of, a man or woman, a clergyman or layman, churchman or dissenter of any denomination, native or foreigner, in the diocese or out of it, (excepting some of those men of violence who were actively concerned against me, and whose thirst for blood can never be allayed) who has not reprobated, in terms more or less severe, the treatment which I have experienced: rash, hasty, unadvised, ungenerous, illiberal, unfriendly, disproportioned, unparalleled, unchristian, tyrannical, inquisitorial; these are terms which I have repeatedly heard applied to it by men of information, judgement, and candour. Should there, however, be any who differ from my friends and myself in opinion on this subject, I shall feel neither surprise nor mortification. As I am not conscious of having forfeited the good opinion or good will of a single

friend or acquaintance, so neither am I anxious to resume my station among the Lyells, the Hobarts, and the Howes of the present day. For reasons which are notorious, I deem the post of honour, in the existing state of ecclesiastical affairs in this diocese, to be a private station: nor could all the overgrown wealth of Trinity church now bribe me to accept a cure, under the domination of such men as Dr. B. Moore, or Dr. J. H. Hobart. But be it remembered that this resolution is not at variance with my claim to the character and title of Reverend.

It will be observed, that in speaking of the primary agents in the nefarious plot against me, I have indulged myself in the utmost freedom of expression. This I have ever done; this I will ever do, when conscious of any "great injury and wrong done unto me." I cannot, (for the soul of me I cannot) play the sycophant: I am, unhappily, formed of such inflexible materials, as will not allow me to stoop so low as to kiss the foot which has spurned me, even though that foot should appertain to a bishop, a cardinal, or a pope. Were I at liberty to choose my motto, it should be—"Manus hæc inimica tyrannis:" and I feel, if possible, more indignation at the usurpations of an ecclesiastical, than of a political, despot. Are not the reasons too obvious to require any explanation? Can it be necessary to prove, that tyrants in the church have occasioned more mischief in the world, than tyrants in the state? Many an oblique hint has been conveyed to me, that if I would remain quiet, and submit to my sentence without complaint, the period might not be very distant when I should be restored to my former standing in the church. To every such intimation, it is well known that I have invariably replied—No; 'Timeo Danaos et dona ferentes:' no; never will I accept as a favour what I demand as a right.—After having breathed, for half a century, none other than the air of freedom and independence, a change of atmosphere would prove deleterious: nor can I submit, at this period of life, to the imposition of any trammels, excepting such as the laws of decency and urbanity have already imposed. Strong language is by no means synonymous with improper language; nor is every forceful expression a rude one. Ridicule itself, although not the test of truth, is a weapon

which may be honourably employed on particular occasions: 'sometimes,' (says Dr. Witherspoon) it is necessary, in order to bring down self-sufficient persons, with whom there is no dealing till their pride is levelled a little.'

I have carefully avoided (I think) the mention of any other names than such as have already been introduced by Messrs. Jones, Hobart, and How: because I have no wish to involve, unnecessarily, any others in the controversy. In referring to persons who had not previously been named, prudence forbids my express designation of them, lest they might be exposed to the resentment of those in authority over them: in other instances, the names of any to whom allusion is made, shall be made known, whenever a proper occasion may demand the disclosure.

I have presumed that none of my readers can be ignorant of the proceedings against me, which took place in April, 1809. A record of those proceedings has been published; the result was made known in the mode prescribed by the canons; and as if the canons had not enjoined a degree of publicity, sufficient to gratify the malice of the principal plotter, Dr. Hobart took special care to mix it up among the contents of his Pandora box—that vehicle of every heterogeneous matter—that strange compound of right and wrong, good and evil, truth and falsehood, flattery and defamation, oil and vinegar—'The Churchman's Magazine:'—a publication which, by the bye, has done more injury to the church, than its present injudicious compiler will live to see repaired—a performance which, like a rickety child, has long been indebted for its support to bandages and rollers; or which, like a sickly plant, owes its protracted existence to the management of the hot-house. What Dr. H.'s motive for this insertion could have been, unless to make my disgrace co-extensive with his inveteracy, it will not be easy to develop. His pretence, of introducing it as an article of agreeable news, is too ridiculous (to say nothing of the falsehood) to be combated: and that it was considered by some of his best friends and warmest advocates as an indiscreet, wanton, and cruel act, can easily be proved if necessary.

I now proceed to detail some of the particulars connected with the above mentioned proceedings, in order that the reader may be enabled to judge whether Mr. Jones's charge of tyranny, intolerance, &c. &c. be well founded, and whether I may not be regarded as a living instance of its truth.

The first intimation that any steps towards my destruction had been taken, was conveyed in a letter from Dr. B. Moore, informing me that certain charges against me had been exhibited to him, that he had nominated my judges, appointed the time and place of trial, and required my attendance. Soon after the receipt of this letter, finding that my health was rapidly declining, and fearing that a needless delay of the trial might prevent my appearance in person, I repaired to Dr. Moore's house. Not finding him at home, I sat down, and wrote him a short note; in which I waved my privilege of a month's notice, and requested that the trial might take place as soon as possible. This note I sealed, directed, and left on Dr. M.'s writing table. Having accidentally mentioned this circumstance to the judges in terms of complaint, one of the prosecutors, (solely with the design of invalidating whatever I might afterwards advance in my defence,) intimated in plain terms that any allegations of mine were to be admitted with great caution; for he was authorized to declare that Dr. M. had not received any such letter from me. To the reader this will probably appear as a very unimportant circumstance: but on my own mind it left an impression which no time can efface. Every person present must have witnessed my consternation on being thus contradicted: but as I was in the enemy's power, as the case did not admit of direct proof, and as I was then unwilling to provoke needless irritation, I thought it advisable to suppress my suspicion, and submit to the affront. Now, however, that I have nothing more to fear from the machinations of my enemies, I publicly declare that I have good reason for suspecting, that one of the parties concerned against me intercepted my letter. He entered the house as I was leaving it: and so much did I afterwards apprehend a recurrence of this perfidy, that in the direction of some subsequent letters to Dr. M. I had re-

course to the hand-writing of a friend, to whom I communicated my suspicions.*

Conformably to the canon, eight clergymen were nominated, out of which number I had the privilege of selecting five to be my judges. When called upon to make this selection, not having the names at hand, I informed Dr. M., that as I presumed them to be all equally impartial, I would take the first five on the list. Of this number Mr. Hobart was one. A few days after I had made the nomination, a respectable clergyman, whose name was on the list, called upon me, and with much concern and solemnity observed—that I deserved the fate which awaited me for having made *so mad a choice*; that he was aware of Mr. H.'s determination to ruin me if possible, and doubted not that his influence over the rest was such as to insure success. On my expressing a very natural surprise at this intelligence, he expressed no less at my ignorance, and added---I thought you must have known that Mr. H. was at the bottom of this business, and that your accusers are merely his agents, and following his instructions. For the first time, I now felt alarm: this information brought fully to my remembrance a circumstance that had occurred some time before. Being in company with several clergymen in Dr. B. Moore's study, I took that opportunity of requesting them to decide a difference of opinion which had arisen between the Rev. Dr. W. Smith and myself, on a passage in the Revelation. A Greek testament was accordingly produced. As Mr. Hobart was the youngest person in the room, and the latest from college, I politely asked him to give his interpretation of the text. He, with an air of modest diffidence, begged leave to refer me to older and better scholars. Dr. B. Moore was then consulted; and I remember that his son, Mr. C. Moore, was finally called upon to decide. As we were leaving the house soon after in a body, a venerable clergyman arrested my arm, and intimated by gestures that he wished to speak to me in private. No sooner were we alone in the street, than with a countenance indicative of concern, he asked me, if I

* This was not the only instance of my letters to Dr. M. being intercepted.

were conscious of being a ruined man. I desired him to explain. Sir, says he, you have offended Mr. H. mortally, by asking him to translate a verse in the Greek testament: you have made him your enemy for ever. Having recovered from my alarm, and resumed an air of composure, I observed—that I had neither said nor done any thing to give offence to Mr. H.; that he did not appear to me to manifest any emotion; and that, were he ever so much disposed, it was not in his power to injure me. His reply was to this effect. Sir, you do not know that young man as well as I do: I watched the turn of his countenance when you presented the book to him; it indicated great displeasure: he has more influence, as well as more art, than you are aware of: you have made a powerful enemy; at some future day you will feel the weight of his resentment; and then, perhaps, you will recollect my prediction.

I should not have thought these incidents worthy of a place here, were it not that we are all of us conscious of a satisfaction, in being able to trace the motives for a man's conduct towards us; and had not Dr. H. himself, in his late defence, candidly admitted that these gentlemen's apprehensions were but too well founded; that he had, previously to my trial, entertained a violent dislike of me. He represents me as being, long before any one had presumed to arraign my character, 'a person who, *he had reason to believe*, was the most disposed of all men 'living to employ a charge to his disadvantage.' Now I publicly call on Dr. H. to assign *that reason*: I defy him, with all his ingenuity and experience in research, to state the *slightest* ground for that representation. Yes, I defy him, with all his numerous host of certificate-hunters, to produce one *honest* man who will declare, that either an angry word, or even an angry look, has ever passed between Mr. H. and myself; or that I have been heard to utter a single disrespectful thought of him, until his garbled account of my trial was shown to me, and I had heard of his employing his influence over Dr. B. Moore, to prevail on him to confirm the sentence recommended by himself. How could the man have made this unguarded avowal? O conscience, how bitter an enemy art thou to the character, as well as to the repose, of ungodly men!

This amiable gentleman, who wants only to be universally known to be universally admired, 'to be acquainted with whom is always to esteem and love him,' full fraught with such feelings towards me as have now been described, deliberately sits down among my judges; undertakes to pronounce sentence on me; and (as if not contented with these means of wreaking his vengeance) grasps the pen of the reporter, and undertakes to draw up such a statement* of the proceedings as cannot fail of accomplishing his purpose. Here let me ask—What was the chance of my acquittal at such a tribunal? How, conformably to the practice observed in civil cases, consistently with any pretensions to decency, how could Mr. Hobart sit in judgement on a man, against whom (according to his own confession) he then, and long before had, entertained such violent and unfounded prejudices? The thing speaks for itself: it requires no comment: I shall therefore leave the simple fact to the consideration of my readers, and proceed to further particulars.

The court consisted of the Rev. Messrs. Beach, E. Cooper, Harris, Wilkins, and Hobart. Those who know how completely the last mentioned gentleman had, at this period, gained an ascendancy over all the ecclesiastical affairs, and over almost all the clergy, of this diocese, can be at no loss to conceive what influence he might have had over the decision of the rest. I am bound in charity to presume that each of them gave a conscientious vote: but I am no less bound to believe, (what I have been told by a person possessing all the means of information,) that one † of the judges, who had declared himself in favour of a

* If any man, after reading that statement, will say that he understands it sufficiently to form an opinion on the case, he must possess more intuitive skill than any of my acquaintance. If Dr. B. M. read it before he pronounced sentence, (which I much doubt) I venture to believe that he understood no more of it, than before he had seen it.

† This gentleman, when asked how he could reconcile it to his conscience to punish with degradation a clergyman for his first offence, especially when it was known to him that no attempt had been made to reclaim the offender by milder methods, replied—I am in duty bound, Sir, to *presume*, that every method has been tried in vain: were I not to act on this *presumption*, I should tacitly upbraid the bishop with a shameful neglect of his duty. O tempora! O mores!

mild punishment, most *unaccountably* changed his opinion after a private interview with a certain influential gentleman; and that another, who had the honesty to judge for himself, and the fortitude to differ from the rest, was instantaneously denounced, and threatened with expulsion from every post of honour.*

My accusers were Rev. Messrs. Jones and How, Bowden and Lyell. These men were despatched to scour my parish in search of complaints against me, and hunted most lovingly in couples.† In the course of their redoubtable excursion, they not only thrust themselves into the houses of persons who were not attached to my congregation, but they also behaved with so much indecency to several members of the church, as to give great offence, and even to excite disgust. Ladies have been heard to express astonishment how gentlemen, much more how clerical gentlemen, could depart so widely from the ordinary rules of good breeding: and the husband of another told me, within a few days, that judging from the representa-

* This gentleman has been taught by experience, that an attempt to save the life of a drowning man is not unfrequently attended with hazard; and that compassion for an injured individual is a deadly sin.

† The association of Dr. Bowden with Mr. Lyell, for the purpose of running down a brother clergyman, is truly laughable. I know that the former always held his leash-fellow in sovereign contempt, and generally spoke of him in correspondent terms. The reader will not be offended, if I relieve the tedium of this narrative by the insertion of a little anecdote. I once mentioned to a number of clergymen assembled in Dr. B. Moore's study, my design of inviting Mr. Lyell to officiate for me on a particular occasion. Mr. Hobart expressed his surprise that I should pay the city clergymen so bad a compliment, as to exhibit Mr. Lyell as a sample of New-York eloquence. On my observing to him that I had understood Mr. L. to be a popular preacher—Sir, says Dr. Bowden, with no little indignation, have you not heard him preach? I answered, that I had never had an opportunity. Have you, continued he, never heard him read prayers? To this question I made the same reply. Have you, sir, never heard him *talk*? Yes; repeatedly. Then, sir, (rejoined the facetious doctor,) you are still left without excuse: for you *must* know that a man who cannot *talk* good English, cannot *preach* good English.

But perhaps it will be said, that a man may be a very indifferent preacher, and yet perform the office of a terrier very satisfactorily. The propriety of the remark I am constrained to acknowledge, and stand corrected for my want of discernment.

tion made to him by his wife, had he been at home when they came to his house, he certainly would have ordered them out of it. But my indignation must not transport me too far, in describing the particulars of this reverend chase : * for what was to be expected from *such* men employed in *such* a mission ? How could I so soon have forgotten ‘ the silk purse and the sow’s ear ? ’ Our attention is rather drawn to the inquiry—Who sat behind the curtain, and pulled the wires which gave motion to the puppets ? By what authority did these men do these things, and who gave them this authority ? The answer is to be found in the undeviating conduct of that man who, for six years last past, has holden the reins of government in this diocese ; who has permitted no official act to be performed without the sanction of his approval ; who has stamped on Dr. B. Moore’s administration the indelible mark of imbecility ; † and who has brought that once respectable

* This singular ‘ union of honest men ; ’ this capricious association of *Judases* and *Pilates* to hunt down and immolate a solitary and unsuspecting individual, brings very forcibly to remembrance Dr. Young’s animated description of the career and catastrophe of subtle, sly, ambitious mortals.

- “ I hear the tumult of the distant throng,—
 “ Eager *Ambition’s* fiery chase I see,
 “ I see the circling haunt of noisy men,
 “ Burst law’s inclosure, leap the mounds of right ;
 “ Pursuing and pursu’d, *each other’s prey* ;
 “ As *wolves* for rapine ; as the *fox*, for wiles ;
 “ Till *Death*, that mighty hunter, earths them all.

† The instances of imbecility are numerous. Mr. Jones’s appeal is a volume of evidence : it is there stated, among other things, that Bishop Moore was desirous of encouraging Mr. Gillet in his views to the ministry, and that Mr. Hobart had expressed a determination of standing up in the church, and objecting to the ordination, on the ground that the candidate was not a favourite. Dr. M. was therefore compelled to abandon his own opinion, and Mr. G. to relinquish his hope of obtaining orders. The case of Mr. G. may be contrasted by another. Mr. G. underwent (as I have been credibly informed) a most honourable examination as to literary acquirements. Another gentleman, about the same time, who was aware of the only avenue by which he could gain access, was readily admitted into orders ; although he even made no pretensions to learning, and although previously to his ordination he had, probably, never seen the book of common prayer, as appeared from his manner of reading the service on the following Sunday. He read the rubric, prayers, responses, and all. *Risum teneatis ?*

name into such contempt, that 'Little Benjamin the ruler' is now become proverbial. It has been incautiously admitted by Mr. Howe, that the plan of my persecution was devised in a caucus of the city-clergy. Who were the members of that *reverend caucus* I dare not venture to say: but if Mr. Hobart did not *virtually* preside, or if he did not at least express his full approbation of the measure, then let me bear the blame of groundless jealousy and suspicion for ever.* Even Mr. Jones, who has at length evinced a lurking remnant of a spirit of independence, would no more have dared, at the period now spoken of, to engage in an act of so much importance as the prosecution of a clergyman, without the concurrence of Dr. Hobart, than he now dares to disclose all that he further knows on the subject.

During the trial, my prosecutors evinced the same spirit which had urged them in their chase through Brooklyn. They industriously took notes, although they remarked that I took none; they put irrelative questions to the witnesses; misrepresented their answers; strove to make them speak what they did not mean; and in their eagerness to substantiate any thing like guilt, pressed their interrogatories with such a disregard of all order, that on my inquiring of the president, at a particular juncture, what charge was then before the board, he candidly confessed that he could not tell; but presumed that 'it would all come to the same thing in the end.' The good president, I doubt not, was sincere in giving his opinion; and the event proves that he was correct in his calculation. One act of outrage committed on this occasion called forth all my indignation, and the recital of it can scarce fail to excite similar emotion in the breast of every reader. Near 10 o'clock at night, when I expected the court to adjourn, one of the prosecutors moved that a compulsory process should be issued against me by the board; the avowed object of which was, forcibly to detain me all night in New-York, although my family in Brooklyn were ignorant of the cause of my absence, nor had I

* Mr. Jones asserts, (and Mr. J. cannot be ignorant of any of the particulars,) that although 'Mr. H. was not *immediately* engaged in the business, yet it was a part of the same overbearing system, and was carried on by his coadjutors How and Lyell' The testimony of one of the parties concerned is the best evidence that can be adduced.

the means of conveying information to them. Had I not treated the motion with contempt, or rather had I not expressed my determination to resist any offer of violence, I have no doubt that I should have been committed to the custody of the sexton, and been lodged for safe keeping, all night, in the belfry of Trinity church. ‘Tantaene animis cœlestibus irae?’

Before the report of the judges had been seen by Dr. B. Moore, (as he informed me) I waited upon him in consequence of what I conceived to be an important discovery. He received me with his usual affability. I asked him if he had any objection, before he pronounced sentence, to hear what I might have to say in my defence; adding, that one of the witnesses was desirous of correcting a certain part of his testimony, and that the solicited indulgence would be no departure from the general usage in parallel cases. He assured me, without hesitation, that he cheerfully acceded to my proposal; that it would give him pleasure to hear my defence; and that he would send for me for that purpose. Let the reader judge, if possible, of my astonishment, when I inform him that within two or three days after this interview and assurance, my sentence was abruptly announced to me by an open printed letter from Dr. M. directed to *John Ireland*, Brooklyn; and let them judge (but this is scarcely possible) of the agony of my daughter, a young girl of sensibility, who had heard nothing of the proceedings against me, who had received this letter from the hands of a servant, and who, supposing herself authorized to look at the contents of *an unsealed printed paper*, thus obtained the first intelligence of her father's disgrace. Whenever this instance of Right Reverend brutality is brought across my recollection, I confess that it is not without infinite difficulty that I can suppress the curse which rises to my tongue. For, is it within the compass of human ingenuity to devise any thing in palliation of such an act of atrocity? Is not the veriest wretch at the bar of civil justice treated with more lenity? Is not the sentence of death communicated to him in a manner less offensive and shocking? Would it not be an affront to any of the tribes of savages, to suppose an individual among them capable of so mean, so unmanly, so dastardly, so cruel, an outrage?

Was it not enough for those reverend inquisitors to pour on the head of their devoted victim the most severe punishment that it was in their power to inflict? Or was it deemed necessary to add insult to severity, and to give the sufferer a four-fold pang, by stabbing the feelings of his unoffending family? This act of wanton barbarity derives no small aggravation, from my experience of Dr. M.'s keen sensibility in a case which concerned himself. That gentleman cannot misconceive my meaning: he cannot have forgotten the letter which I addressed to him at the earnest request of his particular friend, who had witnessed the freedom which certain females were then taking with the doctor's character, and which his friend was solicitous to arrest: he cannot have forgotten how severely he reprehended my indiscretion, in committing so *delicate* an affair even to a *sealed* paper; nor how he shuddered at the recollection that one of *his* family might have broken the seal in his absence. Alas, how are the mighty fallen! how 'tempora mutantur, nos et mutamur in illis!' Were I disposed to follow the dictate of a vindictive spirit, I might enlarge on this subject: but I take no delight in the writhings and convulsions of innocence; and a wife and a child have nothing to apprehend from my resentment of the husband's and the father's crimes. While, however, I assume some credit for forbearance, I candidly confess that never in my life have I experienced so much reluctance to forgive any injury as this. The recollection of it never fails to produce on me an effect resembling suffocation; so sure as a sacramental occasion occurs, my heart within me dies at the remembrance of this outrage, imperfectly forgiven: and I solemnly declare, that all the effects of my pretended degradation have never occasioned me half so much uneasiness, as this single circumstance attending its annunciation. Had it been an open enemy, a Hobart or a How, who had done me this dishonour, then (I think) I could have borne it: but it was "Thou, my companion, my guide, and mine own familiar friend!*" The

* During seventeen years had Dr. M. been my 'Fidus Achates.' The most unbounded confidence and friendship had subsisted between us. - The remembrance of days that are gone, never to return, calls from me an act of justice to his character so far as to say, that were it not for the vile arts of sycophants and supplanters, had he been left free to follow the mandates of his own inclination and judgement, our friendship would have remained undiminished to this day.

reader will permit me to drop here this agonizing subject; and will remember (should he hereafter be disposed to upbraid me with intemperance of expression) the extent of this provocation.

Immediately after my sentence had been communicated in the singular manner above related, I wrote to Dr. M. a request that he would furnish me with a copy of the charges of which I had been found guilty; that he would inform me, whether the sentence operated to my exclusion from the sacramental table; and if so, what penance the discipline of the church required in order to my restoration to Christian privileges. No answer was vouchsafed. After a long lapse of time I repeated this modest request; and represented to Dr. M. that my character was suffering severely from his refusal to comply; that owing to the misconception of some, and to the misrepresentations of others,* I had been suspected, and was still lying under the suspicion of, various enormities, such as sabbath-breaking, forgery, and even treason;† and that I was unjustly deprived by his cruel silence of the means of refuting these calumnies. All my importunities proved unavailing: Dr. M. pertinaciously adhered to his resolution of refusing this act of justice, and the reports so injurious to my reputation were daily gaining ground. At length, determined not to bear this load of unmerited abuse, I addressed myself to Dr. Beach for the information which Dr. Moore withheld. That gentleman was soon made sensible of the injurious treatment which I had undergone, reprobated the conduct of Dr. M. in refusing to do an act of common justice, and engaged to obtain, so far as it was in his power, a redress of my grievances. Thus, through the intervention of Dr. Beach, after a lapse of almost twelve months, was I made acquainted for the first time with the charges

* Some of my malicious enemies incessantly insinuated, that a vast variety of charges had been exhibited against me: but that a selection had been made of such as would suffice "to do my business." Thus was the tongue of calumny loosed, and licensed to rove unrestrained through the wide field of conjectural crimes.

† It was currently reported, among other things, that I had obtained an estate by forging a codicil to a will; and that I had been engaged with Col. Burr in designs of a treasonable nature.

for which I had been condemned and executed.* Do the annals of civilized man exhibit a case parallel to this?

About this period I obtained certain information, which determined me to present a memorial. Mr. Howe indeed would persuade us that "a clamour was raised: very threatening language was employed; anonymous letters of a most scurrilous nature were written to the bishop; and it was plainly declared that compulsory measures would be taken to produce a reversal of the sentence pronounced upon me:" and he seems to intimate that Mr. Jones had an agency in these violent proceedings. As Mr. Howe has been *detected* in making very erroneous statements of facts, after having premised "that his recollection of the circumstances was distinct and clear," we are bound to receive his assertion on this subject, as well as on others, with extreme reserve. My mode of interpreting this good gentleman's language is, precisely such as certain elderly ladies practise in explaining their dreams. That such steps as Mr. H. describes should have been taken in my behalf, without my concurrence and even without my knowledge, is truly singular: and that they actually were taken (at least to the extent here mentioned) I must be permitted to doubt, until I am furnished with further and better testimony. And yet I can assure Mr. H. that it would give me no very great mortification to be compelled to believe him, and to discover that I had such warm and active friends. But, be this as it may, I give my readers the solemn declaration of a man, whose veracity has not hitherto been disputed, that until the fiery tail of Dr. Hobart's inflammatory pamphlet spread the alarm far and wide, I had never heard of any clamour, or threatening language, or anonymous letters, or compulsory measures; and that I have had no communication with Mr. Jones, either directly or indirectly, since my mock trial. Whether the following letter and memorial fall under any of the foregoing descriptions, let the reader now decide.

* The document, containing the list of charges of which I had been pronounced guilty, is in the hand-writing of Mr. Hobart: he would not trust Dr. M. with the management of so difficult an affair, as furnishing a copy.

RT. REV. SIR,

The inclosed memorial has been seen and approved by several gentlemen of the first respectability, both of the pulpit and bar. Were I at liberty to address you with that freedom in which you formerly indulged me, nothing could be more easy than to convince you of the propriety and necessity of your early attention to this business: many circumstances are known to *me*, which are studiously concealed from *you*. I take the liberty, however, of suggesting—that no harm can, and much good may, result from the proposed revisal. If the sentence should prove to be improperly founded, it ought, in justice, to be reversed: if otherwise, the proceedings will be confirmed, the public will be satisfied, the suspicion of tyranny and oppression will be removed, and the reputation of your own administration established.

I am, &c.

Your *real* Friend,

And humble Servant,

JOHN IRELAND.

To the Right Rev. Dr. Moore, Bishop of the
Protestant Episcopal Church in the State
of New-York. }

YOUR Memorialist begs leave, in the most respectful manner, to represent to you as head of the church in this diocese, that the late trial of your memorialist, in conjunction with certain circumstances preceding, attending, and resulting from it, has excited no small portion of surprise and regret in the minds of many; and that humanity, justice, the interests of the christian religion in general, and the welfare of the P. E. church in particular, point to the propriety and necessity of a *revisal* of said trial.

At the close of his defence, after having candidly confessed the only fault of which he was conscious, your memorialist assured his judges, that if they should deem it necessary further to humble a penitent offender and to break the bruised reed, they would find in your memorialist no refractory victim; that he should wrap himself in the mantle of resignation, and receive without a strug-

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gle the falling blow. Hitherto he has literally adhered to his assurance : altho' for many, many long months his reputation has lain bleeding at every pore ; altho' the busy tongue of calumny has attempted to fasten on him every crime in the black catalogue of enormities ; altho' the means of refuting such aspersions have been withholden from him ; altho' he applied in vain for a knowledge of the charges of which he had been found guilty, and for which he had been condemned and executed ; altho' he had repeatedly been urged to appeal to the civil authority for a redress of his grievances, and had even been assured of success ; still none of these things moved him, not a murmur escaped his lips. Viewing his sufferings as a dispensation of heaven, designed to promote some unseen but salutary purpose, he has humbly bowed his neck to the awful stroke, nor once dared to arraign the wisdom of providence. But considerations of the first importance, unconnected with selfish motives, have at length induced him to break silence, and to request that an early examination of the late proceedings against him may be instituted. Still zealously attached to that church, in whose doctrines he has always firmly believed, and in whose communion he hopes to die, your memorialist can not with indifference observe her pretensions ridiculed, her ministers charged with inquisitorial tyranny and ecclesiastical murder, her dearest interests exposed to hazard, and her downfall in this state triumphantly anticipated. Her enemies exultingly demand—Can that be the genuine christian church, which in the exercise of discipline overlooks a plain positive apostolical direction ; and which proceeds against a supposed delinquent (as in the case of your memorialist) in a manner unparalleled in the annals of *any* church ? And many of her *friends*, including both clergymen and laymen of the first respectability, entertain very serious doubts whether, in the late proceedings against your memorialist, all things were done with decency and in order ; whether they were not done in violation of the articles and canons ; whether any clergyman can deem himself secure, so long as persons are instructed, or even permitted, (as in the case of your memorialist) to search his parish from house to house for subjects of complaint ; whether the case of your memorialist required such an exhibition of judgement without

mercy ; and whether a precedent thus established will not deter men of sensibility and independent minds from entering into the church, and especially from settling in this diocese. Many other important considerations might be adduced, all tending to shew the propriety of a *revisal* of the proceedings against your memorialist, to be instituted before a tribunal composed of clergymen of years, experience, wisdom, *moderation*, and long standing in the church.

As to himself, altho' your memorialist has long groaned under the weight of a burden too heavy to be borne, yet personal considerations alone would never have drawn from him the present remonstrance. Should, however, the ecclesiastical authority judge it proper to direct the *revisal* now solicited, your memorialist presumes to think it possible, that he will be found to be less culpable than he has hitherto appeared. It is a fact, already in the knowledge of the bishop, that a very important part of the testimony advanced against your memorialist is voluntarily acknowledged, by the witness himself, to be erroneous ; Although said witness believed, at the time of trial, that he asserted nothing but the truth, yet a subsequent enquiry into particulars has enabled him to discover his error, of which he now laments the sad effects. A charge, of which your memorialist has been pronounced guilty, was contradicted by the positive written testimony of the Rev. Mr. Feltus, deposited in the hands of the court. Another charge, of which your memorialist was adjudged to be guilty, was not supported by the requisite number of witnesses. In short, a gentleman of considerable experience in judicial proceedings, who was present during the whole trial, hesitates not to declare—that not a single charge exhibited against your memorialist would have been considered, in an ordinary court of justice, as substantiated ; and that the beauty and utility of civil procedure were never more strikingly displayed, than by the contrast shewn on that occasion.

If these facts (and others can be adduced, if necessary) should not be thought unimportant, it is further possible that your memorialist may be considered as having already undergone a sufficient punishment for his offence ; that his sentence may be mitigated, if not reversed ; and even that he may be restored to his former station in the

church. Were the sufferings, which he has hitherto borne in silence, capable of being represented, they would make his bitterest enemies desirous of being at peace with him, and constrain them to cry out—let this suffice, it is enough. Your memorialist will ever have to regret, that an attempt was not made to reclaim an accused brother, conformably to the good old scriptural practice, by exposition, by admonition, by reproof. Such a christian procedure he had a right to expect from his christian brethren: and it would have put from him that bitter cup, of which he has been cruelly compelled to drink to the dregs. He is willing and anxious to make every proper atonement and reparation that the case may require. He solicits no cure: he has long since declined the acceptance of any. He is the opponent of no man, the rival of no man: his only wish on this side of the grave is—to be restored to the bosom of the church, to the esteem and confidence of his former brethren, to that rank which he lately held in society. He can deliberately appeal to the Searcher of hearts for the truth of his assertion, that since his admittance into holy orders, he has not lived in the wilful habit of any known sin, nor in the wilful neglect of any known duty. Once, indeed, he was betrayed into the fault of speaking unadvisedly with his lips, on an occasion when he conceived insult to have been heaped on actual outrage. He thought, at the moment of provocation, that he did well to be angry; but it is known that he has since lamented his indiscretion in sackcloth and ashes, and that he took the earliest opportunity of reconciling himself to the offended party. If such evidences of contrition, if floods of unfeigned tears, cannot obtain for him the forgiveness of men of like passions with himself, he must live and die in the humble trust that they will not be unavailing with a merciful God.

I have been in the habit of thinking, that this memorial was couched in terms as respectful as could be expected from me under existing circumstances: and I authorised two clergymen to assure Dr. M. that if he acceded to my proposal, and if the sentence should be confirmed by the second tribunal, not a word expressive of complaint should ever again be heard to escape from my lips. Dr. M. was further informed, that in order to ex-

pedite and facilitate the proposed re-hearing, I was content that there should be no new examination of witnesses; but that the testimony as it then stood stated (although I had not seen it) should be admitted, and laid before the new board. Is this clamorous, or threatening, or scurrilous language? Is this an adoption of compulsory measures? Had I indeed resorted to such measures, I should have done no more than what my duty to myself, my family, and my friends demanded: but then I should have failed, perhaps, in another duty which seemed to be imposed upon me—the sacrifice of my own feelings to the church's peace.

To this memorial such as it is, Dr. M. replied—"that no provision was made by the canon for the proposed revival, and that he did not conceive it *proper* to take the subject again into consideration." The alleged deficiency of the canon, in a particular which I judged to be of no small importance, determined me to address the approaching convention on this subject. My address was hastily prepared, and confided to Rev. Dr. R. C. Moore, who returned it to me unopened, after the session had closed, with the following letter. I have taken the liberty of giving publicity to this letter, without consulting the writer, because he is known to be one of those who were anxious that justice should be done to an oppressed individual; because he may therefore be suspected of having employed clamorous, threatening, scurrilous language in my behalf; because I wish my readers to see what is the tenour of his addresses, when he accosts me without disguise or reserve; because this letter is in perfect correspondence with all his conversations on this subject; and because I think it will redound to his credit, as a christian and as a clergyman.

New-York, Oct. 4, 1810.

DR. SIR,

Animated by a sincere desire to promote your happiness, by those efforts, which friendship and prudence mutually suggest, I have taken the liberty to withhold from the convention the letter which you enclosed to my care.

Had I been made acquainted with the contents of it, perhaps, I should have pursued a different course: but as

I felt an apprehension, that the sentiments which it may contain, might have injured your own cause, I could not refrain from keeping it in my pocket, and returning it to you.

I indulge a hope, that by judicious management, the situation, in which you are at present placed, may change its aspect; and that you may be restored to the church. Of my friendship you may rest assured: and you may rely, that the moment a favourable opportunity shall present, every exertion, within the limits of my christian duty, shall be made in your behalf. With sincere regard, I remain Dear Sir,

Your friend

and Brother

RICHARD CHANNING MOORE.

REV. JNO. IRELAND, BROOKLYN.

Had Dr. R. Moore been made acquainted with the contents of this address, I flatter myself that he would (as he intimates) have presented it to the convention: and I think too, had he done so, that so judicious a body of men (assembled for the express purpose of directing the concerns of the church) would have taken the case into consideration. But I blame him not: the fault is exclusively mine, in not leaving the address unsealed for his inspection.

The rash step taken by me, in detailing (at Dr. Hobart's own request) the substance of a conversation between us, and the crime of having since sworn to the truth, have called down the implacable resentment of that gentleman and his myrmidons. The rank to which he is now elevated in the church, and the additional influence which this elevation gives him in the diocese, can scarce fail to frustrate all my hopes of redress from a convention in this state. Where is the clergyman who does not already stand pledged to support his new bishop, and to crush all those on whom he may frown? What is the probability of success, were I to apply to men who have already dared to assert—"that *they would not believe the oath of any man, or of any number of men, if contradicted by Dr. Hobart?*" Such an assertion may, indeed, evince the unbounded confidence which they

have in their leader, and may be to *him* an acceptable return for favours conferred: but I strongly suspect that a general execration will follow the avowal of such a sentiment, and its authors be disgraced in the public esteem. Does Dr. Hobart stand clothed with such Vatican importance, is he invested with such Papal infallibility that his ipse dixit is to be the standard of truth? Is every man, whom he may contradict, to be denounced as infamous, and unworthy of credit? Are we arrived at such a state of things, that the bare denial of an individual is to supersede the most solemn act that has hitherto been devised for the discovery of truth? What must be the condition of society, when 'the oaths of any number of men,' of men whose character for veracity has never been impeached, are to be prostrated by the simple contradiction of the party accused?—and what (I repeat it) is the probability of obtaining justice from persons who maintain such a sentiment.* This consid-

* Some of my readers will be disposed to doubt, whether I may not have been misled on this occasion by the representation of others: but I most solemnly declare that I heard the *sweeping* declaration, above recited in Italics, uttered and *repeated* by the Rev. Seth Hart, the sapient author of a bombastic certificate in Dr. Hobart's defence. I should not have noticed his rash assertion here, had I not previously invited him to retract, or at least to modify it. His refusal to do either, his indirect attempt thus to fasten on Mr. Warner and myself the charge of perjury, will justify me in giving publicity to such a wanton, unprovoked act of outrage. I feel this injury more acutely, because Mr. H. lies under repeated obligations to me. His practice of borrowing manuscript sermons, *by hundreds*, is not confined to N. York: he has preached (if I may believe the testimony of his own handwriting) several of my own; and it is not easy to conceive how he has so suddenly changed his opinion of the moral character of one, whose divinity he so lately inculcated from the pulpit. But I am resolved to shew—"wretch as I am, and unworthy of the least countenance"—that I yet possess some remains of christian temper, and can return good for evil: I therefore take this opportunity of informing my readers, that although Mr. H. has acquired no great share of celebrity as a manufacturer of sermons, yet no clergyman in the diocese makes more or better *whisk-brooms*. Members of the church will doubtless give the preference to this utensil when fabricated and sold by one of their own clergy: and they are now informed that they can be accommodated, at the shortest notice, with any number of genuine, clerical, ecclesiastical brooms, on application at the parsonage, N. Hempstead, Long-Island.

eration has induced me to lay before my readers, verbatim et literatim, the address which I prepared to present to the convention: a perusal of it will shew the state of my feelings at the time of enditing it, and likewise serve to disclose certain particulars which ought to be made known.

Rev. and Respected Gentlemen,

Twelve months ago the sentence of my degradation was officially announced to you. During that lapse of time, I have taken no inconsiderable pains to examine my own heart, and to obtain the opinions of others, on this awful subject. The result is—that I now make a solemn appeal to you from that sentence.

Conscious that I am actuated by no unworthy motives; recollecting that every person, with whom I have conversed on this subject, whether clergyman or layman, has spoken of the proceedings against me in terms of reprehension more or less severe; recollecting also that I have received assurance from many others, both in and out of the diocese, that similar sentiments appear generally to prevail; I confess that I make this appeal to you with no small degree of confidence.

You would not be troubled with an application of this nature, did any other mode of redress present itself. In all well ordered societies it is presumed that no grievance is permitted to exist without a remedy. In the case now before you, where can the party, conceiving himself to be aggrieved, apply for redress unless to your venerable tribunal? The house of bishops has decided that they are not authorised to take cognizance of any official act of an individual bishop; and the Rt. Rev. Dr. Moore, in reply to my application for a revisal of the proceedings against me, observes that he could not comply with my request, 'because there existed no canon to authorise such a procedure.' Nothing more, therefore, is wanting in the present and similar cases, than your canonical appointment of a second and higher tribunal, at which the party, conceiving himself to be aggrieved, may seek redress. In cases of a *civil* nature, when the *propriety* of an individual is concerned, if he conceive himself to be injured by the decision of an inferior court, he has the privilege of referring his cause to a supe-

hour tribunal. And shall a clergyman, whose whole property lies within the narrow compass of a fair name ; shall he, at a single stroke, be deprived of the means of supporting himself and family, be doomed to endless ignominy, and this too at a period of life incapacitating him for engaging in any new pursuits ; shall all this take place without the possibility of even making an appeal ? Forbid it, mercy ! forbid it, justice !

It may be urged that I can find my remedy in a civil action. Of this I grant that I have the most satisfactory assurance : but I can not prevail on myself to resort to so painful an expedient, until every proper application to the authority of the *church* shall have failed. My respect for the institutions of christianity, and especially for that religious society to which I have been attached for almost half a century, will not permit me wantonly to expose to its enemies the manner in which its discipline has lately been administered in that society.

A case, similar to my own, will probably occur at no very distant period. Among those who hear this address there are some already lying under the ban of denunciation : and *the most venerable name in the diocese* is on the list of proscription. There are among you persons who understand and can explain this intimation. Whatever therefore may be the issue of this application for myself, may mercy incline you to apply a timely remedy, in behalf of those who may hereafter fall under the same condemnation !

My principal reasons for making this appeal to you are detailed in my late memorial ; a copy of which is inclosed, and which I request may be read in this place.

Many other forceful reasons may be assigned, but they are at present withholden, from a conviction that enough has already been advanced in favour of my appeal. One circumstance, however, ought not to be omitted here :— some time after my sentence had been promulgated, the gentleman who presided at my trial assured me, that if I had made a timely submission, (but he did not say to whom such submission was to have been made) the proceedings against me would have been stayed. As it was

impossible for me to have known the fact : as it was impossible for me to have foreseen that a bishop would solemnly nominate my judges, appoint the time and place of my trial, and then permit the proceedings to be dropped in case of my submission, I expressed my surprise, how a professor of peace and good will toward men could withhold from a *brother* a communication so highly important to his welfare. His reply was—“that he had not an opportunity of informing me, as he seldom saw me.” The bishop, a few days afterwards, confirmed the assertion of the above mentioned gentleman : but on my again complaining of the great injury and wrong thus done unto me, he qualified his observation by saying—that it was merely *his own* opinion that the proceedings *might* have been stayed. Thus were my future prospects in life, the present means of supporting myself and family, and with them my dearer reputation, prostrated by the want of a timely hint from a christian brother.

To you, gentlemen of the clerical order, I address myself in an especial manner. I request you to make my case your own, and to attend to the following facts.

It is a fact, that the first intimation of any thing being in agitation against me, was contained in the bishop's letter to me, nominating the judges, and the time and place of my trial.

It is a fact, that previously to such intimation, my accusers had repeatedly been in my parish in search of subjects of accusation against me, and had repeatedly passed my door.

It is a fact, that in conducting said search, they did not confine themselves to the houses of episcopalians, but made enquiries among others of various denominations.

It is a fact, that in making those enquiries they betrayed such a want of common decorum, as to excite the surprise and provoke the indignation of several respectable ladies.

It is a fact, that they conducted the prosecution against me with a degree of virulence, ill comporting with the character of christian ministers : they even moved the court to issue a *compulsory process*, to detain me in town

after a very late hour of the night, although my family could not have been able to account for my absence.

It is a fact, that no attempt was ever made, by *any* clergyman, to reclaim me, by expostulation, admonition, reproof, threat, or any other means.

It is a fact, that one of my judges subscribed the sentence of degradation, on the *avowed* conclusion that all attempts to reclaim me had previously been made in vain.

It is a fact, that another of my judges voted for a punishment *more severe* than he thought to be due, on the expectation (if not the *assurance*) that another of the judges would unite with him in said vote, and thereby prevent a less dreadful sentence.

It is a fact, that the benevolent gentleman above alluded to, has unequivocally expressed his dissatisfaction with the beginning, continuation, and end of the proceedings; and has declared to some of his brethren in my presence, that if I could succeed in my application for redress it would be a triumph to him.

It is a fact, that the sentence of my degradation was announced to my family in a most indelicate and even barbarous manner, by an *open* printed letter delivered to my daughter.

It is a fact, that I have been wantonly persecuted beyond the requisitions of the canon: my degradation having been announced in a certain vehicle of intelligence, with the malicious design of stabbing the feelings of my relations and friends in a distant part of the world.

It is a fact, that I have been condemned for offences, of which no ecclesiastical court can take cognizance; and of the nature of which offences such a court is (in the opinion of the best civilians and divines) incompetent to judge.

It is a fact, that the statement of the proceedings at my trial is (to say the least of it) an unfair representation.

It is a fact, that others, known by the bishop, by my judges, and by my accusers, to be *equally* deserving of

ecclesiastical censure, have been treated with a degree of lenity and forbearance, to which the rigorous proceedings against myself exhibit an alarming and disgraceful contrast.

It is a fact, that a canonist of the first distinction in the church has decided—that to resort at once to the degradation of a clergyman, without previous attempts to retrieve him, is an antichristian, unjustifiable procedure: he compares it to a parent's disinheriting his child for the first offence.

I could enumerate many other facts, known to some of your venerable body, and all of equal importance with those preceding: but at present I forbear. A severe indisposition incapacitates me alike for thinking and writing: enough however has already been said (I presume) to awaken your sensibility to my grievances, and to guide you to certain inferences. Reflecting that I am addressing a body of men zealously devoted to the interest of the church, solicitous for the reputation of its administration, tenacious of their own religious and civil privileges, and eager to do justice to others, I repose with trembling confidence on your decision.

But whatever may be the fate of this application, I earnestly entreat you, gentlemen both of the clergy and of the laity, that no censure may be attached to any of those members of your body, who may be suspected of entertaining a friendship for me. I solemnly aver that there exists not an individual who has seen, or heard, a word of this address. If I must fall irremediably, in the names of mercy and justice let me fall alone! God, who knows my heart, knows that I wish for no companions in unmerited disgrace and intolerable misery.

With unbounded respect I am

Gentlemen,

Your much injured and much
afflicted servant,

JNO. IRELAND,

Brooklyn, October 1, 1810.

As it is doubtful whether I shall, under the present reign of terrour, trouble the state convention with my complaints ; and as it is probable that many persons have been led by reports to entertain opinions prejudicial to my character ; justice to myself (as well as to those who still retain a friendship for me) impels me to trouble my readers with a few further observations on the charges lately exhibited against me.

The first charge was for loaning money on usurious interest. To this charge I peremptorily refused to plead, and protested against the authority of *any* spiritual court to take cognizance of the alleged offence, *until it had been previously established by a civil tribunal*. I am no lawyer : but with all due deference for the decisions of such great men as counsellors Lyell, How and Co. I have the best authority for saying, that the transactions alluded to at my trial were *not* of an usurious nature ; and that the highest legal tribunal in the state has repeatedly so decided.* The unblushing Mr. Howe asserts that I was in the *avowed* practice of usury : and Dr. Hobart with equal effrontery maintains, that I not only *acknowledged* it in my defence, but also endeavoured completely to *justify* it. Those who can digest every thing advanced by this “*par nobile fratrum*” must be at a loss to decide, whether knavery or folly be the predominant ingredient in my character : but those who know me know, that I am alike incapable of violating a law of my country, and of justifying the commission of any forbidden act. What these reverend slanderers have been pleased to denominate an avowal, an acknowledgement, and a justification, is one short extract from a learned commentator, and a second from Dr. Hicks on the dignity of the christian priesthood. These extracts were read by me in the following words, and were the only authorities which I quoted.

“ The law of usury seems to have been peculiar to the Jewish state and nation, and to have respected the con-

* If any gentlemen, who may feel an interest either in the decision of the board or in my reputation, will take the trouble of making himself acquainted with all the particulars of the case, I am prepared to give him every requisite information.

dition of the borrower: that is, whether *poverty* occasioned his borrowing, or a visible prospect of *gain* by employing the money borrowed'.

Dr. Hicks anticipates the following objection to a position previously laid down by him:—'The argument in favour of spiritual jurisdiction will give to the clergy the cognizance of *all* causes, even of rebellion; and subject all causes, public and private, to their determination'. Answer—'This is as false, as it is invidious: for the church hath always disclaimed and renounced all right to hear or try causes of *civil* cognizance, as not belonging to her tribunals and authority. The church, although it is *in* the world, yet is not *of* the world; and her governors, as such, have nothing to do with worldly suits and trials; nor as such, can they judge of right and wrong in public or private capacities, except in case of notoriety of fact, *which require neither witnesses nor proof*. The church hath power, *after* the criminal's trial, when the proof was certain and undoubted, to bring him by the terrour of her censures to repentance.*'

This is a doctrine to which no good churchman can be opposed: and this (I believe) will be the concurrent testimony of every sound divine and civilian who may be consulted on the subject. "Laws" (says Dr. Witherspoon) "regarding things which are arbitrary in themselves, are mutable; and there is *no morality* in them, but what arises from the present utility." One of our own † judges lately delivered a similar opinion to a jury:—"The object of spiritual tribunals is not crimes against municipal laws." A celebrated British writer ‡ on ecclesiastical law confirms this decision:—"When the issue of a matter" (says he) depending in a spiritual court is to be *determined* or influenced by any *statute*, a prohibition lieth. The rea-

* Mr. How, with that imposing air of confidence which characterizes the man, pledged *his honour* to the court to prove, that no such sentiment was to be found in the author quoted by me. This, from one who most probably had never heard of such an author, was rather a dashing undertaking. It is scarce necessary to add, that his pledge remains unredeemed. Does he think it not *worth* redeeming?

† De witt Clinton Esqr. Mayor of N. York.

‡ Rev. Dr. Burn,

son is, because the *temporal* judges have the interpretation of *all statutes*, whether they concern temporal matters or spiritual: not only *all statutes whatever* are to be interpreted by the *temporal* courts, but when a statute is made, giving remedy in a matter of *ecclesiastical cognizance*, the very making of such statute doth ipso facto take the right of jurisdiction from the spiritual court, and transfer it to the temporal." In the case of archbishop Bancroft, the decision of the judges was—"that none may pursue in the ecclesiastical court, for that which the king's court ought to hold plea of: but upon information thereof given to the king's court, either by the plaintiff or by any mere stranger, they are to be *prohibited*; because they deal in that which appertaineth not to *their* jurisdiction." The same thing was declared and adjudged in the court of King's bench, in the case of Worts and Clyston. No fact can indeed be more firmly established, than that in G. Britain the only subjects of spiritual cognizance are such things as are "*mala in se*;" and that things which are denominated "*mala prohibita*" belong exclusively to tribunals of another description. That usury is "*malum prohibitum*," and not "*malum in se*" is obvious to every understanding: the statute against it is merely a municipal regulation, temporary, and mutable: whereas the nature of things which are "*mala in se*" is unalterably, irrevocably fixed by God himself. Were it necessary to conviction to dwell longer on this topic, I might detail the particulars of a case on the British records, of a clergyman who by royal mandamus was presented for consecration; who was rejected by the bishops on the ground of being charged with usurious practices; but whom they were afterwards compelled to consecrate, upon a legal decision that a charge of usury did not come within the sphere of their jurisdiction. But the case is too clear to require either comment or proof: if spiritual courts are permitted to interpret any *one* statute, to assign its boundaries, to inflict penalties under its sanction, why may not *every* statute in the book be equally subjected to their decision? why may not a bench of clergymen, composed of such men as Lyell, Bowden, How,

Hart &c. summon any *layman* of the church to appear before them, try him for treason, convict and punish him under the statute? Are my fellow citizens prepared to consent to establish such "imperium in imperio," such "curiam in curia"? are these violations of decency and order to be tolerated, under a government which professes to secure to every subject the protection of his civil rights? "Ne sutor ultra crepidam."

The second charge of which I was found guilty was, for refusing to deliver up the communion-plate, the church-books, and the church-monies. This charge makes a most formidable figure at the first glance; but when stripped of the ghastful garb in which art and malice have clothed it, the spectre will appear less terrific. Most unfortunately for my accusers, the article of the communion-plate was no sooner mentioned, than, it was discovered that there was some *little* mistake: the witnesses declared that I had given up the plate at the first demand; and the accusers humbly begged permission to expunge that part of the charge. But the mean device of dignifying a memorandum-book with the title of "the church-books," deserves to be particularly noticed and exposed: for by this ingenious contrivance many persons were led to conclude, and many do still believe, that I kept forcible possession of *the bible and prayer-book* employed in the public performance of divine service: whereas "the church books" in question consisted exclusively of a single register, in which I was in the practice (as I presume all clergymen are) of inserting memoranda of transactions relating to the church. I therein noted, among other things, the sums which from time to time were collected at the administration of the communion, and of the mode in which such sums were distributed among poor communicants, &c.* This important book was never

* One of the witnesses stated at my trial, that I never gave to the vestry any account of the expenditures of church money. This statement had no more connection with the charge then before the court, than if he had declared that I never frequented the theatre: yet Dr. Hobart took good care to insert it among the proceedings. When I afterwards interrogated the same witness, he readily replied—I remember well that Mr I. brought his register to a vestry-meeting, *for the express purpose of exhibiting his accounts.* But as this part of the testimony did not go to the establishment of any guilt, it was very naturally suppressed by the judicious reporter:

for a moment withholden from the use of my successor; he could (and did) command it whenever wanted: it was in his possession at the time of my trial, and has been ever since. When I surrendered it to him, I merely reserved to myself the right of reclaiming it, should it ever be wanted for my exculpation. Of this fact the court were in full possession; and the Rev. Mr. Feltus stands ready to confirm it, if necessary, by his oath.

The monies, which I was accused of detaining, must be considered as embracing two distinct sums. The principal sum was the balance of communion money in my hands at the period of resigning my cure. When the committee called on me for a settlement of accounts, I produced my register, exhibited the items of sums received and paid and stated the exact balance, which I assured them should be immediately deposited with their new rector, *conformably to the canon*.* The committee have indeed said, that I promised to make the deposit so soon as "the rector should be inducted:" but I take the liberty of declaring that this is a misrepresentation of my language: that I never *mentioned* induction, that I never *thought of* induction. In proof of this, when a member of the vestry enquired of me, whether Rev. Mr. Feltus could be considered as their rector until he had been inducted, I replied (as he well remembers) that were he *never* to be inducted, still I presumed that *the law* would recognize him as such, altho the *convention* would not; and that it was enough for me to know that he had been chosen by the vestry to succeed me. In further proof, I actually made a tender of this money to Mr. Feltus, *long before he was inducted*. Mr. Feltus's certificate to this effect (*the whole of which was written as well as signed by himself*) was read by me to the court, and then deposited with them, *at their own demand*, for insertion among their proceedings. Dr. Hobart, however, took

* It is true that I might (and perhaps ought to) have settled all accounts with the vestry, as soon as I resigned. But as I was not called upon until my successor had been chosen, and as a balance of salary was still due to me, I did not regard such a settlement as a duty of imperious necessity. After the new rector had been chosen, I conceived (and I still do conceive) that *he* was the only proper person to receive from me the balance of communion money, agreeably to an order of the convention.

special care that this important document should never appear again.

The remaining money which I was accused of detaining was, a sum to me unknown, denominated in the record 'burial money.' Whether it amounted to ten, one hundred, or one thousand dollars, is an irrelevant circumstance: the indecency of drawing on me a written order for *any* amount, until it had been ascertained whether the demand were just or not, must be sufficiently apparent. This indecent demand I resisted: and I am persuaded that any clergyman would have resisted it in terms expressive of equal indignation; especially when it is recollected, that one of the persons who presented the demand had this very money in his own pocket. The two persons who called on me have stated, 'that they only wanted the money in my possession; that they did not *recollect* my saying any thing about the burial money, or my pointing out any mistake in the demand.' Nothing can give me more pain than to be placed under the necessity of contradicting any man's word: but I am compelled, in self-defence, to do it on this occasion. I positively and most solemnly aver then, that I pointed out, *over and over again*, the objectionable part of their demand. Four persons belonging to my own family, and an accidental visitor at my house, overheard from an adjoining room (the door was wide open) the whole conversation; and retain a distinct recollection of particulars so interesting to them. Nor can the internal evidence of the case fail to produce conviction in the mind of any unprejudiced reader. Can it be supposed that I should receive an offensive demand in writing, that I should utter vehement complaints of such treatment, and that I should omit to point directly at the offensive passage? Besides, it was admitted by one of the committee, that 'I complained of being charged with money which I had never received;' and by the other, that 'I said they had as much right to demand my sideboard.' To what, in the name of ordinary construction, to what could such an observation apply, unless to their improper claim? Could it apply to the communion plate? It had already been delivered to them. Could it apply to the register? They were assured that it should be sent to the rector. Could it apply to

the communion money? I admitted that the demand was just: I stated to them what the exact balance was; and promised to pay it into the hands of Mr. Feltus, whom I conceived to be the only proper person to receive it.

Reluctant as I am to detain the reader on a subject so little interesting to him, yet as I have been compelled in my own defence to contradict the assertion of others, I am bound to prove, by every fair mean, the truth of my own statement. As actions, then, are said to speak more intelligibly than words, I will confront what these gentlemen said with what they did. They put into my hands a resolution of their vestry, signed by their secretary, of which the following is an exact copy.

“ Resolved, that Messrs. R. H. and Wm. C. are hereby appointed a committee to liquidate and receive the communion money belonging to our church: also to receive the communion service plate, *with the monies due for the interments as having heretofore been received by the Rev. John Ireland, and which remained in his hands at the time he resigned the functions of his office as Rector,*

As it is now admitted that I had *never* received any of these monies, the reader cannot be surprised that I should have expressed my resentment at the demand; or that I should have repeatedly complained of the claim remaining in full force against me, from 26th August 1807 to 28th June 1808, when it is *said* to have been retracted. And yet for retaining this money which I had never touched; for retaining a book which had repeatedly been in the possession of my successor *long before* the vestry applied for it, and for retaining a sum which I had tendered to the person who alone was authorised to receive it—was I sentenced by my *christian brethren* to degradation! But “the Lord *will* reward them their doings”: and already hath the work of retribution begun among them.

The last charge exhibited against me was, that I had assailed a gentleman* with indecent language and in a

* This gentleman is described in the charge, as being one of the vestry of St. Ann’s church. The contrivance of my prosecutors thus to enhance my crime, by representing me as committing an assault on an officer in the church, is almost too contemptible to be noticed. Of what importance is it to the public, or how does it aggravate the

hostile manner. When my readers are informed that "a complete adjustment of all differences" had taken place previously to my trial, and that a friendly intercourse is still maintained, between that gentleman and myself, they will see the necessity of my treating this subject very cautiously and imperfectly. The circumstances are briefly these. Mr. S. as secretary to the vestry, had drawn and signed the offensive order alluded to in the second charge. At our first interview after the order had been presented, I enquired how he could have joined in so indecorous an act. Deceived by the misrepresentation of some of his colleagues, Mr. S. did not scruple to assert (what it was impossible for him to have known) that the money which had been demanded had been received by me, and was unjustly detained. I resented (perhaps with more warmth than was necessary)* this aggravation of an injury, and resolved to hold no further intercourse with the injurious party. Meeting him soon afterwards at the house of a mutual friend, I proposed to retire; but he prevented me by expressing his own resolution of withdrawing. As he was leaving the house, he raised his voice and said—"If I have offended you, Mr. Ireland, I am willing and ready to give you satisfaction." In justice to Mr. S's subsequent explanation, I really believe that he did not design to convey, in these words, the meaning in which I ac-

offence, whether he were a member of a vestry, or a member of a jockey club? Eighteen months before the event, here alluded to, took place, the connection between the vestry of St. Ann's church and myself had wholly ceased.

* But I did not give him the lie direct, as one of the witnesses declared that *he had heard from a person present*. This declaration the witness, *after consulting the person present*, found to be erroneous, and wished to have an opportunity of correcting. I mentioned this circumstance to Dr. B. Moore, both verbally and in my written memorial: but he seemed to think it unworthy of his regard. In forming this opinion (as indeed almost all others) Dr. M. doubtless received his cue from Dr. Hobart; who in his defence represents the witness as having declared to him (Dr. H.) 'that the only part of his testimony which he discovered to be incorrect, was an unimportant particular.' The witness authorises me to say—that he never made any such declaration to Dr. H. and that he never entertained such an opinion. No man, indeed (except Dr. Hobart) could deem it *unimportant* whether I did, or did not, depart so widely from that line of deportment which decency prescribes, and to which I have always habitually adhered,

cepted them : but in the moment of irritation I understood them (as upon ordinary occasions they would doubtless be understood by any man) as implying a direct challenge. The scene which followed is not very inaccurately described in the record of my trial. I have ever since deplored this act of indiscretion, and now leave the enormity of its guilt to be estimated by the candid reader.

But, while I readily admit that nothing can be advanced in justification, is there nothing to be said in extenuation? Is no allowance to be made for feelings, which education and habit have rendered doubly acute, and which have been little inured to trials of this nature? Is it no palliation to be taken by surprise, to be attacked in an unguarded moment, to be betrayed by a constitutional infirmity? Where is the man who is not conscious of moments of weakness, which, if improved by the tempter, would terminate in his temporary disgrace? Let such a man (if such there be) cast the first stone at me ; but should the missile prove ineffectual, such is the judgement which I have formed of human nature, that I should feel no apprehensions from a *second* assailant.

But it is unnecessary to appeal to the sensibility of my readers : I know how every *man* would be affected upon such an occasion. Let me, then, rather devote one moment to those who pronounced so severe a sentence on this act of indiscretion. Would they *all* have deported themselves very differently under similar circumstances? Has not one of them confessed (while discussing this very point) that had not his sons forcibly restrained him, 'he should have broken every bone in a certain person's body?' Have I not frequently heard Dr. B. Moore detail, with infinite humour, the particulars of the prowess displayed by his reverend friend* of pugilistic memory? Nay, have I not heard him dilate with all the enthusiasm of a Cribb, a Molineux, or a Belcher, on the manual exploits of a *Right Rev.* gentleman, who held, as long as he lived, the first place in the Doctor's love and es-

* The Rev. Mr. ——— of A — was, while he lived, the confidential friend, the "Magnus Apollo," the "omnis homo" of Dr. M : who never appeared in such ecstasies, as while this pupil of Mendoza was displaying his enormous fists, and recounting the dread effects of their application.

teem? does not Dr. Hobart himself promise to rival 'The chicken' in feats of hardihood and valour? Has he not called his colleague 'coward' 'brandished' his brawny arm over the little man's head, and put himself in a posture to "to punish him?" Whence is it that these *great* men should be entitled to applause for deeds of actual violence (committed, in one instance, on the body of another clergyman, and in the presence of a numerous collection of the clergy) while a mere sciolist, a very tyro, following 'haud passibus æquis' is doomed to condemnation? Surely these things ought not so to be. Has Astraea then quitted the gross atmosphere of the lower regions? and is she, indeed, gone to re-inhale the purer air of her native skies? Goddess farewell! may we meet in another and a better world.

Thus have I, with all that ingenuousness which has hitherto marked my walk thro' life, laid before the public the full front of my offending. What sentence awaits this my appeal to the most awful tribunal on earth, I venture not to foretel: but I repose with 'trembling hope' on the conviction that my *present* judges are impartial, and that no improper bias will make them swerve from the line of rectitude, in their decision. The public seldom judge amiss, when no concealment is practised, when the subject of discussion is laid before them without art or disguise. I therefore expect, with no little confidence, that this my "appeal unto Cesar" will be productive of a decree less severe, than that which has issued from a bench of implacable **J**ws.

An important question (so far as importance can be attached to the subject of these sheets) suggests itself here—Whence is it that four clergymen could prosecute with such relentless cruelty, and that *four* others, with a bishop at their head, could agree to punish with such unparalleled severity, a man who describes himself as more sinned against, than sinning? The answer to this enquiry must be sought from those who were concerned in this scheme of proscription. For my own part, I am destined to 'grope 'in the dark,' until I shall be brought to confront my accusers at the bar of a righteous God. Then indeed, will the secrets of all hearts be disclosed, and then shall every motive to every human action be developed. In the mean

time I must sit down contented with such imperfect lights, as the nature of the case will afford. Various are the conjectures which I have heard hazarded on the subject. Some of them are such as I can not repeat without the imputation of vanity: but they generally meet in this central point—that a powerful combination has been formed, for the purpose of expelling all independence of mind and conduct, all talents, learning, and piety, from the diocese. Is there a man so sturdy as to refuse the customary tokens of homage, exacted by the lordly Haman? The dogs of war are slipped against the devoted victim, who, if he had a thousand lives, must forfeit them all to their ruthless rage. Is a candidate for orders discovered to possess superiour talents or acquirements? The dread, lest certain characters, high in dignity and power, should serve as foils to so bright a gem, is an insuperable bar to his success *in the church*. Is a clergyman known to pray *in his family*? He is instantly denounced as one in whom no confidence can be placed! Is he known to pray *out of his family*? The unpardonable sin is noted down and ceaseless persecution awaits the bold innovator. What is it that has obtained for Mr. Lyell's congregation the *enviable* eulogy lately pronounced by Dr. Hobart? The desertion of hundreds of its most valuable members, and the expulsion of all those evidences of piety which were, of late, its most honourable characteristics.

A love of justice, a regard for the reputation of the church and her ministry, could *not* have been the motives which actuated the parties concerned in my prosecution and sentence. These principles produce an uniformity of character, a consistency of conduct. But is it consistent to stride over a a mountain of enormity, and to stumble at a molehill of delinquency? Did not Dr. B. Moore himself inform me, that one of my prosecutors had been charged with immorality, with lying? Did he not add that the charge had been exhibited to him both by clergymen and laymen, and that he had been urged to give the accusers an opportunity of substantiating the charge? Did not the same Right Rev. gentleman inform me, that one of his presbyters had been accused before him, of exacting five dollars for administering the sacrament to a dying woman? And has not this good bishop, since the exhibition

of the complaint, recommended that presbyter to a cure which he now holds in the diocese? Is a habit of daily intoxication a venial offence? and is speaking unadvisedly with the lips a deadly sin? Where lurked a regard for the reputation of the church and her ministry, while the colleague, the constant companion, the bosom friend of Dr. B. Moore, was permitted to reel through the streets of New York, and to stagger into the pulpit of Trinity church, while both hands and eyes too plainly betrayed the preceding night's debauch? Is an unfounded charge, of receiving more interest than a statute allows, to be punished capitally? and is the constant practice, of violating a *divine* statute against intemperance, a peccadillo unworthy of notice? Have no such offenders been known to the gentleman who presided at my trial, or to him who pronounced my sentence? Was it not straining at a gnat, to punish without mercy a clergyman, whose only crime was a momentary ebullition of anger? and was it not swallowing a camel, to receive with every mark of *hospitality*, respect and esteem, another who was openly living in a state of adultery? a revision of what I have already written under this head fills me with horror and disgust; and I start with affright at the very *outlines* of a picture which I had undertaken to draw. This must be my apology for dropping the pencil.

Nor was it a dread, lest I might interfere with the designs of a rival, which actuated my prosecutors and produced my sentence. Six years ago I had discovered, that a certain young man of lofty pretensions had associated with 'seven other spirits' as factious as himself; had put himself at the head of the party; had insinuated himself into the good graces of a certain dignified personage; had contrived to drive from the ear and confidence of the latter, all who would not subserve his own views; had formed a plan for filling with his minions every vacancy in the church; and had proscribed, not only those who might stand in the way of his aggrandizement, but such also as refused to fall into his train. No sooner had I made this discovery, than I withdrew myself as much as possible from the scene of turmoil, in the hope that a life of privacy and seclusion would exempt me from the effects of envy, hatred, or malice. I declined every

overture of exchange with my brethren of N. York and gradually retired from all their councils. I made, however, two or three attempts to rescue my once much respected friend, Dr. B. Moore, from the danger that awaited him. Conscious that a plan * was laid for rendering his administration ridiculous and odious, I advised him to re-admit to his confidence other counsellors and friends. But he was so completely fascinated, that he could not make an effort to throw off the chain by which he was bound, altho he complained, that it already began to gall him : and I was compelled, with infinite reluctance, to resign him to his fate. Nor were my efforts to ward off my own destiny more successful ; the conductor, which I had so carefully erected over my humble dwelling, instead of adding to my security, conveyed the lightning to the very spot : my refusal to join in the work of death, was the very signal for my own destruction. About three years ago, circumstances of a private nature seemed to require my presence in Europe. I resigned my charge in Brooklyn. The state of public affairs, at this period, rendering an European voyage hazardous, I engaged for an indefinite term to supply the vacancy in Jamaica. After devoting some months to this duty, I resolved to pay a visit to my friends in S. Carolina, among whom I passed a winter. On my return to this diocese I led a life of perfect retirement ; interfered with no man's labours ; interrupted no man's views ; and declined three proposals for settling in vacant parishes. Mention is made in one of the late pamphlets (it matters not which) of some unhappy consequences to be apprehended from my expected settlement in Jamaica. To what consequences the writer alludes, I know no more than any one of my readers : perhaps he means only to say, that my settlement there would have excluded one of Dr. Hobart's dependents. But, " Davus sum, non Oedipus ;" I pretend not to understand the cabalistic language of our ecclesiastical cabinet. I have reason to believe that I was respected and

* That Messrs. Hobart and How held Bishop M. in utter contempt, and that they had the effrontery to speak of his conduct in terms of disrespect, is (as I am informed) susceptible of proof by a venerable clergyman, who resides within a hundred miles of St. Paul's church, N. York.

esteemed in Jamaica, and that no apprehension was *there* entertained of unhappy consequences to result from my residence in that parish: on the contrary, the proposals made to me by some respectable and influential members of that congregation (but which I declined) led me to suppose that my clerical services would be acceptable to them. While I was thus reposing in imaginary security under my own vine and figtree, enjoying the comforts of seclusion, and anticipating some peaceful days to come, suddenly a cloud broke over my head, and the bolt fell: not a speck had previously marked the heavens, nor was there even a flash to prepare me for the tremendous explosion: a letter from Dr. B. Moore announced that my days were numbered, and that I must prepare myself to be offered up, a victim to the malice of unseen and unknown foes.

But it is in vain to perplex the reader or myself with conjectures and surmises: the motives of my accusers will never be made known, (unless the consciences of some of them should constrain them to cry out) until the day of final retribution will bring to light every deed of darkness. Nothing is more easy than to shew, what the motives were *not*: but to shew what they *were*, requires a knowledge which few possess, a knowledge of the arcana of the Vatican.

If I have succeeded in establishing *one* fact, viz: that the proceedings against me are unwarrantable, I flatter myself that I have succeeded no less in establishing *another*, viz: that Mr. Jones's assertion (of the existence in this diocese of a system of violence, intolerance, tyranny and oppression) is true, and that I am a living instance of its truth. To myself it is perfectly immaterial, whether Mr. Lyell, or Dr. Hobart, or Dr. B. Moore be at the head of this system: but its *existence* is as well ascertained, as the existence of the sun in the firmament. Mr. Jones has taken some pains to convince the public, that the person who has brought the church into its present state of *temporary* disgrace, who has occasioned the distraction that now pervades the diocese, is no other than Dr. Hobart. This measure on the part of Mr. Jones might be necessary in behalf of those who reside at a distance from the scene of action: but

in N. York and its neighbourhood the fact is too notorious to require proof. If, however, there be any who still doubt of the ascendancy which Dr. Hobart has gained over the mind and conduct of Bishop Moore, or of the supreme control which he exercises over all the affairs of the church in this state, let them once more direct their attention to Mr. Lyell's certificate, respecting the origin of the charge brought against Mr. Feltus. It will there appear that Bishop Moore had not resolution enough to take a single step in the affair, without previously consulting Dr. Hobart. He therefore proposed to accompany Mr. L. to Dr. H's sick room, where this triumvirate, Mr. Lyell, Dr. Hobart and *Bishop Moore*, agreed that a statement of Mr. Feltus's *imputed* impropriety of conduct should be presented to one of their own number, viz: to Bishop Moore; who thus joined in drawing up an accusation which was to be laid before *himself*, and on which *himself* was to pass judgement: 'Dr. Hobart's agency in the business arose from the above interview with the bishop.'

Should this instance (published with the apparent design of proving Bishop M.'s imbecility) fail to produce conviction, I will here detail some particulars of the last interview, which took place between the last mentioned gentleman and myself. If the perusal do not convince those who have hitherto remained in doubt, neither will they be persuaded though one were to appear to them from the dead.

I had written a letter to Dr. B. Moore, which, in order to prevent the possibility of *interception*, I had determined to put into his own hands. I found him in his study, in conversation with another clergyman. After apologizing for interruption, I entered on the subject of my letter; adverted to the cruel treatment which I had lately experienced; complained of Dr. M.'s own unkind conduct towards me; and concluded with a request that he would appoint the time and place for a future and more important interview, in the presence of two or three mutual friends. Dr. M. was melted by the representation which I made of my sufferings: my complaint not only entered into his ears, but descended into and softened his heart. The man was himself again: he promised to see me in his own study, at

10 o'clock the next morning, when all company should be excluded, except such persons as I might bring with me. In virtue of this engagement, I requested a friend to meet me at the time and place appointed. I then called at the house of another, to whom I made a similar request: but the latter gentleman was of opinion that I had acted indiscreetly in consenting to an interview, at which none but myself and my immediate friends were to be present. He therefore urged me to return, and to insist (as I had originally proposed) that Dr. M. should be attended by an equal number of his own friends. On entering Dr. M.'s study, I found him sitting with Messrs. Hobart and How. He received me with an inflamed countenance, every feature of which was distorted by rage. He rose from his seat, and insisted upon my quitting him instantaneously. Amazed at finding the lamb so suddenly transformed into a lion, I confess that I was disconcerted, and at a loss how to act. I ventured, however, to state the cause of my unexpected return, and was proceeding to assign my reason for wishing the attendance of some of his own friends, when Mr. How suddenly arose and advanced towards us, with a look and a gesture indicating hostility. Dr. M. observing himself thus powerfully supported, abruptly interrupted me, declared his resolution not to listen to any reasons, and concluded with saying—'Tell your friends that I will consent to no interview either with them or with yourself. When I had gained the entry, I turned and asked—'Do I indeed understand you, Dr. Moore? Do you mean to say that you will violate your promise, that you will break the engagement which you made with me this morning, and on which I have acted?' The plain language of this question staggered him: he appeared to be greatly perplexed. But the voice of his prompter *within* soon roused him, and with a faltering tongue he pronounced—'yes; you understood me aright.' I thought this an instance of *rather hard riding*, and left the house with a mental prayer—that God would fit the back to its burden.

I must now be permitted to bring into one point of view the substance (so far as it more immediately relates to myself) of the preceding pages, and to close the painful and disgusting scene.

The late proceedings against me are invalid—not merely because they originated in ungodly motives, nor because they are cruel, oppressive, tyrannical, unparalleled—but

1. Because they palpably violate the letter and spirit of the gospel rule, which is paramount to all rules, canons and decrees whatsoever: (Mat. 18th ch. 15th. and following verses, explained by Potter and other expositors.) ‘Sentence ought not to be given by a spiritual court *without previous admonition* :’ (Bishop Gibson’s code of eccles. laws) Appeals have been made from sentences of suspension, as ‘*unjust for want of a canonical admonition*.’ (Archbishop Arundel’s register.)

2. Because, they are at variance with the articles of the church: ‘the church ought not to decree any thing against holy writ.’ (art. 20.)

3. Because, two of the charges exhibited against me were not cognizable before a spiritual tribunal: one of them referred to usurious transactions; the other to a demand made by a body corporate on an individual, being a matter of ‘*meum and tuum* :’ but an ecclesiastical court has no authority to act under a statute, nor to decide questions of a civil nature. (Hicks, Burns, &c. &c.)

4. Because the third charge was not established by the requisite number of witnesses: the canon expressly requires that ‘no charge be considered as established on a testimony of less than *two* witnesses;’ whereas, in support of the third charge *one* witness only appeared.

Because the statement of the proceedings, on which the sentence was grounded, is a tissue of wilful omission, misrepresentation, and falsehood: whereas the copy of the record to be laid before the bishop, conformably to the canon, ought to contain the truth, the whole truth, and nothing but the truth: if the foundation fail, the superstructure can not stand.

5. Because the punishment of degradation can not, agreeably to the established usage of the church, be inflicted for such crimes as were imputed to me. ‘It was not says St. Austin, ‘all manner of failings that hindered men’s ordination at first; for if it were required, as a qualification in persons to be ordained, that they should be without sin, all men must be rejected and none ordain.’

‘ed; since no man lives without sin : but it is only required
 ‘that they should be blameless with respect to scandalous
 ‘offences. And this was the rule which the church ob-
 ‘served in canvassing the lives of her clergy *after ordina-*
 ‘*tion*, when they were actually engaged in her service :
 ‘it was not every lesser failing or infirmity (such as *hasty*
 ‘*anger* &c.) that was punished with degradation ; but
 ‘only crimes of a deep die, such as theft, fraud, murder,
 ‘perjury, sacrilege, fornication and adultery.’ (Bingham’s
 antiq. Chr. ch.)

6. Because, the board which tried me was an informal, unauthorised, illegal body : they derived their *pretended* authority from one who had no power to constitute a bench of judges. (Barlow, Burns, Bingham &c.)

7. Because, the sentence was pronounced *illegally* :
 ‘The sentence *must* be pronounced in the presence of
 ‘*both parties*; otherwise sentence given in the absence of
 ‘one of the parties *is void*.’* (Gib. eccle. code)

8. Because, the sentence was pronounced by a man who had no more authority for holding an ecclesiastical court, than for holding a court of “Oyer and Terminer.”

Here are eight distinct reasons, any one of which is of itself sufficient to vacate the sentence of my degradation : combined, they exhibit irresistible proof of the violence, of the wickedness, that has been practised against me. To prevent a recurrence of these outrages ; to expose that spirit which wants nothing but the power, to establish an inquisition in this diocese ; to defeat, in some degree, the plans of that formidable aristocracy which has been erected in this section of the P. E. Church ; and to display some of its principal members in their genuine colours ; these are the considerations which have compelled me (God knows, and some of my friends know, that it is with infinite reluctance) to make a disclosure of particulars, which nothing but imperious necessity could have extorted from me. I am fully aware that I have done a deed, which may alienate a few of my friends, and which can not fail to bring down upon me some powerful enemies : but conscious of the rectitude of my intentions, conscious that no selfish motives have swayed

* This judicious regulation was adopted for the express purpose of defeating star-chamber intrigues and other midnight machinations.

me, conscious that the welfare of the church is my sole object, I look for defence in the approbation of a discerning public. 'If they do these things in the green tree, what will they not do in the dry?' If such be the state of our church in the infancy of her establishment in this country, what may we not expect from her progress, from her advancement to maturity? Nag's-head ordinations, star-chamber councils, Smithfield conflagrations, will be the signs of her approaching decrepitude, and our 'Israel will be a proverb and a by-word among all people.' Scarcely is there a clergyman in this diocese who now dares to act on independent principles; and the language of one of them, on a late occasion, may with strict propriety be adopted by many more—*I can never return to my parish unless I vote for Dr Hobart.* Better, far better for the interests of the church, if the enormous wealth of a certain corporation were buried in the depths of the sea, than that the clergy should be subjected to a baneful influence, by which their minds are shackled, their principles are perverted, and their usefulness is diminished. But this a topic in the discussion of which thousands are more interested than myself, and to their serious deliberation I therefore leave it.

I now enter this my public protest (I have already entered a private one) against all and singular the late unjust proceedings against me, as also against all the parties concerned therein: and I thus publicly and solemnly assert my claim to the character and privileges of a presbyter of the P. E. Church in these states, in complete standing as heretofore, and as fully competent to discharge all the duties appertaining to my office.

P. S. Gladly would I now lay down the pen, were it not expected that I should notice some remarks respecting me in Dr. Hobart's defence. A full reply to that pamphlet I leave to those who are more immediately concerned in its contents; who are more competent to the task; and who are imperiously called upon, by a duty to the public as well as to themselves, to perform this act of justice. To one of Dr. H's observations respecting me I have already replied: * another, which materially affects my moral character, now demands an answer.

* Page 15.

But before I enter on this undertaking, let me premise that the late elevation of Dr. Hobart is an act which gives me no other concern, than such as is connected with my regard for the church. Those who *conscientiously* believed him to be worthy of the office, have done no more than their duty in promoting him to it: and far better would it have been, for the reputation both of the church and of Dr. B. Moore, had that promotion taken place some years ago: Dr. H. would then have been responsible for many an act, of which he has virtually been the author, but of which he has contrived to throw the odium on another. On this account I learn with regret, that *a most material defect* * in his consecration has rendered the act itself nugatory. But it is an act which affects me not: if it be supposed that I object to the character or conduct of Dr. H. let it be remembered that my objection is not to the bishop, but to the man; and I therefore hasten to meet him, *as man to man*, on the ground which himself has selected.

He observes,† that with respect to the contents of my certificate, “he is completely at issue with Mr. Warner, myself, and all *other* persons (if any such then are) who make similar declarations.” The word “other” seems to intimate that there *may* be some, besides Mr. W. and myself, who can testify to the same fact: and that there are *many* (altho’ I candidly confess that I can not give their names) his unreserved communication to myself leaves me no room to doubt. He told me that he had made *Bp Moore* acquainted with his charge of forgery against Mr. Feltus: and I have *very good* reason to believe that he did so. But this is irrelative to the purpose. The question is—not whether Dr. Hobart has accused Mr. Feltus of forgery; *that* question is (as I understand)

* If *a most material defect* in the consecration of a bishop may take place *under our own eyes*, will not the neglect to apply the remedy confirm the doubts of some, respecting our pretension to the *regular uninterrupted* succession? will they not doubt, whether in the course of some hundred years, *similar* material defects may not have already marred the lineal descent? whether there may not be something like truth in the “Nag’s-head” story, and other stories of a like nature? “*Verbum sat sapienti.*”

† I take it for granted, that each of my readers is sufficiently acquainted with all the particulars, to which allusion is here made.

to be brought before a *civil* tribunal, and therefore ought not to be a subject of exforensic discussion ; but—whether the conversation, to the substance of which I have solemnly sworn, did or did not take place. Dr. H. asserts in opposition to my oath, that it did not : and the ground which he has taken for the support of his asseition is the ground of *improbability*. Let us then examine unto which side the right of probability inclines.

Dr. H. ‘ avers its improbability, from the high criminality which it imputes to him.’ Is a charge then less true, because it refers to high crimes and misdemeanors ? Does Dr. H. imagine that he is so highly exalted, as to be beyond the reach of an imputation of this kind ? Would to God that he were. But what should we think of such a defence as this from the lips of a man, standing at the bar of justice, arraigned for a capital offence ?— It is true, that two witnesses ‘ of unimpeached character have sworn to the fact : but ‘ how, gentlemen of the jury, how can you believe me capable of such an act of high criminality ? it would argue ‘ a baseness, an atrociousness of heart, of which I did not suppose any individual thought me capable.” But had not Dr. H. been guilty of a *previous* act of equal criminality ? had he not charged Mr. Macklin with forgery ? And altho it be admitted that the charge was well founded, had Dr. H. “ the means of establishing it ” *at the time when he first made it* ? Did he not draw a bow at a venture ? and did not this instance of success imbolden him to let fly a second shaft which rebounded and struck the archer ? Is it not high criminality to charge (when he had not the means of substantiating it) a brother clergyman with so indecent an act, as drawing up his own panegyric, as writing a fulsome recommendation of himself ? This Dr. H. *admits* that he did ; and he justifies it by saying that “ it is a surmise which will naturally arise in the mind of *any one*.” I thank God that *I* have not such a mind, nor do I wish to have intercourse with any one who as it may be natural (nay more, it may be habitual) to *some* men to indulge themselves in injurious surmises, respecting their brethren and all the rest of mankind ; but from such a nature and such a habit, “ Good Lord deliver ” me and mine.

The *folly* of holding such a conversation as has been represented with “ two persons who Dr. H. had every

reason to believe were the most disposed, of all men living, to employ it to his disadvantage," is the second mark of improbability.

With how much truth this observation will apply to Mr. Warner, I presume not to say. Altho' I have no recollection of having seen (much less spoken to) this gentleman in 14 years, yet my late enquiries respecting his character dispose me to believe, that he is as incapable of wantonly injuring the reputation of a worthy clergyman, as of taking a false oath. But I leave him to furnish his own answer. Dr. H's observation, (as it relates to myself) I have already answered, by defying him to produce a single reason for believing me capable of employing any thing to his disadvantage. "How can ye (vipers) being evil, speak good things? for out of the abundance of the heart the mouth speaketh." * Out of the abundance of his heart (and for the reason assigned by our Saviour) did Dr H. utter this expression. A very slight acquaintance with human nature will account for such conduct.

"Forgiveness to the injured *may* belong,

"Those never pardon who have done the wrong."

Dr. H. conscious to himself that he was meditating the scheme of my destruction, and having, probably, intrusted it to some of his "seven spirits," concluded that I was acquainted with his designs; that I cordially hated the man who cordially hated me; and that I must necessarily be, of all men, the most disposed to employ any thing to his disadvantage.

He adds—"With Mr. Ireland I never was in habits of intercourse." To this declaration I have but one objection, and that is—its total want of truth. Could I for a moment think so meanly of myself, as to suppose that my *bare word* required the support of certificates, I could produce a hundred to prove the falsehood of that assertion: but it is sufficiently known already to Bp. Moore, and to almost every other clergyman in the diocese. Let me not be misunderstood: I am not solicitous of propagating the idea, that any thing like *intimacy* ever subsisted between Dr. H. and myself: far from it. My acquaintance with this gentleman commenced during his residence on Long Island, when he introduced *himself**

* Matt. 12. ch. 34. v.

to me at my own house. A further knowledge of him inspired me with no respect either for his talents or for his learning: and some striking indications of a dark, intriguing, turbulent spirit, together with an assumption of power which (I thought) ill became him, did not make an *intimacy* with him very desirable to me. But still a friendly *intercourse*, (such as can scarce fail to subsist between clergymen who reside near together, and who often come in contact at the houses of mutual friends, to say nothing of conventions, minor societies &c. such an intercourse) was maintained between us, and remained undisturbed until I went to Carolina three years ago. Where then was the *folly* of informing me of the real character of another clergyman, especially when (as I assert) I went to him for the express purpose of obtaining that information? It is well known that Dr. H. had *dreadfully* strained a point, in order to prevent the admission of Mr. Feltus into the diocese. Is it any breach of charity to suppose that he would have rejoiced at seeing him driven out of it again? and was any plan more likely, than to ruin him in the opinion of his parishioners, before he could have had time to establish himself? Was it any instance of folly to employ a brother clergyman to effect this object? Did not Dr. H. know that I had many friends in Brooklyn? and was there any *folly* in concluding that my representations might prove injurious to Mr. F.? I see many strong marks of *something else*, but none of *folly* in such conduct.

But whatever marks of criminality or of folly may appear, I have *asserted* (my *oath** is out of the question at present) that Dr. Hobart did hold a long and *very circumstantial* conversation with me; in which he declared that the Rev. Mr. Feltus had been guilty of forgery, and that it was my duty to circulate the fact, for the purpose of preventing the establishment of so unworthy a clergyman in

* I shall never cease to regret that I consented to make this conversation the subject of an *oath*. To every solicitation I uniformly for a length of time, replied— No; those who know me, know me to be incapable of uttering a falsehood; if Dr. Hobart *dares* to contradict me, I am willing to abide the issue; my avowed readiness to take the oath, *when absolutely required*, ought to be, in the estimation of *gentlemen*, tantamount to an actual oath.—The importunities, however, of friends at length prevailed on me to recede from my determination.

our diocese. Dr. Hobart does not (he says) retain a 'distinct recollection' of *this* conversation; and yet of *other* conversations on subjects of minor importance, he has a 'strong recollection, and of all the circumstances attending them.' No allusion (says he, speaking of the interview between Mr. Feltus and himself) 'no allusion was made, *I perfectly recollect*, to the sheet of false accusations or the charge of forgery;' in the margin of a copy of Dr. H's pamphlet sent to Mr. F. is the following reply to this assertion, in Mr. F's hand-writing—'They were *particularly* mentioned by the Dr. himself.' To Dr. H's *indistinct recollection* then I oppose my strong and clear remembrance, of all the important circumstances preceding, attending, and resulting from, this conversation. I had repeatedly heard of the charge of forgery, before I saw Dr. H. on the subject; with whom I was told that the charge originated. As I was one of the committee, appointed by the vestry of St. Ann's church, to recommend a respectable clergyman to fill the vacancy occasioned by my resignation, I was acting in the line of my duty when I waited on Dr. H. for information, respecting the character of the gentleman who had been recommended as my successor.—

Many obvious reasons contributed to excite an interest in his reputation, and I was desirous of ascertaining his real standing in the opinion of his brethren. For this *express* purpose I consulted Dr. Hobart. In a *long* conversation between us, he assured me that he had it in his power to prove Mr. F. guilty of forgery: he gave me his own definition of forgery, and mentioned the very document said to be forged. I remember well that he employed the word "cattle;" that I smiled at the expression, and that he laughingly justified the use of it on that occasion; that I inquired how a man of Mr. F's disorderly, dangerous character, could have obtained orders; and that he made, in substance, the following reply:—He was ordained by Bp. White: you know what that gentleman's failing is, as well as I do: Dr. W. is in most respects a good and valuable man, but his fondness for making clergymen has led him to introduce into the ministry a greater number of unworthy men, than any other* bishop in this country. Fully impressed with the particulars of this

* I think the expression was—Than all the other bishops put together.

momentous information, I returned to Brooklyn; and (as Dr. H. had suggested) *immediately* called at the house of Mr. Sands, to whose family I detailed the conversation above recited. I afterwards took occasion (conceiving it my duty so to do) to inform several other members of the church: and so thoroughly convinced was I that Dr. H. had told me the truth, and that Mr. F. was a man with whom I ought not to associate, that I not only refused to sit under his ministry, but also withheld from him those attentions which I have invariably paid to every gentleman coming into my neighbourhood. This is a fact known to, and noticed by, every family in Brooklyn. And yet, could I descend to the meanness of certificate-hunting, I could produce a volume of certificates, from Mr. Sands' family and many others, to prove that it gave me inexpressible delight, when I afterwards discovered the charge against Mr. F. to be groundless, and that I took pains to contradict the previous false report. Soon after this I became acquainted with Mr. F. and when I assigned to him the reason of my former distance and reserve, he candidly answered—I never was at a loss to account for your behaviour, for I was aware that your mind had been poisoned against me.*

And now, since no reasonable man acts without a motive, what motive could have impelled me to depart so widely from the uniform tenour of my conduct, in the case of a gentleman and a clergyman coming to reside next door to me? What frenzy could have impelled me to *publish* a story to the disadvantage of an absolute stranger to me, when I had not the most remote interest in it, and when I was exposed, at every instant, to detection and infamy? Had I been, "of all men living, the most disposed to employ a charge to Dr. H's disadvantage," why did I not employ it during the length of time which I suffered to elapse? How happens it, that two men who never had any acquaintance, and who have not exchanged a word (I think) in a number of years, should agree precisely in the same story, and should have sworn to the truth of it?

* During the time that Mr. F. and myself were almost strangers to the persons of each other, that gentleman invariably addressed me, whenever he had occasion to write a note to me on business, as a brother clergyman; from the first hour of his settlement in Brooklyn, I have never discovered any trait of that animosity which has been ascribed to him.

Whom was my story calculated to benefit? No one. Whom was it my design to injure? Mr. Feltus? Where is the *probability* that I would attempt wantonly to destroy the reputation of an innocent man, who was an entire stranger to me? Dr. Hobart? What *probability* was there of my being able to substantiate the charge; and why should I wish to injure a neighbouring clergyman, who, I had reason to suppose, was my friend, or at least, not my enemy? But I am actually ashamed to be detected in *reasoning* on such a point, and shall retire abruptly from the subject.

Dr. Hobart and myself are then, as he observes, completely at issue: I assert, and he denies. The event of this controversy has no terrors for me: conscious that my reputation for veracity is as firmly established as Dr. Hobart's, or any other gentleman's, I fearlessly pronounce that I am prepared to meet him, face to face, before any tribunal, human or divine.

In the mean time, as we are *at present* compelled to confine ourselves to *probability* only, let the reader judge what degree of credence is to be given to the denial of a man who, in one page asserts that 'he never directly or *indirectly* opposed the call of Mr. F. to Brooklyn, and that he does not believe it was opposed by any of the clergy"—and who in the next page gives us his *own* name, among *five* others, attached to this solemn declaration presented to the bishop—'We shall greatly deplore any event which shall connect Mr. F. with us as a presbyter of this diocese?'—Was this no opposition to his call? or was it *only* an attempt to keep him out of the diocese altogether? If there be any difference, it must be much such a difference as the French make between 'blanc bonnet et bonnet blanc.'

What credence is due to the man who in one page says—'I solemnly declare, that until a few weeks before the appearance of the appeal, the idea never entered into my mind that any person imputed to me a charge so utterly unfounded'—and who in the next page adds—'according to the best of my recollection, the above letter,' &c. especially when he is confronted by two men who assert, that he had holden three distinct conversations with them on the subject of this charge, *three years* before the appearance of the appeal; and again by another gentleman, who asserts, that this charge was *particularly* mentioned, in that very conversation which (Dr. H. admits) 'took place about a year ago, between him and a gentleman, 'who inquired of him (Dr. H.) the causes of his not exchanging with Mr. Feltus?' Are *all* these three men mistaken? and is

Dr. H's want of recollection, or is even his solemn declaration, to set aside their united testimony?

What credence is due to a man who in one page says—' I never had disagreed with Mr. Feltus'—and in another—' we deeply regret to say, that his meanness and duplicity, connected with a cunning and an inordinate love of power and popularity, render it impossible for us to extend our confidence to Mr. F. ?

What credence is due to a man who asserts, that he addressed a note, which Mr. F. styles a circular, to *one* clergyman only, when *two* of those circulars are *now* in existence, and it can easily be proved that a *third* was sent and received?

What reliance can be placed on the word of a man, who in conversation with a venerable clergyman of N. York, descended to the meanness of personal abuse? and who, when that clergyman threatened to make such conduct public, replied—Do, sir, if you dare: I will flatly contradict you; and then we shall see which of us will be believed in preference?

If any one can imagine that I derive satisfaction from exposing such instances of depravity, he is egregiously mistaken: my forbearance to disclose *more* than is necessary to my own vindication (and more than this I hope I have not done) is a proof that I take no pleasure in the death of characters. Had I indeed been permitted to die the common 'death of other men;' had not my ashes been raked up and scattered to the winds of heaven; the public had never been troubled with my complaints: but when my name is wantonly dragged forth by every ephemeral scribbler; when a character, to the establishment of which fifty years have sedulously and successfully been devoted, is assailed by 'a thing of yesterday;' when boys,* who (had they any sense of modesty) would 'tarry till their beards were grown,' usurp the station assigned to grey hairs and experience; I must be more or less than man; I must be insensible to indignities, and should deservedly be consigned to infamy and execration.

Dr. Hobart talks familiarly of the discipline of the church. In what then does its essence consist? In entangling the smaller flies, while the larger and more noxious insects are permitted to escape? Discipline! Are all the terrors of discipline to be set in array against an offence, of which the *meekest* of men was guilty? And is another clergyman per-

* The number of *weeks*, spent by Mr. How in the ministry, scarce equalled the number of *years* devoted by myself to the public service of the church, when he commenced his honourable career as accuser of his brethren.

mitted with impunity to exhaust the whole vocabulary of Billingsgate eloquence * in his abuse of a brother? Does a day pass in which Mr. How does not pour on the reputation of Mr. Jones, every epithet that rage and vulgarity can suggest? Has not this deportment of Mr. Hew long attracted the attention both of the friends and enemies of the church? Are not his character and conduct such as to reflect deep disgrace on the clerical profession? Is it not indispensable that something should be done, that he should be called to account? The reader will observe that I quote his own language; and I shall conclude the whole with presenting what was the practice of the church, while her discipline was administered impartially, 'without respect of persons.'

'If any one has followed the *soldier's* life, though he had never happened to have shed blood, if he were ordained to any of the inferior orders, he shall never arrive to the dignity of a deacon in the church.'

'If any one through haughtiness insult another, he shall for his offence be thrust down to the lowest degree of his own order, to teach him humility and submission in his station.'

'Any clergyman noted for scoffing and scurrilous language, is to be degraded.'

'If bishops neglect to put the laws of discipline in execution, which is an act belonging to their office, they are liable to be degraded for such neglect, as well as those whom they ought to have punished.'

For any inaccuracies of expression which may appear in these sheets, (and they can scarce fail to abound) I must borrow the apology of Dr. Hobart. Although desirous that my appeal should make its appearance during the present session of the convention, yet I knew not until within eight and forty hours, on what day the members were to convene. Since that time, the writer and the printers have been incessantly engaged in their respective occupations: and should the design of the author be accomplished, in exciting the attention of the convention to the present state of the church in this diocese, he will not repine at any temporary diminution of his literary character.

Brooklyn, October 1, 1811.

* A gentleman lately informed me that he heard Mr. How, (speaking of Mr. Jones) make use of an expression which cannot appear in print, and which is never heard to issue except from the mouths of the most vulgar among the vulgar.

The H. H. H. H.

2

REVIEW

OF THE RESULT

OF THE

“COUNCIL AT DANVERS,”

BY THE

“SMALL BUT EARNEST MINORITY.”

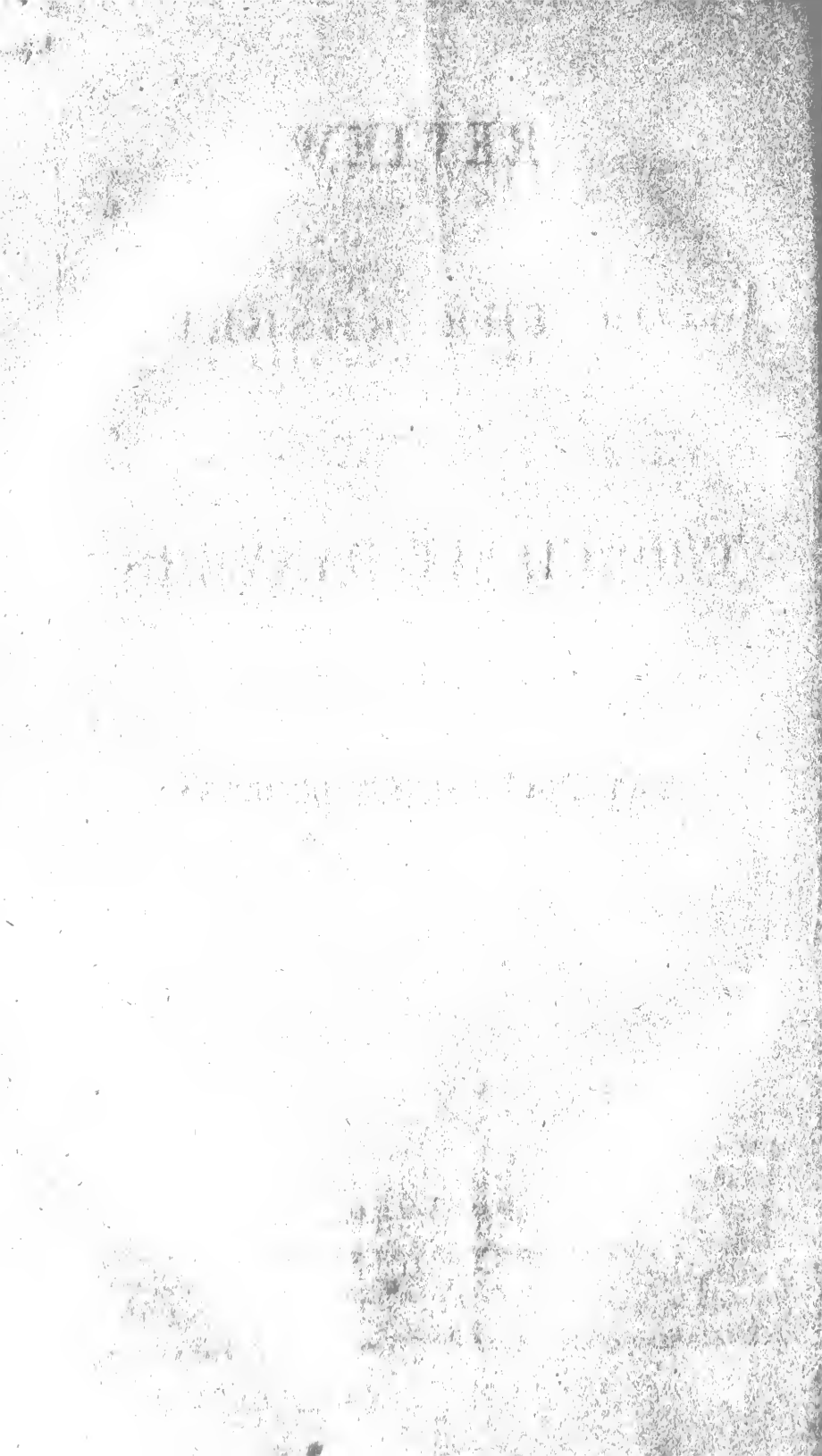


BOSTON:

PRINTED BY DUTTON AND WENTWORTH,

No. 37, CONGRESS STREET.

1852.



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R E V I E W .

THE right of property in RESULTS, technically so called, of Ecclesiastical Councils, and, consequently, the right to publish them to the world, we had supposed to be vested, exclusively, in the parties by whom such Councils are convened. Certainly, in point of fact, their publication, officially and by order, except to such parties, especially where the only object sought in calling the Council is the formal dissolution of the pastoral relation, is an event of rare occurrence. When, therefore, by order of the late "Council at Danvers," their Result appeared in the Puritan Recorder of August 12th, and was soon afterwards ascertained to have been printed in another form, and industriously circulated, not only in the immediate vicinity, but in remote parts of the country, and this without the consent, or knowledge even, of those by whom the Council was convened, it was natural to infer that the deliberations and decisions embodied in this document were, by its authors, supposed to possess an interest and importance quite peculiar and extraordinary. And, assuming the correctness of the view taken by the Council of the case submitted to them, it cannot be doubted that this supposition was well founded, and that a due regard to the reputation and rights of an injured pastor, and the exposure and condemnation of the inexcusable misconduct of a portion of his people, fully justified, not to say *demand*ed, all the severity of censure meted out by the Council, while, at the same time, these motives would at least explain, if they did not excuse, the unusual course adopted in this case, in the publication and circulation of their Result. "They that" *thus* "sin"—thus deliberately, causelessly and maliciously, should be "rebuked"—and sharply too—"before all, that others also may fear." What, then, in the judgment of the Council, as this may be

gathered from the Result, was the case on which they were called to advise? It is stated in the Result substantially thus :

The Rev. J. D. Butler—a clergyman of high and well-earned reputation, as a scholar, a preacher, and a pastor—in compliance with the call of a great majority of the Second Church and Society in Danvers, was installed as their minister, on condition that a notice of three months, from either party, should terminate the relation thus constituted. In some connection with a small but earnest minority, from whom the prediction early went out that his settlement would be brief, a conspiracy was entered into for the purpose of producing dissatisfaction with the pastor's ministrations, and with the fixed determination to spare, at least, no prudent means to effect his removal. Bent on the accomplishment of this object, and regardless of consequences, the conspirators subjected his pulpit performances to criticisms illiberal and unjust; made these criticisms the staple of common gossip at home and abroad; when matters were ripe, called an informal meeting of the Church without the pastor's knowledge; circulated a paper to swell the number of names of pledged opponents; abstained from all efforts to come to an amicable understanding with the pastor; gave him no opportunity to obviate or mitigate their objections; withheld from him the fact of disaffection, and rejected conciliatory measures when proposed. By these means—rendered more effectual, perhaps, by the neglect of a portion of the majority of the Church, at an early period of the open opposition to the pastor, to meet it in an appropriate manner—the conspirators succeeded in turning away the hearts of this people from the man of their choice, and bringing upon themselves and others the deplorable evils inseparable from the rejection of a minister whom they had not appreciated, and whom they would not find it easy to replace. And the authors and abettors of this misconduct and mischief are found to be still more without excuse, inasmuch as, by the concessions of some of their number, the pastor's style of preaching—the only pretence of a cause of disaffection—had not grown worse, but rather improved, since he was settled by so large a majority. The party chargeable with all this wrongdoing, and which was early embodied for its more speedy and

successful perpetration, regarded the pastoral relation, limited as it was by the provision for a dissolution after three months' notice, more as an experiment than a settlement, and appeared to feel that, because such a provision existed, it existed for speedy use, and that it warranted them to do many things the tendency of which was to bring the pastor into discredit, cripple his ministry, and fulfil their own predictions of his early departure; and after they had caused the rupture, they felt that they were not bound to give any other reasons for it than this provision in the contract. So the Church appointed no committee to give any other reasons to the Council, assuming that none would be wanted, except the simple record of the three months' notice.

Such, substantially, and, with some transposition, almost literally, is the "particular and faithful statement of facts" ascertained by the Council, acting "under a full sense of the responsibility thrown upon" them, and compelled "to a careful scrutiny;" and which, by their order, and without the consent or knowledge of the parties interested, has been published to the world, in "justice to Mr. Butler's reputation seriously injured without his fault," but "in no unkindness to those who have cast him out without knowing his worth."*

Now we—"the original minority"—on whom, in the judgment of the Council, "the responsibility of these proceedings" is to rest mainly, although not "entirely," do freely acknowledge that if guilty in manner and form, or substantially, as set forth in this Result, instead of availing ourselves of the plea of ignorance of the worth of our late pastor, and of incapacity to appreciate his excellence—a plea furnished to our hands by the suggestions of the Council—instead of complaining of the severity of our punishment in being sharply rebuked before all men for the highhanded iniquity which, without the slightest provocation, and with malice aforethought, we have perpetrated—we ought rather, with shame and confusion of face to confess our aggravated guilt, and by repentance, deep and thorough, strive to mitigate the tender grief of all good men having knowledge of our sin, and avert, if possible, the righteous

* See Appendix, Note A.-

displeasure of Him who has said—"touch not mine anointed, and do my prophets no harm."

For what is the offence of which we stand convicted by the Council? This, let it be observed, consists not in that "entire absence of those courtesies and acts of Christian forbearance and kindness" by which they "were pained to find" our proceedings characterized—not in the fact that the three months' notice was given "in the style of serving a legal notification, when the pastor" himself had given no occasion "for such notice even in the most courteous manner"—not in the disregard or the violation of the rules of ecclesiastical etiquette in *any* form,—but in *causing the rupture* of what was originally, and, but for our agency, would have been still, a harmonious and satisfactory ministerial connection, promising extraordinary benefits to the people; and this, in pursuance "of a fixed plan, formed near the time of the installation," and carried into effect by "efforts such as would be effectual in any other parish, and such as deserve the *severest censure*." This, and nothing less, is the offence of which, "after near two days of inquiry and deliberation," the Council have adjudged us guilty, and the knowledge of which has, by their order, been borne, as on the wings of the wind, through the length and breadth of the land. Had the imputation cast upon us been of a less grave and serious nature, or had bitter enemies, or men of little character and influence, even *thus* reproached us, we might have borne it in silence and been content to outlive the slander. But the crime of which we have been convicted, being such as ought to exclude us from the Christian Church, if not from the rights and privileges appertaining to good citizenship, and having been proclaimed to the world guilty of this aggravated offence, by an Ecclesiastical Council numbering among its members clergymen of high standing, "whose praise is" deservedly "in all the Churches," and from whom, as soon as from any others, we should have expected candid and thorough investigation, and an upright, independent and impartial judgment, we feel constrained, by regard to truth and righteousness, as well as a sense of duty to ourselves and those with whom we are ecclesiastically associated, to furnish those who have been put in possession of the Result

of Council in this case, with the means of testing the truth and accuracy of its statements and conclusions. And this act of somewhat tardy justice to ourselves and others, would have been still longer delayed, had not our late pastor been re-settled in the ministry, and thus shielded, in a measure at least, against any injurious influence upon his reputation or usefulness, resulting from statements and disclosures which we may be compelled to make, but which, in other circumstances, we would gladly have suppressed.

We have seen what, in the apprehensions of the Council, was the case submitted to their consideration; and we find it characterized, clearly and unmistakeably, as we are specially concerned, by the following prominent features, to wit:—the “high and well-earned reputation as a scholar, a preacher, and a pastor,” at the time of his settlement in Danvers, of the Rev. James D. Butler—a great degree of unanimity on the part of the people of his late charge, in inviting him to settle with them in the ministry—the formation, near the time of his installation, and by the agency and instigation of the small minority opposed to his settlement, of a party or conspiracy, with the express design, and for the unhallowed purpose, of producing general dissatisfaction with his ministrations—the accomplishment of this purpose, within eighteen months, the disaffection being, as far as the pastor is concerned, absolutely causeless, by a series of efforts which would have occasioned the dissolution of any existing pastoral relation in the land—and “the entire absence,” in all the proceedings pertaining to the consummation of the rupture thus made inevitable, “of those courtesies and acts of Christian forbearance that should have appeared, even” had the pastor, instead of being, as he was, faultless in the matter, been exclusively chargeable as the procuring cause of the deplorable result. And now will the reader bear with us, while, by rehearsing, as clearly as we may, this whole matter in order from the beginning, we spread before him a true statement of the facts on which the Result of Council is professedly based.

Whatever may have been Mr. Butler’s reputation elsewhere, either as “a scholar, a preacher,” or “a pastor,” to the people of his late charge he was unknown, even by report—good or ill—

until October, 1850, when, having been engaged to lecture before the "South Danvers Lyceum," he was invited, in compliance with a request from a committee of that institution, to supply the pulpit of the Second Church for two Sabbaths, which he did. Subsequently, and in connection with the fulfilment of a second engagement of the same character, he preached to us one Sabbath, and also on the day of the annual Thanksgiving. Such was the extent of the opportunity afforded this people to judge for themselves of Mr. Butler's ministerial qualifications. The result of this trial was a strongly marked difference of opinion, among the comparatively small number who formed and expressed any decided opinion, as to the adaptedness of the candidate to the wants of this people, and the expediency of extending to him an invitation to become our pastor.

It however soon became apparent that a determination existed on the part of the particular friends of Mr. Butler, to bring the matter, as speedily as possible, to the test of a formal vote. The remark, made about this time by several of this number, and often repeated, viz.—"Certain individuals have always taken the lead in matters both of the Church and Society, but now we are determined to have *our* way," while it is indicative of the spirit of those by whom it was originated or adopted, may also serve as a key to the explanation of some occurrences hereafter to be noticed. In compliance with the wishes of those who desired speedy and decisive action in the premises, a Church meeting was held Jan. 6, 1851, to see if the Church would extend to the Rev. J. D. Butler an invitation to become their pastor. Previously to this meeting, it was agreed, between two of the brethren holding opposite opinions as to the expediency of calling Mr. Butler, that it was desirable to ascertain the precise state of feeling in regard to the candidate, independently of any influence, on the one side or the other, that might be exerted by the discussion of the subject. And it was further agreed, that, immediately upon the organization of the meeting, and before anything should be said touching the merits of the question, an informal ballot should be proposed, and each individual requested to vote yea or nay, without regard to the

wishes or opinion of others. Accordingly, the meeting having been organized, one of the parties to this arrangement immediately proposed the informal ballot, when, to his great surprise, the other, after expressing, in strong terms, his own preference for Mr. Butler, proceeded to state his conviction, derived, as he said, from personal intercourse with individuals, that it was the earnest desire of almost all the members of the congregation that Mr. Butler should be invited to become their pastor, and concluded by reading a letter from President Lord, of Dartmouth College, highly commendatory of Mr. Butler, in which, among other things, the writer says of him—"He has no superior, in my view, in New England, in respect to most properties of a minister." And again, "your people, in my judgment, could not do so well the country over." After the reading of this letter, those opposed to Mr. Butler were repeatedly called upon to state the grounds of their opposition, but when one of their number attempted to answer this call for himself, by naming some reasons for his dissatisfaction with Mr. Butler as a preacher, he was called to order, and objections were made to his proceeding further. And although permission was given him by the Moderator to proceed, such was the excitement and the state of feeling manifested, that he declined to avail himself of the liberty thus granted him.

Of the sixty-three acting male members of the Church, there were present, at this meeting, *forty-two*; and when the vote was at length taken, it appeared that *thirty-two* voted yea, *six* nay, and *four* declined voting. After the meeting, one of the minority said—"the spirit with which this matter has been forced through bodes no good, and I fear the result will be disastrous; but if Mr. Butler is installed as our pastor I shall support him." Several individuals, neither members of the Church nor proprietors in the house of worship, knowing the course of proceedings on the part of those who seemed determined that Mr. Butler should be settled at all hazards, expressed the opinion that his stay with us would be brief. The officer of the Church who, before the Council, was represented to have predicted this result, denies all recollection of the fact, but affirms, that, if he ever gave utterance to such an opinion, it was

with him, as with others, an expression not of his hopes but his fears. It is believed that all who voted against Mr. Butler would have welcomed any evidence that he would make good the loss sustained by them and this community in the removal of his immediate predecessor.

At the meeting of the Society afterwards called to see if they would concur with the Church in extending a call to Mr. Butler, there were present *fifty* out of about *ninety* acting proprietors. Of these, *thirty-one* voted yea, *eleven* nay, and *eight* declined voting. Some who voted in the affirmative stated, at the close of the meeting, that they should not have done so, not being themselves satisfied with Mr. Butler, had they not been assured that almost every one in the Society was in his favor, and they did not wish to stand alone. While, at this meeting, the subject of the terms of settlement was under consideration, one of Mr. Butler's friends proposed, as one of the conditions, that the pastoral relation should continue so long as it should prove mutually satisfactory to the parties, and that the salary be one thousand dollars, this sum being between one and two hundred dollars less than the amount paid the preceding year to our former pastor. This proposition, in both its parts, *was opposed by some of the minority*, who strenuously urged that the settlement should be, like that of all Mr. Butler's predecessors, "for life," and also that the salary offered should be as high as any heretofore paid by the Society. But, their remonstrances notwithstanding, the resolution proposing these terms of settlement was adopted, and a committee chosen to communicate to Mr. Butler the doings of the meeting. One of the minority was placed on this committee, and prevailed upon to accept the appointment, that every thing might be seen to be done fairly.

On receiving the call, Mr. Butler addressed to the committee a letter of inquiry as to the real state of things, in the Church and Society, in relation to him, that he might be assisted in coming to a decision. The chairman of the committee having, on his own responsibility, replied to this letter, sent it to the minority member, stating the fact that he had replied to it, and wishing him to do the same. Compliance with this request was declined, on the ground that this individual could not consent

to assume the responsibility of influencing, materially, the decision of the pastor elect, on the question submitted to his consideration. Several others, not members of the committee, volunteered to communicate with Mr. Butler respecting the state of things in the Church and Society, as might be inferred, if not otherwise known, from his statement to the Council, that he received from different persons, more than twenty letters explaining away the opposition. In a letter, to a member of the congregation, written after the receipt of the call, and before he had returned an answer, Mr. Butler stated that President Lord was about visiting Danvers to make inquiries respecting the state of feeling, in the Church and Society, and that he should delay his reply to the invitation until after Dr. Lord's return. Having visited us, and made all necessary inquiries, President Lord said he *should go back and advise Mr. Butler not to accept the call*. Without waiting, however, to learn the result of inquiries thus made at his request, Mr. Butler forwarded his answer of acceptance, which was soon followed by a letter to the Chairman of the Society's committee, in which he stated that, had he seen President Lord previously to returning his answer to the call, *he should have hesitated about accepting it*.

The only modification, proposed by Mr. Butler, of the terms of settlement, was *the substitution of a notice of three months, by either party*, as the means of terminating the relation, for the more general provision for its continuance during the period of mutual satisfaction. This alteration having been assented to, a Council—embracing several of the members of that convened for his dismissal, assembled, by invitation of the Church, on the 26th day of Feb., 1851, and the "*pernicious provision*" notwithstanding, proceeded to instal the pastor elect. The pastoral relation having been thus constituted, the minority believed it to be their duty to attend upon Mr. Butler's ministrations, in the spirit of candor, and, during the continuance of this relation, to encourage and sustain him in his work. They did, in fact, attend constantly upon all the meetings for prayer and religious conference appointed by the pastor, and rendered such assistance as they were able to furnish in the various exercises; while those who had actively promoted his

settlement abandoned, one after another, all these meetings, till at length not more than one of his professed friends could be found, for several successive months, encouraging the pastor of his choice, with his personal presence on these occasions. The reason assigned by one of their number for their non-attendance was, that *they did not like him and would not hear him*; and, to such an extent was this disinclination practically carried out, that for the last six or eight months of his ministry, the male part of his audience, at his weekly meetings, consisted almost exclusively of those who were called his "opponents."

When, in the opinion of many of those who favored Mr. Butler's settlement, the disaffection, which had been gradually, but constantly, increasing almost from the very day of his installation, had become so great and so general as to be quite incompatible with his usefulness, it was earnestly contended by others, that no considerable dissatisfaction existed; and to ascertain the exact truth on this point, so far as the brethren of the church were concerned, it was urgently desired, by the former, that an informal meeting should be called, with a view to obtain, from each member, an expression of his individual opinion and feelings on the subject, and to communicate the result to the pastor. Those who, at the settlement of Mr. Butler, constituted the "small but earnest minority," were repeatedly urged to call such a meeting, but steadily *refused to do it, or to take any part in it when called*, further than to attend, and express their opinion by their votes. Such a meeting, *notified by one of Mr. Butler's most ardent early friends*, was held Nov. 19th, 1851. Of the thirty-six brethren present, twenty-eight expressed, by their votes, their dissatisfaction with the pastor, and the four Deacons were appointed a committee to apprise the pastor of the state of feeling as thus indicated, in the hope, and for the very purpose, of avoiding the necessity of giving a formal three months' notice, as the means of effecting, what was now seen to be inevitable, a dissolution of the pastoral relation. For the discharge of the painful duty thus assigned them, the committee received the thanks of the pastor, who assured them that he deemed it an act of kindness to him, but refrained from making any inqui-

ries, though informed by the committee that they were willing and ready to answer any questions he might propose.*

The pastor having been thus apprized of the extent of the then existing disaffection in the Church, it was confidently expected that he would avail himself of the opportunity intended to be thus afforded him, of making the first formal and public movement towards an adjustment of the unhappy difficulty which had arisen, and thus preclude the necessity of a resort, on the part of his people, to the single method of relief to which, by the terms of settlement, they were restricted. But weeks and months passed without any disclosure, on the part of the pastor, of his intentions or wishes in the premises, or any intimation, save in a single instance, that he desired any conference on the subject with all or any of the disaffected. And in this single case—the pastor was fully and minutely apprized of the nature, extent, and, as was generally believed, the inevitable result, of the disaffection existing among his people.

On the approach of the annual meeting of the Parish—about five months subsequently to the informal meeting of the Church—the dissatisfaction having mean time constantly increased, a paper was drawn up, *by some of the early friends* of Mr. Butler, requesting the insertion, in the warrant for the annual meeting, of the following article—viz.—“To see if the Society will give notice to their pastor, Rev. J. D. Butler, that it is the desire of the Society to dissolve the connection between them, agreeably to the terms of settlement.” *This paper was circulated exclusively by those who favored* Mr. Butler’s settlement, with the single exception, that two of the minority, *by the special request* of those who had undertaken the work, presented it to a few individuals in their immediate neighborhood. When this paper had been signed by between forty and fifty of the proprietors, and before it had been presented to the committee charged with the duty of issuing the warrant, it was shown to a particular friend of the pastor, *by one of the original minority*, who requested him forthwith to apprise Mr. Butler of its contents, and prevail upon him if pos-

* See Appendix—Note B.

sible, by some action of his own, to anticipate that of the Society, and thus prevent the painful result of testing the matter by a vote of the proprietors. This request was complied with; but, so far as was known, the pastor neither did nor said anything touching the matter, and at the appointed time the meeting was held. The subject coming up for consideration, the following resolution was offered by one of the original minority—viz.—“Resolved, that the Clerk of the Society be hereby instructed to give three months’ notice to the pastor, Rev. J. D. Butler, that it is the desire of the Society that the ministerial relation between the pastor and Society should cease, agreeably to the terms of settlement, dating from April 12th, 1852.” Pending the discussion of this resolution an amendment, or rather substitute, was offered by one of the adherents of Mr. Butler, providing for the appointment of a committee to ascertain, by conference with the pastor, whether terms of separation, mutually satisfactory to the parties, might not be agreed on, and report at an adjourned meeting. At this juncture the disaffected were violently assailed, their motives impeached, and themselves accused of prejudice, injustice and cruelty towards Mr. Butler. These accusations the disaffected repelled, and explained the motives of their conduct in the premises. The charges, however, were reiterated till the question on the proposed amendment was taken and decided in the negative *by the votes of some of the few still adhering to the pastor*. It was then distinctly and repeatedly stated by the disaffected, that any proposition, *known to have originated with the pastor*, which should be presented, would receive the most candid and respectful consideration. No such proposition being offered, and no intimation given that it would be, the question was at length taken on the original resolution, which was declared, by the Moderator, to have been carried. To make it certain, the vote was doubted, and at this juncture a motion, *offered by one of the disaffected*, to adjourn the meeting one week, to give the pastor further opportunity to take such action in the premises as he might deem proper, was carried, and the meeting adjourned accordingly. No committee having been appointed to communicate to Mr. Butler the doings of the meeting, this

office was undertaken and performed by some of his friends, by whom he was speedily and fully apprized of what had transpired, and of the opportunity still afforded him of modifying, by his own action, the method of reaching a result confessedly unavoidable.

At the expiration of a week the adjourned meeting was held, and it having been stated by his friends that no communication was to be expected from the pastor, and several amendments—contemplating, however, the same object as that proposed in the original resolution—having been offered and rejected, the question was taken a second time on the original resolution and decided in the affirmative by a vote of *thirty-two* to *sixteen*. Of the latter were some of the disaffected who fully concurred with the majority, as to the expediency of a dissolution of the pastoral relation, but preferred some other mode of effecting it.

At a meeting of the Church, holden July 23d, 1852, it was voted, in compliance with the request of the pastor, to unite with him in calling a mutual Council, and the Deacons were appointed a committee to make the necessary arrangements and to appear before the Council, on behalf of the Church, when it should be convened.

At the conference between this committee and the pastor, at the house of the latter, after some conversation on the subject of the Letter Missive, Mr. Butler read a form of such letter which he had prepared, and which he said would be agreeable to him. It was objected to this, by one of the committee, that it did not present the true ground, nor indeed any ground at all, for the contemplated action of the Council, and a substitute was proposed asking of the Council a formal dissolution, according to ecclesiastical usage, of the relation subsisting between the pastor and the Church, on the ground, and for the reason, that the connection between him and the Society had already been dissolved, in the mode provided in the terms of settlement. A majority of the committee assenting, a Letter Missive, in the form proposed by Mr. Butler, was issued, and the Council whose Result is under consideration, met in the vestry on Tuesday, the 3d day of August last, at 10 A. M. After their organization the Council proceeded in the manner stated in their Result, to

an investigation of the case submitted to them, which, including the recess for dinner and the reading by Mr. Butler of a double sermon, occupied the time till 4 o'clock P. M. A short time having been taken by the Council for conference among themselves, they adjourned to meet on the afternoon of the next day to act upon a Result to be prepared by a committee appointed for this purpose. At this meeting, which occupied about three hours, the Result reported by the committee was amended, adopted and ordered to be published.

For the substantial truth of the foregoing statement we hold ourselves responsible to the parties interested and to the public, and fearlessly challenge proof of its incorrectness in any important particular. And we now confidently submit, that, between the two cases as presented, the one in the representations contained in the Result of Council, the other in this simple narrative of facts and actual occurrences, there is not only no striking resemblance, but the most palpable inconsistency and contradiction.

In the foregoing recital of the facts and occurrences connected with the installation and dismissal of the Rev. J. D. Butler, we think we have furnished the readers of the Result of Council with the means of correcting and refuting that portion of it—and this is, by far, the greater portion—in which all the complicated and multiplied evils, to both pastor and people, growing out of this most unfortunate union and separation, are attempted to be traced, almost exclusively, to the agency and influence of the “small but earnest minority” who originally opposed the settlement of Mr. Butler. But “to make assurance doubly sure,” on this point, we add the following testimonial, voluntarily furnished us, and subscribed, it is believed, by every male member of both the Church and Society, who, having been originally in favor of Mr. Butler’s settlement, had become dissatisfied and desired his removal. The testimonial is as follows:—

“WE THE UNDERSIGNED, MEMBERS OF THE SECOND CONGREGATIONAL CHURCH AND SOCIETY IN DANVERS, WHO WERE IN FAVOR OF SETTLING THE REV. J. D. BUTLER AS OUR PASTOR, BUT WHO HAVE SINCE BECOME DISSATISFIED WITH HIM, DO HEREBY, AS A

SIMPLE ACT OF JUSTICE TOWARDS THOSE WHO ORIGINALLY VOTED AGAINST HIS SETTLEMENT, EXONERATE THEM FROM ANY ATTEMPT, EITHER BY WORD OR ACTION, TO PRODUCE IN US THE DISAFFECTION EXPRESSED ABOVE, OR TO INFLUENCE US, IN THE COURSE WE HAVE PURSUED IN REGARD TO HIS DISMISSAL."

Having thus by a simple unvarnished statement of facts, disposed of what, in this Result of the "Council at Danvers," in an especial manner concerns ourselves *exclusively*, we proceed to notice certain other representations, contained in this most remarkable production, in which we are interested only in common with others.

One of these respects *the neglect, of both the Church and Society, to appoint any Committee* to communicate to the Council the reasons for the course which they had seen fit to pursue in accomplishing the dissolution of the pastoral relation. This alleged neglect seems to be put forth as a sort of apology, on the part of the Council, for the somewhat anomalous method of proceeding adopted by them to elicit information, in a case, in their view, of vast importance, involving the reputation of the pastor, the interests of "a large and respectable Society" in general, and of a portion of its members in particular. Laboring, as they assure us they did, "earnestly and patiently," and "under a full sense of the responsibility thrown upon" them, feeling "bound to ascertain" the precise truth in relation to this whole matter, and "compelled to a careful scrutiny and a faithful statement of the causes" of the unhappy state of things presented to their consideration—what are the means employed by the Council to obtain that full and accurate knowledge of facts which was indispensable to a correct opinion and a righteous judgment? Let them answer for themselves. "As neither Church or Parish had appointed any organ to communicate such reasons, the Council opened the door for individuals of all parties to communicate what they would." *Opened the door for individuals of all parties to communicate what they would!* And it is from what was *thus* communicated, as we are given to understand, that the Council were led to conclusions and decisions in which they "*cannot be mistaken,*" and which they make haste to publish to the world.!

In this connection it should be stated, that of the three individuals who alone represented, before the Council, the few remaining adherents of the pastor, and by whom, if by anybody, statements differing from those contained in the preceding narrative must have been made, one was a member of the Church and a proprietor in the house, another was a proprietor but not a member of the Church, and the third was neither.

We have no wish to multiply words of criticism or comment upon the extraordinary method of investigation adopted by the Council in this case. Nor is this necessary. By all candid and discriminating readers of the Result, it could hardly fail to be noticed and duly appreciated, and we, and all others implicated in the severe censure, either express or implied, inflicted by the Council, may well congratulate ourselves that they have so distinctly disclosed the mode in which they obtained the information which, as we are bound to assume, constitutes the only basis of such censure.

In regard to the alleged neglect of the Church and Parish to appoint any organ of communication with the Council, we have yet to learn why any such appointment should have been made by the Parish, which was not a party before the Council, and could not, with propriety, have been heard had it been represented, and in relation to whose doings the Council had not even "advisory power, although the proceedings of this body rather than those of the Church, are, by the Council, made the subjects of consideration and censure. By the Church, as we have seen, a committee was appointed—though the fact was not stated to the Council—not, indeed, for the purpose of presenting to them the grounds or reasons of the act of the Society in dissolving the ministerial connection between them and the Rev. J. D. Butler, but to express to the Council the desire of the Church, that, inasmuch as the Society had thus acted, and on this ground, they would, in the manner and form required by Congregational usage, dissolve the barely nominal relation which still subsisted between themselves and the pastor. And had the form of the Letter Missive been such as was proposed by one of the Committee of the Church, the Council, it is believed, would hardly have felt *authorized*, much less required, to insti-

tute any inquiry as to the causes or grounds of a separation already practically accomplished. But Mr. Butler insisted on the use of the form prepared by himself, and by its phraseology they were unquestionably authorized—being officially, at least, ignorant of the proceedings of the parish meeting, to inquire on what ground the Church asked for *any* action, by them, in regard to the pastoral relation. But having learned, as they did immediately from the parish records, that the civil contract had been dissolved, in the only mode agreed upon by the parties, we respectfully submit, that all real occasion for further inquiry in this direction was removed, and the Council, in order to the full discharge of all the responsibility imposed by the Letter Missive, had only to declare the relation between the Pastor and Church dissolved, and, the pastor's character and conduct having been, in no respect, impeached by the Church, to give him such recommendation as they thought him entitled to. But, says the Result, "the Council were not satisfied to send their pastor away on that simple record, asking no questions. The reputation of a valued minister had been seriously damaged, and they felt bound to ascertain whether it were for a cause or for no cause, and they assumed that reasonable and Christian men would feel bound to give reasons for such a grave result." Be it so, that Mr. Butler's "reputation" had been "seriously damaged," (of which we shall have something to say in another place) how had this been done? The Council tell us that it was by being notified, after so short a ministry with this people, that by them his services were not longer desired. And was not this procedure in strict accordance with the terms of settlement as agreed upon by the parties, and proposed by Mr. Butler himself? And did he not know when he consented, nay, desired, to be settled on such a condition, that precisely this result might happen? Did not he, and did not those members of the late Council who were also of the installing Council, know, full well, that the very object and end of this condition of the contract was to enable either party to dissolve it at pleasure, without assigning to a Council, or even to one another, any ground or reason whatever? And having deliberately and of choice entered into such a contract, is it for Mr. Butler, or for a Council on his

behalf, so soon as it appears that the other party has chosen to avail itself of a condition of the contract inserted at his request, and for the purpose of shielding him from what every one must have anticipated as, at least, the possible consequences of his own act, to insist upon a disclosure of motives and reasons, precisely as if there had been no such condition contained in the terms of settlement?

We submit then that the investigation by the Council, into "the causes of the rupture" in this case, was, under existing circumstances, a work of supererogation,—unnecessary, if not unwarrantable; nor is either the Church or Society properly charged with neglect, or to be denied the character of "reasonable and Christian men" for not anticipating the uncalled for liberality of the Council in expending "near two days" in inquiry and deliberation on a matter in relation to which they might have discharged their whole *duty* in as many hours.

Another statement of the Council, implicating others as well as ourselves, respects *the formation of a party or conspiracy, for the purpose of promoting disaffection*, and, by taking advantage of our own wrong, effecting a dissolution of the pastoral relation. It may indeed be thought that the facts already presented furnish a sufficient answer to this allegation, and that any further notice of it is superfluous. But, if we mistake not, the nature and importance of the charge, constituting, as it does, the "*gravamen*" of our offence, demanded more particular consideration.

And, in relation to this charge, we say, first of all, that some of us were present during the whole period occupied by the hearing before the Council, and that, to the best of our knowledge and belief, not a tittle of evidence proving, or tending to prove, the truth of this charge, was presented. Nor have we been able to find the first individual among the attendants on that occasion who heard any such testimony, or who believes that any such was offered. And this view of the matter, we think, will be confirmed by a consideration of the somewhat peculiar phraseology employed by the Council. Thus they say:—"What we could gather of testimony, appearances and results, induced the impression, that in some connection with

this minority, there was early embodied a party that was determined that the people would not, and should not be satisfied with Mr. Butler's ministrations, and that at least all prudent means should be employed for his removal." And again—"Interpreting the mind of the authors by the whole course of proceeding, we cannot be mistaken in the conclusion, that this rupture is the result of a fixed plan, formed near the time of the installation, and of active efforts in pursuance of the plan," &c. Now this, to say the least and the best of it, is strange language to be employed by men assuming to act in a judicial capacity, and passing judgment upon the character and conduct of others. What would be thought of a jury whose verdict in a case of misdemeanor, should run thus:—*What we can gather of testimony, appearances and results, has induced the impression that the defendant is guilty, and interpreting the mind of the author by the whole course of his proceeding, we cannot be mistaken in this conclusion!* What influence would, in such case, be attributed to competent and controlling *evidence*, as the foundation of such a verdict? Who would suspect, on listening to the rendition of such a verdict, that any *such* evidence had been submitted to the jury? And what judge, worthy of his title and his place, would hesitate to say, that the very language in which the verdict was expressed, furnished the strongest evidence that, if it was not *against* the testimony, it certainly had nothing of the nature of competent and sufficient proof to sustain it? And we will not attempt to disguise our utter amazement that an ecclesiastical Council, numbering, amongst its members, clergymen of high standing and reputation for superior wisdom, impartiality, and independence, should, even from so benevolent a motive as that of protecting the "imperilled reputation" of a professional brother, have perpetrated so gross a violation of the maxim of common law and common sense—"every man is to be held to be innocent till he is *proved* to be guilty," as is necessarily involved in the imputation, to men claiming to be Christians, without evidence, and as appears in this case, *against* evidence the most conclusive, of high-handed and inexcusable iniquity.

Another topic which, in this connection, we propose to

notice, is that of the *absolutely groundless character*, in the judgment of the Council, of *the disaffection actually existing towards the pastor*. Thus they say—"Never did it more clearly appear that the disaffection was without good cause."—"The case clearly shows the absence of all substantial causes of offence."—"Justice to Mr. Butler's reputation, seriously injured *without his fault*, requires of us," &c.—"Such an instance of causeless dismissal does an injury," &c.—And finally, "The only pretence of a cause was an objection which some had to the style of Mr. Butler's preaching." And this objection the Council proceed to say, had respect only to a certain class of "rhetorical figures" which Mr. Butler was accustomed to employ, and which the Council, judging from the specimens contained in a single discourse read to them, characterize as at most, "but atoms on the face of superior excellence."* In this immediate connection, recurring to the idea of a conspiracy early formed for the purpose of promoting disaffection, they say:—"Of course there must have been great labor employed to bring so great results from causes so small." Now the *import* of this language is certainly sufficiently obvious; the *correctness* of the representation thus made of the causes of disaffection, we shall cheerfully submit to the reader when he shall have perused the following statement of its *real* grounds, as felt and expressed by a large portion of Mr. Butler's late charge, and which, we apprehend, even the members of the Council would find it somewhat difficult to reduce to the single "rock of offence" furnished in the use, by Mr. B., of a class of "rhetorical figures, about the fitness of which different tastes would differ."

One of these grounds of disaffection, extensively and deeply felt and often expressed, was *the character of Mr. Butler's pastoral visits*. These were generally characterized by the *absence of religious conversation*, either personal or general. Even in the cases of families visited with sickness or bereavement, and some of whose members, on account of the religious interest awakened in their minds by God's providential dealings, were in

* See Appendix—Note C.

special need of the faithful counsels of a pastor, there was, on the part of Mr. Butler, during his visits, such an avoidance of religious themes as to occasion not only great surprise, but sore regret and disappointment. So deeply and painfully was this defect of Mr. Butler felt in one instance, in which the serious and speedily fatal illness of one of the family, and the religious interest and anxiety of both this and another member of the household, seemed to furnish the strongest motives to pastoral fidelity, as to induce the head of the family—one of Mr. Butler's early friends and supporters—on learning the character of the pastor's visit in his absence, to repair to a neighboring town and solicit the services of another clergyman in behalf of his afflicted family.

Another ground of dissatisfaction with Mr. Butler, was *his want of dignity and propriety of deportment*, both in and out of the pulpit. This defect was probably the more noticeable and influential, from the very striking contrast thus presented between Mr. Butler and his immediate predecessor. The latter would hardly have been seen, as Mr. Butler frequently was, while the congregation were praising God in the songs of Zion, passing from side to side of the pulpit, with pencil and paper in hand, obviously taking account of the number of attendants on public worship. The general feeling, on this point, was well expressed by one who voted in the negative on the question of giving the three months' notice to Mr. Butler—who said, "he is deficient in the pulpit and out of it; whether at a funeral or a wedding he appeared the same—no dignity, no solemnity about him."

Another painfully prominent feature in the character of Mr. Butler, and which though, in some views of it, but a modification of those already mentioned, had become with not a few a distinct ground of disaffection, was an apparent *want of spirituality and religious unction*. We are well aware of the liability to deception and misapprehension on this point, nor would we be understood as affirming that Mr. B. was in fact, what, in this respect, to many among us, he certainly *seemed* to be.

But "we speak that we do know, and testify what we have seen" and heard, when we say, that in this particular he ap-

peared to be sadly deficient, and that with many this was a distinct ground of dissatisfaction.

Still another, which had much influence with some, was Mr. Butler's *laxness in regard to the admission of members to the Church*,—indicated by the very slight and imperfect examination of candidates, and his willingness to dispense, occasionally, with some portions of the "Confession of Faith" to accommodate those who could not subscribe to them.

Another ground of disaffection, though not, as the Council affirm, "the only pretence of a cause," was Mr. Butler's style of preaching. This was considered to be objectionable on account of its *obscurity*, the *frequent use of illustrations either coarse or ludicrous or both*, and which were, by many, thought to be unbecoming and inappropriate to the pulpit and the preacher of the Gospel; and, more especially, *the very miscellaneous character of many of his discourses*.

Such are some of the more prominent grounds of disaffection with our late pastor, which from an early period of his very brief ministry among us, were more and more deeply and extensively felt by those who had favored his settlement, till the conviction of his want of adaptedness to our circumstances and necessities, and the utter impracticability of his extensive usefulness among us, entertained and avowed from the first, by the "small but earnest minority," had come to be the common belief of the members, generally, of both the Church and Society. This opinion, of the original minority, of Mr. Butler's qualifications for the pastorate of the Second Church in Danvers, the late Council, as may be inferred from the language of their Result, would attribute to a want of capacity to appreciate his excellencies, and the *change of opinion*, in this respect, on the part of the more recently disaffected, to the "instability of the Church and people." But, from all we have learned since his dismissal, we think "we cannot be mistaken in the conclusion," that while, by those to whom Mr. Butler is best known, he is believed to be both a good man, and a scholar of varied and extensive acquirements, he is also thought to be decidedly deficient in the qualifications for the pastoral office. Such, indeed, would seem to have been, at one period,

and that not very remote, the estimate of the distinguished author of the commendatory letter already referred to, and others of whose opinions he had some knowledge. In this letter, to which more than to any spontaneous, general and earnest desire on the part of this people, Mr. Butler's settlement is to be ascribed, the writer says of him—"He has been thought to be too learned and too little spiritual. He has sometimes seemed so to me, but my views have changed." "I like him in those respects in which I once thought him deficient."

Assuming then, that Dr. Lord has seen no occasion to change his *later* opinion of Mr. Butler's ministerial qualifications, as expressed in this letter, we think the more recently disaffected may congratulate themselves, that, so far as *mere change of opinion* is concerned, the reproach involved in the charge of "instability" appertains as really and as fully to the President of Dartmouth College as to themselves; and we, of the original minority, may well "take patiently" our share of the opprobrium involved in any incapacity to appreciate the excellencies of our late pastor, equally predicable of his more intimate friends and acquaintance, (scholars and professional men, of course,) and at one time, at least, of Dr. Lord himself.

One other topic remains to be noticed in this connection. The Council say, in their Result, that the trial to the pastor, occasioned by the proceedings in reference to his removal, was "aggravated by coming at a time when he was under the visitation of most severe domestic afflictions and bereavements." We will not pretend to say what impression the Council intended to convey by the language here employed, but they can hardly be surprised to learn that, by the readers of the Result, they have been understood to intimate that the subject of extensive disaffection among his people—a subject sufficiently unwelcome at any time—was unnecessarily forced upon the the pastor's notice *in the midst of* severe domestic afflictions and bereavements.

Now to correct misapprehensions on this point, we say, first of all, that had it been in the hearts of this people, or any of them, thus to add gall and wormwood to the cup of affliction of

which their late pastor and his family were called to drink, it would have been well nigh impracticable, inasmuch as for a considerable portion of both seasons of severe, and in one case fatal, sickness in his family, supposed to be alluded to by the Council, Mr. Butler was voluntarily absent, either for purposes of relaxation, or in fulfilment of engagements to lecture before different Lyceums.

But to remove all doubt on this point we give facts and dates. The first season of sickness, referred to by the Council, commenced about the last of July, 1851, and terminated in the death of an only daughter, on the 28th of September following. The second commenced about the second week in January, 1852, and continued for some weeks, in which both Mrs. Butler and another child were the sufferers. This sickness terminated in the recovery of both mother and child, Mrs. Butler being able to attend public worship on the first Sabbath in March. Now the informal meeting of the Church, up to which time, as he stated to the Council, Mr. Butler *knew nothing of any disaffection*, was held on the 19th of November, 1851, nearly two months after the death of his daughter, and more than two months before the sickness of Mrs. Butler and another child. The annual meeting of the Parish occurred April 12th, 1852, and without final action on the question of giving the three months' notice, was adjourned to the 19th, when it was resolved that such notice be given. This was more than six months after the death of the daughter, and, at least, two months after the entire recovery of Mrs. Butler and the other child. Forbearing comment on these well attested facts, we submit, that the reproachful imputation of the Council which has now been noticed, is not asserted, but *proved* to be at least as "*causeless*," as the disaffection towards our late pastor.

And now, and here, the inquiry forces itself on the mind—if the facts in this case are, indeed, such as in the foregoing recital they are represented to be, how could the Council have been so entirely misled, as to have misapprehended, in every important particular, not only the case intended to have been submitted to them, but that also on which they undertook—we say gratuitously and improperly, to pass judgment? We think the

solution of this question is to be found in the false assumptions, and the equally false reasoning, by which their Result is characterized. Let it be observed that the only facts, material to the issue in this case, which the Council, *as such*, can be supposed to have known at the time of their meeting was,—that only about eighteen months had elapsed since the installation of the Rev. J. D. Butler over the Second Church and Society in Danvers, and that they were invited, according to the very indefinite terms of the Letter Missive, “to take such action regarding the pastoral relation now subsisting between him and us as the circumstances of the case may seem to require.” Occupying this position, as to the amount of information they could be supposed to possess in relation to the matter pending, the Council are immediately informed that the civil contract between Mr. Butler and the Society has been terminated, and the ministerial relation between the parties dissolved, in the very manner and according to the condition provided in that contract at his own suggestion. Finding the pastor thus without a salary, and without a people, what was the action obviously required of the Council, according to the terms of the Letter Missive? What did “the circumstances of the case,” as now ascertained, “seem to require,” in regard to “the pastoral relation still subsisting between” Mr. Butler and the Church? Clearly its dissolution;—and this on the ground, and for the all-sufficient reason, that the Society, in the exercise of its own prerogatives as one of the contracting parties, and in the precise form prescribed by the terms of settlement, had terminated and annulled the civil contract. And so the Council themselves judged; for they say, near the close of the Result,—“We would not give our sanction to this dissolution of the pastoral relation, if it depended wholly on us. But so far as the civil contract is concerned, it has already been dissolved by the act of the Society, and hence a necessity created for a dissolution of the pastor’s relation to the Church. And in view of this necessity we declare the relation dissolved.” Exactly so. It was hardly optional with the Council, what they should do in the premises. The dissolution of the relation between the Church, as such, and the pastor, was, under the circumstan-

ces, a thing of necessity—a matter of course—the *only* thing, in fact, which the Council could have been expected to do—the only thing which the Church ever supposed they had invited them to do; and this they were requested and expected to do, for the single reason, and on the ground exclusively, that *that* had been already done by the Society, which made this course indispensable and unavoidable. Why, then, did not the Council, so soon as they were apprised of the doings of the Society, proceed, forthwith, to the performance of the act the absolute necessity of which, from the moment of their knowledge of these doings of the Society, was as obvious and imperious as any amount of investigation and deliberation could make it? Let the Council answer for themselves. “But the Council were not satisfied to send their pastor away on that simple record, asking no questions. The reputation of a valued minister had been seriously damaged, and they felt bound to ascertain whether it were for a cause or for no cause,” &c. But how, and by whom, had Mr. Butler’s reputation been “damaged”? Clearly, if at all, by the act of the Society in terminating the civil contract previously, and for a short period, subsisting between him and themselves. And does this involve necessarily, and as a matter of course, an injury to Mr. Butler’s reputation? We think not; and that the Council erred in assuming such to be the fact; and also, that Mr. Butler voluntarily became a party to a contract, the termination of which, in precisely the mode provided in its very terms, must necessarily involve such a result. With all deference we submit, that the action of the Society, in this case, and the “damaged reputation” of the late pastor, do not stand in the relation of necessary cause and effect. Is the reputation of a candidate for the ministry, employed as such for a limited period, necessarily injured by his being allowed, at the close of his engagement, to depart in peace without an invitation to the pastorate? Suppose Mr. Butler to have been so employed for one year, by the people at Danvers, and at the expiration of this period, not to have been invited to become their pastor, would the failure of such an invitation necessarily involve the injury of his reputation? Now substitute for this arrangement that actually made by the contracting parties in this case, viz., a contract for

the performance, on the one part, of certain services, and a pecuniary remuneration of those services, on the other part, on *the express condition*, that the contract should be terminated at pleasure, by either party by giving three months' notice. We think in this, as in the other cases supposed, the proper inference, and the only authorized inference is, that the result of the trial, whether longer or shorter, whether in one mode or another, is a conviction on the part of the people for whom he has labored, of the preacher's *want of adaptedness to their necessities*. But how this proves, or tends to prove, that he may not be *the man*, of all men, for another people, or even, if they could only see it, for those by whom he has been tried and thought to be wanting, we are at a loss to perceive. Suppose that Mr. Butler, in this case, having an opportunity to transfer himself to what he deemed a more desirable field of labor, had, at the same time, and in the same manner, given to the other contracting party, the three months' notice,—would this act of his have necessarily injured the reputation of the “large and respectable Society” whose service he had thus renounced; and would this, or any other Council, with the terms of the contract before them, and also the fact of literal compliance with its provisions, on the part of the pastor, have deemed it necessary to go behind this simple record, and with a view to repair, if they could, the “damaged reputation” of the church and people, institute a “strict and careful scrutiny” of the motives and reasons by which the pastor had been induced to avail himself of the express provision in the contract for terminating a connection which, to him, had ceased to be desirable? And if, in consideration of his unquestionable right—conferred by the very terms of the contract—to do precisely what, and all, that he had actually done in the premises, he should “neglect,” or even decline, to acquaint the Council with the grounds and reasons of his conduct, would he for this have been denied by them the character of a “reasonable and a Christian” man? We trow not.

But admitting the assumption of the Council in this case to be well founded, and that the doings of the Society necessarily involved injury, greater or less, to Mr. Butler's reputation, still

there are several reasons which, to say the least, would have *justified* the Council in abstaining from all such interference as they seem to think was required of them.

One of these reasons, already suggested in another place, is, that Mr. Butler, having voluntarily entered into a contract providing for its own termination in a mode of his own choosing, and which had been sanctioned by some of the members of the late Council, could not reasonably expect this body to interpose between him and any harm or loss resulting, necessarily and inevitably, from such action of the Society as was, not authorized merely, but demanded, by the very terms of the contract. That no expectation of such interposition was, in reality, entertained by the late pastor, may be inferred from the fact that, as one of the parties before the Council, he neither solicited the favor at their hands, nor suggested that any occasion for it had been furnished in the conduct of his people, or any portion of them. Indeed, between his views and those of the Council, in relation both to his reputation as affected by his dismissal, and the discourtesy and unkindness predicable of the proceedings of his people, there is, judging from their respective acts and declarations, a strange and striking contrast. While, in the result of Council, these are almost the only themes considered or touched upon, and seem to have actually engrossed the anxious and laborious attention of its members; and while the facts in the case, as ascertained by a "careful scrutiny," justified, in their view, the infliction of "the severest censure" on those whom, so far as this matter is concerned, they pronounce the only guilty party,—Mr. Butler himself, during the whole period occupied in the hearing before the Council, neither alludes, directly or indirectly, to any supposed injury to his reputation, nor opens his mouth in complaint of any unkind, or otherwise improper, treatment received by him from those by whose agency the "rupture" had been effected. And, as if not satisfied with the evidence furnished by this "expressive silence"—this abstinence from all complaint—not only before the Council, but, so far as we are informed, at all times and in all places—in public and in private—up to the time of the delivery of his "Farewell Sermon," he, in this discourse, now

published to the world, acquits of all blame in the premises those whom the Council so sharply rebuked, and attributes their conduct to motives as worthy and as pure, as any by which he himself had been actuated. And, in view of these facts, we submit that the interposition of the Council under consideration was, to say the least, entirely and emphatically *gratuitous*.

A second, and more urgent, reason why the Council, neither for the cause alleged nor for any other, should as we think have interfered as they did in this case, is found in the fact that such interference was precluded by the terms of the Letter Missive. It is, we believe, agreed on all hands, that this document is decisive of the limits within which the inquiries and doings of an Ecclesiastical Council must be restricted. Now, strangely defective, in one respect, as the Letter Missive by which this Council was convened certainly is, still, so far as the point under consideration is concerned, it is sufficiently explicit. The Council is requested "to take such action regarding the pastoral relation now subsisting between" the parties convening it, "as the circumstances of the case may seem to require." But the single circumstance which first came to the knowledge of the Council, and this immediately after its organization, was the important and controlling fact, that Mr. Butler's relation to the Society had been *already dissolved in strict accordance with the provisions of the contract*, and thus an absolute *necessity* created for dissolving also the pastoral relation. So it seemed to the Council, and so the Church supposed it *would* seem, and therefore made no provision for any such demand as was made upon them by the extraordinary course of procedure adopted in this case. Excepting only the usual recommendation of the pastor, neither his character nor conduct having been impeached by the Church, the *whole duty* of the Council, as prescribed by the Letter Missive, would have been performed by a *formal* dissolution of the relation between Mr. Butler and the Church, which, from the moment of the action of the Society in the premises, had, and could have, only a *nominal* existence.

We know that it has often been said, and may be again in

this case, that Ecclesiastical Councils are not to be tied down to the rigid observance of the rules and formalities which govern the proceedings of courts of justice. So far as we know, it was never claimed or pretended that they should be. But, if we mistake not, there are some *general principles* appertaining alike to legal and ecclesiastical tribunals, and some rules and formalities recognized as part and parcel of our ecclesiastical polity, and, in some cases, appealed to as of paramount authority, to which all councils would do well to "take heed," and by whose even *rigid* observance, much time now worse than wasted would be saved, the still greater diminution of the already much impaired respect of intelligent and discriminating men for the doings and decisions of such bodies, would be prevented, and great and permanent injury to individuals and the cause of truth avoided.

Still another, and in our opinion, of itself conclusive reason why the Council need not, and should not, have undertaken to search into the causes of the rupture in this case, is that those by whose agency it was effected—viz., the proprietors—were in no sense, and for no purpose, a party before the Council. They were not represented, and could not have been with propriety, otherwise than by their records as cited by the Church; and having acted for themselves, in this matter, as they had an unquestionable right to do, and having made no request for a revision of their proceedings by this Council, the latter were neither called upon nor authorized to undertake such revision, and subject to trial and condemnation those who were neither amenable to them for their conduct, nor even apprized of the fact that they and their doings were thus to be made the subject of investigation and judgment.

Without multiplying further, as might be done, reasons of the same bearing, if not of the same weight, as those already adduced, we respectfully submit that in any one, and certainly in all of these, the Council would have found a sufficient justification of their neglect, or even refusal, to institute any investigation whatever into the grounds and causes of that disaffection which, in this case, had rendered imperative and inevitable the dissolution of the pastoral relation.

A second assumption of the Council, now proved to be false, and which we think *unreasonable* also, and by which they were misled, is, that the rupture, in this case, was the result of a series of efforts, on the part of Mr. Butler's opponents, commenced at the time of the installation, and continued until the object was attained; efforts, too, of such a character as to deserve the severest censure. Now supposing *such* efforts to have been made, by *such a party*, at *such a time*, for *such an end*—and this openly avowed, what, a priori, would be reasonably anticipated as the result? What could it have been, human nature being what it is, other than to prevent the discovery, by his supporters, of any defects which might be predicable of the pastor's official character,—to enlist in his behalf, more and more strongly, the sympathies, not only of his decided friends, but of those who were comparatively indifferent,—and, especially, to inflame still more the zeal and resolution of those who had early made known their determination to have, in this matter, their *own way*. Such, we submit, reasoning from analogy, and on general principles, we should anticipate as effects to be expected from such a course of action, in such circumstances; and such, according to the testimony of history, observation and experience, have been the actual results, the world over.

“Great” indeed “must have been the labor employed” by the conspirators in this case, especially, restricted, as the Council alleged they were, as to materials with which to operate, to the occasional use, by the pastor, of a few “rhetorical figures” of only questionable propriety—to have produced, in the short space of about one year, dissatisfaction among the people so great and so general, as to render unavoidable the dissolution of the pastoral relation. True indeed it is, that where this relation has subsisted quietly for a considerable period, a party however small in number, and, in the first instance, insignificant in character and influence, may, by a series of efforts directed to this end, so increase their numbers and strength as, in process of time, to make inexpedient, because incompatible with the comfort and best good of the parties, the continuance of the existing ministerial connection. But in the case of a minister

whose recent settlement was urgently and hurriedly pressed, by the more active and zealous of his friends, against the remonstrances of a "small but earnest minority"—to suppose that this minority, in the use of such means as, by the Council, are believed to have been employed in this case, and commencing operations in close connection with the installation, while the "first love of the espousal" was at its height, and in the midst of the excitement and interest inseparable from the success of those who, in the settlement of the minister, had now, as the case finds, for the first time had *their own way*—to suppose that such a party, thus acting, could accomplish anything other and better than its own complete overthrow, and the utter defeat of its main object, is to suppose that

"Wisdom hath fled to brutish beasts,
And men have lost their reason."

What more promising means could be employed, in such a case, for strengthening the ties of attachment already formed, confirming the doubtful in a favorable opinion of the pastor, and multiplying, rapidly and largely, the number of the friends and supporters of a minister seen to be the object of wanton, causeless and cruel persecution? We profess we know not any. Certain it is, that by the minority in this case, exactly the opposite course was pursued, and the result we have seen. Mr. Butler having become their pastor—their remonstrances notwithstanding—they immediately avowed their determination practically to respect the obligations involved in the relation thus constituted, and to give him their countenance and support. They did, in fact, contribute as freely and as liberally, according to their means, as did others towards the gratuity of four or five hundred dollars presented to him soon after his installation, and had opportunity been afforded them, would have added something to the second gratuity, of some two hundred dollars, presented him at the time of his dismissal. They attended on his weekly, as well as Sabbath ministrations, rendering such assistance as they were able; and this they continued to do, even after those who had favored his settlement, had, with not more than one exception, utterly forsaken these meetings. Thus acting, and only thus, while confirmed more and more in

their own first impressions of Mr. Butler's want of adaptedness to the place he had been called to fill, others came to see with their eyes, and hear with their ears, and adopt their opinions, until the numbers of the disaffected from among those who actively favored the pastor's settlement, and as they individually affirm, without "any attempt," on the part of the minority, "by word or action, to produce" this result, had so increased as to create an imperious necessity for the pastor's dismissal.

And now what marvel is it, that, under the influence of these false assumptions, and this false reasoning—especially considering the method of proceeding adopted by the Council—they should have been themselves totally misled, and, by publishing to the world their doings and decisions, should mislead others? "If the blind lead the blind," why should they not "both fall into the ditch"?

Had the Council, holding themselves competent—under the Letter Missive by which they were convened—to do so, instituted an investigation, *in the proper mode*, into the causes of the rupture, or, disclaiming jurisdiction in this form and to this extent, had they even reasoned correctly from such *certain* data as they possessed, before they "opened the doors to individuals of all parties to say what they would," they might have found in the *too hasty settlement* of the pastor, and this, in a great measure, on the strength of the high and almost controlling recommendation of a single individual, rather than from any deliberate and decided preference on the part of the people; and in the *disappointment* of expectations thus raised, which, whether reasonable or not, did in fact result from a single year's experience of Mr. Butler's ministry, and which, had the pastor been as faultless touching the matter as the Council represent him, might, under the circumstances, have been naturally expected,—we say, that in such *hasty action* on the part of the people, and in the *disappointment* of highly raised hopes, might have been found causes of this rupture quite as obvious, to say the least, and as efficacious, as those to which, with an overweening confidence and assurance, though, as we now know, without proof and against fact, the Council have seen fit to attribute it. And had they made this discovery the occasion for warning the

churches and parishes of the land against this clearly hazardous mode of re-establishing the ministry in our vacant pulpits, they would, as we humbly think, have rendered to candidates for the ministry and to our religious societies, a service far more worthy of themselves, as well as much more profitable to others, than that which in this case they have actually performed.

Or, if we may suggest another hypothesis, had our late pastor, when first apprized of the existence of a state of things, among the people of his charge, obviously and necessarily involving, as its issue, the dissolution of the pastoral relation, instead of following implicitly the counsels of those who advised him neither to speak nor act in relation to the matter,—had he tendered his resignation, or given the three months' notice, and quietly withdrawn himself from a position to which, he now had reason to suppose, he was not well adapted, the Ecclesiastical Council, whose Result we have been considering, would have been spared the pain and mortification of knowing that they have arraigned, convicted, and published to the world, as guilty of a wanton, causeless and violent disruption of the most sacred ties, those whose only offence, so far as this matter is concerned, is that of holding, at the time of his settlement and ever afterwards, an opinion in relation to Mr. Butler's qualifications for the pastorate of the Second Church in Danvers, which, in a little more than one year, had, without their agency or influence, become the almost universal opinion of the people of his charge ; while he himself would have had much less occasion than is now furnished him to exclaim—"SAVE ME FROM MY FRIENDS !"

And here we take a final leave of this unwelcome subject, to the consideration of which we were compelled by the unjust and injurious representations of the Council. We say "final" because it has been no part of our design to provoke controversy. In simple self defence, and more in sorrow than in anger, has every line been written ; and for the same end and with similar feelings, do we put these facts into a form as permanent as that of the accusations against us. Much more we might have said. Less we could not in justice to ourselves.

We have, as far as possible, avoided statements which could wound the feelings of any one ; and, if the facts bearing on the ministerial character of our late pastor should tend to his injury, the whole responsibility must rest upon his self-constituted defenders. Had they, as members of the Council, confined themselves to their appropriate work, to wit, that of formally dissolving the pastoral relation, and commending the pastor to the good will of the churches, or, travelling out of their sphere, had they, acting as a self-constituted jury, rendered a verdict according to the facts and in view of evidence, Mr. Butler might have been saved this exposure of his failings, and we, this ungrateful plea of self-defence. But neither with the Council, nor with any one, shall we enter into protracted controversy on the questions at issue. We shall hold ourselves responsible for the facts we have stated. These, if, in important particulars, denied, we stand ready to substantiate. But imputations against ourselves personally we shall not be anxious to repel. We have no aggressive warfare to wage against any man. Our only aim has been to leave on record, not merely a denial of the charges made against us, but an exposure of their falsity, that, when our children and children's children, in time to come, shall ask, what mean these imputations upon the good name of our fathers, they may be able to see for themselves, that they mean anything but truth.

Besides, as men and Christians, we have a character to maintain, an influence to exert and a work to do, for the cause of truth and piety. If our character were in reality such as it is represented to be in the Result of Council, what Christian Church could consistently receive us to its fellowship, or even retain us in its communion? Nay more, what man of upright intentions, what citizen of good repute, would not imperil his own reputation by admitting to his society such high-handed conspirators in evil? GOD forbid that we should ever be left to merit the censure which has been administered to us! GOD forbid that we should ever thus wound the SAVIOR in the house of his friends.

A P P E N D I X .

A.

Note for page 5.—That it may be seen that we have done no injury to the Council in our summary of their Result, we give the document in full:—

COUNCIL IN DANVERS.

An Ecclesiastical Council was convened in Danvers on the 3d inst., for the purpose of dismissing Rev. J. D. Butler from his pastoral charge of the Second Church. The Council consisted of the following pastors, with their delegates: Drs. Worcester, Braman, and Cooke; Rev. Messrs. Abbott, Lawrence, Baker, and Fletcher; together with delegates from the South Church in Salem.* After near two days' inquiry and deliberation, they came to the following result—which the Council ordered to be published:—

RESULT OF COUNCIL.—Under a full sense of the responsibility thrown upon the Council, in the case submitted to them, they have earnestly and patiently labored to ascertain the cause of the rupture of the sacred ties which the case involves.

The fact that the pastor came hither so recently, with so high and well-earned reputation as a scholar, a preacher, and a pastor, that he came at the call of a great majority of this large and respectable society, and the fact that he has in so short a time been rejected, so much to the injury of his reputation where the causes are not known, compel us to a careful scrutiny, and a faithful statement of the causes.

That scarcely one year had elapsed since his installation was of itself a marked sign of deficiency in the pastor, or instability in the church and people, or else an extraordinary infelicity of circumstances.

Hence Mr. Butler's standing and good name were seriously imperilled, unless it should appear to the public that he himself had given no occasion for a three months' notice, even in the most courteous manner, much less in the style of serving a legal notification.

Not the least among the causes of this dismissal has been the limitation of the settlement, by the provision for a dissolution after three months' notice.

* To prevent misapprehension, the "minority" would state that they are informed that the Rev. Dr. Braman withdrew from the Council at the close of the public hearing, and neither he nor the Rev. Mr. Abbott were present at the adjourned meeting, when the Result was reported and adopted.

This caused the contract to be regarded, by some, more as an experiment than a settlement. They have appeared to feel, that because such a provision existed, it existed for speedy use, and that it warranted them to do many things the tendency of which was to discredit the pastor, cripple his ministry and fulfil their own predictions of his early departure; and after they had caused the rupture, they felt that they were not bound to give any other reasons for it, than this provision in the contract. So the church appointed no committee to give any other reasons to the Council, assuming that none would be wanted, except the simple record of the three months' notice.

If other proofs additional to what we have already had, of the pernicious working of such provisions of settlement were wanted, this case is strikingly in point.

But the Council were not satisfied to send their pastor away on that simple record, asking no questions. The reputation of a valued minister had been seriously damaged, and they felt bound to ascertain whether it were for a cause or for no cause, and they assumed that reasonable and Christian men would feel bound to give reasons for such a grave result. As neither church or parish had appointed any organ to communicate such reasons, the Council opened the door for individuals of all parties to communicate what they would. From what was thus communicated, it appeared that when Mr. Butler was settled there was a small but earnest minority against him, from whom the prediction early went out that his settlement would be brief.

It would probably be unjust to say, that all individuals of this minority actually labored to fulfil this prediction. But what we could gather of testimony, appearances and results, induced the impression, that in some connection with this minority, there was early embodied a party that was determined that the people would not, and should not be satisfied with Mr. Butler's ministrations, and that at least all prudent means should be employed for his removal. Accordingly his pulpit performances were subjected to criticisms, illiberal and unjust, and these criticisms were made the staple of common gossip at home and abroad. Then when matters were ripe, an informal meeting of the church was called without the pastor's knowledge, a paper was circulated to swell the number of names of pledged opponents, the plain tendency of which was to fan the flame of discontent, and hence by a natural course comes the rupture which we now deplore.

Never did it more clearly appear that the disaffection was without a good cause. The only pretence of a cause, was an objection which some had to the style of Mr. Butler's preaching. To show what this was, a particular sermon was named as having his offensive features in special prominence—a sermon, the report of which had gone abroad as a violation of taste and propriety. At the request of one of his opponents, this sermon was read before the Council, and found to be one of UNCOMMON EXCELLENCE—a sermon which would do no discredit to the first preachers in our country. The objectors pointed out two rhetorical figures which had been the rock of offence. About the fitness of these, different tastes would differ. But none except those strongly predisposed to find fault, could find a serious offence in them. Under

the severest judgment that consists with candor, those blemishes, (if blemishes they are,) are but atoms on the face of superior excellence. Yet these two figures of rhetoric, appearing in a sermon which does honor to the scholarship, the rhetoric, the logic and the piety of the pastor, were regarded as specimens of the class of faults which have turned away the heart of the people from their pastor.

Of course there must have been great labor employed, to bring so great results from causes so small.

The case clearly shows the absence of all substantial causes of offence, and the predisposition of the authors of the rupture to take offence, and that the pastor was placed in a position in which it was impossible not to offend. Here we found that what had been named as his most objectionable sermon, was one that would do no discredit to any preacher; and some of his opponents further stated that his style of preaching had not grown worse, but rather improved, since he was settled by so large a majority, showing the opposition still more without excuse.

The absence of all efforts of the disaffected to come to an amicable understanding with the pastor, and give him an opportunity to obviate or mitigate their objections, indicates a fixed determination to effect this rupture, and nothing short, regardless of consequences. The fact of disaffection was kept from his knowledge till the plan was matured. Then no opportunity was given him to confer with his opponents; conciliatory measures, where proposed, were rejected. The Council were pained to find the entire absence of those courtesies and acts of Christian forbearance and kindness that should have appeared, even if the causes for dismissal were ever so imperious.

Interpreting the mind of the authors by the whole course of proceeding, we cannot be mistaken in the conclusion, that this rupture is the result of a fixed plan, formed near the time of the installation, and of active efforts in pursuance of the plan—efforts such as would be effectual in any other parish, and such as deserve the *severest censure*.

The Council, however, cannot feel that the responsibility of these proceedings is to rest entirely with those who were of the original minority. They are of opinion, that at an early period of the open opposition to the pastor, there was a neglect by a portion of the majority of the church to meet it in an appropriate manner. If they had been prompt to act as being determined to discharge their whole duty, both truly and kindly, a very different and far more desirable state of things might have been the result.

And it deserves here especially to be recorded that through Mr. Butler's whole scene of trial, trial aggravated by coming at a time when he was under the visitation of most severe domestic afflictions and bereavements, he has exhibited a remarkable example of Christian meekness, forbearance, and kindness. His most earnest opponent has in this view nothing to say.

Justice to Mr. Butler's reputation, seriously injured without his fault, requires of us this particular and faithful statement of facts. We do it in no unkindness to those who have cast him out, without knowing his worth. Such an instance of causeless dismissal does a public injury by force of example.

and the common interests of our churches require that we speak of it according to its merits.

We would not give our sanction to this dissolution of the pastoral relation if it depended wholly on us. But so far as the civil contract is concerned, it has already been dissolved by the act of the Society, and hence a necessity created for a dissolution of the pastor's relation to the church.

And in view of this necessity and the action of the church upon it, we declare the relation dissolved. While we seriously deplore the evils which a portion of this people have brought upon themselves in rejecting a minister whom they have not appreciated, and whom they will not find it easy to replace,—and in rejecting whom, they have hazarded those internal strifes which not seldom ruin the strongest societies, we would counsel mutual forbearance and forgiveness and the studying of the things which make for peace.

For the pastor, we would do all that our testimony, and sympathy, and prayers can do. He came among us with a high reputation. In our judgment, he has more than sustained it. Nothing has come to our knowledge touching his ministry here, which ought to detract an atom from the public confidence in him. Indeed his rare trials have elicited rare qualities, which have greatly enhanced our sense of his worth, and we doubt not that by this means, the Head of the church has been preparing him the better to fill some station of more extensive usefulness.

PARSONS COOKE, *Moderator.*

JAMES FLETCHER, *Scribe.*

A true copy.

B.

Note for page 13.—The manner in which the interview between Mr. Butler and this committee was effected, having been made the subject of unmeasured complaint and denunciation, as involving a *studied concealment* of its real object, it is proper that the facts in the case should be distinctly stated. They are these. The senior officer in the church and chairman of the committee, being unable, from bodily indisposition, to accompany his associates to the house of the pastor, it was agreed that the latter should be requested to meet the committee at the house of the chairman. The member of the committee charged with communicating this request, having, as he supposed, satisfactory evidence that Mr. Butler had been previously apprized of the informal meeting and its results, and, of course, of the object of the proposed interview, *and for no other reason*, refrained from any explanation or statement in relation to it.

C.

Note for page 22.—Although some of the “rhetorical figures” employed in this sermon have been often cited as examples of this characteristic of Mr. Butler’s “style of preaching,” yet it is believed that the sermon itself was generally considered by his people as one of his best pulpit performances, and it was distinctly stated to the Council, that, had all his discourses been as good as this, there would have been in this respect comparatively little complaint.

[The reference to the following Note was accidentally omitted in its proper place.]

Note for page 15.—Reduced to form, the following is the Letter Missive proposed by one of the Committee :—

“Whereas, the Second Congregational Society in Danvers has dissolved, in accordance with the terms of settlement, the civil contract heretofore subsisting between the Rev. J. D. Butler and itself; and whereas, the Church, by request of the pastor, has consented to unite with him in calling a mutual Council to act upon the relation still subsisting between itself and Mr. Butler, you are invited by your pastor and delegate, to meet in Council, at 10 o'clock A. M., on the third day of August next, to take such action in the premises as the circumstances of the case may seem to require.”

That proposed by Mr. Butler, and by which the Council was convened, is as follows :—

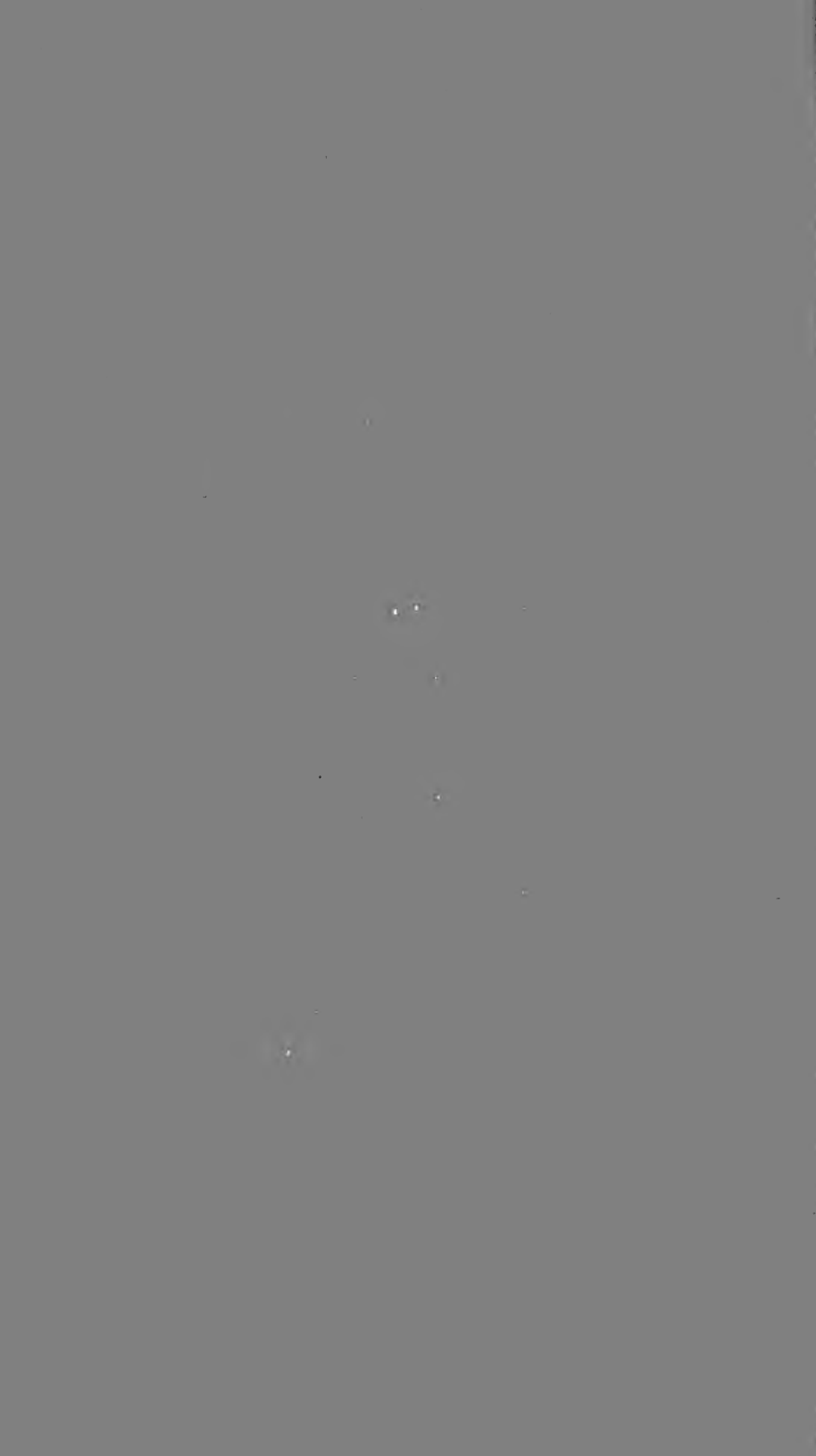
“Our pastor having requested this Church to unite with him in calling a mutual Council, to take such action regarding the pastoral relation now subsisting between him and us as the circumstances of the case may seem to them to require, and we having voted to comply with his request, we hereby invite you, in conjunction with him, thus to meet, by your pastor and delegate, at 10 o'clock A. M., on Tuesday, the third day of August next, in the Vestry of our Church of worship.”

The first of these is the fact that the
 system is not a simple one. It is a
 complex one, and it is one that is
 constantly changing. It is a system
 that is in a state of flux, and it is
 one that is constantly evolving. It is
 a system that is in a state of flux, and
 it is one that is constantly evolving.

The second of these is the fact that the
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The third of these is the fact that the
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 a system that is in a state of flux, and
 it is one that is constantly evolving.



A

VINDICATION

OF

Publick Justice and of Private Character,

AGAINST THE ATTACKS OF

“Council of Ministers”

OF THE

“METHODIST EPISCOPAL CHURCH.”

“Beloved, believe not every spirit, but try the spirits whether they are of God : because many false prophets are gone out into the world.”

“Out of thine own mouth will I judge thee.”

PROVIDENCE :

JOHN MILLER, PRINTER.

.....

1823.



VINDICATION, &C.

It cannot be regarded as a circumstance entirely unworthy of notice, that at the present day, when as every one, at least in this country, supposed the distinction between Church and State, was clearly defined, an Ecclesiastical Council, consisting of some eight or nine self-constituted judges, should assemble together for the express purpose of revising a decision had in a civil Court of competent jurisdiction; and, after a pretended examination of that decision, gravely publish to the world, under the sanction of their own several proper names, that they, as a body, are constrained to differ from the opinion of the jury in such case, and verily believe, and pronounce a man to be innocent, whom their verdict had implicated as guilty of certain charges alleged against him. Whether the pamphlet, purporting to be the trial of John N. Maffitt, before several Methodist clergymen, casting a direct imputation upon the proceedings of a civil court, and calling upon the publick to uphold these ministers in their bold attack upon the publick justice of the country, is to be considered in the light of an ecclesiastical *bull*, entitled to receive due observance from all those who dread the thunders of the Church; or whether it is to be viewed as an abuse of justice, and a ridiculous attempt to bring discredit upon a legal tribunal, by authoritatively pronouncing the decision of that tribunal, to be unfounded in justice or evidence, and the witnesses on whose veracity the jury relied, base and perjured, remains to be decided by that publick, to whom these Reverend Gentlemen have so confidently appealed. There is something so novel in the course these gentlemen have pursued, that we are really puzzled in what light to view them. An Ecclesiastical Council, in its *proper* place, since the name has lost its terrors, is not a thing to be feared, or reprehended. It is well known that the discipline of the Church sometimes requires that certain offences of its members, not recognized and punished by the laws of the land, should be examined by a tribunal of its own composing, and this is perfectly proper, because it cannot interfere with the proceedings of civil tribunals, and promotes the order and regularity of religious associations. We would not therefore be understood to condemn Ecclesiastical Councils, merely as such. But among all the aspects assumed by Ecclesiastical Councils, there has never been one in this country, nor in the whole history of these tribunals in England since the reign of the Pope, that has taken so much authority upon itself as the one

whose proceedings we are investigating—assembling for the purpose of revising a final judicial decision and decreeing that such decision is contrary to justice and evidence ; arraiging the jury, and calling upon them to reconcile their verdict with their oaths and their consciences ;* taunting the judge for permitting evidence to be given in his Court, which *they* deem ought not to have been admitted, and to crown their arrogance, accusing the witnesses of perjury, and sneeringly attempting to exhibit them in the most odious light. And is it really come to this ? Shall bigotry thus dare to take justice by the beard, and arraign those who have been called as her ministers to do their office upon some offender against the laws ? Shall a jury, whenever they decide contrary to the wishes of a certain *sect* be arraigned by an Ecclesiastical Council of that sect, their decision pronounced void, and themselves held up to public indignation, for having given a verdict against justice and the oaths that were binding on their consciences ? Shall the witnesses who gave the testimony on which the jury founded their verdict, and whose character all the zeal of party could not attack at the trial, be afterwards subjected to insult and abuse from this same Council, who shall on the slightest pretences and by a course of argument, which the veriest *quibbler* at the bar would be ashamed of, roundly accuse these witnesses of perjury, and announce this accusation to the world ; and all this to uphold one of their own preachers, not because they deem him an honour to the cause. but merely because they are determined that nobody shall condemn him but themselves ? Is this the treatment to which all witnesses are to be exposed, who shall, whether by oral testimony or deposition, state any thing against the character of a Methodist preacher ; and is this the rod which this combination of ministers intend to hold up in terror, to frighten and deter all who may hereafter be called upon to testify any thing to the disadvantage of one of their privileged order ?

If so let them avow such purpose, and it shall be properly met. Let them cast aside the false and formal pretence of candour and impartiality, and tell to the world “ that whoever shall hereafter dare, in a court of justice or by deposition, swear to any thing implicating the character of a Methodist preacher, (unless such preacher, shall first have been tried and condemned by an Ecclesiastical Council of his own sect) he shall forthwith after the trial in which he has given such testimony, be called to account before a Council of Methodist ministers, (but he shall not be allowed to be present at such examination nor shall he or any witnesses be heard in his defence) and no matter how high his standing in society, or blameless his life, he shall be pronounced guilty of perjury, and it shall be the duty of a committee appointed by the Council who shall select for this purpose the boldest and most sarcastick of their number, to

See page 14 of the pamphlet, published by the ministers.

publish a pamphlet setting forth such charge of perjury and exhibiting such witness in the most infamous light." Let this Council, if they intend the course they have now taken shall become a precedent among their order, draw up this article in substance as above, and let them if they please propose it as an additional rule of the discipline of the Methodist Episcopal Church! It may perhaps deter some weak minds from giving their testimony against another Maffitt, and induce them when under oath to tell the whole truth, to conceal every thing they may suppose will be disagreeable to an Ecclesiastical Council, lest that Council should revise the decision of the court, and publish a libel on the witnesses, holding them up to publick ridicule and contempt. Perhaps too, were they to adopt such an article, some judge might hereafter recognize their claim to an exclusive jurisdiction over all offenders of their denomination, and juries in every question affecting one of their clergymen, might be induced to consult the opinion of a council of ministers before they would be so hardy as to give a verdict that might not suit their views.

We do not make these remarks tauntingly, they are serious, and we appeal to every member in society whether the course taken by this Council is not a threatening held out to the publick, which, if it were to be countenanced would tend to defeat the ends of justice, and deter all witnesses from ever appearing to testify against a Methodist clergyman?

We have the utmost respect for the body of the clergy, and believe that it is necessary to the moral and religious well being of society, that they should be held in high estimation; but we should deprecate any where, and especially in this country, an assumption of privileges by this order of men, that were not equally enjoyed by other citizens. Now it is obvious that if the course adopted by this council of ministers should go into a precedent among all denominations of christians, and every clergyman who was convicted by a jury of an offence or a crime should be allowed to appeal to an Ecclesiastical tribunal of his own order, and that tribunal should reverse the decision of the civil court and acquit him of every charge, and this acquittal should be published and serve as a passport for the offender to the good opinion of the publick, or even among the people of his own denomination, it would at once establish a most formidable *benefit of clergy*, and courts of justice must be brought into contempt whenever an Ecclesiastical Council did not think proper to sanction their proceedings. There is no ground for apprehension that an assumption of such an appellate jurisdiction in Ecclesiastical tribunals will ever be countenanced by publick opinion. We have been accustomed in this country to consider a jury as the guardian of our rights, and no good citizen fears to trust in their hands his property, life and reputation. Their decision when final, no man will attempt to oppose or discredit who has a proper regard for the laws of his country, and with that decision it, least of all men, becomes ministers of religion to interfere.

Until, therefore, these Methodist clergymen show us some authority, delegating to them the power to reverse the decision of a court of justice, we shall insist that they have grossly erred, and have set themselves up in rebellion against the laws of the land. Where is their system of Ecclesiastical polity? Is it in the motto they have adopted from, the Levitical law, and is this their rule of evidence? If so, we would inform them that whatever may have been the force of this doctrine of evidence in matters of life and death, with the Israelites, and however it may have influenced the Council in their decision respecting Mr. Maffitt, it has long since passed away with other rules of the Mosaick dispensation, and is no more applicable to the proceedings of a court of justice, than the prescriptions laid down in that dispensation for the cure of leprosy and other diseases, are fitted for the practice of physicians of the present day. Besides there is some little difference between a decision which is to deprive a man of the privilege of wearing his head, and one which merely takes from him the right of wearing black silk gloves.

If the Council intended to act on this principle of the Levitical law, which is recognized in their discipline page 62, why did they not avow it at once? This would have saved them from the laborious and unchristian task of attempting to convict Mr. Jones of perjury, and his evidence where it was not confirmed by Mr. Maffitt, and other witnesses, might, according to their rule, have been quietly set aside. Does not this among other things show a disposition to slander and injure Mr. Jones, where they might have avoided it? Or are they sensible that the publick will rather abide by the laws of the land, than by the Methodist discipline, and condemn Mr. Maffitt even out of the mouth of one unimpeached witness, especially when that witness is corroborated by many circumstances and by the confession of the party accused?

This motto however, shows the grounds on which this Council proceed to set aside the unimpeached testimony of the principal witness against Mr. Maffitt; and were there no other objections to Ecclesiastical Councils of the nature of the one we are condemning, their extreme ignorance of the application or existence of all settled legal principles, their consequent irregularity of proceeding and the little confidence that could be placed in a tribunal assembling for the purpose of decreeing just what they may happen to determine will best promote the views of their own sect, without any rules to govern them, would be sufficient to deter every honest man from trusting them with any power or influence in the community. We do not demand of clergymen (and particularly of those who do not generally extend their information so far as is common with their brethren of other denominations) that they should be learned in the law, and therefore we do demand of them that they should not undertake to revise a decision had in a court of law; and if in despite of this incompetency they do so undertake, they must suffer the consequences in publick estimation, when they show such ignorance of the simplest principles of the law of evidence, as is so grossly betrayed in the pamphlet they have sent forth as the result of their deliberations.

There was a time in the dark ages, when the weight of evidence went by numbers, and he who brought with him the most witnesses to swear, they believed him in the right, won his cause. This however, although this collection of ministers appear never to have been informed of the fact, has long since been abolished, and principles of evidence have been adopted which have very little to do with numerical calculation. A certain distinction too has obtained among lawyers between the *competency* and the *credibility* of witnesses; so that it will frequently happen that in a contradiction between two witnesses of equal competency, and where the veracity of neither is directly impeached, the one shall be entitled to full credit and belief while the other from his situation and inducements to swear falsely, shall be completely discredited. The competency of a witness is a question for the judge merely, whether he shall be permitted to testify in the case, his credibility is a matter for the jury to decide under all the circumstances. We state this principle, although one of the most common application in Courts of justice, for the instruction of this Council, as their only estimate of evidence is numerical; for in their opinion whenever two witnesses swear against each other there is no evidence on the point at issue, and "one oath destroys the other." If this be correct there can be no need of a jury in trials, and the only learning necessary for a judge is a sufficient knowledge of arithmetick to determine which party has the greatest number of uncontradicted witnesses.

These remarks are made, not for the purpose of seriously combatting the idea that Ecclesiastick Councils have a right to exercise a jurisdiction over matters that have regularly been decided in a civil Court, because we do not believe this Methodist Council themselves are prepared to contend for such doctrine; but to undeceive the few who may suppose that the assumption of these ministers to decide every matter connected with one of their preachers, is founded in some sort of law or right; an error into which many good people are led from believing that whenever a body of ministers assemble and do any act, that act, from the character of the persons concerned, must of course be proper, and really have some binding force in society. The Council of ministers, who convened for the purpose of acquitting Mr. Maffitt (although they had a right to determine whether after the trial at Boston, a trial which they could not gainsay, and the decision in which, they were bound as *good citizens* to consider binding upon all persons concerned) they should still continue in their communion a preacher who had been so exposed to the publick, were no more authorised to take the course they pursued in revising the verdict of the jury, and accusing the witnesses of falsehood, than they would be to assault the officers of the law, and rescue one of their preachers when apprehended for some crime; and their conduct in the former case has rendered them as obnoxious to all persons who desire to see the laws peaceably and decidedly administered, as if they had been guilty of a direct outrage upon publick justice. Nay, the

latter would have met with prompt punishment, which would have deterred all other offenders. The former, equally injurious in its consequences, may have a much more dangerous influence upon society, because it will pass unpunished, and may serve as a precedent for other councils to commit still greater outrages against the laws. We have nothing to do with the private character of the gentlemen who composed this Council. We only condemn them as a body, and even there we would in some degree except those who were not concerned in preparing the pamphlet which purports to be the report of their proceedings. Our aim is principally to expose the conduct of the COMMITTEE OF THREE, consisting of the President, Secretary and Mr. Hedding, who drew up the slanderous Report which has been published as the result of the deliberations of the whole Council. We will not believe that the other clergymen who were on the council meant to sanction with their names so gross a libel upon private character, and we trust that some of them, particularly those who were dragged upon the council while sitting here, and had but very little to do with its proceedings, will yet have the candour to avow that they were surprised and displeased at the spirit and tenour of the pamphlet published by this Committee, and that they disclaim the intention of making their report a vehicle for attacks upon private character, and sneering, slanderous abuse of individuals of worth and respectability, merely because they were found guilty of having given their testimony in a legal manner against a methodist preacher! Still, however, the whole of these men as a body have rendered themselves obnoxious to the laws of their country, by attempting to oppose their operation, and when we view them as clergymen and teachers who are enjoined to inculcate obedience to the powers that be,* and acquiescence in the decisions of the magistrates and officers of the law who bear not the sword in vain, we cannot too strongly reprobate their conduct and hold them up to the publick indignation.

The course this Council have taken is not a little singular, even when disconnected from their attack upon the civil Court, and considered in relation to their own discipline. Mr. Maffitt was "*under report*" of having been guilty of some "gross immorality," before the article accounted libellous was published, and long before the prosecution to vindicate his character was undertaken, and these reports were well known to more than one Methodist preacher. How happened it that the presiding Elder did not call a council of

*We cannot refrain from citing a passage which may be found in a little book called "the Doctrines and discipline of the Methodist Episcopal Church," p. 17. and which we recommend particularly to the perusal of this Council of Methodist clergymen as a suitable commentary upon their late proceedings. "As far as it respects *civil affairs* we believe it the duty of christians and especially of christian ministers, to be subject to the supreme authority of the country where they may reside, and to use all laudable means to enjoin obedience to the powers that be; therefore it is expected that all our preachers and people will behave themselves as peaceable and orderly subjects."

ministers, and have these "reports" examined? Were the methodist clergy willing that Mr. Maffitt should continue in their connexion, no matter what the charges and suspicions against him were, provided they were not publickly proved? Had they then instituted this inquiry, they were at liberty to have decided on the matter as they saw fit. Did they reserve this engine to be played off against the civil Court in case the trial should not terminate favourably for Mr. Maffitt? Why all this indifference about the character of their preacher, while "*under report* of gross immoralities," and this haste to call a Council of ministers to investigate the matter, when he was no longer "*under report*" but under *legal conviction* of these offences? Let the presiding elder and his brethren, answer this to their consciences and to the people, and let them reconcile it to the spirit and injunctions of their discipline.

Had Mr. Maffitt been dragged into Court contrary to the wishes of his friends, there might possibly be found some little excuse for the conduct of this Council of ministers. But so far from this, they themselves sought to put the character of their preacher upon this issue. The prosecution, the Council, with characteristick caution, admit, was undertaken by the advice and encouragement of "*individuals*" of their own society, previous to which a committee had been sent to Providence, to ascertain the probable result of the trial, in case the truth should be admitted in justification.

We admit what the Council assert, that the result of the inquiries of this committee so favourable (*in their report.*) to Mr. Maffitt, was not made known to the "*official members* of the Church" in their *official* capacity previous to the "*complaint*" entered by Mr. James Brewer; but it was well known to those "*individuals*" who were so anxious for the prosecution, (one of whom was the very chairman of the aforesaid committee,) and no doubt when taken in connexion with the probability, and almost certainty, entertained by that committee that the witnesses for the defence who resided in Rhode-Island would not appear against Mr. Maffitt, and that those who were in his favour would come at their bidding, provided all expenses were paid, decided the question, which had been under discussion from the 18th of October, to the 18th of November, as to the expediency or rather *safety* of instituting the prosecution. These gentlemen therefore, when they had the opportunity to decide between a Council of their own ministers and the civil Court, after due deliberation, selected the latter tribunal; and however they may have been chagrined at the result, it does not well become them to turn round and attempt to put down a decision given by a tribunal of their own choice.

Suppose the decision had been favourable to Mr. Maffitt? Does any body believe these Ecclesiasticks would have assembled to reverse that decision? What if the defendant had been found guilty, and had summoned a council of printers, (who are as much authorized as Methodist ministers to revise the decisions of civil Courts) and these printers should proceed formally to set aside the verdict of the jury, and gravely decree, that they were constrained by their "*judgment and consciences*" to differ from them, and should more-

ever sneer at the judge, and by a course of *exparte* testimony attack the veracity of the witnesses who testified against their brother printer, rail at them for wearing *straight coats* instead of "*clerical robes*" and accuse them directly of going about to "destroy the character of an unfortunate fellow-creature," and then publish this libel upon publick justice and private reputation, with the sanction of the names of the President and Secretary of this disorderly combination? Think you reader, these Methodist ministers would have acknowledged the authority of this body, and given full credit to their proceedings? Would they not have dealt out much eloquence on the majesty of the laws, and loudly complained of this outrage upon the civil Court, and the characters of respectable individuals? And yet if the printers choose to adopt a rule similar in its application to them, to the one on which the Council inform us they proceeded, they would constitute a body as fully authorized to all intents and purposes, as this assembly of some eight or nine private gentlemen, holding the rank of elders and travelling preachers in the Methodist church.

We trust that our remarks in relation to this Council, will not be taken at all in connexion with the highly respectable denomination of christians to which the persons who composed that Council belong. We believe the methodists will suffer errors to be pointed out even in their preachers, and that they will not, as a *sect*, support them against publick opinion at the expense of the reputation of their community for candour and honest intention, and uphold as Methodists what they cannot but discountenance as good citizens and sincere christians. The discipline of their community, founded on the principles developed by the sagacity and illustrated by the sanctity of a Wesley, are calculated to promote a subordination highly subservient to moral purposes; and we are convinced it is not the intention of the Methodists or of their clergy generally, to set themselves up in opposition to the laws, even where their operation shall happen to interfere with some favourite opinions of their own, and affect the character of one of their own body. Their ministers are not a combination of men linked together for the purpose of supporting each other, right or wrong, against all other persons, with the determination of resisting every interference of the civil tribunals with any individual of their own order. The rules of their discipline are intended to conform to the laws of the land, and not to be quoted and acted upon as authorizing proceedings in direct violation, and in contempt of courts of justice. Such is not the light in which this respectable body of christians design that they and their discipline shall be presented, and firmly believing this of them, we cannot believe that when the excitement of the moment shall have passed away, they will sanction the proceedings of a Council of their ministers who have exhibited all the above intentions in the most gross and determined manner, and who in the estimation of the publick, have brought great scandal and discredit on the sect to which they belong, by the intemperate zeal, the slanderous attacks upon private character, and the contempt of the laws of the country which are so shockingly betrayed

in the pamphlet the committee of this Council have published to the world. Their own discipline directly discountenances such a proceeding, and we call upon this committee to account to the Methodists for having so grossly violated one of its positive rules. They have a right so far as church discipline is concerned, to try their ministers, and to preserve the minutes of that trial for the inspection of their court of appeal, the Conference, in case of such appeal. But we know of no authority they have to publish a report of a trial before a Council of ministers, especially when that trial is not final and is subject to a reversal. And further, their ministers are required to publish no book or pamphlet without approbation of the Conference. See page 185 of their discipline. "No travelling preacher is permitted to publish any book or pamphlet without the approbation of the annual conference to which he belongs, or of a committee chosen by them. It is recommended to the annual conferences to caution and restrict our preachers from *improper publications*."* How will this elder and two or three travelling preachers reconcile their publication with the first part of this article, and more especially its temper and spirit with the latter?

We will now proceed as temperately as is consistent with the matter under inquiry, to examine the proceedings of this Council and to show as far as our limits will admit, wherein they have been guilty of the serious offences we allege against them: in connexion with which such documents will be produced as will fully support the ground we have taken. In doing this we shall not hesitate to express our indignation whenever we find these men trespassing against the laws, and acting the part of libellers in publishing slanderous insinuations against individuals of worth and respectability in the community; but we shall carefully avoid that low wit and sneering remark, which so strikingly characterizes the publication of these reverend gentlemen; which cannot fail to convince the publick that they were labouring under an infirmity of temper, and that however charitable they were disposed to be toward Mr. Maffitt, they had no intention of extending their kindness, except sneeringly, to any person who stood in the way of the object of their association, a plausible acquittal of the man they undertook to put upon his trial. —

In order to get at the motives which influenced this Council of ministers it is necessary to remark upon their conduct immediately after the trial in Boston.

Astonished at the result of a judicial investigation which they themselves had earnestly sought for, and having improperly identified the

* This pamphlet is an "improper publication," not only on account of the spirit it betrays, unbecoming even gentlemen and especially christian ministers, but because it publishes to the world the full acquittal of a man who has not yet had his final trial, and who by the Methodist discipline is liable to be set aside by the conference should they differ from the opinion of this Council. This is a direct outrage upon the appellate jurisdiction of the conference. The Council however have ingeniously provided for a reversal of their decision when they say, Mr. Maffitt is only on trial, and may yet be set aside, if the conference see cause "without any evidence of *erimo*."

character of one of their preachers with that of their whole order, the pride of sect was aroused. They viewed their infallibility and privileges in danger, and it was publicly declared that they would not submit to have one of their ministers put down by the testimony of a clergyman of another denomination. In pursuance of this resolve, while under all the bitterness of feeling and strong excitement, the trial had produced, and almost before the ink that recorded the verdict had dried, they assembled together under the pretext of a rule of their discipline, which we are persuaded was never designed to sanction such an outrage upon decency and the laws; and erected a tribunal which seriously set itself about revising the decision of a civil Court, and arraigning and condemning judge, jury, and witnesses, who had been engaged in bringing about that decision.

So little prepared were they for the office of judge or jurors, that two of their number had been on the committee who pretended to investigate the matter before the trial, and had already decided that Mr. Maffitt was completely innocent. One of these gentlemen had also taken the part of prosecutor at the trial. He had been all the way to Bristol to “*coax*” Mr. Maffitt to appear as a witness “*for the State,*” and to recruit witnesses in Providence to support his cause. He had used every exertion to find some means to impeach the testimony of the principal witness for the defence, and we put it to his conscience whether he or some of his friends did not even attempt to affect this purpose by seeking for grounds to make it appear that the witness alluded to was at times deranged!

All this however failed, and it then became necessary to assemble a Council of *ministers* to blast the reputation of this young clergyman and all others whose testimony supported his assertions; and so confident was that same gentleman who acted the part of chief counsellor to the Council, what would be the result of their deliberations, that he wrote to a friend immediately after the civil trial, and before the presiding elder had issued his warrant for a court, that Mr. Maffitt would yet come out brighter than ever. The publick may judge from these and many other similar circumstances, what probability there was that this Council would engage in a temperate and impartial investigation.

The first proceeding was to arraign the jury for their decision, and as they tell us to examine for themselves, only the evidence received into Court: which examination as given in their report, consisted not in the counter testimony of other witnesses, but in an attack upon the veracity of the Rev. Mr. Jones, founded on the same principle that a lawyer in a desperate case endeavours to turn the testimony of the most important witness on the other side into ridicule, after despairing of being able to impeach him in any way.

In this they principally adopted the arguments of the county attorney in the trial, recast in the mould of their own peculiar sophistry. Their conduct in this respect and throughout, is a most happy commentary on the doctrine that the judges are the *advocates* for the criminal and always *on his side!*—Indeed so anxious are these gentlemen to destroy the character of Mr. Jones that they forget every

thing else, and pass over the whole of Mr. Maffitt's Isle of May confessions (although one would be led to suppose they were hardly fitted for the initiatory studies of a man, who, after a passage of some thirty days from this scene of dissipation, offered himself as a candidate for the ministry,) because as we cannot help believing, it presents no opportunity for them to attack the veracity of this witness. Not content however with barely discrediting Mr. Jones, they take a more effectual method to get rid of the disagreeable testimony against Mr. Maffitt, by denying that any such evidence was given at the trial, on the ground that they have been at great pains to collect the evidence *in part* from other sources than the printed report of that trial, which report they pronounce to be incorrect. This is a very easy way of getting the wind of an argument, and we are sorry we cannot accommodate the gentlemen by giving them the advantage of it. But until they point out their "sources in part" and show us how they discredited the report of the trial, we shall infer that they convicted the reporters even in a more summary way than they acquitted Mr. Maffitt, and shall take the liberty of placing more reliance on the notes of the judge, the counsel, the clerk of the court, and some others, all of which were consulted in giving the printed report of the evidence, than in the simple assertion of this Council unsupported by a single fact, and when only three or four of their number were present at the trial, or knew any thing about the testimony.

After all these preparations, the Council still seem to be very much troubled with Mr. Maffitt's own testimony, and find themselves in danger, in spite of the Mosaick rule of evidence, of being compelled to condemn him "out of his own mouth." To avoid this dilemma all the contradictions of this witness are reconciled by a mysterious allusion to church usages. "Several of the members of the Council being present" (when the questions were proposed to Mr. Maffitt in which he contradicted himself,) "*discovered at the time, that some of them were not perfectly understood by Mr. Maffitt, and that some of his answers were not understood by the gentlemen who proposed the questions as they related to church usages with which those gentlemen were not acquainted.*" Now although to the uninitiated, such as the counsel, the judge, the jury, and every body except three or four of this Methodist Council, Mr. Maffitt appears at the trial guilty of the most unequivocal contradictions in his testimony, yet all this is easily reconciled because he did not *perfectly understand* the questions, and the defendant's counsel were ignorant of the usages of the Methodist church!

It was certainly very unfair in the counsel not to give Mr. Maffitt notice whenever they attempted by their questions to make him contradict himself, because had he been aware of such design he, perhaps, might have avoided involving himself in these unpleasant contradictions. We have no doubt that in this way Mr. Maffitt did not *perfectly understand* the questions proposed to him, and we have frequently seen witnesses involved in a similar difficulty owing to the unfairness of lawyers in asking them two questions where they are compelled, in order to be consistent with some former statements, to

give answers in direct opposition to each other ! We will not vouch for the knowledge Mr. Buckingham's counsel may have of church usages, but it is evident they understood enough of cross examination to involve Mr. Maffitt in his own toils, and compel him by his own confessions to defeat his own cause ; and we apprehend that lawyers generally understand a flat contradiction in evidence quite as well as any of the clergy. Nor can we perceive what *church usages* have to do with Mr. Maffitt's declaring that all the poetry under the head of original, in his book was written by himself, and yet that he knew two hymns were stolen from old authors ; that as Mr. Jones, senior, testified, he did not offer himself as a preacher until some months after his arrival in this country, and yet that it was true he called on Mr. Crowell the morning after his arrival in New York, and offered himself as a candidate to preach, and that Mr. Crowell's refusal to admit him, distressed him very much : that he was engaged in dancing and other dissipation at the Isle of May, and yet on his passage there from Ireland, and from May to this country, he was devoutly engaged in prayer and pious meditation, and when he approached the island was lost in devout and sublime reflections, perusing Zimmerman on solitude : That he was a partner with his mother in Ireland and yet speaks in his book of my establishment, my debts, &c. and that after he failed, that is, he and his mother, he paid off his creditors so far as he could with his own property, and then drew on his mother, who as one of the firm was responsible for all the debts, for the balance : That his mother had property of her own independent of the firm, and that he drew on his own mother for his wife's portion !

That he had repeatedly requested a young lady to sing him a favourite song from Moore, and yet knew nothing about the *subject* of the song, and never had the curiosity to read the words, although the book containing them frequently lay before him on the piano, and the words were generally sung whenever the air was played. We apprehend the mystecism of "*church usages*" will avail but little in explaining these and other contradictions, and that twelve sworn men are a little more competent to decide upon them, than the three or four clergymen assisting in conducting the prosecution, and showing all the interest at least of counsel if not of parties in the issue. If Mr. Maffitt's answers were unintelligible and could be explained, why did not Mr. Hedding, one of this council who sat at the elbow of the county attorney and acted the part of his *familiar*, suggest such questions as would lead to a proper explanation ? But no, Mr. Hedding thought of no such questions, then—it is not until the Council assemble that this nice distinction is discovered.

After having thus prepared the way to deny all the testimony in the reported trial that bears hard upon Mr. Maffitt, and to avoid his own confessions, they proceed in a manner not only unchristian but grossly libellous, to attack the character of the principal witness, Rev. Alexander Jones, Jun. This must of course be done, or it was impossible even for this Council of sworn friends to excuse Mr. Maffitt. In doing this they have been guilty of an offence for which this

gentleman, were he so disposed, could arraign them before the offended justice of the country. They have accused this witness of *perjury*, not perhaps in so many technical words, but as directly as language can convey such an accusation. They say, speaking of Mr. Jones, "we can put very little confidence in any thing he says let him say it *in what form he will*," page 5 (meaning thereby that he is not to be believed when under oath in a court of justice.) Again they say, in relation to several things Mr. Jones most positively swore to, and some of which Mr. Maffitt himself did not deny, "we do not believe these statements, there is no evidence to support them, and we do not think *any man* has a right to believe them!" Are these reverend gentlemen aware that by these assertions which roundly accuse an unimpeached witness of perjury in a court of justice, (for it is in vain to attempt to explain it away by pretending they only mean that Mr. Jones was mistaken, and under this mistake swore to positive falsehoods; the law will not allow the reputation of a man to be trifled with in this way; and excuse the offenders who have attempted to ruin private character, because after the injury is done, they undertake to plaster the deadly wound they have inflicted by a hypocritical pretence of not meaning any harm,) are they aware we ask that in this matter they have been guilty of a much greater offence than Mr. Buckingham whom they so much condemn, would have been convicted of, had all his insinuations against Mr. Maffitt been found false? And yet such is the case. These ministers have in these and several other instances accused persons not merely of offences against morals not recognised by the laws, but of a *crime* for which, if their assertions are to be believed, these witnesses are exposed to a publick prosecution and a most ignominious punishment. We are extremely loth to believe the authors of the pamphlet knew what they were doing. Their ignorance of the law of libel, their mistaken notion of the right this Council had to attack the character of witnesses, and the excitement under which they acted, must have betrayed them into this outrage upon private reputation, this total disregard of what was due to the laws of the land and to themselves as christian ministers. Surely they cannot persist in this error, and while complaining of the license of the press and condemning a libeller, themselves be guilty of a libel much more gross and licentious! They have however seen fit to issue this libellous publication, and unless they recant like honest men when convicted of error, must suffer the obloquy and indignation with which the intelligent publick will not fail to regard such a proceeding by men professing the doctrines of that religion, which so far from authorizing such an attack even upon enemies, enjoins them to return good for evil and when reviled not to revile again.

In order however to give some sophistical plausibility to this attack upon the character of Mr. Jones, they gravely tell us that when he asserts any thing which Mr. Maffitt denies, they consider there is oath against oath and no evidence on the point. Even granting them this position, which every law student knows to be totally false in its application to evidence, how does their conduct as a tribunal appear?

Mr. Maffitt is arraigned before them as a person "*under report*" of having been guilty of falsehood, and this is one of the charges on which they are to try him ; but if he himself will only assert he has not been guilty of this offence, they at once admit it as an entire justification, and acquit him merely because he pleads *not guilty* to the allegation ! We apprehend were courts of justice to adopt this principle few criminals would be so foolish as to suffer themselves to be convicted. If this man had been guilty of falsehood in the first instance, if he had denied the obligations of christianity, would an oath be any thing binding on his conscience, and would he not when driven to a trial attempt to support his character by additional falsehood ? Had the council of ministers reflected on this for a moment, they would have seen there was little safety in taking as full proof of innocence the bare assertions of the very person they were arraigning on the charge that his assertions were not to be believed. And yet the simple denial of Mr. Maffitt is to this Council in all cases a full acquittal of every charge against him. Nay so far do they carry this absurdity, that in page 24, of their Report, they reconcile a positive falsehood on the part of Mr. Maffitt as sworn to by two witnesses, neither of which even this Council undertook to discredit, because although he does not deny having said to Mr. Anthony he was a methodist to the back bone, "*he has not any recollection*" of denying to the other witness that he did make the observation to Mr. Anthony !" Here the bare assertion of the man, this Council are trying for falsehood, that he *does not recollect* what a witness positively swore to, is sufficient to lead them to disbelieve that witness under oath, and to write down Mr. Maffitt innocent of the charge so clearly proved against him !

There is so manifest an absurdity in the attempt made by this Council to show that Mr. Jones is not intitled to so much credit as Mr. Maffitt because the latter was "*witness for the State*," and the former "*witness in part for his own character*," that we will not think so meanly of their understanding as to believe they themselves, gave the least credit to such ridiculous sophistry. If Mr. Maffitt's character was not called in question by the charges alleged against him, how happened it that his friends, the Council, have been so anxious to wipe off the blot made upon his reputation by the result of that trial ? It is surprising that "*the State*" for whom he was a witness, and who of course was the *party* in the cause, should not suffer by having been found guilty of the charges alleged in the supposed libel ? It is extremely unfair that all the odium should rest upon this *disinterested witness*, and not attach to his principal the State ! But it is necessary to destroy the reputation of Mr. Jones, and to effect this, no sophistry is too absurd for this Council which may possibly deceive the publick. The ground on which they pretend that Mr. Jones was a witness for his own character is, that when on oath he swore to precisely the same facts which he had before stated on several occasions ; and this which with all lawyers and with all sensible people is a confirmation of the truth of what a witness testifies, is attempted to be shaped into an impeachment of Mr. Jones'

veracity. This could not be pardoned even as the quibble of a lawyer when managing a desperate cause, but when given as the reasoning of a sage tribunal of ministers, it is a gross outrage upon common sense. Not content with this unfairness they also represent Mr. Jones as swearing to support charges "of which he himself was the author," thereby making him a slanderer and liar, without a tittle of proof to support so barefaced an accusation! Is it thus gentlemen you practically comment on the commandment which enjoins you not to bear false witness against your neighbour? Is it thus you show your abhorrence of slanderers, and inculcate the doctrines of christian charity and forbearance?

But we regret that we have condescended to allude to this ridiculous insinuation against this witness. We have done it however not to prove that while Mr. Maffitt had every inducement that man could have to misrepresent, and Mr. Jones none at all, the testimony of the former is to be received with great caution, while the latter is intitled to full credit; but we remark upon it as among other things strikingly illustrating the spirit and reasoning of the authors of the pamphlet we are condemning, and showing how they have, in every thing, daubed with untempered mortar.

It is enough for us that an intelligent jury who were sworn to decide between these two witnesses, and who by the principles of law and common sense as laid down by the judge, were bound "carefully and severely to criticise their respective merits, motives, character and credibility, as far as could be gathered from what had been testified concerning each, from what appeared on the stand, and from the nature of their respective testimony;" it is enough for us, it is enough for every candid mind, that they did so weigh these witnesses in the balance and that Mr. Maffitt was found wanting. The opinion therefore which the Council tell us they formed of the two witnesses, an opinion formed in fact by only three or four of their number who were present at the trial, is not to be trusted; and all who would rather have their liberty and reputation in the hands of a jury than at the disposal of three or four clergymen, cannot for a moment hesitate on this point. The spirit of the insinuations with which the Council commence their attacks upon Mr. Jones, is sufficient to convince every fair mind that they, least of all men, were fitted to judge of the force and weight of evidence in this trial. They are not the remarks of judges, of persons in search of truth, but the invectives of a bitter temper, the sneers of baffled and angry men. This spirit is fully betrayed in the manner in which they have coloured and misrepresented the testimony.

To illustrate this we will pursue them through the charges which they allege against Mr. Jones. This witness had stated that when Mr. Maffitt told him he had no belief in christianity, he did not understand him to mean positively he was an infidel, but that he had no conviction in his mind of the truth of christianity. On being cross questioned as to the motive that could induce Mr. Maffitt to make this declaration, he replied that he could not tell; that he thought it was to show that he was above the vulgar prejudice of belief in christianity. This he

gave merely as a reflection made at the time, not as a fact. He was questioned as to his opinion and stated what that opinion was.

Were we to adopt the mode of reasoning in which the authors of the "Report" so much delight, we might say a man could be a disbeliever in christianity and not an infidel. A deist is not an infidel, nor is a Jew who believes in the old testament an infidel, but both are disbelievers in christianity. This disbelief might consist in having no conviction of the truths of christianity, arising from never having studied its principles or felt its truth; whereas infidelity must be the result of examination and reflection, and a decided rejection of christianity as a fable. In this latter view Mr. Jones did not consider Mr. Maffitt's expression of disbelief as an avowal of settled infidelity. We might also demand of this Council that as they insist Mr. Maffitt has a right to put what construction he pleases on the term *tailor*, they will allow Mr. Jones to understand as he chooses, the term infidel. But we despise this kind of sophistry. Mr. Jones, evidently meaning to put the mildest construction he could on Mr. Maffitt's confession, did not understand him to mean he was a confirmed infidel, but that he did not believe christianity because he had not in his mind any conviction of its truth. His disbelief was avowed to show his superiority of understanding over the multitude; that never having taken the trouble to investigate the subject, he was not disposed to admit its truth on hearsay and merely from traditional belief, as is the case with a great many of mankind, and that he was above this vulgar prejudice of traditional belief. If this does not satisfy the Council they are at liberty to make the most of it. Grant them the whole, it only amounts to an inconsistency in theological terms, and not a contradiction in point of fact.

The second insinuation against this witness is, that he confessed he laughed with Mr. Maffitt "at certain religious exercises." This is a perversion of the testimony that must have been wilful, and of which we should suppose honest men would be ashamed. Mr. Jones stated he had observed to Mr. Maffitt he did not think three quarters of his converts were genuine. He assented.

Mr. Jones then mentioned some circumstances which he thought ridiculous, that had occurred when these pretended converts came to the altar, (that is, when Mr. Maffitt had called them up to the altar as was his practice) and he laughed at *these ridiculous circumstances*, not "at religious exercises." That is, Mr. Jones like most sensible people, esteemed many occurrences which happened at Mr. Maffitt's altar, ridiculous. He did not consider them religious exercises, and as there was no sincerity in the persons who had been the cause of these "ridiculous circumstances," he treated them as they deserved, with levity. Nor was he, at the time of this conversation, a clergyman. But how do these ministers excuse Mr. Maffitt? If they believe Mr. Jones when they consider he condemns himself, they must believe him when in the same statement he condemns Mr. Maffitt. He was a clergyman; he had urged these persons to come to his altar and pretended to believe that it was *an* religious exercise. How comes it that he is found ridiculing his converts for insincerity, and laughing

at circumstances, no matter how ridiculous, that occurred when he was engaged in what he pretended to consider a pious exercise of religion? But grant the gentlemen the advantage of this quibble. It does not excuse Mr. Maffitt. It only proves the sincerity of Mr. Jones in stating every circumstance that occurred in the conversations he was testifying to, even at the risk of subjecting himself to misinterpretation. Does not this look like an honest intent to tell the whole truth?

As to the third accusation brought forward by these ingenious ministers, that Mr. Maffitt could not have said he did not read the scriptures, it is sufficient that Mr. Jones declared on oath he did say so, and Mr. Maffitt did not deny it. The Council, therefore, by their own rule of evidence are bound to believe it. "WE believe" Mr. Maffitt never displayed in his preaching such learning in theology as to compel any one to infer he was particularly given to the study of the scriptures. It is a very easy matter to select a text, from Walker for instance, and then run through the parallel texts referred to in the margin of the Bible; and this is all Mr. Maffitt ever appears to have done in his discourses. The argument used by the Council that this confession was "*foolish*," because it tended to injure Mr. Maffitt, and consequently it cannot be true he made the confession, is much more convenient than sound, and seems to serve the Council, when involved in some inextricable difficulty, in the same way that the gods did the heathen poets when their hero got into some disagreeable scrape from which he could not be extricated by fair means. It only proves that this second pious Æneas, was equally *foolish* in every thing he confessed or did of an improper nature, as the "direct tendency" of it all "was to injure himself." On this ground it would be impossible to convict any one of improper conduct, because no man would be so *foolish* as to do any thing that had a tendency to injure himself; and we do not see how this Council could convict their friend of those "mournful imprudencies and indiscretions" of which even they were compelled to find him guilty: Surely he could not have been so *foolish* as to injure himself even by "imprudencies and indiscretions!" This opinion of the Council, however, completely explains the singularity of Mr. Maffitt making the confessions he did to Mr. Jones. They are "mournful evidences" of "imprudence and indiscretions," and this account of the matter, removes all the difficulty.

The next insinuation is an attempt to cast a slur on the fairness of Mr. Jones, by saying that he appeared (that is to three or four of these ministers) disposed "to wander from every thing relating to the cause, merely to make Mr. M. appear ridiculous." If Mr. M. had by his conduct rendered himself ridiculous, why should this Council who pretend to be engaged in investigating his conduct as a clergyman, complain that these improprieties in his behaviour and conversation were disclosed? Surely they are not afraid of the truth, and unwilling that the conduct of so celebrated a preacher, should in every particular, connected with his character as a minister, be fully investigated? But this is merely another attempt to discountenance

the testimony of Mr. Jones, even where if they succeeded, it could not in the least support Mr. Maffitt; and shows how hard the authors of the pamphlet were pushed for materials to make out a plausible story. Mr. Jones was particularly questioned as to instances of loose and light behaviour and conversation in Mr. Maffitt, and among other things he mentioned what Mr. Maffitt had told him of an occurrence in Connecticut. It is not very difficult to determine the probability that "a young lady of a respectable family" would conduct in the way represented by Mr. M. towards any man, much less a clergyman, without any intimation on his part that it would be agreeable. The most abandoned female would not, uninvited, be guilty of such conduct, and Mr. Jones might well say to Mr. M. at the time, that he doubted it. This is what he stated he did say, and not as this Council pretend in the present tense, "I do not believe him."

But Mr. Maffitt did not deny this story in his testimony, therefore the Council on their own ground, have no right to disbelieve that he told it to Mr. Jones. We must be permitted to believe that the counsel for the defendant, knew what matter "related to the cause" rather better than these reverend gentlemen, and as they proposed the questions in relation to Mr. M.'s loose behaviour and conversation, we do not see how Mr. Jones, under his oath, could avoid telling what he knew of this nature. If the story is to Mr. M.'s advantage, the Council ought to be obliged to the witness for relating it. For ourselves we can only say that clergymen are not in the habit of meeting with or recounting such adventures, and we hope Mr. M. is the only one who ever exposed himself to so disagreeable a temptation.

As to Mrs. Merritt's statement, there was evidently a misunderstanding. Mr. Jones previous to this conversation, had related to Mr. Crocker and Mr. Prentice, many things he knew of improper conduct and conversation in Mr. Maffitt, and could not have said "he knew nothing except from report." Mrs. Merritt was busily engaged in household affairs, and must have misapprehended or misapplied what Mr. Jones said, especially as Mrs. Turpin who was present heard no such remark. If this had been of much import at the trial, the county attorney, who conducted the cause with great ingenuity and ability, and urged objections against Mr. Jones, much more adroitly than the authors of this pamphlet, would have availed himself of it, and yet he did not allude to the circumstance. The reporters of Mr. Maffitt's trial, with their usual unfairness and disregard to facts; here state that "if they mistake not, Mr. Jones' own story shows he had previous to this conversation related by Mrs. Merritt, disclosed Mr. Maffitt's confidential communications." On the contrary Mr. Jones declared that he never revealed the only two things Mr. Maffitt ever told him in confidence, until after having been urged to a private conversation with Mr. M.—he (Mr. M.) on joining the family of Mr. J. declared with a sort of bravado, that Mr. Jones had nothing against him; upon which he, as would any man, felt at liberty to state what he knew, and did so in Mr. M.'s presence. But even admitting Mr. Jones did betray confidence, does it at all excuse Mr. Maffitt for making such improper

confidential communications ? A witness on oath is bound and compelled to disclose the most confidential secrets, and these of Mr. Maffitt were such as Mr. Jones had no property in. If Mr. M. had confessed his hypocrisy, the person to whom he intrusted such confession was bound, as a good member of society, to disclose it for the publick good. If A. enjoins secrecy on B. and then tells him he is about to burn his neighbour's house, is not B. bound to disclose such a communication however confidential ?

The sixth and last reason assigned for discrediting Mr. Jones is, that after he had stated Mr. Maffitt was in the habit of saying, God bless brother A, or sister B., and then ridiculing them as soon as absent ; he also said that when Mr. M. observed to him God bless brother Alexander, he replied, ironically, " God bless brother Maffitt." Mr. Jones declared he did so, believing that when he was absent Mr. M. would ridicule him as he had done the rest of his friends. It was therefore designed as a reproof to Mr. Maffitt, who must have inferred from the manner of Mr. Jones what was intended to be conveyed, that he, Mr. Jones, had no confidence in the sincerity of Mr. Maffitt's wish, and believed him to be trifling. In this point of view it was a proper reproof to remind Mr. M. of his former false professions. And yet on this ground the Council do not hesitate to assert, Mr. Jones is not to be believed on his oath !

This remark is extremely injudicious on the part of Mr. M.'s defenders. They believe Mr. Jones when he states he himself said ironically God bless brother Maffitt, and then make this admission of the truth of what the witness had testified, the grounds of their assertion, that he is not to be believed in any thing he says ! But if they believed Mr. Jones in this declaration they must also believe him when he says in connexion, that Mr. M. was in the practice of saying God bless brother A. &c. and then ridiculing the person when absent ! Neither did the "*witness for the State*" when under oath deny this, so that again the Council by their own estimate of evidence, are bound to believe it, there being no contradiction. Well then, Mr. M. has himself been grossly guilty of perverting " a form of prayer, and taking the name of God in vain," and consequently this Council, by their own declaration "*can put but very little confidence in any thing he says, let him say it in what form he will !*"

We have thus followed these advocates of Mr. Maffitt (for they are his counsel not his Council) through the reasons they assign for discrediting the testimony of Mr. Jones. Not because we deemed it necessary formally to refute such sophistry, it refutes itself, but to allay any prejudice which may arise against this witness, with persons unacquainted with the circumstances connected with his testimony, from the false and partial statement, which these gentlemen have condescended to make for the honourable purpose of deceiving the publick into a favourable opinion of Mr. Maffitt, even at the expense of the reputation of a fair and unimpeached witness, against whom they have nothing to produce except insinuations and trifling quibbles ; for be it remarked, in the whole of their insinuations there is nothing that directly disproves a single fact stated by Mr. Jones. They

might all be true, and yet he as a witness stand completely unimpeached. They would only affect his character as a clergyman ; and this we are sorry to say, appears to have been the deadly and deliberate aim of the authors of the pamphlet called Mr. Maffitt's trial. Such is the "*spirit*" that pervades the whole of this pamphlet ; where the desire of condemning others seems to predominate even over the ardent longing to acquit Mr. Maffitt—a spirit, which for the honour of the methodist clergy as a body of christian men, we trust is only chargeable on those who were engaged in preparing this "Report" for the press, and not attributable to the whole of the reverend gentlemen who composed the Council—a spirit that savours much of sophistry, irritation and unholy zeal, but which bears no marks of that christian temper and uprightness that becomes all men, and most of all, the disciples of Christ.

It next follows in course, to examine the manner in which this Council without any evidence before them (except what was *recollected* of the trial by three or four of their number,) have taken up the several charges proved against Mr. M. and summarily acquitted him of each, by merely saying, "we believe Mr. Maffitt *not guilty* of this charge."

But it would really take a volume rather than a pamphlet to expose all the sophistry and misrepresentation compressed into this little "Report" of some thirty pages. We shall therefore only glance at a few of these absurdities in their examination of the charges as classed by the judge.

The first is the two specifications under the charge of falsehood. The Council could not escape from this, even had they succeeded in their earnest endeavour to destroy the reputation of Mr. Jones. Whatever that witness states respecting Walker's sermons, is fully corroborated by his father, and by Mr. M. himself. Mr. Maffitt admits, because Mr. Jones, senior, had previously sworn to the same, that he had preached parts of two sermons from Walker, and that he had used in preaching the sentiments, language and *mind* of sermons from Walker. He declares in his own testimony that he had *always* stated he took only the *skeletons*, the divisions and subdivisions of Walker's sermons,* and yet in the next breath he admits he had, at the time alluded to in Mr. Jones testimony, committed and preached two pages from Walker, that he had used the principal part of one of these sermons on a charity occasion in Connecticut,† and yet that he had been thus intimate with the sermons of Walker without ever having read one of them in his life ! If this Council can devise a method by which a man may extract and use in preaching the "*skele-*

* See the deposition of Rev. George Taft, as to the manner Mr. M. made this assertion to him. "Some" of their number we are informed, having read this and several other important depositions, the Council came to the conclusion that they contained nothing "*worthy of notice.*" It is thus confidence and assertion supply the place of impartiality and reason.

† See the depositions of Jonathan Barnes and John Southmayd, which the Council passed over as "*unworthy of notice !*"

ton, divisions and subdivisions, *sentiments, language, two pages, MIND*" &c. of a sermon without ever having read such sermon, they are at liberty to acquit Mr. Maffitt of this charge. Mr. Jones, jun. did not say as represented by the "Report," that he THOUGHT "he discovered a *resemblance* between Mr. M's. and Walker's sermons, but that he "thought the sermons were the same, VERBATIM!" Is this colouring honest on the part of these Reverend gentlemen?

The mode the Council adopt to get rid of the second specification of falsehood, is still more absurd. The testimony of Mr. M. is sufficient on this point. He admits he told Mr. Jones, jun. he had never been a "journeyman tailor" (not simply "tailor.") He says too he had "always publicly avowed he worked at the trade," and yet he "determined to conceal" that fact when he went to Providence. He then admits his working at the trade in New-York for hire, and in a way that to all intents constituted a journeyman tailor. This Council will not pretend it takes seven years to make a journeyman. Working at any trade for hire constitutes a journeyman of that trade. The *tailor* therefore and the manner in which Mr. M. may understand that term, is nothing to the purpose. He admits the whole charge against him of denying he was a *journeyman* tailor and then confessing he had worked in that capacity. This was all that was alleged and this Mr. M. admits.

Now as to motives, we can judge of them from these facts, as well as the Council. A falsehood is an intent to deceive. Mr M. must have known that by his statement to the Messrs. Jones', Mr. Wood, and others, and by his evading all explanation on this subject until driven to it, he induced those persons to believe he had never in any way been connected with the business of a tailor, and such was the belief of his friends at the time.

The only way the Council can get over the second charge, of infidelity, is by accusing the judge of falsely reporting the testimony in his charge to the jury! The Council say "WE believe Mr. M. never allowed he used the words Mr. Jones says he did, viz. I have no belief in christianity." WE believe, the judge who states this confession of Mr. M. better understood the testimony than the three or four members of this Council who were present and do not pretend they took any notes at the trial. It is therefore clear Mr. Maffitt, did not contradict Mr. Jones as to the fact of what he had said. He merely puts a different and absurd construction on the meaning of those words. He should have explained them to Mr. Jones at the time. It was too late when he was called in question for the words themselves. It then belonged to the jury to interpret their meaning. But further Mr. M. declared he told Mr. Jones "he had doubts of the experimental effects of religion on the heart!!" These were his precise words, and here is a full confession of practical as well as speculative doubts and unbelief, proving not merely that "he was not a learned divine," but that his heart as well as understanding was not convinced. There needs nothing more on this point. Mr. Jones' testimony is not wanted; and it seems almost an interposition of Providence that Mr M. was thus left to convict himself

of this charge. The Council need no longer wonder he was "so great a fool" as to make this confession to Mr. Jones. That folly is forgotten when we see him confessing in a court of justice that he had made such an avowal.

The Council, yes, even the Council convicted Mr. Maffitt of the third charge, betraying confidence ! But it seems this is not an "immoral act" in him, though it might be in another person. Thus they condemn and acquit in the same breath.

If the former charges, particularly the two first, are proved as above, it clearly shows Mr. M. is not entitled to any credit wherein he denies what is stated by Mr. Jones. The charge therefore of his ridiculing his converts, can on this ground readily be believed, though denied by himself.

It is somewhat singular that christian ministers should consider "light, loose and lascivious behaviour" more detrimental to the character of a clergyman, than falsehood, infidelity and hypocrisy. We do hope that either of them would be enough to exclude a man from the methodist connexion, and we can but admire at the Council in laying so much stress on this charge. Much more was made of it at the trial than was warranted by a fair inference from the supposed libellous article. The substance of the charge of this nature was proved. The jury inferred it from facts before them, and from the general character and conduct of Mr. Maffitt.

The circumstance of Mr. Jones, being "*permitted*" as these gentlemen sneeringly term it, to allude to the song, arose from the cross questioning of the prosecution, in which much greater latitude is allowed than in the examination in chief.

Mr. Jones was asked what grounds he had for suspicions of Mr. M. and whether any one had *complained* to him of his conduct ? To which he replied that one of his sisters had so complained to him respecting the song. This was not hearsay evidence, as the Council learnedly affect to call it ; but the reason given for the formation of an opinion, which opinion the witness has previously stated. Such testimony is of every day practice in courts of justice, and is not accounted hearsay evidence, howbeit this Ecclesiastical Council may have adopted a different course.* The Council unable to conceal their exultation at finding one charge not literally proved, put in italicks, "of this Mr. Maffitt *is not guilty!*" They here refer to the statement of Miss Jones, but take care not to allude to that of Mrs. Chace.

We are at a loss for the grounds on which the Council convicted Mr. Maffitt of "mournful evidences of want of judgment and prudence," in these matters. They fully acquit him of every charge except one, which they say has nothing immoral in it, and yet he is partially condemned and "seriously admonished to take heed!"

*Look at Mrs. Turpin's deposition. She was *permitted* to swear to what Mrs. King, had *told* her, she (Mrs. King) had *said* to Mr. Prentice. And this is not hearsay evidence ? An admirable commentary on the doctrine so boastfully laid down by the Council!

This is manifest injustice in his judges, and as they do not show any of these "mournful evidences," they are guilty of great indecorum and severity in condemning a man without producing the least proof to authorize such a condemnation!

Mr. Maffitt is now triumphantly acquitted of every charge, and we should suppose the Council would of course suffer the prisoner to go without day and dissolve the Court. But not so. They seem to be aware that though convinced themselves, the "*clamorous publick*" may not credit their decision; and they adjourn to Providence to examine the depositions taken to be used in the trial at Boston. Here they find a deficiency in four of the Court which is supplied by *tales men* who hear half of the cause and decide upon the whole matter at issue.

Their proceedings here, and their wanton attacks upon private character by means of witnesses under the sanction of an illegal and nugatory oath, are marked by unfairness and daring, unequalled in any similar transaction.

After some discussion, it was voted that the witnesses should swear to their statements, because, as was urged in the argument, the stories about the SEA SERPENT and such matters, gained more credit with the publick for being told under oath. For this purpose William H. Smith, Esq. was called in, a gentleman warmly attached to Mr. Maffitt, and who had written in his favour even while the trial was pending at Boston. In consenting, under such circumstances, to take depositions, he incurred the risk of compromising his character for impartiality, and his dignity as a magistrate. He ought to have considered there was great danger in his situation, of warping the testimony of the witnesses, and the rather conducted as did two of his brother magistrates, who declined taking the depositions in Mr. Buckingham's trial, on the ground that they had freely expressed their opinion against Mr. Maffitt.

Nor had he any authority, as a magistrate, to put these persons under oath in a trifling matter, when no cause was pending in a court of justice, and the depositions were neither taken *de bene esse* nor in perpetual memory; the only way depositions can properly be taken when no cause is pending for trial.

The law does not expressly prohibit, but it clearly discountenances such a proceeding; and these oaths were completely nugatory and without any sanction, for the witnesses might have sworn as falsely as possible, and yet they could not be punished for perjury. The doctrine of law as laid down in Blackstone's Comm. vol. 4, p. 137, is explicit on this point. "The law takes no notice of any perjury but such as is committed in some court of justice having power to administer an oath; or before some magistrate or proper officer invested with a similar authority, in some proceedings relative to a civil suit or a criminal prosecution; for it esteems all other oaths unnecessary at least, and therefore will not punish the breach of them. For this reason it is much to be questioned how far *any magistrate is justifiable in taking a voluntary affidavit in any extra-judicial matter*, as is now too frequent upon every petty occasion; since it is

more than possible that by such idle oaths a man may frequently *in foro conscientiae* incur the guilt, and at the same time evade the temporal penalties of perjury."

For this plain reason, we have not forced a nugatory oath upon the persons whose statements are hereinafter published. They are under the same moral and legal obligations to tell the truth as were those sworn by justice Smith. Their characters are a sufficient pledge to the publick, and they are ready when properly called upon, to support what they have stated under a legal obligation.

The certificate of justice Smith looks more like the statement of a deponent than of a magistrate. He calls depositions taken to be used in a case, regularly pending in a court of justice, (where all the requisites of notice enjoined by law were literally complied with,) "certain *EX PARTE* depositions published to the world *against the character* of the Rev. John N. Maffit." Does he not know that depositions taken after regular notice, are not *ex parte*, whether the party chooses to be present or not? Now whether these depositions could be used or not in the trial, a point that was to be argued before the court, does not affect the question as to their *ex parte* character. The only thing to determine is, whether legal notice was given of the taking of such depositions. Neither does the pretence of these depositions being given "voluntary" affect their nature. The witnesses were not strictly compelled by law so to depose, but they were bound as good citizens and by the common usages in all cases of depositions taken out of the State, in whose Courts the cause is to be tried, to state what they knew relative to the matter at issue. Nor was it for these deponents to decide whether their depositions would be used at the trial. Were matters of testimony governed by the principles laid down by the Council and their Justice, and no witnesses residing out of the State, allowed to testify in any of its courts, justice would always be defeated whenever the trial was in one State and the witnesses resided in another. It comes rather awkwardly from this council, all of whose witnesses, both at the trial in Boston and before themselves, were right voluntary, to set up this pretence about "*voluntary and swift witnesses.*"

But neither the authors of the Council's "*Report,*" nor their Justice, seem to know any thing about the legal definition of terms. Thus after sneering at the Rev. Mr. Crocker for having, as they call it, "*volunteered* to make oath in the *absence of the party implicated,*" they turn round (when driven into a corner by the certificate of Justice Aplin, that John N. Maffit was duly notified of the taking of the depositions, but was not present,) and ask, with great simplicity "what if he were not present, *he was not a party in that cause!*" That is, according to their law logick, *the witnesses against Mr. Maffitt,* were the "*party implicated*" and the "*State*" the "*party in that cause!*" It is, therefore, very plain that no deposition or testimony taken in any possible way against Mr. M., could have been agreeable to these gentlemen.

After they convened in Providence, some of their number were at the pains of sounding the opinions of the witnesses they proposed

examining, previous to such examination. The statements of Mrs. Wood and Mrs. Chase, will shew the course that was pursued to induce them to appear before the Council. We are astonished they admitted the statement of Mrs. Chace in their "Report," as they might have excluded it in the same way they did those of Rev. Mr. Wilson and Mr. Prentice; and this statement is the only one in the least against Mr. Maffit, they have permitted the publick to see. We presume, however, this was done because it offered an opportunity for an appearance of fairness, and they relied on the testimony of Miss Jones as a complete *set off*. The parade the Council make about the Rev. Mr. Crocker not appearing at their bidding, is another attempt to throw dust into the eyes of the publick. In the first place, that gentleman was under no obligation to obey their summons, and was himself the only proper judge of the course he should take—though there is no doubt he would have attended, had he been assured their object was a candid investigation. But he was aware that he had already been misrepresented by some of the members of this Council, and prudence and respect to himself demanded, that he should not again put himself in their power. He, however, called on Mr. Hedding for the purpose of explanation, and the statement of Mrs. Wood on this point, will clearly show "his correctness of judgment" and discernment, in declining any further communication with that gentleman. Mr. Crocker also, with perfect fairness, offered to answer any questions in writing which they might propose to him. This was precisely the course he pursued in giving his deposition to be used in the trial at Boston. The persons who took that deposition called upon him. The questions had been previously proposed to him in writing and answered in writing, and were taken down by Justice Aplin from that paper in Mr. C's presence, he having first been sworn as the law directs. Mr. Crocker, therefore, offered the same facilities to the Council that he had given to the other party, and this *Mr. Hedding himself knew*, and yet he allowed the insinuation against Mr. C's fairness and impartiality to be inserted in the pamphlet published by the Committee of the Council!

Besides had Mr. C. given his statement to the Council, it must have been in "*the absence of the party implicated*," a thing highly improper in the estimation of those gentlemen, and of course more so than in the former case, when the party had been notified to appear. Truth, however, will out, and a gentleman high in the confidence of the Council, and who assisted in examining their witnesses, declared that the Council would not have urged Mr. Crocker's attendance had they not been assured, he would decline! Had this Council been really desirous of procuring the statement of Mr. Crocker, it might have been done with perfect convenience in the way proposed. Their declining it shows they were glad to avail themselves of a plausible pretext to get rid of examining him, lest they might be compelled to exclude his testimony as they did the Rev. Mr. Wilson's. The course they pursued with Mr. Prentice shows what was in reserve for Mr. C. Mr. Prentice was informed a witness was about to depose against him. He accordingly waited on the Council

and made a statement to contradict that witness, and offered other proofs. The contradicted statement of that witness, containing several charges against Mr. P. which he had disproved and declared to be incorrect, was published and no allusion made to the counter statement of Mr. P. and the other proofs offered by him. Such would no doubt have been the treatment of Mr. C had he complied with their invitation, and in declining to put himself in their power he acted with a prudence which several of the witnesses who obeyed the summons of the Council, now regret they had not imitated.

The Council thus happily rid of Mr. C. proceeded to call their "voluntary" witnesses, all of whom, except Mrs. Chase, they knew to be favourable to Mr. Maffitt. Previous to this, or during the examination, two honourable judges (one of whom "was standing on his feet" while the other sat down from fatigue) were "permitted" to appear as counsel for Mr. Maffitt.* The gentleman who sat down, was some hours in his speech, and used the greatest latitude in abusing the trial in Boston, judge, jury, and especially the principal witness against Mr. M. So gross did this appear, that a gentleman present observed to one of the Council, he thought it extremely improper and unfair that they should suffer a person who was absent, and had no one to defend him present, to be so treated in their presence. To this remonstrance no heed was given.

The advocate of Mr. Maffitt was not only allowed to revile the witnesses in the trial, but without contradiction, or any counsel to oppose him, was suffered to misrepresent Judge Quincy's charge to the jury in the grossest manner. He represented the substance of that charge to be, that if a person were accused in a libel of five specifications, *three* of a serious and weighty nature, and *two* trifling; the jury, might acquit the libeller, if they believed the two *light charges* proved, without a tittle of evidence to support the two serious and weighty accusations! Several persons present, perfectly recollect the peculiar expression of exultation that sat upon the countenances of several of the Council during this speech, whenever the principles laid down by Judge Quincy were denied to be law, and the witnesses against Mr. M. accused of falsehood. The words of this orator sank deep into the hearts of the Council, and they spontaneously requested a copy thereof for their "Report." This, the speaker prudently declined; alleging, after all, it was only matter of opinion and *no evidence*. Nevertheless some of the Council proceeded to take a vote, whether the speech should not be furnished for the press, and were only deterred by one of their number, observing, that it was disagreeable to the gentlemen, and ought not to be urged.

Such is a specimen of the fair and impartial conduct of these clergymen, who formed a tribunal "*well and truly to try*" the character of "Mr. John N. Maffitt!"

From such strange judges O! ye men of power,
Preserve the State!

*The counsel were "on the prisoner's side" of course. Who appeared for the "prosecution?" who was the "accuser?"

The preceding facts are all susceptible of ample proof, if required. Many others of a still more serious nature may be found in the statements that follow. If these do not convince, it were in vain to bring "confirmation strong as proof of holy writ."

The first statements we meet with in the "Report" of the Council, are connected with the song. We therefore have thought proper to publish Mrs. Chace's deposition, given to be used at the trial in Boston, and which has not been published.

I, HARRIET F. CHACE, of Providence, in the county of Providence, state of Rhode Island, of lawful age and engaged according to law, testify and say, that one evening at my father's house, I heard Mr. Maffitt request a sister of mine, to play and sing a song from Moore, commencing "Come rest in this bosom my own stricken deer;" when she was playing the symphony, he told her, that while she was singing the song, she must look in his face, which she positively and very properly refused to do; she however sung a part of the song, and while doing it, he leaned over the piano, and attempted to look in her face; she turned her head entirely away from him; my impression is, that she did not finish the song on account of his conduct. Her conduct on the occasion was perfectly proper and becoming. These circumstances made such an impression on my mind at the time, that I recollect them perfectly, and mentioned to my husband the particulars the same evening, he not being present at my father's at the time. I have heard Mr. Maffitt frequently ask my sister to sing the same song.

Signed,

HARRIET F. CHACE.

I certify the above is correct.

JOSEPH H. PIERCE,

Clerk of Municipal Court, Boston.

Here follows a statement of Mrs. Chace, which shows the unfairness of the Council generally, and particularly in their mode of examining her, and their attempt to give a colouring to her statement before them, different from the obvious meaning of the deposition above.

I, HARRIET F. CHACE, do solemnly testify, that previous to the assembling of the Council of ministers in this town, Mr. Hedding, one of the Council, requested me to attend one of their sittings. This I at first declined doing, but on his assurance that they were in search of the truth, whatever it might be, and that they wished to question

me respecting the deposition I had given to be used in the trial at Boston, I concluded to go. Previous to my doing this, Mr. Hedding endeavoured to explain many things in Mr. Maffitt's favour. I inquired of him if he wished to have my brother Alexander Jones jun. present ; he replied no, that they had got through with him, and were only acting upon the depositions. The impression made on my mind by Mr. Hedding's conversation, was clearly that the Council did not intend to implicate the veracity of my brother. Had I thought so, I should not have attended. My object in going was to confirm what my brother had said in relation to the song. While the Council was examining me, I was sensible that the course of their questions was designed to make it appear from my answers, that I was favourable to Mr. Maffitt. My impression was decidedly, that the questions proposed to myself and some other witnesses, were designed to produce answers favourable to Mr. Maffitt. Some statements I made to the Council, are omitted in what they have published.*

I said, that at the time Mr. Maffitt attempted to look in my sister's face, she turned her face entirely from him, and that my impression at the time was, that she did not finish singing the song on account of Mr. M.'s conduct. I also stated to them that the conduct of Mr. Maffitt in relation to the song, though it struck me unpleasantly, did not *at that time* prevent my hearing him preach or pray. The words at that time were omitted by the Council. For these and other reasons, I have no hesitation in saying, I consider the conduct of the Council as unfair and *ex parte*, and I regret that I complied with their request to appear before them.

Signed,

HARRIET F. CHACE.

Mrs. Wood testifies to the same point.

I, ELIZA R. WOOD, of Providence, solemnly declare, that in my testimony given before the Ecclesiastical Council, assembled in this town, on account of Mr. Maffitt, it was not my intention in the least degree to invalidate the testimony of my brother Alexander Jones ; on the contrary I have the utmost confidence in his veracity, and although I did not see the improprieties in Mr. Maffitt's conduct mentioned by him, yet they all might have happened as my brother has stated without my knowledge. I further state, that several of the Council, to induce me to appear before them, and give my testimony relative to Mr. Maffitt, gave me to understand, that it was not their intention in the least to implicate the veracity of my brother Alexander, and I firmly believed they had no such design. The Council during my examination, and the examination of some other

* Mrs. Wood also states that in her declaration, as published by the Council, several words are left out, which in her intention, and to the knowledge of one or two of the Council, had considerable meaning in relation to Mr. M.'s conduct *at her house*.

of the witnesses, did not appear to conduct with impartiality, and Mr. Smith, who took the depositions, declined at my request to let me have the one I had given, stating that it was sent to Boston; I wishing on reflection to have it suppressed. For these and other reasons I have no hesitation in saying that I consider the conduct of the Council as unfair and *ex parte*, and I regret that I complied with their request in appearing before them.

Signed,

ELIZA R. WOOD.

The statement of Miss Jane Jones, is merely a *negative testimony* to that of her brother and sister. She says she did not hear and does not recollect, what they positively testified to. It should be recollected that the *positive testimony* of a witness, that he *did* see or hear a thing, is more weighty than the negative testimony of another person that he *did not* see or hear it. Miss J. Jones, in her deposition to be used in the trial at Boston, says she "*does not remember*" what Mrs. Chace deposed to. We presume it was not her intention explicitly to contradict her sister before the Council. The manner of the questions proposed by them, and her embarrassment at the time, we are satisfied, must have given this colouring to her statement before the Council, so different from the deposition she had previously given on the same point.

Miss J. Jones, says in her statement published by the Council, that Mr. M. "*endeavoured*" to look in her face while singing. If he *endeavoured* to do this, she must in some way have opposed it, or it would have been done without *an endeavour*. If she did oppose that endeavour, was it not from some idea that it was improper conduct in Mr. Maffitt?

The following statements will show the general impropriety of Mr. Maffitt's conduct while at Mr. Alexander Jones' house; and also that Miss J. Jones had disclosed to another person a circumstance of precisely the same nature with what is testified by Mrs. Chace and Mr. Jones, jun. and which occurred at another.

I, ANN N. JONES, solemnly declare that I was residing in the family of my father-in-law Alexander Jones, during the time Mr. Maffitt visited there, and that I repeatedly witnessed in his conduct impro-

prieties unbecoming a gentleman and a christian. On the occasion alluded to by Mr. Alexander Jones, sen. in his testimony in Boston, there was an *inquiry meeting* at his house, and after it had been conducted for sometime, Mr. Maffitt came up stairs into the room where myself, Caroline F. Shaw, and Jane S. Jones, were sitting, and asked for a glass of wine ; I do not recollect that he complained of being unwell, or appeared so in the least. He said he had left Mr. White, praying below, and after he had laughed and talked with us for a short time, he went twice to the door to listen if he was still praying, and returned both times saying that *he was praying like a good fellow*, adding the last time, *no matter, it would take up the time and save him the trouble*. This fact is recollected by those who witnessed it, and can be confirmed by them.

On another occasion, which Miss Jane S. Jones recollects and can confirm, she told me that Mr. Maffitt, at Mrs. Wood's, had attempted to look in her face while playing and singing the song of Moore's, "Come rest in this bosom, &c." that she put on her bonnet to prevent him, and that he then went behind her and looked into the glass which hung over the piano, to see her face ; and that she then rose from the piano and would not play for him. She told me that she thought she should not play it for him again. She also told me, I do not recollect the exact words, but to this amount, that she thought it was not right, or was improper for him to behave so.

I also certify that I heard Mr. M. say what has been testified he said respecting Mrs. King, and also speak slightly of the Methodists, and very disrespectfully of the Rev. Mr. Wilson and his family.

His manners appeared to me always trifling and vain, but more particularly so when the heads of the family were not present, and I do not recollect of ever hearing him introduce or converse upon the subject of religion, excepting it was to tell of the number of his converts and the large congregations he had to hear him.

Signed,

ANN S. JONES.

I, CAROLINE F. SHAW, daughter of Alexander Jones, of Providence, solemnly declare, that during Mr. Maffit's visits at my father's I noticed in his behaviour many things highly derogatory to the character of a gentleman and clergyman. The obvious impropriety of his conduct in many instances, struck me at the time ; but being influenced by the extraordinary popular excitement in his favour, and thinking him to be a man of piety and integrity, I was disposed to make every allowance for his improprieties, and to attribute them to his want of consideration and to his natural levity of manners ; although I was always dissatisfied with his conduct in that respect. On reflection I am satisfied, that his conduct was inconsistent with his publick profession, and with the character of a well bred gentleman. My father and mother were generally engaged in their several avocations, and comparatively saw Mr. Maffit but little, and he was ever more trifling and *unbecoming* in his manners when with the younger part of the family, than when my parents were present.

I have also repeatedly heard Mr. Maffitt call Mr. Wilson and family vulgar, and speak slightly of them.

Signed,

CAROLINE F. SHAW.

Miss Francis Jones, another daughter of Alexander Jones, corroborates the above statement of Mrs. Shaw; the same facts having come under her observation.

I, JOSEPH JONES, of Providence, hereby certify, that I have been acquainted with Mr. J. N. Maffitt since his first visit to this town; have been frequently in his company, both at my father's house and elsewhere, and have consequently had many opportunities of observing his manners and general appearance. When I first met him I thought him a cheerful, pleasant man, although I was not an admirer of his preaching. On further intercourse with him, I formed the opinion which has never been changed, that his manners and conversation were extremely light and frivolous, and devoid of the serious deportment expected in a minister of the gospel. I further state, that during his visits at my father's house, my parents through the necessary attention required by their usual avocations, had not so many and so good opportunities of knowing his lightness of manners as myself, brother and sisters; indeed, he appeared much more circumspect in their presence than in ours.

Signed,

JOSEPH JONES.

We come now to a part of the proceedings of this Council, perhaps the most extraordinary in the whole affair. They attempt to *discredit* one part of Rev. Mr. Crocker's testimony, and to *disprove* another.

It is with regret we take up this part of the proceedings of the Council. It is marked with traits so unbecoming the character of peace-makers, of ministers of the gospel, that for the honour of the profession, we would gladly pass over it in silence. Were only the personal character of the Rev. Mr. Crocker, which they have so wantonly attacked, concerned, we should do so. That does not demand a defence; he has lived too long and too well to require a formal vindication against such aspersions. But the publick good is involved, and it is required at our hands that we should expose the unfair means resorted to by a Council of *ministers*, for the purpose of injuring the reputation of an unoffending individual, the weight of whose character and the "sanctity of whose title" they so fearfully dread, when thrown into the scale against the man they

are so anxious to free from reproach, no matter at whose expense.

The means to which the *Reporting Committee* (for we will not believe the whole Council sanctioned this low abuse) resort, to injure the feelings and slur the reputation of Mr. C., are not only contemptible in themselves, but most degrading to persons who pretend to the character of gentlemen. No opportunity is lost of referring to Mr. C. in the most insulting and contemptuous manner. He is called a "*swift and voluntary witness*," and, in connexion with two other clergymen of the Episcopal Church, is *sneered* at for wearing "*clerical robes*," a practice common to all the clergy of this order. Not content with this, he is abused in a style hardly sufficiently dignified for the columns of a partisan newspaper, for being under the influence of the "*COMMITTEE OF FIVE*," and then a mantle of mock charity is thrown over his pretended faults in a taunting and "*IRONICAL*" manner.

It is thus these christian ministers "*PERVERT*" the use of this sweetest and best of all the christian virtues, and make it the vehicle of sarcasm and abuse. Such a contempt of moral obligation, such a mockery of divine charity we hope never again to see exhibited, by the professed disciples of him who has so strikingly enjoined upon his followers the constant exercise of this heavenly virtue.

As it regards the kissing the hand; (which rendered Mr. C. so obnoxious to the abuse of these ministers, that they seem to delight in slandering him for the pleasure of kindly extending their "*mantle of christian charity*" over his faults;) it is enough that Mr. C. testifies most unequivocally, that he saw Mr. Maffitt kiss his hand to some ladies in the Methodist chapel, and the weak attempt made to discredit this, by the testimony of two or three persons, *who did not see it*, is not worth notice. Mrs. Russell swears too much for the Council; she saw "*no air of the kind*;" and the only way the Council explain it, is, by *the habit* Mr. Maffitt had of putting his hand to his mouth. Mrs. Rus-

sell did not see even this. She, therefore, did not see any thing. Mrs. Smith is quite too "CONFIDENT" of her powers of observation to produce conviction. A plain tale does not demand such round assertions of its truth. We shall presently show this lady was so situated that with all her "CONFIDENCE" and *particular interest in the health of Mr. M.* she could not, had she even been so disposed, have seen this motion of her favourite preacher.

If there is *really* any doubt on this matter of kissing the hand, the following statements must be conclusive.

I was sitting in the same gallery with the Rev. Mr. Crocker, one evening last summer, at the Methodist meetinghouse in this town; when Mr. Maffitt came up the broad aisle, during prayer, and entered a pew in which Judge Martin was; and I solemnly testify I saw him (Mr. Maffitt) *kiss his hand to some person or persons.* I had frequently observed the habit Mr. M. had of putting his hand to his mouth, and remarked the kissing his hand at this time as entirely different from that habit. I think I could not have mistaken the one for the other.

I was further down the gallery, and nearer Mr. M. than was Mr. Crocker.

Signed,

NANCY FLETCHER.

I was sitting in the same pew with Judge Martin and Mr. Maffitt, in the Methodist chapel, on the same evening to which I suppose Mr. Crocker alludes in his deposition; and I solemnly testify, that during prayer, I saw Mr. Maffitt *kiss his hand to some person or persons,* while he was in the pew; to whom I cannot certainly testify. I had frequently seen Mr. M. put his hand to his mouth as was his habit, and I am satisfied I could not mistake the movement I then saw for that habit. It was entirely different. I think Mr. Maffitt's back was so turned toward Mrs. Smith, whom I recollect seeing, that it was hardly possible for her to have observed the motion of his hand.

Signed,

ELEANOR FLETCHER.

One evening last summer, I attended a meeting at the Methodist Chapel, and while some person was praying at the altar, Mr. Maffitt came almost half way up the broad aisle and entered a pew, in which *I distinctly saw him kiss his hand to some person.* I was sitting directly opposite to Mr. Maffitt, in the same gallery with Mr. Crocker.

RACHEL ALLEN.

If the Council still pretend to doubt, we can only say, that if they will grant us *legal process,* we can summon several other persons, and one of their own denomi-

nation, who would testify to the same, and similar occurrences.

But we have produced *more* than their own *quota* of witnesses, to this point, and the Council are now constrained to admit that Mr. M. was "*guilty of this indecent transaction*" precisely under all the circumstances, as testified by Mr. Crocker. That notwithstanding their exact admeasurement of the meeting-house, and the parade of their three witnesses, who, like, probably, many hundred other persons present, *did not happen to see* this transaction, Mr. M. was "*guilty of an act indecent any where, and in the house of God ABOMINABLE!*" that "the correctness of the judgment" of Mr. Crocker, and "the perfection of his prudence" in this affair, remains unaffected, and that Mr. Maffitt, in spite of the "CONFIDENCE" of Mrs. Smith to the contrary, is really *exhibited to the world in* (what she pleases to term) *an extremely odious and ridiculous light.*" We hope this conduct in Mr. Maffitt will not loose any of its ENORMITY in the estimation of the Council, since it is *so clearly proved.*

The Council not satisfied with having, as they congratulate themselves, discredited the testimony respecting the kissing the hand, go entirely out of the record, and take up a part of the Rev. Mr. Crocker's deposition, which has no relation whatever to Mr. Maffitt, and with which they, as a tribunal sitting upon the character of John N. Maffit, had nothing to do. The reason of Mr. Crocker's giving the statement he did, in contradiction to the report that he had told Messrs. Hedding, Merritt and Motley, that he considered Mr. Maffitt a good man and a christian, will fully appear in the certificate of Justice Aplin, which follows:

I certify that when I called on the Rev. Mr. Crocker, to take his deposition to be used in the trial of the Commonwealth of Massachusetts, against Joseph T. Buckingham, it was mentioned to Mr. Crocker, by the Attorney of Mr. Buckingham, that it was reported Messrs. Hedding and Merritt had said that in the conversation they had with Mr. C. he had told them he considered Mr. Maffitt a good man and a christian. Mr. C. replied it was not true that he had so said to those gentlemen. He was then requested so to state in his

deposition, with the understanding that this part of the deposition was only to be used in case Messrs. Hedding and Merritt should at the trial, attempt to discredit the deposition given by Mr. Crocker, by stating that Mr. C. had told them, he considered Mr. Maffitt a good man, and a christian. I further certify, that the arrangement made between Mr. B's. attorney and the deponents before me in said trial, arose from the reluctance of those deponents to state all they knew *against* Mr. Maffitt, and that said attorney, in order to get any testimony from the deponents, was compelled to comply with this arrangement, as most of them refused to give their testimony in any other way. Said attorney having no compulsory process against the deponents, complied with this arrangement. His wish evidently was, and he so stated it, to have the deponents state all they knew, whether for or against Mr. Maffitt.

WILLIAM APLIN, Justice of the Peace.

Is it not a little singular that Messrs. Hedding and Merritt, who were the *parties* in this disagreement between their own assertions and the testimony of Mr. Crocker, and whose characters this investigation was designed to clear up, should *themselves* sit as JUDGES in their own cause ; first, acting as witnesses for themselves and then performing the office of *impartial judges*, to decide upon a matter affecting nobody but themselves ! But such is the adroitness of this Council, that they perform the character of judges, jury, witnesses and parties in the same cause, with admirable facility ! However Mr. C. may regret the loss of " influence " or reputation, which Mr. Hedding may have sustained, we shall show, in a much more striking light than the nature of the case would allow any person to expect, that he is not in the least chargeable with it. Mr. C. for the purpose stated by Justice Aplin, contradicts in his deposition the truth of a report which this Committee were said to have made of his conversation with them respecting Mr. Maffitt. If they had made *no such report*, then the statement of Mr. C. to this point, does not at all effect the gentlemen. If they had made such a report, and then persisted in it on Mr. C's contradicting the same, how was Mr. C. to disprove it ? They were three to one, and Mr. Crocker had no witnesses of the conversation. But "*out of thine own mouth will I judge thee.*"

After examining the statements of Messrs. Merritt, Hedding and Motley, we were surprised at the following query from the Council, which was undoubtedly intended to be very significant. "How could Mr. M. be a *good man*, and a *perfidious man* at the same time!" Is this the honest inquiry of men who understand not the language they speak, or is it a contemptible artifice to impose upon careless readers? Who, we ask, has said that Mr. M. *was* a good man! Surely not Mr. C. for his deposition denies it. Has Mr. Merritt sworn, that he said so to him? No! only that *he hoped he was!* Has Mr. Hedding sworn that *he* ever heard Mr. C. say this? Not at all. With all his "agitation" and concern for his reputation in Boston, (as will appear by the statement of Mrs. Wood) the utmost verge of his adventuring is, he *could not help* HOPING Mr. M. was a good man! Neither does Mr. Motley venture to assert that Mr. Crocker said he considered Mr. M. a "good man and a christian," only that he *hoped he was a good man at heart*, and that he *believed he was an honest man at heart!* Now all these three witnesses undertake to give the *precise words* used by Mr. Crocker; consequently Mr. Motley's statement is denied by those of Messrs. Merritt and Hedding; they cannot stand together, and as there is two to one, Mr. Motley is out of the question. But even admitting all these three gentlemen have testified to, it does not conflict with the testimony of Mr. C. nor authorize this insidious query. Finally, does Mr. Fillmore affirm that he heard Mr. C. *allow* he told the gentlemen Mr. Maffitt *was* a christian? No! only that Mr. C. *allowed* he had said he could not but HOPE Mr. Maffitt was a christian. Who then, after all this parade on the part of the Council, has ventured to contradict Mr. C's testimony? NOT ONE. It must be unnecessary to inform our readers that there is a mighty difference between saying that we consider a person to be a good man and a christian, and merely saying *we charitably hope* he is, *he possibly may be.* There is no doubt the gentlemen intended by their *query*, after finding their depositions had failed them, to leave an

impression on the publick mind that Mr. C. had sworn falsely. Such is the candour and honesty of men under the "sanctity of the title" of ministers of the gospel!

Although we are surprised the Rev. Mr. Merritt should (by neglecting to state what Mr. Crocker distinctly told him respecting Mr. Maffitt's kissing his hand to some ladies in meeting, and by merely telling one half of what he heard, viz. the "bowing,") attempt to insinuate that Mr. Crocker had told a different story from the one afterwards deposed to; yet we acquit him of any improper motives in his testimony. We account for the partial and defective statement he has made of the conversation with Mr. Crocker, by supposing that the agreeable surprise he enjoyed in the mild reception he met with from a person he expected to find severe against Mr. Maffitt, so engrossed his thoughts, that he interpreted this christian charity and politeness into an approbation of Mr. M.'s conduct, and did not attend to the *hard facts* related by Mr. C. nor recollect the only *hard word* he used, viz. his "indiscretions and SINS." This appears, from what Mr. Merritt says he remarked on leaving Mr. Crocker; he was delighted with his "CANDOUR" toward Mr. Maffitt, which candour he interpreted into a favourable opinion!

With regard to the other gentleman, Mr. Hedding, we do not feel under the least obligations to "extenuate ought." The statement of Mrs. Wood, (who most fortunately for Mr. Crocker, was present at the conversation between him and Mr. H. at her house, and who on every account, and from the circumstances connected with this affair, cannot fail to produce conviction in every candid mind) is explicit as to the conduct of that gentleman. The publick, from this, will be able to form a correct opinion of the merits of the controversy between this man, and the person he has so unadvisedly, taken it upon himself, to accuse of inconsistency and falsehood.

I, ELIZA R. WOOD certify, that during the sitting of the Council of Methodist ministers in this town, assembled on account of Mr.

Maffitt ; Rev. N. B. Crocker, called at my house, Rev. Messrs. Hedding and Fillmore being present, and I solemnly testify that the following conversation and circumstances occurred at that time. Mr. Crocker observed to Mr. Hedding, that whether he complied with the request of the Council to appear before them, would in some measure, depend upon the result of the conversation he wished to have with him. Mr. Crocker then inquired of Mr. Hedding ; did you at *any time* after I saw you at my house say to *any one* that I had told you *nothing against Mr. Maffitt*, and that I considered him a *good man or a christian* ? Mr. Hedding paused a little and said, no, *I did not say that*. Mr. Crocker then observed I do not see where we are at issue.* Mr. Hedding then proceeded to say in substance, that he had understood Mr. Crocker to say, that though an indiscreet or an imprudent man, he could not help hoping that Mr. Maffitt might be a good man. Upon which Mr. Crocker said ; you will remember Mr. Hedding, that I gave you to understand, Mr. M. was *ungrateful*, in as much as while he was enjoying the hospitality of Mr. Jones, he was speaking lightly of him to Mr. Wilson and others ; *perfidious* in betraying confidence reposed in him, when he had pledged his honour not to do so ; and false, or a false man, in representing himself as the noble defender of Mr. Jones' family when he himself had been the assailant. But, said Mr. Hedding, you did not use these hard words. No, replied Mr. C. but I told you the *facts* which proved him to be *such*, and you remember I told you at the time, *I believed them*. Yes, said Mr. Hedding, and *it was very natural you should*.

After Mr. C. left the house, Mr. Hedding turned to me and said, Mrs. Wood did you not understand Mr. Crocker to *admit* that he had told us Mr. Maffitt *was a good man and a christian* ? I answered no ! Mr. H., not that he had allowed he *was*, but that he had said, it did not become him to say *he was not*. I told him that Mr. C's language was very much qualified, and expressed my surprise that he should have so misunderstood him. After this difference of opinion between us, Mr. Hedding got up and walked the room with some apparent *agitation*, and said, in a manner I thought *sarcastick*, if Mr. C. comes to the Council to day, I shall say to him, well Mr. C you have been a very *indiscreet*, or a very imprudent man, but *I hope* you a good man and a christian ! I remonstrated, and said to him I thought it very ungenerous to urge Mr. C. against his wishes, to attend the Council, and then hurt his feelings in that way. If you do, I shall have nothing more to do with the Council. Well, said Mr. H., the business *must*, or shall, be settled in *some way*. Mr. C's deposition is injuring my influence or character in Boston. I am called (or it is making me) a liar there.

* It will here be recollected that this conversation took place before Mr. Hedding had given his statement as published in the pamphlet, and that Mr. Crocker alluded to the report that Messrs Hedding and Merritt had said that in Mr. C's conversation with them, he had told them he considered Mr. Maffitt, a good man and a christian. This Mr. Hedding denied. Of course there was then no contradiction between Mr. Hedding and what Mr C. had sworn to in his deposition.

Mr. Fillmore then said, that Mr. C. *had allowed* he told the gentlemen, he considered Mr. Maffitt a good man and a christian. I remonstrated with *him* also, and said in substance, no! Mr. Fillmore—he did not allow that. You will not admit the *qualifying terms* used by Mr. C. He qualified his expression very much. I told him Mr. C. had said he had no objections to admit then, Mr. Maffitt was a fallen christian. He replied by repeating the words with emphasis and apparent indignation: fallen christian! a fallen christian is no christian at all!

Before the rising of the Council, Mr. Fillmore's deposition was shown me, with a request from the Council that I would give mine, certifying the same thing, which I declined for the reasons given above. I did not consider it true. I told the gentlemen who called on me, to inform the Council that Mr. Fillmore's statement was not correct. The gentlemen were *very urgent* in their *solicitations* to have me depose with Mr. Fillmore, and one of them, pretty severe in his remarks on my refusal. [Signed,] ELIZA R. WOOD.

Sometime in November last, Messrs. Hedding, Merritt, and a Mr. Motley, called at the office of Larned & Hallett, the undersigned being present. They stated to us that Messrs. Hedding and Motley, were a committee from Boston to investigate the conduct of Mr. Maffitt in this town: On their assurance that their inquiries had no relation whatever to the prosecution which it was then reported was about to be commenced against the editor of the *Galaxy*, we informed them what we knew in relation to Mr. Maffitt's conduct, and referred them to other sources for positive information on the subject. They stated that they had been some days engaged in the inquiry, and had met with nothing but surmises and references to other persons, and that they had met with no one who had any thing to say against Mr. Maffitt. We then stated some circumstances which we assured them would be confirmed by the Rev. Mr. Crocker. Mr. Hedding observed, they had called on that gentleman the day before, and that *he had told them none of these circumstances*, and that he *knew nothing* and had not said any thing against Mr. Maffitt! But he did not say Mr. Crocker had told them he *thought* or *hoped* Mr. M. was a good man or a christian. From these declarations we were clearly impressed with the belief Mr. Crocker had told them nothing, either that he himself knew, or had heard from others, to the disadvantage of Mr. M. and we observed that it must have arisen from the manner of their inquiry of Mr. C. and that one of us would then call with them on Mr. C. whom, we assured them, would confirm what we had stated. To this proposition, after some hesitation, they consented, and left the office for that purpose.

The gentlemen, and particularly Mr. Hedding, appeared extremely anxious to exonerate Mr. Maffitt, determined to believe nothing to his disadvantage, and was always ready with some apology, for every charge brought against him. In relation to Walker's sermons he observed, that perhaps Mr. Maffitt had taken his discourse from Henry's commentaries, and Walker had done the same, which would make Mr. Maffitt's sermon precisely like Walker's without his ever

having read Walker's discourse! A distinction equally nice, was set up between the tailor and journeyman. Mr. Rivers mentioned to Mr. Hedding, he had recited a passage of latin to Mr. Maffitt, (having understood he pretended to know the language,) which was, *veritas fulsit cælum*, (truth illuminates heaven,) to which Mr. M. gravely replied, NOT ALWAYS! We contended this was an attempt to deceive Mr. Rivers into an idea, that, he, Maffitt, knew the latin. Mr. Hedding then said, that we read of the angels rebelling in heaven, and wished to know if truth *then shone or prevailed in heaven!* and observed, Mr. M. in his reply *probably* alluded to that passage in scripture, which proved that he understood the latin maxim addressed to him, and that his answer was correct!

Signed,

THOMAS RIVERS,
GEORGE LARNED,
BENJAMIN F. HALLETT.

I certify, that I went with the gentlemen aforesaid, to call on Mr. Crocker, under the impression, that Mr. C. had in no way intimated to them any thing to the disadvantage of Mr. Maffitt. Mr. Crocker, on my stating to him the object of our call, related *the same circumstances* which had been mentioned to these gentlemen that he would confirm, as above, and in the course of conversation, which surprised me very much, observed, why gentlemen you will recollect I told you these circumstances and similar ones *when you called on me yesterday*. Mr. Crocker, was decided in his opinion against Mr. M. though he spoke with christian forbearance, and treated the gentlemen with politeness. The same attempts, as above stated, were made by Mr. Hedding to excuse Mr. Maffitt. Mr. Merritt appeared much more candid, and said these things were different from what he wished they were, or words to that effect.

Signed,

BENJAMIN F. HALLETT.

From the above facts, it appears that Mr. Hedding declared to Mr. C. in presence of Mrs. Wood, that he *had not said to any one* Mr. C. told him nothing against Mr. Maffitt; and yet that he did *so state* to Messrs. Rivers, Larned and Hallett, and, as will hereafter appear, to Mr. Prentice. He also *denied* he had said Mr. Crocker told him he considered Mr. Maffitt a good man or a christian, and yet Mr. Joseph S. Martin testifies, that Messrs. Hedding, Merritt and Motley, immediately after their conversation with Mr. Crocker, told him Mr. C. had said to them he "*thought* Mr. Maffitt a good man." If they told Mr. Martin Mr. Crocker had declared he **THOUGHT** Mr. Maffitt a good man, how comes it that afterwards they state so differently, that

Mr. Crocker only told them he HOPED he was a good man? Either their statements or that of Mr Martin, must be incorrect; they flatly contradict each other.

Again, if in the conversation at Mrs. Wood's, Mr. C. *allowed* what Mr. Fillmore affirms he did, how comes it that Mr. Hedding, who must have heard it, had it been so, does not state *the same thing* in support of his friend Fillmore? and why was a committee sent to threaten and urge Mrs. Wood into making a declaration which she declared to this committee *was not true!* Had Mr. Hedding (when this committee was sent to urge Mrs. Wood to sign a declaration for the express purpose of injuring the reputation of her *own pastor*, and which she declared to be *false*) *forgotten* her expressions of surprise, and her *remonstrances* with him and with Mr. Fillmore on this subject?

But further, Mr. Hedding declares in his deposition published in his "Report," that Mr. C. only "related (to the committee) a number of stories he had heard, and one or two *trifling circumstances* which he had seen," (that "ABOMINABLE" transaction, kissing the hand, was one of these *trifling circumstances*,) and yet in presence of Mrs. Wood he *admitted* that Mr. C. had told them *facts* which he, Mr. C. *believed to be true*, which facts Mr. H. said it was *very natural* Mr. C. *should believe to be true*, and which *if true*, proved Mr. Maffitt to be "*ungrateful*," "*perfidious*," and guilty of direct falsehood!

That the "tenour of Mr. Crocker's conversation went to show," Mr. Maffitt's "manners were light and corrupting in publick," Mr. Merritt admits (although he has seen fit to suppress a part of what Mr. C. told him respecting kissing the hand.) That they were so "in private" the facts Mr. Hedding admits Mr. C. related, went directly to show. Thus "out of their own mouths," is every particular of the statement of Mr. Crocker, which they undertook to falsify, completely proved. We are satisfied enough has been said, to show beyond all doubt, a deliberate intent, to cruelly injure the reputation of Mr. Crocker. This, however, has recoiled upon themselves, and Mr. Hedding, in appealing to Mrs. Wood to confirm a pretend-

ed declararion of Mr. Crocker, which he, Hedding, a moment before had admitted Mr. C. *had never made*, appears to have misunderstood the conversation of Mr. Crocker in a remarkable manner; and from this circumstance it is not difficult to infer, that he also misinterpreted in a similar way, another conversation with Mr. C. on a former occasion.

We now proceed to some further statements connected with this Council and its witnesses, with which we shall conclude, and which need no comment to show the gross partiality and subterfuge of which this tribunal of ministers were guilty.

STATEMENT OF MR. JOHN PRENTICE.

I regret that circumstances should have made it necessary for me to make the following statement; but from justice to myself and the cause of truth, I am reluctantly compelled to lay before the publick a relation of facts, in connexion with a subject that has already occupied too much of the publick attention. I am induced to do this from having seen a pamphlet published by the authority of a number of Methodist clergymen, who formed a council for the purpose of examining certain charges against Mr. John N. Maffitt, in which pamphlet is a statement made by Mrs. Lydia Turpin, containing several allusions to me and making use of my name.

Before I proceed to the facts which will show the incorrectness of Mrs. Turpin's statement in several important particulars, it will be necessary to allude to the circumstances which occasioned my writing the letter to Mr. Maffitt, of which Mrs. Turpin makes mention. As I was in the habit of frequently visiting at the Rev. Mr. Wilson's, I had an opportunity of seeing the exertions of the family to make Mr. Maffitts' stay with them pleasant and agreeable; no expense was spared, no means in their power unused, to advance the happiness of their *then* esteemed guest. In a short time Mr. Maffitt went to spend some time in the family of Mr. Alexander Jones. While there, he had spoken very disrespectfully of Mr. Wilson and his family. This fact was fully proved at the trial in Boston, and is confirmed by Mrs. Shaw, Mrs. Jones, and Miss Jones, as appears hereafter.

Another circumstance (which I deposed to in the statement I gave as published in the report of the trial in Boston, respecting the manner I heard Mr. Maffitt speak of William H. Smith Esq. and wife) had an effect upon my opinion of Mr. Maffitt, and, among other things, occasioned my writing the letter to which Mrs. Turpin alludes.

Soon after the occurrence respecting William H. Smith. Esq. Mrs. Turpin told me the substance of a conversation she had previously had with Mr. Maffitt. Mr. Wilson, had called at Mr.

Jones' and invited Mrs. M. to his house ; Mr. M. being considered too unwell to accompany her : Mrs. Turpin had called at Mr. Jones' for the purpose of persuading Mrs. M. to go to Mr. Wilson's Upon her urging this, Mr. Maffitt objected to his wife's going ; Mrs. Turpin continued to urge it, and Mrs. M. was inclined to go ; upon which Mr. M. became angry, and said she should not go, he had rather send for his trunk (which was then at Mr. Wilson's, where he had been recently staying) and leave town, than go there. After relating this to me, Mrs. Turpin added that she would not have Mr. Wilson's family know what Mr. Maffitt had said about them, *for all the world !*

While under the impressions produced by these circumstances, I received a letter from Mr. Maffitt, in which he charged certain persons with falsehood, and complained of my change of opinion in regard to him. I then wrote a letter to Mr. M. giving the reasons for my change of opinion, and which contained the remark to which Mrs. Turpin alludes.

The publick will judge whether the fact of Mr. Maffitt's having ridiculed and spoken disrespectfully of Mr. Wilson and family, and the circumstances and conversation as related by Mrs. Turpin, would justify the expression I used in my letter, viz. "that such was your abhorrence of Mr. W's family, that you had rather leave town than go there." Perhaps the word abhorrence was a little too strong, but such was the idea conveyed to me by Mrs. Turpin's conversation.

On the first day of January, I was requested by Wm H. Smith, to attend a Council of Ministers, who had assembled for the purpose of examining certain charges against J. N. Maffitt. I at first declined going, but afterwards being informed by Mr. Badger that Mrs. Turpin had given, or was about to give, a statement before the Council, in which my name was frequently mentioned, I determined to go. On my arriving, the President of the Council observed, that Mrs. Turpin had given a statement that she was about to make oath to, but that before she did this, they had thought proper to send for me. The statement was then read, and it was there stated by Mrs. Turpin that I had written a letter to Mr. Maffitt charging him with several things, and that I had taken pains to circulate this letter much to his prejudice—that having heard Mr. A. Jones, jun. knew some things against Mr. Maffitt, I had gone to Mr. Jones to ascertain what they were—that Mr. Jones, jun. in a conversation with me afterwards, said that he was sorry he had told me any thing about Mr. Maffitt. These two last circumstances, in relation to my going to see Mr. Jones, and what he had said to me respecting his being sorry, &c. Mrs. Turpin declared I had made a statement of before a Committee of the Church, to which she and myself belong. After these declarations of Mrs. T. were read to me, I observed to the Council, that what Mrs. Turpin said, respecting my circulating the letter I had written Mr. Maffitt to his prejudice—my going to see Mr. Jones, jun. to ascertain what he knew about Mr. M.—and also that Mr. Jones,

jun. had told me he was sorry he had said any thing; together with my having told these circumstances to a committee of the church *were false*. Mrs. T. however, insisted that they were correct. After some conversation between Mrs. T. and myself, Rev. Mr. Wilson and another gentleman observed to the Council that what Mrs. T. had said about my circulating the letter was incorrect, that Mr. M. himself had given publicity to the letter. *Mrs. Turpin then consented to have this part of her statement erased.* The rest of the statement she made oath to. The next day Rev. Mr. Wilson, Mr. Samuel Proud, and Deacon John Dunwell (gentlemen who were on the committee referred to by Mrs. T.) called on the Council at their request, and informed them that what Mrs. T. had stated as having been said to them by me, viz.: that I went to ascertain what Mr. A. Jones, jun. knew about Mr. M. was incorrect, and that I had never made any such statement before them. The Council requested the gentlemen to inform me, that they should make no use of those parts of Mrs. T's statement, and that they should have no bearing in the case.*

When I was before the Council, and Mrs. T. and myself were conversing respecting the incorrectness of her statement, one of the Council observed that if Mrs. Turpin could attest to that part of the statement, referring to Mr. A. Jones having told me he was sorry he had said any thing, &c. *he would be glad to have her do so*, as it would go to corroborate what Mrs. Merritt had sworn to. The Council, after I had made this statement, in contradiction of what Mrs. T. had asserted, did not express any wish to have it sworn to, nor did they make any use of this statement, and of some instances I related to them, wherein Mr. M. had been guilty of prevarication; and they also appeared to me much more disposed to examine witnesses *favorable to Mr. M.* than those against him.

Previous to the trial in Boston, Rev. Messrs. Hedding and Merritt, and a Mr. Motley called on me to inquire what I knew respecting the conduct of Mr. Maffitt in this town. I stated that for myself I had never *seen* any thing in his conduct that amounted to a *crime*. Mr. Hedding observed, that they had been to a number of persons, among the rest Rev. Messrs. Wilson and Crocker, and that *all they knew were reports only*, and that they were *friendly* to Mr. Maffitt. I was surprised at this declaration, as I inferred from it that Mr. Wilson was satisfied with Mr. M's conduct. I asked Mr. Hedding if Mr. Wilson had said he was satisfied with the conduct of Mr. M.? On which Mr. Hedding observed (pointing to his breast) he does not appear to feel right *here*, but he says, *O, we are friendly*. I told him I was astonished to hear that Mr. Wilson was satisfied, as a few days

*I am authorized by these gentlemen, who were of the committee referred to by Mrs. T. to state, that they do not recollect ever hearing me say to them that Mr. Jones, jun. had told me he was sorry he had said any thing about Mr. Maffitt, and that *she cannot substantiate* by them, what she has stated on this point.

before he had expressed himself to me very differently. I then related some circumstances that Mr. Wilson had stated to me, wherein Mr. M. had been *guilty of prevarication*. The gentlemen observed that Mr. Wilson had made *these same statements* to them, and Mr. Merritt said it was a circumstance he wished could be cleared up to his mind*. The next day, I saw Mr. Wilson, and on my telling him the substance of the conversation above referred to, he observed, that instead of giving the gentlemen to understand he was satisfied with Mr. M's conduct, he related to them *instances of prevarication*, and informed them, when they inquired if he would consent to have Mr. M. preach in his pulpit, that he did not consider him a fit person to *preach in his pulpit*, nor did he consider him a *proper person* to become again an *inmate in his family*.

Signed,

JOHN PRENTICE.

Extract of the deposition of Jane S. Jones, sworn to before Joseph Jones, Esq.

Ques. Did you ever hear Mr. Maffitt say that Mr. Wilson or his family were *vulgar*, and speak *slightly* of them or any of them? Ans. Yes.

Signed,

JANE S. JONES.

I certify the above is correct,

JOSEPH JONES, Pub. Notary.

NOTE. See also the statements of Mrs. Shaw, Mrs. King, Mrs. Jones and Mr. Prentice, to the same point, and compare them with the following extract of a letter from Mr. Maffitt to Mr. Wilson, dated Sept. 1, 1822, and which was shown to the Council by Mr. Wilson.

“My mind has been strangely affected in consequence of the many unfavourable reports now in circulation concerning me, &c. I am your countryman—your *brother*—your *Son* in the Gospel—I have always since my introduction to you and family appreciated your Friendship, and theirs—the repeated and undeserved marks of your Favour and Esteem, have indelibly stamped on my heart grateful remembrances, and elicited fervent prayers for your *prosperity* and *Happiness*—Now for any persons to *even hint* that I have *slighted* your kindness and used your Family with *disrespect* is *abominable*—I never was charged with *so base a crime* previous to my visit to your town.”

Signed,

J. N. MAFFITT.

Here follow the corroboratory statements referred to by Mr. Prentice.

I, NANCY KING, certify, that Mrs. Lydia Turpin had the same conversation with me in substance, as is related by Mr. Prentice, concern-

*Note by the Editor's. How was Mr. Merritt “satisfied” on this subject, when as one of the Council he acquitted Mr. Maffitt of this charge?

ing what Mr. Maffitt had told her about Mr. Wilson's family. That she stated to me (after relating the circumstances in the same manner as is above testified by Mr. Prentice) Mr. Maffitt said he had rather send for his trunk and leave town than go to Mr. Wilson's, and that she would not have Mr. Wilson's family know what Mr. Maffitt had said about them *for all the world!*

Soon after this, I had some conversation with Mrs. Turpin (respecting the letter Mr. Prentice had written to Mr. Maffitt) at the time she refers to in her statement before the Council of ministers. I did not say what she has declared in that statement, I told Mr. Prentice. I observed to her that I had said to him, that she, Mrs. Turpin, did not use *the word abhorrence*, but that what she had told me, *conveyed that idea*. I did not say to Mr. Prentice, that Mrs. T. "would deny it," nor did I tell to Mrs. Turpin I had so said to Mr. Prentice.

Signed,

NANCY KING.

I certify that Mrs. Lydia Turpin had a similar conversation with me respecting what Mr. Maffitt had said in relation to his returning to our family, &c. as is above stated by Mr. Prentice and Mrs. King.

Signed,

MARY WILSON.

I certify that what Mr. Prentice has stated as the conversation that passed between myself and Messrs. Hedding and Merritt in relation to Mr. Maffitt is correct, and that his statement above is true, wherein it refers to me, and so far as I have any knowledge of the facts related.

Signed

JAMES WILSON.

We are authorized to give to the publick the following facts and circumstances as stated by the Rev. James Wilson of this town, and which that gentleman is ready to corroborate in every particular:

The Council of ministers when assembled in Providence to investigate the character of J. N. Maffitt, invited Mr. Wilson to attend one of their sittings. He accordingly did so, and impelled by a sense of duty to the Methodist connexion, to other christian denominations, and to the general interests and credit of religion, preferred to the Council sundry charges against Mr. Maffitt, of highly improper conduct, unbecoming a christian, and unworthy a minister of the gospel. He also stated to the Council that each of these charges admitted of further proofs in ample support of his word. The charges were preferred verbally to the Council and committed to writing by the scribe. He, however, was not requested to make oath to the same, as were other witnesses, nor was his statement published or any allusion made to it in the Report of the proceedings of the Council.

The particulars of these charges were given at the time by Mr. W. the substance of which was: That Mr. W. having been credibly in-

formed in the beginning of October last, that Mr. Maffitt had slanderously accused him to Mr. Jones, jun. of having while in Boston reported to Mrs. M. sundry stories highly injurious to the character of Mr. Alexander Jones, sen. ; he afterwards, in a conversation with Mr. M. at his house, when Mr. J. B. Wood, and wife, and others were present, informed him of what he had heard, and desired an explanation. That Mr. W. replied it was a new accusation against him of which *he knew nothing*. That on his persisting so to deny it, Mrs. Wood observed, there was something in it, for letters had passed between this town and Boston on the subject, referring to things which Mr. Maffitt reported Mr. Wilson had said, highly injurious to Mr. Jones, sen. To which Mr. W. replied, that he had never reported these things, or said any thing injurious to Mr. Jones or his family. That Mr. M. being then pressed for an explanation, said—that if he had reported any such thing he must have been *deranged*, and did not know what he said, and finally accounted for the whole on the principle of the *derangement of his understanding* at the time he had so spoken, and *loss of memory!*

It was further stated to the Council, that in another conversation with Mr. M. after this, at Mr. W.'s house, he, (Mr. W.) told Mr. M. that he was not satisfied with his apology of delirium and loss of memory for what he had reported Mr. W. had said concerning Mr. Jones, and hoped he could then give a more satisfactory explanation. To this Mr. M. replied, that Mr. W. must have known of these reports being circulated in Providence ; and then, in a very improper manner which disgusted Mr. W., he repeated some ridiculous slanders against Mr. Jones, sen. that had long been forgotten and buried in oblivion. Mr. W. then observed to Mr. M. that his hearing such things from *other persons* did not account for his giving Mr. Jones and his family to understand that he, Mr. W., had related them. Mr. M. replied, he had told Mr. Jones and his family of these stories he had heard, and *knew* they suspected Mr. W. as the author, he having recently left that gentleman's house, and confessed he *did not deceive* them ; but that Mr. Jones would explain it all. Thus ended this second interview, and Mr. W. disgusted with such improbable statements and prevarications, determined to hold no further intercourse with Mr. M.

In consequence however of urgent importunity by a female member of his church, Mr. W. consented to a third interview with Mr. M. at her house, during his last visit to this town. At this interview several circumstances were very seriously discussed, but particularly Mr. Maffitt's having accused Mr. Wilson of slandering Mr. Jones, sen. Mr. M. then said that his recollection was fully come to him, and he was confident he could remove every difficulty in Mr. W.'s mind on the subject. He then stated that Mr. Broadhead had heard the slanderous stories alluded to, at the house of a gentleman in Boston with whom he was dining, and that the son of that gentleman had related these stories in presence of Mr. Broadhead. On being asked why the slander was fixed on Mr. W. instead of the young gentleman in Boston ? Mr. M. replied that in a conversation between

himself, Mr. Alexander Jones, jun., and Mr. Broadhead, the latter gentleman, on being questioned by Mr. Jones, informed him of all that had been said in Boston concerning Mr. Jones, sen.; and stated that he Mr. Broadhead, had heard these things in Boston, but refused to tell from whom. On which Mr. Jones, jr. charged Mr. Wilson, with having been the author, and Mr. Maffitt confessed he *did not contradict it, and used no means to avert the imputation from Mr. Wilson!*

The next day after this interview, Mr. W. met Mr. M. in the street. He expressed great contrition for his errors, and thanks for Mr. W's advice, who feeling a compassion for him, and being affected by his expressions of determined reformation, permitted him to visit his family for the purpose of trying to remove some difficulties there existing. Mr. W. on returning home, in about two hours after this occurrence, found Mr. M. at his house, and, unexpectedly to Mr. W., invited to dine, he having forbidden such an invitation. He however assented on the ground of hospitality to his countryman. But unfortunately for Mr. M., Mr. Broadhead happening to arrive from Boston, came to Mr. Wilson's at the same time, and tarried a little after dinner. On Mr. W. being suddenly called out, Mr. M., having left Mr. Broadhead, came into another room and observed to two of Mr. W's family, with seeming surprise, that Mr. Broadhead said, he had never heard of the stories respecting Mr. Jones, sen. until first informed of them by Mr. Jones, jr. ! Soon after this Mr. M. and Mr. B. left the house. A few days after, Mr. W. came to the knowledge of Mr. Maffitt's having told to Miss Jane S. Jones, as well as to her brother, that Mr. Wilson was the person who related the stories about her father in Boston.

From this and other circumstances Mr. W. was convinced of the real character of Mr. M. and determined to withdraw from all intercourse with him.

All these facts were stated in detail by Mr. Wilson. to the Council.

Mr. W. observed, in reply to a gentleman not of the Council, who in their presence inquired as to his having treated Mr. M. at times with less seeming friendship than at other times; that the chain of facts which governed his conduct towards Mr. M. came gradually in their several links, and in succession to his knowledge, and that of course his impressions and conduct kept pace with the development of these facts.

Mr. W. further states that he did not give the committee from Boston to understand that he was satisfied with the conduct of Mr. M. or that he was his friend, only so far as truth and its interests required; and he is still his friend so far as sincerely to desire his repentance and recovery from the evils in which he has so unhappily involved himself.

On what principle of common honesty the Council excluded these facts, given by a witness they had called before them, from their report, is beyond our comprehension. Did they invite Mr. W. from courte-

sy, hoping he would spare Mr. M. and on finding their mistake think to deceive the publick by suppressing his testimony? Such unfairness will sooner or later ever be exposed, and we are surprised that policy, if not principle, did not deter the Council from this hazardous experiment. They cannot avail themselves of the plea that these facts were not connected with the deponents and the charges in the trial at Boston. Mr. W. was a deponent in that case, and the facts disclosed were proofs of "*falsehood and malicious tattling.*"

From the facts disclosed by Mr. Prentice and Mr. Wilson, the publick need no longer be surprised at the misrepresentations the COMMITTEE made of the conversation they had with Mr. Crocker respecting Mr. Maffitt. Mr. Wilson was treated in the same manner by this Committee, and had there been any thing in his deposition given, to be used in the trial at Boston, obnoxious to the Council, the inference is clear that he would have been attacked in the same way these men have attempted to slander the reputation of Mr. Crocker.

We have now done with this Council and their proceedings, and leave them to their own consciences and to the judgment of an impartial publick.

Errata.—22d line on the 26th page, erase "given." On page 31, insert S. wherever Miss J. or Miss Jane Jones, occurs. Page 32, line 31, for Ann S. Jones, read Ann N. Jones.

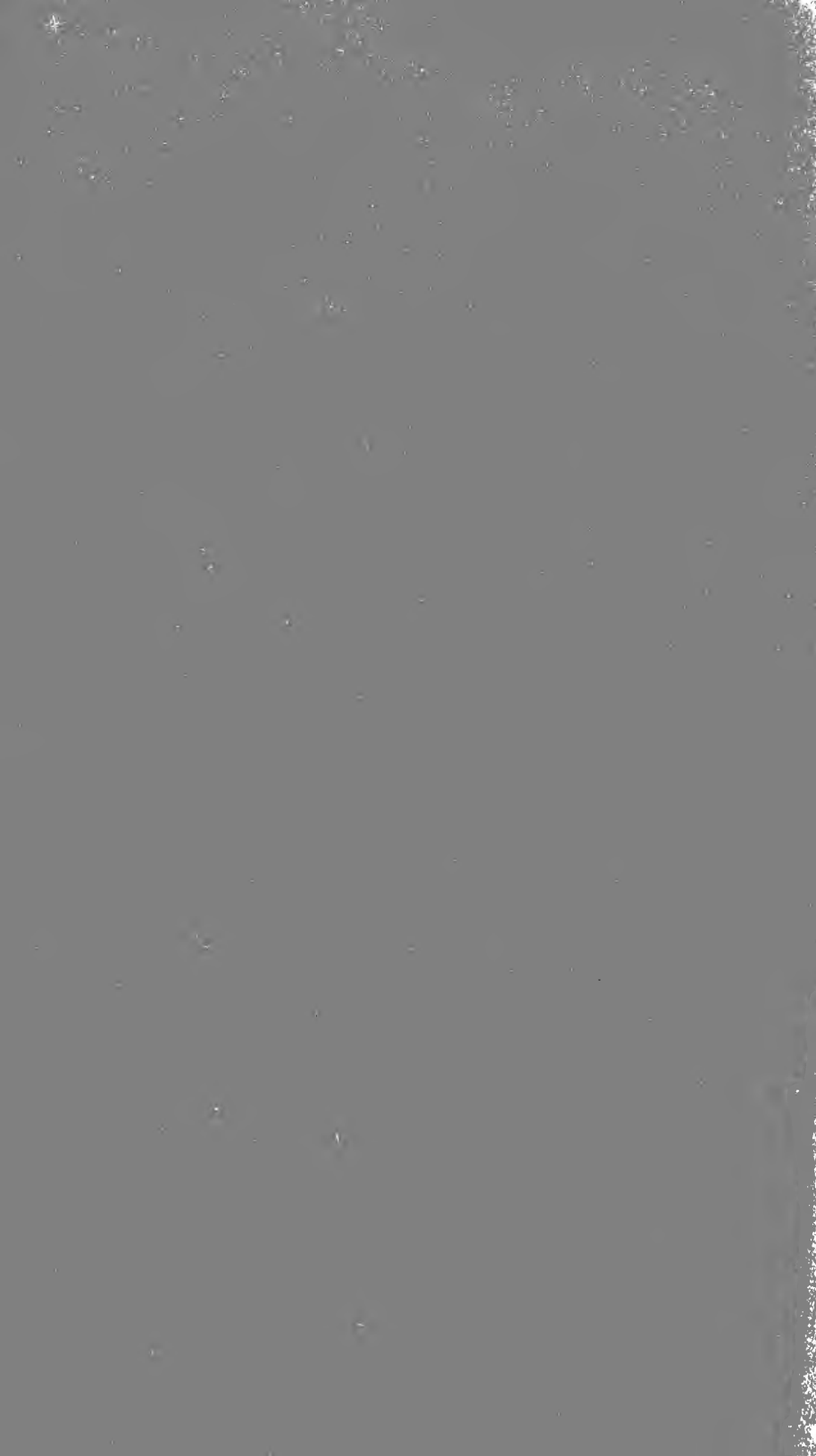


THE
RESULT
OF AN
ECCLESIASTICAL COUNCIL,

CONVENED AT
SALEM, MASSACHUSETTS,

DECEMBER 4, 1849.

BOSTON:
PUBLISHED BY JOHN P. JEWETT & CO.
DAMRELL & MOORE, PRINTERS, 16 DEVONSHIRE ST.
1850.



T H E

R E S U L T

O F A N

ECCLESIASTICAL COUNCIL,

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SALEM, MASSACHUSETTS,

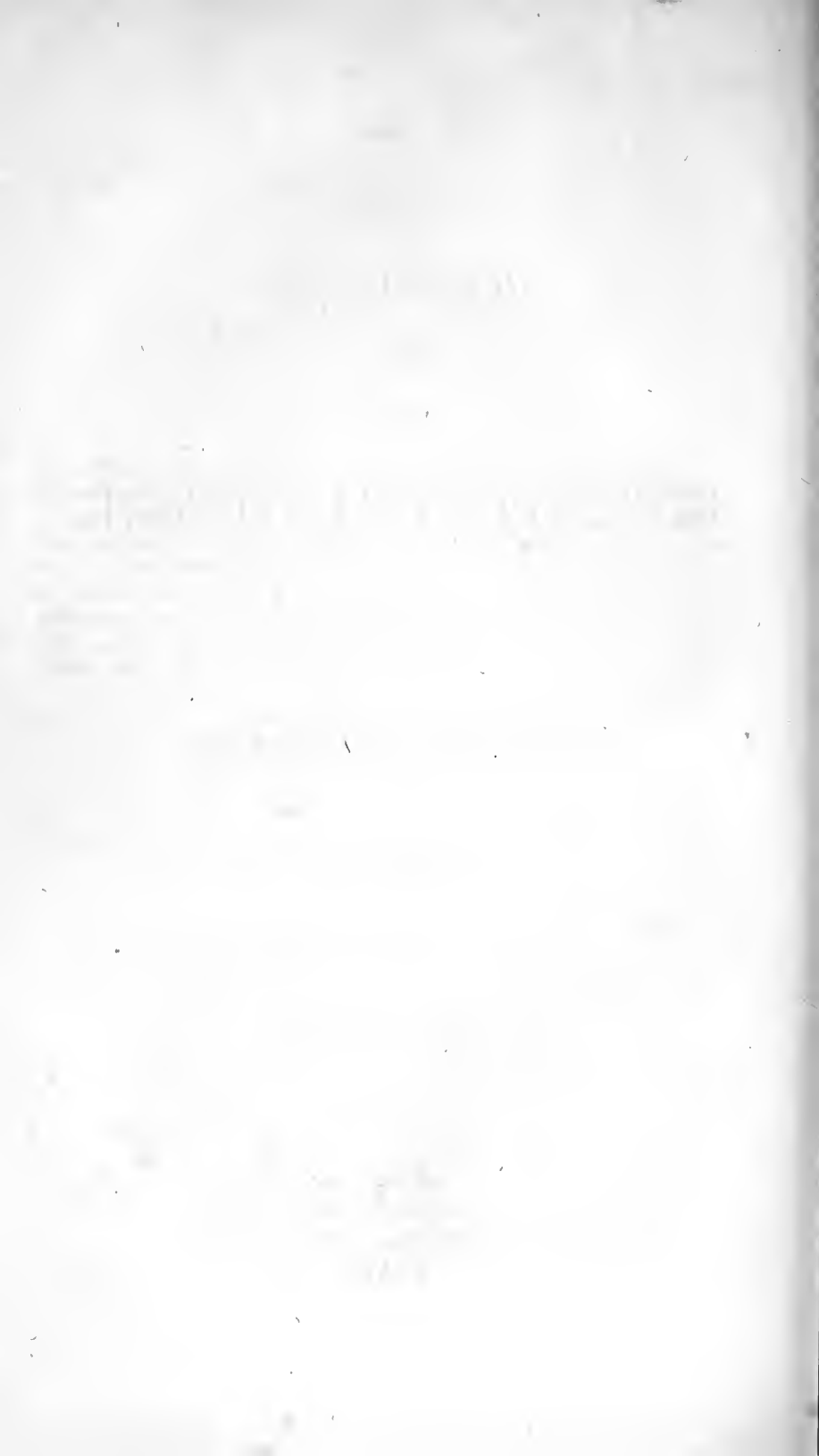
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PROCEEDINGS OF COUNCIL.

AN Ecclesiastical Council was convened at the vestry of Howard Street Church, December 4th, 1849, by letters missive from Ezekiel Goss, stating that he is a member of the Tabernacle Church, in good and regular standing, and has requested a letter of dismissal, and of recommendation to the Howard Street Church, which request has been refused, that he has also requested the Tabernacle Church to unite with him in calling a mutual council, and that this request has likewise been refused; and he now calls this council to examine into the case, so far as to sustain the rights of the churches, and afford him the necessary relief.

The following churches were represented:

1. *Salem Church, Boston.*
Rev. Edward Beecher, D.D., Pastor,
Dr. Ephraim Buck, Delegate.
2. *Church in Randolph.*
Rev. Calvin Hitchcock, D.D., Pastor,
Dr. Ebenezer Alden, Delegate.
3. *Church in Middleboro'.*
Rev. Israel W. Putnam, Pastor,
Bro. Zechariah Eddy, Delegate.
4. *Church in Essex.*
Rev. R. Crowell, Pastor,
Dea. David Choate, Delegate.
5. *South Church, Ipswich.*
Rev. Daniel Fitz, Pastor,
Bro. Daniel Cogswell, Delegate.
6. *Church in Hopkinton.*
Rev. J. C. Webster, Pastor,
Bro. J. A. Fitch, Delegate.
7. *Third Church, Abington.*
Rev. H. D. Walker, Pastor.

8. *Park Street Church, Boston.*

Rev. A. L. Stone, Pastor,
Rev. Louis Dwight, Delegate.

Rev. Mr. Putnam was chosen Moderator, and, in his absence, Dr. Ephraim Buck was chosen Moderator, *pro tempore*; Rev. A. L. Stone was chosen Scribe. Prayer was offered by Rev. Dr. Hitchcock.

Rev. Mr. Putnam coming in, declined acting as Moderator, and Rev. Mr. Crowell was chosen Moderator.

Voted, That the council is now ready to proceed to the consideration of the case presented in the letter missive.

Voted to adjourn to 2 o'clock in the afternoon. Council met agreeably to adjournment at 2 o'clock.

Documents were then submitted, showing that Mr. Goss had requested the Tabernacle Church to unite with him in calling a mutual council upon his case, and that this request had been refused.

Documents were also read, showing that Mr. Goss had repeatedly asked a letter of dismission from the Tabernacle Church, and of recommendation to the Howard Street Church, and that these requests had been refused.

On motion, Voted, That council adjourn at half-past 5, to meet at half-past 6 o'clock.

Voted, That the council hold an adjourned meeting in the vestry of Howard Street Church, on the 18th of Dec. inst., at half-past 10 o'clock, A.M.

Voted to appoint a committee to wait upon the Pastor of the Tabernacle Church, and notify him of the organization of the council, and of the case under consideration, that he may attend on behalf of the church.

Rev. Dr. Beecher and Dr. Alden were appointed said committee. The hour of adjournment having arrived, the council adjourned, to meet at half-past six o'clock.

EVENING.

Council met pursuant to adjournment. The committee appointed to communicate with the Tabernacle Church reported that they had had an interview with the Pastor of that Church, and that he was understood to decline appearing before the council, on the ground that no action of council was called for in the premises.

On motion, Voted, to advise Mr. Goss to enlarge the council, by inviting other churches at his discretion. Voted to adjourn.

Attest,

A. L. STONE, *Scribe.*

SALEM, December 4th, 1849.

TUESDAY, December 18.

The council met pursuant to adjournment, in the vestry of the Howard Street Church—Rev. Mr. Crowell in the chair. The following churches were represented :

1. *Church in Essex.*
Rev. R. Crowell, Pastor,
Dea. David Choate, Delegate.
2. *Church in West Medway.*
Rev. Jacob Ide, D.D., Pastor,
Dea. Daniel Nurse, Delegate.
3. *Mount Vernon, Boston.*
Rev. Edward N. Kirk, Pastor,
Dea. Daniel Safford, Delegate.
4. *Church in Randolph.*
Rev. Calvin Hitchcock, D.D., Pastor.
5. *South Church, Ipswich.*
Rev. Daniel Fitz, Pastor,
Bro. Daniel Cogswell, Delegate.
6. *First Church, Cambridge.*
Rev. John A. Albro, Pastor,
Dea. Charles W. Homer, Delegate.
7. *Second Ev. Church, Cambridgeport.*
Rev. J. C. Lovejoy, Pastor,
Bro. Francis Hunt, Delegate.
8. *Church in East Abington.*
Rev. H. D. Walker, Pastor,
Dea. Elijah Shaw, Delegate.
9. *Salem Church, Boston.*
Rev. Edward Beecher, D.D., Pastor,
Dr. Ephraim Buck, Delegate.
10. *First Church in Ipswich.*
Rev. David S. Kimball, Pastor,
Bro. George W. Head, Delegate.
11. *First Church, Braintree.*
Rev. R. S. Storrs, D.D., Pastor,
Dea. David Hollis, Delegate.
12. *Church in Rockport.*
Rev. W. Gale, Pastor,
Dea. Thomas Giles, Delegate.

13. *Church in South Reading.*
Rev. R. Emerson, Pastor,
Dr. Poland, Delegate.
14. *Park Street Church, Boston.*
Rev. A. L. Stone, Pastor,
Rev. Louis Dwight, Delegate.
15. *Church in Hopkinton.*
Rev. J. C. Webster, Pastor,
Bro. J. A. Fitch, Delegate.
16. *Church in Middleboro'.*
Rev. Israel W. Putnam, Pastor,
Bro. Zechariah Eddy, Delegate.

Rev. Mr. Crowell resigned his seat as Moderator of the Council. On motion, the resignation was accepted, and Rev. Reuben Emerson was chosen Moderator. Prayer was offered by Rev. Mr. Putnam. The Minutes of the last session of the Council were read by the Scribe. On motion, voted, that a committee be appointed to wait upon the Pastor of the Tabernacle Church, and inform him that the Council were ready to hear any communication from him in reference to the case under consideration.

Rev. Mr. Putnam and Rev. E. N. Kirk were appointed such committee.

Voted, That Rev. Mr. Wilder have leave to appear before the Council, and present the case of Mr. Goss.

Documents were read, presenting to the Council the matters submitted to the Council at its last session.

Voted to adjourn to 2 o'clock this afternoon.

Adjourned accordingly.

Council met at two o'clock. Rev. Dr. Ide offered prayer. The Committee appointed to wait upon the Pastor of the Tabernacle Church reported, that they had had an interview with Rev. Dr. Worcester, and that he was ready to converse with them; that he declined appearing before the Council, or taking further action in the case at the present time; that he urged, as reasons for the refusal of Mr. Goss's request of a letter, the considerations—1. That Mr. Goss was not in good standing; 2. That the Howard Street Church was not in good standing.

Voted, That we hear the doings of the council that advised to the dissolution of the Howard Street Church.

Testimony was also called for in regard to the action of the church upon this advice; also the doings of a council called to consider the action of the church in voting to dissolve; also the action of the minority subsequent to the vote to dissolve.

Voted, That the Council be by themselves.

The following Resolution was moved :

Resolved, That, so far as this Council is advised on the subject, Mr. Goss has done nothing to forfeit his standing in his own church.

The Resolution was adopted.

Moved, That it is the opinion of this Council that the vote of a majority cannot dissolve a church against the consent of a minority, and it appearing that the Howard Street Church has not been otherwise dissolved, and that the minority claim membership therein, and have acted, and still act, as that Church, and sustain its meetings, the ordinances and ministry, this Council advise that that Church has not been dissolved, but still exists on its original foundation.

The question was taken by ayes and noes ; when it appeared that there were 24 ayes and 2 noes, and the Resolution was adopted.

Voted, That Mr. Goss be advised to renew his application to the Tabernacle Church, for a letter of dismissal, and of recommendation to the Howard Street Church : and if his request be refused, that he be advised to offer himself for membership to the Howard Street Church, and that the Howard Street Church be advised to receive him.

Voted, That a committee be chosen to prepare a Result of Council. Rev. Dr. Beecher, Bro. Z. Eddy, Rev. R. Crowell, Rev. Dr. Storrs, and Rev. A. L. Stone, were appointed this committee.

Voted, That we adjourn, to meet at 7 o'clock this evening.

Council met pursuant to adjournment. The committee chosen to prepare a Result of Council reported progress ; whereupon it was voted, That when the Council adjourn, it adjourn to meet on Wednesday, January 16th, at 10 o'clock, A.M., at the vestry of Park Street Church, Boston, to hear the report of the committee, appointed to prepare a Result of Council.

Voted to adjourn.

Attest,

A. L. STONE, *Scribe*.

The council met by adjournment, January 16, at 10 o'clock, in the vestry of Park Street Church, to hear the report of the committee appointed to frame a Result.

There were present the following churches by their Pastors and delegates.

1. *Church in South Reading.*
Rev. R. Emerson, Pastor.
2. *Church in West Medway.*
Rev. Jacob Ide, D.D., Pastor.
3. *Church in Braintree.*
Rev. R. S. Storrs, D.D., Pastor.

4. *Church in Randolph.*
Rev. Calvin Hitchcock, D.D., Pastor,
Dr. Ebenezer Alden, Delegate.
5. *South Church in Ipswich.*
Rev. Daniel Fitz, Pastor,
Bro. Daniel Cogswell, Delegate.
6. *Church in Rockport.*
Rev. W. Gale, Pastor,
Dea. Thos. Giles, Delegate.
7. *Mt. Vernon Church, Boston.*
Rev. Edward N. Kirk, Pastor,
Dea. Daniel Safford, Delegate.
8. *Salem Church, Boston.*
Rev. Edward Beecher, D.D., Pastor,
Dr. Ephraim Buck, Delegate.
9. *Park Street Church, Boston.*
Rev. A. L. Stone, Pastor,
Rev. Louis Dwight, Delegate.
10. *Church in Middleboro'.*
Rev. Israel W. Putnam, Pastor,
Bro. Zechariah Eddy, Delegate.
11. *Church in Hopkinton.*
Rev. J. C. Webster, Pastor,
Bro. J. A. Fitch, Delegate.
12. *Church in Cambridgeport.*
Rev. J. C. Lovejoy, Pastor.

Rev. Mr. Emerson in the chair. Prayer was offered by Rev. Mr. Putnam. The minutes of the last meeting of the council were read by the Scribe and approved.

Voted, That the Council be by themselves.

Rev. Dr. Beecher, chairman of the committee to prepare a Result, presented the report of the committee.

Voted, That the report of the committee be accepted.

Moved, That the report be adopted as the Result of the Council. Carried with two dissenting votes.*

Rev. Dr. Hitchcock presented and read a remonstrance against the action of the Council.

Voted, That the committee to prepare a Result be a committee to communicate the action of the Council.

Minutes approved. Voted, To dissolve.

Attest, A. L. STONE, *Scribe.*

* One of these dissentients expressed his conviction that the Howard Street Church was not dissolved in fact, and his accordance with the main principles of the report, but for particular reasons he declined voting for the result as a whole.

RESULT.

The questions of principle concerning which this council is called to advise, grow out of the refusal of the Tabernacle Church in Salem to grant a letter of dismissal and recommendation to one of their members, Mr. Ezekiel Goss, to the Howard Street Church* on the following alleged grounds.

1. That that church was dissolved by a vote of a majority of the church in accordance with the advice of a mutual council.

2. That the Essex South Conference had sustained the validity of the action of the aforesaid majority.

3. That it is not consistent with the principles of order and fellowship in our Congregational churches, nor promotive of the best interests of the community, to recognize the claims of those who now assume to be the original Howard Street Church, as valid. †

It was also made manifest to the council, that these were the only grounds on which the letter was refused, no other cause being assigned in the documents of the church.

It was indeed reported by a committee of the church, that they had intimated to him that his absence from church meetings, public worship and the sacramental seasons of the church, was irregular and contrary to his covenant, and seemed to proceed from alienation of feeling, and that on this ground it was improper to grant his request. ‡ But he was expressly told by the pastor that the church did not adopt or sanction this report. § Mr. Goss stated in a letter to the church, Sept. 14, 1849, "I know of no unkind feeling to any member on my part; if there is or has been, I wish their forgiveness, as they would be forgiven." || In Oct. 12, 1849, he said concerning his absence, in another communication addressed to the church, "I acted in good faith, supposing that I was in order. I was doing as others had done without reproach. The pastor knew of my course and my feeling." He then states that if the pastor and others thought that he was doing wrong, they ought in covenant fidelity to have admonished him, "but as it is, I did not know that I was guilty until I asked to be dismissed, and now I cannot see it. I repeat that if any have been grieved with any of my wrong doing, I humbly ask them to forgive, and when I am sensible what the wrong is, I will endeavor to make all suitable reparations."

This communication however the pastor and church refused to allow him to read—and when he desired to speak on what the committee had said to him, they refused to hear him. The reason

* Appendix No. 1.

† No. 2.

‡ No. 3.

§ No. 4.

|| No. 5.

assigned for this was that the church had not adopted and thus endorsed the statements of the committee, and that the church had neither charges nor charge against him. It was repeatedly said to him, "we have nothing against you,"* and therefore he was not allowed to speak. Here then a brother had come before the church desirous to see his offence, if any there were, desirous to confess and make reparation when convinced, desirous so to explain his conduct as to give satisfaction, and yet was not allowed to speak, on the ground that they had nothing against him. Is it right now in such a case to hold back grounds of grievance, if any there are, and to refuse to hear any explanations or receive any confessions or satisfaction that might have been made, on the oft repeated ground that they had nothing against him; and yet to refuse him a letter, and then when he asks relief of an ecclesiastical council, to throw in an intimation that he was under an unfinished course of discipline? Or even to intimate that they were about to commence a course? But even this last intimation is rebutted by direct testimony. For when it was suggested to the church to begin to deal with him, the pastor objected and they refused so to do.†

We therefore are satisfied that the brother was not under a process of discipline, but is in good and regular standing. Moreover, as he expressed sorrow and asked forgiveness if he had grieved his brethren, disclaimed all intention or consciousness of doing wrong, and offered to do all in his power to make reparation when convinced of wrong, he did all that he could, and of course all that any one could reasonably demand, to give satisfaction to his brethren. If then the pastor and church refused to receive satisfaction when he desired to give it, it is no part or province of Christian discipline to reserve offences for future consideration, and to intimate to him or to the council, that perhaps, hereafter, they may call him to account. To do this is rather to abuse discipline as a means of impeding him in securing his rights, than to follow the law of Christ, if thy brother say unto thee I repent, thou shalt forgive him.

The council is of the opinion that when a member applies for letters of testimonial and of dismission, and no process of discipline is pending against him, he is entitled to receive them unless some brother declares that he is offended, and will take immediate steps of gospel discipline in respect to it. Otherwise a member could never secure his rights, so long as either the pastor or any other brother saw fit to say that perhaps hereafter he should commence discipline.

As a council, therefore, we are not called on to interfere with an unfinished case of discipline. No process of discipline had been

* No. 4.

† No. 6.

commenced. On the other hand, the brother is in good and regular standing in his church.

We are therefore called to consider simply the alleged dissolution of the Howard Street Church, and the action of the Essex South Conference with respect to it, as the reasons for denying to Mr. Goss a letter to the Howard Street Church.

It was also made clear to the council, that Mr. Goss had proposed to the Tabernacle Church to call a mutual council to advise with reference to the validity of these reasons,* and that they had refused to accept his proposal.† The reasons assigned by the church for refusing to unite in calling a mutual council are in substance, that their own action with reference to Howard Street Church, was taken with much carefulness, and under a constraining sense of duty to vindicate and support the fundamental principles and accredited usages of our Congregational order, as affecting the independence of each church respectively, and the inalienable rights of majorities in each church, and that there is no existing occasion to submit its doings to the revision of a council, neither is there any such occasion apprehended in the changes of the future.

We suppose that whenever an individual feels his rights invaded by the action of a church, similar reasons might be assigned by the church for refusing to unite in a mutual council. A church will of course be satisfied that they have acted carefully, and under a sense of duty, and it is natural to feel that no advice is needed or is likely to be. But suppose that the individual differs from the church as to what are the fundamental principles and accredited usages of Congregationalism, and believes them to be violated, and not defended by the church? Has he no remedy?

If such reasons for refusing a mutual council are valid, then individuals have no possible mode left of vindicating their rights, and nothing remains but universal and unconditional submission to whatever the church shall see fit to do. But it was the express design of our ancestors in establishing ex parte councils, to avert such a result, and thereby prevent our churches from becoming irremediable despotisms. It is therefore plain to the council that a sufficient ground for convening us has been made out, and that duty calls on us to consider the questions at issue, and to give such advice as has been requested.

In entering upon the discharge of this duty, we cannot but be deeply affected with the importance of the principles involved. We are well assured that a case similar to the one in question has rarely, if ever, occurred in the history of our churches. The principles on

* No 7.

† No. 8.

which it was attempted to dissolve the Howard Street Church, and by which that act is defended, are not only novel, but in our judgment would, if carried out, effect an entire revolution in our churches as it regards the import and sacredness of the covenants by which they are bound together; and furnish a new instrument of destruction, to be used in every case of difficulty and division in a church. Great, therefore, as is the respect and affection with which we regard the brethren who have introduced and are attempting to defend these new doctrines in our churches, we feel constrained to do all in our power to subject them to a thorough scrutiny, and to call on our churches decidedly to reject them, as at war with the fundamental principles of our system, and the obvious dictates of truth and righteousness.

And inasmuch as the Tabernacle Church has seen fit to appeal to "the fundamental principles, and accredited usages," of our churches, and the Essex South Conference has intimated that "precedents" sustain their decision,* we shall commence our investigations by the inquiry, what these "fundamental principles and accredited usages," and "precedents" are, in the present case?

It will, therefore, be seen at once, that the present inquiry is not, Are our Congregational principles and usages right, and can they be defended by an appeal to the Bible? but, What are they in fact? If our brethren shall ever see fit, professedly, to repudiate them, then it will be time to defend them. But, so long as they appeal to them for support, it is only necessary to inquire what they are.

It is obvious, also, that the principles, usages, and precedents, which we are called on especially to consider, are those which relate to the covenant, by which believers in our churches are bound to God, and to each other.

We proceed with the more pleasure to consider our fathers' views of the church covenant, because it is a point on which the founders of our system were perfectly agreed, and to which they attached the highest importance. With them the covenant was not only a fundamental principle of the system, but, *as they held it*, it was the fundamental principle of the whole Congregational fabric. Davenport, in his defence of Congregationalism against Paget, speaking of the "formal cause" that is, the organizing principle of the church, says, "this holy society, the Church of Christ, arises from the coadunition or knitting together of many saints, into one (body), *by a holy covenant*, whereby they, as lively stones, are built up a spiritual house. 1 Pet. 2: 4, 5. Though a church covenant be common to all churches, in its general nature, yet there is *a special combination*, which gives a *peculiar being* to one Congregational church and its

* No. 9.

members, distinct from all others ; else how could one church have that power over its own members, which another hath not ?

In Hooker's Survey, Pt. I., chap. iv., the inquiry is raised, What is that which makes the church to be that which it is ? The reply is, not invisible union and communion with Christ, but " mutual covenanting and confederating of the saints in the fellowship of the faith, according to the order of the gospel, is that which gives constitution and being to a visible church." Of this their antagonists were fully aware.

Rathband charged on the Congregationalists, as an error, that they made " what they call the Church Covenant, whereby all the members of the Society (Church) are united to Christ, and to one another," " absolutely necessary, essential, and constitutional, to and of the true Church." Welde admits that this is their view of " a pure Congregational Church, as it is refined according to the platform of the Gospel."

For this principle, as held and applied by them, they were attacked both in England and elsewhere, by the opponents of Congregationalism. In 1637, certain ministers in England undertook to call the New England brethren to account, for opinions and practices deemed by them " groundless and unwarrantable," and forwarded nine positions of this sort to them, on which they demanded their judgment. Of these, the sixth stated what they deemed the unwarrantable claim that no church member could withdraw from a church, without leave first obtained from the church. The New England ministers admitted the principle, and defended it, on the ground that the church covenant, of necessity, implied it. This called out a full statement of their views of the covenant.* This, according to them, consists in four particulars.

1. " Every member, at his admission, doth openly profess, and solemnly promise, that, by Christ's help assisting, he will not only, in general, give up himself,—as to the Lord, to be guided by him, so to the church according to God, to be directed by it ;" but also, in particular, that he will perform all duties of brotherly love and faithfulness to the body ; as of diligent watchfulness over all his brethren, thereby to prevent sin ; so of faithful admonition, after their falls, to regain them to the Lord from their sin."

2. " The engagements are not made only by the members admitted into the church, but by the church back again to the members. So that, thereby, the whole church in general, and every member in particular, stand as well in conscience bound, to perform all duties of love and watchfulness to him, as he doth to them."

3. " These promises, thus lawfully and mutually made, that mem-

* Written, in all probability, by the celebrated John Cotton.

bers, as also the whole church, are bound, not only every one for himself actively to perform them, but passively, also, to suffer his brethren to do these offices upon and towards himself. If he neglect the^d former, he shall falsify his covenant, so solemnly, before God, angels and men, made; and so not only break his promise to his brethren, contrary to Ps. 15 : 4, but also, in some sort, commit the sin of Ananias and Sapphira, in lying against the Holy Ghost, condemned and severely punished by God's own hand. If he fail in the latter, he shall not only be guilty of the same sin of breach of covenant with God and man, as in the former, but shall also be guilty of this folly of despising council, so much condemned, and shall also proclaim this his folly and pride, by showing to all the church that he is wise in his own eyes, and leans to his own wisdom, both reproved in Prov. 3 : 7, and 23 : 4."

4. "From all these things premised, it appears that we can do no less—and yet we do no more than, first, require a member, before he depart, according to our covenant, thus lawfully, deliberately, and mutually made, to express to his brethren his desire of departing, and the place and society to which he tends—whether to a godly church, where he may be edified, or to some corrupt assembly, where he may be destroyed! and, secondly, require his grounds and reasons which move him so to do." All of these particulars are sustained by an appeal to the word of God. Thus did New England, in a clear and eloquent testimony, utter to Old England her deepest and most settled convictions as to the nature and effects of a church covenant. And it here deserves especial notice how clearly they enforce the truth, *the mutual covenant between member and member, is not separable from the covenant with God, but is a part of it*; so that, to violate it, is to lie to the Holy Ghost, as did Ananias and Sapphira. In short, they covenant with God, not only to serve him, but also to enter into a church state with each other, and to fulfil the vows made to each other, in coming into that relation, so that the covenant with man cannot be broken without breaking the covenant with God.

It was charged upon our fathers as an offence, that they held such views of the covenant. In 1644, Rathband endeavored to set forth, in an odious light, the principles of our New England fathers—to whom Welde, of Roxbury, replied. And it is very striking, that, among other things, Rathband quotes, for this purpose, the covenant of the Church in Salem, as follows: "We, whose names are here-under written, members of the present Church of Christ, at Salem, &c., solemnly, in the presence of God, &c., renew this church covenant, which we find this church bound unto at their first beginning, viz., we covenant with the Lord, and one with another, and do bind

ourselves, in the presence of God, to walk together in all the ways of God, according as he is pleased to reveal himself unto us in his word; and after many specifications, 'we promise to walk with our brethren and sisters in this congregation (church), with all watchfulness and tenderness.'” Here the covenant with man is included in the covenant with God,—“We covenant with God, and with one another, to walk together in a church state,” is its import. This same view, as will appear elsewhere, is found in Cotton Mather’s Ratio, in 1776, and was then the common form of the churches. We shall also show, in another place, that it is incorporated at this very day in the covenant of the Tabernacle Church in Salem. Moreover, this view their assailants charged on them as an error. Rathband says, that in their definition of a covenant, it is included, “that they bind themselves to the Lord, to walk in all such ways of holy worship to him, and of edification, one towards another, as God himself hath required of every church, and the members thereof.”—Apol. p. 5; Discov. of Cov. p. 3. This Welde concedes.

Such were the views of our fathers on this most momentous theme. Nor were they heedlessly formed; for holding them they were subjected to severe and long-continued attacks, and deep study and earnest prayer was needed to sustain and vindicate their truth. Burton, in his defence of Congregationalism, against Bastwick, 1645, says: “Now the very name of covenant is become a bugbear to many,” and again, “You tell us that our gathering of churches hath no example in Scripture.” Rathband says, that “the Apostles went a shorter way to work—because the Holy Ghost had given them no such direction, nor was this matter of a church constitution (by a covenant) then hatcht.”

In Hooker’s Survey, the whole of the 7th chapter of Part I. is devoted to answering the arguments against their views of the church covenant, alleged by Rutherford and various others.

Finally, the same doctrine is embodied in the Cambridge Platform, ch. 4: sec. 1, 2, 3, where the following words are worthy of particular notice. After stating that particular churches can be known only by their forms, they say, “This form is the visible covenant, agreement, or consent, whereby they give up themselves *unto the Lord, to the observing of the ordinances of Christ, together in THE SAME SOCIETY, which is usually called THE CHURCH COVENANT.* For we see not otherwise how members can have church power over one another mutually.” Here we see that coming into a church state is an essential part of the obligation assumed in giving themselves up to God, so that the covenant with him is a covenant to enter into, and to remain in, a visible particular church, by a covenant with them.

Such, then, were the views of the fathers of our system, who bore

the burden and heat of the day in laying those deep foundations on which our churches have for centuries reposed. Churches were with them no mere voluntary associations for mutual religious improvement, which those who formed might dissolve at pleasure, and replace by what they deemed better, or by none at all, as they saw fit. Though no man could enter the church except by his own free will, yet the church itself was an ordinance of God, and it was his revealed will that every man who had repented and believed in Christ, (and it was every man's duty to do this) should enter by mutual covenant with some particular church into church estate. Of course when they covenanted with God to do all his known will, whether it was expressly stated or not, they covenanted to come into church estate with their brethren, and to remain in it. But that so important a duty might not be left to mere inference, they expressly incorporated it into their covenants with God.

Moreover they held definitely and decidedly that if not in covenant with some particular local church, no one had a right to claim any interest, or to challenge any privilege in any other local church. Hence Hooker, in his Survey, expressly says, "In the house of God we must become covenanting servants if we have any interest there, or think to challenge any privilege there." In other places, he and others defend this principle at great length, as will hereafter appear.

We are thus full in this investigation because of the confident appeal of our brethren of the Tabernacle Church to "the fundamental principles and accredited usages of our churches." We now see clearly what they are.

We moreover give prominence to this part of the subject, because those who defend the power of a majority to dissolve the Howard Street Church, have found it necessary explicitly to deny, and argue against these very foundation principles of the Congregational system—so that a more fundamental issue cannot be raised. If they are right, all of our fathers were wrong—Mather, and Cotton, and Hooker, and Davenport, and Welde, and the framers of the Cambridge Platform, and the New England ministers who defended our polity against assailants in old England, and the ancient church of Salem, and all our ancient churches, and even the fathers of the Tabernacle Church in Salem,—these are all of them wrong, and the antagonists of Congregationalism are right. All this may be, and if it is so, then let our foundation principles be overthrown, and a new system be built upon better. But let not such a work be called a defence of our "fundamental principles and accredited usages," but a work of radical reform, and its authors radical reformers.

Again, we give prominence to these principles because the whole issue depends on them. Here is the great hinge on which the whole discussion turns, and we cannot place it in a light too clear and vivid.

And now we remark that of this kind was the covenant of the Howard Street Church, only as it might seem with a providential foresight of such a crisis as the present, they were guided to insert stipulations rising in intensity above all that is found elsewhere. After the usual covenant with God and the church they bind the vows already assumed by assenting to the following affecting pledge.

“In reliance on that grace which is able to keep you from falling, you receive the covenant promises, and a covenant God as yours forever, and set your seal to a full determination that in life and in death you will be faithful to this covenant. This people is your people, and this God is your God. Thus you promise and declare.” Then the reciprocal vows of the church are assumed, and a TITLE to all the privileges of the church estate is solemnly given, before God, angels and men. As to the nature and import of the covenant of the Howard Street Church, there can, then, be no shadow of a doubt.

We next proceed to consider the principles and usages of our system, as to a transfer of covenant relations from one particular church to another. And here the case is no less clear. It of necessity flows from the preceding views of the covenant, and is in universal accordance with the fundamental principles and accredited usages of our system, that the only ways to cease to be a member of any particular church are these :

1. By a letter of dismission and recommendation to another church, given on this condition,—that not until the person recommended is received by such church shall his existing membership cease.

2. By the act of God, calling the person home by death.

3. By excommunication, for offences, properly charged and proved.

The Cambridge Platform is full and decided to this effect. “Order requires that a member removing have letters testimonial and of dismission from the church whereof he yet is, unto the church whereunto he desireth to be joined. Until the person dismissed be received into another church, he ceaseth not, by his letters of dismission, to be a member of the church whereof he was. **THE CHURCH CANNOT MAKE A MEMBER NO MEMBER, BUT BY EXCOMMUNICATION.**”

These then are the only modes of leaving the church ; and till it is thus left, all who are “in it are bound not only to God to remain in covenant with each other, but also to each other, by the mutual vows which they have assumed. Each individual has covenanted with God, and with each in the church, to watch over them and seek their good according to his ability. Out of this covenant grows the right and duty of mutual exhortation, and, if need be, of reproof and discipline. To be in such a covenant our fathers justly regarded as one of the highest privileges that can be enjoyed on earth ; to be the subject of such watchful care, is one of the highest necessities of a Christian in this world of trial and temptation.

What, then, are we to understand by the alleged dissolution of the Howard Street Church? Is it that all of the members, by advice of council sought and received letters to other churches, and were by them received, and thus the Howard Street Church ceased to exist? Had this been done, no covenant obligations had been violated, no principles of Congregationalism had been contravened. But this is not what the council recommended. This is not what the church did. The reason is plain. All of the members did not desire to do it. The Howard Street Church were not so reduced in numbers and resources, nor were they so deficient in piety, that they could not sustain the preaching of the gospel, and the ordinances of the church. Nor was it true that the public good did not require a church where the Howard Street Church stood. All this the council which advised the dissolution expressly state. The thing which the council deemed expedient, was in some way to get rid of this church, as it was then organized, in order that a new one might be organized in its place, in which a portion of the materials should be better, and the whole church be better put together. This the council expressly avow.* They tell us in the first place, "It appears that the pastor's request for a dismissal arises from embarrassments which have rendered, in a great degree, abortive his earnest and self-denying efforts for a course of years, and which embarrassments have now come to a crisis, so that we can do no less than accede to his request, and we hereby *declare his pastoral relation dissolved.*"

What they meant by the embarrassments here spoken of will appear from the following paragraph in their Result.

"We deem it to be our duty in concluding this Result, to call upon some of the individuals of the church to reconsider the manner in which they have treated their pastor, during the existence of the difficulties which have given occasion to the calling of this council. Saying nothing of those who have been in fault in other matters, there has been a disposition on the part of these, to push some favorite points to extremes;—a want of charitable construction of the pastor's motives and conduct in relation to points on which there existed a difference of opinion between him and them; and a deficiency of that kindness and courtesy which he had a right to claim as a Christian minister, and particularly as their pastor."

That they contemplated the removal of these individuals in some way into some other organization, is obvious from the closing advice of the Result.

"The council hope that they will see their error, and that in whatever future ecclesiastical connection they may be placed, they will

seek to be possessed of a spirit of wisdom, and of a sound mind, and will remember, that *charity, kindness, and forbearance* are as important parts of Christian character, as zeal in suppressing the errors and vices of society.

“PARSONS COOKE, *Moderator*.

“E. A. LAWRENCE, *Scribe*.”

We are now prepared fully to understand the advice given by the Council to the church.

“And since the embarrassments which have so far frustrated his ministry still exist, without prospect of change, while the church retains its present organization, we would suggest the inquiry whether the best good of all concerned would not be consulted by a dissolution of that organization, and the members connect themselves with other churches in this city. A step so uncommon, we think, is made expedient by reasons as peculiar. It is not that we think that there is not ability and piety enough to sustain the enterprise in favoring circumstances. There are materials of great value in this church, but they stand in such relations as to hinder their efforts for good. Nor is it true that our denomination in this city have churches enough without this. The prospect rather appears to be, that if this is dissolved, a new one will soon take its place. We would, therefore, advise that the present *organization*, if it sees fit, vote a *dissolution*, and if the proprietors of the meeting-house see fit to close it awhile and wait for the movements of Providence, we feel persuaded that the time will soon come when the way will be made to open it under better auspices. A new organization formed for the purpose, would of course stand clear of most of the embarrassments of the present.”

If all of the members of the church had been willing to ask for letters of dismissal to other churches, there would have been no need of voting a dissolution of its present organization. It would not have been dissolved. It would simply have ceased to exist in a mode authorized by our system, and perfectly consistent with the vows of the covenant, and then, if it had been deemed expedient, a new church could have been formed. But it was perfectly well known that there was a large portion of the church who had no desire to be dismissed to other churches, and who would not ask for letters. Moreover those individuals who were deemed an embarrassment, we may well suppose, were the ones least likely of all to ask for letters. The desired new organization then could not be formed in accordance with the usual and well-known principles of our ecclesiastical platform. It became necessary therefore to devise for the occasion a novel and extraordinary mode.

The step, the council admit, was very uncommon. “A step so

uncommon is, we think, made EXPEDIENT by reasons as peculiar." The peculiarity of this extraordinary mode was, that by it the organization could be dissolved against the will of such as would not ask for, or take, such letters to other churches. Hence proceeded the theory of the power of a mere majority, by a simple vote, at once and utterly to dissolve the existing organization. Notice now the consequences that it draws after itself. To make this plan effectual, it is indispensably necessary to insist that the dissolution of the Church shall not be conditioned upon the previous reception of its members into other churches; for then, as before, the unwilling ones would prevent the dissolution, for they would neither take letters to other churches, nor ask to be received. The dissolution of the Church, therefore, must be absolute and unconditional, or the plan will not gain its end. In no other way can the old organization be dissolved, and a new organization, *formed for the purpose* and clear of existing *embarrassments*, take its place. This new theory, it must be confessed, was skilfully framed for the occasion, and exactly adapted to gain the end in view; and its advocates avow their principles, and take their consequences, with unflinching and commendable consistency. Let us look at its application. We have considered the covenant, by which the members of the Howard Street Church were solemnly bound to God, and through God to each other, and the reciprocal rights and duties growing out of that covenant.

And now the new doctrine, concerning which our advice is asked, is this, that a simple majority of so many of the brethren of the church as happened to be present at any legal meeting of the church, had the power totally to dissolve and abrogate this covenant, so that all the members of the church, brethren or sisters, present or absent, willing or unwilling, and by whatever ties of affection united, or however strong their desire to walk together, as a church, in the ordinances of the gospel, though but a moment before in covenant, and members of the same church, are, after the vote, no longer in covenant, and are members of no local church, and of course are under the covenanted Christian watch and care of no human being on earth.

No sooner have seventeen men adopted this simple sentence, "Voted, that this organization is hereby dissolved," than the work is done. The church is dead. Its bonds are dissolved, and its members scattered. A new organization may, indeed, be formed in its place, but no human power can restore life to the dead. Our fathers expressed the full conviction of all our churches, when they said, in the Cambridge Platform, that the whole church cannot make even one member no member, except by excommunication, and excommunication cannot be inflicted except for crime, and after a fair trial.

But this new doctrine teaches us that a mere majority of the brethren, at a given meeting of the church, although a minority of all the brethren of the church, and a very small minority of all the members, can, by a single vote, make every member no member of that or any other church.

We do not doubt that those who are ignorant of the facts of this case, will read this statement with inexpressible surprise, and perhaps with no small degree of incredulity. It will seem to them impossible that intelligent Christian men, much more, leading and influential ministers in our churches, could, by any course of influences, be led to assume such a position. Yet we have simply stated what an accidental majority of the Howard Street Church profess to have done, what leading ministers claim that they had a right to do; and still more wonderful, the right to do which they still contend for, as essential to the independence and inalienable rights of our churches! The simple and undeniable facts of the case are these. The Howard Street Church, at the time when the council advised their dissolution, consisted of 170 members, 50 of whom were males. At the time of the disbanding vote, most, if not all of these were still members of the Church, for, although some had taken letters to other churches, they had not been received. This Church, on the evening of May 4, 1847, by a vote of 17 males, was declared to be dissolved, in accordance with the advice of a mutual council.*

The form of the vote was this: "Voted, to adopt the remainder of the Result of Council, and by and with their advice, this organization is hereby dissolved, and that Deacons Smith, Foster, and Driver, be a committee to grant letters of dismissions and recommendations, under date of May 4, '47, to all the remaining members of the Church, to any Orthodox Congregational Church they may direct." Yeas 17, nays 10.

From and after this vote, it is insisted that Howard Street Church ceased to exist, and that those once members of it, ceased at that moment to be members of any local church whatever. It follows, of course, that nobody had the right, by covenant vows, to watch over any one; and as for admonition, exhortation, and discipline, the entire ground on which the right and duty of exercising them once rested, had fallen away. True, indeed, a committee was appointed in the vote to give letters of dismissal and recommendation, to other churches, to all who should ask for them, to be dated on the night of the alleged dissolution of the Church. But, according to the new theory, they ceased to be members of the Howard Street Church, even before they had asked, or could ask, for a dismissal from it: for, before the committee could meet, the Church itself had ceased

* Appendix, No. 11.

to exist. The very vote by which they were appointed dissolved the church. Much more had they ceased to be members of the Howard Street Church, according to this new doctrine, before they were, or could be, members of any other church.

Yet it is affecting to see how the memory of the good old ways of our fathers lingered about them, and, in spite of inconsistency, modified their speech. No one was asking for a dismissal. The vote before the Church was not to dismiss such as desired it, but to disband all, whether they desired it or not, and this is what was, in fact, done on the new theory. And yet the committee appointed by this suicidal vote, is directed to give letters of dismissal to all the remaining members of the Church; just as if, after a church was disbanded, there were any remaining members—just as if it were possible to dismiss any one from a non-existing church. But this amiable inconsistency shows how hard it was to forget the good old ways of our fathers. Letters of dismissal used to be necessary before these new doctrines. But how would such letters, in this case, appear? “When received by you, their connection with us will be dissolved.” But the committee themselves belong to no church, and have no connection either with each other, or with those whom they profess to dismiss. By one potent vote, of seventeen men, all bonds have been sundered, all ties cut, and every individual who was once a member of the church, floats as a solitary atom on the surface of the ocean of this cold world. The committee may indeed testify that they were once church members, in good standing. Other churches may kindly pick them up, and take them in, if they see fit; but the idea of receiving them by dismissal from a non-existing Church, and from which they never asked a dismissal, is too absurd to be thought of for a moment.

Indeed, the committee, or some of them, seem afterwards to have become aware of the inconsistency of their position and duties, for to this day all of them have never met or acted together. Some have received letters from one of the committee, in virtue of which, other churches have admitted them to their communion. Others, who maintain the validity of the dissolving act, remain to this day in connection with no church at all.

Such is a compendious view of the facts and principles with reference to which we are requested to advise. In ordinary circumstances we should have supposed it sufficient merely to state the facts. Aside from the influence of local excitements, particular ends, and personal committals, and on the broad ground of Congregational principles, it does not seem to us that there is room for a moment's doubt. And we cannot refrain from expressing both sorrow and wonder that it has become necessary seriously to argue a question

like this. But local causes have given it importance. New principles have been introduced. With sorrow we say it, a council led the way. Men of talents and influence are committed in their defence, and even a conference has sustained them by its authority; although we are happy to say that at a subsequent meeting a majority would have voted to reconsider their decision, had not the vote of the moderator produced a tie and thus prevented it. Such facts as these create an emergency. We feel called on, therefore, as we value the very life of our system and of the principles of our fathers, to give a careful and thorough consideration to these new doctrines.

In our judgment, therefore, these principles are utterly and fundamentally erroneous, and the proceedings in the alleged dissolution of Howard Street Church are utterly invalid, for the following reasons:

1. They are in direct violation of the most obvious and best established principles and usages of the Congregational system.

2. Independently of their relations to the covenant with God, they are in violation of the obvious principles of natural right.

3. But especially are these proceedings inconsistent with the obvious and well established import of the covenant with God.

4. The principles and precedents thus introduced are most dangerous in their practical tendencies, furnishing an instrument of destruction to be used in every case of difficulty and division in our churches.

5. The defence of them has obliged their advocates to adopt principles hitherto unknown to our churches and subversive of our whole system.

6. The main argument by which the proceedings in question are commonly defended, an appeal to the rights of majorities, is entirely devoid of force.

7. The dissolving act was improperly recommended to the church by the council which advised it; the church not having voted to submit any such question to them for advice.

8. Even if on general principles a majority had power to disband a church against the will of a minority, yet in the present case the church had established by special legislation a rule as to the mode of calling meetings, and the limitation of the powers of majorities, which clearly proves these transactions to be invalid.

1. From our previous investigations it is plain that if any principles of the Congregational system are obvious, undeniable and fundamental, they are these. 1st. That it is the duty of all regenerated individuals to enter into church estate in particular local churches whenever God in his providence renders it possible. "All believers ought, as God giveth them opportunity thereunto, to endeavor to join themselves

unto a particular church, and that in respect of the honor of Jesus Christ, in his example and institution, by the professed acknowledgment of, and subjection unto the order and ordinances of the gospel; as also in respect of their good of communion, founded upon their visible union, and contained in the promises of Christ's special presence in the church; whence they have fellowship with him, and in him one with another; also, for the keeping of them in the way of God's commandments, and recovering of them in case of wandering, which all Christ's sheep are subject to in this life, being unable to return themselves; together with the benefit of their mutual edification, and of their posterity, that they may not be cut off from the privileges of the covenant. Otherwise, if a believer offends, he remains destitute of the remedy provided in that behalf. And should all believers neglect this duty of joining to all particular congregations, it might follow thereupon, that Christ should have no visible political churches upon earth."—Platform, chapter 4, section 6. 2d. That this is effected by means of a mutual covenant with each other, which is enforced by the covenant with God, and that the organization of a church cannot be effected in any other way. Platform, ch. 4, sec. 1–3. 3d. When an individual has come into such a covenant with a local church, he cannot be thrown out of it by the church, except for crime, but must remain in covenant with that local church till received by another. Of all these positions we have already given abundant proof.

Such, then, are the obvious and well-known principles of our system. And now what can be a more direct and absolute violation of these principles in every respect, than by a single vote of a majority to dissolve this covenant, and to throw every member of a whole church into the world, with none who has a covenant right to watch over, admonish, exhort, or reprove them?

What if they can, perhaps, join other churches? They have no *covenant* right to enter another church, or to enjoy its ordinances. They have lost the *title* to church privileges with which they were invested. If perchance they enjoy them, it is a matter of mere grace on the part of other churches, and, as we shall soon show, is contrary to Congregational order. Moreover there is none to call them to account if they do not seek to join other churches, or if they fall into error or sin. They have therefore entirely lost what the Platform specifies as one of the most important ends of church fellowship, "the keeping of them in the way of God's commandments, and recovering of them in case of wandering, (which all Christ's sheep are subject to in this life,) being unable to return of themselves. Otherwise, if a believer offends, he remains destitute of the remedy provided in that behalf."

2. But in the second place, thus to dissolve a church by the vote of

a majority is an entire violation of the laws of natural right, even if no covenant with God were involved.

When two or more individuals enter into a covenant with each other, even in worldly things, mutual and reciprocal rights are created, so that one or more individuals cannot absolve themselves from their obligations to the others, without their consent. A majority of a copartnership cannot rescind their copartnership agreement, or put an end to it before the stipulated time, without being chargeable with breach of covenant, and exposing themselves to the payment of damages. Hence when a man has sworn, even to his own injury, inspiration tells us that if he is an upright man, "he changeth not."

Is this true in the affairs of this world? Do even the men of this world avow this principle? And shall we introduce and advocate a lower standard of morality in the church of God, which ought to be the salt of the earth, the light of the world? Think for a moment of the facts of the case. By solemn mutual covenant they had been received into the church, and declared ENTITLED to all its privileges. They had been welcomed to the fellowship of the blessings of the gospel. A fraternal watch over them had been *pledged*, and a mutual *pledge* had been received. What right then has one part of the church, without the consent of the rest, to absolve themselves from obligations thus solemnly assumed? Much more, what right have they to arrogate the power of absolving others besides themselves from their mutual vows? One of the highest charges against the papal usurper has been that he has assumed such power. What right have they to declare that even those who desire to remain united in covenant promises cannot? What worse did the man of sin when he assumed the power to change the immutable laws of right? It seems to us that a more direct and palpable violation of the laws of equity cannot be conceived.

Civilians tell us that it is a principle which pervades all free governments that "a moral power equal to and of the same nature with that which made, alone can destroy."* But a Congregational church comes into existence by the *personal* covenant of every individual member composing it, with every other. How then can it be broken up and destroyed without the personal assent of all the covenantors? What other moral power is equal to this, and of the same nature? Certainly not the vote of a mere majority. It exists by the personal covenant of each with each, it can cease to exist only when each releases each from that covenant.

Moreover, jurists inform us that in a covenant three things are involved: first, the agreement; second, the consideration; third, the things to be done or omitted. But it is self-evident that to take away

* Story and Rawle on the Constitution.

the consideration in view of which the covenant was made, is a palpable act of injustice. But the right to a permanent enjoyment of church privileges in a particular organization is always a consideration in entering into such a covenant. Without this, property would not be invested, or sacrifices made. But when the covenantors feel that they can secure permanent covenant privileges for themselves and for their children, from generation to generation, then they will erect a house of worship, set up the table of the Lord, open the baptismal font, and settle a pastor to break to them and theirs the bread of life.

Is it then for a moment to be endured, that after all this solemn covenanting, the very considerations in view of which the covenant was formed, and sacrifices made, shall be taken away? Shall a man who is guilty of no offence be told, "the privileges of this organization, much as you value them, and whatever sacrifices you have made for them, can be yours no longer. True, you are guilty of no disciplinable offence. We cannot directly cast you out. But a majority of us have concluded to break up this organization. You may go where you please, but in this church you cannot stay." Is it for a moment to be endured that such acts as this shall be done unrebuked in the church of God? Who, when members of a church, brothers and sisters, have done nothing at all to violate their covenant, has a right to despoil them of those great spiritual privileges which were their main consideration in entering into the covenant, and which gold and the most precious gems can neither purchase nor equal? The pretence of giving an equivalent for these, by letters of commendation to other churches, is no defence against the charge of injustice. They have now church privileges. These belong to them by covenant. They are their own. If they choose to keep them, no power on earth has a right to take them away. No power has a right to insist that they shall give them up, and take what others are pleased to call an equivalent instead. There is no equivalent, when the most cherished treasures of the heart are thus rudely torn away.

3. Nor is this all. Even if all the members of a church were willing to release one another from their mutual vows, and to throw one another back into an uncovenanted state, they have and can have no right before God, to do it. It will be noticed that we do not say that all the members of a church may not by mutual consent bring it to a close, by regularly passing from it into other churches. In this way no one is thrown back into the world in an uncovenanted state with none who has a right to watch over him. But we do say that if all of the members of a church were desirous to throw themselves out of a state of fellowship, into the world, by dissolving their covenant, they have no right to do it. Duty to God requires them not only to enter into church estate, but to continue in it. This, as we

have proved, is fully stated in the Platform, and by all our standard authorities. It is recognized in the covenant found in Cotton Mather's Ratio, and which was the common form in 1726. "We acknowledge our everlasting and indispensable obligations to glorify our God, in all the duties of a godly, and a sober, and a righteous life, and *very particularly* in the duties of a church state and a body of people associated for an obedience to him in all the ordinances of the gospel." It is recognized in the covenant of the Tabernacle Church in Salem. "We apprehending ourselves called of God into a gospel church state," and again—"We acknowledge our everlasting and indispensable obligations to glorify our God in all the duties of a holy, sober and religious life. Depending, therefore, on his powerful grace, we engage to walk together, *particularly in a church state*, in the faith and order of the gospel, as far as we shall have the same revealed to us by the word and spirit of God."

The first church in Boston entered into covenant "in the name of our Lord Jesus Christ, and in obedience to his holy wise and divine ordinances," and "desirous to unite into one congregation or church under the Lord Jesus Christ," "solemnly and religiously, as in his most holy presence," "promised and bound themselves" to walk together in church estate, and in the discharge of its duties.

The original covenant of the first church in Charlestown was in substance the same. At the present time it includes this passage:

"You do solemnly and religiously, as in His most holy presence, covenant and promise, through his grace, to walk in all your ways, and in communion with this particular church in special, as members of it, according to the rules of the gospel. This you severally covenant and engage.

"We, therefore, the members of this church, [*here the members of the church rise,*] do now publicly declare our cordial reception of you, as members of the church of Christ, and of this branch of it in particular.

"And we covenant and promise, on our part, to watch over you agreeable to the directions of the great Head of the church, and to treat you as members in full communion with this church, and entitled to all its privileges."

The views of the modern churches of Boston are well represented by the following extract from the covenant of Park Street Church, drawn up by Dr. Griffin.

"We welcome you to this fellowship with us in the blessings of the Gospel, and on our part engage to watch over you, and seek your edification, as long as you shall continue among us. Should you have occasion to remove, it will be your duty to seek, and ours to grant a recommendation to another church; for hereafter you can

never withdraw from the watch and communion of the saints, without a breach of covenant.

“And now, beloved in the Lord, let it be impressed on your minds, that you have entered into solemn circumstances from which you can never escape. Wherever you go, these vows will be upon you. They will follow you to the bar of God, and in whatever world you may be fixed, will abide upon you to eternity. You can never again be as you have been. You have unalterably committed yourselves, and henceforth you *must* be the servants of God.”

In most of the Orthodox churches of Boston these views are explicitly stated. In all they are understood. And beyond all doubt this is the common understanding of our churches at this day. After the covenant of the Old South Church, the following statement is found :

“This sacred covenant has been deliberately entered into, and its high obligations voluntarily assumed, by every member of this church. Those obligations are now, and will be until death, upon every one who has assumed them; for he that “openeth his mouth unto the Lord, cannot go back.” See Judg. xi. 35. Luke ix. 62. Heb. x. 38, 39. 2 Pet. ii. 20, 21.

The views of this church of the importance of the duty of Christian watchfulness over each other, which is pledged in the covenant, are impressively stated in the following passage :

“When in their company, converse frequently upon the things pertaining to the kingdom of God; and particularly of your duties and obligations as the covenant people of God. See Mal. iii. 16. Heb. x. 24, and iii. 13. ‘This practice,’ says one, ‘would be of eminent service to help the memory, in regard to our covenant obligations, as also to quicken unto obedience. Thus, for instance, when a brother is observed to be going into temptation, or in present danger of falling into some transgression, it is not improbable that these words, spoken in a suitable manner, in his hearing, REMEMBER YOUR COVENANT, would prevent his fall; or, if he has already fallen, it may be those words would be the means of recovering him out of the snare of the devil, and of bringing him unto unfeigned repentance.’ ”

If, then, it is conceded and taught on all hands, that it is a part of our covenant with God that we will come into covenant with a particular church, and continue in a church state till death, how can a church throw themselves out of such a state without a breach of covenant with God? Even if it is done under color of an intent, as individuals, to join other churches, still, to dissolve the covenant, and withdraw Christian watch before all are under the care of other churches, is an unjustifiable mode of doing it. Covenanted duties forbid it.

By doing it they throw themselves into a state in which they have no assurance that all will ever be brought back into a state of covenant again. They throw up their watch when they do not and cannot know that grievous wolves will not come and tear and devour the lambs of the flock, before they are gathered into any fold again. It is on this ground that the Platform denied that the whole church has a right to throw up her watch over even one of her members, before he is safely received by another church. This is not a mere positive rule, it is based upon the principles of eternal right. Much less, then, has a church a right, even by unanimous consent, to throw up their watch over each other, and leave every member of the church a wanderer in this world of snares and temptations. If any should in consequence of such an act fall into sin and misery, and God should inquire of any one of the former members of the church, where is thy brother? will it avail him to say I know not; am I my brother's keeper? What if he has voted to absolve himself from his vows to watch over him? Will God hold him absolved?

4. Upon the dangerous tendency of the principles and precedents which we are considering, few words are needed. Admit the right of a church thus to disband itself by the vote of a majority, for the sake of getting rid of "embarrassing" members, and what minority in a time of division or excitement would be safe? One or two bold and devoted men might be very embarrassing to a backsliding and worldly-minded majority. Some influential person who fears discipline, may regard those who desire to bring his case up as very embarrassing elements in the church. Nothing now remains to be done but to watch his opportunity, rally his forces, gain a majority and vote to dissolve the church and form a new organization expressly for the purpose, in which these embarrassments shall not exist. Is it said, this cannot be done without the advice of a council? We reply there is no such provision in any of our standard writers. They have given no rules for dissolving churches, by repealing the covenant. The case of course never occurred to them. Their principles led them to no such results. It is indeed usual, but not essential, to form a church by advice of council, with especial reference to the question whether it is needed. But if a church exists and is admitted to be needed, and it is in principle right for them to dissolve themselves and reorganize again for the sake of getting rid of embarrassing members, then we say, there is no provision in any of our writers that forbids them to do it on their own judgment. And even if it were orderly to do it only through advice of council, still they can do it without advice, or even against it. Moreover, in times of excitement on disputed questions which affect many churches, the majority of a church may easily call a council of such ministers and

churches as are known to be hostile to an odious minority, and by their advice disband and reorganize again, leaving out the embarrassing minority. Who cannot foresee the end to which such principles would conduct, if once introduced into our system? Men might be virtually excommunicated without charge or trial, or opportunity of defence, and in every division and difficulty, the question of dissolution would come up. Is it not, then, the part both of wisdom and duty to foresee the ruinous results to which they tend, and resist them most strenuously at the outset? One thing is sure, if we do not desire to work an entire revolution in our system, and utterly to explode the principles and usages of our fathers, we are bound to regard these new doctrines with unmitigated disapprobation and displeasure.

5. The unsoundness of the principles in question is also clearly evinced by the grounds which their advocates are naturally, and of necessity, led to assume in their defence. Since the right of a majority to throw a whole church out of a state of covenant fellowship is to be defended, it becomes necessary to depreciate the necessity and importance of particular church covenants, or of being in connection with any local church at all. The community has, therefore, been told by leading ministers, in public arguments on this subject, before the pastors and delegates of a conference of churches and the attendant assembly, that the Bible nowhere expressly requires a covenant of the members of a church to walk together in the same church, as essential either to salvation or the church state, and that there is no certain evidence that the apostolic churches were so constituted by a formal mutual covenant among their members as to make a dissolution inconsistent with church order, or their Christian profession. Their covenant, it is intimated, was only with their great Head; they were held together only by inward ties; and worshipped together or apart, as the case required. Of the same nature is the theory to which they resort, of a membership in a general or Catholic church, which still continues after a particular church is disbanded. In consequence of this, they tell us, the members of a disbanded church are not unchurched, nor deprived of any of their church rights and privileges. This membership in the church general they seem to think almost or quite equal to that in any particular church.

If the question at issue were, whether Congregational views of the church covenant be right or not, and if our brethren were appealing to scripture to prove them wrong,—all this, if true, would be very much in point. But the issue being what it is, viz. : What are Congregational principles and usages?—we are not called on here to discuss the truth or falsehood of these theories, though it would be easy to show that they are utterly unsound. It is enough here to

remark, that they are directly at war with the principles of our actual system, as illustrated by existing usages, and as laid down in all our leading writers. They all, with one voice, argue that the Christians of the primitive churches were united by mutual covenants, and that the power to watch over and discipline each other, which they undeniably had and exercised, could not be derived from any other source. "We see not otherwise," says the Cambridge Platform, "how members can have church power over one another mutually." The Platform also strongly inculcates the duty of believers "to join themselves unto a particular church," out of regard both to the authority of Christ and to their own good.

Hooker calls the Presbyterian theory "that a pastor can be a member of the visible church, though he be a member of no particular congregation" (church), a "new paradox."

He shows its absurdity thus: "All particular congregations are all the members that the visible Church hath; therefore, he that is not a member of a particular congregation, is no member of a visible Church."

Yet on the Presbyterian theory, a minister has ties to Presbyteries, Synods, &c., and can be disciplined; but the members of a disbanded church belong to no particular visible church, have no tie to any organization, and are liable to no discipline. Much more would our fathers call this modern theory "a new paradox."

Hooker also expressly states that when we speak of a general, or universal, or Catholic, visible church, the word church is only a generic term, and that "such a Catholic Church is never to be seen but in particular congregations (churches), nor yet ever exerciseth its power alone, (or *seorsim*), but only in the several assemblies." Indeed, all of our fathers regarded the idea of an organic universal visible church, with officers and sacraments, as the very radical error of the papacy. They also rejected, decidedly, the idea that the right to the privileges of the church was derived from union to any kind of universal church, visible or invisible. We have already quoted Hooker to this effect. Again, he says expressly, in discussing the issue between the Congregationalists and their opponents, "*Confederating* makes persons members of visible churches; those who are *not confederate* we conceive *no members* of a visible church: and, therefore, *in that condition* they have no right, nor in a right order can challenge the benefits or privileges of members, nor *can any officer in a right order* dispense them unto such." Survey, part III., ch. 2.

He states the position of Hudson, whom he is opposing, substantially thus: One in a state of membership with the Church Catholic hath thereby a right unto all church privileges; and even if he see

fit to join a particular church, that does not give him any new right to church privileges. All proceeds from his membership with the Catholic Church. This he proves to be “*an open contradiction in terms to God’s revealed method.*”—Survey, part I., ch. 15. Cotton, in his “Way of the Congregational Churches cleared,” is no less explicit. And the Cambridge Platform teaches that believers, if they are not *in church order*, cannot enjoy *communion ecclesiastical, political*, although, like the twelve disciples at Ephesus who had not been regularly admitted to the church, in the usual manner, they may be professed believers in Christ, and, in that sense, members of the militant visible church. But regular ecclesiastical communion, according to the Platform, belongs only to such as “walk according to the church order of the gospel,” that is, in local churches. They also expressly deny any universal visible church, through union with which believers can obtain a right to regular ecclesiastical communion in local churches. This can be obtained only through a covenanted union with particular churches.—Ch. 2, sec. 4. Hence, as Hooker says, while not thus united, no officer can, *in a right order*, dispense church privileges unto them.

Such, then, are the fundamental principles and accredited usages of Congregationalism on this point. But these theories of the defenders of the church-dissolving power, tend directly to lead the community to believe that it is of very little consequence whether they are members of a particular church or not, or are in a covenant or not, and thus to aim a blow at the very vitals of our churches, and utterly dissolve the bonds of our whole system. Who would have expected to hear such sentiments from pastors of New England Congregational churches? How unsound must be that position, the defence of which impels and obliges them to promulgate such theories. But, above all, who could have imagined that such views could be put forth under the pretext of defending the fundamental principles and accredited usages of our church polity! Had they charged our fathers with gross error, and justified their antagonists, and set up the standard of radical reform, all of this line of argument would have been perfectly consistent. But to claim to be inspired by reverence for the fundamental principles and accredited usages of our fathers, to engage with all their might in the work of utterly exploding, and absolutely and thoroughly destroying them, is indeed a phenomenon that fills us with undissembled wonder and astonishment.

What, then, it may be asked, can be that main ground upon which proceedings such as these are defended? Whenever good and intelligent men go thus far astray, it is not commonly under the influence of absolute error, but of some important truth, either partially apprehended, or applied out of its proper sphere. So in the

present case, the advocates of these new doctrines profess, and, we do not doubt, with sincerity, to be swayed by a supreme regard to the great principle, that, in a Congregational church, it is the right of the majority to administer the government according to their will.

In defending their course, the Tabernacle Church appeal to "the inalienable rights of majorities." The conference also say in their vote, "whereas, it is an admitted principle that in the action of Congregational Churches laid down in the New Testament, and in the records and symbols of our churches, that majorities govern: and, whereas, we find no accredited precedents in the usages of the church to the contrary, and do not feel willing to institute one,—therefore resolved, that the claim of our brethren to be the late Howard Street Church ought not to be allowed, and it is not allowed." We are happy to learn that all attempts, by the pastors of churches, to exercise or establish a power of veto, or of suspension, by the pastor, of the acts of majorities in the church, are not accredited precedents.

We are of the same opinion. We not only freely admit, but decidedly maintain, that it is a fundamental principle of our system that the majority shall govern. But all who attempt to defend the proceedings in question by this principle, err in both the particulars above specified. In the first place, they do but partially apprehend the principle to which they appeal, and in the second place, they apply it out of its sphere.

Although the power of government undeniably resides in the majority, yet they can exercise that power only within given limits, and in accordance with certain fixed principles.

These principles and limits are established sometimes by the nature of things, and the great law of natural right, at other times by the fundamental principles of our ecclesiastical system; at others, by express authority of the word of God, and again, by special legislation. Indeed, it is admitted in all equitable governments, that the supreme ruling power, whether a monarch, an aristocracy, or a democratic majority, ought not to have arbitrary or unlimited authority in government, but to be limited within a fixed and definite sphere. The inhabitants of England have well-defined individual rights, which neither king, lords, nor commons, nor all combined, are allowed to touch. So, too, they have equally inviolable civil, social, and religious rights. The constitution of this nation, and those of the particular states, set forth bills of individual, civil, social, and religious rights, which no majority can abrogate. Moreover, the legislation of all the states is, by the national constitution, stringently restrained within definite limits. For example, the privilege of the writ of *habeas corpus* cannot be suspended except in cases of rebellion or

invasion. No bill of attainder, or *ex post facto* law, can be passed. The freedom of the press and of debate cannot be taken away. The right to bear arms, to assemble for discussion, or religious worship, and to petition, is inviolable. No title of nobility can be granted. No law impairing the obligation of contracts can be passed. Within these and similar limits, some established on the ground of natural right, others by positive legislation, majorities are obliged to act in all our states. Within definite limits, then, and in accordance with certain fixed principles, majorities rule. They would become the very worst of despots if it were not so. The difficult problem in democratic governments is, not to defend the rights of majorities, but of minorities and of individuals. The strong are not in danger, but the weak. Hence, if while all free civil systems defend individual rights and those of minorities, with sedulous care, Congregationalism leaves them without defence, a Congregational church is the worst of despotisms. If, while civil systems will not allow a law to be passed, even by a unanimous vote, impairing the validity of contracts, Congregationalism gives to a mere majority the right of utterly dissolving the most solemn and affecting covenant ever framed in the universe, it would be a system deserving of the highest and most unmitigated execration. But it is not so. Nothing is more notorious, and more universally admitted by our churches, and all our standard writers, than that the power of majorities in Congregational churches is limited, always by natural right, the word of God, the fundamental principles of our polity, and often by special legislation, in each church for itself. Illustrations of the truth of these remarks will occur at once, to every thoughtful mind.

No majority has a right to expel a member from the church, who has been guilty of no offence—nor to expel any one without trial, or an opportunity of defence. No majority of a church has a right to violate their covenant with God. No majority has a right to promulgate infidel principles, nor, in short, to violate any principle of that universal law of right, by which even the Judge of all the earth admits himself to be bound, and in the universal observance of which in his own judgment his highest glory lies. This truth is well expressed in a manual of church discipline recently published, to which we refer at this time because the originator and advocate of the new doctrines which we are considering, was one of the sub-committee by whom it was drawn up. “A church,” say that committee, “is not a simple unrestricted democracy; inasmuch as it is subject to the authority of its king and sovereign, who has given laws which must regulate and control the acts of the brotherhood.” Nothing can be more true than this. And if this is so, then there are

certain things which not only no majority, but not even the whole church, although by a unanimous vote, has any power or right to do.

And now in all solemnity we ask, when or where has the king and sovereign of the church given even to a whole church, although acting unanimously, a right so to dissolve a solemn mutual covenant to watch over one another as Christian brethren, a covenant assumed before the universe, with this most solemn and affecting pledge, "I set my seal to a full determination that in life and death, I will be faithful to this covenant. This people is my people, and this God is my God. Thus I promise and declare," so to dissolve such a covenant that not one member of that church shall be any longer in covenant with another, or with any other church to which he can say, this is my people and this is my home?

Much more earnestly do we ask, when and where has the great Lawgiver and Head of the church given the right to a mere majority of the brethren who happen to be at a particular meeting of the church, to declare this covenant dissolved throughout the whole church, so that not one brother or sister is any longer in covenant with another, and that too whilst members are protesting against the act as a violation of their most sacred and cherished rights?

Will it be said in reply to this, we cannot admit the principle that a minority can veto the act of a majority? We reply, it is not the minority which in such cases vetoes the act, but its own intrinsic unlawfulness. It is at war with the great laws of truth and righteousness, established by the King and Head of the church, and His authority pronounces it invalid.

Indeed, it seems to us wonderful that any one should suppose that it is an essential part of Congregationalism, that the action of majorities should always be held valid—and that the Essex South Conference could find no accredited precedents in the usages of the churches to the contrary.

What is our system of ex-parte councils but a deliberate, designed, systematic check upon the abuse of the power of majorities? So Mather in his Ratio states the case, among our earliest usages and precedents.

Upham also says, that one great object of Congregationalism is to preserve every individual in the full possession of his religious rights, and that ex-parte councils were designed to defend them, "by checking the violent and unjust proceedings which so often characterize a dominant party." Therefore he calls them "a sort of key-stone to the system, which binds and consolidates the arch of the fabric, and gives it strength."

Punchard also says, that these councils "furnish an effectual check to the exertion of arbitrary power on the part of a majority of a church."

The very genius of our system, therefore, requires that the action of the majority in the present case be declared invalid, as contrary to the laws of equity and of God. Even if such were not the fact, it would be invalid because at war with the most firmly established principles and accredited usages of the Congregational system. We have shown that nothing can be more explicit, nothing more universally recognized, than the principle laid down in the Cambridge Platform, "the church cannot make a member no member, but by excommunication." What can be more directly at war with this than to make the members of a whole church, no members, by the vote of a majority, or indeed by any vote at all?

7. But even if it were possible to admit the idea that a bare majority could disband the church against the wishes and protest of a minority, still in this case the facts are such as to show that it has not been regularly and properly done. Much weight has been attached to the fact that a council advised the dissolution. But in reply to this it should be said, that the question was never properly brought before a council. There was no vote of the church to submit such a question to a council. No one even pretends that such was the fact when the church decided to call the council. They voted to call a council solely for the dismissal of their pastor, Rev. Mr. Mann,* and appointed a committee to prepare and send out the letters missive. That committee, unauthorized by the church, and on their own responsibility solely, inserted the clause, "and to advise them on other difficulties." The church, therefore, did not call the council to advise on this matter, and no opposition was made to calling the particular council which met, because it was supposed that they would act solely with reference to the dismissal of the pastor. Of this the council were informed. It was therefore out of order for them to recommend a dissolution of the church, and their advice ought to have no weight.

8. Moreover, even if the act of the majority were not invalid on these grounds, it is in this case, on the ground that it is at war with a limitation imposed by the special legislation of the church itself on the power of the majority, and with the mode prescribed for calling such meetings of the church. Fourteen rules and regulations had been established by the Howard Street Church. These relate to the form of government, mode of discipline, admission and dismissal of members, the times of church meetings, the administration of the Lord's supper, the observance of monthly concerts of prayer, and other similar topics. Of these rules the eleventh is as follows, "No alteration shall be made in any of the foregoing rules, unless at a

* No. 12.

regular meeting for business, *it having been proposed in writing one week previously, and two thirds of the members present voting for it.*" Now on this we remark that, inasmuch as the question of the utter dissolution of the church is the most important question that can be raised, if the church forbade altering even a regulation as to the time of the Lord's supper, or observing a monthly concert, except by a vote of two thirds, and after a week's written notice, much more did they forbid the dissolution of the church by the votes of a mere majority, and without any such written notice, or any public notice at all. Moreover, by dissolving the church, the rules as to the observance of the Lord's supper, of church meetings, of monthly concerts, and of all other services, and every other rule, would be virtually repealed. If then that cannot be done indirectly which the law forbids to be done directly, surely a vote to dissolve the church, passed by merely a small and accidental majority, and without any previous written notice at all, is on every principle, both of law and equity, null and void. Yet the legal notice was never given, nor did two thirds at last vote for the dissolution.

This consideration is of itself absolutely decisive. It is abundantly sufficient to settle the case. If we had no other ground of declaring the disbanding vote null and void, this would be all that we need. Similar principles are contained in our civil constitutions, the fundamental principles of which cannot be changed by mere majorities.

But we do not desire to fix the mind on this alone. As the general question is now up, we desire that it may be settled in accordance with the great general principles of our system, and on grounds of eternal right. We desire to reëcho the truth that a majority has no right to violate the fundamental principles of our ecclesiastical polity, or to contravene the eternal laws of natural equity. They have no right to violate a covenant with God, or with man. It would be, as we have before said, no violation of covenant if all the members were to pass in an orderly way into fellowship with other churches till none remain. In this case the church would become extinct, but no covenant would be broken. Nor would this contravene our ecclesiastical polity. The church would not thus make a member no member. So also two churches may be united, if it is so done that no one of either is thrown out upon the world, as a member of no church. But in no case is it lawful to disregard the great principle that the church cannot make a member no member, except by excommunication.

If it should be said that the necessity of observing these principles may involve great inconvenience, and may prevent the dissolution of churches when it is desirable, we reply, it may cause great inconvenience to an upright man who has sworn to his own hurt, not to change, yet the pen of inspiration has given it as one of the decisive

tests of a citizen of the kingdom of God, that when he has thus sworn even to his own hurt, he will not change. And shall a whole church swear to watch over each other, till they are safely in another church, and then a mere majority, to avoid inconvenience or any other alleged evils, change from what they have sworn, declare that all obligations to watch over each other are at an end, and against remonstrances and protestations, cast out their brethren into the world with none to watch over them? The mutual covenant of the church is one of the most solemn engagements in the universe. Doubtless God so regards it. Shall it be trifled with? And shall a church weigh considerations of convenience or expediency against the solemn demands of right and principle?

Not only is the principle of the right of a majority to govern, partially and incorrectly apprehended, as we have shown, but it is applied out of its proper sphere. The right to govern implies the existence of a community to be governed, and its proper sphere is in the government of that community. But the dissolution of a church is not an act of church government, but of church destruction. It is an act that renders government impossible. It destroys alike majorities and minorities, and reduces what was once a community to scattered, disorganized, and ungovernable fragments.

Appeal has been made in defence of this mode of proceeding to the rights of communities to revolutionize governments by the vote of a majority. But the cases are totally unlike. No nation exists by a covenant, like that which gives its being to a Congregational church. And though a Congregational church is a democracy, yet it acts under fixed divine principles; the principles of a covenant revealed in the word of God, which it has no right to repudiate. Moreover, the right of revolution and of disbanding are not the same. No nation or people ever attempted so to disband itself as to destroy all political ties between citizen and citizen, and all right of government, after appointing a committee to distribute its citizens, by letters of commendation among other nations. No nation is likely to claim the right to do it. They claim the right indeed to change existing forms of government, but they remain organized under one form till they pass under another; and they so pass as not to invalidate existing titles to possessions and property. But on these new principles, under the pretence of governing, a majority have a right of destroying both themselves and the minority. This is not the right of government, but of suicide. It is the right of a majority not only to destroy their own rights, but also to plunder others of theirs.

After all, we cannot but wonder what can be the cause that so much zeal is manifested in behalf of the right of a majority to disband a church. If the disbanding of a church were some great good, some

glorious result, for which churches were ordained, we could understand it. But what church, once organized, does not naturally desire to live and bless the world till Christ shall come to sit as judge of quick and dead? Why do we find nowhere in the Bible any directions as to this mode of dissolving churches for which so much zeal is manifested? Why do we find no such directions in any earlier or later works on our church polity? Is not this a significant fact? Does it not proclaim the truth that to live and increase is the great end of a church, that its death is an event to be deprecated as unspeakably mournful, and that no directions are given as to the newly-invented mode of self-destruction, because it is not a thing even to be once thought of? If, in the inevitable providence of God, a church once formed must cease to exist, let it be either by the act of God taking all its members to heaven, or by so placing them under the care and watch of other churches, that the church shall not cease to exist till they are all safely located in a Christian home.

It is suggested by the Tabernacle Church, as a reason for not granting the request of Brother Goss, that the Essex South Conference had refused a seat to the delegates of the Howard Street Church, on the ground that it had been dissolved by vote of a majority of the church. We have looked into their proceedings, and find that such was the case. But this council does not perceive that weight should be given to this suggestion. We cannot agree that the orderly standing of a church, recognized as such by neighbor churches in ecclesiastical council, should be impeached in this way. The objects of these conferences are mutual improvement and instruction, and union in prayer and action, in favor of weak churches: "they expressly disclaim all interference in the rights of particular churches, and they exercise no acts of authority or discipline."* Attempts have been made to confer upon these bodies consociational powers, but it has been fully ascertained that no such change can be admitted into the ecclesiastical polity of this state.

Such an attempt was made, and the proposals sent to all the churches in 1705, which was repelled with great power of argument, and boldly and effectually rebuked by Rev. John Wise, the admitted *legal* expounder of the Platform; † and it would seem that the present is a suitable time to reprint his tract on that subject. We extract a sentence or two: "This attempt is in defiance of our constitution, and strikes at the root of our government; for our Platform denies the classical state of the churches. It sets at naught the 15th and 16th chapters for convening councils for the service of our churches, and signs the condemnation of a form of government, settled by rules of equity, settled and established by all the churches, and blessed by

* Up. Rat. Disc. 237, &c.

† "Churches' Quarrel Espoused."

God through a long succession of years. I shall, for my own part, with the jealous Laocoon, enter a caution against taking down the sides of the city, and opening the walls of our Zion, and letting in this Trojan Horse." The scheme was rejected. Dr. Cotton Mather says, "There were some very considerable persons among the ministers, as well as the brethren, who thought the liberties of particular churches to be in danger of being limited and infringed by its adoption."

In 1815 another and more strenuous attempt was made to establish consociationism in this way, and it was everywhere opposed by the laity, and by many distinguished clergymen—most especially by Rev. Doctors Spring and Emmons. Dr. Spring published a tract on the occasion, in which he says, "it is not authorized by reason or revelation; it is not friendly to the liberty and rights of conscience, and exceeds the plan of the Fathers by placing the churches under the care of standing councils." Dr. Emmons contended that it tended to foster feelings of pride, place, and power, to introduce a hierarchy, as in the early ages of the church, to create a jealousy of the clergy, and to destroy that *personal* influence so necessary to their usefulness. The failure on this occasion was so decisive, that we have no reason to expect another attempt of the kind.

The discipline of the Platform, which has stood against these and some other minor attempts now for two hundred years, is very plain and clear. An assembly of Christians claims to be a Congregational church, and sends its pastor and delegates to the conference. The conference questions the claim. Here, by consent of parties, a mutual council between the conference and the questionable church can be called;* but if none such is agreed on, the way to settle the matter, by our Platform, is perfectly plain.

One of the churches *acts as a church*, and deals with the church called in question, as does a *brother* with an offending *brother*. It may advise them to reorganize. If they do not observe the advice, a charge or complaint is made to another church, and after notice and action, and refusal, these two churches call a council to advise and act on the subject. If the church complained against persists or is contumacious, sentence of non-communication is regularly pronounced.†

But this conference postponed the Platform, and, wholly disregarding its provisions, made a summary disposition of the claim of the pastors and delegates, and put the sentence of non-communication immediately into effect. This is what is called coming to a result *per*

* The council has been informed that such a council was offered on the part of the church, but it was not accepted.

† Punch. 116; Mat. c. 15; Math. Rat. Dis. 172; Up. Rat. Dis. 206.

saltum—leaping over the constituted forms of trial, and jumping to the conclusion. This is not Congregationalism, and it is equally plain that these conferences cannot hear and decide ecclesiastical cases, or take jurisdiction of them, with any proper regard to the rights of the churches or private Christians, or with any proper regard to the principles on which they are formed or acknowledged by our order; and if they become organized as judicial bodies, they must necessarily be consociational—bodies which, it is quite certain, will not be tolerated in Massachusetts.

But far worse than consociationism, in the opinion of the council, is a collateral, summary jurisdiction, which disregards the provisions of the Platform, and if not final, nevertheless disparages character in an unauthorized manner, and creates prejudices unfavorable to fair and impartial trials in a congregational way. The council, therefore, cannot see, in the proceedings of the Conference, referred to in the reply of the Tabernacle Church to the request of Brother Goss, any good reason for withholding letters testimonial and of dismission.

Whether a Congregational church shall be cherished, improved, aided by advice, and dealt with according to the Platform, or become extinct and annihilated, are questions of interest and magnitude to all its members, as well as to neighbor churches, and to all who love Zion. When a church are already connected with a religious society and have a house of worship, and are sufficiently numerous and of sufficient ability to sustain the worship,—it would seem that absolute necessity alone could induce the members to abandon the worship and throw up their covenant. In other days, instead of compliance, there would have been “resistance unto blood.” The only definite reason which we have seen assigned for the advice given to the Howard Street Church to break up, comes from members of the Conference, (stated as that which induced the council so to advise,) and is—“that discipline in the church had been a long time frustrated,—that there had been no discipline for a long time, *because it was impossible.*”

To justify this strong language, the church must have been exceedingly corrupt; and the MAJORITY of the members *must have chosen* not to exercise discipline. But if such were the fact, with what consistency could the council advise that letters of commendation should be given to all, as without exception suitable persons to join other churches? Moreover, if there is guilt in neglecting discipline, it is of course the guilt of the majority, for so long as they are the majority, they could maintain discipline if they would. Is it not then a singular proceeding to advise those who by the supposition are neglecting known duty, to disband the church, and thus put themselves in a position in which no power on earth has any right to call

them to account? As a church they could be called to account for neglect of duty. But as disbanded individuals they cannot be.

But we cannot persuade ourselves that *Christian* discipline was impossible. Was there no member who had love enough "to go to his brother in a Christian spirit and manner to 'tell him his fault?'" And would the MAJORITY refuse to take notice of a complaint for a palpable offence, the first and second steps having been so first taken? Was the trial made, and made as it should be made, with desire to gain the brother, by prayer and entreaty and importunity? Did the majority in this spirit make the attempt? However this may be, the remedy advised to heal this alleged disease of the church was worse than the disease.

It appears to this council that the troubles in this church, concerning which we have heard considerable accounts, and read many documents, were not attended to, by the majority, or by neighbor churches, in the spirit and manner prescribed by the law of Christ and the provisions of the Platform; and that the expedient devised to heal them, was such that its failure need cause no disappointment. "When men undertake to be wiser than the law," it is no new thing that they do not succeed. Any other discipline than *Christian* discipline, is a thousand times worse than *no* discipline. It is known and felt by the offender that it is wrong and he is irritated; other members know it and sustain him, and a faction is created in the church not easily removed or suppressed.

If a church be corrupt—does not maintain discipline or the ordinances, our Platform provides a discipline in respect to such corrupt church, which we understand was not pursued in this case. If this church had been in so great fault and extremity, as is alleged, or in any considerable wrong, neighbor churches should have taken the steps which it directs—steps, which, if taken in the right spirit, we believe have never failed of success.

However, as every member of the church was to be recommended to other evangelical churches, it cannot be supposed that it was so corrupt a church as not to be *able* to administer true Christian discipline. But if they neglected their duty, other churches should have called them to account. The spirit of our system demanded this, and not the destruction of the church. Congregationalism is conservative. It holds on to all that is sound, and provides the means of healing difficulties and disorders both of individuals and of churches, and does not crush or destroy a church even when its disorders are not at once healed by the means which it provides. Although it may put a church out of communion, it still hopes for its return. Such was the case in Salem itself in 1733. At that time the second church in

Boston called the first church in Salem to account, and the sentence of "non-communication" by about twenty churches was declared against it. After several years the church in Salem penitently acknowledged its errors, and the sentence of non-communication was taken off. (Wisner's Hist. Ser. p. 105.)

The political philosophy of Burke, so much admired and applauded, was applied to the *reformation* of abuses; that of the French philosophers of his day was—*instantaneous demolition*, and organizing the state anew. The consequences of their work soon proved the wisdom of Burke, and the folly of the philosophers. The council does not perceive the wisdom of the experiment made in this case. Demolition, disbanding, dissolving—no such remedies are provided in our polity for healing disorders in churches. Such a course impeaches the wisdom of our fathers, which provided other remedies, and disregards their practice and the usages of the churches, and tends to bring our whole system into disrepute.

The council cannot but observe that the *vote*, by which it was attempted to dissolve the church, seems to have been a very rash and improvident act, besides being wholly ineffectual. When matters of great importance are to be settled in the church, care should be taken that all the male members be notified, and time for consideration, prayer and conference, personally and collectively, should be taken, and at last something more than *bare* majorities should be sought and obtained.* In this case, no written notice was regularly given that a meeting would be held for the purpose, although it was a question of the greatest possible importance. Moreover, although it was debated at some of the usual meetings for business, it is doubtful whether all of the members knew that the matter was before the church; not above two or three more than half of the male members were present, and the final vote was but seventeen in favor of the measure, and ten were opposed to it. It is not our usage to pass acts of less importance than this without a greater unanimity.

This fact and the subsequent results show the wisdom of not forgetting or disregarding the fifteenth and sixteenth chapters of the Platform.

After the vote to dissolve the church was passed, at a subsequent regular meeting it was agreed to convoke a council to advise as to whether or not they continued to be a church, and that council convened and advised that the Howard Street Church was not dissolved. These papers and proceedings are annexed and marked.†

This council is not advised of any reasons or facts which show that the advice of this council does not stand good, nor why it should not be respected by the Orthodox community. It has been objected that

* Punch. Cong. 170.

† No. 13.

the council was *ex parte*. We do not think it was so in the usual sense of that term. A church, feeling the need of advice and light, may well send for the advice of neighbor churches, without calling it *ex parte*. Such, also, is the case of a council to advise as to an ordination, or the gathering of a new church. There must be an *adverse party*, not offered a mutual council, in order so to characterize an ecclesiastical council. In this case, the majority had probably taken their letters and joined other churches, and so could have no more interest in the question than other members of the churches to which they belonged; or, not having used such letters, they were still members of the Howard Street Church, and so must be considered as joining in the call, and also as having a right to be heard before the council when convened. Further, having *seceded*, and not continuing to worship with the church, they had voluntarily abandoned all right to its property, whether it continued, ecclesiastically, to be a church or not.

It appeared also, that, having been so advised that they were a church, they continued their worship and called a pastor, and convoked a council of Orthodox churches, to advise, as to his installation, and that the council assembled and advised that it should take place, and proceeded to install him as pastor of the Howard Street Church.* Thus was he settled as pastor of the Howard Street Church, and continues to be such upon a stipulated salary, preaching and administering the ordinances. Here is certainly *prima facie* evidence that this church is entitled to the fellowship of all our churches, and the proceedings of the first council are necessarily recognized as valid, ratified and confirmed. What more have any to seek among our churches to entitle them to communion, than the proceedings of these councils afford in favor of *this* church?

If any of the churches were "otherwise minded," our Platform prescribes the manner in which they should proceed against heretical and disorderly churches, and all our writers agree that it is the only way provided in such cases, in the Congregational system.† But no such steps have been taken with this church, and until they shall be, this council sees not why its standing should be called in question.

In view, then, of all that has been said, it is the opinion of this council, that the vote of a majority cannot dissolve a church against the consent of a minority; and it appearing that the Howard Street Church has not been otherwise dissolved, and that the minority claim membership there, and have acted and still act as that church, and sustain its meetings, the ordinances, and the ministry, this council advise that that church has not been dissolved, but still exists on its original foundation.

* No. 15.

† Plat. ch. 15. Punch. Cong. 185, 186.

They also advise that Mr. Goss renew his application to the Tabernacle Church for a letter of dismissal, and recommendation to the Howard Street Church, and if his request be refused, that he offer himself for membership to the Howard Street Church, and that the Howard Street Church be advised to receive him.

In conclusion, so far is this council from yielding to the reasons assigned by the Tabernacle Church for denying the request of brother Goss, founded on the objectionable standing of the Howard Street Church, that it considers this church, if not *primus inter pares*, as an ancient church, yet, at least, an *equal*, entitled to the sympathies and the affections, the help and the encouragement of all the Orthodox churches in this community. And more especially should they have our sympathies and our prayers, if not our thanks, for the stand which they took in favor of the holy covenant,—not consenting to *break*, but contrariwise inflexibly determined to *keep* it, “to hold it fast and not let it go,” thus setting an example of integrity and fidelity in the midst of trials, “perils of brethren,” and formidable opposition without and within, holding up, as a standard, the ancient covenant of our fathers, and calling upon all the churches to look at it as the great charter of all the churches of our order throughout the Christian world. Why should an Orthodox church be crushed? Who among us all would put our hand to such a work? Why should *this* church be crushed? It is admitted by *all*, that a church, and the worship and ordinances, ought to be sustained in Howard street. What possible interest or valid reason can there be that it should not stand on its ancient foundation, and preserve and show forth its ancient name and its ancient covenant? Do any covet its name? We are not so advised. Do any covet its property? We know not; we suppose it is not rich in this world’s goods, but hope it is “rich in faith,” and if it is a trustee for its poor, we hope “they will not be sent empty away.”

It seems to the council that all the churches must feel interested to keep this church in their community, and that scarcely a greater cloud of grief could come over them than would come by the extinction of this light. The beloved disciple said, “I have no greater joy than to hear that my children walk in the truth.” We hope that this spirit is in all our churches, and that as the extinction of this church would be mourned as the annihilation of long-cherished hopes, so its confirmation and its walk in the order of the gospel and the communion of the churches, will be hailed as the highest consummation of Christian joy.

REUBEN EMERSON, *Moderator.*

A. L. STONE, *Scribe.*

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be clearly documented and supported by appropriate evidence. This includes receipts, invoices, and other relevant documents that can be used to verify the information recorded.

The second part of the document outlines the procedures for handling discrepancies and errors. It states that any inconsistencies should be identified immediately and investigated thoroughly. Once the cause of the error is determined, appropriate steps should be taken to correct the record and prevent similar mistakes from occurring in the future.

The third part of the document provides guidelines for the storage and security of records. It recommends that all documents be kept in a secure, fireproof location and that digital copies be maintained in a secure, encrypted format. Regular backups should be performed to ensure that the data is protected against loss or corruption.

The final part of the document discusses the importance of regular audits and reviews. It suggests that the records should be audited periodically to ensure their accuracy and completeness. This process should involve a thorough examination of the records and a comparison with the original source documents to identify any potential issues.

APPENDIX.

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No. 1.

VOTE OF REFUSAL.

SALEM, AUG. 25, 1849

To Mr. E. Goss.

At a meeting of the Tabernacle Church last evening your request was presented, and after some discussion in a *kindly manner*, the following vote was passed—

“Viz.—that in view of the circumstances in *the case* the request be not granted.”

HUMPHREY COOK, *Church Clerk*.

No. 2.

PREAMBLE AND RESOLUTIONS OF THE TABERNACLE CHURCH.

At a meeting of the Tabernacle Church, Friday evening, Sept. 28, 1849, the following preamble and resolutions were passed, viz.:

Whereas a member of this Church has requested to "be dismissed and recommended to the Howard Street Church," and whereas while the Howard Street Church was under the pastoral care of the Rev. Joel Mann, a Mutual Council, called to consider the difficulties existing in said Church, advised that the Church should be dissolved;—

And whereas, agreeably to the advice of the said Mutual Council, and after mature consideration of all the circumstances of the case, a vote was passed by a majority of the Church, to dissolve the Church, provision being made, however, for a regular transfer of membership to sister churches;—and

Whereas, this Church has recognized the validity of the aforesaid vote, by receiving members, agreeably to the aforesaid provisions for a transfer of membership to sister churches;—and whereas, notwithstanding the result of an *Ex-parte* Council, called by the minority of the said Howard Street Church,—the Essex South Conference of Churches decided that the delegates of the said minority were not entitled to a seat in the Conference, in virtue of their claim to be considered the delegates of the Howard Street Church as known and recognized, previous to the vote, by which the said Church was declared to be dissolved;—

Therefore, Resolved, 1st, That as at present informed in relation to the whole subject, we are not aware of any sufficient reason to repudiate and disregard the decision of the Essex South Conference, in October last, by which the action of the aforesaid majority of the Howard Street Church was indirectly, yet distinctly and absolutely sustained —

Resolved, 2d, That in the judgment of this Church, it is not consistent with the principles of order and fellowship in our Congregational churches, nor promotive of the best interests of the community—to recognize the claims of the aforesaid minority of the Howard Street Church, to be the original and undissolved organization as known and acknowledged previous to May 4th, 1847, when the vote was passed which declared the Howard Street Church to be dissolved, and no longer to exist.

Resolved, 3d, That until prepared to rescind the foregoing resolutions, and reconsider the facts, which are presented in the foregoing preamble of the said resolutions,—it will not be consistent or proper for this Church to grant letters of dismissal and recommendation to membership with those who claim to be the Howard Street Church in this city—without any regard to the proceedings by which we have considered the said Church regularly and truly dissolved.

Attest,

HUMPHREY COOK, *Church Clerk.*

Sept. 28th, 1849.—At the meeting of the Tabernacle Church this

evening, the Committee on Br. Goss's request *reported* and the Church accepted it; and adhered to their former *vote*—

Viz., that under existing circumstances Br. Goss's request cannot be granted.

HUMPHREY COOK, *Church Clerk.*

No. 3.

REPORT OF THE COMMITTEE.

TO THE TABERNACLE CHURCH.

The Committee appointed to explain to Br. Ezekiel Goss the reasons why the Church could not grant his request to be dismissed and recommended to the Howard Street Church, so called, have attended to the service.

Agreeably to what was stated at the time his request was acted upon, the Committee informed Br. Goss that it would not be at all consistent for this Church to grant his request, because the standing of those with whom he desired to be connected is considered by this Church to be irregular.

The Committee also stated to Br. Goss that his own walk had been irregular; they reminded him that he had not fulfilled his covenant engagements, inasmuch as he not only absented himself from the meeting of the Church which he used to attend very constantly, but has not for a considerable time worshipped with the Church or been present at their communion season. This absence appeared to be in consequence of some offence which he had taken, or some alienation of feeling which ought not to exist, and therefore it would not be proper to grant his request, even if there was no objection in regard to the standing of those to whom he has requested to be dismissed and recommended.

IRA A. BREWSTER, }
JONA. PERLEY, } *Committee.*

Salem, Sept. 28th, 1849.

No. 4.

LETTER OF MR. CARLTON.

SALEM, JAN. 8, 1850.

Rev. and Dear Sir:—On the morning after the session of the Council in the case of Mr. Goss, you remarked to me, that the action of the Council had been considerably embarrassed by the intimation that Mr. Goss was still under the discipline of the Tabernacle Church; *i. e.*, that a process of discipline had been commenced with him, and was still unfinished, or, in other words, had not been finally adjudicated by the Church; and you asked me if this intimation was true, to which I replied, emphatically, that it was *not true*.

To prove to you now, sir, that the suggestion was not true, I submit to you, agreeably to your request, the following brief statement of facts.

1. When Br. Goss first presented his request to the Church for a letter of dismissal and recommendation to the Howard Street Church, no intimation whatever was made by any one, that any brother had commenced a course of discipline with him. And, besides, the pastor distinctly stated to the Church, that he had intended, that very week, to request some one of the brethren to converse with Br. Goss in relation to his long absence from the meetings and communion of the Church; but that the request of Br. Goss had taken him by surprise.

2. After the Church had voted, that, "under the circumstances," the request of Br. Goss could not be granted, he sent in a communication, desiring to know what "the circumstances" were. The Church raised a committee, and directed them to wait on Br. Goss, and give him an explanation. That Committee subsequently reported to the Church, in writing, that they had attended to the duty assigned them, and had told Br. Goss that the reasons for refusing his request were two; viz., that the Howard Street Church, so called, was not considered by them as a regular church, and that his walk had been disorderly. Br. Goss then appeared before the Church, and asked permission to reply to the two reasons assigned by the Committee; but he was told by the pastor that he could not be allowed to reply at all; not, certainly to the first reason, because the Church had taken *final* action on the subject of the Howard Street Church, and therefore that subject could not be re-opened; and not even to the second reason, because the Church had not only brought no such charge, but had made no charge whatever against him. And when it was suggested that the action of a committee of the Church was, in reality, the action of the Church, the pastor replied, that the report of the Committee had only been accepted, but *not adopted*, and that, therefore, their action was but the action of individuals, and not the action of the Church. And Br. Goss was told by the pastor and certain members of the Church, over and over again, that the Church had neither charges nor charge against him; and accordingly he was not allowed to make any reply.

3. After the Church had refused to hear Br. Goss, and he had retired, it was suggested by some one, that his long absence from the communion of the Church was wrong, and was a fit subject for church discipline. Thereupon I immediately rose in my place, and stated that I hoped a course of discipline would now be commenced with Br. Goss *forthwith*. The pastor stated in reply, that there were cases, which, for certain reasons, ought to be delayed; and intimated that this was a case which ought to be deferred to a future time.

From these facts, you can judge as well as I, whether the intimation, which you said was thrown out during the session of the Council, was true or not.

Very respectfully, yours,

O. CARLTON.

REV. E. BEECHER, D. D.

LETTER OF MR. GOSS TO THE CHURCH.

SALEM, SEPT. 14TH, 1849.

TO THE TABERNACLE CHURCH.

Dear Brethren:—Deacon Perley and Brewster called on me last evening as a Committee of the Church to explain the circumstances in the case why you voted not to grant my request for a dismissal and letter to the Howard Street Church.

The first reason they gave was, That the course the Church had taken in regard to the Howard Street Church, in receiving her members was, that the Church is broken up, and therefore to be consistent with that course could not grant my request. The second was, That the Church apprehended that there might be ill feelings towards some members of the Church. Whether that apprehension was well grounded they knew not, except my long absence from the communion.

In reply to the first, I will inform the Church, that the brethren and sisters that remain at the Howard Street Church sought counsel and advice of sister churches (with which you are in fellowship), in their trials and difficulties, and have acted in accordance with that advice, and since then they have settled a pastor by Council of sister churches, to which you have and are accustomed to dismiss and receive members, and to which you also were invited. You cannot therefore expect me to surrender my rights and privileges to such a plea. I therefore renew my request.

To the second, I can only say I know of no unkind feeling to any member on my part; if there is, or has been, I wish their forgiveness as they would be forgiven. As for my long absence from the communion, my intention has long been known by a large part of the Church, and to the pastor for more than a year, and I have communed with the Howard Street Church regularly ever since.

From your brother in Christ,

EZEKIEL GOSS.

CERTIFICATE OF MR. HUMPHREY COOK.

I hereby certify that as clerk of Tabernacle Church I have furnished Br. Ezekiel Goss with copies of the following documents, viz.:

1. The vote of the Church, Aug: 25, 1849.
2. The report of the Committee which was appointed to state to him the reasons why his request was not granted.
3. The resolutions adopted by the Church respecting Howard Street Church, and the second vote declining to dismiss him, passed Sept. 28, 1849.

4. The reasons put on record for declining his request for a Mutual Council, and that these are all the record of proceedings in his case up to the 20th of Nov, 1849.

I also certify that on the 26th day of October, Mr. Goss desired an opportunity in Church meeting to make some communication to the Church, touching their objections to granting him a dismissal, which was refused by the pastor and Church, on the ground that so far as Howard Street Church was concerned, the action of the Church could not be changed, and, second, that the Church had no charges against him that demanded any communication from him. It was repeatedly said to him, we have nothing against you.

HUMPHREY COOK.

Salem, Dec 26, 1849.

No. 7.

REQUEST OF MR. GOSS FOR A MUTUAL COUNCIL.

TO THE TABERNACLE CHURCH.

Dear Brethren:—I have repeatedly requested of you a dismissal and recommendation to the Howard Street Church in this city. My request has as often been refused. I do not now wish to present further reasons for my request, for I am assured by your pastor that there are no charges against me, and still my request cannot be granted. I therefore respectfully request that you will unite with me in calling a mutual council according to the usage of the Congregational Church, to consider and advise with reference to the following questions, viz.:

1st. Was I in good and regular standing as a member of the Tabernacle Church on the 25th of August, 1849?

2d. Has any thing taken place in reference to the question of my request for a dismissal since that time that renders it improper that I should have a letter in the usual form?

3d. Is the standing of the Howard Street Church such that the Tabernacle Church ought not to recommend members to its communion?

I would propose that the Council should be composed of churches whose ministers have never been called to act in the case of the Howard Street Church during its last difficulties.

I will be ready to meet your Committee at any suitable time on a few hours' notice, for the purpose of selecting the Council and preparing the letters missive.

From your brother in Christ,

EZEKIEL GOSS.

Salem, Oct. 30th, 1849.

N. B. On account of business arrangements I would earnestly request that the Church would act on it on Friday evening next at the close of their preparatory lecture.

ACTION OF THE TABERNACLE CHURCH DECLINING A MUTUAL COUNCIL.

SALEM, NOV. 9, 1849.

At a meeting of the Tabernacle Church, Friday evening, the request of Br. Goss for a mutual council was acted upon, and the following *vote* was passed, viz.:

“Whereas our Br. Ezekiel Goss, has requested this church to unite with him in calling a mutual council” to consider and advise with reference to the following questions, viz. :—

1st. Was I in good and regular standing as a member of the Tabernacle Church, on the 25th of August, 1849?

2d. Has any thing taken place in reference to the question of my request for a dismission, since that time, that renders it improper that I should have a letter in the usual form?

3d. Is the standing of Howard Street Church such, that the Tabernacle Church ought not to recommend members to its communion?—

Therefore, voted, that the following answer be given to his request, viz. :

In regard to the first of the questions, which it is proposed to submit to a mutual council, the Church has not taken action in a judicial manner, and the hope has been cherished, and still is, that both the expediency and the necessity of such action may be entirely precluded. If, however, the long absence of Br. Goss from the communion and meetings of the church previous to Aug. 25 should ever be brought before the Church, in the regular process of discipline, the Church has no reason to anticipate any such difficulties in the case, as would give occasion, in the smallest degree, for the advice of a council.

Upon the second question, which it is proposed to submit to a mutual council,—the Church has taken no action whatever, neither has any been contemplated, so far as is known to the Church. As, therefore, the subject matter of neither of these questions, has been adjudicated in the Church, nor even introduced into the Church for the purpose of adjudication, there can be no propriety in calling a mutual council in such circumstances “to consider and advise with reference” to them.

In relation to the third question, it is true that the Church has taken action, and such action as may be inferred from the language used in the letter of Br. Goss. The action of the Church however by which the dissolution of the Howard Street Church, May 4th, 1847, has been recognized, was taken with much carefulness and under a constraining sense of duty, to vindicate and support the fundamental principles and the accredited usages of the Congregational order,—as affecting the independence of each Church respectively, and the inalienable rights of majorities in each church. Until those who now profess to be the original Howard Street Church, as if no dissolution had ever been voted, shall take a different ground upon which they will urge their claims to recognition and fellowship as a sister

church,—the Tabernacle Church cannot, with any consistency or propriety, acknowledge their title to such recognition and fellowship; so far as known to the Tabernacle Church, there is no existing occasion to submit its doings, in respect to this subject, to the revision of a Council; neither is there any such occasion apprehended, in the changes of the future. While, therefore, the Church has none other than the kindest feelings towards Br. Goss, and there is not the least desire to prevent a removal of his relation of membership to some sister church, whenever it can be accomplished in an orderly and satisfactory manner, the request of our Br. Goss, that the Church should unite with him in calling a mutual council, must be declined.

HUMPHREY COOK, *Church Clerk.*

No. 9.

ACTION OF THE ESSEX SOUTH CONFERENCE OF
CHURCHES.

In October of the year 1847, the Essex South Conference of Churches met at Swampscot. The Howard Street Church sent Brethren B. A. Gray and D. Brainard Brooks, as delegates, and at the call of the names of members they handed us their names as delegates. Objections were made to their having a seat by R. P. Waters, Esq., on the ground that there was no church there. Their claim was referred to a committee of five under the following vote:

“Voted, that a committee of five be appointed to consider the question pertaining to the relations to this conference of the brethren claiming to be the Howard Street Church, Salem. Messrs. Lawrence, Cooke, Field, Tolman, and Trask, of Beverly, were appointed the Committee.”

DANVERS, OCTOBER 8, 1848.

Voted to hear the report of the Committee on the questions pertaining to the relations of the brethren claiming to be the Howard Street Church, to this conference.

REPORT.

Whereas, It is an admitted principle that in the action of Congregational churches laid down in the New Testament, and in the records and symbols of our churches, that majorities govern: and whereas we find no accredited precedents in the usages of the church to the contrary, and do not feel willing to institute one—Therefore, Resolved, That the claim of our brethren to be the late Howard Street Church, ought not to be allowed and it is not allowed.

After a protracted discussion (from 9 1-2 A. M., to 4 P. M.) of the subject, the Report of the Committee was adopted.

A true copy of the records, made by

M. H. WILDER.

No. 10.

RESULT OF COUNCIL ADVISING TO THE DISSOLUTION.

SALEM, APRIL 14, 1847.

It appears that the pastor's request for a dismissal arises from embarrassments which have rendered, in a great degree, abortive his earnest and self-denying efforts for a course of years, and which embarrassments have now come to a crisis, so that we can do no less than accede to his request, and we hereby *declare his pastoral relation dissolved*.

We tenderly sympathize with the Rev. Mr. Mann, in his afflictions and disappointed hopes, and most cordially recommend him to the churches of Christ, as *sound in doctrine, earnest, able and faithful in preaching; kind, amiable and acceptable in the relations of social life, and heartily devoted to the true ends of the ministry*. And we deem it due to him to say, that his failure of the desired success in extricating this church from its embarrassments should not be used in disparagement of his ministerial character in any respect.

And since the embarrassments which have so far frustrated his ministry still exist, without prospect of change, while the Church retains its present organization, we would suggest the inquiry whether the best good of all concerned would not be consulted by a dissolution of that organization, and the members connect themselves with other churches in this city. A step so uncommon, we think, is made expedient by reasons as peculiar. It is not that we think that there is not ability and piety enough to sustain the enterprise in favoring circumstances. There are materials of great value in this Church, but they stand in such relations as to hinder their efforts for good. Nor is it true that our denomination in this city have churches enough without this. The prospect rather appears to be, that if this is dissolved, a new one will soon take its place. We would, therefore, advise that the present *organization*, if it sees fit, vote a *dissolution*, and if the proprietors of the meeting-house see fit, to close it awhile and wait for the movements of Providence, we feel persuaded that the time will soon come when the way will be made to open it under better auspices. A new organization formed for the purpose, would of course stand clear of most of the embarrassments of the present.

We deem it to be our duty in concluding this Result, to call upon some of the individuals of the Church to reconsider the manner in which they have treated their pastor, during the existence of the difficulties which have given occasion to the calling of this Council. Saying nothing of those who have been in fault in other matters, there has been a disposition on the part of these, to push some favorite points to extremes;—a want of charitable construction of the pastor's motives and conduct in relation to points on which there existed a difference of opinion between him and them; and a deficiency of that kindness and courtesy which he had a right to claim as a Christian minister, and particularly as their pastor.

The Council hope that they will see their error, and that in whatever future ecclesiastical connection they may be placed, they will seek to be

possessed of a spirit of wisdom, and of a sound mind, and will remember, that *charity, kindness and forbearance* are as important parts of Christian character, as zeal in suppressing the errors and vices of society.

PARSONS COOKE, *Moderator.*

E. A. LAWRENCE, *Scribe.*

No. 11.

VOTE OF THE MAJORITY TO DISSOLVE.

Tuesday evening, May 4, 1847, Church met by adjournment.

Voted to choose R. P. Waters, Moderator, *pro tem.*

A. T. Brooks withdrew his motion for the previous question.

On the motion of indefinite postponement, Voted in the negative.

A. T. Brooks offered the following amendment to the main question, which was accepted by the mover, as follows, after *adopt*, to read thus :

Voted to adopt the remainder of the Result of Council and by and with their advice, this organization is hereby dissolved—and that Deacons Smith, Foster and Driver, be a committee to grant letters of dismissions and recommendations under date of May 4, 1847, to all the remaining members of the Church, to any Orthodox Congregational Church they may direct.

The yeas and nays being called for, the result was as follows :

YEAS.—A. T. Brooks, Thomas Brooks, Amos Henfield, Aaron Smith, Jr., John Kimball, Wm. R. Warden, Joseph G. Porter, John H. Grush, Alexander McClay, Moses T. Upton, George B. Stedman, Gideon B. Monarch, Charles Goodrich, Elbridge Guilford, E. W. Fabins, Isaac P. Foster, R. P. Waters.—17.

NAYS.—Daniel Millet, Joseph Hale, S. Driver, Benj. A. Gray, Thaddeus Osgood, D. B. Brooks, E. B. Osgood, Benjamin Trask, Eben. Cleaveland, Wm. P. Fuller.—10.

No. 12.

VOTE OF THE CHURCH UPON THE PASTOR'S REQUEST
FOR A MUTUAL COUNCIL.

Tuesday evening, April 6, 1847.—A communication from the pastor requesting the Church to unite with him in calling a mutual council to dissolve the pastoral relation being read, voted unanimously to comply with his request.

Voted to invite the Crombie Street Church, Salem, churches in Marblehead, Lynn, South and North Danvers, and Washington Street Church, Beverly, to meet in council at the vestry, on Wednesday, April 14th, at 9 o'clock, A.M.

Voted to choose George H. Smith and Isaac P. Foster the committee of the Church to draft, sign and send the letters missive, and also to appear before the Council in behalf of the Church.

No. 13.

PROCEEDINGS OF THE CHURCH SUBSEQUENT TO THE
VOTE TO DISSOLVE.

A meeting for business was held in the vestry on Tuesday evening, May 11th, 1847. The meeting was organized by the choice of Daniel Millet, Moderator, and D. B. Brooks, Clerk.

Voted, That we choose a clerk for the Church, our former clerk having taken a letter of dismission to another church.

Voted, that E. B. Osgood be Clerk.

Voted, to choose a Committee to supply the pulpit.

Voted, that Joseph Hale, Benj. A. Gray and John P. Jewett be this Committee.

Voted to choose a Treasurer for the Church, the former one having taken his dismission.

Voted, that Dea. Stephen Driver, Jr., be Treasurer.

Voted, that a Committee be appointed to wait upon our former Treasurer to request that the communion service be put into the hands of our present Treasurer.

Voted, that Dea. Driver and Joseph Hale be this Committee.

Voted, that the Clerk be requested to call upon Dea. Foster, our former Clerk, and request the records belonging to this Church.

Voted, that an Ecclesiastical Council be called to examine the doings of the last church meeting.

Voted, that the Council be requested to meet on the 26th day of May 1847.

At a meeting of the Church held May 17, the vote calling the Council to meet on the 26th was reconsidered, and it was voted to fix the time to the 28th of May.

The following is a copy of the letter missive :

Rev. and Beloved :—Whereas for a year past difficulties have existed in this Church which have resulted in the calling of two Ecclesiastical Councils the second of which dissolves the relation of the pastoral connection with the Church and Society, and also recommended that the Church take into consideration the expediency of disbanding its organization,—The result of the Council having been read to the Church, the former part, which dismissed the pastor, was unanimously accepted ; a motion was then made to adopt the closing part of the result, and by its adoption to consider the Church disbanded. This was strenuously opposed by a large minority of the members present, and various arguments were presented for the consideration of the Church, tending to prove the impossibility of thus disbanding

a church of Christ without a unanimous vote. But notwithstanding all the protestations of the minority, the vote was passed, seventeen voting in the affirmative, and ten in the negative, three of those voting in the affirmative at previous meetings of the Church, having been dismissed to sister churches, yet they still persisted in voting on the question, though protests were made against it. Several members, five at least, would have been present to have voted with the minority, had not Providence prevented. Under these circumstances the vote was passed and a committee of three persons was chosen (two of whom had been dismissed at their request from the Church) to give letters of dismission and recommendation to all the members—whether they asked for them or not. This is a brief statement of facts in the case. We are deeply grieved, and placed by this vote of the Church in peculiar circumstances of trial and affliction, and need judicious Christian advice in the matter, and therefore ask you to meet in Council, by your pastor and delegate, at the vestry of the Howard Street Church, on Friday, May 28th, at 10 o'clock, A. M., and review these proceedings, and adjudicate thereon.

NOTE.—On the day appointed for the meeting of the Council, Friday, May 28th, it was decided that as the number present was not sufficient for a quorum, the time of meeting be postponed to Tuesday, June 15th.

At the above meeting Dr. Perry was Moderator.

No. 14.

PROCEEDINGS OF THE COUNCIL TO WHICH THE QUESTION
OF ACTUAL DISSOLUTION WAS SUBMITTED.

A copy of the Result of the Council, Salem, June 15th, 1847.

An Ecclesiastical Council convened at the vestry of the Howard Street Church, pursuant to letters missive from the Howard Street Church, for the purpose of giving advice in regard to certain proceedings purporting to be a dissolution of said Church against the wishes of a minority.

The Rev. Gardiner B. Perry was chosen Moderator, and Joshua Leavitt, Scribe.

The churches present were as follows :

Salem Church, Boston.—Br. David Pulsifer, Delegate.

East Bradford Church.—Rev. G. B. Perry, D. D., Pastor ; Dea. Ira Hopkinson, Delegate.

Second Evangelical Congregational Church, Cambridgeport.—Rev. Joseph C. Lovejoy, Pastor ; Rev. Joshua Leavitt, Delegate.

Hopkinton Church.—Dea. Samuel Nurse, Delegate.

East Abington Church.—Rev. H. D. Walker, Pastor ; Dea. Elijah Shaw, Delegate.

Free Church, Andover.—Rev. E. C. Winchester, Pastor ; Br. John Smith, Delegate.

Third Church, Danvers.—Rev. Richard Tolman, Pastor ; Dea. Frederick Howe, Delegate.

Prayer was offered by the Moderator.

The Committee who had issued the letters missive presented the record of proceedings had subsequent to the vote of dissolution passed by the Church.

The records of the Church prior to the vote of dissolution were read by Mr. Foster, the late Clerk, in whose hands they remain.

The Committee were fully heard on the subject of the dissolution of the Church; and then several of those who had voted with the majority were heard at length. The people then retired.

Voted, That the members of the Council be called upon to express their views individually on the case as it stands before the Council.

The members were nearly unanimous in the opinion that it is not competent for a Church to dissolve itself by the vote of a majority, depriving individuals of their covenant rights and privileges without their consent. We are of opinion, therefore, that this Church is not disbanded and those members that remain ought to sustain the rights and responsibilities of the Church. And they should humble themselves before God, and confess their faults one to another, and pray one for another, until they come to be of one mind, so that the Spirit may come down upon them from on high as in times past. Thus may the Howard Street Church be maintained to the honor of religion and the salvation of many souls.

Voted *unanimously* that the above be accepted as the result of this Council.

(Signed)

JOSHUA LEAVITT, *Scribe*.

NOTE.—The Rev. Mr. Tolman, of Danvers, was the member alluded to above as at first dissenting. He told a brother in the Church the same afternoon in returning home from the Council, that previous to the discussions of the Council in private session he was of the opinion that a majority vote could disband a Church, but after hearing the discussion of the question by the members, he gave in and voted with them.

At a meeting of the Church held in the vestry on Wednesday evening, June 16th, after the result of Council was read to the Church, it was

Voted, That the report of the Council be accepted and recorded in the records of the Church, and also be published.

No. 15.

CHURCHES COMPOSING THE INSTALLING COUNCIL.

The following is a list of the churches represented in the Council at the installation of Rev. M. H. Wilder as pastor of the Howard Street Church and Society, July 10th, 1849.

Third Congregational Church, Salem.—Rev. Dr. Emerson, Pastor.

Church in East Bradford.—Rev. Dr. Perry, Pastor; Dea. Ira Hopkinson, Delegate.

First Church in Braintree.—Rev. Dr. Storrs, Pastor; Br. John Wild, Delegate.

South Church, Ipswich.—Rev. Mr. Fitz, Pastor; Josiah Kimball, Delegate.

Second Evangelical Congregational Church, Cambridgeport.—Rev. J. C. Lovejoy, Pastor; Alfred H. Orcutt, Delegate.

Park Street Church, Boston.—Rev. A. L. Stone, Pastor; Dea. Edwin Lamson, Delegate.

Third Congregational Church, Danvers.—Rev. James Fletcher, Pastor; Br. Nathan Tapley, Delegate.

Dane Street Church, Beverly.—Br. Israel Trask, Delegate.

First Congregational Church, Manchester.—Br. Henry Kitfield, Delegate.

Bethesda Church, Reading.—Br. David Emerson, Delegate.

Church in Hopkinton.—Rev. J. C. Webster, Pastor; Br. S. D. Davenport, Delegate.

Church in West Medway.—Rev. Dr. Ide.

No. 16.

LETTER OF DR. OSGOOD.

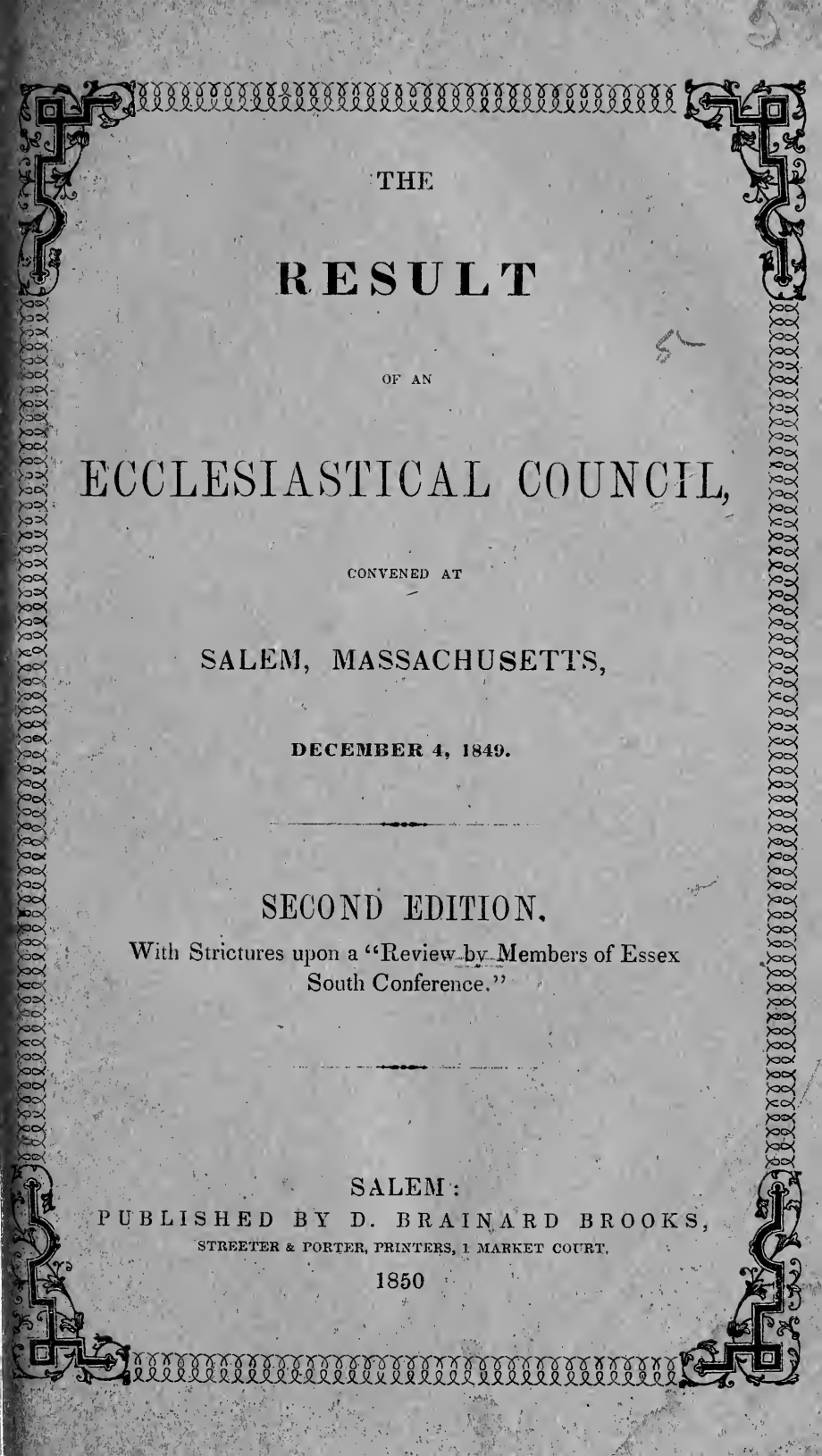
SPRINGFIELD, DEC. 13, 1849.

Dear Brother:—I received your kind letter of the 10th, and I sincerely regret that it is *impracticable* for me to be present at the adjourned council. It would give me great pleasure to meet so noble a *Phalanx* of Congregational brethren, as are on that council. I wrote to Mr. Goss at first, stating the inconvenience under which I should labor, and desired him to make my excuse to the brethren, intimating, at the same time, that I would have consented, but for the fact that they had a *very large* and efficient council without me. I never have declined a clear course of duty, and would not in the present instance, but I have made such arrangements that I cannot be with you without making a sacrifice which I do not deem to be necessary. My counsel is not needed to strengthen any position, which I presume this large and respectable and clear-sighted body would probably assume. I fully agree with you, that no church should be crushed, which can sustain the ministry. A minority have ecclesiastical rights as well as a majority. If they desire to keep their organization, why should they be compelled, by stronger bodies, to abandon it? I recollect the case of the church in Kingston, N. H., under the venerable Dr. Thayer, in which I think there was but one male member and about twelve females; and when the sacrament was to be administered, in one instance at least, a deacon of a sister church was invited to officiate. That church lived, and soon after the death of the good pastor, the seed he had planted for half a century or less, sprung up in a glorious revival. I do not understand *why* the sister churches wish to cast this church out of the family of our Lord. I have full confidence in that promise, "if any man lack wisdom, let him ask it of God," &c. I feel that the great Head of the church will be with his ministers, will lead them into all truth, and make their decision, whatever it shall be, the means of promoting the glory of his name, and the good of his kingdom.

Present my affectionate regards to the brethren, and accept the assurance of my confidence in yourself and all connected with you.

REV. DR. E. BEECHER.

SAML. OSGOOD.



THE
RESULT
OF AN
ECCLESIASTICAL COUNCIL,

CONVENED AT
SALEM, MASSACHUSETTS,

DECEMBER 4, 1849.

SECOND EDITION.

With Strictures upon a "Review by Members of Essex
South Conference."

SALEM:
PUBLISHED BY D. BRAINARD BROOKS,
STREETER & PORTER, PRINTERS, 1 MARKET COURT.

1850



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REVISED EDITION

STATISTICS AND SCIENCE

BY DAVID A. FREUND

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ADDITIONAL CHAPTERS ON PROBABILITY AND STATISTICS

AND A NEW CHAPTER ON THE THEORY OF ESTIMATION

BY DAVID A. FREUND

1963

PROCEEDINGS OF COUNCIL.

AN Ecclesiastical Council was convened at the vestry of Howard Street Church, December 4th, 1849, by letters missive from Ezekiel Goss, stating that he is a member of the Tabernacle Church, in good and regular standing, and has requested a letter of dismissal, and of recommendation to the Howard Street Church, which request has been refused, that he has also requested the Tabernacle Church to unite with him in calling a mutual council, and that this request has likewise been refused; and he now calls this council to examine into the case, so far as to sustain the rights of the churches, and afford him the necessary relief.

The following churches were represented:

1. *Salem Church, Boston.*
Rev. Edward Beecher, D. D., Pastor,
Dr. Ephraim Buck, Delegate.
2. *Randolph.*
Rev. Calvin Hitchcock, D. D., Pastor,
Dr. Ebenezer Alden, Delegate.
3. *Middleboro'.*
Rev. Israel W. Putnam, Pastor,
Bro. Zechariah Eddy, Delegate.
4. *Essex.*
Rev. R. Crowell, Pastor,
Dea. David Choate, Delegate.
5. *South, Ipswich.*
Rev. Daniel Fitz, Pastor,
Bro. Daniel Cogswell, Delegate.
6. *Hopkinton,*
Rev. J. C. Webster, Pastor,
Bro. J. A. Fitch, Delegate.
7. *Third, Abington.*
Rev. H. D. Walker, Pastor.

8 *Park Street, Boston.*

Rev. A. L. Stone, Pastor.

Rev. Louis Dwight, Delegate.

Rev. Mr. Putnam was chosen Moderator, and, in his absence, Dr. Ephraim Buck was chosen Moderator, *pro tempore*; Rev. A. L. Stone was chosen Scribe. Prayer was offered by Rev. Dr. Hitchcock.

Rev. Mr. Putnam coming in, declined acting as Moderator, and Rev. Mr. Crowell was chosen Moderator.

Voted that the Council is now ready to proceed to the consideration of the case presented in the letter missive.

Voted to adjourn to 2 o'clock in the afternoon. Council met agreeably to adjournment at 2 o'clock.

Documents were then submitted showing that Mr. Goss had requested the Tabernacle Church to unite with him in calling a mutual council upon his case, and that this request had been refused.

Documents were also read, showing that Mr. Goss had repeatedly asked a letter of dismissal from the Tabernacle Church, and of recommendation to the Howard Street Church, and that these requests had been refused.

On Motion, Voted, that Council adjourn at half-past 5, to meet at half-past 6 o'clock.

Voted, That the council hold an adjourned meeting in the vestry of Howard Street Church, on the 18th of Dec. inst., at half-past 10 o'clock, A.M.

Voted to appoint a committee to wait upon the Pastor of the Tabernacle Church, and notify him of the organization of the council, and of the case under consideration, that he may attend on behalf of the church.

Rev. Dr. Beecher and Dr. Alden were appointed said committee. The hour of adjournment having arrived, the council adjourned, to meet at half-past 6 o'clock.

Evening.—Council met pursuant to adjournment. The committee appointed to communicate with the Tabernacle Church reported that they had had an interview with the Pastor of that Church, and that he was understood to decline appearing before the council, on the ground that no action of council was called for in the premises.

On motion, Voted, to advise Mr. Goss to enlarge the council, by inviting other churches at his discretion. Voted to adjourn.

Attest,

A. L. STONE, *Scribe.*

SALEM, December 4th, 1849.

TUESDAY, December 18.

The council met pursuant to adjournment, in the vestry of the Howard Street Church—Rev. Mr. Crowell in the chair. The following churches were represented:

1. *Essex*.—Rev. R. Crowell, Pastor ; Dea. David Choate, Delegate.
2. *West Meadway*.—Rev. Jacob Ide, D.D., Pastor ; Dea. Daniel Nurse, Delegate.
3. *Mount Vernon, Boston*.—Rev. Edward N. Kirk, Pastor ; Dea. Daniel Safford, Delegate.
4. *Randolph*.—Rev. Calvin Hitchcock, D.D., Pastor.
5. *South, Ipswich*.—Rev. Daniel Fitz, Pastor ; Bro. Daniel Cogswell, Delegate.
6. *First, Cambridge*.—Rev. John A. Albro, Pastor ; Dea. Charles W. Homer, Delegate.
7. *Second Ev., Cambridgeport*.—Rev. J. C. Lovejoy, Pastor ; Bro. Francis Hunt, Delegate.
8. *East Abington*.—Rev. H. D. Walker, Pastor ; Dea. Elijah Shaw, Delegate.
9. *Salem Church, Boston*.—Rev. Edward Beecher, D.D., Pastor ; Dr. Ephraim Buck, Delegate.
10. *First, Ipswich*.—Rev. David T. Kimball, Pastor ; Bro. George W. Heard, Delegate.
11. *Braintree*.—Rev. R. S. Storrs, D.D., Pastor ; Dea. David Hollis, Delegate.
12. *Rockport*.—Rev. W. Gale, Pastor ; Dea. Thomas Giles, Delegate.
13. *South Reading*.—Rev. R. Emerson, Pastor ; Dr. Poland, Delegate.
- 14.—*Park Street, Boston*.—Rev. A. L. Stone, Pastor ; Rev. Louis Dwight, Delegate.
15. *Hopkinton*.—Rev. J. C. Webster, Pastor ; Bro. J. A. Fitch, Delegate.
- 16.—*Middleboro'*.—Rev. Israel W. Putnam, Pastor ; Bro. Zechariah Eddy, Delegate.

Rev. Mr. Crowell resigned his seat as Moderator of the Council. On motion, the resignation was accepted, and Rev. Reuben

Emerson was chosen Moderator. Prayer was offered by Rev. Mr. Putnam. The Minutes of the last session of the Council were read by the Scribe. On motion, Voted, That a committee be appointed to wait upon the Pastor of the Tabernacle Church, and inform him that the Council were ready to hear any communication from him in reference to the case under consideration.

Rev. Mr. Putnam and Rev. E. N. Kirk were appointed such committee.

Voted, That Rev. Mr. Wilder have leave to appear before the Council, and present the case of Mr. Goss.

Documents were read, presenting to the Council the matters submitted to the Council at its last session. Voted to adjourn to 2 o'clock this afternoon. Adjourned accordingly.

Council met at 2 o'clock. Rev. Dr. Ide offered prayer. The Committee appointed to wait upon the Pastor of the Tabernacle Church reported, that they had had an interview with Rev. Dr. Worcester, and that he was ready to converse with them; that he declined appearing before the Council or taking further action in the case at the present time; that he urged, as reasons for the refusal of Mr. Goss's request of a letter, the considerations—1. That Mr. Goss was not in good standing; 2. That the Howard Street Church was not in good standing.

Voted, That we hear the doings of the council that advised to the dissolution of the Howard Street Church. Testimony was also called for in regard to the action of the church upon this advice; also the doings of a council called to consider the action of the church in voting to dissolve; also the action of the minority subsequent to the vote to dissolve.

Voted, That the Council be by themselves.

The following resolution was moved:

Resolved, That, so far as this Council is advised on the subject, Mr. Goss has done nothing to forfeit his standing in his own church.

The Resolution was adopted.

Moved, That it is the opinion of this Council that the vote of a majority cannot dissolve a church against the consent of a minority, and it appearing that the Howard Street Church has not been otherwise dissolved, and that the minority claim membership therein, and have acted, and still act, as that Church, and sustain its meetings, the ordinances and ministry, this council advise that that church has not been dissolved, but still exists on its original foundation.

The question was taken by ayes and noes; when it appeared that there were 24 ayes and 2 noes, and the Resolution was adopted.

Voted, That Mr. Goss be advised to renew his application to the Tabernacle Church, for a letter of dismissal, and of recom-

mentation to the Howard Street Church; and if his request be refused, that he be advised to offer himself for membership to the Howard Street Church, and that the Howard Street Church be advised to receive him.

Voted, That a committee be chosen to prepare a Result of Council. Rev. Dr. Beecher, Bro. Z. Eddy, Rev. R. Crowell, Rev. Dr. Storrs, and Rev. A. L. Stone, were appointed this Committee.

Voted, That we adjourn, to meet at 7 o'clock this evening.

Council met pursuant to adjournment. The committee chosen to prepare a Result of Council reported progress; whereupon it was voted, That when the Council adjourn, it adjourn to meet on Wednesday, January 16th, at 10 o'clock, A.M., at the vestry of Park Street Church, Boston to hear the report of the committee, appointed to prepare a Result of Council. Voted to adjourn.

Attest, A. L. STONE, *Scribe*.

The council met by adjournment, January 16, at 10 o'clock, in the vestry of Park Street Church, to hear the report of the committee appointed to frame a Result.

There were present the following churches by their Pastors and delegates:

1. *South Reading*.—Rev. R. Emerson, Pastor.
2. *West Medway*.—Rev. Jacob Ide, D.D., Pastor.
3. *Braintree*.—Rev. R. S. Storrs, D.D., Pastor.
4. *Randolph*.—Rev. Calvin Hitchcock, D.D., Pastor; Dr. Ebenezer Alden, Delegate.
5. *South, Ipswich*.—Rev. Daniel Fitz, Pastor; Bro. Daniel Cogswell, Delegate.
6. *Rockport*.—Rev. W. Gale, Pastor; Dea. Thos. Giles, Delegate.
7. *Mt. Vernon, Boston*.—Rev. Edward N. Kirk, Pastor; Dea. Daniel Safford, Delegate.
8. *Salem, Boston*.—Rev. Edward^r Beecher, D.D., Pastor; Dr. Ephraim Buck, Delegate.
9. *Park Street, Boston*.—Rev. A. L. Stone, Pastor; Rev. Louis Dwight, Delegate.
10. *Middleboro*^r.—Rev. Israel W. Putnam, Pastor; Bro. Zechariah Eddy, Delegate.
11. *Hopkinton*. Rev. J. C. Webster, Pastor; Bro. J. A. Fitch, Delegate.
12. *Cambridgeport*.—Rev. J. C. Lovejoy, Pastor.

Rev. Mr. Emerson in the chair. Prayer was offered by Rev. Mr. Putnam. The minutes of the last meeting of the council were read by the Scribe and approved.

Voted, That the Council be by themselves.

Rev. Dr. Beecher, chairman of the committee to prepare a Result, presented the report of the committee.

Voted, That the report of the committee be accepted.

Moved, That the report be adopted as the Result of the Council. Carried with two dissenting votes.*

Rev. Dr. Hitchcock presented and read a remonstrance against the action of the Council.

Minutes approved. Voted to dissolve.

Attest, A. L. STONE, *Scribe*

* One of these dissentients expressed his conviction that the Howard Street Church was not dissolved in fact, and his accordance with the main principles of the report, but for particular reasons he declined voting for the result as a whole.

RESULT.

The questions of principle concerning which this council is called to advise, grow out of the refusal of the Tabernacle Church in Salem to grant a letter of dismissal and recommendation to one of their members, Mr. Ezekiel Goss, to the Howard Street Church* on the following alleged grounds:

1. That that church was dissolved by a vote of a majority of the Church in accordance with the advice of a mutual council.
2. That the Essex South Conference had sustained the validity of the action of the aforesaid majority.
3. That it is not consistent with the principles of order and fellowship in our Congregational churches, nor promotive of the best interests of the community, to recognize the claims of those who now assume to be the original Howard Street Church, as valid. †

It was also made manifest to the council, that these were the only grounds on which the letter was refused, no other cause being assigned in the documents of the church.

It was indeed reported by the committee of the church, that they had intimated to him that his absence from church meetings, public worship and the sacramental seasons of the church, was irregular and contrary to his covenant, and seemed to proceed from alienation of feeling, and that on this ground it was improper to grant his request. ‡ But he was expressly told by the pastor that the church did not adopt or sanction this report. § Mr. Goss stated in a letter to the church, Sept. 14, 1849, "I know of no unkind feeling to any member on my part; if there is or has been, I wish their forgiveness, as they would be forgiven." || In Oct. 12, 1849, he said concerning his absence, in another communication addressed to the church, "I acted in good faith, supposing that I was in order. I was doing as others had done without reproach. The pastor knew of my course and my feeling." He then states that if the pastor and others thought that he was doing wrong, they ought in covenant fidelity to have admonished him, "but as it is, I did not know that I was guilty until I asked to be dismissed, and now I cannot see it. I repeat that if any have been grieved with any of my wrong doing, I humbly ask them to forgive, and when I am sensible what the wrong is, I will endeavor to make all suitable reparations."

This communication however the pastor and church refused to allow him to read—and when he desired to speak on what the committee had said to him, they refused to hear him. The reason assigned for this was: the church had not adopted and thus endorsed the statements of the committee, and that the church had neither

† No. 3. * Appendix No. 1.

§ No. 4. † No. 2.

|| No. 5.

charges nor charge against him. It was repeatedly said to him, "we have nothing against you,"* and therefore he was not allowed to speak. Here then a brother had come before the church desirous to see his offence, if any there were, desirous to confess and make reparation when convinced, desirous so to explain his conduct as to give satisfaction, and yet was not allowed to speak, on the ground that they had nothing against him. Is it right now in such a case to hold back grounds of grievance, if any there are, and to refuse to hear any explanations or receive any confessions or satisfaction that might have been made, on the oft repeated ground that they had nothing against him; and yet to refuse him a letter, and then when he asks relief of an ecclesiastical council, to throw in an intimation that he was under an unfinished course of discipline? Or even to intimate that they were about to commence a course? But even this last intimation was rebutted by direct testimony. For when it was suggested to the church to begin to deal with him, the pastor objected and they refused so to do.†

We therefore are satisfied that the brother was not under a process of discipline, but is in good and regular standing. Moreover, as he expressed sorrow and asked forgiveness if he had grieved his brethren, disclaimed all intention or consciousness of doing wrong, and offered to do all in his power to make reparation when convinced of wrong, he did all that he could, and of course all that any one could reasonably demand to give satisfaction to his brethren. If then the pastor and church refused to receive satisfaction when he desired to give it, it is no part or province of Christian discipline to reserve offences for future consideration, and to intimate to him or to the council, that perhaps, hereafter, they may call him to account. To do this is rather to abuse discipline as a means of impeding him in securing his rights, than to follow the law of Christ, if thy brother say unto thee I repent, thou shalt forgive him.

The council is of opinion that when a member applies for letters of testimonial and of dismissal and no process of discipline is pending against him, he is entitled to receive them unless some brother declares that he is offended, and will take immediate steps of gospel discipline in respect to it. Otherwise a member could never secure his rights so long as either the pastor or any other brother saw fit to say that perhaps hereafter he should commence discipline.

As a council, therefore, we are not called on to interfere with an unfinished case of discipline. No process of discipline had been commenced. On the other hand, the brother is in good and regular standing in his church.

We are therefore called to consider simply the alleged dissolu-

* No. 6.

† No. 4.

tion of the Howard Street Church, and the action of the Essex South Conference with respect to it, as the reasons for denying to Mr. Goss a letter to the Howard Street Church.

It was also made clear to the council that Mr. Goss had proposed to the Tabernacle Church to call a mutual council to advise with reference to the validity of these reasons,* and that they had refused to accept his proposal.† The reasons assigned by the church for refusing to unite in calling a mutual council are in substance, that their own action with reference to Howard Street Church, was taken with much carefulness, and under a constraining sense of duty to vindicate and support the fundamental principles and accredited usages of our Congregational order, as affecting the independence of each church respectively, and the inalienable rights of majorities in each church, and that there is no existing occasion to submit its doings to the revision of a council, neither is there any such occasion apprehended in the changes of the future.

We suppose that whenever an individual feels his rights invaded by the action of a church, similar reasons might be assigned by the church for refusing to unite in a mutual council. A church will of course be satisfied that they have acted carefully, and under a sense of duty, and it is natural to feel that no advice is needed or is likely to be. But suppose that the individual differs from the church as to what are the fundamental principles and accredited usages of Congregationalism, and believes them to be violated, and not defended by the church? Has he no remedy?

If such reasons for refusing a mutual council are valid, then individuals have no possible mode left of vindicating their rights, and nothing remains but universal and unconditional submission to whatever the church shall see fit to do. But it was the express design of our ancestors in establishing *ex parte* councils, to avert such a result, and thereby prevent our churches from becoming irremediable despotisms. It is therefore plain to the council that a sufficient ground for convening us has been made out, and that duty calls on us to consider the questions at issue, and to give such advice as has been requested.

In entering upon the discharge of this duty, we cannot but be deeply affected with the importance of the principles involved. We are well assured that a case similar to the one in question has rarely, if ever, occurred in the history of our churches. The principles on which it was attempted to dissolve the Howard Street Church, and by which that act is defended, are not only novel, but in our judgement would, if carried out, effect an entire revolution in our churches as it regards the import and sacredness

* No. 7.

† No. 8.

of the covenants by which they are bound together; and furnish a new instrument of destruction, to be used in every case of difficulty and division in a church. Great, therefore, as is the respect and affection with which we regard the brethren who have introduced and are attempting to defend these new doctrines in our churches, we feel constrained to do all in our power to subject them to a thorough scrutiny, and to call on our churches decidedly to reject them, as at war with the fundamental principles of our system, and the obvious dictates of truth and righteousness.

And inasmuch as the Tabernacle Church has seen fit to appeal to "the fundamental principles, and accredited usages," of our churches, and the Essex South Conference has intimated that "precedents" sustain their decision,* we shall commence our investigations by the inquiry, what these "fundamental principles and accredited usages," and "precedents" are, in the present case?

It will, therefore, be seen at once, that the present enquiry is not, Are our Congregational principles and usages right, and can they be defended by an appeal to the bible? but, What are they in fact? If our brethren shall ever see fit, professedly, to repudiate them, then it will be time to defend them. But, so long as they appeal to them for support, it is only necessary to inquire what they are.

It is obvious, also that the principles, usages and precedents, which we are called on especially to consider, are those which relate to the covenant, by which believers in our churches are bound to God, and to each other.

We proceed with the more pleasure to consider our fathers' views of the church covenant, because it is a point on which the founders of our system were perfectly agreed, and to which they attached the highest importance. With them the covenant was not only a fundamental principle of the system, but, *as they held it*, it was the fundamental principle of the whole Congregational fabric. Davenport, in his defence of Congregationalism against Paget, speaking of the "formal cause" that is, the organizing principle of the church, says, "this holy society, the Church of Christ, arises from the coadunition or knitting together of many saints, into one (body), *by a holy covenant*, whereby they, as lively stones, are built up a spiritual house. 1 Pet. 2: 4, 5. Though a church covenant be common to all churches, in its general nature, yet there is *a special combination*, which gives a *peculiar being* to one Congregational church and its members, distinct from all others; else how could one church have that power over its own members, which another hath not?

* No. 9.

In Hooker's Survey, Pt. 1., chap. iv., the inquiry is raised, 'What is that which makes the church to be that which it is?' The reply is, not invisible union and communion with Christ, put "mutual covenanting and confederating of the saints in the fellowship of the faith, according to the order of the gospel, is that which gives constitution and being to a visible church." Of this their antagonists were fully aware.

Rathband charged on the Congregationalists, as an error, that they made "what they call the Church Covenant, whereby all the members of the Society (Church) are united to Christ, and to one another," "absolutely necessary, essential, and constitutional to and of the true Church." Welde admits that this is their view of "a pure Congregational Church, as it is refined according to the platform of the Gospel."

For this principle, as held and applied by them, they were attacked both in England and elsewhere, by the opponents of Congregationalism. In 1637, certain ministers in England undertook to call the New England brethren to account, for opinions and practices deemed by them "groundless and unwarrantable," and forwarded nine positions of this sort to them, on which they demanded their judgement. Of these, the sixth stated what they deemed the unwarrantable claim that no church member could withdraw from a church, without leave first obtained from the church. The New England ministers admitted the principle, and defended it, on the ground that the church covenant, of necessity, implied it. This called out a full statement of their views of the covenant.* This, according to them, consists in four particulars.

1. "Every member, at his admission, doth openly profess, and solemnly promise, that, by Christ's help assisting, he will not only, in general, give up himself,—as to the Lord, to be guided by him, so to the church according to God, to be directed by it;" but also, in particular, that he will perform all duties of brotherly love and faithfulness to the body; as of diligent watchfulness over all his brethren, thereby to prevent sin; so of faithful admonition, after their falls, to regain them to the Lord from their sin."

2. "The engagements are not made only by the members admitted into the church, but by the church back again to the members. So that, thereby, the whole church in general, and every member in particular, stand as well in conscience bound, to perform all duties of love and watchfulness to him, as he doth to them."

3. "These promises, thus lawfully and mutually made, that

* Written, in all probability, by the celebrated John Cotton.

members, as also the whole church, are bound, not only every one for himself actively to perform them, but passively also, to suffer his brethren to do these offices upon and towards himself. If he neglect the former, he shall falsify his covenant, so solemnly, before God, angels and men, made; and so not only break his promise to his brethren, contrary to Ps. 15: 4, but also, in some sort, commit the sin of Ananias and Sapphira, in lying against the Holy Ghost, condemned and severely punished by God's own hand. If he fail in the latter, he shall not only be guilty of the same sin of breach of covenant with God and man, as in the former, but shall also be guilty of this folly of despising council, so much condemned, and shall also proclaim this his folly and pride, by showing to all the church that he is wise in his own eyes, and leans to his own wisdom, both reprov'd in Prov. 3: 7, and 23: 4."

4. From all these things premised, it appears that we can do no less—and yet we do no more than, first, require a member, before he depart, according to our covenant, thus lawfully, deliberately, and mutually made, to express to his brethren his desire of departing, and the place and society to which he tends—whether to a godly church, where he may be edified, or to some corrupt assembly where he may be destroyed! and, secondly, require his grounds and reasons which moved him so to do." All of these particulars are sustained by an appeal to the word of God. Thus did New England, in a clear and eloquent testimony, utter to Old England her deepest and most settled convictions as to the nature and effects of a church covenant. And it here deserves especial notice how clearly they enforce the truth, *the mutual covenant between member and member, is not separable from the covenant with God, but is a part of it*; so that, to violate it, is to lie to the Holy Ghost, as did Ananias and Sapphira. In short they covenant with God, not only to serve him, but also to enter into a church state with each other, and to fulfil the vows made to each other, in coming into that relation, so that the covenant with man cannot be broken without breaking the covenant with God.

It was charged upon our fathers as an offence, that they held such views of the covenant. In 1644, Rathband endeavored to set forth in an odious light, the principles of our New England fathers—to whom Welde, of Roxbury, replied. And it is very striking, that, among other things, Rathband quotes, for this purpose, the covenant of the Church in Salem, as follows: "We whose names are hereunder written, members of the present Church of Christ, at Salem, &c., solemnly, in the presence of God, &c., renew this church covenant, which we find this church bound unto at their first beginning, viz., we covenant with the Lord, and one another,

and do bind ourselves in the presence of God, to walk together in all the ways of God, according as he is pleased to reveal himself unto us in his word; and after many specifications, 'we promise to walk with our brethren and sisters in this congregation (church), with all watchfulness and tenderness.'" Here the covenant with man is included in the covenant with God,—“We covenant with God, and with one another, to walk together in a church state,” is its import. This same view, as will appear elsewhere, is found in Cotton Mather's *Ratio*, in 1776, and was then the common form of the churches. We shall also show in another place that it is incorporated at this very day in the covenant of the Tabernacle Church in Salem. Moreover, this view of their assailants charged on them as an error. Rathband says, that in their definition of a covenant, it is included, “that they bind themselves to the Lord, to walk in all such ways of holy worship to him, and of edification, one towards another, as God himself hath required of every church, and the members thereof.”—*Apol.* p. 5; *Discov. of Cov.* p. 3. This Welde concedes.

Such were the views of our fathers on this most momentous theme. Nor were they heedlessly formed; for holding them they were subjected to severe and long continued attacks, and deep study and earnest prayer was needed to sustain and vindicate their truth. Burton in his defence of Congregationalism, against Bastwick, 1645, says: “Now the very name of covenant is become a bugbear to many,” and again, “you tell us that our gathering of churches hath no example in Scripture.” Rathband says, that “the Apostles went a shorter way to work—because the Holy Ghost had given them no such direction, nor was this matter of a church constitution (by a covenant) then hatcht.”

In Hooker's *Survey*, the whole of the 7th chapter of Part I. is devoted to answering the arguments against their views of the church covenant alleged by Rutherford and various others.

Finally, the same doctrine is embodied in the Cambridge Platform, ch. 4: sec. 1, 2, 3, where the following words are worthy of particular notice. After stating that particular churches can be known only by their forms, they say, “This form is the visible covenant, agreement, or consent, whereby they give up themselves unto the Lord, to the observing of the ordinances of Christ, together in THE SAME SOCIETY, which is usually called THE CHURCH COVENANT. For we see not otherwise how members can have church power over one another mutually.” Here we see that coming into a church state is an essential part of the obligation assumed in giving themselves up to God, so that the covenant with him is a covenant to enter into, and to remain in, a visible particular church, by a covenant with them.

Such, then, were the views of the fathers of our system, who bore the burden and heat of the day in laying those deep foundations on which our churches have for centuries reposed. Churches were with them no mere voluntary associations for mutual religious improvement, which those who formed might dissolve at pleasure, and replace by what they deemed better or none at all, as they saw fit. Though no man could enter the church except by his own free will, yet the church itself was an ordinance of God, and it was his revealed will that every man who had repented and believed in Christ, (and it was every man's duty to do this) should enter by mutual covenant with some particular church into church estate. Of course when they covenanted with God to do all His known will, whether it was expressly stated or not, they covenanted to come into church estate with their brethren, and to remain in it. But that so important a duty might not be left to mere inference, they incorporated it into their covenants with God.

Moreover they held definitely and decidedly that if not in covenant with some particular local church, no one had a right to claim any interest, or to challenge any privilege in any other local church. Hence Hooker, in his Survey, expressly says, "In the house of God we must become covenanting servants if we have any interest there, or think to challenge any privilege there." In other places, he and others defend this principle at great length, as will hereafter appear.

We are thus full in this investigation because of the confident appeal of our brethren of the Tabernacle Church to "the fundamental principles and accredited usages of our churches." We now see clearly what they are.

We moreover give prominence to this part of the subject, because those who defend the power of a majority to dissolve the Howard Street Church, have found it necessary explicitly to deny, and argue against these very foundation principles of the Congregational system—so that a more fundamental issue cannot be raised. If they are right, all of our fathers were wrong—Mather, and Cotton, and Hooker, and Davenport, and Welde, and the framers of the Cambridge Platform, and the New England ministers who defended our polity against assailants in old England, and the ancient church of Salem, and all our ancient churches, and even the fathers of the Tabernacle Church in Salem,—these are all of them wrong, and the antagonists of Congregationalism are right. All this may be, and if it is so, then let our foundation principles be overthrown, and a new system be built upon better. But let not such a work be called a defence of our "fundamental principles and accredited usages," but a work of radical reform, and its authors radical reformers.

Again, we give prominence to these principles because the whole issue depends on them. Here is the great hinge on which the whole discussion turns, and we cannot place it in a light too clear and vivid.

And now we remark that of this kind was the covenant of the Howard Street Church, only as it might seem with a providential foresight of such a crisis as the present, they were guided to insert stipulations rising in intensity above all that is found elsewhere.—After the usual covenant with God and the church they bind the vows already assumed by assenting to the following affecting pledge.

“In reliance on that grace which is able to keep you from falling, you receive the covenant promises, and a covenant God as yours forever, and set your seal to a full determination that in life and in death you will be faithful to this covenant. This people is your people, and this God is your God. Thus you promise and declare.” Then the reciprocal vows of the church are assumed, and a TITLE to all the privileges of the church estate is solemnly given, before God, angels and men. As to the nature and import of the covenant of the Howard Street Church, there can, then, be no shadow of a doubt.

We next proceed to consider the principles and usages of our system, as to a transfer of covenant relations from one particular church to another. And here the case is no less clear. It of necessity flows from the preceeding views of the covenant, and is in universal accordance with the fundamental principles and accredited usages of our system, that the only ways to cease to be a member of any particular church are these:

1. By a letter of dismissal and recommendation to another church, given on this condition,—that not until the person recommended is received by such church shall his existing membership cease.

2. By the act of God, calling the person home by death.

3. By excommunication, for offences, properly charged and proved.

The Cambridge Platform is full and decided to this effect. “Order requires that a member removing have letters testimonial and of dismissal from the church whereof he yet is, unto the church whereunto he desireth to be joined. Until the person dismissed be received into another church, he ceaseth not, by his letters of dismissal, to be a member of the church whereof he was. **THE CHURCH CANNOT MAKE A MEMBER NO MEMBER, BUT BY EXCOMMUNICATION.”**

These then are the only modes of leaving the church; and till it is thus left, all who are in it are bound not only to God to remain in covenant with each other, but also to each other, by the

mutual vows which they have assumed. Each individual has covenanted with God, and with each in the church, to watch over them and seek their good according to his ability. Out of this covenant grows the right and duty of mutual exhortation, and, if need be, of reproof and discipline. To be in such covenant our fathers justly regarded as one of the highest privileges that can be enjoyed on earth; to be the subject of such watchful care, is one of the highest necessities of a Christian in this world of trial and temptation.

What, then, are we to understand by the alleged dissolution of the Howard Street Church? Is it that all of the members, by advice of council sought and received letters to other churches, and were by them received, and thus the Howard Street Church ceased to exist? Had this been done, no covenant obligations had been violated, no principles of Congregationalism had been contravened. But this is not what the council recommended. This is not what the church did. The reason is plain. All of the members did not desire to do it. The Howard Street Church were not so reduced in numbers and resources, nor were they so deficient in piety, that they could not sustain the preaching of the gospel, and the ordinances of the church. Nor was it true that the public good did not require a church where the Howard Street Church stood. All this the council which advised the dissolution expressly state. The thing which the council deemed expedient, was in some way to get rid of this church, as it was then organized, in order that a new one might be organized in its place, in which a portion of the materials should be better, and the whole church be better put together. This the council expressly avow.* They tell us in the first place, "It appears that the pastor's request for a dismission arises from embarrassments which have rendered, in a great degree, abortive his earnest and self-denying efforts for a course of years, and which embarrassments have now come to a crisis, so that we can do no less than accede to his request, and we hereby *declare his pastoral relation dissolved.*"

What they meant by the embarrassments here spoken of will appear from the following paragraph in their Result.

"We deem it to be our duty in concluding this Result, to call upon some of the individuals of the church to reconsider the manner in which they have treated their pastor, during the existence of the difficulties which have given occasion to the calling of this council. Saying nothing of those who have been in fault in other matters, there has been a disposition on the part of these, to push some favorite points to extremes;—a want of charitable construction of the pastor's motives and conduct in relation to points on which there existed a difference of opinion between him and them; and a de-

* No. 10.

iciency of that kindness and courtesy which he had a right to claim as a Christian minister, and particularly as their pastor.”

That they contemplated the removal of these individuals in some way into some other organization, is obvious from the closing advice of the Result.

“The council hope that they will see their error, and that in whatever future ecclesiastical connection they may be placed, they will seek to be possessed of a spirit of wisdom, and of a sound mind, and will remember, that *charity, kindness and forbearance* are as important parts of Christian character, as zeal in suppressing the errors and vices of society.” “PARSONS COOKE, *Moderator*.

“E. A. LAWRENCE, *Scribe*.”

We are now prepared fully to understand the advice given by the Council to the church.

“And since the embarrassments which have so far frustrated his ministry still exist, without prospect of change, while the church retains its present organization, we would suggest the inquiry whether the best good of all concerned would not be consulted by a dissolution of that organization, and the members connect themselves with other churches in the city. A step so uncommon, we think, is made expedient by reasons as peculiar. It is not that we think that there is not ability and piety enough to sustain the enterprise in favoring circumstances. There are materials of great value in this church, but they stand in such relations as to hinder their efforts for good. Nor is it true that our denomination in this city have churches enough without this. The prospect rather appears to be, if this is dissolved, a new one will soon take its place. We would, therefore, advise that the present *organization*, if it sees fit, vote a *dissolution*, and if the proprietors of the meeting-house see fit to close it awhile and wait for the movements of Providence, we feel persuaded that the time will soon come when the way will be made to open it under better auspices. A new organization formed for the purpose, would of course stand clear of most of the embarrassments of the present.”

If all of the members of the church had been willing to ask for letters of dismission to other churches, there would have been no need of voting a dissolution of its present organization. It would not have been dissolved. It would simply have ceased to exist in a mode authorized by our system, and perfectly consistent with the vows of the covenant, and then, if it had been deemed expedient, a new church could have been formed. But it was perfectly well known that there was a large portion of the church who had no desire to be dismissed to other churches, and who would not ask for letters. Moreover those individuals who were deemed an embarrassment, we may well suppose, were the ones least likely of all

to ask for letters. The desired new organization then could not be formed in accordance with the usual and well-known principles of our ecclesiastical platform. It became necessary therefore to devise for the occasion a novel and extraordinary mode.

The step, the council admit, was very uncommon. "A step so uncommon is, we think, made **EXPEDIENT** by reasons as peculiar." The peculiarity of this extraordinary mode was, that by it the organization could be dissolved against the will of such as would not ask for, or take, such letters to other churches. Hence proceeded the theory of the power of a mere majority, by a single vote, at once and utterly to dissolve the existing organization. Notice now the consequences that it draws after itself. To make this plan effectual, it is indispensably necessary to insist that the dissolution of the Church shall not be conditioned upon the previous reception of its members into other churches; for then, as before, the unwilling ones would prevent the dissolution, for they would neither take letters to other churches, nor ask to be received. The dissolution of the Church, therefore, must be absolute and unconditional, or the plan will not gain its end. In no other way can the old organization be dissolved, and a new organization, *formed for the purpose* and clear of the existing *embarrassments*, take its place. This new theory, it must be confessed, was skillfully framed for the occasion, and exactly adapted to gain the end in view; and its advocates avow their principles, and take their consequences, with unflinching and commendable consistency. Let us look at its application. We have considered the covenant by which the members of the Howard Street Church were solemnly bound to God, and through God to each other, and the reciprocal rights and duties growing out of that covenant.

And now the new doctrine, concerning which our advice is asked, is this, that a simple majority of so many of the brethren of the church as happened to be present at any legal meeting of the church, had the power totally to dissolve and abrogate this covenant, so that all the members of the church, brethren or sisters, present or absent, willing or unwilling, and by whatever ties of affection united, or however strong their desire to walk together, as a church, in the ordinances of the gospel, though but a moment before in covenant, and members of the same church, are, after the vote, no longer in covenant, and are members of no local church, and of course are under the covenanted Christian watch and care of no human being on earth.

No sooner have seventeen men adopted this simple sentence, "Voted that this organization is hereby dissolved," than the work is done. The church is dead. Its bonds are dissolved, and its

members scattered. A new organization may indeed, be formed in its place, but no human power can restore life to the dead. Our fathers expressed the full conviction of all our churches, when they said, in the Cambridge Platform, that the whole church cannot make even one member no member, except by excommunication, and excommunication cannot be inflicted except for crime, and after a fair trial.

But this new doctrine teaches us that a mere majority of the brethren, at a given meeting of the church, although a minority of all the brethren of the church, and a very small minority of all the members, can, by a single vote, make every member no member of that or any other church.

We do not doubt that those who are ignorant of the facts of this case, will read this statement with inexpressible surprise, and perhaps, with no small degree of incredulity. It will seem to them impossible that intelligent Christian men, much more, leading and influential ministers in our churches, could, by any course of influences, be led to assume such a position. Yet we have simply stated what an accidental majority of the Howard Street Church profess to have done, what leading ministers claim they had a right to do; and still more wonderful, the right to do which they still contend for, as essential to the independence and inalienable rights of our churches! The simple and undeniable facts of the case are these. The Howard Street Church, at the time when the council advised their dissolution, consisted of 170 members, 50 of whom were males. At the time of the disbanding vote, most, if not all of these were still members of the church, for although some had taken letters to other churches, they had not been received. This church, on the evening of May 4, 1847, by a vote of 17 males, was declared to be dissolved, in accordance with a mutual council.*

The form of the vote was this: "Voted, to adopt the remainder of the Result of Council, and by and with their advice, this organization is hereby dissolved, and that Deacons Smith, Foster, and Driver, be a committee to grant letters of dismissions and recommendations, under date of May 4, '47, to all the remaining members of the Church, to any Orthodox Congregational Church they may direct." Yeas 17, nays 10.

From and after this vote, it is insisted that Howard Street Church ceased to exist, and that those once members of it, ceased at that moment to be members of any local church whatever. It follows, of course, that nobody had the right, by covenant vows, to watch over any one; and as for admonition, exhortation, and discipline, the entire ground on which the right and duty of exer-

cising them once rested, had fallen away. True, indeed, a committee was appointed in the vote to give letters of dismissal and recommendation, to other churches, to all who should ask for them, to be dated on the night of the alleged dissolution of the Church. But, according to the new theory, they ceased to be members of the Howard Street Church, even before they had asked, or could ask, for a dismissal from it: for, before the committee could meet, the Church itself had ceased to exist. The very vote by which they were appointed dissolved the church. Much more had they ceased to be members of the Howard Street Church, according to this new doctrine, before they were, or could be members of any other church.

Yet it is affecting to see how the memory of the good old ways of our fathers lingered about them, and, in spite of inconsistency, modified their speech. No one was asking for a dismissal. The vote before the Church was not to dismiss such as desired it, but to disband all, whether they desired it or not, and this is what was, in fact, done on the new theory. And yet the committee appointed by this suicidal vote, is directed to give letters of dismissal to all the remaining members of the church; just as if, after a church was disbanded, there were any remaining members—just as if it were possible to dismiss any one from a non-existing church. But this amiable inconsistency shows how hard it was to forget the good old ways of our fathers. Letters of dismissal used to be necessary before these new doctrines. But how would such letters, in this case, appear? “When received by you, their connection with us will be dissolved.” But the committee themselves belong to no church, and have no connection either with each other, or with those whom they profess to dismiss. By one potent vote, of seventeen men, all bonds have been sundered, all ties cut, and every individual who was once a member of the church, floats as a solitary atom on the surface of the ocean of this cold world. The committee may indeed testify that they were once church members, in good standing. Other churches may kindly pick them up, and take them in, if they see fit; but the idea of receiving them by dismissal from a non-existing Church, and from which they never asked a dismissal, is too absurd to be thought of for a moment.

Indeed, the committee, or some of them, seem afterwards to have become aware of the inconsistency of their position and duties, for to this day all of them have never met or acted together. Some have received letters from one of the committee, in virtue of which, other churches have admitted them to their communion. Others, who maintain the validity of the dissolving act, remain to

this day in connection with no church at all.

Such is a compendious view of the facts and principles with reference to which we are requested to advise. In ordinary circumstances we should have supposed it sufficient merely to state the facts. Aside from the influence of local excitements, particular ends, and personal committals, and on the broad ground of Congregational principles, it does not seem to us that there is room for a moment's doubt. And we cannot refrain from expressing both sorrow and wonder that it has become necessary seriously to argue a question like this. But local causes have given it importance. New principles have been introduced. With sorrow we say it, a council led the way. Men of talents and influence are committed in their defence, and even a conference has sustained them by its authority; although we are happy to state that at a subsequent meeting a majority would have voted to reconsider their decision, had not the vote of the moderator produced a tie and thus prevented it. Such facts as these create an emergency. We feel called on, therefore, as we value the very life of our system and of the principles of our fathers, to give a careful and thorough consideration to these new doctrines.

In our judgement, therefore, these principles are utterly and fundamentally erroneous, and the proceedings in the alleged dissolution of Howard Street Church are utterly invalid, for the following reasons:

1. They are in direct violation of the most obvious and best established principles and usages of the Congregational system.
2. Independently of their relations to the covenant with God, they are in violation of the obvious principles of natural right.
3. But especially are these proceedings inconsistent with the obvious and well established import of the covenant with God.
4. The principles and precedents thus introduced are most dangerous in their practical tendencies, furnishing an instrument of destruction to be used in every case of difficulty and division in our churches.
5. The defence of them has obliged their advocates to adopt principles hitherto unknown to our churches and subversive of our whole system.
6. The main argument by which the proceedings in question are commonly defended, an appeal to the rights of majorities, is entirely devoid of force.
7. The dissolving act was improperly recommended to the church by the council which advised it; the church not having voted to submit any such question to them for advice.
8. Even if on general principles a majority had power to dis-

band a church against the will of a minority, yet in the present case the church had established by special legislation a rule as to the mode of calling meetings, and the limitation of the powers of majorities, which clearly proves these transactions to be invalid.

1. From our previous investigations it is plain that if any principles of the Congregational system are obvious, undeniable and fundament, they are these. 1st. That it is the duty of all regenerated individuals to enter into church estate in particular local churches whenever God in his providence renders it possible. "All believers ought, as God giveth them opportunity thereunto, to endeavor to join themselves unto a particular church, and that in respect of all the honor of Jesus Christ, in his example and institution, by the professed acknowledgment of, and subjection unto the order and ordinances of the gospel; as also in respect of their good of communion, founded upon their visible union, and contained in the promises of Christ's special presence in the church; whence they have fellowship with him, and in him one with another; also, for the keeping of them in the way of God's commandments, and recovering of them in case of wandering, which all Christ's sheep are subject to in this life, being unable to return themselves; together with the benefit of their mutual edification, and of their posterity, that they may not be cut off from the privileges of the covenant. Otherwise, if a believer offends, he remains destitute of the remedy provided in that behalf. And should all believers neglect this duty of joining to all particular congregations, it might follow thereupon, that Christ should have no visible political churches upon earth."—Platform, chapter 4, section 6. 2d. That this is effected by means of a mutual covenant with each other, which is enforced by the covenant with God, and that the organization of a church cannot be effected in any other way.—Platform, ch. 4, sec. 1–3. 3d. When an individual has come into such a covenant with a local church, he cannot be thrown out of it by the church, except for crime, but must remain in covenant with that local church till received by another. Of all these positions we have already given abundant proof.

Such, then, are the obvious and well-known principles of our system. And now what can be a more direct and absolute violation of these principles in every respect, than by a single vote of a majority to dissolve this covenant, and to throw every member of a whole church into the world, with none who has a covenant right to watch over, admonish, exhort, or reprove them?

What if they can, perhaps, join other churches? They have no *covenant* right to enter another church, or to enjoy its ordinances. They have lost the *title* to church privileges with which

with which they were invested. If perchance they enjoy them, it is a matter of mere grace on the part of other churches, and, as we shall soon show, is contrary to Congregational order. Moreover there is none to call them to account if they do not seek to join other churches, or if they fall into error or sin. They have therefore entirely lost what the platform specifies as one of the most important ends of church fellowship, "the keeping of them in the way of God's commandments, and recovering of them in case of wandering, (which all Christ's sheep are subject to in this life,) being unable to return of themselves. Otherwise, if a believer offends, he remains destitute of the remedy provided in that behalf."

2. But in the second place, thus to dissolve a church by the vote of a majority is an entire violation of the laws of natural right, even if no covenant with God were involved.

When two or more individuals enter into a covenant with each other, even in worldly things, mutual and reciprocal rights are created, so that one or more individuals cannot absolve themselves from their obligations to the others, without their consent. A majority of a copartnership cannot rescind their copartnership agreement, or put an end to it before the stipulated time, without being chargeable with breach of covenant, and exposing themselves to the payment of damages. Hence when a man has sworn, even to his own injury, inspiration tells us that if he is an upright man "he changeth not."

Is this true in the affairs of this world? Do even the men of this world avow this principle? And shall we introduce and advocate a lower standard of morality in the church of God, which ought to be the salt of the earth, the light of the world? Think for a moment of the facts of the case. By solemn mutual covenant they had been received into the church, and declared ENTITLED to all its privileges. They had been welcomed to the fellowship of the blessings of the gospel. A fraternal watch over them had been *pledged*, and a mutual *pledge* had been received. What right then has one part of the church, without the consent of the rest, to absolve themselves from obligations thus solemnly assumed? Much, more, what right have they to arrogate the power of absolving others besides themselves from their mutual vows? One of the highest charges against the papal usurper has been that he has assumed such power. What right have they to declare that even those who desire to remain united in covenant promises cannot? What worse did the man of sin when he assumed the power to change the immutable laws of right? It seems to us that a more direct and palpable violation of the laws of equity cannot be conceived.

Civilians tells us that it is a principle which pervades all free governments that "a moral power equal to and of the same nature with that which made, alone can destroy."* But a Congregational church comes into existence by the *personal* covenant of every individual member composing it, with every other. How then can it be broken up and destroyed without the personal assent of all the covenantors? What other moral power is equal to this, and of the same nature. Certainly not the vote of a mere majority. It exists by the personal covenant of each with each, it can cease to exist only when each releases each from that covenant.

Moreover jurists inform us that in a covenant three things are involved: first, the agreement; second, the consideration; third, the things to be done or omitted: But it is self-evident that to take away the consideration in view of which the covenant was made, is a palpable act of injustice. But the right to a permanent enjoyment of church privileges in a particular organization is always a consideration in entering into such a covenant. Without this, property would not be invested, or sacrifices made. But when the covenantors feel that they can secure permanent covenant privileges for themselves and for their children, from generation to generation, then they will erect a house of worship, set up the table of the Lord, open the baptismal font, and settle a pastor to break to them and theirs the bread of life.

Is it then for a moment to be endured, and after all this solemn covenanting, the very considerations in view of which the covenant was formed, and sacrifices made, shall be taken away? Shall a man who is guilty of no offence be told "the privileges of this organization, much as you value them, and whatever sacrifices you have made for them, can be yours no longer. True you are guilty of no disciplinable offence. We cannot directly cast you out. But a majority of us have concluded to break up this organization. You may go where you please, but in this church you cannot stay." Is it for a moment to be endured that such acts as this shall be done unrebuked in the church of God? Who, when members of a church, brothers and sisters, have done nothing at all to violate their covenant, has a right to dispoil them of those great spiritual privileges which were their main consideration in entering into the covenant. and which gold and the most precious gems can neither purchase nor equal? The pretence of giving an equivalent for these, by letters of commendation to other churches, is no defence against the charge of injustice. They have now church privileges. These belong to them by covenant. They are their own. If they choose to keep them, no power on earth has a right to take them away. No power has a right to insist that they shall give them

* Story and Rawle on the Constitution.

up, and take what others are pleased to call an equivalent instead. There is no equivalent when the most cherished treasures of the heart are thus rudely torn away.

3. Nor is this all. Even if all the members of a church were willing to release one another from their mutual vows, and to throw one another back into an uncovenanted state, they have and can have no right before God to do it. It will be noticed that we do not say that all the members of a church may not by mutual consent bring it to a close, by regularly passing from it into other churches. In this way no one is thrown back into the world in an uncovenanted state with none who has a right to watch over him. But we do say that if all of the members of a church were desirous to throw themselves out of a state of fellowship, into the world, by dissolving their covenant, they have no right to do it. Duty to God requires them not only to enter into church estate, but to continue in it. This, as we have proved, is fully stated in the Platform, and by all our standard authorities. It is recognized in the covenant found in Cotton Mather's Ratio, and which was the common form in 1726. "We acknowledge our everlasting and indispensable obligations to glorify our God in all the duties of a godly, and a sober, and a righteous life, and *very particularly* in the duties of a church state and a body of people associated for an obedience to him in all the ordinances of the gospel." It is recognized in the covenant of the Tabernacle Church in Salem. "We apprehending ourselves called of God into a gospel church state," and again—"We acknowledge our everlasting and indispensable obligations to glorify our God in all the duties of a holy, sober and religious life. Depending, therefore, on his powerful grace, we engage to walk together, *particularly in a church state*, in the faith and order of the gospel, as far as we shall have the same revealed to us by the word and spirit of God.

The first church in Boston entered into covenant "in the name of our Lord Jesus Christ, and in obedience to his holy, wise and divine ordinances," and "desirous to unite into one congregation, or church under the Lord Jesus Christ," "solemnly and religiously, as in his most holy presence," "promised and bound themselves" to walk together in church estate, and in the discharge of its duties.

The original covenant of the first church in Charlestown was in substance the same. At the present time it includes this passage:

"You do solemnly and religiously, as in His most holy presence; covenant and promise, through his grace, to walk in all your ways, and in communion with this particular church in special, as

members of it, according to the rules of the gospel. This you severally covenant and engage.

“We, therefore, the members of this church, [*here the members of the church rise,*] do now publicly declare our cordial reception of you, as members of the church of Christ, and of this branch of it in particular.

“And we covenant and promise, on our part, to watch over you agreeable to the directions of the great Head of the church, and to treat you as members in full communion with this church, and entitled to all its privileges.”

The views of the modern churches of Boston are well represented by the following extract from the covenant of Park Street Church, drawn up by Dr. Griffin.

“We welcome you to this fellowship with us in the blessings of the gospel, and on our part engage to watch over you, and seek your edification, as long as you shall continue among us. Should you have occasion to remove, it will be your duty to seek, and ours to grant a recommendation to another church; for hereafter you can never withdraw from the watch and communion of the saints, without a breach of covenant.

“And now, beloved in the Lord, let it be impressed on your minds, that you have entered into solemn circumstances from which you can never escape. Wherever you go, these vows will be upon you. They will follow you to the bar of God, and in whatever world you may be fixed, will abide upon you to eternity. You can never again be as you have been. You have unalterably committed yourselves and henceforth you *must* be the servants of God.”

In most of the Orthodox churches of Boston these views are explicitly stated. In all they are understood. And beyond all doubt this is the common understanding of our churches at this day. After the covenant of the Old South Church, the following statement is found:

“This sacred covenant has been deliberately entered into, and its high obligations voluntarily assumed, by every member of this church. Those obligations are now, and will be until death, upon every one who has assumed them; for he that “openeth his mouth unto the Lord, cannot go back.” See Judg. xi. 35. Luke ix. 62. Heb. x. 38, 39. 2 Pet. ii. 20, 21.

The views of this church of the importance of the duty of Christian watchfulness over each other, which is pledged in the covenant, are impressively stated in the following passage:

“When, in their company, converse frequently upon the things pertaining to the kingdom of God; and particularly of your duties and obligations as the covenant people of God. See Mal. iii

16. Heb. x. 24, and iii. 13. 'This practice,' says one, 'would be of eminent service to help the memory, in regard to our covenant obligations, as also to quicken unto obedience. Thus, for instance, when a brother is observed to be going into temptation, or in present danger of falling into some transgression, it is not improbable that these words, spoken in a suitable manner, in his hearing, REMEMBER YOUR COVENANT, would prevent his fall; or, if he has already fallen, it may be those words would be the means of recovering him out of the snare of the devil, and of bringing him unto unfeigned repentance.'"

If, then, it is conceded and taught on all hands, that it is a part of our covenant with God that we will come into covenant with a particular church, and continue in a church state till death, how can a church throw themselves out of such a state without a breach of covenant with God? Even if it is done under color of an intent, as individuals, to join other churches, still, to dissolve the covenant, and to withdraw Christian watch before all are under the care of other churches, is an unjustifiable mode of doing it. Covenanted duties forbid it.

By doing it they throw themselves into a state in which they have no assurance that all will ever be brought back into a state of covenant again. They throw up their watch when they do not and cannot know that grievous wolves will not come and tear and devour the lambs of the flock, before they are gathered into any fold again. It is on this ground that the Platform denied that the whole church has a right to throw up her watch over even one of her members, before he is safely received by another church. This is not a mere positive rule, it is based upon the principles of eternal right. Much less, then, has a church a right, even by unanimous consent, to throw up their watch over each other, and leave every member of the church a wanderer in this world of snares and temptations. If any should in consequence of such an act fall into sin and misery, and God should enquire of any of the former members of the church, where is thy brother? will it avail him to say I know not; am I my brother's keeper? What if he has voted to absolve himself from his vows to watch over him? Will God hold him absolved?

4. Upon the dangerous tendency of the principles and precedents which we are considering, few words are needed. Admit the right of a church thus to disband itself by the vote of a majority, for the sake of getting rid of "embarrassing" members, and what minority in a time of division or excitement would be safe? One or two bold and devoted men might be very embarrassing to a backsliding and worldly-minded majority. Some influential person who fears discipline, may regard those who desire to bring his

case up as very embarrassing elements in the church. Nothing now remains to be done but to watch his opportunity, rally his forces, gain a majority and vote to dissolve the church and form a new organization expressly for the purpose, in which these embarrassments shall not exist. Is it said, this cannot be done without the advice of a council? We reply, there is no such provision in any of our standard writers. They have given no rules for dissolving churches, by repealing the covenant. The case of course never occurred to them. Their principles led them to no such results. It is indeed usual, but not essential, to form a church by advice of council, with especial reference to the question whether it is needed. But if a church exists and is admitted to be needed, and it is in principle right for them to dissolve themselves and reorganize again for the sake of getting rid of embarrassing members, then we say, there is no provision in any of our writers that forbids them to do it on their own judgement. And even if it were orderly to do it only through advice of council, still they can do it without advice, or even against it. Moreover, in times of excitement on disputed questions which affect many churches, the majority of a church may easily call a council of such ministers and churches as are known to be hostile to an odious minority, and by their advice disband and reorganize again, leaving out the embarrassing minority. Who cannot foresee the end to which such principles would conduct, if once introduced into our system? Men might virtually be excommunicated without charge or trial, or opportunity of defence, and in every division and difficulty, the question of dissolution would come up. Is it not, then, the part both of wisdom and duty to foresee the ruinous results to which they tend, and resist them most strenuously at the outset? One thing is sure, if we do not desire to work an entire revolution in our system, and utterly to explode the principles and usages of our fathers, we are bound to regard these new doctrines with unmitigated disapprobation and displeasure.

5. The unsoundness of the principles in question is also clearly evinced by the grounds which their advocates are naturally, and of necessity, led to assume in their defence. Since the right of a majority to throw a whole church out of a state of covenant fellowship is to be defended, it becomes necessary to depreciate the necessity and importance of particular church covenants, or of being in connection with any local church at all. The community has, therefore, been told by leading ministers, in public arguments on this subject, before the pastors and delegates of a conference of churches, and the attendant assembly, that the Bible nowhere expressly requires a covenant of the members of a church to walk

together in the same church, as essential either to salvation or the church state, and that there is no certain evidence that the apostolic churches were so constituted by a formal mutual covenant among their members as to make a dissolution inconsistent with church order, or their christian profession. Their covenant, it is intimated, was only with their great Head; they were held together only by inward ties; and worshipped together or apart, as the case required. Of the same nature is the theory to which they resort, of a membership in a general or Catholic church, which still continues after a particular church is disbanded. In consequence of this, they tell us, the members of a disbanded church are not unchurched, nor deprived of any of their church rights and privileges. This membership in the church general they seem to think almost or quite equal to that in any particular church.

If the question at issue were, whether Congregational views of the church covenant be right or not, and if our brethren were appealing to scripture to prove them wrong,—all this, if true, would be very much in point. But the issue being what it is, viz: what are Congregational principles and usages?—we are not called on here to discuss the truth or falsehood of these theories, though it would be easy to show that they are utterly unsound. It is enough here to remark, that they are directly at war with the principles of our actual system, as illustrated by existing usages, and as laid down in all our leading writers. They all, with one voice, argue that the christians of the primitive churches were united by mutual covenants, and that the power to watch over and discipline each other, which they undeniably had and exercised, could not be derived from any other source. “We see not otherwise,” says the Cambridge Platform, “how members can have church power over one another mutually.” The platform also strongly inculcates the duty of believers “to join themselves unto a particular church,” out of regard both to the authority of Christ and to their own good.

Hooker calls the Presbyterian theory “that a pastor can be a member of the visible church, though he be a member of no particular congregation” (church), a “new paradox.”

He shows its absurdity thus: “All particular congregations are all the members that the visible church hath; therefore he that is not a member of a particular congregation, is no member of a visible Church.”

Yet on the Presbyterian theory, a minister has ties to Presbyteries, Synods, &c., and can be disciplined; but the members of a disbanded church belong to no particular visible church, have no tie to any organization, and are liable to no discipline. Much more would our fathers call this modern theory “a new paradox.”

Hooker also expressly states that when we speak of a general, or universal, or Catholic, visible church, the word church is only a generic term, and that "such a Catholic Church is never to be seen but in particular congregations (churches), nor yet ever exerciseth its power alone, (or *seorsim*), but only in the several assemblies." Indeed, all of our fathers regarded the idea of an organic universal visible church, with officers and sacraments, as the very radical error of the papacy. They also rejected, decidedly, the idea that the right to the privileges of the church was derived from union to any kind of universal church, visible or invisible. We have already quoted Hooker to this effect. Again he says expressly, in discussing the issue between the Congregationalists and their opponents, "*Confederating* makes persons members of visible churches; those who are *not confederate* we conceive *no members* of a visible church: and, therefore, *in that condition* they have no right, nor in a right order can challenge the benefits or privileges of members, nor *can any officer in a right order* dispense them unto such." Survey, part III., ch. 2.

He states the position of Hudson, whom he is opposing, substantially thus: One in a state of membership with the Church Catholic hath thereby a right unto all church privileges; and even if he see fit to join a particular church, that does not give him any new right to church privileges. All proceeds from his membership with the Catholic Church. This he proves to be "*an open contradiction in terms* to God's revealed method."—Survey, part I., ch. 15. Cotton, in his "Way of the Congregational Churches cleared," is no less explicit. And the Cambridge Platform teaches that believers, if they are not *in church order*, cannot enjoy *communion ecclesiastical, political*, although, like the twelve disciples at Ephesus who had not been regularly admitted to the church, in the usual manner, they may be professed believers in Christ, and, in that sense, members of the militant visible church. But regular ecclesiastical communion, according to the Platform, belongs only to such as "walk according to the church order of the gospel," that is, in local churches. They also expressly deny any universal visible church, through union with which believers can obtain a right regular ecclesiastical communion in local churches. This can be obtained only through a covenanted union with particular churches.—Ch. 2, sec. 4. Hence, as Hooker says, while thus not united, no officer can, *in a right order*, dispense church privileges unto them.

Such, then, are the fundamental principles and accredited usages of Congregationalism on this point. but these theories of the defenders of the church-dissolving power, tend directly to lead the

community to believe that it is of very little consequence whether they are members of any particular church or not, or are in a covenant or not, and thus to aim a blow at the very vitals of our churches, and utterly dissolve the bonds of our whole system. Who would have expected to hear such sentiments from pastors of New England Congregational Churches? How unsound must be that position, the defence of which impels and obliges them to promulgate such theories. But, above all, who could have imagined that such views could be put forth under the pretext of defending the fundamental principles and accredited usages of our church polity! Had they charged our fathers with gross error, and justified their antagonists, and set up the standard of radical reform, all of this line of argument would have been perfectly consistent. But to claim to be inspired by reverence for the fundamental principles and accredited usages of our fathers, to engage with all their might in the work of utterly exploding, and absolutely and thoroughly destroying them, is indeed a phenomenon that fills us with undissembled wonder and astonishment.

What, then, it may be asked, can be that main ground upon which proceedings such as these are defended? Whenever good and intelligent men go thus far astray, it is not commonly under the influence of absolute error, but of some important truth, either partially apprehended, or applied out of its proper sphere. So in the present case, the advocates of these new doctrines profess, and, we do not doubt, with sincerity, to be swayed by a supreme regard to the great principle, that, in a Congregational church, it is the right of the majority to administer the government according to their will.

In defending their course, the Tabernacle Church appeal to "the inalienable rights of majorities." The conference also say in their vote, "whereas, it is an admitted principle that in the action of Congregational Churches laid down in the New Testament, and in the records and symbols of our churches, that majorities govern: and, whereas, we find no accredited precedents in the usages of the church to the contrary, and do not feel willing to institute one,—therefore resolved, that the claim of our brethren to be the late Howard Street Church ought not to be allowed, and it is not allowed." We are happy to learn that all attempts, by the pastors of churches, to exercise or establish a power of veto, or of suspension, by the pastor, of the acts of majorities in the church, are not accredited precedents.

We are of the same opinion. We not only freely admit, but decidedly maintain, that it is a fundamental principle of our system that the majority shall govern. But all who attempt to defend the

proceedings in question by this principle, err in both the particulars above specified. In the first place, they do, but partially apprehend the principle to which they appeal, and in the second place, they apply it out of its sphere.

Although the power of government undeniably resides in the majority, yet they can exercise that power only within given limits, and in accordance with certain fixed principles.

These principles and limits are established sometimes by the nature of things, and the great law of natural right, at other times by the fundamental principles of our ecclesiastical system; at others, by express authority of the word of God, and again, by special legislation. Indeed, it is admitted in all equitable governments, that the supreme ruling power, whether a monarch, an aristocracy, or a democratic majority, ought not to have arbitrary or unlimited authority in government, but to be limited within a fixed and definite sphere. The inhabitants of England have well-defined individual rights, which neither kings, lords, nor commons, nor all combined, are allowed to touch. So, too, they have equally inviolable civil, social, and religious rights. The constitution of this nation, and those of the particular states, set forth bills of individual, civil, social, and religious rights, which no majority can abrogate. Moreover, the legislation of all the states is, by the national constitution, stringently restrained within definite limits. For example, the privilege of the writ of *habeas corpus* cannot be suspended except in cases of rebellion or invasion. No bill of attainder, or *ex post facto* law, can be passed. The freedom of the press and of debate cannot be taken away. The right to bear arms, to assemble for discussion, or religious worship, and to petition, is inviolable. No title of nobility can be granted. No law impairing the obligation of contracts can be passed. Within these and similar limits, some established on the ground of natural right, others by positive legislation, majorities are obliged to act in all other states. Within definite limits, then, and in accordance with certain fixed principles, majorities rule. They would become the very worst of despots if it were not so. The difficult problem in democratic governments is, not to defend the rights of majorities, but of minorities and of individuals. The strong are not in danger but the weak. Hence, if while all free civil systems defend individual rights and those of minorities, with sedulous care, Congregationalism leaves them without defence, a Congregational church is the worst of despotism. If, while civil systems will not allow a law to be passed, even by a unanimous vote, impairing the validity of contracts, Congregationalism gives to a mere majority the right of utterly dissolving the most solemn and affecting covenant

ever framed in the universe, it would be a system deserving of the highest and most unmitigated execration. But it is not so. Nothing is more notorious, and more universally admitted by our churches, and all our standard writers, than that the power of majorities in Congregational churches is limited, always by natural right, the word of God, the fundamental principles of our polity, and often by special legislation, in each church for itself. Illustrations of the truth of these remarks will occur at once, to every thoughtful mind.

No majority has a right to expel a member from the church, who has been guilty of no offence—nor to expel any one without trial, or an opportunity of defence. No majority of a church has a right to violate their covenant with God. No majority has a right to promulgate infidel principles, nor in short, to violate any principle of that universal law of right, by which even the Judge of all the earth admits himself to be bound, and in the universal observance of which in his own judgment his highest glory lies. This truth is well expressed in a manual of church discipline recently published, to which we refer at this time because the originator and advocate of the new doctrines which we are considering, was one of the sub-committee by whom it was drawn up, “A church,” say that committee, “is not a simple unrestricted democracy ; inasmuch as it is subject to the authority of its king and sovereign, who has given laws which must regulate and control the acts of the brotherhood.” Nothing can be more true than this. And if this is so, then there are certain things which not only no majority, but not even the whole church, although by a unanimous vote, has any power or right to do.

And now in all solemnity we ask, when or where has the king and sovereign of the church, given even to a whole church, although acting unanimously, a right so to dissolve a solemn mutual covenant to watch over one another as Christian brethren, a covenant assumed before the universe, with this most solemn and affecting pledge, “I set my seal to a full determination that in life and death, I will be faithful to this covenant. This people is my people, and this God is my God. Thus I promise and declare,” so to dissolve such a covenant that not one member of that church shall be any longer in covenant with another, or with any other church to which he can say, this is my people and this is my home ?

Much more earnestly do we ask, when and where has the great Lawgiver and Head of the church given the right to a meer majority of the brethren who happen to be at a particular meeting of the church, to declare this covenant dissolved throughout the

whole church, so that not one brother or sister is any longer in covenant with another, and that too whilst members are protesting against the act as a violation of their most sacred and cherished rights?

Will it be said in reply to this, we cannot admit the principle that a minority can veto the act of a majority? We reply, it is not the minority which in such cases vetoes the act, but its own intrinsic unlawfulness. It is at war with the great laws of truth and righteousness, established by the King and Head of the church and His authority pronounces it invalid.

Indeed, it seems to us wonderful that any one should suppose that it is an essential part of Congregationalism, that the action of majorities should always be held valid—and that the Essex South Conference could find no accredited precedents in the usages of the churches to the contrary.

What is our system of ex-parte councils but a diliberate, designed, systematic check upon the abuse of the power of majorities? So Mather in his Ratio states the case, among our earliest usages and precedent..

Upham also says, that one great object of Congregationalism is to preserve every individual in the full possession of his religious rights, and that ex-parte councils were designed to defend them, "by checking the violent and unjust proceedings which so often characterise a dominant party." Therefore he calls them "sort of deystone to the system, which binds and consolidates the arch of the fabric, and gives it strength."

Punchard also says, that these councils "furnish an effectual check to the exertion of arbitrary power on the part of a majority of a church."

The very genius of our system, therefore, requires that the action of the majority in the present case be declared invalid, as contrary to the laws of equity and of God. Even if such were not the fact, it would be invalid because at war with the most firmly established principles and accredited usages of the Congregational system. We have shown that nothing can be more explicit, nothing more universally recognized, than the principle laid down in the Cambridge Platform, "the church cannot make a member no member, but by excommunication." What can be more directly at war with this than to make the members of a whole church, no members, by the vote of a majority, or indeed by any vote to all?

7. But even if it were possible to admit the idea that a bare majority could disband the church against the wishes and protest of a minority, still in this case the facts are such as to show that it has not been regularly and properly done. Much weight has been

attached to the fact that a council advised the dissolution. But in reply to this it should be said, that the question was never properly brought before a council. There was no vote of the church to submit such a question to a council. No one even pretends that such was the fact when the church decided to call the council. They voted to call a council solely for the dismissal of their pastor, Rev. Mr. Mann,* and appointed a committee to prepare and send out the letters missive. That committee, unauthorised by the church, and on their own responsibility solely, inserted the clause, "and to advise them on other difficulties." The church, therefore, did not call the council to advise on this matter, and no opposition was made to calling the particular council which met, because it was supposed that they would act solely with reference to the dismissal of the pastor. Of this the council were informed, It was therefore out of order for them to recommend a dissolution of the church, and their advice ought to have no weight.

8. Moreover, even if the act of the majority were not invalid on these grounds, it is in this case, on the ground that it is at war with a limitation imposed by the special legislation of the church itself on the power of the majority, and with the mode prescribed for calling such meetings of the church. Fourteen rules and regulations had been established by the Howard Street Church. These relate to the form of government, mode of discipline, admission, and dismissal of members, the times of church meetings, the administration of the Lord's supper, the observance of monthly concerts of prayer, and other similar topics. Of these rules the eleventh as follows, "*No alteration shall be made in any of the foregoing rules, unless at a regular meeting for business, it having been proposed in writing one week previously, and two thirds of the members present voting for it.*" Now on this we remark that, inasmuch as the question of the utter dissolution of the church is the most important question that can be raised, if the church forbade altering even a regulation as to the time of the Lord's supper or observing a monthly concert, except by a vote of two thirds, and after a week's written notice, much more did they forbid the dissolution of the church by the votes of a mere majority, and without any such written notice, or any public notice at all. Moreover, by dissolving the church, the rules as to the observance of the Lord's supper, of church meetings, of monthly concerts, and of all other services, and every other rule, would be virtually repealed. If then that cannot be done indirectly which the law forbids to be done directly, surely a vote to dissolve the church, passed by merely a small and accidental majority, and without any previous written notice at all, is on every principle, both of law

*Note. 11.

and equity, null and void. Yet the legal notice was never given, nor did two thirds at last vote for the dissolution.

This consideration is of itself absolutely decisive. It is abundantly sufficient to settle the case. If we had no other ground of declaring the disbanding vote null and void, this would be all that we need. Similar principles are contained in our civil constitutions, the fundamental principles of which cannot be changed by mere majorities.

But we do not desire to fix the mind on this alone. As the general question is now up, we desire that it may be settled in accordance with the great general principles of our system, and on grounds of eternal right. We desire to re-echo the truth that a majority has no right to violate the fundamental principles of our ecclesiastical polity, or to contravene the eternal laws of natural equity. They have no right to violate a covenant of God, or with man. It would be, as we have before said, no violation of covenant if all the members were to pass in an orderly way into fellowship with other churches till none remain. In this case the church would become extinct, but no covenant would be broken. Nor would this contravene our ecclesiastical polity. The church would not thus make a member no member. So also two churches may be united, if it is so done that no one of either is thrown out upon the world, as a member of no church. But in no case is it lawful to disregard the great principle that the church cannot make a member no member, except by excommunication.

If it should be said that the necessity of observing these principles may involve great inconvenience, and may prevent the dissolution of churches when it is desirable, we reply, it may cause great inconvenience to an upright man who has sworn to his own hurt, not to change, yet the pen of inspiration has given it as one of the decisive tests of a citizen of the kingdom of God, that when he has thus sworn even to his own hurt, he will not change. And shall a whole church swear to watch over each other, till they are safely in another church, and then a mere majority, to avoid inconvenience or any other alleged evils, change from what they have sworn, declare that all obligations to watch over each other are at an end, and against remonstrances and protestations, cast out their brethren into the world with none to watch over them? The mutual covenant of the church is one of the most solemn engagements in the universe. Doubtless God so regards it. Shall it be trifled with? And shall a church weigh considerations of convenience or expediency against the solemn demands of right and principle?

Not only is the principle of the right of a majority to govern, partially and incorrectly apprehended, as we have shown, but it is

applied out of its proper sphere. The right to govern implies the existence of a community to be governed, and its proper sphere is in the government of that community. But the dissolution of a church is not an act of church government, but of church destruction. It is an act that renders government impossible. It destroys alike majorities and minorities, and reduces what was once a community to scattered, disorganized, and ungovernable fragments.

Appeal has been made in defence of this mode of proceeding to the rights of communities to revolutionize governments by the vote of a majority. But the cases are totally unlike. No nation exists by a covenant, like that which gives its being to a Congregational church. And though a Congregational church is a democracy, yet it acts under fixed divine principles : the principles of a covenant revealed in the word of God, which it has no right to repudiate.— Moreover, the right of revolution and disbanding are not the same. No nation or people ever attempted so to disband itself as to destroy all political ties between citizen and citizen, and all right of government, after appointing a committee to distribute its citizens, by letters of commendation among other nations. No nation is likely to claim the right to do it. They claim the right indeed to change existing forms of government, but they remain organized under one form till they pass under another ; and they so pass as not to invalidate existing titles to possessions and property. But on these new principles, under the pretence of governing, a majority have a right of destroying both themselves and the minority. This is not the right of government, but of suicide. It is the right of a majority not only to destroy their own rights, but also to plunder others of theirs.

After all, we cannot but wonder what can be the cause that so much zeal is manifested in behalf of the right of a majority to disband a church. If the disbanding of a church were some great good, some glorious result, for which churches were ordained, we could understand it. But what church, once organized, does not naturally desire to live and bless the world till Christ shall come to sit as judge of quick and dead. Why do we find nowhere in the Bible any directions as to this mode of dissolving churches for which so much zeal is manifested ? Why do we find no such directions in any earlier or later works on our church polity ? Is not this a significant fact ? Does it not proclaim the truth that to live and increase is the great end of a church, that its death is an event to be deprecated as unspeakably mournful, and that no directions are given as to the newly-invented mode of self-destruction, because it is not a thing even to be once thought of ? If, in the

inevitable providence of God, a church once formed must cease to exist, let it be either by the act of God taking all its members to heaven, or by so placing them under the care and watch of other churches, that the church shall not cease to exist till they are all safely located in a Christian home.

It is suggested by the Tabernacle Church, as a reason for not granting the request of Brother Goss, that the Essex South Conference had refused a seat to the delegates of the Howard Street Church, on the ground that it had been dissolved by vote of a majority of the church. We have looked into their proceedings, and find that such was the case. But this council does not perceive that weight should be given to this suggestion. We cannot agree that the orderly standing of a church, recognized as such by neighbor churches in ecclesiastical council, should be impeached in this way. The objects of these conferences are mutual improvement and instruction, and union in prayer and action, in favor of weak churches. "they expressly disclaim all interference in the rights of particular churches, and they exercise no acts of authority or discipline."* Attempt have been made to confer upon these bodies consociational powers, but it has been fully ascertained that no such change can be admitted into the ecclesiastical polity of this state.

Such an attempt was made, and the proposals sent to all the churches in 1705, which was repelled with great power of argument, and boldly and effectually rebuked by Rev. John Wise, the admitted *legal* expounder of the Platform ;† and it would seem that the present is a suitable time to reprint his tract on that subject. We extract a sentence or two : "This attempt is in defiance of our constitution, and strikes at the root of our government ; for our Platform denies *the* classical state of the churches. It sets at naught the 15th and 16th chapters for convening councils for the service of our churches, and signs the condemnation of a form of government, settled by rules of equity, settled and established by all the churches, and blessed by God through a long succession of years. I shall, for my own part, with the jealous Laocoon, enter a caution against taking down the sides of the city, and opening the walls of our Zion, and letting in this Trojan Horse." The scheme was rejected. Dr. Cotton Mather says, "There were some very considerable persons among the ministers, as well as the brethren, who thought the liberties of particular churches to be in danger of being limited and infringed by its adoption."

In 1815 another and more strenuous attempt was made to establish consociationism in this way, and it was everywhere opposed by the laity, and by many distinguished clergymen—most espec-

*Up. Rat. Disc. 237, &c.

†"Churches' Expose Quarrel."

ially by Rev. Doctors Spring and Emmons. Dr. Spring published a tract on the occasion, in which he says, "it is not authorized by reason or revelation ; it is not friendly to the liberty and rights of conscience and exceeds the plan of the Fathers by placing the churches under the care of standing councils." Dr. Emmons contended that it tended to foster feelings of pride, place, and power, to introduce a hierarchy, as in the early ages of the church, to create a jealousy of the clergy, and to destroy that *personal* influence so necessary to their usefulness. The failure on this occasion was so decisive, that we have no reason to expect another attempt of the kind.

The discipline of the Platform, which has stood against these and some other minor attempts now for two hundred years, is very plain and clear. An assembly of Christians claims to be a Congregational church, and sends its pastor and delegates to the conference. The conference question the claim. Here, by consent of parties a mutual council between the conference and the questionable church can be called ;* but if none such is agreed on, the way to settle the matter, by our Platform, is perfectly plain.

One of the churches *acts as a church*, and deals with the church called in question, as does a *brother* with an offending *brother*. It may advise them to reorganize. If they do not observe the advice a charge or complaint is made to another church, and after notice and action, and refusal, these two churches call a council to advise and act on the subject. If the church complained against persists or is contumacious, sentence of non-communication is regularly pronounced.†

But this conference postponed the Platform, and wholly disregarding its provisions, made a summary disposition of the claim of the pastors and delegates, and put the sentence of non-communication immediately into effect. This is what is called coming to a result *per saltum*—leaping over the constituted forms of trial, and umping to the conclusion. This is not Congregationalism, and it is equally plain that these conferences cannot hear and decide ecclesiastical cases, or take jurisdiction of them, with any proper regard to the principles on which they are formed or acknowledged by our order ; and if they become organized as judicial bodies, they must necessarily be consociational—bodies which, it is quite certain, will not be tolerated in Massachusetts.

But far worse than consociationism, in the opinion of the council, is a collateral, summary jurisdiction, which disregards the pro-

* The council has been informed that such a council was offered on the part of the church, but it was not accepted.

† Punch. 116 ; Mat. c. 15 ; Math. Rat. Dis. 172 ; Up. Rat. Dis. 206.

visions of the Platform, and if not final, nevertheless disparages character in an unauthorized manner, and creates prejudices unfavorable to fair and impartial trials in a congregational way. The council, therefore, cannot see, in the proceedings of the Conference, referred to in the reply of the Tabernacle Church to the request of Brother Goss, any good reason for withholding letters testimonial and of dismissal.

Whether a Congregational church shall be cherished, improved, aided by advice, and dealt with according to the Platform, or become extinct and annihilated, are questions of interest and magnitude to all its members, as well as to neighbor churches, and to all who love zion. When a church are already connected with a religious society and have a house of worship, and are sufficiently numerous and of sufficient ability to sustain the worship,—it would seem that absolute necessity alone could induce the members to abandon the worship and throw up their covenant. In other days instead of compliance, their would have been “resistance unto blood.” The only definite reason which we have seen assigned for the advice given to the Howard Street Church to break up, comes from members of the Conference, (stated as that which induced the council so to advise,) and is—“that discipline in the church had been a long time frustrated,—that there had been no discipline for a long time, *because it was impossible.*”

To justify this strong language, the church must have been exceedingly corrupt ; and the MAJORITY of the members *must have chosen* not to exercise discipline. But if such were the fact, with what consistency could the council advise that letters of commendation should be given to all, as without exception suitable persons to join other churches ? Moreover, if there is guilt in neglecting discipline, it is of course the guilt of the majority, for so long as they are the majority, they could maintain discipline if they would. Is it not then a singular proceeding to advise those who by the supposition are neglecting known duty, to disband the church, and thus put themselves in a position in which no power on earth has any right to call them to account ? As a church they could be called to account for neglect of duty. But as disbanded individuals they cannot be.

But we cannot persuade ourselves that *Christian* discipline was impossible. Was there no member who had love enough “to go to his brother in a Christian spirit and manner to ‘tell him his fault ?’” And would the MAJORITY refuse to take notice of a complaint for a palpable offence, the first and second steps having been so first taken ? Was the trial made, and made as it should be made, with desire to gain the brother, by prayer and entreaty

and importunity? Did the majority in this spirit make the attempt? However this may be the remedy advised to heal this alleged disease of the church was worse than the disease.

It appears to this council that the troubles in this church, concerning which we have heard considerable account, and read many documents, were not attended to, by the majority, or by neighbor-churches, in the spirit and manner prescribed by the law of Christ and the provisions of the Platform; and that the expedient devise to heal them, was such that its failure need cause no disappointment. "When men undertake to be wiser than the law," it is no new thing that they do not succeed. Any other discipline than *Christian* discipline, is a thousand times worse than *no* discipline. It is known and felt by the offender that it is wrong and he is irritated; other members know it and sustain him, and a faction is created in the church not easily removed or suppressed.

If a church be corrupt—does not maintain discipline or the ordinances, our platform provides a discipline in respect to such corrupt church, which we understand was not pursued in this case. If this church had been in so great a fault and extremity, as is alleged, or in any considerable wrong, neighbor churches should have taken the steps which it directs—steps, which, if taken in the right spirit, we believe have never failed of success.

However, as every member of the church was to be recommended to other evangelical churches, it cannot be supposed that it was as corrupt a church as not to be able to administer true Christian discipline. But if they neglected their duty, other churches should have called them to account. The spirit of our system demanded this, and not the destruction of the church. Congregationalism is conservative. It holds on to all that is sound, and provides the means of healing difficulties and disorders both of individuals and of churches, and does not crush or destroy a church even when its disorders are not at once healed by the means which it provides. Although it may put a church out of communion, it still hopes for its return. Such was the case in Salem itself in 1733. At that time the second church in Boston called the first church in Salem to account, and the sentence of "non-communication" by about twenty churches was declared against it. After several years the church in Salem penitently acknowledged its errors, and the sentence of non-communication was taken off. (Wisner's Hist. Ser. p. 105.)

The political philosophy of Burke, so much admired and applauded, was applied to the *reformation* of abuses; that of the French philosophers of his day was—instantaneous demolition, and organizing the state anew. The consequences of their work soon proved the wisdom of Burke, and the folly of the philosophers.

The council does not perceive the wisdom of the experiment made in this case. Demolition, disbanding, dissolving—no such remedies are provided in our polity of healing disorders in churches. Such a course impeaches the wisdom of our fathers, which provided other remedies, and disregards their practice and the usages of the churches, and tends to bring our whole system into dispute.

The council cannot but observe that the vote, by which it was attempted to dissolve the church, seems to have been a very rash and improvident act, besides being wholly ineffectual. When matters of great importance are to be settled in the church, care should be taken that all the male members be notified, and time for consideration and prayer and conference, personally and collectively, should be taken, and at last something more than bare majorities should be sought and obtained.* In this case, no written notice was regularly given that a meeting would be held for the purpose, although it was a question of the greatest possible importance. Moreover, although it was debated at some of the usual meetings for business, it is doubtful whether all of the members knew that the matter was before the church; not above two or three more than half of the male members were present, and the final vote was but seventeen in favor of the measure, and ten were opposed to it. It is not our usage to pass acts of less importance than this without a greater unanimity.

This fact and the subsequent results show the wisdom of not forgetting or disregarding the fifteenth and sixteenth chapters of the Platform.

After the vote to dissolve the church was passed, at a subsequent regular meeting it was agreed to convoke a council to advise as to whether or not they continued to be a church, and that convened and advised that the Howard Street Church was not dissolved. These papers and proceedings are annexed and marked.†

This council is not advised of any reasons or facts which show that the advice of this council does not stand good, nor why it should not be respected by the Orthodox community. It has been objected that the council was *ex parte*. We do not think it was so in the usual sense of that term. A church, feeling the need of advice and light, may well send for the advice of neighbor churches, without calling it *ex parte*. Such, also, is the case of a council to advise as to an ordination, or the gathering of a new church. There must be an *adverse party*, not offered a mutual council, in order so to characterize an ecclesiastical council. In

*Punch. Cong. 170.

† No. 13.

this case, the majority had probably taken their letters and joined other churches, and so could have no more interest in the question than other members of the churches to which they belonged; or, not having used such letters, they were still members of the Howard Street Church, and so must be considered as joining in the call, and also as having a right to be heard before the council convened. Further, having seceded, and not continuing to worship with the church, they had voluntarily abandoned all right to its property, whether it continued, ecclesiastically, to be a church or not.

It appeared also, that, having been so advised that they were a church, they continued their worship and called a pastor, and convoked a council of Orthodox churches, to advise, as to his installation, and that the council assembled and advised that it should take place, and proceeded to install him as pastor of the Howard Street Church.* Thus was he settled as pastor of the Howard Street Church, and continues to be such upon a stipulated salary, preaching and administering the ordinances. Here is certainly *prima facie* evidence that this church is entitled to the fellowship of all our churches, and the proceedings of the first council are necessarily recognized as valid, ratified and confirmed. What more have any to seek among our churches to entitle them to communion, than the proceedings of these councils afford in favor of *this* church?

If any of the churches were "otherwise minded," our Platform prescribes the manner in which they should proceed against heretical and disorderly churches, and all our writers agree that it is the only way provided in such cases, in the Congregational system.† But no such steps have been taken with this church, and until they shall be, this council sees not why its standing should be called in question.

In view, then, of all that has been said, it is the opinion of this council, that the vote of a majority cannot dissolve a church against the consent of a minority; and it appearing that the Howard Street Church has not been otherwise dissolved, and that the minority claim membership there, and have acted and still act as that church, and sustain its meetings, the ordinances, and the ministry, this council advise that that church has not been dissolved, but still exists on its original foundation.

They also advise that Mr. Goss renew his application to the Tabernacle Church for a letter of dismissal, and recommendation to the Howard Street Church, and if his request be refused, that he offer himself for membership to the Howard Street Church and that the Howard Street Church be advised to receive him.

*No. 15.

†Plat. ch. 15. Punch. Cong. 185, 186.

In conclusion, so far is this council from yielding to the reasons assigned by the Tabernacle Church for denying the request of brother Goss, founded on the objectionable standing of the Howard Street Church, that it considers this church, if not *primus inter pares*, as an ancient church, yet, at least, an *equal*, entitled to the sympathies and the affections, the help and encouragement of all the Orthodox churches in the community. And more especially should they have our sympathies and our prayers, if not our thanks, for the stand which they took in favor of the holy covenant,—not consenting to break. but contrariwise inflexibly determined to keep it, “to hold it fast and not let it go,” thus setting an example of integrity and fidelity in the midst of trials, “perils of brethren,” and formidable opposition without and within, holding up, as a standard, the ancient covenant of our fathers, and calling upon all the churches to look at it as the great charter of all the churches of our order throughout the Christian world. Why should an Orthodox church be crushed? Who among us all would put our hand to such a work? Why should *this* church be crushed? It is admitted by all, that a church, and the worship and ordinances, ought to be sustained in Howard Street.—What possible interest or valid reason can there be that it should not stand on its ancient foundation, and preserve and show forth its ancient name and its ancient covenant? Do any covet its name? We are not so advised. Do any covet its property? We know not; we suppose it is not rich in this world’s goods, but hope it is “rich in faith,” and if it is a trustee for its poor, we hope “they will not be sent empty away.”

It seems to the council that all the churches must feel interested to keep this church in their community, and that scarcely a greater cloud of grief could come over them than would come by the extinction of this light. The beloved disciple said, “I have no greater joy than to hear that my children walk in the truth.” We hope that this spirit is in all our churches, and that as the extinction of this church would be mourned as the annihilation of long-cherished hopes, so its confirmation and its walk in the order of the gospel and the communion of the churches, will be hailed as the highest consummation of Christian joy.

REUBEN EMERSON, *Moderator.*

A. L. STONE, *Scribe.*

APPENDIX.

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No. 1.

VOTE OF REFUSAL.

SALEM, Aug. 25, 1849.

To MR. E. GOSS.

At a meeting of the Tabernacle Church last evening your request was presented, and after some discussion in a *kindly manner*, the following vote was passed—

“Viz—that in view of the circumstances in the case the request be not granted.”

HUMPHREY COOK, *Church Clerk.*

PREAMBLE AND RESOLUTIONS OF THE TABERNACLE
CHURCH.

At a meeting of the Tabernacle Church, Friday evening, Sept. 28, 1849, the following preamble and resolutions were passed, viz:

Whereas a member of this Church has requested to "be dismissed and recommended to the Howard Street Church," and whereas while the Howard Street Church was under the pastoral care of the Rev. Joel Mann, a Mutual Council, called to consider the difficulties existing in said Church, advised that the Church should be dissolved;—

And whereas, agreeably to the advice of the said Mutual Council, and after mature consideration of all the circumstances of the case, a vote was passed by a majority of the Church, to dissolve the Church, provision being made, however, for a regular transfer of membership to sister churches;—and

Whereas, this Church has recognized the validity of the aforesaid vote, by receiving members, agreeably to the aforesaid provisions for a transfer of membership to sister churches;—and whereas, notwithstanding the result of an *Ex-parte* Council, called by the minority of the said Howard Street Church, —the Essex South Conference of Churches decided that the delegates of the said minority were not entitled to a seat in the Conference, in virtue of their claim to be considered the delegates of the Howard Street Church as known and recognized, previous to the vote, by which the said Church was declared to be dissolved;—

Therefore, Resolved, 1st, That as at present informed in relation to the whole subject, we are not aware of any sufficient reason to repudiate and disregard the decision of the Essex South Conference, in October last, by which the action of the aforesaid majority of the Howard Street Church was indirectly, yet distinctly and absolutely sustained—

Resolved, 2d, That in the judgment of this Church, it is not consistent with the principles of order and fellowship in our Congregational Churches, nor promotive of the best interests of the community—to recognize the claims of the aforesaid minority of the Howard Street Church, to be the original and undissolved organization as known and acknowledged previous to May 4th, 1817, when the vote was passed which declared the Howard Street Church to be dissolved, and no longer to exist.

Resolved, 3d, That until prepared to rescind the foregoing resolutions, and reconsider the facts, which are presented in the foregoing preamble of the said resolutions;—it will not be consistent or proper for this Church to grant letters of dismission and recommendation to membership with those who claim to be the Howard Street Church in this city—without any regard to the proceedings by which we have considered the said Church regularly and truly dissolved.

Attest, HUMPHREY COOK, *Church Clerk.*

Sept. 28th, 1849.—At the meeting of the Tabernacle Church this evening, the Committee on Br. Goss's request *reported* and the Church accepted it; and adhered to their former *vote*—

Viz., that under existing circumstances Br. Goss's request cannot be granted.

HUMPHREY COOK, *Church Clerk.*

No. 3.

REPORT OF THE COMMITTEE.

TO THE TABERNACLE CHURCH.

The Committee appointed to explain to Br. Ezekiel Goss the reasons why the Church could not grant his request to be dismissed and recommended to the Howard Street Church, so called, have attended to the service.

Agreeably to what was stated at the time his request was acted upon, the Committee informed Br. Goss that it would not be at all consistent for this Church to grant his request, because the standing of those with whom he desired to be connected is considered by this Church to be irregular.

The Committee also stated to Br. Goss that his own walk had been irregular; they reminded him that he had not fulfilled his covenant engagements, inasmuch as he not only absented himself from the meeting of the Church which he used to attend very constantly, but has not for a considerable time worshipped with the Church or been present at their communion season.-- This absence appeared to be in consequence of some offence which he had taken, or some alienation of feeling which ought not to exist, and therefore it would not be proper to grant his request, even if there was no objection in regard to the standing of those to whom he has requested to be dismissed and recommended.

IRA A. BREWSTER, }
JONA. PERLEY, } Committee.

Salem, Sept. 28th, 1849.

No. 4.

LETTER OF MR. CARLTON.

SALEM, JAN. 8, 1850.

Rev. and Dear Sir:—On the morning after the session of the Council in the case of Mr. Goss, you remarked to me, that the action of the Council had been considerably embarrassed by the intimation that Mr. Goss was still under the discipline of the Tabernacle Church; i. e., that a process of discipline had been commenced with him, and was still unfinished, or, in other words, had not been finally adjudicated by the Church; and you asked me if this intimation was true, to which I replied, emphatically, that it was *not true*.

To prove to you now, sir, that the suggestion was not true, I submit to you, agreeably to your request, the following brief statement of facts.

1. When Br. Goss first presented his request to the Church for a letter of dismission and recommendation to the Howard Street Church, no intimation whatever was made by any one, that any brother had commenced a course of discipline with him. And, besides, the pastor distinctly stated to the Church, that he had intended, that very week, to request some one of the brethren to converse with Br. Goss in relation to his long absence from the meeting and communion of the Church; but that the request of Br. Goss had taken him by surprise.

2. After the Church had voted, that, "under the circumstances," the request of Br. Goss could not be granted, he sent in a communication, desiring to know what "the circumstances" were. The Church raised a committee, and directed them to wait on Br. Goss, and give him an explanation.

That Committee subsequently reported to the Church, in writing, that they had attended to the duty assigned them, and had told Br. Goss the reasons for refusing his request were two; viz., that the Howard Street Church, so called, was not considered by them as a regular church, and that his walk had been disorderly. Br. Goss then appeared before the Church, and asked permission to reply to the two reasons assigned by the Committee; but he was told by the pastor that he could not be allowed to reply at all; not, certainly to the first reason, because the Church had taken *final* action on the subject of the Howard Street Church, and therefore that subject could not be re-opened; and not even the second reason, because the Church had not only brought no such charge, but had made no charge whatever against him. And when it was suggested that the action of a committee of the Church was, in reality, the action of the Church, the pastor replied, that the report of the Committee had only been accepted, but *not adopted*, and that, therefore, their action was but the action of individuals, and not the action of the Church. And Br. Goss was repeatedly told by the pastor and certain members of the Church, over and over again, that the Church had neither charges nor charge against him; and accordingly he was not allowed to make any reply.

3. After the Church had refused to hear Br. Goss, and he had retired, it was suggested by some one, that his long absence from the communion of the Church was wrong, and was a fit subject for church discipline. Thereupon I immediately rose in my place, and stated that I hoped a course of discipline would now be commenced with Br. Goss *forthwith*. The pastor stated in reply, that there were cases, which, for certain reasons, ought to be delayed; and intimated that this was a case which ought to be deferred to a future time.

From these facts, you can judge as well as I, whether the intimation, which you said was thrown out during the session of the Council, was true or not.

Very respectfully, yours,

O. CARLTON.

REV. E. BEECHER, D. D.

No. 5.

LETTER OF MR. GOSS TO THE CHURCH.

SALEM, Sept. 14th, 1849.

TO THE TABERNACLE CHURCH.

Dear Brethren:—Deacon Perley and Brewster called on me last evening as a Committee of the Church to explain the circumstances in the case why you voted not to grant my request for a dismissal and letter to the Howard Street Church.

The first reason they gave was, That the course the Church had taken in regard to the Howard Street Church, in receiving her members was, that the Church is broken up, and therefore to be consistent with that course could not grant my request. The second was, That the Church apprehended that there might be ill feelings towards some members of the Church. Whether that apprehension was well grounded they knew not, except my long absence from the communion.

In reply to the first, I will inform the Church, that the brethren and sisters that remain at the Howard Street Church sought counsel and advice of sister

churches (with which you are in fellowship,) in their trials and difficulties, and have acted in accordance with that advice, and since then they have settled a pastor by Council of sister churches, to which you have and are accustomed to dismiss and receive members, and to which you also were invited. You cannot therefore expect me to surrender my rights and privileges to such a plea. I therefore renew my request.

To the second, I can only say I know of no unkind feeling to any member on my part; if there is, or has been, I wish their forgiveness as they would be forgiven. As for my long absence from the communion, my intention has long been known by a large part of the Church, and to the pastor for more than a year, and I have communed with the Howard Street Church regularly ever since,

From your brother in Christ,

EZEKIEL GOSS.

No. 6.

CERTIFICATE OF MR. HUMPHREY COOK.

I hereby certify that as clerk of Tabernacle Church I have furnished Br. Ezekiel Goss with copies of the following documents, viz.:

1. The report of the Church, Aug. 25, 1849.
2. The report of the Committee which was appointed to state to him the reasons why his request was not granted.
3. The resolutions adopted by the Church respecting Howard Street Church and the second vote declining to dismiss him, passed Sept. 28, 1849.
4. The reasons put on record for declining his request for a Mutual Council, and that these are all the record of proceedings in his case up to the 20th of Nov., 1849.

I also certify that on the 26th day of October, Mr. Goss desired an opportunity in Church meeting to make some communication to the Church, touching their objections to granting him a dismission, which was refused by the pastor and Church, on the ground that so far as Howard Street Church was concerned, the action of the Church could not be changed, and, second, that the Church had no charges against him that demanded any communication from him. It was repeatedly said to him, we have nothing against you.

HUMPHREY COOK.

Salem, Dec. 26, 1849.

No. 7.

REQUEST OF MR. GOSS FOR A MUTUAL COUNCIL.

TO THE TABERNACLE CHURCH.

Dear Brethren:—I have repeatedly requested of you a dismission and recommendation to the Howard Street Church in this city. My request has as often been refused. I do not now wish to present further reasons for my request, for I am assured by your pastor that there are no charges against me, and still my request cannot be granted. I therefore respectfully request that you will unite with me in calling a mutual council according to the usage of the Congregational Church, to consider and advise with reference to the following questions, viz.:

1st. Was I in good and regular standing as a member of the Tabernacle Church on the 25th of August, 1849?

2d. Has any thing taken place in reference to the question of my request for a dismissal since that time that renders it improper that I should have a letter in the usual form?

3d. Is the standing of the Howard Street Church such that the Tabernacle Church ought not to recommend members to its communion?

I would propose that the Council should be composed of churches whose ministers have never been called to act in the case of the Howard Street Church during its last difficulties?

I will be ready to meet your Committee at any suitable time on a few hours' notice for the purpose of selecting the Council and preparing the letters missive.

From your brother in Christ,

EZEKIEL GOSS.

Salem, Oct. 30th, 1849.

N. B. On account of business arrangements I would earnestly request that the Church would act on it on Friday evening next at the close of the preparatory lecture.

No. 9.

ACTION OF THE TABERNACLE CHURCH DECLINING A MUTUAL COUNCIL.

SALEM, Nov. 9, 1849.

At a meeting of the Tabernacle Church, Friday evening, the request of Br. Goss for a mutual council was acted upon, and the following *vote* was passed, viz.:

"Whereas our Br. Ezekiel Goss, has requested this church to unite with him calling a mutual council" to consider and advise with reference to the following questions, viz.:—

1st. Was I in good and regular standing as a member of the Tabernacle Church, on the 25th of August, 1849?

2d. Has any thing taken place in reference to the question of my request for a dismissal, since that time, that renders it improper that I should have a letter in the usual form?

3d. Is the standing of Howard Street Church such, that the Tabernacle Church, ought not to recommend members to its communion?—

Therefore, voted, that the following answer be given to his request, viz.:

In regard to the first of the questions, which it is proposed to submit to a mutual council, the Church has not taken action in a judicial manner, and the hope has been cherished, and still is, that both the expediency and necessity of such action may be entirely precluded. If, however, the long absence of Br. Goss from the communion and meetings of the church previous to August 25 should ever be brought before the Church, in the regular process of discipline, the Church has no reason to anticipate any such difficulties in the case, as would give occasion, in the smallest degree, for the advice of a council.

Upon the second question, which it is proposed to submit to a mutual council,—the Church has taken no action whatever, neither has any been contemplated, so far as known to the Church. As, therefore, the subject matter of neither of these questions, has been adjudicated in the Church, nor even introduced into the church for the purpose of adjudication, there can be no

propriety in calling a mutual council in such circumstances "to consider and advise with reference" to them.

In relation to the third question, it is true that the Church has taken action, and such action as may be inferred from the language used in the letter to Br. Goss. The action of the church however, by which the dissolution of the Howard Street Church, May 4th, 1847, has been recognized, was taken with much carefulness and under a constraining sense of duty, to vindicate and support the fundamental principles and accredited usages of the Congregational order,—as affecting the independence of each church respectively, and the inalienable rights of majorities in each church. Until those who now profess to be the original Howard Street Church, as if no dissolution had ever been voted, shall take a different ground upon which they will urge their claims to recognition and fellowship as a sister church,—the Tabernacle Church cannot, with any consistency and propriety, acknowledge their title to such recognition and fellowship; so far as known to the Tabernacle Church, there is no existing occasion to submit its doings, in respect to this subject, to the revision of a council; neither is there any such occasion apprehended, in the changes of the future. While, therefore, the Church has none other than the kindest feelings towards Br. Goss, and there is not the least desire to prevent a removal of his relation of membership to some sister church, whenever it can be accomplished in an orderly and satisfactory manner, the request of our Br. Goss, that the Church should unite with him in calling a mutual council, must be declined.

HUMPHREY COOK, *Church Clerk.*

No. 9.

ACTION OF THE ESSEX SOUTH CONFERENCE OF CHURCHES.

In October of the year 1847, the Essex South Conference of Churches met at Swampscot. The Howard Street Church sent Brethren B. A. Gray and D. Brainard Brooks, as delegates, at the call of the names of the members they handed us their names as delegates. Objections were made to their having a seat by R. P. Waters, Esq., on the ground that there was no church there. Their claim was referred to a committee of five under the following vote:

"Voted, that a committee of five be appointed to consider the question pertaining to the relations to this conference of the brethren claiming to be the Howard Street Church, Salem. Messrs. Lawrence, Cooke, Field, Tolman, and Trask, of Beverly, were appointed the committee."

DANVERS, October 8, 1848.

Voted to hear the report of the Committee on the questions pertaining to the relations of the brethren claiming to be the Howard Street Church, to this conference.

REPORT.

Whereas, It is an admitted principle that in the action of Congregational churches laid down in the New Testament, and in the records and symbols of our churches, that majorities govern: and whereas we find no accredited precedents in the usages of the church to the contrary, and do not feel willing to institute one—Therefore, Resolved, That the claim of our brethren to be the late Howard Street Church, ought not to be allowed and is not allowed.

After a protracted discussion (from 9 A. M., to 4 P. M.,) of the subject, the Report of the Committee was adopted.

A true copy of the records, made by

M. H. WILDER.

RESULT OF COUNCIL ADVISING TO THE DISSOLUTION.

SALEM, April 14, 1847.

It appears that the pastor's request for a dismissal arises from embarrassments which have rendered, in a great degree, abortive his earnest and self-denying efforts for a course of years, and which embarrassments have now come to a crisis, so that we can do no less than accede to his request, and we hereby *declare his pastoral relation dissolved*.

We tenderly sympathize with the Rev. Mr. Mann, in his afflictions and disappointed hopes, and most cordially recommend him to the churches of Christ, as *sound in doctrine, earnest, able, and faithful in preaching; kind, amiable and acceptable in the relations of social life, and heartily devoted to the true ends of the ministry*. And we deem it due to him to say, that his failure of the desired success in extricating this church from its embarrassments should not be used in disparagement of his ministerial character in any respect.

And since the embarrassments which have so far frustrated his ministry still exist, without prospect of change, while the church retains its present organization, we would suggest the inquiry whether the best good of all concerned would not be consulted by a dissolution of that organization, and the members connect themselves with other churches in this city. A step so uncommon, we think, is made expedient by reasons as peculiar. It is not that we think that there is not ability and piety enough to sustain the enterprise in favoring circumstances. There are materials of great value in this church, but they stand in such relations as to hinder their efforts for good. Nor is it true that our denomination in this city have churches enough without this. The prospect rather appears to be, that if this is dissolved, a new one will soon take its place. We would, therefore, advise that the present organization, if it sees fit, vote a *dissolution*, and if the proprietors of the meeting-house see fit, close it awhile and wait for the movements of Providence. We feel persuaded that the time will soon come when the way will be made to open it under better auspices. A new organization formed for the purpose, would of course stand clear of most of the embarrassments of the present.

We deem it to be our duty in concluding this Result to call upon some of the individuals of the Church to reconsider the manner, in which they have treated their pastor, during the existence of the difficulties which have given occasion to the calling of this council. Saying nothing of those who have been in fault in other matters, there has been a disposition on the part of these, to push some favorite points to extremes;—a want of charitable construction on the pastor's motives and conduct in relation to points on which there existed a difference of opinion between him and them; and a deficiency of that kindness and courtesy which he had a right to claim as a Christian minister, and particularly as their pastor.

The Council hope that they will see their error, and that in whatever future ecclesiastical connection they may be placed, they will seek to be possessed of a spirit of wisdom, and of a sound mind, and will remember that *charity, kindness and forbearance* are as important parts of Christian character, as zeal in suppressing the errors and vices of society.

E. A. LAWRENCE, *Scribe*.PARSONS COOKE, *Moderator*

No. 11.

VOTE OF THE MAJORITY TO DISSOLVE.

Tuesday evening, May 4, 1847, Church met by adjournment.

Voted to choose R. P. Waters, Moderator, pro tem.

A. T. Brooks withdrew his motion for the previous question.

On the motion of indefinite postponement, Voted in the negative.

A. T. Brooks offered the following amendment to the main question, which was accepted by the mover, as follows, after "adopt," to read thus :

Voted to adopt the remainder of the Result of the council and by and with their advice, this organization is hereby dissolved—and that Deacons Smith, Foster and Driver, be a committee to grant letters of dismissions and recommendations under date of May 4, 1847, to all the remaining members of the church, to any Orthodox Congregational Church they may direct.

The yeas and nays being called for, the result was as follows :

YEAS—A. T. Brooks, Thomas Brooks, Amos Henfield, Aaron Smith, Jr., John Kimball, Wm. R. Warden, Joseph G. Porter, John H. Grush, Alexander McClay, Moses T. Upton, George B. Stedman, Gideon B. Monarch, Charles Goodrich, Elbridge Guilford, E. W. Fabins, Isaac P. Foster, R. P. Waters, —17.

NAYS—Daniel Millet, Joseph Hale, S. Driver, Benj. A. Gray, Thaddeus Osgood, D. B. Brooks, E. B. Osgood, Benj. Trask, Eben. Cleaveland, Wm. P. Fuller—10.

No. 12.

VOTE OF THE CHURCH UPON THE PASTOR'S REQUEST FOR
A MUTUAL COUNCIL.

Tuesday evening, April 6, 1847. A communication from the pastor requesting the church to unite with him in calling a mutual council to dissolve the pastoral relation being read, voted unanimously to comply with his request.

Voted to invite the Crombie Street Church, Salem, churches in Marblehead, Lynn, South and North Danvers, and Washington street church, Beverly, to meet in council at the vestry, on Wednesday, April 14th at 9 o'clock, A. M.

Voted to choose George H. Smith and Isaac P. Foster the committee of the church to draft, sign and send the letters missive, and also to appear before the council in behalf of the church.

No. 13.

PROCEEDINGS OF THE CHURCH SUBSEQUENT TO THE
VOTE TO DISSOLVE.

A meeting for business was held in the vestry on Tuesday evening, May 11th, 1847. The meeting was organized by the choice of Daniel Millet, moderator, and D. B. Brooks, clerk.

Voted, that we choose a clerk for the church, our former clerk having taken a letter of dismission to another church.

Voted, that E. B. Osgood be clerk.

Voted, to choose a committee to supply the pulpit.

Voted, that Joseph Hale, Benj. A. Gray and John P. Jewett be this committee.

Voted to choose a treasurer for the church, the former one having taken his dismission.

Voted, that Dea. Stephen Driver, Jr., be Treasurer.

Voted, that a committee be appointed to wait upon our former treasurer to request that the communion service be put into the hands of our present treasurer.

Voted, that Dea. Driver and Joseph Hale be this committee.

Voted, that the clerk be requested to call upon Dea. Foster, our former clerk, and request the records belonging to this church.

Voted, that an Ecclesiastical council be called to examine the doings of the last church meeting.

Voted, that the council be requested to meet on the 26th day of May 1847.

At a meeting of the church held May 17, the vote calling the council to meet on the 26th was reconsidered, and it was voted to fix the time to the 28th of May.

The following is a copy of the letter missive :

Rev. and Beloved:—Whereas for a year past difficulties have existed in this church which have resulted in the calling of two Ecclesiastical councils the second of which dissolves the relation of the pastoral connection with the church and society, and also recommended that the church take into consideration the expediency of disbanding its organization,—The result of the council having been read to the church, the former part, which dismissed the pastor, was unanimously accepted; a motion was then made to adopt the closing part of the result, and by its adoption to consider the church disbanded. This was strenuously opposed by a large minority of the members present, and various arguments were presented for the consideration of the church, tending to prove the impossibility of thus disbanding a church of Christ without a unanimous vote. But notwithstanding all the protestations of the minority, the vote was passed, seventeen voting in the affirmative, and ten in the negative, three of those voting in the affirmative at previous meetings of the church, having been dismissed to sister churches, yet they still persisted in voting on the question, though protests were made against it. Several members, five at least, would have been present to have voted with the minority, had not Providence prevented. Under these circumstances the vote was passed and a committee of three persons was chosen (two of whom had been dismissed at their request from the church) to give letters of dismission and recommendation to all the members—whether they asked for them or not. This is a brief statement of facts in the case. We are deeply grieved, and placed by this vote of the church in peculiar circumstances of trial and affliction, and need judicious Christian advice in the matter, and therefore ask you to meet in council, by your pastor and delegate, at the vestry of the Howard Street Church, on Friday, May 28th, at 10 o'clock, A. M., and review these proceedings, and adjudicate thereon.

NOTE. On the day appointed for the meeting of the council, Friday May 28th, it was decided that as the number present was not sufficient for a quorum, the time of meeting be postponed to Tuesday, June 15th.

At the above meeting Dr. Perry was Moderator.

No. 14.

PROCEEDINGS OF THE COUNCIL TO WHICH THE QUESTION
OF ACTUAL DISSOLUTION WAS SUBMITTED.

A copy of the Result of the Council, Salem, June 15th, 1847

An Ecclesiastical Council convened at the vestry of the Howard Street

Church, pursuant to letters missive from the Howard Street Church, for the purpose of giving advice in regard to certain proceedings purporting to be a dissolution of said church against the wishes of a minority.

The Rev. Gardner B. Perry was chosen Moderator, and Joshua Leavitt, Scribe.

The churches present were as follows :

Salem Church, Boston—Br. David Pulsifer, delegate.

East Bradford Church—Rev. G. B. Perry, D. D., pastor ; Dea. Ira Hopkinson, delegate.

Second Evangelical Congregational Church, Cambridgeport—Rev. Joseph C. Lovejoy, pastor ; Rev. Joshua Leavitt, delegate.

Hopkinton Church—Dea. Samuel Morse, delegate.

East Abington Church—Rev. H. D. Walker, pastor ; Dea. Elijah Shaw, delegate.

Free Church, Andover—Rev. E. C. Winchester, pastor ; Br. John Smith, delegate.

Third Church, Danvers—Rev. Richard Tolman, pastor ; Dea. Frederick Howe, delegate.

Prayer was offered by the Moderator.

The committee who had issued letters missive presented the record of proceedings had subsequent to the vote of dissolution passed by the church.

The records of the church prior to the vote of dissolution were read by Mr. Foster, the late clerk, in whose hands they remain.

The committee were fully heard on the subject of the dissolution of the church ; and then several of those who had voted with the majority were heard at length. The people then retired.

Voted, That the members of the council be called upon to express their views individually on the case as it stands before the council.

The members were nearly unanimous in the opinion that it is not competent for a church to dissolve itself by the vote of a majority, depriving individuals of their covenant rights and privileges without their consent. We are of opinion, therefore, that this church is not disbanded, and those members that remain ought to sustain the rights and responsibilities of the church. And they should humble themselves before God, and confess their faults one to another, and pray one for another, until they come to be of one mind, so that the Spirit may come down upon them from on high as in times past. Thus may the Howard Street Church be maintained to the honor of religion and the salvation of many souls.

Voted, *unanimously*, That the above be accepted as the result of this council.

(Signed.)

JOSHUA LEAVITT, *Scribe*.

NOTE. The Rev. Mr. Tolman, of Danvers, was the member alluded to above as at first dissenting. He told a brother in the church the same afternoon in returning home from the council, that previous to the discussions of the council in private session he was of the opinion that a majority vote could disband a church, but after hearing the discussion of the question by the members, he gave in and voted with them.

At a meeting of the church held in the vestry on Wednesday evening, June 16th, after the result of council was read to the church, it was

Voted, That the report of the council be accepted and recorded in the records of the church, and also be published.

No. 15.

CHURCHES COMPOSING THE INSTALLING COUNCIL.

The following is a list of the churches represented in the council at the installation of Rev. M. H. Wilder, as pastor of the Howard Street Church

and Society, July 10th, 1849.

Third Congregational Church, Salem—Rev. Dr. Emerson, pastor.

Church in East Bradford—Rev. Dr. Perry, pastor; Dea. Ira Hopkinson, delegate.

First Church in Braintree—Rev. Dr. Storrs, pastor; Br. John Wild, delegate.

South Church, Ipswich—Rev. Mr. Fitz, pastor, Josiah Kimball, delegate.

Second Evangelical Congregational Church, Cambridgeport—Rev. J. C. Lovejoy, pastor; Alfred H. Orcutt, delegate.

Park Street Church, Boston—Rev. A. L. Stone, pastor; Dea. Edwin Lamson, delegate.

Third Congregational Church, Danvers—Rev. James Fletcher, pastor; Br. Nathan Tapley, delegate.

Dane Street Church, Beverly—Br. Israel Trask, delegate.

First Congregational Church, Manchester—Br. Henry Kitfield, delegate.

Bethesda Church, Reading—Br. David Emerson, delegate.

Church in Hopkinton—Rev. J. C. Webster, pastor; Br. S. D. Davenport, delegate.

Church in West Medway—Rev. Dr. Ide.

No. 16.

LETTER OF DR. OSGOOD.

SPRINGFIELD, Dec. 18, 1849.

Dear Brother:—I received your kind letter of the 10th, and I sincerely regret that it is *impracticable* for me to be present at the adjourned council. It would give me great pleasure to meet so noble a *Phalanx* of Congregational brethren, as are on that council. I wrote to Mr. Goss at first, stating the inconvenience under which I should labor, and desired him to make my excuse to the brethren, intimating at the same time, that I would have consented, but for the fact that they had a *very large* and efficient council without me. I never have declined a clear course of duty, and would not in the present instance, but I have made such arrangements that I cannot be with you without making a sacrifice which I do not deem to be necessary. My counsel is not needed to strengthen any position, which I presume this large and respectable and clear-sighted body would probably assume. I fully agree with you, that no church should be crushed, which can sustain the ministry. A minority have ecclesiastical rights as a majority. If they desire to keep their organization, why should they be compelled, by stronger bodies, to abandon it? I recollect the case of the church in Kingston, N. H., under the venerable Dr. Thayer, in which I think there was but one male member and about twelve females; and when the sacrament was to be administered, in one instance, at least, a deacon of a sister church was invited to officiate. That church lived, and soon after the death of the good pastor, the seed he had planted for half a century or less, sprung up in a glorious revival. I do not understand *why* the sister churches wish to cast this church out of the family of our Lord. I have full confidence in that promise, "if any man lack wisdom, let him ask it of God," &c. I feel that the great Head of the church will be with his ministers, will lead them into all truth, and make their decision, whatever it shall be, the means of promoting the glory of his name, and the good of his kingdom.

Present my affectionate regards to the brethren, and accept the assurance of my confidence in yourself and all connected with you.

SAMUEL OSGOOD.

REV. DR. E. BEECHER.

NOTICE OF THE "REVIEW."

Since the publication of this Result of Council, a review of 140 pp. has appeared by the authority of "Members of Essex South Conference."* So far as it refers to the doings and arguments of the council, they are abundantly able to take care of themselves.

The facts respecting the case of Mr. Goss, cannot be so perverted as to injure his Christian character with those who know him; and it will require something more than a new edition of church records, "*amended and improved*," to convince those who read the ponderous pamphlet, that he was not entitled to a dismissal with the ordinary testimonials, to the Howard Street Church. And very few will be misled by any statement from any dignitary of the church, who would on the 19th of April 1850, with his eyes open, ask a church to adopt an amendment to their record of Sept. 28th, 1849, so as virtually, to make them responsible for the action of a committee, when it was in undisputed testimony, by members of his own church, that one month later, i. e. October, 26th 1849, he said respecting that same report that it was accepted and not adopted; and therefore it was but the action of individuals; and not the action of the church, and as a reason why Mr. Goss should not make a statement respecting things charged against him in that report; at the same time saying repeatedly, the church have nothing against you Mr. Goss. If the report was adopted as the amended record would have us believe, then it was not true that the church had nothing against Mr. Goss, and yet the pastor says, "we have neither charge nor charges against you;"—and this is said to prevent Mr. G. from making a written statement in which are found the words: "If any are grieved with any of my wrong doings, I humbly ask them to forgive, and when I am sensible of what the wrong is, I will endeavor to make all suitable reparation." Such a course, reveals a spirit and disposition that is not likely to injure any man's reputation, in the eyes of open hearted, honorable men.

And if Howard Street Church—under three years of abuse and contempt, of which the parts of this book that relate to its history, are a fair sample; has sustained its means of grace as regularly and with less outstanding debts than in former years, and with comparatively trifling assistance from abroad; and if the churches generally, notwithstanding all that has been done, cordially sympathise with its pastor,† and under his ministry the stated worshippers have increased, until the average congregations are as large as for many years previous to the attempted dissolution, and as it is often said by members of the other societies, "it has the confidence of the community to a greater extent than at any former time;" and if, as we suppose to be the fact, it has had as many additions by profession, and as many hopeful conversions, as either of the other orthodox churches in Salem; then surely we need

*Perhaps there are some members of the Essex South Conference who would have been better pleased if the authors of this review, had taken its responsibility more nearly to themselves. It is possible that four, out of twenty-four members, would be willing to append their names to the document as a whole; but not probable.

† Always excepting those who are committed against it, and the number is not very great.

not fear the influence of this document. Those in Salem or elsewhere, who know the facts, "can but look upon it as proof conclusive of absolute presumption and infatuation."*

There are however, some things that are so entirely at variance with facts, that we cannot let them pass unnoticed. One is the attempt to accuse the present proprietors of the Howard Street Church of dishonesty. The Howard Street Meeting-house was built in 1804, and its proprietors incorporated by a special act. The title to the house and land is vested in the pew-holders. Each, by his deed is entitled "to the pew, with the proportion of land thereunto adjoining and belonging." The proprietors at their annual meeting, elect a standing committee to do the joint business of the society, i. e. to carry out the ends for which the house was built. The proprietors are authorized to appraise the pews according to their relative value, and the standing committee may levy a tax as authorized by the proprietors for the support of a minister, with all incidental charges and expenses; and if any owner of a pew neglect or refuse to pay his tax for one year, the proprietors may cause it to be sold for the tax. The taxes have been levied on all the pews in the house, except such as have been exempted for special reasons; and these may be rented by the committee for the benefit of the object for which the house was built. More than thirty years ago the sum of \$12,231 was apportioned among the present pews in the lower part of the house, as the basis of taxation, at from \$59 to \$185 each, and 12 per cent. was ordered to be levied on that valuation which tax has been continued till the present time, for the support of the minister and incidental expenses; and from that time when the owners have refused or neglected to pay their tax, their pews have been sold according to law. The average price of pews for the last thirty years has not exceeded \$25, and the income of this sum can by no possible contingency be put into the pockets of its owners. The man who invests \$25 for a pew in any of our churches incorporated as this is, is compelled to pay a tax annually of from \$12 to \$22, or forfeit his pew. What then becomes of his residuary interest in the house?

The conduct of this same majority will illustrate the case. In 1832, when by influences in which they participated, the church was well nigh destroyed, and 140 of its members out of less than 200, abandoned the enterprise; we find the same principles involved and the same course pursued to which they now object. There were debts in both cases which the Howard Street Society were holden to pay. Those who would remain and carry forward the work of the organization, must pay them in both cases.

It is said that those who went away sold those who remained their share of the property, as an equivalent for the payment of the debts. The error of this statement is seen in two ways. In all cases where men abandon such

* These statements are so unfair and one sided, that what is not untrue, is calculated to leave wrong impressions, and do us an incalculable injury. We do not feel inclined to expose the wickedness of those who profess to be Christians, but, as such confident appeal is made to the comparison of character where both parties are known, we cannot forbear saying, that of the ten who opposed the vote to dissolve, there is not one whose christian character has not to this day been without just cause of reproach. They are all now in good standing, and may safely challenge an investigation of character, in comparison with the authors themselves. It is not so with the seventeen who voted to dissolve; four at least are not now in church fellowship, and with the remainder respectable as they are, the ten need not be ashamed of a comparison when tried by any standard except the assessors valuation. And even here, they are not in such abject poverty as the review would have the world believe. The truth is, that with very trifling assistance from without, they have for the last three years, i. e. since the vote to dissolve, kept the pulpit supplied, and paid for it; and the church have never been so prompt in meeting current expenses for twenty years as during this time; and yet they are poor, and need the prayers and assistance of the wise and the good.

property, they are no longer holden for the debts for which the property is liable, any agreement of the kind then is without any object:—and then, an examination of the treasurer's books will show that while eight owners of pews gave up their deeds, as honorable men would be disposed to do, in order that the burdens of the few might not be increased; forty-five of the owners of pews at that time let their taxes remain unpaid, and within one year from the time they left, their pews were sold, and bought in by the society.

The following statement, carefully made out from the treasurer's books will show the state of the property rights of the corporation. In January, 1847, there were 29 legal voters in the society. Connected with the seventeen who voted in the church for the dissolution, and in favor of that vote, were fourteen voters, holding thirteen taxable pews, and thirteen not subject to tax; their taxes at 12 per cent. on the taxable pews was \$245.48 and the appraised value of all these pews was \$3304.

Connected with the ten who voted against the dissolution and opposed to it, were fifteen voters with fourteen taxable pews, twelve not subject to tax. taxes at 12 per cent, \$236.68—and the whole appraised value of these pews \$3414. They were a majority in number, paid nearly as much taxes and owned more property in the house, than those who voted with the majority in the church. *

There were absentees who held five pews, and on the 28th of May, after the vote to dissolve, eight pews were sold, not subject to tax—leaving thirty pews on the floor and forty-five in the gallery unsold, and belonging to the society for the support of the gospel, as the proper representative of more than \$3900 subscribed and paid in voluntary donations to that society for its general objects at different times. Do thirteen voters, with twenty-six pews, costing them not more in the aggregate than 650 or \$700, expect to oust fifteen voters, with the same number of pews, at as great a cost as theirs, and get a pro-rata share, of a house now worth 8 or \$9000, thus constituted, a trust fund for the support of the gospel!—and does the author of that review call this honesty!

Before, and in anticipation of, the annual proprietor's meeting of April 1847, the minority of the whole number of legal voters sold of their pews to men, such as they could find, who were willing to lend a hand in the very creditable work which they had agreed upon, and they came to the meeting with a triumphant majority, elected their officers, voted to close the meeting-house; and in that dynasty it was that the bell, organ and furniture were sold, and effort was made to sell the house; and all, while the veritable Howard Street Church was worshipping there. But how come they there? In June two months after the factitious majority had closed the house, and after a regular council had advised them that they were the church and that they ought to sustain its rights and responsibilities, the outwitted minority sought the best legal advice, obtained possession of the house according to law and equity, and lawfully supplied the pulpit; and to this day, they have sustained the worship of God in their house, according to its original design: and notwithstanding what the review says of the poverty and inefficiency of the present organization, (which is most notoriously untrue,) it has done as much of church work the past year as in any former year of its existence, and never were there less deficiencies in their current expenses, than for the last three years.

In April 1848, by legal advice, *we* sold pews; mostly to permanent members, and at the annual meeting we had a clear majority, chose our

*This \$482 taxes, was by no means the usual income of the society. Besides this there was what was paid for rent by stated worshippers, who were not proprietors; and the subscriptions of those who were able to pay more than their taxes and rent.

officers, and in due time the committee sued the former committee for the property in their hands, part of which, the avails of the bell, &c., had been in their hands more than six months, and they had not paid it over according to their own vote. After a year's delay, rather than defend the case they paid over the money in their hands, for the payment of debts for which we were responsible. The plate and church records, or a part of them were recovered by writ of replevin, and after a year and a half postponement by the defendants, the suit was dropped without cost to us. It is not true then that we hold it under bond; we are in possession without contest. And there is now, as little probability of any one of the former proprietors of this house, undertaking to recover any portion of the voluntary subscriptions for the debts or repairs of the house, as that the author of this review will undertake to disband the American Board of Foreign Missions, in order, by a division of its property among its corporate members, to get back donations made by his father a half century ago.* The author might well say in view of an attempt to wrest donations and subscriptions made indiscriminately by members and friends, to sustain and perpetuate the Howard Street Church, and make it the private property of men who had never paid for their deeds of property in the house more than one-third or one-fifth of its real value!—"That he should as soon have expected an open vindication of embezzlement or burglary."—See Review, p. 123

The Review says that, "The minority at the time of the vote to dissolve, took it for granted, as was right, that if such a vote should pass, there was to be of course an end of the organization known as the Howard Street Church! They certainly spoke and acted as if this was to be the inevitable and unalterable effect of such a vote. It was an afterthought that led to the claim, which they have since urged so vehemently." Now this may all be very good rhetoric, but it lacks the essential element to inspire confidence in its author. It happens to be all false; absolutely, in every particular false. The simple truth is, that the majority were told all along that they could not dissolve a church in that way; and that they, the minority, should not pay any attention to such a vote, and immediately on the vote being declared, one of the minority arose and in a clear voice said—"There will be a meeting of the church next Tuesday evening for business as usual." That meeting was held and the regular Tuesday evening meetings have never since been omitted, and Sabbath worship has also been continued from that time. "*Sober-minded men of mature age in writing for the churches, should aim to write the truth in simplicity, as well as godly sincerity.*"—(See Review, p. 128.) To this we most heartily respond.

The Review says "There has never been a time when a minister has been, or could be supported, by a tax on the pews in the house of worship in Howard Street, as has been done in other congregations in Salem. The society there, was far the strongest and most flourishing, during the ministry of Rev. Mr. Williams, and just before the secession in 1832; but his moderate salary could never be obtained promptly." Facts taken from the collector's books for 1831, in the hand-writing of the late J. S. Williams Esq., show that there were at this time 60 proprietors, paying taxes on 55 pews—amount of taxes \$960,—or \$60 more than the whole salary. In ad-

*Much is said of the \$3000 laid out in repairs, just before the pretended dissolution. \$1000 of this was left for the present occupants to pay, and the remainder was a voluntary subscription to pay the debts of the house, and repair it for the public good; not one of the contributors ever thought of receiving back his subscription: they did not lay the society under any obligations to refund it, and might just as well now ask the American Board to restore to them their donations for the last twenty years, as to demand that the present Howard Street Society, should pay back their subscriptions.

dition to this, the income of half pews and seats, rented to persons not proprietors, was \$240, making the income of the society from the pews alone, \$1,200. We insert this, as a specimen of the reviewer's facts; without comment.

In reply to the low insinuations respecting the poverty of Howard Street Church, we can say to the worthy pastor who penned it: that Howard Street Society has never been more dependant upon the private munificence of one man to save their house of worship, than *another* Society that might be named; nor so mean as when that one has been so unfortunate as to be unable to pay his taxes, to sell the last pew from under him and leave him to seek refuge in another church, or be reminded of his misfortune by occupying by invitation, another man's pew. Though poor they are free men, and while the Howard Street house of worship is in their hands, as a sacred trust for the support of orthodox congregational preaching; the history of the past is a sufficient guaranty that that property will not be perverted by selling it to Romanists, or applying it to private use. The Howard Street Church have learned that the Lord is their heritage, and that it is better to put their trust in Him, than in riches. They feel confident that while they honor God, He will sustain and bless them. It is not the first time that a poor feeble band have been despised, in order that the power of God might be magnified. It was the enemies of God that said, What do these feeble Jews? but after all they had a power that their enemies could not appreciate—the power of faith.

There are many other statements in the book, that are of the same character with the above, but we have neither room nor disposition to say all that might be said; our desire is to be permitted to do our work, without interruption. These few pages have been written, not because we delight in controversy, but simply to show that we are the legitimate, rightful, owners of the name and property, of the Howard Street Society; and that the public may see that the Review in question, does not give a correct representation of the facts of the case. In conclusion, we would say to those members of Conference, who are so conscientiously pressed to show that we are not worthy of public confidence, that their labor is in vain. If our work is not of God, it will come to nought without their aid, and if it is of God, they cannot overthrow it.

At an adjourned meeting of the Proprietors of Howard Street Church, the foregoing statement of facts was approved and ordered to be printed with the 2d Edition of the Result of Council.

D. B. BROOKS, *Proprietors' Clerk.*

TO "MEMBERS OF ESSEX SOUTH CONFERENCE."

BRETHREN :

As you have taken extra pains to append to your Review, an article from the Independent signed by Rev. Joel Mann, with your full endorsement and high commendation; it may be expected that I should give it some attention: and having a blank page, the printers have consented to stop the press and fill it.

While my name stood in contrast with Mr. Mann's alone, I had nothing to gain by any notice of his article; but, since you have made it your own, I have to say, that it is in perfect consistency with those portions of the Review noticed above, by the Proprietors of the Howard Street Church. He first gives some incidents of history, which seem to have been intended to invali-

date my statements, when in fact, they occurred before mine commenced ; and the men whom he calls the truly excellent and money-paying members, were the same, who previous to June 1846, "reduced his salary from nine to six hundred dollars," for the purpose, as was then supposed, of inducing him to ask a dismission. They were the same who in 1846 were Mr. Mann's defenders as described in my article. (See Independent of April 18th.)

He denies that the Council of Feb. 1847 voted to advise his dismission. I have the written testimony of an eye witness, who was a member of that council, that they did thus vote, and that a result was prepared by their committee in accordance with that vote. At an adjourned meeting the report of this Committee was laid aside by a vote of 7 to 6, 5 not voting.

With reference to the meeting at his house, inasmuch as he denies that it was held there, I shall not contradict him. The meeting however was held, but whether at his house or another, or whether to discuss Dr. Cooke's proposition for dissolving the church or some collateral point, is of little consequence ; it gave occasion for one who was present to say, you cannot break up a church in that way.

No one ever supposed, that the idea of dissolving the church originated with Mr. Mann ; but that he did not desire it, or do anything to accomplish it, must sound very strange to those with whom he conversed on the subject, previous to the meeting of the council of April 1847.

What he says respecting the identity of the two Councils of February and April 1847, is not a new idea ; the same thoughts have appeared in other directions during this controversy. Perhaps our Supreme Court would do well to reduce the idea to form, and adopt it as one of their rules ; it might secure the ends of justice, with a great saving of time and expense. If through some legal technicality, a new trial should be awarded to Dr. Webster, the court, on motion of the prosecutor, might direct the sheriff, to select six of the former jury, who were the most decided on the previous trial, and perhaps they too could find a new verdict in less than four hours : and if the prisoner should complain that the jury was exparte, and that the case was not in any proper sense before them, it might be said as in this case.—The jury was called by the sheriff, by order of the court ; not three months since the same jurymen spent many days in patient, careful, exhausting examinations of the whole matter !!! "But this is in 'perfect' keeping with much that has been said relative to those discreditable difficulties."

The unamiable spirit and hard words, will do more injury to the author of that communication than to

Your most obedient servant,

THE PASTOR OF THE HOWARD STREET CHURCH

6

A

R E V I E W

OF

**“The Result of an Ecclesiastical Council convened
at Salem, Mass., December 4, 1849.”**

BY

MEMBERS OF THE ESSEX SOUTH CONFERENCE.

A

REVIEW

OF

“THE RESULT OF AN ECCLESIASTICAL COUNCIL CONVEN-
ED AT SALEM, MASS., DECEMBER 4, 1849.”

BY MEMBERS

OF THE

ESSEX SOUTH CONFERENCE,

BOSTON :

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1850.

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REVIEW.

THE "Result" of the latest Ex parte Council, in the Howard Street controversy, has come before the public with no common premonitions and professions. The Council have undertaken an extended and elaborate discussion of the complex subject before them; and seem to have undoubting confidence in the conclusions which they have adopted. And if the weight of an opinion is in proportion to the strength of conviction with which it is held, or the boldness with which it is advanced, they must be allowed to have established their point beyond the possibility of refutation. But if the truth of any doctrine depends upon the arguments by which it is supported, then we think that a little less assurance would better become the manner in which their views are defended.

Those who have been much acquainted with the discussions which have been held, respecting the Howard Street question, at the meetings of the Essex South Conference, as well as on other occasions, will find little that is essentially new in the positions which the Council have taken, and the reasons upon which they ground their Result. There is nothing of consequence adduced, by way of objection to the power of a church to disband by vote of a majority, which has not occurred to those who sustain the affirmative of the question, and which has not also received their careful attention.

It was stated in the synopsis of the Result of Council, as given in the "Congregationalist," that "there was great need of recurring to the fundamental principles of Congregationalism, for what has taken place evinces that both ministers and churches have too much neglected them. Had the views of our fathers, and the principles of our system, been familiar to them, this question could not have come up as it has." And it had just before been said: "It appeared that the positions assumed by the Tabernacle Church and the Conference, were based not on a profession of original investigations, but on an appeal to Congregational precedents, usages, and principles."

It really never occurred to us, we confess, that the Tabernacle Church and the Conference ought to have "based" their "positions on a profession of original investigations"! And we do not now see the exact propriety or consistency of the intimation; for, if we have rightly read their Result, the Council themselves would not wish to be interpreted, as having "based" their own "positions" "on a

profession of original investigations"; but, on the contrary, as "having had perfect understanding of all things from the very first."

After reading what appeared in the "Congregationalist," we were naturally led to expect, that the Council would present something, which had escaped the observation or research of those gifted with less sagacity than themselves. But we have been disappointed in finding nothing exhibited, which does not lie on the very surface, and quite open to the remark of those who have taken the most superficial view of the opinions and practices of the fathers, who framed the Congregational system. It was indeed quite natural, perhaps, that *some* of those who prepared this Result should suppose themselves possessed of superior knowledge of our ecclesiastical forms; and quite as natural that they should wish the public to be informed of their high attainments,—especially upon so good authority as their own convictions. We do not undertake to deny, that the gentlemen may be peculiarly distinguished for their knowledge of the ecclesiastical system of New England; and when they will bring other and better evidence of their claim, than the pamphlet under review furnishes, we will endeavor to give it the most candid attention, and allow it all its just weight. They must permit us to say, however, that arguments which failed of producing conviction, before the subject was submitted to the Council, appear no stronger when put in the imposing form of a Result,—accompanied with strong asseverations, and expressions of unmitigated disapprobation of the alleged new doctrines, which they stigmatize and attempt to overthrow.

In all their proceedings, Mr. Goss, of the Tabernacle Church—whose alleged grievance was made the occasion of this Council—was in reality of but little importance. It is only necessary to know, that he left Salem for California, a few days after the assembling of the Council, December 4th; that the Council, with the full knowledge of his purpose to leave, recommended an enlargement of their numbers, by a new edition of his Letters Missive; and that they voted an adjournment to December 18th,—at which time, Mr. Goss himself was in mid ocean, between New York and Chagres. Of this fact, however, the Result has given the public not the least intimation!

The Council voted Mr. Goss to be in good standing in the Tabernacle Church, "so far as" they were "advised,"—and yet at least one half of them had never asked him a question, nor had ever seen his face! They advised him to apply again for a letter of dismissal from the Tabernacle Church,—and if a letter of dismissal in good and regular standing be not granted, those at Howard Street are advised and authorized by the said Council, to receive him as a worthy member of their body! Thus have they, as if a High Court of Appeals, absolutely adjudicated upon the standing of a member of the Tabernacle Church, in utter disregard and disallowance of the known views and opinions of that Church;—that member being, also, at the very time, far away on the high seas,—in the expectation of a long absence on the other side of this North American continent!

We ask now, in solemn earnest, of our Congregational brethren generally, if the like has ever been known among us, from the beginning hitherto? And we have also to ask, whether, if these things are so, it would be very difficult for the Tabernacle Church to convene, at

an early day, a much larger Council; and whether it would be altogether extraordinary, if such Council should pronounce an unanimous and unqualified disapproval of such proceedings of their brethren?

Some explanation of these proceedings, which many will consider most mysterious, may be furnished in the sequel of our review. But if we were at liberty to relate in full all that we might, there would be very little of mystery left.

Of the "Result" in general, it may be truly said, that it gives very great satisfaction to those who prepared it, as well as those for whose immediate pleasure, and in conformity to whose will, it was prepared. It first very briefly disposes of the case of Mr. Goss, so far as relates to his standing in the Tabernacle Church, but distorting and misrepresenting it, in every essential point; and then proceeds with a detailed and very carefully prepared statement of reasons for condemning and disallowing the vote of the majority by which the Howard Street Church was declared to be dissolved. In the Appendix, we find most of the documents in the case, both in general and particular,—*except the Letter Missive of Mr. Goss*. There were some proceedings and votes also of the Tabernacle Church, which the Council did not happen to have before them; but which they may be more surprised than gratified, to find in this review of their doings.

No one appeared as a witness before the Council, except those who were personally committed, by opinion and action, on the side of Mr. Goss or of those at Howard Street. All questions, however, pertaining to the majority, or the minority of the original Howard Street Church;—to the Council which advised the disbandment of that Church;—or to the Essex South Conference, which denied the delegates of the minority a right to a seat in the Conference;—or to the Tabernacle Church, in recognizing the validity of the act of the majority of the Howard Street Church;—or to the incidental claims of Mr. Goss to good standing in the Tabernacle Church and to a letter of dismission;—all questions upon these points, to say nothing of others, this Result of an *Ex parte Council* assumes to have been considered, adjudicated, and settled finally and forever,—most easily, most wisely, most perfectly, and triumphantly!

This, we are free to say, is a little beyond what the public had expected of them,—and, as we think, quite as much as they have accomplished. We must also be allowed to add, that the course pursued by two previous Councils, did not altogether encourage us to expect, that, as a body, the brethren of the new Council would, in any proper manner, investigate the facts or apply the principles, which are so important to a correct judgment upon the Howard Street question, or upon the incidental or secondary matter of Mr. Goss. The proceedings have been far more objectionable, than we could have allowed ourselves to anticipate. It is on this account mainly, that we shall present a full statement of the case of Mr. Goss, with particulars which we should have been glad to omit; in order that the disinterested and impartial in our churches may see what an encroachment upon their independence and rights of discipline has been attempted, if not perpetrated, under the plausible pretence of vindicating the liberties and privileges of an individual. At the very least, it will be seen from our exhibition of the true standing of Mr. Goss, and the ac-

tion of the Tabernacle Church, that it is but small confidence that can safely be reposed in the Results of Ex parte Councils.

According to the designs of the founders of our Congregational system, an ex-parte Council was to be called, only in the last resort, and in a very obvious case of urgent necessity. About thirty years since it had become so common to have recourse to such Councils,—that the subject arrested the very special attention of some of our most intelligent and judicious ministers. And the General Association of Massachusetts, in 1823, passed a vote,—*That it be recommended to the ministers connected with this Association, not to attend ex-parte Councils, without much deliberation and obvious and urgent necessity.*

Of late years, this wise and wholesome recommendation would seem to have been entirely forgotten, and by those too who might have been presumed to be well aware of it, and to be ready always to fulfill its purpose to the very letter. We are amazed, that some at least of the older members of the late Council should not have better remembered the above vote of the General Association. We wish always to regard the brethren of this Council, with most cordial respect and esteem. And therefore it is, that we feel the more intensely mortified, that they should have suffered themselves to be so deceived and misled, or should have so deceived themselves, as to have given the enemies of our system of Church polity, one of the most palpable of all occasions ever afforded for reproach and railing accusation. If the pastors and lay brethren are not more vigilant in regard to ex-parte Councils, the day is near, when it will be true beyond dispute,—that such Councils may be so chosen at any time, be so constituted, and be so controlled, as to issue any kind of result whatsoever, at the will of any disaffected member, or of any pestilent faction in our churches.

§ *The true standing of Mr. Goss, in the Tabernacle Church.*

Mr. Ezekiel Goss joined the Tabernacle Church in 1832. He was then a very young man. His disposition appeared to be amiable and his Christian profession truly sincere. In a few years, he began to exhibit very unequivocal indications of a mode of thinking and speaking upon various important subjects, religious, moral, and political,—which awakened very serious apprehensions, relative to his Christian stability and usefulness. In a church which in no respect has given countenance to the spirit of ultraism, he found himself at times quite dissatisfied and uncomfortable. He was not always “slow to speak,” and to attempt to express his sentiments *impromptu*, upon any question, however new to him, or however difficult; very much as if he had reason to claim an intuitive and unerring perception, both of what is true and what is scriptural. And so intensely were his thoughts absorbed by the subject of slave-holding, that he was sure to give it the greatest prominence, whenever he led in prayer, let the place or the occasion be what it might.

He had, however, concluded to say no more to the Church, in speeches on this subject, just about the time when a case of discipline arose, growing out of the infatuation of *Millerism*. An individual, who had withdrawn from the Church, and had desired no longer to be considered a member, was found to be irreclaimable, after all appropri-

ate efforts had been made to restore him to his place. It was hoped in charity, that he had not forfeited his title to be thought a Christian, although he was the victim of a gross delusion. Mr. Goss, without the smallest assistance from any member of the Church, most determinedly opposed the action of the Church in withdrawing all watch and care from that member. The established rules of the Church, and the most convincing arguments for withdrawal from those "walking disorderly," he resisted and denounced as if wholly unscriptural and unwarranted. He contended, also, that if the Church passed a vote of withdrawal, as proposed, it would be the same, as to exclude the member from the kingdom of heaven! And in maintaining such views, he occupied the time of the Church, for the greater part of two evenings.

He was greatly displeased with some of his brethren, and particularly offended with the pastor. He immediately left the weekly meetings of the Church, which he had been accustomed to attend with a most exemplary punctuality; and attended them no more. This was in May, 1846, nearly a whole year, it should be noted, before the act of dissolution of the Howard Street Church. Very soon after this act he not only absented himself from the weekly meetings, but also from the house of worship and from the communion of the Church to which he belongs. In the winter of 1847-8, he was rarely seen at the Tabernacle; and early in the ensuing Spring, if not earlier, he was at the communion of the Church, for the last time.

Meanwhile, during all the period which followed his abandonment of the Church meetings, he had been perfectly open in his complaints of the pastor, and of the Church generally. He was conversed with kindly;—was reasoned with;—and was solicited to return to his place;—in short, every suitable means was used to convince him that he was wrong in his views of the pastor and the Church, and wrong in his feelings. Much tenderness and forbearance were exercised towards him, on his own account; and also from regard to his family, and particular friends in the Church.

He became more and more untractable,—the more he associated with the minority at Howard Street, and the more he identified himself with their controversy. Very severe reproaches against the Church have fallen from his lips,—when vindicating his absence from the Church,—although the brethren to whom he spoke, were among the mildest in manner, and most worthy of his love and respect. Very wide from the truth is the intimation of the Result, (p. 9) upon his authority, that he had never been "admonished in covenant fidelity," as one that was "doing wrong."

Repeatedly had his absence from the Church, and his wrong feelings, been a subject of remark, in the private deliberations of the officers of the Church. And the question had been discussed, whether in the regular mode a process of discipline should be commenced, for "disorderly walk." It was on the whole thought expedient to delay somewhat longer, for reasons just mentioned; and, also, lest, as the Howard Street Question had become so "vexed" and irritating, the true motive of the discipline should not be appreciated, and the case should be embarrassed by entanglements with other issues than its own.

But the case would have been brought to the notice of the Church, by a formal process,—in a very short time,—and measures were already in contemplation,—when his request was handed to the pastor, that he should “be dismissed and recommended to the Howard Street Church.”

The request was communicated, August 24. A brother of the Church, who, as one of the officers, had known of the case as it had been viewed in the private deliberations referred to, and who himself was ready, as complainant, to proceed at a proper time,—immediately arose, and stated his objections to a compliance with the request. He spoke at some length upon the spirit and the feelings, which his brother Goss had manifested,—in conversations which he had had with him,—and of which he had heard from others. He mentioned also, that the long absence of brother Goss from the Church was in his view of it a sufficient reason why his request could not then be granted.

Another member of the Church added, that beside what had been said, there would be an objection to the request, because of the standing of those at Howard Street. There would be an inconsistency in the doings of the Church, if brother Goss should be recommended in the manner requested; for the Tabernacle Church had considered the Howard Street Church as having been dissolved. Much less, however, was said upon this point, than upon the manner in which brother Goss had left the Church, and the feelings of alienation from his brethren, which he had appeared to cherish.

One member of the Church, who from the first had taken a different view of the Howard Street question, expressed an opinion, that the Church ought to be perfectly open and undisguised in acting upon the request of brother Goss. To this the pastor responded his entire concurrence; and stated, that in his judgment the course of brother Goss had been such, that he could not, at the present time, be recommended to any church. He said that, although it was very common in churches to recommend persons, as in good and regular standing, when in fact they were not in “good” standing,—and in one or two instances he believed the Tabernacle Church had so done;—yet he had long since determined,—as he had already more than once avowed the determination in their hearing,—that he would never consent to a mode of procedure, which he could not but regard as a breach of good faith towards sister churches.

He also stated, that such had been the proceedings of the Church, particularly in receiving members from Howard Street, as if the Church had been dissolved,—that it could not be consistent for the Church to dismiss brother Goss, according to his request, even if there were no difficulties arising from the manner in which he had left the Church.

When the pastor closed his remarks, it was moved and voted,

“*That under existing circumstances the request of brother Goss cannot be granted.*”*

* The late Clerk of the Church made a record, that “after some discussion in a kindly manner, it was voted not to grant the request, in view of existing circumstances.” But his note to Mr. Goss, as published in the Appendix to the Result of the Council, reads as follows:

Salem, Aug. 25, 1849.

To Mr. E. Goss,—At a meeting of the Tabernacle Church last evening your

These were the exact words of the vote, according to the remembrance of the pastor, and the Minutes also, which, in anticipation of certain contingencies, he thought best himself to keep. And from what has been developed, in the progress of the case, it seems very providential, that he should have kept such Minutes.

It is here important to notice distinctly, that the objections to brother Goss's request,—which related to him personally,—were not offered as *accusations*, or *charges*. It is not the manner of the Tabernacle Church to put any of its members *on trial*, or to entertain any *charges* against its members, until a complaint has been presented, according to the model in the 18th of Matthew. The prescription of the Saviour, relative to private offences, has, for many years, been very rigorously observed, in all cases whatever.

What was said of Mr. Goss, was said from the occasion which he had himself created. Objections, on the ground of his manner of leaving the Church, and of his long absence, with the accompanying circumstances,—in a word, his *irregular* and *disorderly walk*,—were offered, just as objections would have been, if he had been known, or was supposed, to be guilty of an act of immorality. He had no right to claim to be in *good standing*, simply because he had not been "dealt with" in a disciplinary manner. Most assuredly a member may be obnoxious to discipline,—and may be a most flagrant offender,—although the "first step" may not have been taken, to bring his case before the Church for adjudication. And we demur, altogether, at the "opinion of the Council, that when a member applies for letters of testimonial and dismissal, and no process of discipline is pending against him, he is entitled to receive them unless some brother declares that he is offended, and will take immediate steps of gospel discipline in respect to it. Otherwise a member could never secure his rights, so long as either the pastor or any other brother saw fit to say, that perhaps hereafter he should commence discipline."—*Result*, p. 10.

The brethren of the Church have some "rights," as well as the petitioner; and among these the right to determine when, and in what manner, they will proceed in a case of discipline. Most inexpedient might it be, to "*take immediate steps*." There is no one thing, in regard to which more wisdom is necessary, than in choosing or fixing the time for a process of church discipline.

If the petitioner for a letter of dismissal should be informed, that there are objections in the way, he ought, as a Christian brother, to submit patiently to the delay of the Church, until such delay is clearly *unreasonable*. And to say, as the Council do, that "he is entitled to receive letters of testimonial and dismissal, if no process of discipline is pending, or *unless some brother declares that he is offended, and will take immediate steps of gospel discipline, in respect to it*,"—would seem to us to be about as pure Congregationalism, according to the "Platforms" and the "Fathers," as it would be for the pastor of a church to go into the meeting of another church, and, in the very

request was presented, and after some discussion in a *kindly manner*, the following vote was passed:

"Viz.—That in view of the circumstances in the case, the request be not granted.

HUMPHREY COOK, Ch. Clerk."

face of the pastor of that church, assist in an effort to compel him to ask a dismission.

September 7th, or two weeks after the request of brother Goss had been refused,—a letter was received from him, asking for a statement of the reasons why it was not granted. Without any discussion whatever, it was immediately voted, that two of the deacons of the Church should be a Committee to wait upon brother Goss, and state to him the reasons.

No instructions were given them. The simple object was, to converse with brother Goss, in a kind, fraternal manner, and answer any questions which he might be disposed to ask. It may also be added, that an interview with him would very soon have been had, without any vote of the Church.

One week afterwards, or September 14, in the known absence of the pastor, and at a meeting, which was also known to be not the regular meeting for business, a communication was presented to the Church, purporting to be an answer of Mr. Goss to the statements of the Committee of the Church, who had waited upon him, the evening previous.

After some remarks, a brother of the Church earnestly moved the following resolution:—“*Resolved, That the explanations of brother Goss, in regard to his leaving the Church with unkind feelings, be accepted by this Church as perfectly satisfactory.*”

Strenuous effort was made by the mover to obtain a vote upon this resolution. The Committee in regard to whose statements Mr. Goss had sent his communication, reminded the Church, that they had neither reported their doings, nor did they intend to report that evening. The communication and the resolution were laid upon the table. Such was the statement of facts, which was made to the pastor, on his return home; and of which there can be no contradiction. It was now apparent, that influences out of the Church were not withheld, in an attempt to coerce the Church to recede from the ground, which had been intelligently and deliberately taken, and “in all good conscience.”

September 28, at the regular meeting for business, the Committee appointed Sept. 7, made their report.

To the Tabernacle Church.

The Committee appointed to explain to Br. Ezekiel Goss the reasons why the Church could not grant his request to be dismissed and recommended to the Howard Street Church, so called, have attended to the service.

Agreeably to what was stated at the time his request was acted upon, the Committee informed Br. Goss that it would not be at all consistent for this Church to grant his request, because the standing of those with whom he desired to be connected is considered by this Church to be irregular.

The Committee also stated to Br. Goss that his own walk had been irregular; they reminded him that he had not fulfilled his covenant engagements, inasmuch as he not only absented himself from the meeting of the Church which he used to attend very constantly, but has not for a considerable time worshipped with the Church or been present at their communion season. This absence appeared to be in consequence of some offence which he had taken, or some alienation of feeling which ought not to exist, and therefore it would not be proper to grant his request, even if there was no objection in

regard to the standing of those to whom he has requested to be dismissed and recommended.

IRA A. BREWSTER, }
JONA. PERLEY, } Committee.

Salem, Sept. 28th, 1849.

This Report was accepted. The letter of Mr. Goss was then read.

Salem, Sept. 14th, 1849.

To the Tabernacle Church.

Dear Brethren:—Deacon Perley and Brewster called on me last evening as a Committee of the Church to explain the circumstances in the case why you voted not to grant my request for a dismissal and letter to the Howard Street Church.

The first reason they gave was, That the course the Church had taken in regard to the Howard Street Church, in receiving her members was, that the Church is broken up, and therefore to be consistent with that course could not grant my request. The second was, That the Church apprehended that there might be ill feelings towards some members of the Church. Whether that apprehension was well grounded they knew not, except my long absence from the communion.

In reply to the first, I will inform the Church, that the brethren and sisters that remain at the Howard Street Church sought counsel and advice of sister churches (with which you are in fellowship) in their trials and difficulties, and have acted in accordance with that advice, and since then they have settled a pastor by Council of sister churches, to which you have and are accustomed to dismiss and receive members, and to which you also were invited. You cannot therefore expect me to surrender my rights and privileges to such a plea. I therefore renew my request.

To the second, I can only say I know of no unkind feeling to any member on my part; if there is, or has been, I wish their forgiveness as they would be forgiven. As for my long absence from the communion, my intention has long been known by a large part of the Church, and to the pastor for more than a year, and I have communed with the Howard Street Church regularly ever since.

From your brother in Christ,

EZEKIEL GOSS.

The resolution introduced September 14, was now called up by the mover. He warmly urged its adoption, — affirming *that the only reason*, as stated to the Church, (at the meeting August 24,) why the request of brother Goss could not be granted, *was, that he had left the Church with unkind feelings*. At this, the pastor expressed surprise and astonishment. He reminded the mover of the resolution, that he himself, i. e., the pastor, had most explicitly stated, that, beside the objections from brother Goss's irregular walk, there was a difficulty, in view of the relations of the Tabernacle Church to those at Howard Street.

Objections of various kinds were made to the resolution, such as, that the expression "unkind feelings" had not been used, as intimated, and did not convey the true idea of "feelings of alienation;" that the resolution implied that the brethren had made *charges* against their brother Goss, while in all that had been said, there was no intention of *bringing charges*, as if the brother were to be put on trial; that what their Committee had stated to him, as the difficulties of the church in

granting his request, they had stated in their own manner, as individuals, and not at all as if communicating *charges* in the name of the Church; and that nothing had been said or done in the Church, which would make it proper to pass the resolution,—even if the brethren were satisfied with what their brother Goss had said of his “feelings” towards them. In regard to this last point especially, the Committee stated, that they were not prepared to vote for the resolution; what they had personally witnessed would prevent them.

The Church *refused to adopt the resolution*, by a most decided vote. After this, and in consequence of some of the remarks which had been made, and by the mover of the resolution,—the pastor requested that the Church would take a vote upon the question, “*Whether the Committee were authorized by the facts, to make the statements to brother Goss, which, according to their Report, they did make?*” The vote was promptly taken, and in the *affirmative*; so that the Church then virtually *adopted the Report*, which had been previously *accepted*.*

The Council will now perceive, that they were entirely misled, in saying, that Mr. Goss “was expressly told by the pastor, that the Church did not adopt or sanction the report” of the Committee. *The pastor never told Mr. Goss any such thing.* Nor was Mr. Goss ever told certain other things, which, without any supposed intention of misstatement, he is known, or has been reported, to have stated, respecting conversations with the pastor, and with brethren of the Church. Mr. Goss, it should be observed, was not present at this important meeting of September 28th. Just before that meeting closed, a “Preamble and Resolutions” on the subject of the relations of the Church to those at Howard Street were adopted—conformable to the previous action of the Church. The pastor submitted the same, in order, that there might be upon the Records a definite and comprehensive expression of the views of the Church,—and, that the Records themselves might be more intelligible, in years to come.

Whereas, a member of this Church has requested to “be dismissed and recommended to the Howard Street Church,” and whereas, while the Howard Street Church was under the pastoral care of the Rev. Joel Mann, a Mutual Council, called to consider the difficulties existing in said Church, advised that the Church should be dissolved;—

And whereas, agreeably to the advice of the said Mutual Council, and after mature consideration of all the circumstances of the case, a vote was passed by a majority of the Church, to dissolve the Church, provision being made, however, for a regular transfer of membership to sister Churches;—and

Whereas, this Church has recognized the validity of the aforesaid vote, by receiving members, agreeably to the aforesaid provisions for a transfer of membership to sister Churches;—and whereas, notwithstanding the result of an *Ex parte* Council, called by the minority of the said Howard Street Church,—the Essex South Conference of Churches decided that the delegates of the said minority were not entitled to a seat in the Conference, in virtue of their claim to be considered the delegates of the Howard Street Church as known and recognized, previous to the vote, by which the said Church was declared to be dissolved;—

* The Clerk omitted to record the proceedings of the Church, in regard to the “resolution,” introduced September 14th, and the vote of September 28th, by which the Church sanctioned the doings of the Committee. See Appendix.

Therefore, Resolved, 1st, That as at present informed in relation to the whole subject, we are not aware of any sufficient reason to repudiate and disregard the decision of the Essex South Conference, in October last, by which the action of the aforesaid majority of the Howard Street Church was indirectly, yet distinctly and absolutely sustained.

Resolved, 2d, That in the judgment of this Church, it is not consistent with the principles of order and fellowship in our Congregational churches, nor promotive of the best interests of the community—to recognize the claims of the aforesaid minority of the Howard Street Church, to be the original and undissolved organization as known and acknowledged previous to May 4th, 1847, when the vote was passed which declared the Howard Street Church to be dissolved, and no longer to exist.

Resolved, 3d, That until prepared to rescind the foregoing resolutions, and reconsider the facts, which are presented in the foregoing preamble of the said resolutions,—it will not be consistent or proper for this Church to grant letters of dismission and recommendation to membership with those who claim to be the Howard Street Church in this city—without any regard to the proceedings by which we have considered the said Church regularly and truly dissolved.

These resolutions and the previous action of the Church, it was taken for granted, that the clerk would communicate to Mr. Goss, as a decisive answer to his second letter requesting a dismission.

It may further be remarked of that letter, that what he said, disclaiming the consciousness of “unkind feeling” had but little weight; because the disclaimer did not touch the real difficulty in his case. He may not have had any “feeling” which he himself thought “unkind”; but very good men do not always understand their own “manner of spirit.”

What was said of “his long absence from the communion,” as if his “intention” had “long been known by a large part of the church, and to the pastor for more than a year,” is not correct, as the language naturally would be understood.

The Result states, that in the communication which he was not allowed to read to the Church, he had said: “I acted in good faith, supposing that I was in order. I was doing as others had done without reproach. The pastor knew of my course and my feeling.” If he supposed that he “was in order,” he supposed this on his own responsibility. That “others had done” the like “without reproach,” is entirely a mistake, in more respects than one. The instance cannot be named of a member of the Tabernacle Church who, in Salem, has worshipped and communed with another church, in any such manner as to be a precedent or an apology for Mr. Goss. The pastor did indeed “know” of his “course,” but not of his “feeling,” if he *felt* that he “was in order.”

He never, at any time, so much as intimated by fair inference, that he wished to be at Howard Street, for his “edification and usefulness.” Again and again, did some of his particular friends request the pastor to continue to use conciliatory means to remove from his mind the mistaken views, which he had of the feelings of the Church towards him. Such means were used, and with some degree of hope, until March or April of 1849.*

A year, perhaps, previous to this time, it may be well to state, the pastor inquired of him if he really meant to connect himself with

those at Howard Street; intimating pleasantly, but significantly, that it was not in order for him to be as he was,—and that he should not be away from the Church without being dismissed; but not in the least saying or implying, that *he could be dismissed* at his pleasure to those with whom he then communed and co-operated. The suggestions were kindly made to remind him, that there might be some future trouble from his absence. His answer was very brief and ambiguous, referring to existing difficulties at Howard Street, as if whatever he might think best to do at a future day, he was not then prepared to make any formal change in his relations to the Tabernacle.

The pastor wished, at that time, to lead his mind to some serious reflection upon the course of “disorderly walk,” which he had plainly commenced. A few words only were said, on either side;—for the conversation was merely casual, during a short interview of business.

And further,—what if Mr. Goss did say to the Church in his letter of September 14, “I know of no unkind feeling to any member on my part, and if there is or has been, I wish their forgiveness, as they would be forgiven”? There was not in these words the slightest confession of any wrong whatsoever. Does a penitent man confess *conditionally*? A little word of two letters, prefixed to any number of words, may be fatal to a confession. We find no “if” in the 51st Psalm.

Need we argue the right of the Tabernacle Church to refuse a letter of dismission to any member, until satisfied that such a letter ought to be granted? A few years since, a member of one of the orthodox Congregational Churches in Salem, took offence; left the meetings of the Church, on the Sabbath, and at other times; worshipped at the Tabernacle, and asked to be dismissed to the Church. The request was refused, on the ground that the member had manifested improper and unchristian feelings, at the time of leaving, and afterwards. The member in question thought the Church were very unreasonable, in refusing a dismission. Twice was the request made. After some months, the member made a full acknowledgment of wrong doing and wrong feeling; and then did not desire the Church to give any further attention to the request for dismission.

Within two years past, the Tabernacle Church has refused a similar request of two members, on precisely the same grounds. To this day, the request has not been granted.

And as it regards the standing of those at Howard Street, after being formally recognized by one Council, and indirectly by another,—it certainly is not to be denied, that the Tabernacle Church has the right to withhold fellowship,—any number of Councils to the contrary notwithstanding. If the only question is, whether a body of professed believers has been recognized by a Council to be a Congregational Church, or whether a minority of such a Church has been recognized as *the* Church, which the majority had voted to dissolve,—then it would follow, that Councils, however composed or conducted, have a paramount control of the Churches, and power to determine not only with what Churches, but with what individuals, a particular Church shall hold communion. If, moreover, a member excommunicated from the Tabernacle Church should be received by advice of Council into any Church, which, whatever the circumstances, another Council had

recognized,—then of course this same excommunicated member might be dismissed back again to the Tabernacle Church, as in good and regular standing; and, if the Church are to be controlled by Councils, he must be received, although he had been cut off from their body,—and although they might have the fullest evidence, that their censure upon him was just, and that he was not a proper subject for their Christian communion. Is any such ecclesiastical doctrine as this, to be found in the “Platforms” of New England churches?

For ourselves we could never have concurred in the Result of the late Council, unless fully prepared to admit all that is involved in such a doctrine, or such a view of the obligations of particular Churches, to govern themselves by the decisions of Councils. And, not to anticipate what is to be said in the sequel of our Review, we must here remark, that it seems to us that all the quotations which are made by the Result before us, on the subject of covenant obligations, not only do not in the least approach the question of the right of a majority to dissolve a church, BUT THEY ARE IN POINT-BLANK OPPOSITION TO THE CLAIMS WHICH THE COUNCIL HAVE ADVOCATED IN BEHALF OF EZEKIEL GOSS.

For instance, the Council say in their Result, pp. 13, 14,—that, “in 1637, certain ministers in England undertook to call the New England brethren to account, for opinions and practices deemed by them ‘groundless and unwarrantable,’ and forwarded Nine Positions, on which they demanded their judgment. Of these, *the sixth stated what they deemed the unwarrantable claim, that no church member could withdraw from a church, without leave first obtained from the church.*”

We have put the above in *italics*, that the particular point may be more clearly marked. The Council proceed to say:

The New England ministers admitted the principle and defended it, on the ground that the church covenant, of necessity, implied it. This called out a full statement of their views of the covenant. This, according to them, consists in four particulars.

1. ‘Every member, at his admission, doth openly profess, and solemnly promise, that, by Christ’s help assisting, he will not only, in general give up himself, as to the Lord, to be guided by him, so to the Church according to God, to be directed by it; but also, in particular, that he will perform all duties of brotherly love and faithfulness to the body; as of diligent watchfulness over all his brethren, thereby to prevent sin; so of faithful admonition, after their falls, to regain them to the Lord from their sin.

2. ‘The engagements are not made only by the members admitted into the Church, but by the Church back again to the members. So that, thereby, the whole Church in general, and every member in particular, stand as well in conscience bound, to perform all duties of love and watchfulness to him, as he doth to them.

3. ‘These promises, thus lawfully and mutually made, that members, as also the whole Church, are bound, not only every one for himself actively to perform them, but passively, also, to suffer his brethren to do these offices upon and towards himself. If he neglect the former, he shall falsify his covenant, so solemnly, before God, angels and men, made; and so not only break his promise to his brethren, contrary to Ps. xv. 4, but also, in some sort, commit the sin of Ananias and Sapphira, in lying against the Holy Ghost, condemned and severely punished by God’s own hand. If he fail in

the latter, he shall not only be guilty of the same sin of breach of covenant with God and man, as in the former, but shall also be guilty of this folly of despising council, so much condemned, and shall also proclaim this his folly and pride, by showing to all the Church that he is wise in his own eyes, and leans to his own wisdom, both reprov'd in Prov. iii. 7, and xxiii. 4.

4. 'From all these things premised, it appears that we can do no less—and yet we do no more than, first, require a member, before he depart, according to our covenant, thus lawfully, deliberately, and mutually made, to express to his brethren his desire of departing, and the place and society to which he tends—whether to a godly Church, where he may be edified, or to some corrupt assembly, where he may be destroyed! and, secondly, require his grounds and reasons which move him so to do.'—All of these particulars are sustained by an appeal to the word of God. Thus did New England, in a clear and eloquent testimony, utter to Old England her deepest and most settled convictions as to the nature and effects of a Church Covenant.

We assent cordially to these views of covenant obligations, as given in the passages here quoted, from the fathers, and all the others in the Result,—in the sense in which the fathers themselves intended to be understood. But we differ very much from the Council in our application of these passages. They infer, that "*the mutual covenant between member and member, is not separable from the covenant with God, but is a part of it,*"—and hence, by a constructive inference from this their direct inference,—they say, that "Churches were with them, [i. e. the fathers,] no mere voluntary associations for mutual religious improvement, which those who formed might dissolve at pleasure, and replace by what they deemed better, or by none at all, if they saw fit." (pp. 14, 16.)

The Council have here substituted their own words for the language of the fathers, and, as we think, most unwarrantably. And not a little remarkable it is, that the only passage which they quote from these for a distinct exposition of our Congregational covenants, is from a chapter in Richard Mather's tract, in answer to the "Nine Positions" sent over from England;—the whole of which, from first to last, was written without the remotest reference to the dissolving of a Church by the act of the body. But the reader would suppose, that the passage was taken from some elaborate treatise of the fathers, in which they were showing that Churches are not "mere voluntary associations, &c." Very little would it be imagined, that the chapter of the little tract from which it was selected, not to say—*garbled*—was written upon one of the subordinate or incidental questions connected with the great points, which, for a whole generation, had been in controversy, between the members of the Church of England, and Brownists, Presbyterians, and Congregationalists. Much less would it have been imagined, that the entire chapter was designed to show,—"*That none are to be admitted as set members, but they must promise not to depart or remove, unless the Congregation [Church] will give leave*"!

These are the words of "The Sixth Position." And they might have been so quoted in this Result, with much less time than it cost to conceal the very gist of the matter in hand.

We think that we can see a very cogent reason, why the authors of the Result did not quote the first sentence of the "Answer" to the "Sixth Position"; and why they stopped short in the paragraphs, which they did quote.

Our answer hereunto is briefly this,—we judge it were expedient, and not according to Rule, that such brethren as are in covenant with the Church, and ourselves as fellow-members, and have committed their souls to us as ministers, should not forsake our fellowship, nor abruptly break away from us, when and whither they please; but first approve themselves therein to their brethren's consciences, and their counsel in so weighty a matter, &c.

At the end of paragraph 3d, as quoted, the Result omits this sentence :

Seeing need of no further light to be held forth by his brethren, than what he appreciates himself, which is one of the greatest properties of folly itself.

But vastly more important, and not a little significant, is the omission of what follows, in paragraph 4th. After the words,—“ which moved him so to do,”—it is thus written in the original :

Which if they hold good, being scanned by the Word, he may not only be confirmed in his way by the consent and advice of many, but counselled also how to manage his departure for his best comfort; and so after all solemnitie, with the whole Churches prayers and blessing in the name of Christ be dismissed. But if his grounds be either none at all, or weake, or sinfull, and that his desire of departing savors of self-will, inordinate love of gaine, rash precipitancie, or a spirit of schisme, more strongly than of sound Reason, then what can we, what dare we lesse without breach of covenant, than in love and tenderness, show him his weaknesse, disswade him from his purpose, and refuse to consent.

We should be glad to quote the whole, which follows. After other remarks, it is further said :

If any member might when and wherefore he please, without consent of the Church depart away from it, this may by unavoidable consequence destroy the whole; for if one may so depart, why may not another also, though never so usefull in that Body, whose absence might much change the well-being of it; and if one, why not two, six, ten, twelve, as well as one. For where will you stop, seeing all may plead the same libertie?

We should hardly have thought that any of those who prepared the Result of the late Council, could have so taken out the passage which they did, from the “ Answer to the Sixth Position ” of the ministers of England;—and then have made the venerable Mather, of Dorchester, and the others in whose name he wrote, appear as if testifying in a case or upon a point, which was not at all in mind. We protest against such a method of quotation; and still more against the unfairness and injustice of imposing upon the unwary and confiding reader *the constructive inferences* of the authors of this Result, as if the direct and indisputable witness of the fathers. Let the fathers speak for themselves. We are ready to hear.

In the sequel of our Review, we have more to say of the extracts from the “ fathers.” But we have here to affirm,—that they do not at all touch the question, whether a Church can be dissolved, as we maintain, by vote of a majority, any more than the question, whether a Church can be made to cease, as the Council admit, by the unani-

mous consent of the members to take letters to other Churches. But they do touch the subject of church dissolution, or more strictly, the inevitable tendency to such dissolution,—by so expounding the nature of the covenant of membership, as to require imperatively, that *before* “a member departs” he shall “*express to his brethren his desire of departing, &c.* ;”—and that “*no church member can withdraw from a Church, without leave first obtained from the Church.*”

We now inquire, then, whether the exposition of covenant obligations, as taken from the “*fathers,*” is not utterly irreconcilable with the pretensions of the Council, in respect to Mr. Goss? As they have reasoned and declared themselves, they certainly have vindicated a church member, in “*withdrawing from a Church, without leave first obtained from the Church!*” After Mr. Goss had left the Tabernacle Church, in every thing but the formality of a dismissal and recognition,—*a whole year and a half had expired*, before he even asked “*leave*” to “*withdraw*”! Was such a course warranted by “*the principles, usages and precedents which relate to the covenant, by which believers in our Churches are bound to God, and to each other?*” Let the Council answer this question to their consciences.

The Cambridge Platform says:—“*They who are joined with consent, should not depart without consent, except forced thereunto.*” “*To separate from a Church either out of contempt of their holy fellowship, or out of covetousness, or for greater enlargements, with just grief to the Church, or out of schism, or want of love, and out of a spirit of contention in respect of some unkindness, or some evil only conceived or indeed in the Church, which might and should be tolerated and healed with a spirit of meekness, and of which evil the Church is not yet convinced (though perhaps himself be) nor admonished: for these and the like reasons to withdraw from public communion in word or seals, or censures, is unlawful and sinful.*” “*Order requires that a member removing, have letters of testimonial and dismissal from the Church, whereof he yet is, unto the Church whereunto he desireth to be joined, lest the Church should be deluded; that the Church may receive him in faith, and not be corrupted in receiving deceivers and false brethren. Until the person dismissed be received into another Church, he ceaseth not by his letters of dismissal to be a member of the Church whereof he was. The Church cannot make a member no member, but by excommunication.*”

We shall prove, that a Church *can* make a member no member, in other ways; yet all this, in the true sense of the Platform, we fully maintain. And by consequence, we say that Ezekiel Goss had violated his covenant engagements; and that the Ex parte Council *have now justified him in doing as he did.*

They have also exerted themselves to the utmost, to “*make him no member*” of the Tabernacle Church, by “*an example,*” *in him and in themselves*, “*which,*” in words of the Platform, “*if many should follow, would threaten the dissolution and confusion of Churches.*”

After the meeting of September 28th, it was hoped, that the case of Mr. Goss would, for a time at least, not require the action of the Church. The purpose was to treat him affectionately, and endeavor to persuade him to pursue such a course, as would preclude

the necessity of a complaint against him, and an adjudication in the Church.

There was no good reason, as was felt, for any haste or urgency of movement. It was indeed reported, that Mr. Goss had thoughts of going to California. If so, it was considered by some of his brethren, *a very strong reason why he should not press the Church to grant his request.* And so excited had he become,—so aroused was his spirit of opposition to the Church,—so pertinaciously and determinedly, in conversations with brethren and others, did he insist upon having his request granted,—that he was in no proper state of mind, to encourage hope of very early and satisfactory acknowledgments to the Church, for withdrawing as he had. Neither did it seem advisable to undertake immediately the work of regular discipline. There may have been a mistake in this, on the side of lenity and brotherly kindness. But may the day never come, when the Tabernacle Church will do business, as the Council say that they ought to have done, in the case of Mr. Goss.

But why did not the Council complain of the Church, for not having proceeded faster,—when Mr. Goss might soon wish to go to California? Was it because, that they did not think it well to inform their readers that they themselves took their own time to attend to his desires, and that while some were "*busy here and there, he was gone?*"*

At the very next meeting of the Church, October 12, Mr. Goss appeared in person, and wished to read a communication. Objection was made, that as his case now stood, it was not in order for the Church to give him a hearing. He then immediately retired.

October 26th, it being the regular monthly meeting for business, he again appeared, and wished to present a written communication. Objection was again made. Brethren, who opposed the reading of the document, expressed an entire willingness to hear any statement from their brother Goss, relative to his feelings or position—provided he did not intend to criminate the Committee of the Church, as was fully believed that he did; and that he did not intend to argue the Howard Street question, upon its general merits. Questions which had been already considered and settled by final action, they could not then consent to reconsider. Neither could they deem it proper for him to address the Church, as if he were on trial, and defending himself against charges which had regularly come before the Church. No charges had as yet been brought, and no accusation had been preferred against him—in any such form or mode—as rendered it suitable for the Church to listen to any such communication, as they understood, from his own words and appearance, he was purposing to make. By a most decided vote, he was not allowed to read his communication.

He then asked if he might be permitted to *make a speech* to the Church. The same objections were made, as before, and a similar vote was passed. There were remarks, it was suggested, which he *could* make, that would be in order, and would also be gratifying to his brethren. But if he wished to occupy the time of the church, in

* See Result, &c. p. 60.—Any time needed for "*original investigations*"?

the manner which he gave occasion to anticipate, it would neither be according to the established rules of business, nor for the edification of the Church, that he should be heard.

The Result says: "This communication the pastor and the Church refused to allow him to read—and when he desired to speak on what the Committee had said to him, they refused to hear him. The reason assigned for this was that the Church had not adopted and thus endorsed the statements of the Committee, and that the Church had neither charges nor charge against him. It was repeatedly said to him, 'We have nothing against you,' and therefore he was not allowed to speak. Here then a brother had come before the Church, desirous to see his offence, if any there were, desirous to confess and make reparation when convinced, desirous so to explain his conduct as to give satisfaction, and yet was not allowed to speak, on the ground that they had nothing against him." (p. 10.)

This passage may have been written very easily, but we suspect that it required some labor. Like too many others of its kind, in the Result, it has just enough of truth to exempt the writer from the charge of intentional or conscious misstatement; and much more than enough of error to make the whole representation *utterly fallacious*. How could any of our brethren so far impose upon themselves, as to give their sanction to such a tissue or complication of improbabilities and absurdities?*

After the refusal of the Church to hear his speech, Mr. Goss showed himself to be much excited. In a hurried, agitated tone, and as if trying to suppress his feelings, he said:—"If the Church take such action in regard to me, I am glad to know what sort of persons I am among, and what kind of company I have been in. *And I therefore now leave the Church!*" ✕

He went out, immediately. We have here a question, in respect to his leaving the Church, in this manner. If this procedure alone were considered, would there not be reason enough for the Church to demand satisfaction? Could a member, after such an exhibition of himself, justly expect testimonials as in "*good standing*" *upon his departure*?

In a letter from a late member of the Church, to one of the Council, it is said: "After the Church had refused to hear brother Goss and he had retired, it was suggested by some one, that his long absence from the communion of the Church was wrong, and was a fit subject for church discipline. Thereupon I immediately rose in my place, and stated that I hoped a course of discipline would now be commenced with brother Goss *forthwith*. The pastor stated in reply, that there were cases, which, for certain reasons, ought to be delayed; and intimated that this was a case which ought to be deferred to a future

* In reading some parts of this Result, we have had our patience restored to good humor, by remembering a remark of a late distinguished counsellor of Connecticut. In one of his profound, but luminous and splendid legal arguments, he was repeatedly interrupted by one of those judges, who, from the circumstances of their appointment and their intellectual "darkness visible," were called the "*midnight judges*." "The office of a counsellor," said one of these to Roger Minot Sherman, "is to enlighten the Court; not to confuse and perplex them by abstract discussions and minute distinctions." "Your Honor,"—replied the counsellor with a most courteous obeisance,—"*is little aware how hard a task he imposes upon us!*"

time." The letter was written, more than two months after the meeting referred to; and when in the lapse of time, a very calm and unbiassed memory might not recall the precise words which were used at a given moment,—nor the immediate antecedents, occasions, or suggestions. Words and occurrences may be placed in close or simultaneous connection, when, in fact, they were separated by intervals, not only of minutes or hours, but of weeks and months.

According to the Minutes of the pastor, written out in full, the third day afterwards,—“As soon as Mr. Goss had retired, the Church engaged in prayer.” And after the prayer, according to the same Minutes, and the distinct recollection of the pastor and that of others, the writer of the letter just quoted arose, before a word was spoken by any one else, and expressed his opinion,—“that the pastor and two of the deacons ought to take measures early to bring the case of brother Goss before the Church, in the way of complaint for walking disorderly; for,” it was said, “he is now placed in an anomalous situation.”

This *proposal* was “anomalous,” and without any precedent or warrant in the doings of the Church. It was as unexpected, as would have been a serious motion by that brother, that Mr. Goss should at once be excommunicated. The hour of closing the meeting having come, the pastor waited for no one to respond, but briefly expressed his own views of the duty of the Church.

“If any brother thought it suitable to commence a process of discipline, he could do it. But there were times and circumstances, when, either as it respects the individual himself, or his family, or the Church, or the community, it is not expedient to move in a case of discipline. And such at present was the evident excitement of feeling, in regard to brother Goss, and in regard to the ecclesiastical relations of Howard Street Church, so called, that, in the judgment of the pastor, it was best for all concerned, that there should be some lapse of time, during which, influences might operate to prepare the way for a more calm and judicious attention to any new view of the case which might be presented. The pastor also indicated his opinions, in respect to the course which it became brother Goss to pursue, when his request was refused; and the course, which, as a Christian, simply desiring to do what is right and best, he ought now to pursue.”

Such are the Minutes of the pastor, word for word,—two days only having intervened between the meeting and the time of the record. But the Result says,—that “when it was suggested to the Church to begin to deal with him, the pastor objected and they refused so to do!”—p. 10. Was it thus? Are the Council sure? For authority, they refer to the letter from a member of the Church, which, we humbly submit to the Council, is, in some parts, materially defective, and in others, erroneously interpreted.

Very true it was, that Mr. Goss was not on trial; and that a process of discipline had not been commenced; and that no one had signified to the Church his intention to commence such a process. But it was as well understood as any fact could be, that the Church as a body considered Mr. Goss *justly liable to discipline*. The member of the Church, whose letter appears in the “Appendix” of the Result of

the Council, knew all this; and therefore could never have designed to testify any thing to the contrary.

But we have to inquire of the Council, whether, in another respect, they have made proper use of that letter? Did they not actually pass their votes *the afternoon before* the conversation between the writer and Dr. Beecher, in respect to which the letter was written? And yet a letter of *January 8th, 1850*, referring to a conversation, *December 19th, 1849*,—is adduced as the reliable “direct testimony” to a point, which the Council had decided, *December 18th*? Whether this is any better than to make the writer say much more than he said, or could have intended to say, we leave for others to decide.

On Monday, after the meeting October 26, the pastor sought an interview with Mr. Goss, for the purpose of explaining to him more fully the reasons, why it was not proper for the Church to hear him in the manner which he had proposed. He freely admitted, that he intended to argue the question of “*the right of a Church to be dissolved*,” and to consider all the points which were connected with his case. As to the Committee of the Church, he said, that he “meant to prove that they had violated their engagements with him;” referring to what, as he said, was understood by him to be their advice or consent, in respect to the manner in which he should meet the objections that had been stated to him, in their interview of September 13th. And what he alleged to be true of them, it must here be remarked, they themselves have most positively denied!

He was asked by the pastor, whether he insisted upon having a letter of dismissal to *the Howard Street Church*,—i. e., a dismissal as if the Church had never been dissolved. He said, that he did; for there was “a sacred principle involved as to the rights of churches.”

When told, that, if the brethren could be satisfied in regard to his present feelings, they might consent to give him a letter to the South Church, for example;—he repelled the suggestion, as if inadmissible. And yet he said, that when he applied for a dismissal, he did not intend to make trouble; and that he did not know but “the Church might contrive some way to get round the question of Howard Street Church, without acknowledging it to be *the old Church*.” “We don’t care,” said he, “what your opinion is, as to its being the old Church.”

He was reminded of the course which he had pursued, and which certainly appeared as if he was willing to make trouble. And he was reminded also, that he *very well knew*, that his sympathy with those, at Howard Street was *not the cause or the original occasion of his leaving the Tabernacle Church*. To this he made no answer, but turned the conversation.

He was asked whether he would like to have his case brought before the Church, in the way of discipline. To this he answered with surprise; “*You cannot do any such thing*; for I have asked a dismissal.” He was informed, that any brother of the Church could proceed against him at any moment. He then said that “he should not like to be brought before the Church as for a *misdemeanor*.”

From all that occurred in an interview of an hour and a half, during which not a word was spoken as if from excitement, or any unfriendliness, the pastor was more than ever satisfied, that it was most wise

in the Church to refuse, as they did, to hear the communication which Mr. Goss had intended to make, on the Friday evening previous. The plain truth is, beyond a question, that he had not the smallest idea of making any confession or concession, which the Church, in any circumstances, could have received; and all that he intended to say, as "if" he was sorry,—*"if any had been grieved with any of" his "wrong doing,"*—was but a drop in the bucket. He had come prepared, by aid of some, it is believed, who have had far too much to do in his case, to inflict upon the Church an outpouring, which, if he could have inflicted upon the late Council, we are quite inclined to think they would have forgiven him, if he had first gone to California, without honoring them as he did by his letter missive; and without giving them, as he has, the rare opportunity of such an enviable immortalization, through the "document," which, as the "Congregationalist" (March 8th) assures the world,—*"will go upon [?] the archives of our ecclesiastical history, as a permanent document bequeathed to the future."*

The next day after the interview just described, he called upon the pastor. "I called," said he, "to see how this would do. Since you said there are no charges against me,—can't I have a letter to any Church where in the providence of God my location may be cast?" "*No charges?*" said the pastor; "*I never said that there were no charges against you. There are no charges before the Church, as if you were on trial!* But you are liable to discipline at any time. There may be no charges before the Church; but that is a very different thing from saying that there are no charges which can be brought."

"Are you really intending to go to California?" "I don't know," he replied; "I have thought I should, but I don't know how it will be." "If you are intending to go," continued the pastor,—*"and you can satisfy the feelings of the brethren, who certainly are disposed to deal kindly with you, we can give you a letter to a Church of Christ in San Francisco, or to any other sister Church 'where in the providence of God your location may be cast.'* But, brother Goss, it would not be consistent with my ideas of truth and fairness, to give you such a letter as you have named,—*with the understanding, that you can take it, and go directly down to Howard Street!*"

After some further remarks, he said to the pastor,—*"Well, then, there is no other way for me, but I must ask for a Mutual Council. And I will leave this request with you."*

To the Tabernacle Church.

Dear Brethren:—I have repeatedly requested of you a dismissal and recommendation to the Howard Street Church in this city. My request has as often been refused. I do not now wish to present further reasons for my request, for I am assured by your pastor that there are no charges against me, and still my request cannot be granted. I therefore respectfully request that you will unite with me in calling a Mutual Council according to the usage of the Congregational Church, to consider and advise with reference to the following questions, viz :

1st. Was I in good and regular standing as a member of the Tabernacle Church on the 25th of August, 1849?

2d. Has any thing taken place in reference to the question of my request

for a dismission, since that time, that renders it improper that I should have letter in the usual form?

3d. Is the standing of the Howard Street Church such that the Tabernacle Church ought not to recommend members to its communion?

I would propose that the Council should be composed of Churches whose ministers have never been called to act in the case of the Howard Street Church during its last difficulties.

I will be ready to meet your Committee at any suitable time on a few hours' notice, for the purpose of selecting the Council and preparing the letters missive.

From your brother in Christ,

EZEKIEL GOSS.

Salem, Oct. 30th, 1849.

N. B. On account of business arrangements I would earnestly request that the Church would act on it on Friday evening next, at the close of their preparatory lecture.

The above request, it will be noticed, was written before the second interview with the pastor, after the meeting of October 26th; and contains the misstatement concerning the "charges." November 9th, without any discussion, the Church passed the following vote:

Whereas, our brother Ezekiel Goss has requested this Church to unite with him in calling a Mutual Council, to consider and advise with reference to the following questions, viz:—

1st. Was I in good and regular standing as a member of the Tabernacle Church, on the 25th of August, 1849?

2d. Has any thing taken place in reference to the question of my request for a dismission, since that time, that renders it improper that I should have a letter in the usual form?

3d. Is the standing of Howard Street Church such, that the Tabernacle Church ought not to recommend members to its communion?

Therefore, voted, That the following answer be given to his request, viz:

In regard to the first of the questions, which it is proposed to submit to a Mutual Council, the Church has not taken action in a judicial manner, and the hope has been cherished, and still is, that both the expediency and the necessity of such action may be entirely precluded. If, however, the long absence of brother Goss from the communion and meetings of the Church previous to Aug. 25 should ever be brought before the Church, in the regular process of discipline, the Church has no reason to anticipate any such difficulties in the case, as would give occasion, in the smallest degree, for the advice of a Council.

Upon the second question, which it is proposed to submit to a Mutual Council, the Church has taken no action whatever, neither has any been contemplated, so far as is known to the Church. As, therefore, the subject-matter of neither of these questions has been adjudicated in the Church, nor even introduced into the Church for the purpose of adjudication, there can be no propriety in calling a Mutual Council in such circumstances "to consider and advise with reference" to them.

In relation to the third question, it is true that the Church has taken action, and such action as may be inferred from the language used in the letter of brother Goss. The action of the Church, however, by which the dissolution of the Howard Street Church, May 4th, 1847, has been recognized, was taken with much carefulness and under a constraining sense of duty, to vindicate and support the fundamental principles and the accredited usages of the Congregational order, as affecting the independence of each Church respectively, and the inalienable rights of majorities in each Church. Until those who now profess to be the original Howard Street Church, as if no

dissolution had ever been voted, shall take a different ground upon which they will urge their claims to recognition and fellowship as a sister Church,—the Tabernacle Church cannot, with any consistency or propriety, acknowledge their title to such recognition and fellowship; so far as known to the Tabernacle Church, there is no existing occasion to submit its doings, in respect to this subject, to the revision of a Council; neither is there any such occasion apprehended, in the changes of the future. While, therefore, the Church has none other than the kindest feelings towards brother Goss, and there is not the least desire to prevent a removal of his relation of membership to some sister Church, whenever it can be accomplished in an orderly and satisfactory manner, the request of our brother Goss, that the Church should unite with him in calling a Mutual Council, must be declined.

This vote was in accordance with the IXth of the Church "Articles," in respect to "discipline and government:"—"That, in cases of difficulty, which cannot be settled satisfactorily in the Church, the advice of sister Churches, by their pastors and delegates, shall be requested; and when obtained, be complied with by all parties concerned, unless in their judgment they have weighty reasons to dissent; which reasons shall be offered to the Council, when time and circumstances will admit of it, and, if otherwise, to the Church, previous to a dissent, agreeably to *Acts xv*, *Platform*, chap. xvi. But in all cases within the contemplation of this article, a Council is to be regarded as advisory *only*, without any paramount control over the decisions of the Church."

§ *The Proceedings of the Ex parte Council.*

It was, of course, supposed, that an Ex parte Council might be called. But it was not believed by the pastor of the Church, and by others, that, if Mr. Goss should send a letter missive to "Churches whose ministers had never been called to act upon the case of the Howard Street Church," there would be any that would comply with his request;—if he should make known the questions which he had proposed to submit to a Mutual Council, and the answer of the Church in declining his proposal.

It was also supposed, that there would be some correspondence with the Tabernacle Church, by the Churches receiving a letter missive from one of its members,—before any of them would vote to attend such a Council. And it was confidently presumed, that a very brief statement of the other party in the case, would suffice to convince any sensible man,—whether clergyman or layman,—that Ezekiel Goss had as yet no just ground to ask for a Mutual Council, and much less to call an Ex parte Council.

"As the request is made against the opinion and wishes of a majority of the Church," says Upham in his very valuable work, (the "*Ratio Disciplinæ*," pp. 195, 6,) "it becomes the Churches, that are sent to, seriously to inquire, whether there be good grounds for meeting together. In case of a Mutual Council or any other Council, deliberation on this point is reasonable; ~~but~~ in respect to *Ex parte Councils*, it is imperative. So much so, that the subject arrested the attention of the General Association of Massachusetts, and that highly respectable body at their session of 1823, passed the following vote: "That it be recommended to the ministers, connected with this Associ-

ation, not to attend Ex parte Councils, without much deliberation, and obvious and urgent necessity."

The same view of the duty of ministers and churches was taken, at an early period, in the experiment of our Congregational order. The "Ratio Disciplinæ" of the New England Brethren says:—"The pastors of the Churches, to whom an aggrieved person, under the neglect of the Church to do any thing for the relief of his distress, has made his complaints, do not rashly at once read his Letters to their Churches. But having informed themselves as thoroughly as they can of the case, they signify unto the pastor of the Church complained of what they have received, and ask him to let them know, whether the difficulty cannot be removed without their coming to them as a Council, or whether they have any just objection to make against their coming to them. For the management of these preliminaries, the pastors either have an interview, or else by messengers hold such a communication with one another, as is needful to their concurrence in the action."

Did the members of the late Council do any such thing, as is here recorded to be the early usage;—or, as the more recent "Ratio Disciplinæ" declares to be "IMPERATIVE"? *Not a single one!* Secret influence, moreover, as we have positive proof, was employed with all, or at least with a sufficient number for the end in view,—to secure attendance; and influence from sources wholly *ex parte*,—suited to prejudice them in favor of Mr. Goss's complaint,—and to prepare them to act at once, without any thing more of investigation and deliberation, than would suffice for the appearance of doing their work in Howard Street, Salem, instead of Salem Street, or Park Street, Boston.*

The letter missive of Mr. Goss, was dated Nov. 17, 1849. He knew perfectly well, that the business meeting of the Tabernacle Church would be held Nov. 23d; and that the Church always objected to doing business at any other meeting. Yet the copy for the Church bears date Nov. 26th, and was kept back, so that the first opportunity which the Church had of receiving it, was on the evening of *Preparatory Lecture, Nov. 30th!*—Thus only three days, and one of these the Sabbath, intervened between its reception by the Church, and the meeting of the Council, Dec. 4th!

Of the reasons for keeping back this letter, others who are impartial may judge. And whether the Tabernacle Church could accept of "the invitation to make the Council mutual," they may judge,—when we state to them, that *one half of the churches* named in the letter had already acted, by their ministers or delegates, or both, "in the case of the Howard Street Church;" and had acted in full concurrence with the wishes and pretensions of the *minority* of that church, against the act of dissolution, May 4th, 1847. Of the other half, there was reason to believe, that a part had become privately committed; while the remainder would not be likely to be present;†—so that a majority in

* One of the Council did inform the pastor of the Tabernacle Church, that his Church had voted to comply with the request of Mr. Goss; but intimated some doubt, whether he himself should attend.

† For instance, Dr. Osgood's Church, in Springfield, Mr. Cary's, in Sunderland, and Mr. Harris's, in Conway!—What could be the "urgent necessity" of sending from Essex County, to Hampshire, Hampshire, and Franklin Counties?

* In the "Reading Case", there was much
 made known, though some in that time

favor of the Howard Street claims was as certain as any future event could well be, according to human means of forecast or calculation.

The following is a copy of the Letter Missive for an Ex parte Council, as communicated to the Tabernacle Church, after the Preparatory Lecture, November 30th.

To the Congregational Church in ———.

Dear Brethren,—I am a member of the Tabernacle Church in Salem. My own usefulness and edification led me to desire to connect myself with the Howard Street Church in this city, now under the pastoral care of the Rev. Mr. Wilder. Being in regular standing, and so far as I know or believe without blame in my standing with the Church, I have asked for a dismissal and a letter to that Church, but have been twice refused. The reasons on record relate to the standing of the Howard Street Church, involving the doings of two ecclesiastical councils, composed of eighteen churches, most of them of the highest standing among the Churches, and of the Essex South Conference of Churches. On the question involved, the Conference is nearly equally divided. And of the Councils,—the first recognized the Howard Street Church as at present constituted, the Howard Street Church;—the second installed its present Pastor. It is supposed that matters are involved which demand investigation. I have asked for a Mutual Council, but it has been refused. And according to usage, I now respectfully invite you to meet in Council by your Pastor and delegate on Tuesday, the 4th day of December next, at half past 9, A. M., at the vestry of the Howard Street Church, to examine the whole case so far as to sustain the rights of the Churches and afford me the necessary relief.

A copy of this letter will be sent to the Tabernacle Church with the request that they will appear and accept this as a Mutual Council.

Your brother in Christ,

Salem, November 17th, 1849.

EZEKIEL GOSS.

The other Churches invited are the following: Essex, Rev. Mr. Crowell's; Ipswich, Rev. Mr. Kimball's and Fitz's; Boston, Rev. Dr. Beecher's, Kirk's, and Stone's; Braintree, Rev. Dr. Storr's; East Abington, Rev. Mr. Walker's; Middleboro', Rev. Mr. Putnam's; West Medway, Rev. Dr. Ide's; Hopkinton, Rev. Mr. Webster's; Springfield, Rev. Dr. Osgood's; Sunderland, Rev. Austin Carey's; Conway, Rev. Samuel Harris's; Andover Theological Seminary, Rev. Dr. Emerson, Pastor; West Randolph, Rev. Dr. Hitchcock's.

To the Tabernacle Church.

Dear Brethren,—The enclosed Letter Missive is a true copy which I have sent to the Churches named therein. It is my desire that the Tabernacle Church should accept of this invitation, and thus make it a Mutual rather than an Ex parte Council.

Your brother in Christ,

Salem, November 26, 1849.

EZEKIEL GOSS.

Would John Cotton, or Increase Mather, or Cotton Mather, or any of the earlier or later "fathers," have entertained *such a Letter Missive; and have attended in Council*, without any consultation with the Tabernacle Church? We are quite prone to suspect, that some members of the Council have need to have their "pure minds stirred up by way of remembrance." And before any of them shall again admonish the Tabernacle Church and the Essex South Conference, concerning "a profession of original investigations," they may do as well to recur to the record of a controversy somewhat earlier than the days of the

“fathers;” when, with no small reason, a certain man “answered and said,—No doubt but ye are the people, and wisdom shall die with you.”



One-half of the whole number of Churches invited, had complied with the call of the Letter Missive; and were represented in Council, about 10 o'clock, A. M., December 4th. Six of these were already committed upon the Howard Street question, viz., Salem Street Church, Dr. Beecher's, and Park Street Church, Rev. Mr. Stone's, Boston; Church in Essex, Rev. Mr. Crowell's; Church in Ipswich, Rev. Mr. Fitz's; Church in Hopkinton, Rev. Mr. Webster's; Third Church in Abington, Rev. Mr. Walker's.

None of the members of Council seemed to covet the distinction of being Moderator. One declined, because he had been already “scorched;” yet was forced to stand the fire again, as best he could, for one day.

After the choice of Moderator and Scribe,—the question was long debated whether a *quorum* [?] was present; and whether, therefore, the Council could properly proceed to business. The Council at last called for papers, and gave a hearing to Mr. Goss, and to the present pastor in Howard Street, who appeared as if he knew very much more of Mr. Goss's case, than he did himself; and who, therefore, wished to speak *for* him, instead of allowing *him* to speak.

When the afternoon session was closing, the Council voted to hold an adjourned meeting, December 18th. And, having agreed to have another session, for a short time in the evening, they also voted, “To appoint a Committee to wait upon the pastor of the Tabernacle Church, and notify him of the organization of the Council, and of the case under consideration, that he may attend on behalf of the Church.” Result, p. 4.

We have somewhere read a paragraph, which, it may be taken for granted, that the Council will find, if they please to make “investigations” “original,” or otherwise.

“The Council arrive at the place appointed, and being called to order, and having organized by the choice of a Moderator and Scribe, they open their session with supplications. Their proceedings are commonly, in the first instance, in some public place; and  *at the commencement of their inquiries*, notice is given of the time and place of their meeting, *to the Church of which the aggrieved are members, and to the pastor of the same.*  If the Church and pastor *decline paying any attention* to the notice given, the Council govern themselves accordingly, and *proceed to business,*” &c.

It will now be seen whether this Council proceeded in conformity with the rules, which have been justly regarded as admitting of no allowable or excusable exception. Although they had assembled, as they did, without observing the prescriptions and authorized precedents, in regard to such Councils, it was still to have been expected, that there would have been some better mode of proceeding, than to hold two sessions to the end, before notifying the Tabernacle Church or the pastor, that they had met and were organized.

Just before the commencement of the session in the evening, the Committee of the Council waited upon the pastor. They informed him, that the Council had been together; and that they had voted an

adjournment to December 18th; and that he could appear before the Council, if he wished. The pastor answered their questions, *and told them distinctly the true standing of Mr. Goss, in the Tabernacle Church.*

The Minutes of the Council state correctly, that the pastor "declined appearing before the Council, on the ground that no action of Council was called for in the premises."

The Chairman of the Committee, Dr. Beecher, made but a few remarks, as his report of this interview. But the delegate from Randolph was free to say to his brethren, that "it had appeared to him, almost from the beginning, and since the interview with the pastor of the Tabernacle Church, he was confirmed in the impression,—that there had been *duplicity* in the calling of the Council; the *ostensible* reason being the case of Mr. Goss, while in reality the Council had been called to decide a very different question. If Mr. Goss alone was to be considered, the question appeared to him a very plain one; and he thought, that the Council might very soon give him proper advice, and be permitted to return to their homes. And if the Howard Street people wished for a Council to act upon any question of their own, they could call a Council in their own name."

We give the remarks of Dr. Alden, as reported to us, and have been assured, that our statement is not sufficiently strong. We wish that a full report of the proceedings could be given; and yet, perhaps, in all charity, the wish ought to be suppressed.

Mr. Goss was very anxious to have the Council come to a Result that day, or to continue their session the day following,—so that he might know of it, before *leaving for California*. He had engaged his passage, for Thursday of the next week, from New York; and, of course, he could not be expected to be present at the adjourned meeting on the 18th.

The Council, with full knowledge of his wishes and purposes, voted that adjournment; and voted also, "*to advise Mr. Goss to enlarge the Council, by inviting other Churches at his discretion.*" *The Churches before invited, but had not been represented, were to be notified of the adjournment to December 18th!*

Can our ministerial brethren, and other brethren of our Congregational Churches, produce a parallel or a precedent for such a procedure? A member of the Tabernacle Church "*advised to enlarge a Council, at his discretion,*"—when he himself, immediately after issuing his new edition of letters missive, *would depart for California!!*

Most palpable is the proof, that it was not on his behalf that they were there. If it had been otherwise, they would not have met in Howard Street; and if they *had* met, their business would have been all done, in a very short December day.

How many new churches were invited, we do not know. Mr. Goss sent no information whatever to the Tabernacle Church, respecting the enlargement of the Council. At least *twenty* different churches might have been represented in the meeting, December 18th. We suppose, also, that several others might have been. And such an array of ministers and delegates summoned, in the midst of winter, some of them from Hampden, Hampshire, and Franklin Counties,—under the pre-

text of urgent occasion to consider the alleged grievance of a man, who wished a letter of dismissal from the Tabernacle Church,—and who was himself to leave Salem, for San Francisco,—before the Council would be assembled!!

December 18th, the Council met. Sixteen Churches were represented by thirty-one pastors and delegates. Dr. Osgood's letter to Dr. Beecher, (Result, &c. p. 60.) is a clue to a material part of the process and the management, which brought so many together. At the time of adjournment, on the 4th, the Moderator expressed considerable anxiety, lest the brethren would not all return!

Beside the six Churches, mentioned p. 28, the Church in West Medway, Dr. Ide's; Second Evangelical Church, Cambridgeport, Rev. Mr. Lovejoy's; First Church, Braintree, Rev. Dr. Storrs's; Church in Rockport, Rev. Mr. Gale's,—had given their voice in favor of those at Howard Street. There were *ten*, therefore, of the sixteen, that could be relied upon, for such a Result, as we have before us;—at least, in respect to the Howard Street question. Of the others, two or three were indubitably committed on the same side, by the known opinions of their pastors or delegates. And seldom, if ever, was an Ex parte Council, more emphatically *ex parte*. A mistake, however, was made in selecting two or three of the Churches!

A new Moderator took the chair. During the day, he repeatedly reminded the brethren, that the simple question was, "*Whether a majority could unchurch the minority?*" And this, with all deference, we would say, is not *the case of Ezekiel Goss*,—whether in Salem or in Sacramento. Neither is the *Howard Street question* what the venerable member from South Reading thus intended briefly and decisively to indicate.

The Council tell us, that "Rev. Mr. Wilder had leave to appear before the Council, and present the case of Mr. Goss." *Why no statement of the fact, that Mr. Goss had gone to California?* We should like to have seen how the Scribe's record of this item would read.

A Committee waited upon the pastor of the Tabernacle; not, however, until the Council had entered upon their business. He had seen no cause to change his mind, since, with the cordial advice of the officers and others of the Church, he declined being present, December 4th. It was his persuasion, and theirs, that any Council which should convene, in such circumstances,—however respectable in standing, or large in number,—were not entitled to any other attentions, than those of a courteous and kind reception of a Committee, with an ingenuous and explicit answer to inquiries.

And here let us distinctly remind our brethren abroad, of the position of this Ex parte Council, the largest of its kind, we believe, ever known in Massachusetts, or New England. Professedly they are convened to afford relief to an aggrieved individual, and "to sustain the rights of the Churches,"—that is to say, the claims of the Howard Street minority. The parties on the one hand were the Tabernacle Church, the majority which voted to disband the Howard Street Church, the Mutual Council which advised the disbandment, and the members of the Essex South Conference who recognized the validity of the vote of disbandment. *Of these, not a single representative appeared before the Council!*

On the other hand, the parties were Ezekiel Goss and the Howard Street minority. Ezekiel Goss himself was on the way to California, and the Howard Street minority had no concern in the proceedings,—by any official action. Their pastor appeared in the Council, as being the substitute of Mr. Goss. Thus in truth, of all concerned, on the one side and the other, there was not one fit or proper representative before that Council! Yet did that same Council undertake to revise all the doings of the Tabernacle Church, the Howard Street majority, the Mutual Council of 1847, and the Essex South Conference!

The Council proceeded, from first to last, as if they had come to *act*, and not at all for investigation. They wished to lose no time, by any hearing of evidence or of argument; but to be ready as soon as possible, to commit the whole case into the hands of those, who, with or without “a profession of original investigations” have issued their Result, and “bequeathed it to the future!”

Of investigation of facts, in the proper sense of the phrase, there was none. The course pursued was, as if the Council had occasion to ask but a very few questions;—and some of these were not to be urged to an answer, lest the intended Result should receive detriment. The Howard Street pastor could not be heard as he wished, although he had a written document which he represented, as immensely important to the deliberations of the Council; and although he solemnly assured them, over and over again, that, “if they would not grant him a hearing, *he could not be responsible for their Result!*”

They were even more willing to finish their work, than they were desired to be, by the advocate and the proxy of Mr. Goss. They hurried on, as if there was in truth no necessity for any proceedings in open session, save those of form and ceremony. And when the clerk of the Tabernacle Church declined answering the question, whether he had not heard Mr. Goss speak reproachfully or disrespectfully of the Church or the pastor,—some of the members immediately interposed to put an end to all such inquiries.

Not quite all, however, were glad to “see” a Council “on this fashion.” We rejoice to except Dr. Hitchcock, and Dr. Albro, with two or more of the delegates. Dr. Hitchcock’s published “Remonstrance” has been read by many hundreds, and has been justly admired for its manliness and common sense, and its conclusiveness. Dr. Albro made a noble effort, to convince his associates, *that they had no case before them*,—if they professed to act according to the accredited usages of Churches, in respect to Ex parte Councils. “Ezekiel Goss, who had called them there, had gone himself ‘to parts unknown!’ And the Tabernacle Church, had as yet given no occasion whatever for him to call a Council”

We forbear to say more. We feel mortified and ashamed, for such an occasion to say what we have. We now present an extract from the published Result.

Voted, That the Council be by themselves.

The following Resolution was moved:

Resolved, That, so far as this Council is advised on the subject, Mr. Goss has done nothing to forfeit his standing in his own Church.

The Resolution was adopted.

Moved, That it is the opinion of this Council that the vote of a majority

cannot dissolve a Church against the consent of a minority, and it appearing that the Howard Street Church has not been otherwise dissolved, and that the minority claim membership therein, and have acted, and still act, as that Church, and sustain its meetings, the ordinances and ministry, this Council advise that that Church has not been dissolved, but still exists on its original foundation.

The question was taken by ayes and noes; when it appeared that there were 24 ayes and 2 noes, and the Resolution was adopted.

Voted, That Mr. Goss be advised to renew his application to the Tabernacle Church, for a letter of dismission, and of recommendation to the Howard Street Church: and if his request be refused, that he be advised to offer himself for membership to the Howard Street Church, and that the Howard Street Church be advised to receive him.

Voted, That a Committee be chosen to prepare a Result of Council. Rev. Dr. Beecher, Bro. Z. Eddy, Rev. R. Crowell, Rev. Dr. Storrs, and Rev. A. L. Stone, were appointed this Committee.

Voted, That we adjourn, to meet at 7 o'clock this evening.

Council met pursuant to adjournment. The Committee chosen to prepare a Result of Council reported progress; whereupon it was voted, That when the Council adjourn, it adjourn to meet on Wednesday, January 16th, at 10 o'clock, A. M., at the vestry of Park Street Church, Boston, to hear the report of the Committee, appointed to prepare a Result of Council.

Voted to adjourn.

Attest,

A. L. STONE, *Scribe.*

The vote of the Council upon the case of Mr. Goss, by itself, is not numerically stated. Why was this? In the case of Howard Street, we have 24 to 2. But there were *thirty-one* members of the Council, according to the Minutes of the Scribe. We learn that *five* of these had either left the meeting, or declined voting.

After a month's adjournment, the Council assembled at Park Street Chapel, Boston, January 16, 1850. Twelve Churches were represented by twenty pastors and delegates. By vote of 18 to 2, the Result, as reported by Dr. Beecher, was adopted;—even one of the dissentients "expressing his conviction that the Howard Street Church was not dissolved in fact." The Minutes of the Council inform us, that Dr. Hitchcock presented and read a Remonstrance against the action of the Council; but they do not add, that he was refused his request, that it might be published with the Result.

Having voted, "That the Committee to prepare a Result be a Committee to communicate the action of the Council," and having also "approved the Minutes," the Council was dissolved. Thus closed the labors of the Council, as a body,—but not those of the Council in particular. There was yet, as we may well presume, something to be done by *the Council in particular*, before the Result could be "communicated." COMMUNICATED? *To whom?*

Looking back upon the whole course of proceedings, we are constrained to pause. Are these "the old paths, where is the good way," in which the founders of New England Congregationalism would have their children's children "walk" and "find rest"? Spirits of the Mathers! we appeal to you!

When, in former days, an Ex parte Council had been regularly convened, and had regularly proceeded in a hearing of a case, the members "retired to the place of their more private entertainment, and there considered over again all that had been laid before them."

“The Result,”—witnesses Cotton Mather, Rat. Disc. Art. ix,—“is drawn up in a proper instrument; wherein they first report what they find, and then advise what they would have to be done; usually fortifying their advice with pertinent passages of the Sacred Scriptures, annexed unto each of the articles.” Was the Result of the late Council so prepared? What “pertinent passages of the Sacred Scriptures annexed unto each of the articles, fortify their advice”?

As to the resolution, which relates particularly to the case of Howard Street Church, and to the proceedings of the Council in connection with it, we have but a single suggestion to make, in this part of our Review. They “advise that that Church has not been dissolved, but still exists on its original foundation”! Here is a mode of “advice,” which to ourselves is quite as “new,” as any doctrine of ours can have been to the Council. They “advise”——“that that Church has not been dissolved”! There can be no mistake. The Council have so “ADVISED”!

It is to no purpose, therefore, that any one shall appeal to the vote of the majority of Howard Street Church,—by which, under *advice* conscientiously given by a Mutual Council, that Church, on the 4th of May, 1847, was declared to be dissolved and no longer to exist. This Ex parte Council of December, 1849, and January, 1850, “ADVISE THAT THAT CHURCH HAS NOT BEEN DISSOLVED,* BUT STILL EXISTS ON ITS ORIGINAL FOUNDATION”!!! Verily, this Council was an “*advisory*” body,—with a vengeance.

We have seen, that by their first resolution, Dec. 18, the Council say, “That, so far as this Council is advised on the subject, Mr. Goss has done nothing to forfeit his standing in his own Church.” In the Result, it is said, absolutely, “*the brother is in good and regular standing in his Church.*” And this is said, when, by a report of the committee which waited upon the pastor, Dec. 18, it appears in their Minutes, that he stated to the committee, “*That Mr. Goss was not in good standing!*” Votes of the Church also, which the clerk had communicated, admit of no fair interpretation or construction, other than that which sustains the witness of the pastor, in every iota.

And yet this Council in their Result directly and openly *contradict*, or, to use their own choice word, they have “rebutted” the testimony of the pastor to their committee! What may be inferred, then, if other votes of the Church had been communicated; and if the pastor, or a committee of the Church, had appeared in person before the Council?—Would it have made any difference?

A more impartial witness than ourselves may here speak. “It is in evidence before the Council,” says Dr. Hitchcock,—“that Mr. Goss was informed by a committee of the Tabernacle Church, that said Church were dissatisfied with his course in neglecting for more than a year to commune with said Church, or attend her meetings, according to his covenant engagements. And it appears to me, that Mr. Goss should have suspended his application for dismissal at this point, until he had obtained *official notice* from said Church, that by explana-

* Some years before an English statesman had declared, that the “Schoolmaster is abroad,”—a son of France and a son of Holland,—meeting together in our fatherland,—thus “*advised*”: “Did it rain *to-morrow*?” “I believe it *was*!”

tion, or concession, or forgiveness, he had removed this obstacle in the way of his recommendation. Until such official notice is produced to this Council, what ground have we to conclude that Mr. Goss is in a suitable position in relation to the Tabernacle Church, to be a proper subject for our recommendation? No Council has the right to invade the independence of a Church, by expressing a primary opinion respecting the standing of one of its members. The Church has the right to act first in the case. Plainly no Council can *originate* a process against any member of a Church, and they have no power to decide a case which they could not originate, until it comes before them by an appeal. Upon a question of character, or Christian standing, no member of a Church has a right to ask for a Mutual Council, until *censured* by the Church. And if he does so, the Church is not bound to grant his request; and, consequently, he has no right on their refusal, to call an *Ex parte* Council. I do seriously call in question the right of this Council to recommend Mr. Goss to Howard Street Church, in present circumstances, or to any other, or take any action respecting his Christian character and standing.*

"I am so unfortunate as to differ in opinion from the Council in regard to the existence or non-existence of Howard Street Church," &c.

But the most extraordinary fact in the proceedings in the case of Mr. Goss, is that to which Dr. Hitchcock himself makes no reference. It is, that when the Council passed their votes respecting him, and when they adopted their Result, *they did not know that he was in being in any part of the world!!*

Unconditionally, and without the least qualification, they advise him *just as if he were then in Salem*,—to "renew his application for a letter of dismission and of recommendation;"—and, then, if refused he is "advised to offer himself for membership to the Howard Street Church," so called, and these are "advised to receive him." And this too, when, at the time of the votes, he was in the steamer Ohio, approaching the West Indies, and at the time of the Result was far on his way from Panama to San Francisco.

The Council have given him advice thus to act, whatever may be the honest convictions of the Tabernacle Church, in regard to his present standing,—whatever may hereafter be true of him, under the liabilities and exposures of a long absence, amidst perilous temptations, so many thousand leagues from the watch and care of "his own Church," or of those at Howard Street. With the full consent and approval of this Council, he may break away from that covenant which says:

Affectionately giving up ourselves to one another in the LORD, we solemnly covenant faithfully to watch over each other, to seek the promotion of each other's spiritual good, to submit ourselves to the discipline and government of CHRIST in his Church, and watchfully to avoid all sinful stumbling blocks and contentions, as become a people, whom the Lord hath bound up together in the same bundle of life.

What would the author of the "Ratio Disciplinæ of 1726";—what would his venerated grand-parent, Richard Mather, whose image and

* "Remonstrance," in "Congregationalist," March 1, 1850.

superscription may be seen in every part of the "Platform of 1648";—what would Wilson, Cotton, Shepard, Eliot, Hooker, Davenport, Higginson, Hubbard, and all that illustrious company, have said of such proceedings, as those of the late Council? Would *they* have thrown their arms of protection around a member of a Church, who, without asking consent, and for no good reason, according to the principles and prescriptions of our Congregational polity, *withdrew from his brethren in covenant*? They would as soon have abjured Christianity itself.

We challenge the Council to quote from the Cambridge Platform, or from any other standard authority, a single passage, which would warrant Ezekiel Goss to leave, as he did, the Tabernacle Church. If it be true, as they say, that "when a member applies for letters of testimonial and dismissal, and no process of discipline is pending against him, he is entitled to receive them, *unless some brother declares that he is offended, and will take immediate steps in respect to it,*" [it?]*—*then must it also be true, that, out of these narrowest of all limits, the Churches have no discretion or liberty in any case whatever; but are bound, at the shortest notice, to dismiss any member, or any number of members, who, for the most trivial reasons, or from the most transient impulses, might ask for letters of testimonial to other churches. We must take the liberty to suggest, that such *special pleading*, even by very reputable Congregational ministers and civilians, appears to us to be very "new" and very poor Congregationalism!

Ezekiel Goss now has the full approbation and permission of the Council to leave the Tabernacle Church, forever; notwithstanding the palpable violation of his covenant with the brethren of that Church. That covenant they can call a "holy covenant;" provided only, that the question is, whether the Howard Street Church could be dissolved by a vote of the majority. If, however, the question is, whether Ezekiel Goss has a right to a dismissal from the Tabernacle Church, then the covenant in its "holiness" is remembered no more. *The circumstances have entirely altered the case!*

The Council themselves are our witnesses. And these are the brethren, who have looked "with undissembled wonder and astonishment" upon the "phenomenon," that our humble selves and our associates should "claim to be inspired by reverence for the fundamental principles and accredited usages of our fathers!" These are the brethren, who, upon the most "weak and beggarly elements" of ex parte testimony alone, and after the merest mockery of a form of investigation of facts, have, as but a part only of their Result, condemned the action of the Tabernacle Church; have pronounced their emphatic benediction upon a misguided and erring member; and have given him credentials or testimonials, as "in good and regular standing" in the very Church from which he had, for a year and a half, entirely withdrawn himself, in worship, in communion, and in sympathy! For such extraordinary and flagrant proceedings, we hold our brethren of this Council responsible to the community, to our Churches, and to CHRIST!

§ *The nature of a Congregational Covenant, and the question of the Right of a Majority to Dissolve a Church, considered.*

After disposing of the case of Mr. Goss, the Council proceed in their Result, to consider "the questions at issue," in regard to the Howard Street minority. "In entering upon the discharge of this duty," they say :

We cannot but be deeply affected with the importance of the principles involved. We are well assured that a case similar to the one in question has rarely, if ever, occurred in the history of our Churches. The principles on which it was attempted to dissolve the Howard Street Church, and by which that act is defended, are not only novel, but in our judgment would, if carried out, effect an entire revolution in our Churches as it regards the import and sacredness of the covenants by which they are bound together ; and furnish a new instrument of destruction, to be used in every case of difficulty and division in a Church. Great, therefore, as is the respect and affection with which we regard the brethren who have introduced and are attempting to defend these new doctrines in our Churches, we feel constrained to do all in our power to subject them to a thorough scrutiny, and to call on our Churches decidedly to reject them, as at war with the fundamental principles of our system, and the obvious dictates of truth and righteousness.

And inasmuch as the Tabernacle Church has seen fit to appeal to "the fundamental principles, and accredited usages" of our Churches, and the Essex South Conference has intimated that "precedents" sustain their decision, we shall commence our investigations by the inquiry, what these "fundamental principles and accredited usages" and "precedents" are, in the present case ?

After such a statement, it would certainly have been expected, that the Council would have made some quotations from the founders of our system, which would be seen at once to relate to the subject before us, in a distinct, definite, unequivocal, and irresistible application. Seriously, we could not imagine what it was, that had been so unaccountably overlooked, by many beside ourselves, both older and younger, and by some too, whose reputation for sound learning and ripe scholarship, as well as acute discrimination and practical good sense, would not suffer by comparison with that of any member of the late Council. And since it is a matter of fact, that a considerable number of Churches have been dissolved,—not always by unanimous desire, but quite as often by vote of the major part only, both in deed and in form,—we had no small curiosity to see what the Council had discovered or had previously known, which makes such a dissolution an absolute anomaly, and an intolerable outrage.

It was, then, with perfect astonishment, that we read the pages [12—17] of the Result, in which the Council have professed to give us their synopsis or summary of the "fundamental principles of our system," according to the witness of the fathers, "relative to the covenant, by which believers in our Churches are bound to God, and to each other." If we should now take out every passage, which has been cited, and should separate it entirely from the unqualified assertions and assumed inferences of the authors of the Result, it would be seen, that there is not a syllable of a sentiment, which is not found

in the usual forms of our most recent Congregational covenants, or in the most familiar articles of church administration, as exhibited, for example, in the well known Ratio Disciplinae of 1829. In truth and soberness, this grave attempt, therefore, with such elaboration and complication of remark upon a few simple sentences, to explain the import and obligations of a church covenant,—was no more expected by us, than would have been a very solemn series of references, with exhortations annexed, to one or more of the earliest copies of the Shorter Catechism of the Westminster Assembly, and some four or five folio “Expositions” of the same, like that of Flavel,—with an allusion, perhaps, to a new edition of the New England Primer,—in order to teach the General Association of Massachusetts, “What is the chief end of man?”

It would have been just as much in point, as regards the main questions at issue, if the Council had quoted any six forms of Congregational covenant in our most recent Orthodox Churches of New England, or any other forms out of New England, even as far off as the missionary Churches of the Sandwich Islands. There is not one of the early covenants as quoted, or as in any way *explained by the fathers themselves*, which at all intimates that a particular Church has no power, right, or authority, to change its covenant, to adopt a new covenant, or to dissolve the very essence of its own particular organization and distinctive identity or individuality. What the *Council* say of the fathers, is one thing, and a very different thing from what *the fathers have said themselves*.

“Churches,” the *Council* say, “were with the fathers no mere voluntary associations for mutual religious improvement, which those who formed might dissolve at pleasure, and replace by what they deemed better, or by none at all, as they saw fit,” (p. 16.) And are “Churches” so esteemed by any of the Essex South Conference? Produce the testimony! Caricature is here out of place.

But did not the fathers consider “Churches” to be “*voluntary associations*”? And where has any one of them ever said, that these could not, at any time, or for any reason, be dissolved, by the vote of a regular majority? If there is any record of this sort, why have not the Council brought it forth to us? We shall not be content with the asseverations of the Council, as if the very testimony of the fathers in their own person. And when we are told, as in the name of the fathers, “that the covenant with man is included in the covenant with God;” or that they who “covenanted with God to do all his known will, whether it was expressly stated or not, covenanted to come into church-estate with their brethren, and to remain in it,”—we think that the Council had forgotten, that the chief fathers had all been of the Church of England, which denies the whole doctrinal basis, and, of course, the whole superstructure of our Congregationalism.

Could the formers of the First Church in Salem have had any idea of becoming *Congregationalists*, when, in the father-land, they first entered into a personal covenant with God? And if they had continued to be Episcopalians, or members of the old established Church, would they have lived in violation of that personal covenant? Yet if the words of the Result are to be considered a just expression of the views of the fathers, *every one of the fathers was bound by his origi-*

nal covenant with God, to become a CONGREGATIONALIST! And all other true believers have been, or are, under the same obligation. Because, "coming into a church-state is an essential part of the obligation assumed" by those who "give themselves up to God; so that the covenant with Him is a covenant to enter into, and to remain in a visible particular Church, by a covenant with them," "whether it was expressly stated or not!"

We do not object in the least to the doctrine, that a personal covenant with God binds the believer to the duty of obeying all the known will of God. But Congregationalists as we claim to be, *ex animo*, we have never before heard, that our Congregational church covenant is really included in our personal covenant to be the Lord's. We certainly have been accustomed to suppose, that believers may be Episcopalians, or Presbyterians, for example, without any violation of "the obligation assumed in giving themselves up to God." Yet we have been in error, if the Council are right in their fundamental position. Thousands and hundreds of thousands of real Christians, as we must believe, are partakers of the ordinances and "the seals of grace," yet are not, in any *Congregational sense*, members of "A PARTICULAR VISIBLE CHURCH."

It is a very easy matter, in laying down premises, to assume far too much, and in drawing inferences, to prove far too much. We have other strictures to make upon the representation of our brethren of the Council, in respect to the connection between our Congregational covenants and the personal covenant with God. And we shall show, as we think somewhat conclusively, that, even admitting the general statements of the Council, their inferences in particular do not follow from their premises, as surely as they have supposed.

The Council, or some of them, it seems to us, have been at great labor, in preparing so successfully to place the fathers before us in a false position. They have not given us the true state of the ecclesiastical controversy, which was so zealously maintained, in the period when our Congregational system was commenced. Quite too freely have they drawn upon their own imagination; although it must be confessed that they have made an imposing display of names and authorities. And it must have been an effort, as we presume, to work themselves up so high as to exclaim: "Such were the views of the fathers on this most momentous theme." See Appendix.

We owe, as we conceive, a duty to the fathers, in giving them an opportunity to speak for themselves, as they have not been allowed to speak by this Council. And it may then be seen, how far the Council were warranted to represent them, as in the Result before us. And the reader will be better able to judge, whether we deserve to be called "*radical reformers*," or are obnoxious to the charge of inventing "a new instrument of destruction, to be used in every case of difficulty and division in a church."—pp. 12, 16.

Our Congregational Churches may be said to have originated in the organization of the Church of Robinson, in the North of England, in 1602. "Several religious people," says Gov. Bradford, * * * * "as the Lord's free people, joined themselves by covenant into a church-state, to walk in all his ways, according to their best endeavors, whatever it cost them!" When the Pilgrims of Plymouth were about

embarking for America, there was this agreement; "THOSE WHO GO FIRST, TO BE AN ABSOLUTE CHURCH OF THEMSELVES, AS WELL AS THOSE WHO STAY; with this proviso, that as any go over or return, they shall be reputed as members, without farther dismissal or testimonial."

The Church of Plymouth, therefore, was constituted in Holland. And upon the simple basis, or according to the model of that brief and beautiful covenant,—"*as the Lord's people, to walk in all his ways, according to their best endeavors, whatever it cost them,*"—our Congregational Churches have all been gathered and sustained, under the gracious care of our covenant God. Whenever a true Orthodox Congregational Church is now formed, it must consist of such persons only, as have made an open profession of their faith in Christ, and entered into a solemn covenant with God and one another, to walk together in a church-state, obeying the precepts and observing the ordinances of the Gospel.

Very early in the 17th century, the Brownists, or *Independents*, gave occasion to much ecclesiastical strife. And a fierce controversy it was, which raged for some years before the time of the settlement of New England. After the Massachusetts colony at Salem had been established, and the Churches in Boston, Dorchester, and other towns had attracted much attention in England, very serious difficulties arose, in consequence of the unwillingness of the pastors and members of these Churches, to receive or acknowledge as communicants with full privileges, those who had no other claims than the ordinary recognition of church-standing in the establishment. The ministers, also, who had been ordained at home, were ordained here; and persons who had been considered Christians in every proper sense, had now taken upon themselves the obligations of a special covenant of church-membership.

There was much trouble and perplexity in the minds of brethren in England, with whom as members of the established Church, our New England fathers had been united in Christian sympathy and purposes. It seemed to them, as if the action of the brethren here implied, that the brethren there were not really members of Christ's visible Church; and that the requisitions adopted in our early Churches were both unreasonable and unscriptural. Hence, among other manifestations of their views and feelings, some of them sent over a list of "Thirty-two Questions;"—answers to which were written in 1639, by the celebrated Richard Mather, the same who wrote the "Answers"* to the "Nine Positions," which last were of small consequence, in comparison with the first.

Take these as examples of the "Thirty-two Questions."

1. Whether the greatest part of the English there (by estimate) be not as yet unadmitted to any Congregation [Church] among you, and the reasons thereof?

2. What things do you hold to be essentially and absolutely necessary to the being of a true visible Church of Christ?

3. Whether do you not hold all visible believers to be within the visible Church, as members thereof, and not without in the Apostle's sense, 1 Cor. v.,

* Not "written," as the Council say, "in all probability by the celebrated John Cotton."


and, therefore ought so to be acknowledged and accepted in all Congregations [Chs.] wheresoever they shall come, and are so known; and ought, (if they desire and be not otherwise unfit) of right to be permitted to participate in all God's ordinances, and church priviledges there, so farre as they personally concern themselves, although they be not as yet fixed members in particular covenant, either with that Congregation [Church] where for the present they reside nor with any other?


4. Whether you do not hold, that Baptism rightly (for substance) partaked, doth make them that are so baptized, members of the visible Church; and so to have a right (at least quoad nos) to all the priviledges thereof (so far as they are otherwise fit) untill they be cast out (if they so deserve) by excommunication?

5. Whether do you require of all persons of age, whom you admit members of any Church,—

(1.) A publike vocall declaration of the manner and soundness of their conversion.

(2.) A publike profession of their faith concerning the Articles of Religion.

(3.) An express verbal covenanting to walk with  the said Church in particular, in Christian fellowship.

 (4.) And not to depart from the said Church afterward, without the consent thereof; or how do you hold and practice in these things?

9. Whether do you hold all, or the most of our parish assemblies in Old England, to be true visible Churches of Christ, with which you may lawfully joyne in every part of God's true worship (if occasion served thereto); or if not all or the most, then what ones are those which you so account, and with which you durst so partake or joyne; and in what respects?

12. Whether do you hold, that every Believer is also bound to joyne himself as a fixed member to some one particular Congregation, so if he does not, and so often and so long as he doth it not, so often and so long he is without the Church in the Apostle's sense, (1 Cor. v.) as a Heathen or a Publican, out of the kingdom of Christ and possibility of salvation, according to that maxim in divinity, *Extra ecclesiam non est salus*?

17. Do the major part of a Church always carry a vote?

These questions at once present the leading points, upon which the evangelical members of the Church of England, as well as others, asked for light. And most needless it would be to multiply authorities in proof, that the chief or cardinal objection urged against the system of our fathers was, that, *by requiring assent to a special covenant of church-membership, they excluded all others from the rights and priviledges of believers.* This, in various modes of statement, was the essence of the whole difficulty, so far as appears, in the minds of such men as Rev. W. Rathband, of London, and numerous godly ministers, who believed the "Church of England a true Church of Christ."

Our readers may like to know in what manner these questions were treated. In answer to the Second Question, it was said:

When a visible Church is to be erected, planted, or constituted, by the appointment of Christ, it is necessary that the matter of it, in regard of quality, should be saints by calling, visible Christians and believers, 1 Cor. i. 2, Eph. i. 1. And in respect of quantity no more in number in the days of the New Testament, but so many as may meet in one Congregation, 1 Cor. xi. 20, xiv. 23, &c. &c. And the form, a gathering together of these visible Christians, a combining and uniting of them into one body, by the bond of a holy covenant, for which we refer you to the Apologie

of the Churches in New England sent the last year, in answer to Mr. Bernard, &c.

In answer to the Third Question, it was insisted that believers ought to be united with some particular Congregation, i. e. Church.

As to the Fourth Question, it was said that, "by reason of the infancy of the Churches," the occasion had not come to determine, whether baptized children should be admitted to full privileges, &c.*

In regard to the fourth specification under Question Eighth, reference is simply made to "the answer to the Sixth Position sent the last year."

Upon the Seventeenth Question, the answer was, that

Church matters are not to be determined merely by multitude or plurality, but by rule from the word of Christ, whose will, (and not the will of the major or the minor part of members,) is the only rule and law for the Churches. Jam. iv. 12, &c. &c. For our practice among us, the major part of the Church, yea, usually the whole Church, doth consent and agree in one mind, and one judgment, and so gives a joint unanimous vote; and the rule requires it should be so. Rom. xv. 6. And the example of the Primitive Apostolic Church, when things were carried (not merely by the major or the minor part, the rest dissenting but) with one accord. Acts i. 14. &c.

If it appear that they who dissent from the major part are factiously or partially carried, the rest labor to convince them of their error by the rule [the word of Christ]; if they yield, the consent of all comfortably concurrith in the matter; ☞ if they still continue obstinate, they are admonished, and so standing under censure, their vote is nullified!!

It is further stated, that, if the dissenting members continue in "obstinate opposition," means are employed to convince them of their error, other Churches may be consulted, &c. &c.

The reader will mark the exceeding adroitness of this answer to Question Seventeenth. *Unanimity must be secured, even if an opposing minority should be placed under discipline, and thus disqualified to vote!* It is unnecessary to say, that this experiment of unanimity in voting was soon abandoned, in those few Churches where it was tried. And as the writer of these "Answers" was the principal architect in framing the "Platform of 1648," it is easy to account for the *Veto* power which is there given to the Eldership. It is singular that the fathers should not have considered the passage, 2 Cor. ii. 6. "Sufficient to such a man is this punishment, which was inflicted of many." "Many" means *the majority*.

The fathers maintained, that such a covenant as they usually adopted and required, was according to the Scriptures and the will of God in the constitution of Christian Churches. But we have seen no evidence that they would say with the Council, (Result, p. 15,) that "*the covenant with man is included in the covenant with God.*" They insisted upon the propriety and expediency of a formal bond of union, by agreement of individuals to walk together, in the ways and ordinances of the gospel. Thus the Rev. Thomas Hooker, of Hartford, in his "Survey of the Summe of Church Discipline," says:

* We need only here allude to the Half-way Covenant, adopted by many Churches, in 1662.

If you take the covenant of the Gospel, in so full abreadth, as that it should include whatever is warranted by the Gospel, then, this Church covenant may be said to be included in it. ¶ But if it be taken in the narrowest acceptation (Believe and live) Then it is not the Covenant of the Gospel. For that is inward and invisible in its own nature, betwixt God and the soul only: But this is visible betwixt those who do professe the Faith. That concerns all, and at all times, to do the duties of it, i. e. to believe and live. But this concerns only those who are in this church-estate. ¶ So that in case the Churches are dissolved, and through persecution scattered, they are not then bound to the duties of this confederacy. ¶

It is then an ordinance of the Gospel, and warranted by the Gospel, but it is not in propriety of speech the Covenant of the Gospel.

And this also is here considerable, that we may discern things that differ: The making of the confederation belongs to the Gospel, but being made, it hath also a confirmation from the Law. As the appointing of Baptisme and Eucharist belongs to the Gospel, are ordinances thereof, but being instituted, they stand by vertue of the Second Commandment, and must be observed by vertue thereof. A man may be within the covenant of the moral law, ¶ and yet not be bound to the duties of a husband, unlesse he make a particular covenant with such a woman to be her husband.

And hence there is a broad difference betwixt duties and duties, as the difference is large in the respects upon which they do arise. Many duties flow from the generall and necessary duties of morality, which reach a man as a creature, with reference to God as a Creatour, or else to his fellow-creatures. And hence this relation from a rule of nature, it hath nothing to do with a free covenant, that must come between the persons and their duties. But in that they are creatures they must do homage to their Creatour, and duty to their fellow-creatures: if a neighbour, preserve their honours, lives, goods, good names, yea, be mercifull to their beasts, because such a creature. ¶ But there must intervene a new covenant betwixt parties and parties by mutual and free consent, before they either should or can take up another sort of duties. People must by mutual consent grow up into engagement one with another into a corporation, before they should do the duties of a corporation. A servant must covenant with his Master, before he need or ought to serve him as a Master.

And here these two things are apparently distinct. To Swear to do the duties of a servant, when he is one, doth not make him to be a servant. The like to this, we may say touching the choosing of Pastors, Teachers, Elders, Deacons, these are the Ordinances of the Gospel, and there is a peculiar covenant betwixt those that choose, and those that are chosen, which is not the Covenant of the Gospel in precise consideration.

The substance of this was in the time of the Law, and that covenanting among them issued, as it seems, from the Gospel. They were a called and select people unto God, Amos iii. You only have I known, of all the nations of the world, and therefore received into visible covenant, to walk in the waies of God, and the truth of his worship: and God ingaged himself, that he would bless those priviledges, and the use of them, to their good, and the good of their children, reserving secret things to himself.*

The author then proceeds to consider the first argument of his opponents—against such a view of the Covenant of our Churches,—viz. “All will-worship laying a bond upon the Conscience, where God laid none, is damnable.—But to tye men to enter into Church-estate by Covenant, so that without such an oath or Covenant, persons should have no right to the Seals of God’s grace, is will-worship, and binding where God hath not bound.”

* In quoting the above, the emphatic parts are given, as marked by the author.

The Council have told us, that "In Hooker's Survey, the whole of the seventh chapter of Part I. is devoted to answering the arguments against their views [i. e. the views of the fathers] of the church covenant, alleged by Rutherford and various others." (p. 15.) We have made the preceding extracts from the first part of this same chapter. The reader may judge for himself what was the object of "Hooker"; and whether he believed, as the Result would have led us to suppose, viz., "*That the covenant with man is included in the covenant with God.*"

It certainly would seem to be very plain, that other questions were in controversy, than such as have been occasioned by the act of the Howard Street Church, May 4th, 1847, and by the consequent proceedings of the Essex South Conference. The Council have either entirely mistaken, or else they have perverted the witness of the fathers, in respect to the relation of the covenant with man to the covenant with God. The covenant with man has the solemn sanction of a pledge "in the presence of God"; but like the covenant of marriage has its implied conditions. It is not death alone that dissolves the latter; neither may it be possible for either party to fulfill its provisions, according to *the letter* of their promise, or the original purpose and expectation.

It is not from an expressed or implied recognition of the duty, *at the time of personal covenant with God*, that an individual afterwards becomes a member of a particular Church. Persons become Christians, or enter into covenant with God—on land and on sea—in all kinds of social and religious connections. In such a personal covenant, as that found, for example, in "Doddridge's Rise and Progress of Religion in the Soul," there is no mention of church-membership. So in real practice generally. Must not our brethren have forgotten, that there are other Churches in the world, and not all "particular Churches," beside those to which we belong, and for which we labor? Thousands of communicants have no such idea of a church-organization, as that which we prefer, and which we love to consider, as not only agreeable to the word of Christ, but most conducive to the advancement of his kingdom.

The fathers, being obliged to defend the propriety of adopting such covenants as theirs, against objections from divers sources, governed themselves accordingly. Against the objection, for example, that those taking such a covenant might be already in the Church, in the sense of the Apostles, and therefore such a covenant was unnecessary, —they urged a very important distinction between a covenant with God and a covenant with one another. But against the objection, that such a covenant was of the nature of "will-worship," and that there was no authority to compel any one to bind himself by it, that he might "have a right to the Seals of God's grace,"—they urged the general obligations of all in covenant with God, in respect to mutual care and watchfulness; and repelled entirely the imputation of "will-worship."

In the "Apologie of the Churches of New England," &c., to which Mather refers in the "Answer to Question Second,"—(published in 1643, the same year with the "Answers," &c.)—a church-covenant is thus described:

A solemn and public promise before the Lord, which a company of Christians, called by the purpose and mercy of God to fellowship with Christ, and by his providence to live together, and by his grace to cleave together in the unities of the faith and brotherly love; and desiring to partake together of all the holy ordinances of God, doe in confidence of their gracious acceptance in Christ, bind themselves to the Lord and one to another, to walk together by the assistance of his Spirit, in all such wayes of holy worship in him, and of edification one towards another, as the Gospel of Christ requireth of every Christian Church, and the members thereof.

They bind not themselves to observe any devices of their own, nor inventions of men, but such things as the word of God requireth; neither is it perfect obedience to the Law, for that were impossible to perform, and presumption to promise; nor is it only in general the duties of the Gospel, but specially such duties of worship to God and edification of one another, as concerne church-state, which now they enter into.

Cotton Mather, in his "Ratio Disciplinae," &c., gives us the form of a church-covenant,—from which, it may be remarked, that of the Tabernacle Church appears to have been taken.

The church-covenant thus used in the Churches of New England, is by intelligent and considerate persons looked upon as no other than *the covenant of grace*, more particularly applied unto the duties and concerns of *particular Churches*. *Particular Churches* are in their apprehension an *Institution* of our Lord Redeemer; and there are *particular duties* which the members of these Churches owe unto their elders and unto one another. The church-covenant is but an acknowledgement of the obligations to these duties lying on the members of the Churches, &c. (p. 10.)

Why could not the Council have given us some of these explicit statements of the fathers? Did they not dare to trust the fathers, in uttering their real sentiments?

Our more recent "Ratio Disciplinae," that of 1829,—has well exhibited the common and the true idea of our church-covenants.


The subjects of them ought first, relying on the blood of Christ, sincerely to surrender themselves in all things to God, and then to the brotherhood; and this, it is believed, is the form, which has generally been assumed by the covenants of particular Congregational Churches. That is; they are usually made up of two parts; the first being a mutual promise to give themselves up to God, and the second to each other. And although we may conceive of a Church united together by an implied or unwritten covenant merely, it is deemed altogether desirable and preferable, that it should be express and recorded. (pp. 59, 60.)

Such have been the views of our evangelical pastors and Congregational church-members generally, from the very first. Their covenant, as church-members, relates to the Great Head of the Church, and to those with whom they engage to walk in his service and to his glory. And there is no pledge whatever, which prohibits them from acting, in appropriate circumstances, to modify the terms of their covenant, to make a new covenant, or to dissolve the organization itself to which they have been bound. The covenant, so far as pertains to a particular organization, is *conditional*; and it may as truly be said, that no one, who adheres to his covenant, can ever remove his relation to another Church, as that a Church by its majority can never disband.

In 1662, the most of those who framed the Platform of 1648, procured a change of the covenants of their Churches to what was called the Half-way Covenant. Even Richard Mather argued strenuously for this change, and was chosen to reply to the powerful objections of Davenport; and the "matchless Mitchell" of Cambridge was brought out for the overthrow of Increase Mather, who, for a time, did not agree with his father, as to the "*Synodical Propositions.*"* Are we to be told, that such men entertained views of the obligations of a Congregational covenant, which are radically and irreconcilably opposed to the advice of the Mutual Council to the Howard Street Church, in April, 1847; or to the action of that Church, in May following? The right to change a church-covenant certainly implies all the right, for which we contend, in regard to a change or a dissolution of a particular Church.

The fathers have said nothing,—so far as we have ever seen or heard,—which, in the least degree, contravenes the doctrine, which we ourselves hold in regard to the right of a Church, to dissolve its particular organization. And that they did not hold any such doctrine as the Council have ascribed to them, is conclusively evinced by the action of several of the early Churches, in respect to *their own* particular organization. The Church of Mr. Hooker himself, removed, by vote of a majority, from Newton, to Hartford; and those who were left behind *were not recognized as the Church*, but were gathered into a new organization, by Mr. Shepard, of Cambridge. So was it with the Church in Dorchester, which removed to Windsor in Connecticut. The individuals left behind *were not the Church*; for the majority had carried the Church with them, when they removed. And the Church in Plymouth, also, voted, at one time, by its majority only, to remove to Eastham; but afterwards the enterprise was abandoned. If the enterprise had been prosecuted, the majority, and not the contesting minority, it was well understood, would have been the Church.†

Now, what fearful consequences have the Council depicted, in their condemnation of the Howard Street majority and those who have sustained them, which were not also liable to result from such proceedings as those, by the acts of the majority in the Churches of Newton and Dorchester? When Mr. Shepard and Mr. Mather saw all "bonds sundered," "all ties cut," and each member who was left "*floating as a solitary atom on the surface of the ocean of this cold world,*"—was it not very kind to "PICK THEM UP"? (Result, p. 22.)

We find another case, in 1639, of which Winthrop has spoken, in his "Journal." It was that of the Church in Weathersfield, Conn. "Of the seven which were the Church, four fell off,  so as it was conceived that thereby the Church was dissolved, which occasioned

* The fifth of these was, that "church-members who were admitted in minority, understanding the Doctrine of Faith, and Publicly Professing their Assent thereto, not scandalous in Life, and Solemnly owning the Covenant before the Church, wherein they give up themselves to the Government of Christ in the Church, their children are to be baptized."—[See "Remarkables of Dr. I. Mather."]

† See references, Spirit of the Pilgrims, Vol. i. pp. 135, 6,—with an article of great value on the general subject of the Rights of Churches. It was prepared by Dr. Pond, assisted by the elder Dr. Beecher, and Hon. Samuel Hubbard. In several important particulars, the argument there is against the late Council. See also Biblical Repository, Vol. v. p. 383.

the Church of Watertown here (which had divers of her members there not yet dismissed) to send two of their Church to look after their members, and take order with them. But the contention and alienation of minds was such, as they could not bring them to any other accord than this, that the one party must remove to some other place, which they both consented to; but still the difficulty remained, for those three who pretended themselves to be the Church, pleaded that privilege for their stay, and the others alleged their multitude, &c., so as neither would give place, whereby it seemed, that either they minded not the example of Abraham's offer to Lot, or else they wanted Abraham's spirit of peace and love. This controversy having called in Mr. Davenport and others of Quiniapiak [New Haven] for mediation, and they not according with those of Connecticut [the ancient colony] about the case, gave advantage to Satan to strew some seeds of contention between those plantations also; but being godly and wise men on both parts, things were easily reconciled."*

We learn from Trumbull's History of Connecticut, that ultimately a part of the leading men of the town, including some of the contending church-members, removed to New Haven. Most evidently, Gov. Winthrop recognized *the four*, who were the majority, as being the Church proper,—although they had broken away from the *three*, "*who pretended themselves to be the Church, pleading that privilege for their stay.*" So also did the eminent Rev. William Hubbard, of Ipswich; as we infer from his inserting the extract from Winthrop's Journal, in his "General History of New England," as if his own personal narrative. (Chap. xli.)

Such facts as these will show, whether, for good and sufficient reasons, the majority of a Church might not essentially change its organization, or dissolve itself, in the days of the men, who adopted the first covenants ever known in New England. And certainly, this could have been done, if the majorities should proceed to "admonish" and suspend the minority, and thus "*nullify their vote;*"—according to what we have already cited from Richard Mather's Answer to the 17th of the "Thirty-two Questions."

In an age when our modern system of Congregationalism was in its childhood, would Mather and the rest of the fathers have denied the right of a particular Church, to disband, especially under advice of a Synod or Council, when it was a great question and in earnest debate between them and brethren in England, and "mighty in the Scriptures," *whether any such organizations as particular Churches like theirs, should ever be formed at all?* Our judgment is, that a Howard Street question would have been put to rest, in a very brief hour, in the town of Salem, on the 4th of May, 1647. A contesting minority would have found themselves in the possession of the magistrates, much sooner than they could have laid their hands upon the church-plate, and have gained the forcible occupancy of a house of worship, in which they did not own a fifth part as proprietors.

In the year 1634, there was a difficulty in Lynn, which brought together what in these days we call a Council.

Divers of the brethren, not liking the proceedings of the pastor, and

* Winthrop's Journal, Mo. 5, 1639.

withal questioning whether they were a Church or not, did separate from church-communion. * * * * Both parties, after much debate, being heard, it was determined that they were a true Church, though not constituted in due order, yet after consent and practice of church-estate had supplied that defect, and so all were reconciled at that time." * * *

In the latter part of the year 1635, Mr. Bachelor, the pastor of the Church

Was complained of to the magistrates, and convened before them on this occasion. He came out of England with a small body of six or seven persons, who settled with him at Lynn, where he received many of the inhabitants of the place into his Church, or at least, they had with the rest received him as their pastor; but contentions growing between him and the greatest part of his Church, he desired dismission for himself and his first members, which being granted upon supposition that he would leave the town, as he had given out he would, he, with the six or seven persons, renewed their old covenant, intending to raise another Church in the place; whereat the most and chief of the town being offended, (for that it would cross their intentions of calling another minister) *complained to the magistrates*, who, foreseeing the distraction which was likely to come by this course, *had forbid him to proceed in any such church-way*, until the cause were considered by the other ministers. *But he refused to desist*, whereupon they sent for him, and upon his delay, day after day, *the marshall was sent to fetch him*. *Upon his appearance and submission, and promise to remove out of the town within three months, he was discharged*.

The next year, there was a movement in Lynn, upon which Hubbard makes an instructive remark.

They of Lynn gathered another Church. There was some difficulty in settling them in church-order anew, in regard they had many of them formerly belonged to another Church in Mr. Bachelor's time. According to the usual observation, that many times it is more easy to raise a new building than repair an old one, especially when the persons concerned either want experience or skill in the kind of architecture, as was said to be the case there.*

Had not Mr. Bachelor's Church been *dissolved*;—or was it not so considered?

And here we are reminded, that the Cambridge Platform, beside allusion to the liability of Churches to be dissolved, very clearly implies, that the magistrates might have occasion, in some circumstances, to use their peculiar authority in dissolving a Church. "If any Church, one or more, shall grow schismatical, rending itself from the communion of other Churches, or shall walk incorrigibly and obstinately in any corrupt way of their own, contrary to the rule of the Word; in such case the magistrate [Josh. xxii.] is to put forth his coercive power as the matter shall require."—Chap. xvii. 9.

The Platform, it should be borne in mind, is "*a Platform of Discipline*." Its rules apply to Churches while in actual existence, and are designed to promote their order, peace, and useful preservation. Like the Constitution of the United States, which does not anticipate a dissolution of the Union, the Platform does not prescribe the mode of dissolving the organization of any particular Church, which

* Hubbard's History, &c. Ch. xxviii.

has been formed upon the basis of a Congregational covenant. Yet as the people of the United States have the original right to change their form of government, so have members of our Churches the right to change or to dissolve their own organization, whenever they see fit to act by their regular majorities. We find nothing in the ecclesiastical history of the earliest times of New England, which militates, in the smallest measure, against this doctrine.

From these general statements and considerations, we now pass to a more particular examination of the argument of the Council, against the action of the Howard Street majority,—May 4th, 1847.

Among other quotations in the Result, is the following from the Platform.

This form is the visible covenant or agreement or consent whereby they give up themselves unto the Lord, to the observing of the ordinances of Christ together in the same Society, which is usually called the Church Covenant. For we see not otherwise how members can have church-power over one another mutually.

In examining the Congregational usages and principles with respect to the transfer of covenant relations from one particular Church to another, the Council state that there are only three ways by which a person's connection with a particular Church can be dissolved. 1. By dismission on the condition that the relation with the Church which they propose to leave, shall not cease until they shall have been received by the one to which they are recommended. 2. By death. 3. By excommunication.

There is another way which those who make pretensions to a superior acquaintance with our church-system should not have omitted—the withdrawal of a member from a Church which has become corrupt and scandalous.

The above three modes of ceasing to be members of a particular Church, are supposed to be the only ones recognized and allowed by Congregational principles. Every other way is precluded as a violation of the covenant, and the established rules of our ecclesiastical polity. "These then are the only modes of leaving the Church; and till it is thus left, all who are in it are bound not only to God to remain in covenant with each other, but also to each other by the mutual vows which they have assumed."

The Council rest their position on two grounds. First, that it of necessity flows from the preceding views of the covenant. Secondly, it is in universal accordance with the fundamental principles and accredited usages of our system.

In respect to the first point, we inquire how it appears that the covenant admits of no other mode of leaving the Church. The formers of Congregationalism have established what rules in reference to this subject they deemed just and scriptural. But that the covenant by which Churches are united, independently of the regulations adopted,

restrict separation from these organizations to these particular forms is not so obvious, as not to require more than the declaration of the Council to support it, and they have given us nothing beside. It is worthy of remark, how strongly they assert, that three modes only of leaving the Church are admissible from the nature of the covenant; when that very Platform upon which they place so much reliance, expressly provides a fourth, and, for aught that appears, the Synod of 1648 might have decreed still another, without any inconsistency with the obligations of the compact. (See Appendix.) Now, to what does this obligation bind the members of the Church? "To the giving themselves up unto the Lord, to the observing of the ordinances of Christ together in the same Society." After quoting this and something additional from the Platform, the Council say,—“Here we see that coming into a church-state is an essential part of the obligation assumed in giving themselves up to God, so that the covenant with Him is a covenant to enter into and remain in a visible Church, by a covenant with them.”

The covenant is certainly not an obligation to remain, unconditionally and perpetually connected with a particular Church, into which a person may be admitted. The obligation which a person assumes to the Church of which he becomes a member, is, to remain with it, until the connection shall be dissolved in some of the modes of separation provided. This does not bind him with reference to any other Church whatsoever. We do not understand the Council to maintain any such idea. But if we do not misapprehend them, their view is, that, as when a person enters into a church-state, he covenants to do all the known will of God; and, as it is one part of the will of God, that all those who have truly received the Gospel should be united in church-fellowship, therefore the covenant binds to uninterrupted membership in some organization or other. Now we maintain, that when a person obligates himself to be connected with some Christian Church on the ground of its being a part of the will of God, the obligation must be interpreted with reasonable latitude.

The private consecration which every true believer makes of himself to God, binds him to perform all the known will of God, just as really as the public dedication. The covenant which he makes in secret is just as imperative and incapable of suspension, as that which he makes when he enters the Church. But must he form the relation immediately on completing this private transaction? This, of course, the Council would say in many cases is impracticable, and therefore not obligatory. But sometimes it would be practicable within a short period, when it would be attended with much personal sacrifice, or so interfere with other duties as plainly not to be a duty for a considerable time. Then it would appear that the obligation to enter into church-fellowship, as deduced from the covenant made with God in a private manner, admits of temporary suspension in some cases. Suppose a person afflicted with ill health is advised, by medical authority, to try the benefit of a voyage to sea. He embarks on board a vessel bound to a distant land. He proceeds but a little way on the voyage, becomes penitent, makes a formal consecration of himself to God, and binds himself to perform all his known will, one part of which is that he should become a member of a Christian Church. A vessel is met

with, in which he has an opportunity to return, and place himself in a situation to perform the duty, much sooner than he could by continuing his voyage. Suppose it doubtful whether he lives to be restored to his native land, especially if he continues the voyage, and that if he does not embrace such opportunity, he may never be in a situation to unite with the Church. What must he do? He greatly needs the watch and care of Christian brethren. He has solemnly covenanted with God to place himself in church-relation, and his only apparent chance for life depends on prosecuting the voyage. If he has such rigorous notions of the nature of his covenant as the Council seem to have, he must return as speedily as possible, and offer himself for admission to some Church, and expose himself to all the hazardous consequences. The execution of his vows does not admit of any delay that can possibly be avoided. But if he remembers and properly applies the inspired declaration—"I will have mercy and not sacrifice,"—he will pursue his original purpose. The occurrence to his mind of the averments of one of the sacred authors, that a righteous man sweareth to his own hurt and changeth not, will not deter him; because, if he is a reasonable man, he knows that it must be subject to many limitations. No one supposes that if a man swears ever so solemnly to commit suicide, the oath would be binding, because it is swearing to inflict an injury on himself which he has no right to commit.

Suppose a person to be residing in a city with which he has, as yet, formed but slight acquaintance. He embraces a religious life. He devotes himself to God, as many have done, in a written formal covenant, transcribed from some church-covenant with which he is acquainted. He sees it clearly to be his duty to make a public profession in the Congregational way. He obligates himself specifically to do so, but wishes, as he ought to do, to unite himself with that Church in which his spiritual interests will be best promoted. Opportunities are presented to him to connect himself with some organization; but he is not yet able to decide where his duty requires him to attach himself, and the opportunity passes away unimproved. Is there any wrong, any violation of his covenant, in delaying until he has ascertained what arrangement will best secure his spiritual edification? He may be too fastidious, and the delay may be unreasonably protracted. But some delay is, we think, most plainly admissible. And there can be no doubt that all persons, except those whom some transcendental theory drives to an extreme position, will unite with us in opinion. Now if a person, who has made a secret covenant with God to unite in church-fellowship with his people, may suspend the fulfillment of his promise for reasons connected with his personal advantage, he may suspend the execution of his stipulations when made audibly and publicly. The form in which his covenant is made does not affect the *nature*, though it may the *extent* of the obligations.

But we may go a step further. Let us imagine an individual about to be united with a Christian Church, and having proceeded as far in the provisions of the covenant, as to "choose the Lord to be his God, to walk in his ways, keep his commandments and to hearken unto his voice,"—should be suddenly taken ill, or hear some tidings respecting a change in the state of his family that called for his presence and assistance. Must he at all events proceed, neglecting to care for

himself or send aid to his family in circumstances of great exposure and peril; because, as he has covenanted to obey all God's commands in a public manner, and it is now practicable for him to enter immediately into church-fellowship, he cannot be released from proceeding to form the connection, at the risk of some very serious consequences? And yet, with the high and mystical notions which the Council entertain of this covenant, we do not see how it is consistent, for a person in such circumstances, to suffer any interruption in the transaction.

Let us make another supposition. A small Church is, in the course of a few days, swept away by an epidemic, with the exception of one individual. His covenant with his brethren is dissolved by the act of divine Providence. It is doubtless his duty to seek a membership in some surviving Church as soon as he can consistently. But if his own health is suffering, if his family require his constant attention for their relief and comfort, if his secular affairs are much embarrassed and pressing, it is left to his reasonable and Christian discretion, to determine the time, when he shall take measures to place himself in new church-relations. Though he is not accountable for the cessation of his covenant connections, he is responsible for the continuance of this cessation, beyond the time within which it is possible for him to reinstate himself in ecclesiastical fellowship. But nevertheless, prudential reasons—reasons connected with the convenience and comfort of himself and those dependent on him—may be sufficient to render him excusable for remaining in an uncovenanted state for a period of considerable length. Any other considerations of equal validity would of course be just as suitable grounds of justification.

The notion that when a person has made a covenant with God to conform to his will and ordinances, therefore the connection with some visible Church admits of no delay or *discontinuance*, which it is possible to avoid, seems to us so extravagant, superstitious and ridiculous, that it is a matter of wonder how a man of common sense should entertain it for a moment.

The next point to be examined is—do the fundamental principles and accredited usages of our system, confine disconnection with a particular Church, exclusively to the above methods?

Great reliance is placed by the Council on the following provision of the Platform. "Order requires that a member removing have letters testimonial and of dismissal whereof he yet is, unto the Church whereunto he desireth to be joined. Until the person dismissed be received into another, he ceases not by his letters of dismissal to be a member of the Church whereof he was. The Church cannot make a member no member but by excommunication."

Now although the Platform *possesses no authority by itself*, and nothing that it contains is necessarily a part of our ecclesiastical system because found there, yet we admit that it is general, and perhaps universal usage, to dismiss members wishing to leave a particular Church, on the condition above specified. It is a wise and wholesome practice for general purposes. But there are cases for which the principle involved was not intended, and is certainly not adapted to meet; and it comes in conflict with other universally acknowledged principles of the Platform, and of our present ecclesiastical system. It is provided in the Platform, and required now by Congregationalism,

that church members, who wish to remove to a distance, should have letters of dismissal and recommendation to other Churches with which they may wish to unite.

Now suppose a Church of ten members, all of which except one, wish to go where Mr. Goss has gone, to California. It is their right and privilege to have letters of dismissal and recommendation to other Churches in good standing, which they may find in that region. The nine take letters—they remove—become members of the California Churches against the wishes and earnest remonstrance of the individual, who refuses to take a letter of dismissal, and chooses to remain as far as the circumstances allow, in his original position. Is not the covenant which that individual made with the Church upon his admission dissolved without his consent; and that not by death or excommunication? With whom is he in covenant? Who is bound to watch over him? If he commit an offence, who shall deal with him and take measures to reclaim him? Perhaps it will be said—it is said by some—that such person constitutes the Church. He is an assembly by himself. He is a noun of multitude. He is a plural substantive in the singular form, and nominative case independent. Well, suppose he is a Church; what then? What sort of a Church is he? He is a Church without covenant—without fellowship—without discipline—without membership—without any thing which enters into the proper notion of a Church. He is a Church, deprived of all the beneficial uses of a Church, without answering any of the ends for which church-organizations are instituted. He is like a complete watch, without mainspring and wheels, and that keeps no time. He is a pair of shears with one blade, and that blade without edge or point.

Now if the Council choose to consider such a person a Church, they can do it. It would not surprise us. And we do not know that we should be very much surprised, if they should please to consider a solid block of wood a complete watch, because it was circular, and had a watch-chain attached to it, and the representation of the dial-plate of a watch on one of its faces.

Perhaps it may be said, that an individual left in such a situation may be considered as a Church, and in some sense under the watch and care of other Churches, according to the provisions of the Platform for the discipline of erring Churches by others, who have maintained their steadfastness. But the same Platform informs us, that the matter of a visible Church are *Saints* by calling, and this accords with the views of all standard writers on Congregationalism. And what is still stronger—"ONE PERSON IS INCAPABLE OF BEING A CHURCH." If the individual is not a Church by the Platform, then the articles of the Platform relating to the discipline of Churches do not apply to him.

Now here is a member of a Church made no member without excommunication. His covenant with the Church is dissolved. Without any censure and without his consent, he is cut off from all ecclesiastical connections. He is left with no one under any ecclesiastical obligation to care for him and watch over him; and, according to the Council, *is as really turned into the world for a time, as though he were excommunicated.* In the language of the Result, with slight variations—he is no longer in covenant, is a member of no local Church, and,

of course, is under the covenanted watch and care of no human being on earth. And he is put into this condition, to use the language of the Result again, "in a mode authorized by our system and perfectly consistent with the vows of the covenant." Verily the new doctrines of the Tabernacle Church and others are old doctrines after all!

Perhaps some would contend, that when the majority of the Church perceived their measures tending to this result, they should have stopped short of the catastrophe; and should have left enough in the Church to maintain its organization and beneficial uses. But who of the number that were about to remove to such a distance should be selected to hold the Church together? Under what obligations do the principles of Congregationalism lay them to make the sacrifice? What moral or Christian obligation would bind them in such a case. Should they be detained at home, or forego the privilege of a connection with the Churches where they reside, just for the sake of retaining a nominal relation to a distant Church, to which they could discharge no duties, and from which they could receive no advantage, and that to comply with the caprice or stubbornness of an unreasonable man? Some may say, that in case of obstinate unwillingness to take a letter in such circumstances, the individual refusing might be disciplined and excommunicated. But suppose the person to resemble some other members of our Churches—full of zeal and making great pretensions, and doing many things, with nothing tangibly erroneous, or so much so as to furnish a ground of discipline, only possessing a holy self-willedness, which in the eyes even of some who claim to be men of discernment, as well as others, passes for unusual strength of Christian principle. It would not be consistent with the principles of Congregationalism to exclude a person from the Church, for some unreasonable pertinacity of temper. It would be too severe. Besides, if such a measure could be resorted to, how easy it would be for the majority to disband Churches? It is only for the opposing minority to be excluded, and then every obstruction is removed out of the way. It would be as easy, nearly, to dissolve Churches in this way, as by a direct disbanding vote.

If it should be further contended, that the person left in the condition supposed by withdrawal of members, could, by assistance of Council or otherwise, receive accessions of those who would take the Church by the hand and give it action and efficiency;—we reply by supposing the situation of things to be such, that there is no reasonable prospect of this enlargement; that there are other Churches enough to meet the wants of the community; that there is not the least need whatever of an additional organization; and that the probability amounts almost to a certainty, that the non-complying individual will be left without any church-relations or privileges at all, unless he should resolve to abandon his awkward condition and connect himself with some Christian society.

And if the state of things were quite otherwise, it does not change the uncovenanted, unchurched position of the individual, until the accession be made. It would still remain true, that a Church could make a member no member without excommunication; and that a majority could disband a Church, in opposition to the wishes of a minority. If two were left by the departure of the majority, their

state would be but a little improved on that of a single individual. How could discipline be maintained? How could the directions of the xviiith of Matthew be pursued? One offends against the other. The person who receives the injury, converses with the offender privately; but obtaining no satisfaction, proceeds to take the second step. He applies to two or three brethren to make a second visit to the aggressor. But to whom is he to resort? You say, perhaps, that in such an exigency, for which ecclesiastical law does not provide, he seeks the assistance of brethren from a neighbor Church; but the second visit is attended with no better result than the first. He then takes the third step, and tells his grievance to the Church. But what and where is the Church in such a case? Neither the offender nor the injured person is such;—it exists no where;—it is a non-entity. This mode of discipline is at an end. Suppose one to excommunicate the other in a summary way, for an alleged public and scandalous offence; and then suppose that the excluded person hurls defiance to excommunication, on the ground that he was not put out by a majority, as the covenant of the Church required. While the parties are in this repellent attitude, we may imagine that one of the individuals, not obtaining the consent of the other, for a Mutual Council, calls an *Ex parte* one;—that, for instance, whose Result we are reviewing. They hear the case. They find that the covenant provides expressly, that all questions in dispute shall be settled by vote of the majority. But they have such high notions of the infrangibility of the covenant, that they are a little perplexed. We suggest to them the expedient of putting the disputants into scales, and letting the heaviest person be considered the majority. It could not be denied in such a case, that the decision of the Church carried *weight* with it, although it might lack the suffrages of numbers. But this would not remove the whole of the difficulty, as the Council view the matter; for whichever of the individuals should have his opinions ratified by the Council, and be considered as the Church, would by the very act be *cut off* from all church-connections and privileges, and cast out into the world. By the act of recognizing him, the Church would unchurch him, and leave him without a single human being covenanted to watch over him.

If now we imagine one of this dual Church to withdraw from the other, in the mode pointed out in the Platform for the sound part of such a body to secede from it, when it has become degenerate and corrupt, this would not satisfy the Council; for they are very explicit in saying, that there are, and can be, only three modes of dissolving the connection of a member with a Church, among which this mode of doing it is not mentioned; and they seem, for some reasons not avowed, to differ with the Platform on this point, although, in regard to other points, they are fond enough of referring to its authority. But if there were no such discrepancy, and this mode of leaving a Church were considered unexceptionable, what would the Council say of a person's withdrawing from that which has no existence?

We are now prepared to attend to several reasons more particularly considered by the Council, which, in their opinion, go to prove the want of power in a Church to disband itself.

1. It is "in direct violation of the most obvious and best estab-

lished principles and usages of the Congregational system." Under this head, after speaking of the duty of true believers to enter into a church-estate, and of the manner in which it is to be done by mutual covenant, they say,—“When an individual has come into such a covenant with a local Church, he cannot be thrown out of it by the Church, except for crime, but must remain in covenant with that local Church till received by another.”

But we have seen, that this *can* be done in perfect consistency “with the obvious and best established usages of the Congregational system,” which they say such a measure would violate. An individual can be thrown out, without any imputation of crime and without any wrong-doing on the part of the Church, thus leaving him with the world.

They ask, “What can be a more direct and absolute violation of these principles, in every respect, than by a single vote of the majority to dissolve this covenant and to throw *every* member of a *whole* Church into the world, with none who has a covenant right to watch over, admonish, exhort, or reprove them?” We reply, just as much as they have to “throw” *one* member out “into the world, with none who has a covenant right to watch over and reprove him.” The principle is the same in both cases: if it is not violated by such treatment of *one* individual, it is no more violated, in case the individual were multiplied into hundreds.

The Council dwell on the fact, that the individuals in such a case have no *covenant* right to enter another Church; no *title* to church-privileges; that they have none to call them to account, if they do not seek to join other Churches, or if they fall into error and sin. Be it so. It is precisely the condition of the individual from whom we have supposed all the rest of the Church to have withdrawn and left solitary and alone,—yet without any infringement of the principles of our system. He has no covenant right to unite with another Church; he has lost his title to all church-privileges; and there is none to admonish him if he neglects to seek admission to other Churches, or falls into transgression. He has “entirely lost what the Platform specifies as one of the most important ends of church-fellowship,”—the keeping him in the way of God’s commandments, and recovering him in case of wandering.

The stress of the argument under this head seems to rest on the extravagant notions, which the Council have of the rigidity of the covenant. The covenant made with God to perform his will, in their view, as we have seen, binds the person making it to a perpetual membership of some Church, without any intermission but that to which absolute physical necessity compels him; for, if they allow of any more latitude than this, then they yield the whole point. If they once admit, that there may be other reasons, such as we have specified above, for a temporary suspension of the obligation or the execution of the covenant stipulations, they admit a principle, which may be carried to an extent entirely subversive of the hypothesis. They must be compelled to allow, that a majority may dissolve this covenant, in the case of withdrawal from an individual who refuses to take letters of dismission, unless they abandon the Platform and the present well

established principles of Congregationalism, of which they consider themselves such faithful champions.

2. But, in the second place, the Council say,—“ Thus to dissolve a Church by the vote of a majority, is an entire violation of the terms of mutual right, even if no covenant with God were involved.” After referring to the opinions entertained of the sacred nature of secular compacts, and then asking whether the Church should sanction a lower standard of morality than the world, they say,—“ Think for a moment of the facts of the case. By solemn mutual covenant they had been received into the Church, and declared *entitled* to its privileges. A fraternal watch over them had been pledged, and a mutual pledge received. What right then has one part of the Church, without the consent of the rest, to absolve themselves from obligations thus solemnly assumed? Much more, what right have they to arrogate the power of absolving others beside themselves from their mutual vows?” After comparing it to the assumption of power by the Pope, they say,—“ It seems to us that a more direct and palpable violation of the laws of equity cannot be conceived.” Again—they represent the Church as saying to the minor part,—‘ True, you are guilty of no disciplinable offence; we cannot directly cast you out; but a majority have concluded to break up this organization. You may go where you please, but in this Church you cannot stay.’—“ Is it for a moment to be endured, that such acts as these shall be done unrebuked in the Church of God!” Other things are advanced of a similar character. These expressions are designed, doubtless, to be awfully imposing! They, however, better express the strength of the Council’s feelings, than support their position. Who would suppose, after reading these authoritative declarations, which remind us of what the Council say about papal assumption,—these piercing interrogations, which were probably expected to inflict so deep a wound,—that the articles of the Platform and the acknowledged principles of the present form of Congregationalism actually allow the perpetration of this terrible injustice?

“ A Congregational Church,” say the Council, “ comes into existence by the personal covenant of every individual composing it with every other. How then can it be broken up and destroyed without the personal assent of all the covenanters? It exists by the personal covenant of each with each; it can cease to exist only when each releases each from that covenant.” We are glad to have the Council so explicit. And yet it is a provision of Congregationalism, that nine members in a church of ten may vote to dismiss themselves to other Churches—unite with those Churches—without the consent, and against the earnest remonstrance of the tenth; and leave him alone with his covenant dissolved, his ecclesiastical ties all sundered, destitute of any church-privileges at all! It is now our turn to ask questions, and we shall use the language of the Result. We put the following tremendous and “ most momentous ” interrogations. “ Shall a man who is guilty of no offence be told, ‘ the privileges of this organization, much as you value them and whatever sacrifices you have made for them, can be yours no longer? True you are guilty of no disciplinable offence. We cannot directly cast you out. But a majority of us have concluded to break up this organization, you may go where you please, but in this church you cannot stay.’ Is it for a

moment to be endured that such acts as this shall be done unrebuked in the Church of God!" We answer, Certainly; this is in accordance with the provisions of the Platform and Congregational principles. It is perfectly just and equitable, unless persons who have the best of reasons for leaving a Church, and whose spiritual edification demands a union with other bodies, are to be tyrannically compelled to retain their connection, and that to gratify, in some cases, the perverted conscience and obstinate self-will of some recusant individual.

If the rights of a single person in such instances are not violated by such acts of the majority, neither would the rights of ten or twenty be violated, by leaving them in a similar condition.

3. Nor is this all. The Council proceed to say—"even if all the members of a Church were willing to release one another from their mutual vows and to throw one another back into an uncovenanted state, they have and can have no right before God to do it. It will be noticed, that we do not say, that all the members of a Church may not by mutual consent bring it to a close, by regularly passing from it into other Churches. In this way no one is thrown back into the world in an uncovenanted state, with none who has a right to watch over him." "Duty to God requires them not only to enter into church-estate but to *continue* in it;" that is, to make the expression any thing to the purpose,—*without a moment's cessation*. Several quotations then follow; one from Cotton Mather's "Ratio" and others from two or three church covenants, to support the position taken. In relation to these quotations, we have some remarks to make. We have endeavored to show, that a covenant made with God to conform to his will, from which may be derived the obligation of uniting in church-fellowship, does by no means imply that the obligation is to do this immediately, or to remain in a particular Church, without a moment's interruption, under all circumstances;—that a reasonable construction is to be given to it; and that such a conception, as the Council entertain of it, leads to extravagance and absurdity. The particular objects for which these extracts are presented seem to be, to show that they contain sentiments in harmony with the views of the Council, and that, as they are declared to be fair exhibitions of the principles of Congregationalism, they are conclusive of the position which the Council undertake to establish. The extracts from the Tabernacle Church in Salem, from the First Church in Boston, and from the First Church in Charlestown, are to this effect,—that the covenanting individuals bind themselves to walk together in the particular Church of which they become members. The expressions imply no further obligation. Whether they shall be held to unite with any other Church hereafter, does not appear from any promises which they make in the compact; and whenever any circumstances arise, that make it proper for them to leave the Church with which they are originally associated, no obligation can result from any agreement which they enter into, to connect themselves with other Churches. For there is none such. The duty must be derived from some other source. These quotations are therefore nothing to the purpose. The Tabernacle Church are doubtless as competent judges as the Council, of the proper construction of their covenant; and they, as we presume, will admit of no such interpretation as has been imposed upon it. The covenant contained in the Ratio Disciplina, is of

a slightly different tenor. It acknowledges the everlasting obligation to glorify God, very particularly in the duties of church-estate. Supposing this to have reference to the duty of church-fellowship in general, as the words cannot be pressed to the strained and rigorous construction which the Council seem determined to put upon them, without exposing them to the charge of the manifest absurdities which have been alluded to, it is not necessary to discuss them further.

The Council have not given us the covenant of the Old South Church in Boston, but only a statement which follows the covenant, and which declares the obligations to rest on every one who has assumed them until death. Of course we do not know what the precise form of these obligations is. If like those forms which some other covenants contain, they prove nothing in relation to the points at issue. If like that which is found in the Ratio Disciplinae, we refer our readers to the remarks made above in reference to it.

In the covenant of the Park Street Church, drawn up, it is said, by Dr. Griffin, there occurs this expression. "Hereafter you can never withdraw from the watch and communion of saints without a breach of covenant." If this expression stood disconnected with what follows, we should have no difficulty with it. But when we look at what follows, we should be surprised, if we had not already been prepared for almost any flagrant absurdity by what we had seen before, that the Council should venture on the quotation. A part of it is as follows, "Wherever you go, these vows will be upon you. They will follow you to the bar of God, and in whatever world you may be fixed, will abide upon you to eternity."

These extracts are given, be it remembered, to prove that Dr. Griffin and the Park Street Church understood the covenant to be of such a nature that the connection with some church-organization cannot be for a moment dissolved, except by death or excommunication. They certainly prove too much. They assert the covenant to be binding after death, in heaven and hell, and to all eternity! Do the Council suppose, that there will be local Churches in heaven, and watch and care and discipline such as we have on earth? Perhaps they do. We should not be surprised if some of them embraced this opinion. We do not however think that this was the sentiment of Dr. Griffin. He expected that men would exercise common sense, in interpreting his language and in the use which they made of it; that is, unless they should be so unfortunate as not to possess any of this valuable commodity. And if when writing these words it could have been revealed to him, that an ecclesiastical Council coming before the public with such pretensions, claiming to have such insight into Congregational covenants, and such superior acquaintance with the ecclesiastical usages and principles of our fathers, should have committed the ludicrous blunder of quoting his words for such a purpose,—the solemn feeling with which he penned them would have been changed into mirth and amazement. When Dr. Griffin speaks of the unchangeable and eternal nature of these vows, his words must of course be taken with all the required modifications and restrictions. They cannot be interpreted literally, without exposing him to the charge of such extravagance and folly as we cannot impute to him. The moment we depart from a rigid construction, we are left, of course, to our own judgment

as to the latitude we shall give it. The Council are not authorized and infallible expounders of Dr. Griffin's meaning.

These remarks upon the quotations have been made, on the ground that the covenants from which they are taken, are in accordance with the general principles of Congregationalism. None of their framers had a commission to utter the voice of the Churches, and are, of course, of no authority whatever. We have seen, that there is quite a difference in their phraseology. We are willing to accept them as fair specimens of the uniformo-variant character of the covenants by which our local Churches are bound together, and submit them, with the remarks made upon them, to the consideration of our readers.

The Council proceed. "If then it is conceded and taught on all hands, that it is a part of our covenant with God that we come into covenant with a particular Church and continue in a church-state until death, how can a Church throw themselves out of such a state, without a breach of covenant with God? Even if it is done under color of an intent, as individuals, to join other Churches, still, to dissolve the covenant, and withdraw Christian watch before all are under the care of other Churches, is an unjustifiable mode of doing it. Covenanted duties forbid it. By doing it they throw themselves into a state in which they have no assurance that all will ever be brought back into a state of covenant again. It is on this ground that the Platform denied that the whole Church has a right to throw up her watch over even *one* of her members before he is safely received by another Church. This is not a mere positive rule, it is based upon the principles of eternal right. Much less then has a Church a right, even by unanimous consent, to throw up their watch over each other," &c.

We have seen, that *a Church has a right*, notwithstanding the positive assertions of the Council, to throw up her watch and care over one of her members in some cases, when there is no excommunication or transfer of relation; and that this is a consequence of the legitimate operation of provisions made by that very Platform which is said to deny it. The individual can be thus put into a state in which there is no assurance that he will ever be brought back into a state of covenant, and where there is a great probability to the contrary.

Besides, where all the members of a Church agree to give each other letters of dismission to other Churches, on condition that the Church from which they depart be considered as in existence until each individual is united with some other body—which the Council pronounce an authorized mode of extinguishing a Church—what, if one of the members after taking his letter should wait till he knew all the others to be united in other relations, and then choose to keep his letter in his pocket, and remain out of fellowship. How are the Church to prevent this? What certainty can they have in any case, that this may not be done? And what assurance have they, when they resort to such a measure, that some one of their number will not be put in a condition in which he never will be brought back into a state of covenant again? How do they know that some one will not be exposed to grievous wolves, that will come and tear and devour the lamb of the flock before he is gathered into any fold again? Is it right for a Church to expose "one of her members" to such an awful risk?

Suppose two or three, who designed to remove into places remote

from each other, should retain their letters. Although each might be considered as a member of the Church not extinct, yet living apart and never coming together, nor communicating with each other, and not being known as church-members in the remote places where they reside, and forgotten by the Churches in the vicinity of the place where they once resided,—they would cease to be a Church for all practical purposes, and be turned out into the world without any one to watch over or care for them.

It will perhaps be said, that in a part of our argument, hitherto, in favor of the disbanding power of a Church, we have supposed an extreme case; that of an individual refusing to take letters, and being left alone in an uncovenanted condition by the majority who vote themselves a dismission to other connections. Admitting it is, what then? Extreme cases are legitimately resorted to, in order to test principles. The question is whether a majority can dissolve a Church. The Council positively deny that it can be done in any case. "It is on this ground," say the Council, "that the Platform denied that the whole Church has a right to throw up her watch over *even one of her members*, before he is safely received by another Church." And yet nothing can be plainer from this very Platform, and from the received principles of our Churches, than that this can be done in the case specified. The main grounds on which it is denied that the covenant can be dissolved, are, that it is a violation of the stipulations, inconsistent with the principles of natural right, and contrary to Congregational usage. Now these reasons apply just as really to one individual placed in the position above referred to, as to any number; and if they do not hold in respect to this individual, they are not valid, in respect to ten, or twenty, or fifty. The Council say, that no majority has a right to expel *a member* from the Church who has been guilty of no offence, nor to expel *any one* without trial or an opportunity of defence. They justly consider the rights of one individual as sacred as those of a hundred. If they admit, as we think they must, unless they abandon Congregationalism, that *one member may be excluded*, in the manner described, who has been guilty of no offence, and without trial or chance of defence, then, to be consistent, they must allow, that *the same measures may be taken with respect to an indefinite number*. The Council are very emphatic, and are careful to use language, which does not admit of contradiction or questioning. They say that no majority has a right to violate any principle of the universal law of *right*. We agree with them in full, that it is wrong to do wrong—that it is not right not to do right—and, as they admit that the principle is just as applicable to one individual as to numbers, *they concede all that we want* for the purposes of our argument.

We are now prepared to take another step in the argument. It has been seen, that the phraseology of the covenants which expresses the obligation of those who assume them to walk in fellowship with a particular Church, or more generally to live in a church-state, and also the perpetually binding nature of the vows taken, is strong and unqualified; so much so, that, with the exception of that formed by Dr. Griffin, it would not appear that there was any mode of becoming released from them. And yet we have seen, that there are methods of so doing, and especially, that for a release from the obligations to par-

ticular Churches there is a mode in most common practice among Congregationalists. And of course, it is understood, that, when a member enters a Church and binds himself by these most solemn and stringent engagements, *he does it conditionally*, with the understanding that the covenant may be annulled in the ways commonly known and generally pursued. The conditions so understood enter into the covenant and make a part of it; and therefore there is no violation of the compact, when a dissolution of the relation takes place.

Now it is a generally admitted principle, that, in all associations, political and religious, the majority governs in all the transactions of the concerns of those bodies, *except in cases where particular provision is made to the contrary*. We quote the following from Jefferson's Manual. "The voice of the majority decides. For the *lex majoris partis* is the law of all councils, elections, &c., where not otherwise expressly provided." In respect to this there will probably be no question.

We have seen, that it is a principle admitted into the Platform, that a majority may disband in a certain case, and practically unchurch an individual, and completely turn him out into the world, without any infringement of his rights, whether covenant or natural, or doing him any wrong whatever. We say that it is a principle admitted into the Platform, by the necessary and inevitable operation of the provisions of that instrument. It is a principle which belongs to the Congregational system, as that system is now understood.

Every one who enters the Church, therefore, enters it on the condition, that he may be expelled, or under the liability of being expelled from the Church, by a vote of those associated with him, giving themselves letters to other bodies; and unless he chooses to take a letter of dismissal, may be left as completely without the privileges of covenanted Christian watch and care and of fellowship, as before his admission into any Christian organization. It is a condition on which he becomes a member, and a part of the compact into which he enters. No covenant, therefore, is violated when this is done. The majority in the use of their unrestricted powers may resort to this measure, when the occasion in their view justifies them in so doing.

So far there can be no question. And as the principle of thus dealing with a member is in the Congregational system and its covenants, and as no particular provision has been made for defining and restricting its operation to a single individual, it may be extended to more persons than one, when the majority think the reasons sufficient to justify them in the measure. Why not? If the application of the principle to one person inflicts on him no injury, why should its application to two or three or any number? If every member unites with the Church under this liability, and it is a part of the covenant which he makes, that he may be put into such a condition by the majority, does it make any difference to him, so far as his rights are concerned, whether others happen to be placed in the same predicament? This is in our view a sufficient reply to the reasoning contained in the second objection alleged by the Council, drawn from the nature of civil contracts. We maintain that no contract is violated by such a procedure on the part of the majority; and that all those solemn appeals about introducing a lower standard of morality into the Church than exists

in the world, rest upon no foundation. They have not produced on our minds the alarming impression which they were designed to create, and we leave them to pass for what they are worth, with all who are disposed to bestow upon the subject an impartial consideration.

Perhaps it may be argued by our opponents, that the application of the principle should not be extended beyond the single case specified; that, upon considering the provisions of the Platform in connection with each other, we must understand that the framers intended to leave the principle in the system, restricted as it would be to extreme instances, by the effect of the whole instrument; and, that it would be comparatively safe and harmless in its operation, because it would always require a majority consisting of all the members but one to disband a Church.

To this we reply, first,—that, if the Council will admit the introduction of the principle at all, they make a concession which overthrows all their earnest reasoning about the wrong and violence which a Church would perpetrate in any instance, by releasing itself from the watch and care of one of its members.

Secondly,—that as two or three would not make a much better Church for practical purposes than one, and that, as in those cases where there was no necessity for a Church, and no prospect of accession, it is wrong and against the views of standard Congregational writers, that such a Church should exist. The reason of the thing requires the principle to be extended, so as to allow a Church to disband when they are under such circumstances,—as many as three constituting an opposing minority. In fact, just so far as these few members are incapable of performing the functions of a Church, the principle does of necessity extend itself, when all the rest exercise their undoubted right of withdrawing, and connecting themselves with other Christian societies.

Thirdly,—it does not appear, that the framers of the Platform had the subject so distinctly before their minds as to lead them in any of their regulations to have any special reference, direct or indirect, to this matter. Their Platform states, that, “a Church cannot make a member no member except by excommunication,”—without any qualification, and without providing for cases where the declaration comes in collision with other articles. And the allegation, that *one member cannot make a Church*, is found in such connection as to furnish us evidence, that they particularly intended it as an exception to the provisions which relate to the dismission of members, and the conflict between these provisions was, at the time, present to their contemplations. The principle comes or is let into the Platform, without any thing which appears particularly designed to modify or limit it; and so of course must be left, subject to the regulation and application of the majority, according to the exercise of their best judgment, instructed and guided by the word of God and the spirit of Congregationalism.

Now it being established, that the majority are to govern in all cases where no restraint is imposed upon them, and that under this condition they are to apply the principles of the Congregational system in all those cases, to which they think they fairly extend,—every person who unites with the Church is admitted with this understanding. And if

is a part of his covenant, that he is to be subject to the will of the majority thus explained, and also, according to the views we have taken, that he is liable to have his connection with the Church dissolved, by a vote of the major part to disband, when they think that there are justifiable reasons for such a course.

It adds to the force of our argument, that this is the view taken by persons of great respectability not connected with the Essex South Conference, and whom, if their names were mentioned, the Council, we should hope, would not be very ready to tax with a want of familiarity with the principles of our fathers. The Council are pleased to denominate the position which we have undertaken to defend, a "*new theory*," a "*new doctrine!*" We have only to retort with some variation, the language employed in the "*Congregationalist*." If they had been more familiar with the history of the New England Churches, they would have known that it is not new, but that there have been quite a number of instances of the disbanding of Churches by acts of the majority, previous to that of the Howard Street; and that the usage, taking into view the fact that it is only in a few extreme cases that such a measure as dissolution could be thought expedient or necessary, is decidedly in favor of our doctrine. This usage helps us to interpret Congregational covenants. Usage gives construction to them, just as former acts of legislation under the provisions of a political constitution are appealed to, that we may fix the construction of some parts, about which there has arisen a diversity of opinion.

In order not to be misunderstood, and to correct the misstatement of our position by the Council, we here say, that we do not maintain that a Church has the right, by a mere majority of the brethren who happen to be present at a particular meeting, to declare the covenant dissolved. Our principle is, that the meeting should be properly notified, the subject plainly presented and discussed, and the vote justly taken. We contend for no hasty measures, no taking of undue advantage, no deception, nor any thing which is inconsistent with the principles of the Gospel, and the most deliberate and just expression of the opinions of the Church. In regard to this point, we feel that we have been most inexcusably misrepresented.

And now when the Council "earnestly ask, when and where has the great Lawgiver and Head of the Church given the right to a mere majority of the brethren of the Church to declare their covenant dissolved throughout the whole Church," &c.—we have only to say, that if they ask for express permission in so many words, we find it just "when and where" they find *the prohibition* so to do! If they will show us the chapter and verse where this is interdicted, we will point to the passage where the allowance is given. If, however, they intend this form of interrogatory only as a rhetorical flourish;—if they merely design to ask in sounding phraseology the simple question, what authority the majority of a Church has to disband, we refer them to the principles of the Word of God, of Congregationalism, and common sense.

4. As one of their reasons against our views of this subject, the Council point us to the dangerous consequences to which they lead. "Admit," say they, "the right of a Church thus to disband itself by the vote of a majority, for the sake of getting rid of 'embarrassing mem-

bers,' and what minority in a time of division and excitement would be safe? One or two bold and daring men might be very embarrassing to a backsliding and worldly-minded majority. Some influential person who fears discipline, may regard those who desire to bring his case up as very embarrassing elements in the Church. Nothing now remains to be done but to watch his opportunity, rally his forces, gain a majority and vote to dissolve the Church and form a new organization," &c.

Now we have to say in answer to this, that the power which the Council must concede to the majority, is capable of great abuse. Just consider what power they possess. They have a right to elect and dismiss a pastor,—to change the creed,—to determine and apply the rules of discipline,—to inflict excommunication. Is there no danger? Is there no danger of the misuse of such power? If Churches had the unrestricted choice of the pastor as they once had, and as they still have in some cases, might not a wrong-minded and unsound majority impose an unfaithful and heretical pastor on the minority? And considering the influence which the Church now has, restricted as she is, in her full action as to the choice of the pastor, by her connection with another body, yet taking the lead in the settlement of the ministry, and directing to a great extent, the feelings and action of the association with which she is united,—who does not see that it is practicable for a majority with lax views, greatly to injure a faithful and pious few in the same Church, by the selection of a preacher who entertains fundamentally erroneous opinions of the Gospel, and whose influence shall be against vital religion? Cannot the degenerate majority of a Church so administer the rules of discipline, as to exclude all of those, the purity of whose lives and the fidelity of whose reproofs cause them great annoyance? Cannot a Church become so corrupt and so improperly manage its affairs, as to defeat the very end of its organization, and render it even worse than useless? The Council themselves admit this, so far as discipline is concerned. They say that "any other discipline than Christian discipline is a thousand times worse than no discipline." And on the same principle, the majority may be so defective and erroneous in their whole character and action, as to become worse than useless,—a mere nuisance to the minority and the community. *Why should not the majority be deprived of all power, as well as the power of disbanding; seeing that it is capable of such abuse and may become such a formidable engine of mischief and oppression?*

We wish to direct the attention of our readers to one or two expressions of the Council, which unfairly change the state of the question. "Nothing now remains to be done but to watch his opportunity, rally his forces, gain a majority," &c. Just as if we contended that the rules of the Church should be such, as not to forbid some of its unprincipled members, to take an undue advantage of some favorable occasion for which they have been watching, when a majority of persons of their own character happened to be present, and thus to effect their iniquitous purposes. We have protested against this unfairness before, and now repeat, that all Churches should have such regulations, as to prevent hasty action, and protect themselves from the conspiracy of those, who might be disposed to avail themselves of a temporary majority to accomplish some nefarious object. If it should be replied, that all precautionary rules of this sort might be disregarded and tram-

pled under foot, in times of great commotion and strife,—we have only to say, that those who would be guilty of such flagrant misconduct in these respects, would be just as likely to despise all the regulations of the Church, whatever they might be; and it would be just as easy for them to watch their opportunity, rally their forces and gain a majority *to excommunicate the faithful members* who annoyed them, as to get rid of them by disbanding and reorganizing. We conceive, that the arguments which the Council have employed against the power which we advocate, arguments drawn from its liability to abuse, are weapons which can with equal facility be turned against themselves; since they are quite as strong against the possible perversion of such authority, as by their own acknowledgment the Church possesses.

5. The Council further object to our principle, that it leads its advocates to such unjustifiable modes of defending it. They say that it obliges them “to depreciate the necessity and importance of particular Church covenants, or of being in connection with any local Church at all.” We know not to what the Council refer in these remarks. While we are glad to have it in our power to say, that there are a good number of the members of the Essex South Conference, who are free from the extravagant notions of the covenant which the Council express; and while we earnestly hope that they will always preserve their balance of mind, sufficiently to keep them from running into such strange conceits,—we utterly deny the charge of the Council, and feel ourselves aggrieved by their unjust imputation.

The arguments by which the Council undertake to sustain the charge are as follows.

The community has, therefore, been told by leading ministers, in public arguments on this subject, before the pastors and delegates of a Conference of Churches and the attendant assembly, that the Bible no where expressly requires a covenant of the members of a Church to walk together in the same Church as essential to salvation or the church-state, and that there is no certain evidence that the apostolic Churches were so constituted by a formal mutual covenant among their members, as to make a dissolution inconsistent with church-order or the Christian profession. Their covenant, it is intimated, was only with the great Head of the Church; they were held together by inward ties; and they worshipped together or apart as the occasion required. Of the same nature is the theory to which they resort of a membership in a general or Catholic Church, which still continues after a particular Church is disbanded. In consequence of this, they tell us, the members of a disbanded Church are not unchurched, nor deprived of any of their church rights and privileges.

In this quotation there are some things probably true, and some things misstated. Individuals may have said, that “the Bible no where expressly requires a covenant of the members of a Church to walk together in the same Church, as essential either to salvation or a church-estate, and that there is no certain evidence that the apostolic Churches were so constituted by a formal mutual covenant among their members, as to make a dissolution inconsistent with church-order.” And if they did say this, *they said what is true*; and what implies no more depreciation of church-covenants than the incontrovertible truth itself implies. And if the Council see fit to quarrel with the truth,—let them settle the controversy with Him who is the source of all truth!

But that any members of the Conference said or intimated, that the covenant was *only* with the great Head of the Church, and that "they worshipped together or apart as the case required," is *not true* without very material explanation and modification. Neither is it true, that they said, that those who had been excluded from a particular Church by its dissolution were not "deprived of *ANY* of their church rights and privileges." Some of the individuals connected with the Conference believe with Dr. Dwight and others, that baptism introduces the subject of it into the Church general. How far this opinion prevails, we do not know. It was natural for those who had embraced these views to make use of them, in defending the position, which they had taken against their assailants. But that they avowed, or seemed to think this general church-membership to be almost or quite equal to that in any particular Church is not true. Nor is it true, that they hold any opinions which lead them to undervalue the necessity and importance of local organization. Dr. Dwight's opinions in respect to general church-membership were not at all inconsistent with his having a sufficiently high appreciation of the value of local church-covenants. His opinions on this subject are quite as much entitled to respect, as those of any one of the Council, or of their united opinions combined in the Result which they have given to the public.

The Council say, that they could easily show that all the above sentiments imputed to the defenders of the disbanding power are utterly unsound; and so they have thought that they could do some other things, which nevertheless they have not been able to accomplish. But they do not undertake to perform that which, as they allege, it is easy for them to do, because, as they intimate, it does not touch the real question in controversy. But they bring the sentiments to the test of Congregational usages and principles. They say that these conflict with the Congregational system, as exhibited by our principal writers, and that the Cambridge Platform teaches a different doctrine. Two of the questions to be tried are—first, whether in the opinion of Congregationalists the Bible expressly requires a covenant of the members of a Church to walk together in the same Church, as essential to a church-state; and, secondly, whether the Apostolic Churches were so constituted by a formal mutual covenant among their members, as to make a dissolution inconsistent with church-order or their Christian profession?

We will now quote a part of the fourth section of the fourth chapter of the Cambridge Platform. "This voluntary agreement, consent, or covenant—although the more express and plain it is, the more fully it puts us in mind of our mutual duty and stirreth us up to it—yet we conceive the substance of it is kept, where there is a real agreement and consent of a company of faithful persons to meet constantly in one congregation for the public worship of God and their mutual edification; which real agreement and consent they do express by their constant practice in coming together for the public worship of God and by their religious subjection unto the ordinances of God there; the rather, if we do consider how scripture covenants have been entered into, not only expressly by word of mouth, but by sacrifice, by hand-writing and seal; and also sometimes by silent consent, without any writing or expression of words at all." It was plainly the opinion

of the framers of the Platform, that it is not essential to the existence of a Church, that there should be any express, formal or written covenant. Silent consent without any writing or expression of words at all is sufficient. This is, doubtless, precisely the opinion of those who are referred to in the Result of Council. They did not deny, that Christians should be united together in church-organization; but they denied that the precepts of Scripture or apostolic practice required, that the covenant which binds them should be express or formal, or a written instrument with all its precise and stringent phraseology. And this is evidently the opinion of the framers of the Platform; for, they would not have admitted for a moment, that a silent and implied covenant would be sufficient, if the Scriptures, in their view, *required a formal and expressed one*. Sometimes the omission or variation of a word, in pretending to quote the avowed opinions of others, will produce serious misrepresentation. The "leading ministers" whose opinions are quoted, not only asserted that the Scriptures no where expressly require a covenant, but that they no where required an *express* covenant. The stress of their declaration rests on this word. It is true, as we have before asserted, that the Bible does not expressly require any covenant; but this was not the whole truth which was asserted, nor the thing particularly intended. The word or a form of the word *express*, as it was inserted but once in the quoted declaration, is put by the Council in the wrong place, and varies the point and force of the sentiment.

The object of those who made such declarations was, to meet those high notions of the indissoluble nature of the covenant, which their opposers held in common with the Council; and not at all, as the Council represent, to deny that the Apostolic Churches were held together by a mutual compact of some kind, or that such compact is not necessary to a church-condition. We have seen that such an informal, implied and silent covenant as they suppose, would be perfectly Congregational, according to the views of the authors of the Platform, if the Churches choose it, in preference to one of a different character. And this the members of the Conference quite naturally supposed went to show, that the fathers of our system did not cherish those over-strained notions of the rigid nature of the covenant, which have been so confidently imputed to them. We have no particular concern here with the pertinence or force of the argument. Those who made use of it are abundantly competent to defend themselves; but for the Council to infer, that those who employed it have a less high esteem of the necessity and value of church-covenants, or to suppose that all those, who cannot go with them to the same extravagant lengths, hold a covenant in low estimation,—is like the Romanist charging the Protestant with undervaluing the rite of baptism, because he does not unscripturally and superstitiously suppose, that that ceremony itself, by its inherent virtue, conveys grace to the soul.

With respect to the array of authorities produced by the Council to show, that Congregationalism does not admit of the idea of a universal Catholic Church, independent of its embodiment in particular assemblies, we have only to add,—that we rest no part of our argument on the opinions which they attempt to explode.

The Council, as we have seen, express alarm at the dreadfully dangerous tendency of our principles. We have already made some remarks on that point. They further say, that these theories of the defenders of the church-dissolving power, tend directly to lead the community to believe, that it is of very little consequence whether they are members of a particular Church or not, or are in covenant or not, and thus to aim a blow at the very vitals of our Churches, and utterly dissolve the bonds of the whole system.—Now we think we have shown, that these theories are a part of the principles of Congregationalism, and if they tend to such fearful results, the Council who profess to be such faithful adherents to the system had better revise their opinions on the subject of church-polity. What do they propose to do with those provisions of our system, which allow a majority by withdrawal to other Churches to dissolve their covenant with one of their associates, when charged with no offence, and release themselves from their watch and care, and turn him adrift on the “cold world”—which the Council insist cannot be done, without a glaring infringement of Congregational principles and a flagrant violation of the most solemn obligations? What will they do with the provision, which allows *two* to be treated in this manner, who are almost as incapable of performing the functions of a Church as one? The Council either admit these consequences from the principles of our system or they do not. If they do not admit them, then let them no longer assume to be such valiant expounders and defenders of Congregationalism. If they do admit them, then let them hold their peace about the pernicious tendency of our theories, and learn their punctuation table better, than to apply their interrogation and exclamation points exclusively to us, when they are quite as much wanted at home.

6. The Council, after establishing what they confidently suppose to be the fundamental principles and usages of Congregationalism, in opposition to the views of the Tabernacle Church and those who coincide with them, and then expressing their “undissembled wonder and astonishment” at the “phenomenon,” as they call it, which is presented of persons “claiming to be inspired by a reverence” for these principles, and then “engaging with all their might in the work of destroying them,” proceed to account for the wonder. They profess to have arrived at the solution. Timid and superstitious persons see wonderful objects in the dark, and imagine the most astonishing and awful spectres in those very things, which excite no uneasiness and apprehension in the daylight. Some persons who seem to “see ghosts in trees and rocks,” reason down their imaginations, and resolve the awful phenomena into familiar objects, whose outlines are imperfectly discerned by the eye. The Council seem to belong to that class of persons, who, instead of endeavoring to persuade themselves that there is no ghost, most devoutly believe in the spectre and undertake to show why it has appeared to them! They account for the phenomenon in the following manner. “Whenever good and intelligent men go thus far astray, it is not commonly under the influence of absolute error, but of some important truth, either partially apprehended, or applied out of its proper sphere. So in the present case, the advocates of these new doctrines profess, and we do not doubt with sincer-

ity, to be swayed by a supreme regard to the great principle that, in a Congregational Church, it is the right of the majority to administer the government according to their will.—But all who attempt to defend the proceedings in question by this principle, err in both the particulars above specified. In the first place they do but partially apprehend the principle to which they appeal, and, in the second place, they apply it out of its sphere.”

In regard to the first alleged error they say, that “although the power of government undeniably resides in the majority, yet they can exercise that power only within given limits, and in accordance with certain fixed principles.” To what is said on this point we in general accede. We agree that there are moral rules within which a majority should govern their proceedings; and that most commonly there are, and always ought to be, regulations to restrain and guide their action, and to prevent their becoming despotic and oppressive in the exercise of their authority. We however do not believe, that any act of a majority is necessarily invalid, because it is morally wrong; and we think that the Council commit a great mistake, and show a great want of discrimination in regard to the principle, which they lay down without any qualification,—that, whenever the majority of a Church comes to an erroneous conclusion in the management of its affairs, the act is of course null and void. We cannot, therefore, receive the reasoning on this topic without some modification.

But when the Council assert, that we do but partially apprehend the right of the majority to govern, because, as they imply, we admit no restrictions upon this right, they say what has no foundation at all. We admit the principle of limitation to the will of majorities as really as they do; but we have contended that the majority are not prohibited from disbanding Churches by the nature of Congregational covenants or any of the principles of our ecclesiastical system. We have shown, that the dissolution of Churches in this manner, in certain cases, is the inevitable result of the operation of the provisions of the Platform and the acknowledged principles of our church-polity; that the principle of right in the majority to govern is in the system; that it must be there; that no received provisions have been made to restrict its operation to particular cases; and that, therefore, the majority have an ecclesiastical right to apply their power to all those cases, to which in the exercise of their discretion it properly extends. The Church may *improperly* exercise this power; and so they may *all other powers* which they possess. But the question is, do they possess this power at all? The Council contend, that it does not exist in any form or degree; and that it can never be exercised in any manner, without a most palpable violation of the rights of church members, and the principles of Congregationalism. We think that the Council have but a partial apprehension of the principle which they undertake to discuss, and they have utterly failed of showing that any law of God, any covenant or natural right, any principle or usage of our system, is inconsistent with the right of a majority to disband a Church, where it has ceased in a great measure to answer the ends for which it was organized. It is not necessary to repeat in this place the course of reasoning which we have pursued on this subject.

7. The Council further say :—

But even if it were possible to admit the idea that a bare majority could disband the Church against the wishes and protest of a minority, still in this case the facts are such as to show that it has not been regularly and properly done. Much weight has been attached to the fact that a Council advised the dissolution. But in reply to this it should be said, that the question was never properly brought before a Council. There was no vote of the Church to submit such a question to a Council. No one even pretends that such was the fact when the Church decided to call the Council. They voted to call a Council solely for the dismissal of their pastor, Rev. Mr. Mann, and appointed a Committee to prepare and send out the letters missive. That Committee, unauthorized by the Church, and on their own responsibility solely, inserted the clause, "and to advise them on other difficulties." The Church, therefore, did not call the Council to advise on this matter, and no opposition was made to calling the particular Council which met, because it was supposed that they would act solely with reference to the dismissal of the pastor. Of this the Council were informed. It was therefore out of order for them to recommend a dissolution of the Church, and their advice ought to have no weight.

Suppose now, it should be admitted, that, in a technical or strictly parliamentary sense, it may have been "out of order" for the brethren who dismissed Rev. Mr. Mann, "to recommend" as they did "a dissolution of the Church." Would it follow that "*their advice ought to have no weight?*" We have supposed, that, both in respect to individuals and to associations of individuals, very good and the very best advice may be given, by those who have the opportunity or the occasion, although such advice may be neither requested nor desired. And we do not see how the *desire* or the *request*, in any case, can of itself determine the quality or value of the advice, which may be given.

The presumption may be, that when advice is sought, more of careful consideration is likely to be bestowed upon the case submitted. But if there be evidence, that those who give advice, have particularly attended to the subject, or were entirely familiar with all the essential facts and principles involved, then may their advice be as judicious and seasonable and important,—as if it had been asked with the greatest formality and importunity. And it may be sheer impertinence or gross discourtesy to treat it, as our brethren in the Result before us, seem too plainly disposed to treat the "recommendation" above-mentioned.

But we must now say, that the whole statement, which this Council have adopted, and sanctioned, in reference to this part of the Howard Street case, is evasion and prevarication, at the very best. What are the facts? In February, 1847, a Mutual Council assembled to consider the expediency of dissolving the pastoral relation of Rev. Joel Mann. It was well understood, that serious difficulties existed; and for local reasons, the Tabernacle and South Churches in Salem declined taking part in the Council. Those who did attend, however, were all from the immediate neighborhood. None others were invited. And we believe, that it would be impossible to convene a more candid, impartial body of ministers and laymen, who, at the same time, had a general, and, in the circumstances, very necessary acquaintance, with the history of Howard Street Church, and with the ecclesiastical affairs of Salem and vicinity.

Two parties appeared before the Council; while a portion of the Church belonged to neither. A very decided majority were opposed to the proceedings of those few individuals, who were resolved, at all hazards, to compel the pastor to take a dismission. And it is but justice here to say, that no one of his predecessors had secured a more general respect in Salem, as a Christian and a gentleman, or is now believed to have exerted a happier influence.

The house of worship had recently been repaired, and rendered was subscribed by the minority, from whom so much was then heard, more attractive, at an expense of \$3,000;—of which about a sixth part and by whom so much has since been said and done. This expense was borne chiefly by a few individuals, with a hope, that, from the increase of population, particularly in South Salem, the Society might be greatly enlarged. And those who sustained by far the heaviest part of this outlay upon the house of worship, were ready to make still greater efforts and sacrifices, if the minority opposed to Mr. Mann, would quietly retire, or would entirely cease from their violence of opposition. Still it was the conviction of the most, that the prosperity of the Church was, in any event, extremely doubtful. And in the judgment of many, not connected with the Church or Society, it would have been wholly impracticable for the majority, if not also for all together, to have much longer supported the organization at Howard Street, with any reasonable warrant to anticipate an effectual deliverance from existing embarrassments and discouragements.

There has never been the time when a minister *has been, or could be supported*, by a tax on the pews of the house of worship in Howard Street, as has been done in other congregations in Salem. The Society there was far the strongest and most flourishing, during the ministry of the Rev. Mr. Williams, and just before the secession which led to the formation of the Church in Crombie Street, in 1832. But his very moderate salary could never be obtained promptly. A few individuals were always obliged to make extra contributions to sustain the worship of God and the ordinances of the Gospel, in that house of worship in Howard Street. And what was the prospect before the Society, at the time of the Mutual Council, in February, 1847, may be inferred from the fact, that the avails of taxation on the pews of the house were only about \$400.

The minority would make no terms whatever, which included the continuance of Mr. Mann, at Howard Street. They would neither retire, nor would they remain content, leaving him in his place. They thought, as some of them informed the Council, that, if the majority should retire, the minority, aided by friends in Salem and Boston, might be able to sustain a pastor, who should be the right kind of man for the place and the times!!

Two days were spent in hearing the statements of all persons, who wished to be heard. The utmost latitude of remark was allowed. No restriction was laid upon any one, which could possibly hinder a disclosure or presentation of any important fact, in its true coloring and its legitimate bearings. Dr. Cooke was the moderator; and at the close of the meeting of the Council, thanks for his impartiality and indulgence were spontaneously and warmly presented to him, by some of the most active and resolute of the minority. And this should have

been remembered by those, who have since pursued him with such virulence of vituperation and invective.*

Then it was, that the real extremity of the affairs at Howard Street was freely and fully disclosed. It was admitted by all, that there was little reason to expect any better state of things if the pastor should not be dismissed;—and whether any better state of things would follow his dismissal was as intricate a problem, as any Council would wish to be called to solve. And here let it be noted by any, who, prejudiced or unprejudiced, are willing to know the truth,—that the whole subject of difficulties in the Howard Street Church was most thoroughly examined. Unless an investigation could be had, as in a question before a legal tribunal, where witnesses should testify under oath, there could never be a better opportunity afforded of reaching the absolute merits of a controversy, than that which was presented to the Council, which was called to decide upon the expediency of the dismissal of Mr. Mann. And as the investigation was really conducted, the minority may be challenged to name a single fact or circumstance, which would be of any weight in the premises, and which was not in some way made known or implied, during the protracted and unrestricted deliberations of the first Mutual Council,—that of February 7, 1847.

Beside spending two days, and no small part of a night, in laborious attention to the difficulties at Howard Street, this Council convened again, after an adjournment, and spent a portion of another day. It was during this adjournment, that the conclusion was forced upon the mind of the Moderator, that the best method of disposing of those difficulties might be to disband the Church, as well as to dismiss the pastor. The suggestion was therefore made, accompanied by a written argument, at the adjourned meeting, in private session. But no vote was taken upon the point, nor did it occupy much of the time of the Council.

When the Council, in private session, took an informal expression of opinion, it appeared that the major part were inclined to vote for the dismissal of the pastor. “But,” as some of themselves have related,

After deliberation it was found, that this naked question could not be settled separately from its adjuncts. It was seen that Mr. Mann’s dismissal, on the ground of a necessity so created, would give an unreasonable advantage to his opponents, without leaving the Church in any better condition—would add another to the numerous examples of the power of small minorities to drive out a minister without good cause. Hence, though his interests required a dismissal, and though the prospect of good to the Church in any issue appeared to be small, the Council thought best not to sanction the dismissal, but to apply to the minority a practical test, and to throw on them the responsibility of standing before the world, after a thorough showing of the facts, the sole cause of the expected dismissal, and the sole hindrance to the life of the Church. It was thought at least, that the public influence would be better, if dismissal should have its date after the

* Have not the late Council given their sanction to the personal abuse, which has been inflicted upon him, as if not only “the originator and advocate of new doctrines,” but as if his connection with the affairs of Howard Street had really been unprincipled and malignant? It so appears to us.

pastor's opponents had had an opportunity to act on the declared willingness of the majority to support him. This seemed the more desirable, since more than three-fourths* of the ability to support the pastor were with the majority, and since they had made the most sacrifices to sustain the Church. It was thought that if after time had been given, to see how the minority would act in the case, they still persisted, the dismissal would, in the public eye, rest upon its true grounds. The delay was prompted, in other words, by a desire to see if some way would not open for the peace of the Church, by a peaceful retiring of the hostile party. Accordingly the Council concluded their Result, by exhorting them "to study the things that make for peace." †

But the minority became still more unyielding. Every week only added to the evidence of the entire hopelessness of any union between them and the majority, upon any such conditions as the latter could consistently adopt. Hence another Mutual Council, consisting of Churches, *all of which had been members of the Council in February*, was convened in April. To all intents and purposes, this second Council were the same as if the first had met by adjournment. They ought to be regarded and identified, in every respect but in name, as the same Council. Incomparably more should they be so regarded, than the late *Ex parte* Council, at the meeting of December 18th, should be considered the same Council, as met December 4th. And if all the Churches of the first Council had been assembled in the second, there is not the least reason to suppose, that there would have been any different Result.

The Letter Missive proposed the dismissal of Mr. Mann, and asked advice to the Church. By a mere oversight, the Church *did not pass an express vote*, in regard to advice. The Committee appointed to prepare the Letter Missive, felt the importance of advice, and had conference with the pastor on the subject, and the conclusion unhesitatingly was, that they were authorized by usage, or a common understanding in such cases, to insert a specific request for advice. This accordingly they did, and without the least intention or imagination of exceeding their powers, or encroaching upon any one's rights. Beyond a question, if the Committee had delayed the issue of the Letters Missive, until a vote upon the point could have been taken in the Church, a vote for precisely such a letter as was prepared, would have been carried by an overwhelming majority.

When the Council came together, some slight objection was raised by a member or two of the minority, on the ground that the Committee had exceeded their instructions. But so little was said upon the point, that four or five out of six of the clerical members of the Council were afterwards wholly at a loss, in determining, not only what was actually said, but whether any thing at all was said, which could have engaged the distinct attention of the Council. We suppose the same to be true of the delegates. Certain it is, that the objection in question had no prominence whatever before the body, — notwithstanding what would be inferred from the unqualified, vehement, and many times reiterated declarations, which have

* The amount was here very much underrated.

† Congregationalist, Dec. 7, 1849.

since been made by individuals of the minority and by those in their interest.*

The business of the Council was delayed by it a few minutes only, at the farthest. The Church never disowned the doings of the Committee. On the contrary, earnest desires were expressed, that the Council should give advice, according to their best judgment, in view of the deplorable state of alienation. And it never entered the mind of any one of the Council, that they would be "travelling out of the record," or be taking cognizance of matters foreign to their commission, if they should give the advice which they did. It seems to us, therefore, neither accordant with truth, nor with Christian fairness, to state, as so often has been stated, that this second Mutual Council had no right to attend to any other business, than simply to dismiss the Rev. Joel Mann.

With a "full history of the other Council in mind, this Second Council began their hearing of facts." And for any one to say, that this Council *had not the facts* before them—*all the facts* necessary to be known—can be explained only by an inexcusable ignorance of their proceedings, or by the allowance of a species of fiction, in which Christian men cannot honorably indulge.

There were no new facts to be investigated, except in regard to the course which had been taken by the parties, since the members of Council, in the February previous, heard all their details of the difficulties between individuals of the Church, and between individuals and the pastor. Those difficulties began several years before. But as brought before the Council they were specially connected with a conflict or strife between members of the minority and of the majority, respecting an alleged omission of the pastor to do what it was said that he had pledged himself to do, at the time when Mr. Lovejoy was desired by some of the minority to repeat, at Howard Street, his funeral eulogy upon Mr. Torrey. If any indiscretions or mistakes had been committed, by the pastor or his personal friends, which we think should be acknowledged, there was yet evidence most palpable, that both the pastor and his friends had received much "provocation," beside that which leads "to love and good works." And, in general, the proceedings of members of the minority admit of no justification or excuse, even if they had been entirely in the right—as we cannot concede that they were—at the beginning of the conflict. But whatever might have been the origin of the existing state of dissension,—whatever occurrences or influences had aggravated or complicated the points in controversy,—the Church as a body appeared to the Council in the condition of a patient, whose physician finds him in a most critical or fatal extremity; and who must administer to *the disease* as

* It was remarked by the Moderator, that it was competent for the Council to give advice to a Church, if they saw fit, even though the Letter Missive had not specifically requested it. Some time afterwards, when, at successive meetings of the Conference, he was charged, not very courteously, with having said, "*that it made no sort of difference, whether advice was asked or not,*"—he twice repelled the charge, by an emphatic denial. He understood the speaker as reporting him to have said, or to have implied, that it was not necessary in calling a Council to specify the business of the Council; and besides, he had entirely forgotten what he *did* say upon the competency of a Council, in regard to advice.

it now is, whether the patient is, or is not, chargeable with any known imprudence or criminality in the management of his health.

We make these statements and comments thus freely and ingenuously; for our aim is, not to write a single line, which is suited to convey an impression against the real truth of facts. And we are not conscious of the slightest wish or temptation to conceal any thing, for the sake of more effectually vindicating either the advice of the Council to disband the Howard Street Church, or the dissolving act by the majority.*

It is most important also to consider, that the difficulties of the Church had not been out of mind, in the intervening period between the two Councils; but divers circumstances had led some of the members in particular, to ponder with much solicitude the questions of expediency and of duty which had been suggested. And if the brethren associated in that Council could not be trusted to give advice, on any subject whatever, pertaining to our ecclesiastical order, there has yet been no *Ex parte Council, and never can be*, whose members can claim any title to be trusted, in a revision of their proceedings.

The minority were present in full strength and fearlessness, to urge their measures and pretensions. They were as "swift" to "speak" as "slow" to "hear." They fought for their positions as if the brethren on the other side were personal enemies, with whom there never could be peace. There was excitement among the majority; and, with all the effort which was used to let "moderation be known," it was now more than ever made manifest, that the two parties, which so confronted each other, could not be reconciled, so as to be "brethren beloved," without a marvellous change.

"Can you not be reconciled and go on together in harmony," was in substance the question put to the foremost speaker of the minority. The prompt and vehement answer was "No. *Unless there should be a miracle from heaven!*" And, "No," was the answer of the same individual to the question, "Whether in any case the minority would leave?" "What if the majority should say the same?" "*We will stay and burn out, as we have done, for the last nine months!*" May "the spirit of Christ" save other Churches from the fanaticism—the "DEVOURING FIRE" of abolitionism!

Both parties agreed, that their covenant had been violated,† and that proper discipline, under present and prospective circumstances, was wholly impracticable. It was not that the majority were averse to the discharge of duty, in this respect; but because of the various difficulties which were liable to be encountered, and

* Any more minute particulars, we think, it would not be proper to give. From what we have now stated, our readers may perceive, that the difficulties were of that lamentable character, in which crimination and recrimination are most abundant; and in regard to which the friends of either party are liable to be misled and unintentionally to deceive themselves and others. And that the public have need to know nothing of the details upon this part of the subject, appears to have been the judgment even of the late *Ex parte Council*. We coincide in opinion.

† "You also engage to walk in communion with this Church so long as you continue a member of it, and * * * by walking in love with all its members, avoiding divisions, strife, envyings, and every occasion of offence; doing all things without murmuring and disputing, exercising towards its members a spirit of meekness, forgiveness and faithfulness," &c.

of the consequent unwillingness of some to go forward with a complaint, or to witness the painful scenes, which they could not but anticipate. These remarks should suffice for a reply to various self-complacent insinuations and imputations of the late Council, in regard to this point. The matter-of-fact is indisputable. And if there was an apparent inconsistency or impropriety, in the advice of the Mutual Council to provide for a regular transfer of membership *for all*, or in the action of the majority agreeably to such advice, is it not possible for a man of candor to find some satisfactory explanation?

After attending to every point, which could be of the smallest advantage for a just and wise decision, the Mutual Council closed their painful work by a Result,—first, dismissing the pastor, and secondly, advising the Church to disband. For ourselves, we think that it “*was in order* for them to recommend a dissolution of the Church,” and that “*their advice ought to have*” had “*WEIGHT*”!

Of the various allegations of the Result, in respect to the Mutual Council which advised the Howard Street Church to dissolve, we shall not speak as we might. It is said, for instance, that “*the thing which the Council deemed expedient, was in some way to get rid of this Church as it was then organized, in order that a new one might be organized in its place, in which a portion of the materials should be better and the whole Church be better put together. All this the Council expressly avow.*” (Result, p. 18.)

Now we undertake to say, that the Council do NOT “*expressly avow all this* ;” and further that, the Council *never had a thought of* “*a new organization*” of members of Howard Street Church, to occupy that place of worship. From some things which were known to members of the Council, in regard to the increase of population in South Salem, and the opinions which were entertained by some members of Howard Street Church, in common with members of other Churches, it was thought to be very probable, that a new Congregational Church might, at some time not very remote, be deemed expedient, and be located in that part of the city, or in some place where a house of worship would have advantages over any one which now exists. It was also thought, that, perhaps, the Methodist Society in Union Street would purchase the Howard Street meeting-house.* If not, there might be, in a few years, some unforeseen changes and events, which would not leave the house to emptiness and desolation. And expressing themselves, far more according to their general hopes and good wishes, than any definite expectations, the brethren of that Council did indeed say,—“*If the proprietors of the meeting-house see fit to close it awhile and wait for the movements of Providence, we feel persuaded that the time will soon come when the way will be made to open it under better auspices. A new organization formed for the purpose, would, of course, stand clear of most of the embarrassments of the present.*”

We are authorized by the brother† who wrote these sentences, to affirm most emphatically, that *he had not the least idea of any organ-*

* After the dissolution of the Church there was a negotiation on this subject, which was interrupted by the conflicting movements of the minority.

† Rev. Mr. Lawrence, of Marblehead.

ization from the members of the Howard Street Church, as the "new organization" which might be formed. And without the slightest reservation or qualification, we also affirm, that the idea of any design "to get rid" of the Howard Street Church, as "then organized, that a new one might be organized in its place," was not entertained by a single member of that Council, which advised the dissolution! And those brethren, who are as worthy of as much respect, every way, as any of the authors of the Result which we are reviewing, might just as well be wantonly charged with the crime of parricide or of suicide, as of the conspiracy, which has been clandestinely alleged against them, to break up the Howard Street Church, in order to throw out into the world, or "get rid of" a certain undesirable "portion of the materials" of that Church. Although it is said with so much confidence in the Result, that "it is admitted by all, that a Church, and the worship and ordinances, ought to be sustained in Howard Street," we deny the statement, most positively and absolutely.

To this point we may advert in another connection. And we will now only add, that this late Ex parte Council are the last of all men, who should urge the objection to "the dissolving act of Howard Street Church," that it "was improperly recommended by the Council which advised it; the Church not having voted to submit any such question to them for advice." *What jurisdiction had this Ex parte Council, in respect to proceedings of the Essex South Conference? Or what authority had they to revise the doings of the Mutual Council, which advised the dissolution of Howard Street Church? And by what right did they adjudicate upon the case of Ezekiel Goss?*

When Dr. Albro pressed upon his associates in Council the palpable evidence, that they had no case properly before them, in the matter of Mr. Goss,—the delegate from Middleborough, evidently feeling the pressure to be too stringent, moved that the case of Mr. Goss should be passed over, and that the Council should proceed to take up the Howard Street question. But some of them doubtless saw, that if they should admit that they had no case in respect to Mr. Goss personally, they could not have the shadow of an apology for considering this question of the Howard Street minority. But they had no case; and if Mr. Goss had desired to be recommended to Crombie Street Church, that Council, we venture to affirm, would never have had an existence. Or if the Council had met, they would as soon have followed Mr. Goss to California, as have passed the votes which they did in respect to him.

They have said, with much truth, but very poor consistency, that "any other discipline than Christian discipline is a thousand times worse than no discipline." And in our judgment, "any other" Result than a Result the very opposite of theirs, is much more than "a thousand times worse than none."

8. The Council insist, that if their reasoning on the abstract question were inconclusive, and if it could be proved that the act of the Howard Street Church in dissolving were valid, on the general principles of the case, yet it is "null and void," on account of the erroneous mode in which it was done. Fourteen rules, it seems, had been adopted by that Church, to regulate the management of its concerns. These rules respected the form of government, admissions and dismissions,

discipline, stated meetings of the Church, observing the Lord's Supper, &c. Among these rules was the following. "No alterations shall be made in any of the foregoing rules, unless at a regular meeting for business, it having been proposed in writing one week previously, and two-thirds of the members present voting for it." The reasoning of the Result on this subject is, that,

If the Church forbade altering even a regulation as to the time of the Lord's Supper, or observing a monthly concert, except by a vote of two-thirds, and after a week's written notice, much more did they forbid the dissolution of the Church by the votes of a mere majority, and without any such written notice, or any public notice at all. Moreover, by dissolving the Church, the rules as to the observance of the Lord's Supper, of church-meetings, of monthly concerts, and of all other services, and every other rule, would be virtually repealed. If then that cannot be done indirectly which the law forbids to be done directly, surely a vote to dissolve the Church, passed by merely a small and accidental majority, and without any previous written notice at all, is on every principle, both of law and equity, null and void. Yet the legal notice was never given, nor did two-thirds at last vote for the dissolution.

This consideration is of itself absolutely decisive. It is abundantly sufficient to settle the case. If we had no other ground of declaring the disbanding vote null and void, this would be all that we need.

By some very peculiar talent of seeing things unseen, more than "things which do appear," our brethren of the Council have revealed to us their greatest idea, in their application of "the eleventh rule" of the Howard Street Church. This rule alone they vauntingly put forth, as "abundantly sufficient to settle the case." And from their whole manner of speech, utterly deceived as they are, we think it not unlikely that some of their readers have supposed, that there *must be* something in it "absolutely decisive,"* in the *particular* case of Howard Street Church.

On the supposition that the Council are correct in their construction of the rule in question, we have to say, that they confound what the Church did do in a certain case, with what would have been done, or what consistency required them to do, in certain other cases, if they had anticipated such cases and made provision accordingly. The majority of a Church were held, legally and ecclesiastically, by such rules only as had been actually made. They were not bound by regulations which had not come into existence; and which they might think that the Church would have adopted, if they had seen fit to consider the subjects to which such regulations might properly apply. What a principle is that for which the Council contend, in the present case! How would it do in general practice?

There is no Legislature which fully carries out all the principles of its legislation. The same reasons, which lie at the foundation of some of their laws, require them, if they would be consistent, to enact other

* "Nothing is more common," says Andrew Fuller, "than for the most false and pernicious doctrines to be advanced with a boldness, which stuns the minds of the simple and induces a doubt: 'Surely I must be in the wrong, and they in the right, or they would not be so confident!'" How much more likely to "stun the minds of the simple," are such *astounding* asseverations, as those of the men, who have written or sanctioned this Result!

laws. There may exist more powerful considerations for framing additional statutes. But no one is legally bound to govern his actions by such regulations, till they are actually ordained. Some laws totally fail of their object, because they are unskillfully framed. Other enactments which might have been made, and which would have been, if the Legislature had possessed more foresight and comprehensive wisdom, are needed to secure the objects of the laws as they are. But no citizen is bound to provide *for legislative defects*, and govern himself by other rules than those which he finds in existence.

The fact is in regard to the Howard Street Church, that all those rules, the alteration of which they prohibited unless sanctioned by a vote of two-thirds, *might have been changed at any time*, by vote of the majority. The eleventh rule provides, that none of the *foregoing* rules shall be modified, except in the manner it prescribes; but *it does not include itself* within the number. And it would have been competent for "an accidental majority" at any meeting to rescind the rule, and then immediately to have changed any one, or all the others, in any manner they chose. It will be said, that this would have violated the intentions of the Church in making the regulation, and defeated the very purpose of the provision. No doubt it would. But none of the regulations already made would have been contravened by such an act, and there would have been technically and legally no impediment to such a course. If the Church failed through inadvertence to make sufficiently complete arrangements to secure their object, they were liable to the consequences of their defective caution.

Further: as the majority of the Church were not held by "the eleventh rule" from passing a disbanding vote, they were left at liberty to pursue such a course, as they thought expedient in relation to the matter. They certainly were morally bound to act with deliberation—to avoid all hasty action, to take measures to secure a fair and full expression of the views of the Church on so important a measure. But they were not bound to do this in the particular manner upon which the Council insist, *because the eleventh rule did not apply, and was not designed to apply to the subject.*

The question for us, as candid and Christian men, is, not whether the action of the Howard Street Church was *technically* in order, or exactly conformed to the letter of any existing rules or regulations; but *whether the action was in accordance with the principle and the spirit of any particular rule or regulation.* In thousands of cases, Churches in doing business do not proceed agreeably to prescribed forms or the best modes of proceeding. But are their votes "null and void" in consequence? By no means. If our readers will follow us patiently, they will find that in the proceedings of the Howard Street Church, *much more was actually done* to secure a deliberate judgment of the members—a *full and complete expression of the will of the Church*—than would have been done, if the members had thought ever so much of their "eleventh rule" as applying to the case, and had distinctly purposed to apply it to the veriest letter. And sure we are, that in declaring the "act" of the Church to have been "very rash and improvident," and in making other statements of the kind, the Council themselves have occasion to think of the proverb,—*Physician, heal thyself.*

Let us examine this "eleventh" rule. It provided, (1) that "no alteration should be made in any of the foregoing rules,—(2) unless at a regular meeting for business,—(3) it having been proposed in writing one week previously,—(4) and two-thirds of the members present voting for it."

First, then, the rule had no reference to any other subject, or any other business, than what pertained to "alterations of foregoing rules." It could not apply, as we have just said, and was never designed to apply to any other subject or business. And the grave and solemn reasoning *a fortiori*, that the Church could not be dissolved, because "the rules as to the Lord's Supper, or observing a monthly concert, and of all other services, and every other rule, would be virtually repealed,"—is about the shallowest sophism, which could have been invented.

In the second place, the rule required that every "alteration of the foregoing rules" should be "made at a regular meeting for business." In some of the Churches of Salem, the regular business meeting is that which is held the week previous to the "Preparatory Lecture." At Howard Street, business was done without much regard to such an arrangement, and at any meeting. And if any business had been previously announced, or notified, the meeting would be called "a regular meeting for business." ☞ In no case was a "written notice" required, or ever given! And any vote could be passed, without any such notice to make it "legal" or valid.

In the third place, the rule made it the duty of any member wishing an alteration of rules, to "propose" the same "in writing" one week previous. In other words, he was to state *on paper*, what "alterations" he "proposed," as well as intimate his wishes by word of mouth. Just as in doing any business which is to be a matter of record, some Churches always require of a member, to put a motion or resolution "in writing." The reasons are self-evident.

Although prepared for almost any error of statement or any absurdity in the logic of this Result—after we had read a few of the first pages,—we could scarcely believe our own witness, that such a palpable error, if we may not say, pitiable blunder, could have been committed, by interpreting this "eleventh rule," as if it required "a written notice" of A MEETING for an alteration of other rules! The "writing" had nothing to do with the "notice" of a meeting; any more than it would have had, if the Church had said nothing at all of an alteration being "proposed one week previously." Not a word is said in the rule, respecting "notice" of any kind whatever!

But the Council in their comments, have seen fit to speak of the proceedings of the Howard Street Church, in the vote to dissolve, as being what "THE LAW FORBIDS," and as without "legal notice." Their language appears, as if they here confounded the Church with the Proprietors of the house of worship, and reasoned concerning the business of the Church, as if under the same legal restrictions, as business of the Proprietors. They do the same elsewhere. And as if this "eleventh rule" was like a Statute of the Commonwealth, or was subject to the laws of the land, requiring *written notices*, with other forms to *legalize* certain meetings, the Council have "settled the case" against the majority of Howard Street Church! Because,

forsooth, these did not give "a week's written notice" and "the legal notice" of the meeting, when they voted to dissolve the Church!!

If this construction of the "eleventh rule," and the argument from it, could have originated in the mind of some wily politician, or veteran practitioner at the bar, well versed in the arts of "professional license," and not over-scrupulous in stating facts and expounding statutes, we could easily account for both the one and the other. As it is, we must suppose, that some member of the Council suggested it, as a very great idea, and perfectly original.

But, in the fourth place, the rule which we have been considering, required that "two-thirds of the members present" should "vote for" any "alteration" that should be made in the ten "foregoing rules." And the Council say, "if that cannot be done indirectly *which the law forbids* to be done directly, surely a vote to dissolve the Church, passed by merely a small and accidental majority, without any previous written notice at all, is on every principle, both of law and equity, null and void."


They had said in a previous part of the Result, "This new doctrine teaches us that a mere majority of the brethren, at a given meeting of the Church, although a minority of all the brethren of the Church, and a very small minority of all the members, can, by a single vote, make every member no member of that or any other Church." If the Council mean, that any of the members of the Essex South Conference hold any such doctrine, the charge is absolutely and entirely false. They then add:

We do not doubt that those who are ignorant of the facts of this case, will read this statement with inexpressible surprise, and perhaps with no small degree of incredulity. It will seem to them impossible that intelligent Christian men, much more, leading and influential ministers in our Churches could, by any course of influences, be led to assume such a position. Yet we have simply stated what an accidental majority of the Howard Street Church profess to have done, what leading ministers claim that they had a right to do; and still more wonderful the right to do which they still contend for, as essential to the independence and inalienable rights of our Churches! The simple and undeniable facts of the case are these. The Howard Street Church, at the time when the Council advised their dissolution, consisted of one hundred and seventy members, fifty of whom were males. At the time of the disbanding vote, most, if not all of these were still members of the Church, for, although some had taken letters to other Churches, they had not been received. This Church, on the evening of May 4, 1847, by a vote of seventeen males, was declared to be dissolved, in accordance with the advice of a Mutual Council.

There is much more also of the same kind in this document, which, ever and anon, opens upon us a paragraph, that for a season makes us feel, as if in a "cloud of Lilliputian arrows," which have the most provoking stings of annoyance, although otherwise powerless and harmless.

According to the Council, then, seventeen male members out of fifty, by a major vote of *seven* at a meeting of *twenty-seven*, passed an act to dissolve a Church of 170 members! It is most distinctly implied, that the vote was not at all anticipated by the brethren as a body;—and that *if it had been*, no such act could possibly have passed! And, over and over again, has it been asserted or intimated, that those voting

as the majority *were really the minority!* In the name of *reason*, we ask, what it was which prevented the “*ten*,” who were in the negative, from summoning together, at an early day, all the *absentees*,—to reverse or annul that “*one potent vote of seventeen men*,” by which “*all bonds have been sundered, all ties cut, and every individual who was once a member of the Church, floats as a solitary atom on the surface of the ocean of this cold world*”! And in the name of TRUTH, we ask, why it was that those “*seventeen*,”—if only “*a mere majority of the brethren, at a given meeting of the Church*,”—should have been recognized at the time, as in every sense, the indisputable representatives of *the actual*, and *not* the “*accidental*” or the “*very small*” majority of the members, who could have been present, if duly notified? Have some men lost their senses, and has their “*reason fled*”?

The Result of the Council advising the dissolution of the Church, was given Wednesday, April 14, 1847. The evening previous was the time of the regular church meeting; and in anticipation of the Result, which would of course require some action of the Church, a meeting was appointed for Friday evening, the 16th.  The minority were certainly *no less* interested and active, to say the least, than any others, in giving notice of the meeting, and in being promptly present. It is scarcely possible, that a male or female member in Salem, old or young, sick or well, could have been ignorant of that meeting.

April 16th, it was “*voted to take up so much of the Result of Council as relates to the dismissal of the pastor, and adopt the same*.” After other business, as that of giving quite a number of letters of dismissal, the Records say:

“*On motion, Voted to take up the rest of the Result of the Council from the table and adopt it!*” After some discussion in relation to the adoption of the rest of the Result, it was then “*voted to adjourn one week from next Tuesday evening, at 7 1-2 o'clock, for the further consideration of its adoption*.”

Mark here, particularly, that the question of disbanding the Church was first discussed, April 16th. The further consideration of the same was now postponed, nearly two weeks. The members of that Church knew as much of the *ordinary* business that was likely to be done, as the members of any other Church that ever existed. And by no possibility could any resident or voting member in the city have been in ignorance of what was now in progress. If *ten* “*written notices*” had been served upon every one of the Church, and the city crier had rung his bell at every corner in Salem, and proclaimed that meeting of April 27th, the members would have been no more effectually notified and certified.

At the adjourned meeting, April 27th, a large number of letters of dismissal were granted, and other business transacted. “*On motion to adopt the rest of the Result of Council and comply with their advice*,” a discussion followed, and an attempt was made to “*postpone the subject indefinitely*.” While a call for “*the previous question*” was pending, “*it was voted to adjourn one week, 7 1-2 o'clock*.”

May 4th, 1847, the Church met according to the second adjourn-

ment, for the special purpose of further considering that part of the Result of Council, recommending a dissolution of the Church. This was now *the third time*, that the subject was brought before the Church.

There were on the list of the Church 160, perhaps two or three more, resident and non-resident members. Less than 120 were resident. The whole number of *male* members, by the books of the Church, was fifty. Of these, *fourteen* were not in Salem; and the most of them were in the same condition as many others, who have a *nominal* connection with our Churches,—but who, in regard to the support or business of the Churches, are only as “good as dead.” Twelve were non-residents and two were at sea.

Of the *thirty-six*, who were in Salem, and who were properly voters upon the question, *THIRTY* were present at this meeting of May 4th. They were exactly two to one, in their views of the subject before them; but as the meeting was protracted by the opposing minority, *three* of the “two-thirds” present, who were in favor of the dissolution, were obliged, by the circumstances of their families, or other urgent reasons, to leave the meeting before the question was put to final vote. Thus but *seventeen* of the twenty-seven actually voting, in due form, were in the affirmative,—being *one* less than “two-thirds.” But were there not in truth *twenty to ten*? And will not every fair-minded man admit, that the vote really was of “two-thirds” in the affirmative?

The vote, taken by yeas and nays, was this :

Voted, to adopt the remainder of the Result of Council, and by and with their advice, this organization is hereby dissolved; and that Deacons Smith, Foster and Driver be a Committee to grant letters of dismissions and recommendations, under date of May 4th, 1847, to all the remaining members of the Church, to any Orthodox Congregational Church they may direct.

☞ The next day afterwards, the *three* in the affirmative, who had reluctantly retired before the vote was taken, gave their names in writing, with *four* others, making *seven* in all,—to be added to the *seventeen*, whose “yeas” had been recorded.* Thus of *thirty-four* out of *thirty-six*, *TWENTY-FOUR* were for the vote to dissolve. Have we here “two-thirds”? The remaining *two* of the whole 36, having declined to attend the meeting, not wishing to vote on either side, ought, by common interpretation in such cases, to be counted in the affirmative. One of these, we believe, worships at Howard Street; the other, is at the Tabernacle.

Of the fourteen non-residents or absentees, only two are known that would have voted with the “ten.” And if a distribution of all could have been made, on the one side and the other, there would have been, as we have ample warrant to say, at least *THREE-FOURTHS* of the entire fifty, decidedly in favor of the vote of dissolution. The vote would certainly have been no better for the minority. And the proportion

* The paper was as follows: “Salem, May 5, 1847. We, the undersigned, having been members of the Howard Street Church at the time of its dissolution, and not being present to vote,—hereby give our assent to the vote for such dissolution.” One of the non-resident members, who had left the city, a few weeks before, put his name with the seven; so that *eight* names are upon the paper.

among the sisters of the Church, in favor of the vote, appears to have been just about the same as among the brethren. Was the Howard Street Church dissolved by a "bare majority," and that an "accidental majority"? In more senses than one, the question may often be asked,—WHAT IS TRUTH?

☞ But consider another fact. Of the *ten* who voted in the negative, *two*, or a fifth part, *had already given notice of their intention to leave*; and actually did leave forthwith! And their vote in the negative was so given, not because they desired the continuance of the Church.*

And now let it be also known, that *there was no protest of the minority* against the vote of the Church to dissolve. Although a protest does not in the least affect the validity of a vote, yet for the hundredth time, the minority have been spoken of, as if entering a protest against the action of May 4th, 1847, and as if the fact were of vital importance in the case. What *kind* of a protest was entered, and what form of objection was presented, the Church Records will show.

The following protest, offered by Daniel Millett, was handed to the Moderator, without any action thereon,—*after* dissolving.

Whereas a few individuals who have been dismissed as members of this Church, but who have notwithstanding been present at two or three of the last meetings of the Church, and by their speeches and votes have been urging the Church to disband its organization, and otherwise in an irregular manner interfering with its proceedings,—we, the undersigned members of Howard Street Church, hereby enter our solemn protest against such a course of proceedings on the part of such individuals, as being subversive of the rights and interest of this Church, and we protest against any further action on the part of such individuals at any future meetings of this Church, and request that this our Protest be entered upon the records of the Church.

DANIEL MILLETT.

E. B. OSGOOD.

EBENEZER CLEVELAND.

Salem, May 4, 1847.

The persons objected to or protested against, had explicitly stated, on taking letters of dismissal, that they should not use them so as to be prevented from taking part in the further proceedings of the Church. And the Protest, though previously prepared, was not presented, until the vote had passed for the dissolution.

Afterwards, also :

The following was offered by B. A. Gray, and passed to the Moderator, without action.

"The subscriber objects against the votes passed this evening against I. P. Foster, R. P. Waters, and G. Monarch voting on the question of dissolution of the Church this evening.
B. A. GRAY."

The minority, at the time of the vote to dissolve, *took it for granted, as was right, that if such a vote should pass, there was to be, of course, an end of the organization, known as the Howard Street Church!*

* Of two others of the ten, one has gone to reside at the West; and the other is in California. So that not more than *six* of the ten are, at the present time, in active service at Howard Street.

They certainly spoke and acted as if this would be the inevitable and unalterable effect of such a vote. It was an after thought, that led to the claim which they have since urged so vehemently.*

If the minority had acquiesced, as reasonable men; if they had submitted, like others in similar circumstances, to the voice of the majority of the Church,—then, not a thousandth part of the evil which has been occasioned or produced, could, by any probability if possibility, have been experienced. And it is not too much to say, that if one man alone of the leaders of that minority, or at most if two of them had advised the others to desist from the unwise, if not desperate experiment which has been undertaken,—no more would have been heard of the dissolution of the Church in Howard Street, than of the dissolution of the Bethesda Church, in Charlestown, so lately,—or of the Chrystie Street Church, New York city, or of twenty others, formally or indirectly dissolved, within less than half a century. We cannot, then, have a doubt, that the apostle James would say,—*Brethren, these things ought not so to be!* Do not err!

In further proof of the strength of the majority, and of the general concurrence of the male and female members together, in the vote of dissolution, there is “a significant fact” which we hope, if the Council are not, others will be disposed to consider. Out of *less than one hundred and twenty* resident members, NINETY, at least, have taken letters or certificates of church standing, so as to form other connections,—since the passing of the vote to dissolve; or, previously, either in anticipation of that vote, or from utter dissatisfaction with the state of things in the Church, before and after the Mutual Councils of February and April, 1847!

Have we not now proved and demonstrated, that, even on the hypothesis that the Church were *legally* bound to regard that “eleventh rule,” they went altogether beyond the requirement of that rule, in its strictest principle, and the most rigid construction of its true purpose? It appears to us, that the manner in which the Church was dissolved, was such as to obtain a fair and complete sense of the members on the question; that there was no haste; that the majority was abundantly large to warrant the procedure; and that if the Council would be willing, if they supposed they had no other reasons to justify them, to rest the negative on this ground, they are willing to place it on very insecure foundations, and thus incur the hazard of being “likened unto a foolish man, which built his house upon the sand.”

Let us hear no more, then, of the absurd and shameless fabrications which have gone to the ends of the earth, through the correspondents of some of our leading religious papers;—as if a “*factious*” and an “*accidental*” majority of *seventeen to ten*, in the most wanton precipitancy, had voted to dissolve a Church of 170 or 175 members! If after all that we have adduced, any one can suppose that “a written notice,” for which in their simplicity the Council contend, or any other

* One of their warmest advocates, and a member of the late Council, has said, that “*the Church was then supposed to be dissolved, as much so by the minority, as by the majority.*” (Salem “Tri-Weekly Gazette,” Dec. 21, 1849.) We could wish that he had been as correct in all his statements.

notices than those given, would have made the least imaginable difference in the vote, he can suppose any thing and believe any thing, however incredible or preposterous. And if there are any who can find in "the eleventh rule" an argument "absolutely decisive" of the Howard Street case, against the majority of the Church, then, we suppose that we must be content with the saying of the "Preacher" of old:—"that which is crooked cannot be made straight, and that which is wanting cannot be numbered."

It would be refreshing, like the "shadow of a great rock in a weary land," if occasionally we could find some unsophisticated and unvarnished statements of fact in this Result. The Council say: "Yet it is affecting to see how the memory of the good old ways of our fathers lingered about them, and, in spite of inconsistency, modified their speech. No one was asking for a dismission," &c. "Affecting!" Were the Council dealing in romance? Do they refer to the majority, or the minority, or to *neither*? A large number of the resident members had already asked for letters of dismission, at successive meetings before the vote to dissolve. And at the late hour to which the last meeting of the Church was protracted, by the stormy opposition of a few to the opinions of the majority, it surely was not to have been expected, that many would then be "asking for a dismission." Few were there, but those who could not conscientiously stay away; so painful was it to witness the kind and manner of that opposition. "The memory of the good old ways of our fathers lingered about them," and *for this very reason*, as much as for any other, the NINETY of whom we have just spoken "*lingered not*" at Howard Street.

"Indeed," say the Council, "the Committee or some of them, seem afterwards to have become aware of the inconsistency of their position and duties, for to this day all of them have never met or acted together." The Committee *did* meet very soon, organize, and act together. They jointly signed a letter of dismission, according to the vote of the Church, for one of the members, who happened to be the only one whose request was then presented. "*Some of them*," that is, *one*, did however feel the "inconsistency" of his "position and duties." He had voted with the minority. If we do not mistake, he was influenced also by other reasons, in declining to act with the other members of the Committee. One of the others consulted with two or three pastors of the neighboring Churches upon the question, whether it was necessary for the Committee to sign letters jointly. Being informed by each, without any concert or mutual conference, that a letter or certificate of church-standing, signed by either one of the Committee would be sufficient, he chose to refer most of the applicants to the other member of the Committee, who was the Clerk of the Church at the time of dissolution, and who was willing to attend to the business. Hence, although he himself attended to some applications for letters of testimonial, the greater part of such letters were signed by the Clerk, on behalf of the Committee.

If the vote of the Church had been, to give letters to all "in good standing," as was done in one Church at least, of which we have heard, the responsibilities of the Committee would have been quite different. The vote of the Church was framed or expressed, as it was, in order that no one might have any occasion to complain, that his

rights of membership in relation to other Churches, had been impaired in the smallest degree. If this was wrong, the majority, in mitigation of their fault, may, at least, be allowed to plead the intention of doing right, and an honest purpose of discharging their duties according to what they believed to be, and what they still believe to have been, the wise counsel of those whom they respect and esteem as true brethren in the bonds of Christ. The Council themselves seem to relent a little; for they speak of the "inconsistency" as "an *amiable* inconsistency."*

And we must here add, that very serious wrong has been done, in what has been said, and much more in what has been intimated, respecting *the majority* of the Howard Street Church. In *Salem*, where they are well known, it is beyond the power of the Council to do them harm. And if the Christian public abroad could know the comparative standing and estimation of the majority and the minority, there are few that would require any investigation of the facts in the Howard Street Controversy, before determining in their own minds, which of the two parties, would most probably be found, upon impartial scrutiny, to have acted with the purest and most commendable regard for every interest of the Church of Christ.

We turn to a few questions for the Council. If they will please to inform us, we should be grateful to learn what more consistent, what more "amiable" and Christian provision could have been made, for a transfer of membership, on the supposition that, instead of the vote to dissolve, all the voting members of Howard Street Church had agreed to give and to take letters, in the manner, which the Council have described, as in perfect agreement with "covenant obligations" and the "principles of Congregationalism." (Result, p. 18.) Would the Church have *ever* become "a non-existing Church?" If so, *when*? If not so, then *what kind of a Church* would it have been, after the last vote and the last meeting? In weeks or months following, when some of the members had neither been received elsewhere, nor had applied for membership,—meanwhile the organization having entirely ceased, just as much as if the Church had been declared to be dissolved, by an unanimous vote, both of male and *female* members,—we should be glad to know *where the Church could have been found*? Would it be an existing, or "a non-existing Church?"

Yet the Council say,—“Just as if, after a Church was disbanded, there were any remaining members—just as if it were possible to dismiss any one from a non-existing Church!” And with equal emphasis might *we* say,—‘just as if, *after a Church had agreed to take letters to other Churches*, there were any remaining members,—just as if it were possible to dismiss any one from a Church which by that very act of agreement no longer existed, and was to all intents and purposes a non-existing Church!’

What if the letters had the sentence in the common form,—“*When received by you, their connection with us will be dissolved?*” How would the Council explain the words—“*connection with us?*” Where would they find the existing substantive, for the antecedent of that

* We believe, that they have somewhere said of *us*, that our *consistency* is “unflinching and commendable.”

plural pronoun "us?" What has become of that watch and care, which are so much needed for "every individual" who now "floats a solitary atom on the surface of the ocean of this cold world?"

Of a Church of sixty or of twice sixty members, suppose all but ten or five, or one, had been received into other Churches, at the earliest day. Suppose, however, that for the very best of reasons, or for the worst, the ten, or five, or one had not made application to any Church, although six months or a year had expired. *Will the Council please to inform us, "how would such letters, in this case, appear,—'when received by you, their connection with us will be dissolved?'"*

According to the Council, 'if all the members, by advice of Council had sought and received letters to other Churches, and were by them received, the Howard Street Church would have ceased to exist. No covenant obligations would have been violated, no principles of Congregationalism would have been contravened!' The reader may mark the carefully inserted clause—'and were by them received.' If the members, applying to other Churches, 'WERE BY THEM RECEIVED,' 'the Church would have ceased to exist!' Here we again ask, will our brethren please to tell us, *of what Church* the ten, or five, or one, whether male or female, and in the condition above stated, could be said still *to be members*, in good and regular standing? And of what Church could they consider themselves members, if other Churches refused to receive them? Who is to watch over them? Who is to discipline the erring and the offending?

In what they say of "*all the members*," as having "sought and received letters," we do not know, whether they meant to include the *females*, as voting, or the brethren only. If they refer to the brethren only, when they say "*all the members*," then we have further to inquire—whether it was any more a violation of covenant, for a majority of the brethren of Howard Street Church to act for a *minority of the brethren*, as well as for the sisters, than it would have been for the minority and the majority to have united, and have unanimously voted to give and take letters, whether or not *all the sisters* desired them to vote in this manner? Is the covenant any less sacred, in its application to *female* members?

Neither do we know, whether among "all the members" the Council would include non-residents and absentees. If they included "*all*," or every one of these, then we should be glad to know how many Churches have ceased to exist, in the manner in which the Council consider to be indisputably Congregational,—"*all the members*" of the Church, without any exception, *male or female, at home or abroad*, having cordially *agreed*, "under advice of Council," to "seek and receive letters to other Churches;" not only so, but "*all the members*" not a single one excepted, having been actually "received" into other Churches; and still further, no one of "*all the members*," *for one single day or hour*, without membership in an undissolved Church organization? Would an *exception* to all this, be "*too absurd to be thought of for a moment*?"

Yet another question. Suppose that by some means, or from some cause, it should so have happened, that any of the members of the Howard Street Church, after agreeing to cease to exist according to the method of the Council, should have long delayed application for

membership in other Churches. Would it make any difference, whether or not they *personally voted* to take letters, or were cordially in favor of the vote, by which the Church was to "cease to exist?" Would they be in *any better condition*, than if the vote had been *to dissolve* the Church; and the vote had been by the majority, they themselves opposing it most strenuously, or mourning over it with all the tears and lamentations with which the authors of this Result have *verbally* bewailed the doings of the Howard Street majority? In one word, would it make *the least* difference, whether an applicant for membership, *had, or had not, asked a dismissal, before* the act by which the Church, to which he had belonged, *became* "a non-existing Church?"

Where, then, is the awful difference, between a vote to dissolve—a vote of the major part of the brethren only—and a vote of all the brethren present to give and to receive letters to other Churches? Is there as *much* difference in sober, honest truth, as between Sibboleth and Shibboleth? And, what good reason can there be, for such an "*uproar, as if the universe were falling into ruins?*"

After considering eight different objections to our views, with more or less of detailed argument, the Council say, that "as the general question is now up, we desire that it may be settled in accordance with the great general principles of our system, and on grounds of eternal right. We desire to re-echo the truth that a majority has no right to violate the fundamental principles of our ecclesiastical polity or to contravene the eternal laws of natural equity." (Result, p. 37.) Other sentences follow, with the same rolling and reverberation of "great swelling words," as if something most terrible, or somewhat "most momentous" was somewhere. But the Council soon see fit to relieve us, by using a mode of speech, which we can so far comprehend, as to venture to consider.

We are charged with applying the principle of the right of a majority to govern, "out of its proper sphere. The right to govern implies the existence of a community to be governed, and its proper sphere is in the government of that community. But the dissolution of a Church is not an act of church-government but of church-destruction. It is an act that renders government impossible."

Now we ask, whether a civil government has not as real and complete authority over an individual subject, as over the community of which he is a part? If so, then every act of compulsion exercised upon him is an act of government. The act of hanging a culprit must be an act of government, performed on the individual suffering the penalty. But the right to govern, we shall be told, implies the existence of the individual to be governed, and its proper sphere is in the government of that individual. But the execution of a citizen is not an act of government performed on that citizen, but *of the "destruction" of the citizen*. We suppose the Council must of course be opposed to capital punishment, on the ground that the execution of a criminal is not, and cannot, be an act of government, and therefore, government is stepping out of its sphere in inflicting such a punish-

ment, and has no right to order it. We think it but justice to the Council, to release them from the discredit of originating this novel absurdity. It was borrowed from the discussions of the Essex South Conference; and when advanced there, it was considered so inconclusive and weak, as not to deserve the least notice, and it received no reply. We wonder whether the Council, which produced this marvellous Result is yet in existence; and if they are not, in what manner as a Council the members died. They could not dissolve themselves, *even by unanimous vote*; because the right to govern the proceedings of the Council *implied the existence of the Council to be governed*, and its proper sphere was in the government of that Council. But the dissolution of the Council was not an "act" of the Council's government, but of the Council's "destruction." This was "an act" which "rendered government impossible!"

We see not, then, but the Council themselves must be in the same condition in which they have placed the Church; and the language which they employ respecting this body, we can apply with the necessary variation, to themselves. 'If in the inevitable providence of God the Council once formed must cease to exist, let it either be by the act of God taking all its members to heaven, or by so placing them under the watch and care of other Councils, that the Council shall not cease to exist, until they are all safely located in a Christian home.' We think the Council rather inconsistent with themselves, in the position which they have taken on the alleged misapplication of the right of the majority to govern. If the majority cannot dissolve the body for the reason, that an act of dissolution is not an act of government, then how can a Church cease to exist by a unanimous consent and transfer of the relations of the members to other Churches? Is not this an act of "destruction"? Is not the government of that Church thereafter rendered impossible? To be sure, the dissolution does not take place by a direct disbanding vote; but the Council contend, that what cannot be done directly cannot be done indirectly. The Church is gone, and though its members may be attached to other organizations, yet the Church, as a Church, is just as effectually destroyed as a house is destroyed, which is taken all to pieces and its parts wrought into a hundred other edifices.

The Council attempt to strengthen their position, against objections drawn from the analogy of civil communities. "Appeal has been made," they say "in defence of this mode of proceeding, to the rights of communities to revolutionize governments by the vote of majorities. But the cases are totally unlike. No nation exists by covenant like that, which gives its being to a Congregational Church." Here the ground of this argument appears to be shifted. They had just rested the impossibility of dissolving a Church on the alleged fact, that an act of dissolution was not an act of government, but of destruction. Now it rests on another ground, that such an act violates covenant obligation,—that the Church is a peculiar body unlike a nation, because it is united by the ties of a compact. Whether the covenant is an impediment to dissolution is a question that has already been discussed, and need receive no further attention here.

But they add,—“Moreover, the right of revolution and of disbanding are not the same. No nation or people ever attempted so to disband

itself, as to destroy all public ties between citizen and citizen, by letters of recommendation among other nations." Now we do not rest the authority of a Church to disband, on revolutionary grounds. A revolutionary right exists in all individuals and public bodies, in extreme cases. It is a right not under law and according to the forms of law,—it is not a repeal of law according to established usages and principles,—but it is an avowed resistance and subversion of all law, the justification of which is placed on the ground of a most imperative necessity. The Council seem to intimate that no nation has a right to revolutionize, in such a sense as to destroy all existing forms of government, without providing another. Now a revolutionary right, in the strict sense of the term, and the right to change one mode of government into another, are not necessarily identical. The latter may be and often is a constitutional legal right, but the former is never. The people of the United States have the extreme right of dissolving their government, against established laws and constitutional provisions. They have also, under the Constitution, and in the mode which that instrument provides, a right to change the form of government from republicanism to a monarchy, or oligarchy, or a pure democracy. It is not usual for communities to claim, or rather exercise, the right of destroying one organization, without providing another. But if it should plainly appear that the good of a people would be better promoted by dissolution, without an attempt at substitution, and leaving portions of the original confederacy to reorganize according to their views of duty and interest, they would have the same right to do the one as the other. We, however, as before intimated, place the authority of a Church to dissolve on constitutional Congregational principles. The right we maintain to be just as real, as it would be, if there were an express provision in the covenant of Churches, that a majority or a certain number, which the majority might fix by a positive regulation, should disunite the organization, whenever they thought the circumstances justified such a measure. Our reasons have been given. The Council may call this not an act of government, but suicide. But it certainly is an act of government, if it is executed by the governing power in the usual way of transacting business, in respect to those who are subject to its authority. It is one of the highest acts of government. It may be called "*suicide*," but it is no more so than the dissolution of a peace convention, or a political convention, or an ecclesiastical Council, when the particular purposes of such associations have been accomplished. The term "*suicide*," was used in the discussions of the Conference, in application to this subject, although the very persons who employed it, would, without any compunctions of conscience for the crime, have committed this very act of suicide, on the meeting of the Conference itself, in a few hours after, if they had been successful in covering their object. If the act of dissolving bodies is suicide, we suppose that adjournment is putting the body subjected to the act, in a state of suspended animation. What right has a majority to do that? It is not an act of government. The proper sphere of the right to govern is in the government of the body; but adjournment is putting the body into a state in which it cannot be governed, during the period for which it ceases to be associated. This is not an act of government, but an act of suspending the vital

functions. The reply to this probably will be, that the adjournment of a body is only a means of putting it into a better condition to fulfill its functions. And that as its members need rest and refreshment, the only condition upon which the association can be continued and its objects accomplished is, that there should be intervals of suspension to enable it to supply those natural wants, the relief of which is essential to life. Now it is well known, that assemblies often adjourn for the discharge of other duties, social, political, and religious, that grow out of other relations, which they sustain to God and the world. They have other connections than those which bind them to the particular body, with which they are united. They have other and often higher obligations to discharge, as members of society and citizens of the world. They adjourn their sessions for the purpose of discharging other functions; that is, whenever their active connection with any particular organization interferes with other and superior claims, they suspend such connection, and give these claims the preference. For the same reason, they dissolve. Their association for a particular purpose is one mode of fulfilling their duties to God and mankind. The reason for this union may be only temporary. An uninterrupted continuance of the association, or the existence of it beyond a certain time, may be inconsistent with other claims of indispensable obligation. Why should not the organization be suspended or dissolved, as circumstances require?

So of a Church. In respect to a particular given Society of this kind, it may or may not be a wise and useful institution. Its situation may be such that it is not wanted. It may withdraw its members from such connection, as would place them in a condition to be much more useful, than they can be in the relation which they at present hold. The members of this particular Church have also obligations to discharge to the Church Universal. They are members of the kingdom of God. The duties devolving on them in this capacity are as binding, as the duties to this smaller community. They are much more so. And if these limited duties interfere with others of a higher character, there can be no hesitation as to the proper course to be taken. Any particular organization, or form of doing good, must be abandoned, when it interferes with the general welfare. It is as much the duty to *destroy* in some cases, as it is to *build up*; and in some circumstances majorities of associated bodies are *never acting more appropriately—never using the power of government*, which they possess, *to better purpose*, than when they dissolve the organization and commit what the Council call *an act of suicide*. It is a principle running through the natural and moral world, that destruction is necessary to better and more useful forms of reproduction. The corn of wheat must die to multiply itself and become more extensively useful. It was necessary even for the Council whose Result we are considering, to dissolve, although we can have no security that its members will be ever associated again in high debate, to shed their brilliant light on the Essex Churches.

It will be of no avail to the Council to allege here, that the objection lies not against the discontinuance of a particular local church-organization, but against its dissolution, before there is a transference of its members to other connections. The Church, as a Church, has ceased

to exist in either case. As a Church, it is destroyed, and the Council contend positively that it cannot put an end to its own existence, because an act of destruction is applying the power of the majority out of its sphere, and cannot be an act of government. Then certainly it cannot cease to exist in any mode, whether with transference or without. When they say, that a Church cannot be dissolved, until all its members are safely placed in other organizations, then they give an additional reason, and altogether shift the ground of the objection as before stated. And for a consideration of it in this form, we refer our readers to previous pages.

The Council state the new principle, as they call it, in another form. "It is the right," say they, "not only to destroy their own rights but to plunder others of theirs." If the Council feel any disposition to accuse us of any severity of language in the remarks which we have made, we hope that they will check themselves by a review of some of their own phraseology. We are charged with setting up *a principle of plunder*, with advocating the doctrine that a majority may lawfully rob a minority of their rights, as well as destroy their own. Other forms of expression occur of a similar tenor. We have a right to defend ourselves against such attacks, and in doing so to use stronger language than has been employed.

But to return. The charge is utterly false. If as we have maintained, it is a principle of Congregationalism, that majorities can disband, and all the members of a Church enter it on an implied understanding of such a condition, then their rights are no more violated, when the act is performed, than would be the right of an opposing minority, when an Ecclesiastical Council, or a World's Convention for the promotion of peace, or anti-slavery, or Christian Union, vote to dissolve, because the reasons for their further continuance have ceased, and the duties of the members call them to other spheres of labor and usefulness.

The Council proceed with some objections and questions, which have more tendency to operate upon the feelings of undiscerning and unstable men, than to produce conviction in reflecting minds. "We cannot but wonder," say they, "what can be the cause, that so much zeal is manifested in behalf of the right in question. If the disbanding of a Church were some great good, some glorious result for which Churches were ordained, we could understand it. But what Church once organized does not naturally desire to live and bless the world, &c. Why do we find no where in the Bible any directions as to this mode of dissolving Churches, for which so much zeal is manifested? Why do we find no such directions in any earlier or later works on our church-polity? Is not this a significant fact? Does it not proclaim the truth, that to live and increase is the great end of a Church, that its death is an event to be deprecated as unspeakably mournful?"

We can inform the authors of the Result, that the interest and activity exhibited by those who take the affirmative of this question, are owing in a considerable degree to the violent attacks made upon them by their opposers. They were put on the defensive; and as those who took the lead in the assault are well known to such as know them at all, to be men of very excitable dispositions, and bent on attaining their object, the defence necessarily assumed a more active character,

than if those who had undertaken it, had been called to encounter antagonists of a less vehement temperament. As both the Conference and the Tabernacle Church were contending for what they honestly supposed to be a just principle, they were not willing to yield it to clamor and pertinacity; and were determined to maintain their position, until some sufficient reasons were offered for abandoning it. These, neither the discussions nor the Result have furnished; and they will wait for further light before they change their ground.

As to the good which is to result from the application of the principle for which we contend, we have no doubt, that very beneficial results would flow in some cases, from the dissolution of Churches. We think if those members of the late Howard Street Church, who have so improperly procured the recognition of themselves as the Church which no longer exists, had acquiesced in the vote which disbanded them, instead of striving to maintain a feeble existence as an independent body, they would have conducted with much more benefit to themselves and the interests of religion in Salem. If the condition of the city of Salem requires another religious society of the Orthodox persuasion, we are well convinced, that it should be commenced as a new enterprize, which would be free from the odium under which the present Howard Street Church labors, and with a new name, in another part of the city, and divested as much as possible of all associations with the dissolved organization. It would then attract towards itself those who would give it a character which would command the confidence of the community, and be likely to answer its purposes. If the population of Salem should receive a large increase, the Howard Street Association would probably utterly fail of doing any thing of consequence, to meet the increasing religious wants of the citizens, and would employ resources that would be better directed to the assistance of some other enterprize. We have known several instances of attempts being made to establish new Churches, with a view to meet the religious demands of the community, which, either in consequence of the mistake of those who projected the undertaking, or a change in the condition of the place where they were commenced, have proved total failures. The judgment of the most wise and conscientious has been convinced that it was a waste of effort and means to prosecute the plan,—that it ought to be abandoned,—and that the labor of those who have the interests of religion at heart could be much better expended in another direction.

There ought to be, and we have no doubt there is, a power in the majority of a Church, or in such a number as a majority shall declare competent to decide in such cases, to dissolve the body against the wishes of an unreasonable and head-strong minority, who are blindly determined to uphold a cause that is not only sinking and desperate, but which withdraws aid that is needed for other more promising modes of promoting Christianity. It certainly is a glorious result of the application of the principle which we advocate, when the interests of religion are much more effectually secured by its use, than they could be by its abandonment.

The Council ask, "What Church once organized does not naturally desire to live and bless the world till Christ shall come," &c. Supposing it does have this desire, does that prove that the desire is reasonably

indulged? And if it is an unreasonable desire, should it be gratified? If a Church finds itself in such a situation, that it can better subserve the cause of religion by ceasing to exist, and adopting some other form of advancing Christ's kingdom, *it should desire to die*, and bless the world in those modes which are pointed out by the providence of God and the Great Head of the Church.

We have further to say, that, if the natural desire of a Church to live, is any reason why it should not be dissolved, *it is equally good against its existence being discontinued in any mode*; and as the Council allege it to be right and expedient for a Church to put an end to its being, by unanimously incorporating itself with other bodies, we have only to ask them to give us a reply to their own argument, which is as valid against their principles as ours.

“Why do we find no where in the Bible, any directions as to the mode of dissolving Churches? Why do we find no such directions in any earlier or later works on our church-polity? Does it not proclaim the truth that to live and increase is the great end of a Church, that its death is an event to be deprecated as unspeakably mournful, and that no directions are given as to this newly invented mode of self-destruction?” In these questions, two things are mixed together which ought to be kept distinct. When the Council ask, “Does not this proclaim the truth that to live and increase is the great end of a Church,” they ask a question which implies as strong an objection to a mode of terminating the existence which they concede to be authorized, as to that which they deny to be valid. But before they close the question of which this is a part, they slip in other words, which essentially vary the interrogatory and turn it in their favor. The words are, “and that no directions are given as to the newly invented mode of self-destruction.” Here the ground of objection is so changed, that it seems to lie, not so much against the “unspeakably mournful,” and much to be deprecated death of the Church, as to the alleged uncongregational mode of dying. The Council may gain some advantage to themselves with those who read cursorily, and with their prejudices strongly enlisted in favor of the principles of the Result; but we think they will lose on the whole more than they gain, by such a mode of reasoning. The cause will be suspected, which needs such defence. “If,” say the Council, “in the inevitable providence of God, a Church once formed must cease to exist, let it be either by the act of God taking all its members to heaven, or by so placing them under the care and watch of other Churches that the Church shall not cease to exist till they are safely located in a Christian home.” Such a temporary cessation of all relations as we contemplate, occurring between the time letters are taken from the disbanding Church, and that in which a connection is formed with another, though it might not in some cases embrace a period of twelve hours, the Council think a shocking violation of the covenant, and an outrageous abandonment of Congregational principles. We have endeavored to show, that their position is groundless, that the covenant is unbroken, that the principles of our system are retained without any infringement by such procedure, and that the evil, which sometimes may happen of one or more being left without the covenanted watch and care of any Church, is incident to the process or procedure, which the Council themselves allow,—and,

which we now say, must be submitted to, as one of those imperfections of human things which cannot be removed, without incurring a greater mischief than the removal is designed to remedy.

Having endeavored to show that there is nothing in the principles of the Congregational system, which forbids the disbanding of a Church when sufficient reasons exist for so doing, it is not necessary for us to proceed farther. But we wish to draw the attention of our readers to a principle, which has an important application to the subject in discussion, and which has been entirely overlooked in the Result. We have alluded to the distinction between the *wrong* of an act and the *invalidity* of an act. The Council seem to take it for a conceded and undoubted point, that, if an act of the Church is wrong, it is necessarily of no authority, and may be treated as an entire nullity. They have reasoned upon a false assumption, and the Result betrays a great want of discrimination upon this point. How is it with regard to civil regulations? Take, for instance, the law of this Commonwealth relating to the marriage institution, as it was before its modification by the Legislature—now in session. It required a publication of intention of marriage some days previous to its solemnization—certain designated persons only are allowed to unite the parties, and they are prohibited from exercising their power except within prescribed limits. But *if all the prescriptions of the statute are violated, the violation does not nullify the marriage*; that is just as valid, as if every regulation had been strictly complied with. The parties offending are indeed liable to punishment; but the bonds of marriage are not to be sundered. There are other marriages which are *ipso facto* void, those which are formed within the prohibited degrees of affinity, and when new connections are entered into by persons whose partners are living.

Very inexpedient and unjust laws are sometimes made by legislative bodies, and very unjust decisions given by the highest civil tribunals, which themselves *are of as much authority* as if dictated by the most perfect wisdom; and can no more be treated with disregard than the most righteous laws and judgments ever promulgated. Unconstitutional laws of the United States Congress can be set aside by the judgment of the Supreme Court; but who can nullify the unconstitutional decisions of that high tribunal? And what power is there to render invalid such laws as are within the constitutional competence of Congress to enact, even though they may be in some cases much more detrimental to the rights of individuals and the interests of the public, than some which are most palpable infringements of constitutional provisions? The distinction between *wrong* and *valid* acts is clear enough without discussion. And the idea of the Council, that “an act of the majority” can be “*vetoed by its own intrinsic unlawfulness*,” is, if we may borrow other words of their own, “too absurd to be thought of for a moment.” The question would simply be, not whether an act had passed or had been voted; but whether the act was in itself intrinsically right or wrong! And this question *no vote*, although unanimous, could ever decide.

Now it is the theory of Congregationalism that every Church is *independent*; by which we mean, that there is no ecclesiastical power or body that has any jurisdiction over it. Its acts cannot be controlled or invalidated by any higher authority. Ecclesiastical Councils and

Synods have only the power of giving advice, without the least right to any other kind of interference. And if a Church violates its covenant obligations or infringes on the principles of Congregationalism, or tramples on the rights of individuals, the acts *cannot be revised and rendered void by any power above the Church itself*. Individuals who suffer unjustly from church-censures, or any measures which the members pursue, may be received into other Churches, if they are disposed to admit them; but *they cannot be put into their former condition* without the consent and act of the Church which has inflicted the wrong. Minorities cannot render null and void the acts of majorities. The majority is the Church; and if you say that the acts of the majority can be properly considered church-acts only when they are conformed to the regulations of the Church, we reply, that *it is for the majority to interpret these rules*, and to decide whether they have been infringed or not. And the moment you admit that the minority can decide this point, advised or not advised by Councils, you make the minority a majority, and give to the latter the rights and powers of the former.

Sometimes members of a Church may be, they not unfrequently are, most unjustly excluded from the Church with which they are connected. What is the remedy? Not a reversal of the act of the Church, and a restoration of the individual to his former standing in the body from which he has been separated, but a reception into the fellowship of any other Church, which is disposed to extend to him the privileges of her fellowship and care. When a person is unjustly ejected from the possession of a certain tenement which he claims as his own, and his friends make up the loss by providing him with another, instead of attempting to compel the wrong-doer to restore him to his former possession, it may be called in a certain sense a remedy—a reparation of the injury; but it is quite a different thing from reinstating him in his former position and nullifying the act of the offender. There may be power to do the latter, when there is none to do the former. This illustrates the case of a person unjustly excommunicated. The act of the offending Church remains valid. There is no power to undo that act itself, though another body may grant him the privileges of membership.

Any one who will observe carefully, how the Platform provides for the treatment of Churches that have become corrupt and scandalous, will be struck with the great pains which its framers have taken, to guard the independent control of Churches over their own concerns. It takes the ground that the being of a Church is not destroyed immediately by its degeneracy; and it provides, that, even when a Church has become so deteriorated and unchristian that it is obliged to be excommunicated, it still retains its character as a Church; so that the faithful minority who adhere to its original faith and covenant are not the Church, and can only have the difficulties and wrongs of their position remedied, by becoming connected with other organizations. Why did not the Platform ordain that when the majority of a Church had become so corrupt, as to lose their Christian character, and be cast out of the pale of Christian fellowship, the steadfast minority should be considered as the Church, instead of allowing them only to forsake their former connections and become connected with

other bodies? The degenerate Church is still considered as a Church, although it may have an unchristian covenant, an heretical pastor, be composed principally of unregenerate members, received on the avowed ground of dispensing with the necessity of a radical change of heart,—and either exercising no discipline at all, or an unchristian discipline, which the Council say “is a thousand times worse than none.” And if it be considered as a Church in such a case, its acts must be considered as *ecclesiastically valid*; because it would be absurd to consider it a Church, when its church-acts were all a nullity.

We suppose it will be replied to this, that the Church may be still considered as having a being, bound by the obligations of its original covenant which it cannot annul, and possessing the capability of acting rightly and validly, although all its wrong acts are of no authority. Now it is a well-understood principle of Congregationalism, that none but true believers have a right to celebrate the Lord's Supper. Of course none of the majority, in the case supposed, are entitled to this privilege. The Church, as a Church, in its present state, has no right to appoint the observance of this ceremony; the pastor has no right to administer the ordinance; the deacons, we will suppose, have no right to distribute the elements; a large portion of the Church are disqualified for receiving them. The season, however, is appointed, and the evangelical portion of the members are bound by virtue of the regulations, to attend and partake in the celebration. But if the administration of the Supper *be a nullity, as it must be, according to the principles of the Result*, then under what obligations are the pure part of the Church to participate in it? The only possible ground on which they are obligated to attend on such occasions, is their relation to the Church that observes them. But if the act of the Church is entirely invalid, and to be treated just as though it had no being, then they are bound to stay away. The Platform evidently contemplated their uniting with the Church in such acts. They could not consider the act of the Church in such case otherwise than as a wrong act, and yet an act proper for the uncorrupted portion of the members to unite in. So it must be, if they meant any thing, by allowing them to remain in the Church without a forfeiture of their Christian character, after the exclusion of the whole body from Christian fellowship. For it is to be observed, that they do not *require* them to leave the Church; but only say that they *may* quit it with the advice and consent of a Synod.

Again: Suppose, after being excommunicated, the Church, in that condition, had settled an unrenewed man for their pastor, and received a large number of unsuitable persons into fellowship. Then suppose the Spirit should descend and convert both pastor and flock,—would it be necessary for the pastor to be called and ordained again, and the members to be received again? On the ground of the Result, we see not how it could be otherwise. For the act of choosing the pastor was morally wrong, and the reception of the unfit members was equally so, and of course invalid and mere nullities, requiring to be held void, and to be treated as though they never had a being.

It is very evident, how sacredly our fathers regarded the independence and supremacy of the Churches as to the management of their own affairs. When a person was excommunicated from a Church, he

was made no member ; completely put out of his former position and divested of his former relations ; as much in the world as before his connection with the body. Such power had each Church. But *when Churches were excommunicated, they were considered as Churches still ;* so much so, that the sound part would remain in connection and fellowship with them, without forfeiting the Christian regard of neighbor Churches. Their wrong acts were held to be valid church-acts, subject to the nullifying power of no other and higher authority.

We suppose, that it may be replied to what we have urged, that the manner in which the framers of the Platform viewed the Churches, goes to strengthen the positions of the Result ; inasmuch as it would seem to be so impossible for a Church to be disbanded, that no corruption of their character, nor even the unanimous excommunication of them by other Churches, could dissolve them. We think, on the contrary, that this very aspect of the case serves materially to strengthen our own ; for the whole foundation of the method of regarding and treating corrupt Churches, laid down in the Platform, is *the complete independency of such Churches, of all foreign control.* Their power was such that they could be Churches, even though they could not be regarded as truly Christian Churches. Even excommunication, which could operate with such disfranchising effect, when inflicted by a Church on one of its own members, could not affect the existence of the Church, on which the censure was inflicted by its sister Churches.

Now, if the Council had taken such views of the rights and supremacy of Churches as the Platform does, we think that they would never have advised the minority of a Church to nullify the acts of that Church, because they might think them wrong. They would not have set up a principle, which, if it was carried out, would spread confusion through our whole system. If they thought the minority wronged, there was another remedy. *This minority might have been organized into a new Church,* and have continued to worship God and observe the ordinances of religion as they now do ; and all the difficulties and dangers, which have followed this capital mistake of the first Council of the Howard Street minority, might have been avoided.

It is neither new nor strange for minorities to claim the rights of majorities. It is nothing new for demagogues in church and state, to lend their aid and countenance to such unwarrantable pretensions. We wish minorities to contend with all proper earnestness and resolution for their rights against tyrannical majorities ; and we just as sincerely hope, that majorities will use their legitimate power, in protecting themselves from turbulent and usurping minorities.

We hope Ecclesiastical Councils, also, will take care, not to give their sanction to principles, which tend to encourage those who are unwilling to submit to restraints and authority ; and who, whether a majority or minority, *are determined at all hazards to make every thing bend to their own will,* and absorb all power into their own hands. The false principles which they establish may recoil with terrible retribution on their own heads ; and cause them to see, too late for their own safety and peace, the error and folly of their course.

From the assumptions and professions of our brethren in their Result, it would be taken for granted, that they had never heard of such a thing in all their lives as a dissolution of a Church; and that the vote of the Howard Street majority was without precedent, or parallel, in all that has ever yet been known in our Churches. We might say to them, that *if this were true to the letter*, the act of the Howard Street majority might neither be invalid nor unwarranted. Can they tell us, *what Church in New England set the example of voting to take letters to other Churches?* And what better right had that Church thus to vote, than the Howard Street Church to vote as they did, May 4th, 1847, even if no other Church had ever done the same before?

In the Result of the Mutual Council, that advised the dissolution of the Church at Howard Street, the "step" was declared to be "uncommon." The language was used, because it is "*uncommon*" to disband a Church, *as a remedy for internal disorders*. Still, the disbandment of Churches, *from other causes*, has been relatively *not* uncommon. And hence in another document, a member of that Council speaks of the examples, as if "countless,"—using, *currente calamo*, an epithet of colloquial hyperbole.* And until the groundless clamor was raised against the vote of Howard Street Church, we had never heard of a single instance, in which the majority of a Church, wishing to put an end to their organization, had refrained from a vote to *disband* or *dissolve*, merely because the vote could not be *unanimous*.

When Churches have been so reduced in numbers, as to be incapable of sustaining their organization efficiently; or when, as in many experiments of *extension* or *colonization*, expectations of prosperity have not been realized; or, when by union with another Church, or, by distribution in more Churches than one, the great end for which particular Churches are formed, may be better accomplished,—votes have been taken, unanimously, or by majorities greater or less, for disbandment, or for union with other Churches. In each case, the usage has been, to make provision for letters of testimonial, or certificates of church-standing, so that the members might be received and recognized elsewhere.

Churches have become extinct, as some of our brethren would say, "*by the visitation of God!*" By removals, by transfer of membership, and by various unfavorable influences, they have languished and expired. Thus was it, we suppose, with a Church in Egremont, another in Bellingham, Newbury Second Church, and a Church in Concord, Mass.*

We shall now adduce some illustrations of our doctrine from the ecclesiastical history of New England; and shall also avail ourselves of the direct or indirect witness of eminent Congregational clergymen,

* We should have thought that this might have been so interpreted, without such an uncourteous imputation upon him, by a "Layman," (Congregationalist, Feb. 8.) Whoever the writer is, he may do well to turn to John xxi. 25, and then to Luke ix. 55.

* See Quar. Reg. Am. Ed. Soc. Vol. xi. p. 183.—See the same, or other volumes, for proof of other statements, and for other facts, to which we shall not allude.

whose opinions are as valuable, as any examples of the action of our Churches.

Reminding our readers of what we have cited from the memorials of the days of "the fathers," (pp. 45-47,) we would again recur to the discussion in the "Spirit of the Pilgrims," respecting the doctrine of the Courts of Massachusetts, as first maintained by Judge Parker, in the Dedham case. It is substantially this :

A Church, when once connected in public worship with a town or parish, cannot, but by extinction, be disconnected. It cannot, as a Church, withdraw. It may become, in conscience, dissatisfied with the connection; *it may vote to dissolve it*; and its members, in a large majority, may leave the parish; but they leave it only as individuals; the Church, with its property, remains. Indeed the members may all go, and go by solemn vote; but, in this case, they die as a Church; their property, however expressly given and secured to the Church, is left to the parish; and this "is competent to institute a new Church," which may be more obsequious to its wishes, and "will succeed to all the rights of the old." (Vol. I. p. 120.)

This doctrine is contested with great ability. A single passage must suffice for our present purpose.

Did Chief Justice Parker ever hear of a Church voting, by a large majority, to withdraw from a parish, and of its withdrawing accordingly, and *still of its leaving itself behind*? This was the case precisely, on which his Honor was called to decide. What usage of the country can he bring, in support of such an instance as this? No doubt, church-members may remove from one place to another; and indeed a majority of a Church may remove, as individuals, by dismission and recommendation, and still leave the Church behind them. "A diminution of numbers" in this way, "will not affect the identity of the body." But when a Church, in regular meeting, takes up the subject of withdrawing from a parish; deliberates respecting it; solemnly votes to withdraw, and accordingly does withdraw, *(although it may leave individuals behind,) we insist upon it that the Church is withdrawn; and we challenge any person acquainted with our history to bring any respectable usage of the country, previous to the late decisions, to countervail the sentiment we have expressed.* (Spirit of the Pilgrims, 1828, pp. 123, 4.)

The power of a Church to withdraw by its majority, as here claimed to be according "to the usage of the country," *is the power of dissolving the organization*,—which, it is implied in the previous passage, may justifiably be exercised. In general, we believe, "the exiled churches" have been reorganized, in order to have a quiet and an undisputed legal existence. Some of them, like the Dedham Church, still claim to be the *old Churches*, undissolved, though separated from the original parish, or society. There are difficulties, in such cases, which it appears to us, it is best to meet by a new organization. But it was much to our surprise and regret, that some lay members of the Essex South Conference appealed to the unrighteous and oppressive interpretations of our laws, by the Courts of our State, as if conclusive in favor of the pretensions of the Howard Street minority. The Courts of Massachusetts HAVE NEVER YET HAD A CASE LIKE THAT OF HOWARD STREET!

We had expected to see in the Result, a similar reference to the laws of the Commonwealth. And we take it for granted, that, all

things considered, it was deemed best to omit it; and that the same conclusion was formed in respect to some other arguments, which were urged against us with much *spirit*, but of which we find little or nothing in this Result, *except* the spirit.

In Natick, one Indian Church, *two* Indian and English Churches were successively organized, and became extinct, before the present First Church was formed, in 1802. The Indian Church gathered by John Eliot, in 1660, "was *dissolved*, soon after the death of the pastor, in 1716, if it were not indeed before." "The Church of Indians and English, gathered in Mr. Peabody's day, (Dec. 1729,) having been, from causes not explained, *dissolved* at his death, or soon after, another Church of the same description was embodied a little before Mr. Badger's ordination" (1753). The Church had become extinct, in 1799.

The Church in School Street, Boston, (Andrew Caswell's,) formed in 1748, was disbanded in 1785. The house of worship was sold. So far as we have learned, we believe that this was a case precisely in point, as an example for the Howard Street Church, if any had been needed.

The First and Second Churches in Newport, Rhode Island, were each *dissolved*,—votes having previously been passed in each, to unite their property and interests together for a new organization. Both Churches were very small, and a union could not be effected, in any other way, than by an absolute dissolution of each Church respectively. This was in 1833. The members of each were formed into a Church, by an Ecclesiastical Council, with a new covenant and articles: *two* excepted, one of whom being sick took no part in the transactions, and the other, said to be "a most excellent woman," "differing in views." She is a member of the congregation, with which the new Church is connected, but is *not a communicant*. Is not this an instance of a church-member made "no member," "*without* excommunication"?

A Church in Florida, Berkshire County, Mass., "organized May 14, 1814, was *dissolved* Dec. 25, 1831, having had in all, from the beginning, eighteen members. Fifteen of these were added to the Church in North Adams, and others to the Church in Charlemont, Franklin County."

In 1830, a small Church in Bow, N. H. agreed to "*disband*,"—"voting to give letters of recommendation to all the members." The reasons were, that they were unable to sustain religious institutions, and could conveniently be connected with other Churches. In a resolution, setting forth their reasons, it was "*voted, that the Church be and hereby is disbanded.*" Two or three members were absent from the meeting, but were understood to be in favor of the measure. *If it had been otherwise*, we are warranted to say, that *it would not have prevented the vote to disband*. Rev. Dr. Bouton, of Concord, N. H., presided at the meeting, when this Church thus voted. Among other remarks, in communicating the facts, he says:

Without entering into an argument on the subject, my views concisely are these:—1. There may be good and sufficient reasons why a particular local Church should be dissolved. 2. Of those reasons, a majority have the right to judge. 3. The minority have a right to *protest*, and, if they wish it, to

have the advice of a Council, *before the act*, or, if aggrieved by the act of the majority, have a right to appeal to a Council. If on the question of disbanding, the Church is divided, the parties better *first* ask the advice of a Mutual Council. * * * If a minority protesting against the act of a majority, in disbanding, *after* advice of a Mutual Council, still feel aggrieved, they have the right to ask advice of a Council; but in my judgment no Council can, consistently with the principles of Congregationalism, recognize such *minority* as "the Church"—"retaining or sustaining its visibility." The Council may advise them to re-organize upon the same platform, and to assume the same name; but to claim that they are the identical Church, which was disbanded by vote of the majority, in accordance with the advice of a Council, seems to me preposterous. On that principle, a single member may claim to be "the Church," in opposition to the disbanding vote of ninety-nine, and contrary also to the advice of a Council thereunto. Such church "unity" might satisfy the most radical reformers!

The opinion of Dr. Bouton, in a case like the present, will be appreciated by all who know his high standing and character. And in connection with his witness, in regard to Congregational usage, we will cite an extract from a letter of Dr. John Woodbridge, of Hadley, whose praise is so great in all the Churches of that beautiful region, in which he is permitted to spend the evening of his useful life.

I agree with you in opinion, that provision should by all means be made for the regular dismissal and recommendation of members from a disbanded Church. Regular communicants cannot break away from their covenant obligations; nor can they be cast by their brethren, unshielded and unprotected for, upon the world. The children must be lodged, fed, and clothed.

With respect to the *unanimity* by a Church in voting its dissolution, it is certainly *desirable*; but not, of course, *necessary* to the validity of the act. Suppose there were but one dissentient; it were surely unreasonable, that his opinion should control a whole Church, and an Ecclesiastical Council too, convened to decide in the case. On this principle, any one man might not only embarrass all proceedings, but if the Church should be dissolved, might claim as his own all the common property, which had been held by the brotherhood,—communion and baptismal furniture, books, buildings and all!

The public good should decide in every instance. It is indispensable, that those who remain should have the reasonable prospect of being able to support the institutions of the gospel themselves; that they should have previously remonstrated against the action of the majority; and that they should be sufficient in numbers, to exert an important influence in favor of the cause of truth and holiness. ☞ It is to be presumed that an impartial Council from the neighborhood will be better qualified to judge in the matter, than a small minority of dissatisfied individuals in the Church. For such individuals to disregard the decision of a Council, seems, not only like self-will, but almost like a breach of fellowship with the Churches which such Council represents!

Not to insist on the leading doctrine of Congregationalism, that the will of a regularly constituted majority must govern, except in cases where there is an invasion of the rights of conscience,—I merely add, that, in many instances, *some* will be found to dissent from measures, which are of the greatest importance to the peace and prosperity of the Churches of Christ.

☞ While, therefore, I would, if possible, obtain a *unanimous* vote in the case you mention, I should not feel myself bound to acknowledge an ecclesiastical *organization* which ought not to exist, and which, in fact, a large proportion of those composing it had dissolved by a regular act, consonant

with the rules prescribed in the New Testament and the usage of our Churches.

Some time last summer we had some conversation with Dr. Lyman Beecher, in relation to the dissolution of a Church. We inquired of him, whether a Church could not be dissolved by vote of the members? With his characteristic pleasantry and decision, he replied,—“*I do not know how else a Church can be dissolved.*” And the idea, that there was not power in a Church to disband, *by the action of a regular majority*, was treated, as if any man who entertained it must be deficient in common sense.

The Brainerd Church, in Belchertown, organized in 1834, ceased to exist, in 1841, by uniting with the old Church—each Church voting in favor of the measure. A Council was called to consider the subject. In the Brainerd Church a few members opposed the union, and did not vote—nearly all absenting themselves from the meeting, when the Church took final action. *One*, however, resisted the proceedings as warmly and indomitably, as any of the Howard Street minority did the action of that Church, in May, 1847. He appeared before the Council, and claimed to be himself *the Church*, although every one of the rest should become united with the old Church. The moderator, the late Rev. Mr. Perkins, of Amherst, and a very intelligent and prudent man—with other members of the Council—maintained, that, “although a Church could not transfer the relation of a member from one Church to another without his consent; yet there were some things, which a Church might vote, that would be obligatory on every member, and generally they were such things as were thought promotive of religion, and the best good of the Church.”

To the claim of the member, that *he* would still be the Brainerd Church, “the Council said ‘*No.*’ The Brainerd Church have voted to unite themselves, and become consolidated with the First Church, and all become one. This they have a right to do. But if the Church remains still a separate Church, *it is not united.* There would be an inconsistency in taking such a position. All the members of both Churches”—it was further said—“*were bound by the church-votes.*” “In one sense,” remarks our much respected informant, who was a leading member of the Brainerd Church, “*both Churches were dissolved* by their votes, as *distinct, separate* organized bodies; in another sense, *neither Church was dissolved*, but merely changed from a separate organization to a union organization, retaining their former articles of faith, officers, &c. The *one man* has never communioned with the united Church, and has been *excommunicated* for refusing to observe church-ordinances. All others have come into the union.”

Here, certainly, is the principle of action in the case of Howard Street.

In the neighboring town of Granby, the West Church united with the East, a few years since. There was an opposing minority, most or all of whom, instead of persisting in their opposition, took letters, we believe, to the Church in South Hadley. There have been similar cases of union, as in Otis, in 1810, in Pittsfield, in 1817, in Marlboro’, in 1835, with many others of earlier or later date. We know nothing of the manner of voting.


One example of this class, that of the Pleasant Street Church in Portsmouth, N. H., was fresh in the memory of the moderator of the Mutual Council, which advised the disbandment of the Howard Street Church. And by this time, we are inclined to conjecture that the members of the late Council, who may be among our readers, will begin to doubt whether he *could*, if he *would*, very justly claim to be the "*originator*" or "*inventor*" of the doctrine of church-dissolution.

"The case which occurred in Portsmouth," he has said, (Puritan Recorder October 4, 1849,) "came under our personal observation. One Church had gone out as a colony from the other. But adverse events and commercial disasters had, after a few years, greatly diminished the ability of the two; and the difficulties of their case begot mutual irritations. Hence the Colony Church voted to dissolve and unite with the other. Some individuals were reluctant, but all finally yielded to the apparent necessity, with no pretence of right to veto a measure, which the majority decided to be for the common good. And many years of prosperity to the united Church have proved the wisdom of the steps taken." * * *

But, as appropriately intimated, if a few persons, who were the opposing minority, had stood out for the claim of being the Pleasant Street Church, and had been so recognized, they might have been "a perpetual thorn in the side of the other Church, and a cause of reproach to the Orthodox interest there."

A Church in Portland, Me., a few years since, passed a vote by a majority to give letters of dismissal, for the very purpose of *disbanding*. Of the contending minority, four or five, at least, refused to take letters. Some, it is said, never became connected with any other evangelical Church; and, if we have been rightly informed, they would have been of no advantage in any such Church. Of the manner in which some other Churches were disbanded, as one in Philadelphia, and the Chat-ham Street Church, with two or three others, in New York, we cannot speak particularly. The Marlboro' Chapel Church, Boston, after being much diminished, went out of existence "through mere rottenness," as some one has said, "the principle of vitality having left it some-time before its visible and utter annihilation." The same remark is probably applicable to the Free Church in Montpelier, Vt., which a distinguished clergyman of that State, informs us,— "expanded rapidly and to great dimensions; but whether it came to its end by explosion and collapse, is not so certain. It is understood to be extinct." These two last Churches are MONUMENTS of *Oberlinism and Burchardism*.

In the summer of 1844, the Garden Street and Green Street Churches, Boston, voted to unite, taking the name of "Messiah Church," and retaining their respective pastors as joint pastors of the new Church. Some in each Church were opposed to the union; and so they respectively voted, that such might have letters to other Churches, which were accordingly taken. Here, as we understand the facts, *the same principle was involved*, as in the dissolution of the Howard Street Church. If the covenant would prohibit the one, it must also the other. The union of these Churches was soon dissolved by a Council. The "Leyden Church," which afterwards occupied the Green Street house of worship, was composed of remaining members of the "Messiah

Church," and members of Rev. Mr. Towne's Church, which had been virtually disbanded. In 1848, the Church was *dissolved*, by a vote which was so expressed as to avoid the name of the thing which was done, and which was designed to be done. It was "Voted, unanimously, That all the members of this Church,  in good and regular standing, be furnished with a certificate signed by the officers and clerk of the Church, in the following words, viz., 'This certifies that — — is a member of the Leyden Church, Joseph H. Towne, late pastor, in good and regular standing, and as such is recommended to any evangelical Church with which he [or she] may wish to unite.'"

A part of the members, and the wealthiest, wishing to *disband immediately*, had left, before the Council came together for the dismissal of Mr. Towne,—being fully persuaded, that the organization ought to come to an end, and hoping by their departure to bring others to the same mind. The Bethesda Church, in Charlestown, more recently dissolved, was made to "exist no longer," by a form of action like that of the "Leyden Church." In the "Leyden Church" a very great majority, and also in the Bethesda Church, we have been told, would have been glad to have prosecuted their enterprise, and some resisted an abandonment to the last, *but were compelled* by their circumstances, to agree to a real, although not a formally expressed, *dissolution* of the Churches. The *principle* of action in both cases was the same, as in the proceedings at Howard Street; and there is no reason to doubt, that the indirect or covert *mode* of action adopted, was very much owing to the outcries in certain quarters, respecting those proceedings. And if any think, that it is any more Congregational for a *minority* to leave a Church, or threaten to leave it, in order to *compel* the majority "*unanimously*" to give and take letters of dismissal, they are welcome to their opinion. For ourselves, we are as well satisfied with the action at Howard Street.

More recently still, the Chrystie Street Congregational Church, New York city, has been dissolved in express form. January 24, 1850,

A preamble and resolutions were adopted and entered on the church-minutes, setting forth the causes which have made the alienation of their property necessary, and the regrets felt at separating from their pastor and from one another, by reason of their inability to sustain public worship any longer without a church-edifice, where the gospel might be preached to the poor. Their records and other documents were ordered to be deposited in an iron box made and labeled for the purpose, and to be lodged in a suitable place for safe-keeping. The church-organization was then declared to be dissolved.—*New York Evangelist*.

In respect to the "Leyden Church" and to the general question before us, we have the explicit witness of the learned and venerable Dr. Jenks. And no man in New England is more thoroughly versed in our ecclesiastical history, or is more enlightened and considerate in all his opinions. This Church, he says, "*dissolved itself by its own agreement*, being unable to sustain public worship in the house which had been purchased, and which was sold to an Episcopalian Society." "From the *dissolving Church*," he took a letter of dismissal, as he did when the Garden Street and Green Street union was dissolved.

In the whole course of these painful transactions, says Dr. Jenks :

There was no question raised as to power. It was a providential state of severe trial, and so regarded. We generally thought, or rather, perhaps, it was generally assumed, that, if persons could associate and become embodied as a Church by their own voluntary act, they were able, on mutual agreement, to separate again,—provided, in the latter case, that no members should be oppressed or injured, but be duly transferred to other Christian bodies; and that, for the peace and harmony of the Churches of Christ in special denominational fellowship, the measure were sanctioned by a regular Council.

As to the necessity of perfect unanimity in such cases, I should not esteem it absolutely essential. It seems to me sufficient, that the majority of acting members, properly notified, agree to act in the case, without imposing on the Church the task of consulting habitual absentees, who may be non-residents, as often occurs; or *subjecting themselves to intolerable difficulties, because of the dissent of a small minority*—due reference being always had to the requirements of Christian courtesy and kindness.

We could give other testimony of similar character. If such facts, however, and such expressions of sentiment will not suffice for conviction of those, who differ from us in our views of the rights of Churches, acting by their regular majorities,—it would be of no avail to add to their number. It must at least be conceded, we think, that if we are in error, we are not alone. And it is our happiness to believe, that we may say in regard to our brethren who have so assailed us,—“THEY THAT BE WITH US ARE MORE THAN THEY THAT BE WITH THEM.” And a higher satisfaction is ours also, that our position is both unmoved and immovable.

§ *The relations of the Tabernacle Church and the Essex South Conference, to the Howard Street minority.*

Immediately after the dissolution of the Howard Street Church, a portion of the members applied for admission to the Tabernacle Church. Some of these had taken letters, before the act of dissolution. Others brought testimonials according to the vote of May 4, 1847. The Tabernacle Church has been accustomed to yield a most respectful deference to the proceedings of a Mutual Council, like that whose advice had been followed by the Howard Street majority. With but few exceptions, the members coincided in opinion with the Council; although it is believed, that there was not one who did not regret and deplore the causes of the subsequent vote of dissolution.

It was well known, also, that the majority at Howard Street had taken such measures, as Proprietors of the house of worship, as implied a full purpose to put an entire end to the organization, ecclesiastically and legally. The very next day after the Result of the Mutual Council had been made known, was the day for the annual meeting of the Howard Street Proprietors, for the choice of Standing Committee, Treasurer and Collector. But no Committee was appointed to supply the pulpit, neither was any money appropriated, as the law requires, to defray expenses;—*it being understood as the wish of the Proprietors*, that the house should be closed, agreeably to the advice of Council. This, it may be noted, was nearly *twenty* days before the vote of the Church to dissolve. For other facts, we will refer the reader to the Appendix of this Review, simply adding, that it was firmly believed,

that all the affairs of the Corporation would soon be arranged for a legal and final settlement.

The circumstance, that a minority of the Church had opposed the proceedings of the majority, was of little account. They were not the Church. And there was no good reason to recognize *their will*, as the true voice of the Church, any more than there would be at any other time, or in regard to any other subject. They had indeed commenced the public assertion of their claim to be considered *the Church* undissolved. But being few in number,—the majority of these having but very small pecuniary means, not owning more than a fifth part, *if more than a sixth*, in the house of worship,—their endeavors to sustain themselves were, of course, regarded as impracticable and visionary. Whatever they might themselves profess of confidence and hope, was generally treated by all considerate and judicious people, precisely as, in the commercial world, wise and honest merchants are accustomed to treat the promises and the hallucinations of bankruptcy.

At the time now passing, representations are made, as if the Howard Street minority were abundantly competent to meet the expenses of their undertaking. *If they are*, then must it be true, that there is not a single Church in Massachusetts, which ought to receive aid from the Massachusetts Missionary Society. But what is the *real truth* in the case may be inferred from a single fact. The rules of that Society require that at least *one per cent* shall be paid, upon taxable property, before any Church shall be aided. By those rules, all the known reliable members of the existing Howard Street Church, so called, would pay less than one hundred dollars! It is doubtful, if all together would pay this amount, if now distributed in other Churches of Salem. Their taxable property is less than \$10,000!

But as just intimated, if it were indisputable, that very large and substantial accessions had been made to the Howard Street minority, and if at present it could truly be said, as it cannot be, that they are well able to sustain themselves “without embarrassment,” the question of the right of the majority to dissolve the Church, *would not in the least be affected*. This is a question to be settled upon its own merits;—and we are now considering the circumstances as they were, when the Tabernacle Church first acted upon the subject.

The officers of the Church had all left, or intended to leave forthwith. And of those who took the lead in the subsequent measures to establish themselves as the Church undissolved, there was scarcely a single individual remaining, upon whom any appreciable reliance would have been placed, in bearing the heavy pecuniary burdens of the Church and Society—if the Church had not been dissolved.

What then was the duty of the Tabernacle Church, in reference to applicants for recognition, from the Howard Street Church, as being regularly dissolved? How could the Church be justified in repudiating the advice of the Mutual Council of April 14th? Why should not letters of dismission and testimonial, signed agreeably to the provision of the vote of May 4th, be accepted as in order, and as valid, in every way?

Such letters *were* accepted, and members were received into full fellowship, in good faith, and with due consideration of all the circumstances. The names of five persons are recorded, as “*admitted by*

letter from *Howard Street Church*, Friday evening, May 28, 1847,"— at which time was held the *first business meeting, after the vote of Howard Street Church to dissolve*. Thus the Tabernacle Church decided, indirectly yet actually, in favor of the validity of the proceedings of the Howard Street Church. And whatever has since been done, by the pastor and delegates of the Church in the Essex South Conference, and by the Church as a body in relation to Ezekiel Goss, has been done in accordance with that first vote of May 28th, 1847. Every measure has been in undeviating, unflinching CONSISTENCY with that vote!

If other Churches see fit to disregard Mutual Councils and regular church-majorities, and to encourage or connive at such proceedings as those of the Howard Street minority, they can act their own pleasure. But the Tabernacle Church, while conceding to all sister Churches the liberty of independent action, cannot but claim the right to administer their own affairs, both as to themselves and to others, according to their best judgment. "AND THIS WE WILL DO, IF GOD PERMIT," is their language, with all deference, to such Ex parte Councils as those, which have outraged all accredited principle and propriety, by sustaining the preposterous pretensions of the Howard Street minority. It may well be doubted, whether there is another Church in the Commonwealth, in which more vigilant care has been taken, that "ALL THINGS" should "BE DONE DECENTLY AND IN ORDER." This, however, might not always have been, if their successive pastors, for more than a century, had not all been men, who "feared the effects of error, more than they dreaded the perils of controversy."

If the act of Howard Street Church in dissolving was to be considered a nullity, then all the letters of dismissal in accordance with that vote were a nullity. The members, therefore, recognized by the Tabernacle Church, were received out of order. But the Church did not so understand the case. And hence unless they had seen cause to retrace their steps, and eject those new members from their body, they could not, without absolutely *stultifying themselves*, have taken any different course from that which was taken, and which has been most ingenuously and uprightly CONSISTENT.

When vindicating the Church in reference to the case of Mr. Goss, it did not occur to us, that there was another and not an inconsiderable item of history, which we may introduce in this connection. Four of the members received from Howard Street were afterwards *excommunicated*, as far as could be, by those claiming to be that Church. The following communication was addressed to them.

At a meeting of the Howard Street Church, held at the Vestry, on Tuesday evening, May 16, 1848, Deacon Thaddeus Osgood moderator, it was


Voted, That we withdraw watch, care and fellowship, from the several individuals who have left this Church and connected themselves with other Churches in a disorderly manner, and that a copy of this vote be sent to them by the Clerk.

Salem, May 17, 1848.

In conformity with my instructions, I send you a copy herewith.

Yours respectfully,

E. B. Osgood, Clerk.

It will be perceived, that “watch, care,  and fellowship,” are “*withdrawn* ;”—and because the “persons” referred to “*connected themselves with other Churches in a disorderly manner.*” We can make no less of the proceeding, than an *attempt* at excommunication, although not in the highest and severest mode. If, as has been more recently pretended, it was merely meant to take the names of certain persons from the list of members at Howard Street,—why was any thing said of “disorderly manner ;” why was the word “*withdraw*” introduced ; or why the expression “*withdraw watch, care and fellowship ;*” why any such notice sent to certain “persons” then in good and regular standing in the Tabernacle Church ; and in short, why any thing thus said or thus done ? The document speaks for itself. And it cannot now be explained away by those who may wish that it had never had a being. *It was never recalled.*

The proceedings of the Howard Street minority, to obtain ecclesiastical recognition, have not altered the facts or the principles, by which the Tabernacle Church were governed. It may indeed be admitted, that they may be regarded as a Church, although irregularly organized and recognized ; but that they can ever be *the Church* which was dissolved, is impossible. They called a Council. Who signed the Letter Missive, which follows, we do not know.

Rev. and Beloved :—Whereas, for a year past, difficulties have existed in this Church which have resulted in the calling of two Ecclesiastical Councils, the second of which dissolves the relation of the pastoral connection with the Church and Society, and also recommended that the Church take into consideration the expediency of disbanding its organization. The result of the Council having been read to the Church, the former part, which dismissed the pastor, was unanimously accepted ; a motion was then made to adopt the closing part of the Result, and by its adoption to consider the Church disbanded. This was strenuously opposed by a large minority of the members present, and various arguments were presented for the consideration of the Church, tending to prove the impossibility of thus disbanding a Church of Christ without a unanimous vote. But notwithstanding all the protestations of the minority, the vote was passed, seventeen voting in the affirmative, and ten in the negative ; three of those voting in the affirmative, at previous meetings of the Church, having been dismissed to sister Churches, yet they still persisted in voting on the question, though protests were made against it. Several members, five at least, would have been present to have voted with the minority, had not Providence prevented. Under these circumstances the vote was passed, and a committee of three persons was chosen (two of whom had been dismissed at their request from the Church) to give letters of dismissal and recommendation to all the members—whether they asked for them or not. This is a brief statement of facts in the case. We are deeply grieved, and placed by this vote of the Church in peculiar circumstances of trial and affliction, and need judicious Christian advice in the matter, and therefore ask you to meet in Council, by your pastor and delegate, at the vestry of the Howard Street Church, on Friday, May 28th, at 10 o'clock, A. M., and review these proceedings, and adjudicate thereon.

NOTE.—On the day appointed for the meeting of the Council, Friday, May 28th, it was decided that as the number present was not sufficient for a quorum, the time of meeting be postponed to Tuesday, June 15th.

At the above meeting Dr. Perry was Moderator.

It would thus appear from the foregoing paper, that the vote for dissolving the Church was passed *at the same time* the pastor was dismissed; that *three*, also, of the "seventeen" in the affirmative *had no right* to vote; and that "five at least would have been present to have voted with the minority, had not Providence prevented." Thus the natural inference would be, that the vote of dissolution was passed *by a minority* of the voting members of the Church. How far this is true, may be inferred from the facts which we have already presented. We will add, however, that when the person who probably is responsible for the statement respecting "the five" of the minority alleged to have been absent, was afterwards confronted by one of the majority, before the first Ex parte Council, as also in the Essex South Conference, last October, he could not substantiate the statement,—nor could it be denied, that the legitimate inference from the Letter Missive conveyed a false impression, respecting the relative strength of the majority and the minority.

Those who responded to the Letter Missive should have discouraged any attempt to sustain an organization, as a Church, or at least they should have refused to act in any other way, than as a Council when called to organize a new Church. If they had done this, much evil would have been prevented. Even the present pastor at Howard Street, some weeks before he was installed, freely conceded to the pastor of the Tabernacle, that it would undoubtedly have been the wisest and the best course; for the minority to have been organized as a new Church. He has since said, that he did not then know, that there were some pecuniary liabilities, which made such a course objectionable,—as, for instance, in respect to some legacies. But there is not a *liability of the millionth part of a mill*, which could be an objection to a new organization. And if it had not been supposed, that, *as the old Church continued*, the claimants might be able to obtain *the Church furniture*, and also secure for themselves the occupancy and ownership of the house of worship, if not the vestry,—the claim of being the old Church would never, as we believe, have been brought before any Council.

If they had wished a separate organization, and to have such allowance of the property of the Church, which had been dissolved, as they could claim in equity; if as Proprietors in the house of worship, they had asked only for what belonged to them of right; if in all things they had acted as good men, meekly and humbly desirous of promoting the gospel; and if, in view of all circumstances, a Council had seen fit to organize them as a Church,—we are authorized to affirm most decidedly, that not the slightest resistance would have been made. And because *they would not* so proceed,—is it according to truth and justice, to brotherly-kindness and magnanimity, that we, who think that they entirely erred, should be reproached and denounced as *persecutors*, and be calumniated as assuming to be "*lords over God's heritage*"?

Some of the majority were notified of the adjournment of the Council of May 28th to June 15th. Thirteen Churches were invited, of which *seven* appeared at the adjourned meeting. And of twenty-six Churches in the Essex South Conference, *only a single one* was in

this Council,—and this a Church but recently formed, and the leading members strongly sympathizing with the minority of Howard Street, in respect to the measures of *abolitionism*. And the pastor of this Church, as we can certify, was sorry that he attended. And a delegate of another Church would not have come, if he had not been misled by the Letter Missive, and had really believed, that it was a minority which had voted to dissolve the Church. We suppose, that he alone represented his Church in the Council. Twenty-six pastors and delegates might have been in that Council, and but *twelve* appeared. So that there was less than a majority of the representatives of the Churches invited,—with a bare majority of the Churches represented. Two Churches had delegates only.

Four at least of the seven Churches had been distinguished for strong abolition affinities. Rev. Mr. Lovejoy, of Cambridge, and Rev. J. Leavitt, his delegate, were among the most active, if not the most effective members of the Council. Dr. Perry, a *Presbyterian*, was Moderator, and Rev. J. Leavitt was Scribe.

The Clerk of the Church, at the time of dissolution, having been asked to give up the Records, attended, with one other member of the majority,—in hope of making some statements which would be duly regarded. Opportunity was given them to say what they pleased. But they soon found, that the minds of the leading members of the Council were manifestly pre-determined, and not to be influenced by any thing which might be said, in opposition to the wishes of those whom they came to serve. They made but a few remarks, and retired,—thoroughly disgusted by the exhibition which they witnessed. They avoided doing any thing, which should have the appearance of recognizing such a Council, as having any competency to act in the premises. They gave the Council explicitly to understand, that *they denied the right of any such body to be there*. And if they had not seen what they had, they would have been confounded by the effrontery of the Minutes of the Result, in which they are represented, as having been “*heard at length*.”

That *Ex parte* Council had no such representative of the majority before them, as would be inferred from their Result,—any more than the late Council had of the Tabernacle Church, or of the Essex South Conference, or of the Mutual Council of April 14th, 1847. And in all their proceedings, it was *ex parte* testimony, upon which they acted, and based their Result. They say :

The members were nearly unanimous in the opinion that it is not competent for a Church to dissolve itself by the vote of a majority, depriving individuals of their covenant rights and privileges without their consent. We are of opinion, therefore, that this Church is not disbanded, and those members that remain ought to sustain the rights and responsibilities of the Church.

“*Nearly unanimous*” ! We ourselves do not think it “competent for a majority” of brethren, or *all* the brethren, “to deprive individuals of their covenant rights and privileges *without* their consent.” We should not be willing to do thus,—*with* “their consent” !

They did not “ADVISE,” like the late Council, that the Church “*has not been dissolved*.” But they gave an “*opinion*,” that it “*is not disbanded*.” What is *their* “*opinion*,” when weighed in the balances,

against the "opinions" of other clergymen and laymen, who have as much of age, of experience, of knowledge, of character, and of candor, as they have? Could a "vote" of theirs *alter* a fact? Or could their "opinion" make or unmake a *past* fact? And, unless regularly *rescinded* by the act of the body which passed the vote, by what means, we would fain know, can a vote of an independent Congregational Church be *annulled*? That Ex parte Council, or any other Council, could no more *annul* the vote of Howard Street Church to dissolve, than a resolution of the Massachusetts Legislature could abolish the Senate of the United States.

The business of the Council occupied them a very short time. And if we may judge from what one of the leading members said to ourselves, at another day, it was not deemed at all necessary to investigate any facts, in "adjudicating" such a question, as whether a majority can dissolve a Church,—a question, as he seemed to view it, for intuitive decision, and which any one in our Churches could settle in the twinkling of an eye,—provided, however, his "*opinion*" was in favor of the *Howard Street minority*.*

From the Result we should not expect to learn who the members were, that prevented the Council from being "unanimous." But it is not out of place for us to say, that the moderator himself said, in private, to a member of the majority of the Howard Street Church,—"*There is no doubt that a Church can be dissolved, and by a majority too; but you did not go the right way to work!*"

Now, we believe that we here have the explanation of almost all, if not all, the excitement in behalf of the Howard Street minority, and against those, who cannot in conscience sustain them. The independent or abstract question of the right of a Church to dissolve, is not examined or judged upon its own merits; *but the particular case of Howard Street Church is taken*, and, *in a false view of the facts*, the question of the right of dissolution in *any* case, is decided in the negative.

After adding the "opinion," that the "members that remain should humble themselves before God, and confess their faults one to another, and pray for one another, until they come to be of one mind, so that the Spirit may come down upon them from on high as in times past,"—upon all which we leave others to make comments,—the Council close by saying:

Voted *unanimously* that the above be accepted as the result of this Council.

JOSHUA LEAVITT, *Scribe*.

Thus the final vote of the Council was in character with the proceedings throughout. Upon the main point at issue, which they misrepresent, as we understand it,—they "*voted unanimously*" that they were "*nearly unanimous*"! †

* It was the same member, who made a motion, that the late Clerk of the Howard Street Church be required to give up the Records to the Council!

† Some much younger men—insurrectionary students of a certain college, in the full spirit of putting down the Faculty,—we believe they were a little beyond their second year,—passed a resolution, which began with the words, "*Resolved, unanimously.*" Such a fact was deemed most unaccountable by their elders. Upon inquiry, it was found, that the words in question were *so written* in the reso-

Such were the circumstances and the manner of the recognition of the minority of Howard Street Church,—as being the Church undissolved. We are not conscious of omitting a single fact or item, of which the reader should be informed, that he may judge properly of the proceedings of this first *Ex parte* Council, upon which has since rested the confident and unyielding claim of that same minority to all the privileges and immunities of every description, which belonged to the Howard Street Church, previous to the act of dissolution. We have felt bound by every principle of reason and rectitude, to reject the claim and to declare against the validity of the whole procedure.

It is an idle and frivolous pretence, that the Council was not *Ex parte*. But it either was, or it was not. If *it was*, then was the action irregular and nugatory; because *no request had been made to the majority*, to unite in a Mutual Council. And such a request was imperative and indispensable, *if the Church was not dissolved*.

If, on the other hand, the Church *was* dissolved, then the Council, by whatever name they may be called, *had no right there*, for any such purpose as that stated in the Letter Missive, viz: “to review those proceedings and adjudicate thereon.” By all the accredited principles and usages of our Congregational Churches, they had not a shred of written law for a commission, nor a hair’s breadth of the Platform of 1648, as a foundation for their pretended “adjudication” of the controversy in Howard Street Church. “*Adjudication*”? Our true Congregationalism revolts at the term, and absurdity itself is all but ashamed to own the misnomer.

Was then the Tabernacle Church, and every other Church, to acknowledge the Result of such a Council, as *rescinding* the vote of Howard Street Church to dissolve; and was the mere “opinion” of a Council, so partisan and predetermined, so uninformed and blinded, to coerce hundreds and thousands away from truth and reason and common sense, into a repudiation and reprobation of the deliberate judgment of a Council from our own immediate neighborhood,—a judgment formed after days, nights, and even weeks, had been given to a consideration of all points involved in the merits of the Howard Street question? If so, we can never regard any question as settled; and can never have any assurance, that any controversy is put at rest. Better at once dispense with all Councils, and forever abandon all idea of Congregational order. “We have not so learned Christ.” And it was among the earliest lessons, which we received from our “tutors and governors,” that *anarchy is the worst of all governments*.

We will pass by the unauthorized proceedings of the minority, in respect to the house of worship, and omit all notice of other transactions which were well known, when, in October, 1847, two members of that minority appeared at the meeting of the Conference, at Swampscott. They came, as if the Church had not been dissolved. Objection was made; and after some remarks, it was voted that the claims of the brethren from Howard Street to a seat in the Conference, be referred to a Committee, who should report at the next annual meeting; and meanwhile, that the brethren be allowed to make a commu-

lution as offered, and the resolution was then clamorously passed *by the majority*. See also a precedent and an apology for the Council, in our Appendix.

nication concerning the state of religion among them. In less than one hour, the members were compelled to listen to a professed review of the doings of the Mutual Council and the action of the majority,—in which persons present were reproached in terms of great asperity and bitterness. And such was the principal part of the narrative of the state of religion in Howard Street! Here began the systematic series of assaults, which we have had to meet or to endure.

At North Danvers, October, 1848, the Committee of the Conference presented a report. It was drawn up with much carefulness, and in its whole manner and spirit was kind and Christian. But it was adverse to the claim of the delegates from Howard Street, who were again present to urge their demands. Meanwhile much effort had been made to awaken sympathy in their behalf, as if they had been tremendously wronged and persecuted.

During the debate of two hours and a half, one of the delegates spoke, four or five times. All the regular business of the Conference was put aside, for the forenoon. And that the whole object of the meeting might not be lost, it was voted to take the question upon the adoption of the report, at half past twelve.

There were a few more than forty members, who gave their names as in attendance, during some part of the meeting. Of these, about thirty,—perhaps a few more,—were present at the vote, which was seventeen to ten, for the adoption of the report. Some were not prepared, on either side.

It was noticeable, that not a single minister made an argument against the report; although two or three objected to the action of the Conference, or expressed doubts concerning the measure. And of *twenty* settled pastors, who then or afterwards gave their opinion, **FOURTEEN** were and continue to be, fully and most thoroughly, *of one mind and heart*, in reference to the validity of the vote of the Howard Street Church to dissolve. The doings of the Ex parte Council in June, 1847, were less regarded than “a dream when one awaketh.”

In this action of the Conference, there was no thought of any *legislation* for the Churches, or of any exercise of power in controlling the Churches. The Conference merely decided a question of membership. And if the Conference has not the right to decide such a question, like other associations which receive members by vote, we know not what right any association can have, to exclude any persons, who claim to be members. If the Howard Street Church, instead of voting to dissolve, had voted by the same majority, or a “bare majority,” to *withdraw* from the Conference; and if then, *delegates* from the minority had appeared, claiming a seat, as the representatives of the Church,—*could the Conference have admitted the claim?* How much less, then, the claim, when the majority had voted that the Church was dissolved, and no longer existed?

The subject should never have come again before the Conference, until there should be some cause to believe, that the major part of the members had altered their opinions, or some new light was to be imparted. But it was brought again, at the October meeting in Ipswich, in 1849.

A pastor had now been installed at Howard Street, and some members of the Conference had taken part in the services. The installing

Council had proceeded *on the assumption*, that those claiming to be the Church in Howard Street *were* the Church. This question was not at all moved in the Council. And of course no testimony and no argument could have been furnished by the examination of the pastor elect and the services of his installation, that could determine whether it was competent for the regular majority of Howard Street Church to dissolve that Church, two years previous. A falsehood is none the less false, because it has been insisted upon as truth, nor an absurdity any less absurd, because it has received countenance and sanction.

A motion was made at Ipswich, to reconsider the vote at the annual meeting previous. This was declared to be out of order. A motion to *rescind* the vote would *not have been* out of order, although entirely out of season. An appeal from the decision of the moderator was not sustained.

After a very urgent solicitation of the courtesy of the Conference, and remarks showing that a motion for reconsideration would not annul the vote of the previous year, some members yielded the point of order so far as to consent that the motion should be entertained, and that the mover, who, by a severe infirmity, had been kept from the meeting in North Danvers, might have the opportunity of speaking upon the subject.* He then read an argument against the right, *either of a majority or of a whole Church*, to pass a vote to dissolve. This was the first and the last *clerical* argument from members of the Conference, in favor of the Howard Street minority.

A special meeting was held a few weeks afterwards, by general agreement, and in hope that by a full discussion and a fair vote, the question might no more be allowed to interfere with the exercises and objects of the Conference. After about nine hours of debate, nearly a third part of the time being occupied by delegates who were in favor of the Howard Street minority, and another third part by their present pastor, the motion for reconsideration was lost. The vote was, yeas, 26, nays, 26.

It having been decided to take the vote by Churches, *the First Church in Lynn was the first that was called by the scribe*. Ought the pastor, *because moderator, to have declined voting?* He was entirely ignorant of what the result would be. And if he had not been, who, that is worthy of the least respect, would question *his right* to vote, and the perfect *propriety* of his voting? Surely the Church in Lynn was not to be in part *disfranchised*, because the pastor had been placed in the Chair of the Conference. And yet it has been most offensively objected against that pastor, that he gave a vote, which has been represented, as if "a casting vote," and sometimes has been so called! If now, when he responded to his name, and gave his vote, there had been a single member of the Conference, who thought him to be out of order in thus voting, why were all silent?

About two hours before the debate closed, the pastor at Howard Street offered a proposal to the Conference to unite with him in calling a Mutual Council to consider the whole case of the Howard Street

* On taking the question, a second time, the vote, as recorded by the Scribe of the Conference, was thirteen yeas and twelve nays. So that it was by a majority of *one* only, that the subject was again opened for discussion.

Church. No member of the Conference, on either side, responded to the proposal, and, therefore, the discussion proceeded.*

But how could such a Council be chosen by these parties? Could the two parties in the Conference be represented, without giving the majority to Howard Street, if the Howard Street pastor should choose his half of the whole? With the two parties in the Conference, and a third party without, how could a *Mutual Council* be possible? Besides, if such a Council *could be* chosen, what imaginable benefit could now be anticipated?

It has been said, that, if some members had not left the meeting of Conference, before the vote was taken, the motion for reconsideration would have been sustained. We are persuaded, that this could not not have been true, if all the Churches had been justly represented. We are sorry to be obliged to say, that in all this unhappy controversy, there has been quite too much evidence of a kind of *management*, which can never do honor to those professing to be of the "kingdom" which "is not of this world," and which it is impossible for the Great Head of the Church to approve and bless. But if the whole subject, with all the facts in the particular case of Howard Street Church, could be laid before each Church separately, and the vote of each Church could be taken, we very much mistake the character of our Churches, if more than two-thirds, if not three-fourths, would not heartily concur in the principles and views, which we have deemed it our duty to Christ and his cause, to defend and advocate through "evil report and good report."

But as in a political assembly, where votes are often carried by the successful devices of a partisan spirit, and not by the enlightened, conscientious convictions of rectitude and beneficence, or the general welfare, so, unhappily, in such ecclesiastical bodies as our modern Conferences of Churches, there is no security, that a mixed and exciting question like that pertaining to Howard Street Church, will be considered and decided, upon the broad principles of truth and justice, purity, peace, and love. Least of all can it be expected, we must add, that such a question will be so considered by an *Ex parte Council*, carefully chosen on the principle of some powerful elective affinity.

The late Council have "*looked into*" the "proceedings" of the Conference, as they tell us.

It is suggested by the Tabernacle Church, as a reason for not granting the request of brother Goss, that the Essex South Conference had refused a seat to the delegates of the Howard Street Church, on the ground that it had been dissolved by vote of a majority of the Church. We have looked into their proceedings, and find that such was the case. But this Council does not perceive that weight should be given to this suggestion. We cannot agree that the orderly standing of a Church, recognized as such by neighbor [?] Churches in Ecclesiastical Council, should be impeached in this way. The objects of these Conferences are mutual improvement and instruction, and union in prayer and action, in favor of weak Churches: "they expressly disclaim all interference in the rights of particular Churches, and they exercise

* Immediately after the final vote was taken—it being near ten o'clock in the evening—a motion to dissolve the meeting was made and regularly voted. There was some confusion, in the midst of which we heard Mr. Wilder say, that he would renew his proposal for a Mutual Council. But the time had passed.

no acts of authority or discipline." Attempts have been made to confer upon these bodies consociational powers, but it has been fully ascertained that no such change can be admitted into the ecclesiastical polity of this State.

The magisterial air of this paragraph, is quite in character with the Result as a whole. The historical correctness of the last sentence, we have no time to verify or disprove. Four or five pages follow, upon which we shall withhold nearly all the comments that we had purposed to make. So far as we can obtain any definite idea from such a medley of we know not what, we entirely reject every imputation and insinuation, relating to members of the Essex South Conference, as exercising or wishing to exercise "*Consociational*" powers and prerogatives.*

Our patience, we are quite sure, would be under strong temptations, if we were to examine minutely some of the statements and reflections of our brethren on this particular point. Their *learning* is not any too profound or accurate. If they wish us to be more explicit, we would just say, that before they again refer, as they do, to Dr. Emmons, they may do well to read his Sermon, on the PLATFORM OF ECCLESIASTICAL GOVERNMENT ESTABLISHED BY THE LORD JESUS CHRIST. We commend to their special attention, what is said of "every Church" as "formed by its own voluntary confederation." (Works, vol. v., pp. 452, 4.) Dr. Emmons, as it is well known, had little confidence in any kind of association, which should be intrusted with ecclesiastical authority.

All ecclesiastical authority comes from Christ, and not from any particular Church or Churches. One Church has as much power as another. All Churches are sisters, and stand upon a level. They may associate or consociate for mutual advantage. But no Church have a right to give up their power to an Association, or Consociation, or Council, or any other ecclesiastical body. Churches have no right to unite for the purpose of concentrating and increasing their ecclesiastical authority. An Association, or Consociation, or Council, have no more power than any single Church of which those bodies are composed. * * * Congregationalists often complain of Presbyterians, Episcopalians, and Papists, on account of their church-government; but they have no reason to complain; for they act precisely upon the same principle, when they concentrate and increase their ecclesiastical

* Among the eminent men, who felt the necessity of some such system as that of the Consociation of the Churches in Connecticut, in order to protect the Churches of Massachusetts, were Lyman Beecher, D. D. and Samuel Worcester, D. D. Writing to Dr. Beecher, under date of February 9, 1820, Dr. Worcester explains the principal difficulties to be encountered, and declines attempting what had been proposed.

"Two of the most mischievous demons of New England are Jealousy and Envy; they have scarcely less possession, it would seem, of Christians, than of the men of the world—of *ministers*, than of the most ardent aspirants for secular preferment and distinction. And they are of a kind, I am ready to believe, that go not out by any means less efficacious or less mortifying to what naturally dwells within us, than *fasting* and prayer. At the time of our deliberations at Northampton, I did entertain the hope that a better spirit had attained to such a prevalence, or that a sense of the importance of uniting for the security and promotion of the common cause had come to be so extensively and so clearly felt, that a plan, such as we then thought proper to propose, would commend itself to general acceptance and favor. But by the trial which has been made of the state of feeling, I am convinced that the plan is not feasible; at least it will cost more than it is worth," &c.

power by union with Associations, Consociations, and Ecclesiastical Councils. When any Church gives up its independence to any other ecclesiastical body, it gives up all its power. But Christ has given no power to Churches, which they may give away. Congregational Churches, at this day, ought to be on their guard, and strenuously maintain their independence.

It appears from the very nature of church-government, that there is no appeal from the authority of a particular Church to any higher ecclesiastical tribunal. Every Church have a right to transact all their ecclesiastical matters, independently of any other Church. When they undertake to discipline a member, they have a right to pursue the steps which Christ has pointed out, and continue the process until they have brought the matter to a final conclusion.

Would it be a very difficult problem to determine, what the "Sage of Franklin" would have said of such "*adjudication*" as that of the first *Ex parte* Council at Howard Street, or of the archiepiscopal decrees, under the name of "advice," which have been sent forth by the Council of December, 1849? And as our brethren seem so perfectly assured, that they have settled the Howard Street question and the case of Ezekiel Goss infallibly,—we commend to them Samuel Mather's "Apology for the Liberties of the Churches of New England," and more particularly his proofs, "*that whole Synods and General Councils are as liable to deceive and be deceived, and imposed on, as particular Churches.*"

While reasoning against the danger to be apprehended from an abuse of power by Conferences, we should have supposed it would have occurred to our brethren, that there were some things which could be said of *Ex parte* Councils, not very flattering to their self-complacency. If we do not entirely misapprehend them, they regard an *Ex parte* Council as one of the happiest of all provisions or instrumentalities, for promoting the order of our system. They seem to have a conception of it, very analogous to that of the Tarquins at Rome, in respect to imperial power,—*rei inter Deos hominesque pulcherrimæ*.

Ex parte Councils were suggested by difficulties, for which in *extreme* cases, if properly regulated, they may furnish some relief. But our brethren should not have quoted Mather, Upham, or Punchard, after violating every cardinal principle and rule advocated by these writers, relative to such Councils. The last writer would entirely reject the doctrines of their Result. We know not the opinions of Prof. Upham. At the very highest point of value, an *Ex parte* Council is but one or two degrees above *a choice of sore evils*. And a more disastrous, if a more detestable scourge, could hardly be let loose upon our Congregational system, than the frequent and reckless gathering of such *Ex parte* Councils, as those at Howard Street.

The reference to the *Third Way of Communion*, as if by this method the Churches ought to deal with "the questionable Church," and the Conference do nothing, unless they would unite in a Mutual Council, is another very notable lesson to us from the wisdom of this Result. Why did not some of our brethren try the experiment themselves upon the Church in Reading? We should like to see whether the Salem Street Church, Boston, could now lead off against the Tabernacle Church, as did the "Second Church," in the case of the First Church in Salem, of which the Council probably knew but little, and

the like of which it would require some "original investigations" to find. It is almost "solitary and alone," and ever will be. We can scarcely imagine, that the Council were serious in what is said on this subject. If it had not been for the aid of the civil authorities, which could not now be had in any case, enforcing the excision of a major part of the First Church in Salem, in 1735, the Result of the Council would doubtless have been an entire failure.

Increase Mather, in his little work, "The Order of the Gospel," alludes to a certain case, in which a church-member complained of hard treatment, and appealed to "Neighbor Elders."

The pastor and major part of the Church were not willing the case should have a re-hearing before the Elders and Messengers of other Churches. Upon this, great clamors were raised, and prejudices taken up against the Congregational discipline. Mr. *Cawdrey* got this story by the end, and in his *Epistle to the Dissenting Brethren*, he says that a minister in *N. E.* writes over to *England*, that this injured person would have *no remedy until the Churches in New England were become Presbyterians, and that if Independency does not break all the Churches in New England excepting a few semi-Presbyterian, some are deceived.* Who the minister was that wrote thus to *England*, Mr. *Cawdrey* tells us not. But it is a great wrong to the Churches of *New England*, and to the way *Congregational*, to represent them, and all that are of *that way*, as being of such *Independent and unaccountable principles*, which they utterly disclaim.

It is evident to us, that our brethren, in all which they have said of the proceedings of the Essex Conference, "*got this story by the end*," like "*Mr. Cawdrey*"; and "it is a great wrong" to represent us to the world, as holding "*unaccountable principles*," which we "utterly disclaim." But whatever they may think of us, or say of us, they may be assured, that we shall endeavor to *STAND fast in the liberty wherewith Christ hath made us free.*

From the manner in which the Result comes to its "conclusion," it is a moral certainty, that the writer or the writers must have been profoundly ignorant of the history of Howard Street Church, and of the actual position, reputation, resources, and ecclesiastical prospects of those now claiming to be that Church. And a greater mistake could hardly have been committed, than in representing a part of the ministers and Churches of the Essex South Conference, as wishing to *CRUSH* the Howard Street Church,—a representation which is made in the same breath with the statement, that, "it is admitted by *all*, that a Church, and the worship [?] and ordinances [?] ought to be sustained in Howard Street." But when it is said, "it seems to the Council that all the Churches must feel interested to keep this Church in their community, and that scarcely a greater cloud of grief could come over them than would come by the extinction of this light,"—we must respond in truth and soberness, that, if they had deliberately intended a solemn burlesque of the whole subject, they could not have taken a more effectual method to accomplish their design.

In conclusion, so far is this Council from yielding to the reasons assigned by the Tabernacle Church for denying the request of brother Goss, founded on the objectionable standing of the Howard Street Church, that it considers this Church, if not *primus inter pares*, as an ancient Church, yet, at least, an *equal*, entitled to the sympathies and the affections, the help and the encouragement of all the Orthodox Churches in this community. And more especially should they have our sympathies and our prayers, if not our thanks, for the stand which they took in favor of the holy covenant,—not consenting to *break*, but contrariwise inflexibly determined to *keep* it, “to hold it fast and not let it go,” thus setting an example of integrity and fidelity in the midst of trials, “perils of [?] brethren,” and formidable opposition without and within, holding up, as a standard, the ancient covenant of our fathers, and calling upon all the Churches to look at it as the great charter of all the Churches of our order throughout the Christian world.

Leaving our right of remark upon the “*primus inter pares*,” and the oblique admonition to the Tabernacle Church, as if claiming too much deference, because the most “ancient” of the Orthodox Churches in Salem,—we are not a little perplexed by that “ancient covenant,” which is “*the great charter of all the Churches of our order throughout the Christian world.*” What do the Council mean by that “ancient covenant,” which those now at Howard Street have been “*holding up and calling upon all the Churches to look at?*” We have conjectured that they must have had in mind the covenant of the First Church in Salem, commonly published as the first covenant, or that of sixth of August, 1629,—but which was a special covenant adopted in 1636,—mainly, it would seem from internal evidence, in view of the disorders occasioned or caused by Roger Williams. Are any of the Council sure, that they ever saw the *first covenant* of that Church? And would they indeed have the Churches give “thanks” to the minority at Howard Street, “for the stand they took in favor of the holy covenant,” while yet if they had simply concurred with the majority—the Council themselves being judges—then there might have been an “*extinction of this light*,” without the least degree of alarming apprehension of that “cloud of grief,” a “greater” than which “scarcely” could now “come over all the Churches!”

“What possible interest,” the Council also say, “or valid reason can there be, that the Church there should not stand on its ancient foundation, and preserve and show forth its ancient name and its ancient covenant? Do any covet its name?” We respond to our brethren, and inquire of them, if they know any thing at all of the import of these questions? And if not, was it wise to “utter that” which they “understood not?”

☞ “Its ancient foundation”? The only “ancient foundation” of which the inhabitants of Salem ever heard, as connected with a Church in Howard Street, was laid,—we would inform our brethren, —not in the seventeenth, nor yet in the eighteenth century, but on the twenty-ninth day of December, 1803!

The Council speak of the “ancient name” of Howard Street. And “do any covet its name?” “We are not so advised,” they tell us. We presume, that they are correct. They do not mean, we suppose, the name of “Branch,” or of the “First Presbyterian Church,” but that of “Howard Street.” And how “ancient” is this? *Very.*

“ancient.” On the fourth of May, 1847, it was exactly *eighteen years and eleven months* “ancient,” or one score, minus one year and one month!

And what shall we say of “*its ancient covenant*”? On the twenty-fifth of March, 1815, the Church, which at the first was *Congregational*, like the Tabernacle from which the founders had proceeded, by way of the First Church in Rowley, became PRESBYTERIAN, and adopted a *new covenant* accordingly. This, we think,—*this second covenant* of the members, in less than twelve years,—would hardly be recognized by the late Council, as “*the ancient covenant of our fathers.*” We have no reason to doubt, that the first covenant was taken as solemnly, as any other similar covenant ever was. But not one of the members could ever have had an idea of its being “the great charter of all the Churches of our order throughout the Christian world.” So the living would testify.

The Church, of course, was the same ecclesiastical organization—the same identical body of believers—under the Presbyterian, as under the Congregational form of administration. It was called the Branch Church; until, with a hope of neutralizing, if not burying some untoward associations and injurious popular impressions, the members, in 1824, took the name of the “*First Presbyterian Church in Salem.*” *

In April, 1828, *the Presbyterian covenant*, with all, in general, that pertained to the peculiarities of Presbyterianism, gave place to a *third covenant*, and that a new *Congregational covenant*.

We have said, that the Presbyterian covenant of 1815, which lasted about thirteen years, with all, *in general*, that pertained to the peculiarities of Presbyterianism, gave place to a new, and a Congregational covenant. We have thus said,—because of “*a significant fact.*” There was a minority which strenuously contested the proposed change. And they remained in the Church, by a special provision in their behalf, which, in case of disciplinary process affecting any of them, *secured to them and their families* the right of trial, according to the rules and method of Presbyterianism! If they could, by any possibility, they would have prevented the change from Presbyterian government and connections. Ought the majority, or the minority, to have prevailed?

But there have been some more covenants at Howard Street. The covenant of 1828, gave place to a new covenant, very carefully prepared during the ministry of Dr. Cheever. And this was thought to be so defective by his successor, Mr. Torrey, that it was “fit only for the burning;” and by him the only copy in existence *was BURNT UP!!* This was in 1838. For some days, at least, the Church *had no covenant*, to which they could refer, as the bond of their brotherhood and fellowship. A new and the *fifth* covenant was prepared. And this, according to the Council, must have been their “ancient covenant.” Very “ancient,” truly. It must have been adopted nearly or quite *nine years*, previous to the dissolution of the Church in 1847!

* It was probably forgotten, at this time, that the Tabernacle Church had been *Presbyterian*, from 1769 to 1784; though not connected with any Presbytery, until the summer of 1774. The coincidence of an *interregnum*, or rather, a *regnum* of Presbyterianism, in both these Churches, is somewhat remarkable. A similar example is furnished in the history of one of the Newburyport Churches.

Do any covet its property? We know not; we suppose it is not rich in this world's goods, but hope it is "rich in faith," and if it is a trustee for its poor, we hope "they will not be sent empty away."

Did the Council know what they were saying? Whence their occasion for such suggestions respecting "property"? Did they mean to insinuate, that the *majority* of Howard Street Church wished to *defraud* the minority? If not, what *did* they mean? They had before said; "having *seceded* [?] and not continuing to worship with the Church, they had voluntarily abandoned all right to its property, whether it continued, ecclesiastically, to be a Church or not." "*Voluntarily abandoned all right to its property*"! And that too, "*whether it continued, ecclesiastically, to be a Church or not*"! Is this *truth*, and is this the *morality* of the Council? Let no one of them again ever open his mouth, on the subject of the *wrongs* of the "exiled churches" of Massachusetts.

In a corporation of five persons, if four agree to dissolve, is the fifth entitled to hold all the property? By what law of righteousness or of Christ, then, can the Howard Street minority claim the church-furniture; or as proprietors, owning a sixth part of the whole number of pews, how can they be entitled to occupy the house of worship, against the voice of all the rest? One individual alone, of those who agreed to the dissolution of the Church, owns as much in that house of worship, as *all the minority* together! And do the Council think, that he and the others, owning forty-five pews out of sixty, which were held as private property, have *forfeited* all right and title to that property? So it must be, if the minority can justly claim the church-furniture. And is it said in reply, that it is competent for proprietors to sell pews, upon which taxes have not been paid? Be it so. But *who are the proprietors*, and *who* have the *authority* to assess taxes upon the pews in the Howard Street house of worship? We may be thought to speak too freely, but we are willing to say to all the world, that for ourselves we are completely shocked at the sentiments of the Council, in relation to the right of property at Howard Street; and should as soon have expected from them an open vindication of embezzlement or burglary.

"Trustee for its poor"? *The Howard Street Church*, on the day of the vote of dissolution, *did not own a dollar of property*; and never *did* own a dollar of property, as "*a trustee for its poor*." There was a legacy given to "*the Corporation of Proprietors of the Branch Society*," amounting to upwards of five hundred dollars, the interest of which was to be given to the poor of the *Congregation*; and for that legacy the *Proprietors of the house of worship, and not the Church, are accountable*.

A *new* organization, under a different name, it has been pretended, would expose those now at Howard Street, to a suit for damages, from heirs of legatees. The legacy to which we have referred, was given, it will be seen, when the Corporation and Church were called "Branch," and not "Howard Street."

"Trustee for its poor"! If there are any "poor," whose relief or solace is dependent or contingent upon funds now in trust at Howard Street, they may as well receive the contributions as the written sympathies of the late Council.

We would deal both "kindly and truly" with those, who affirmed before the late Council, as we are told, that by some effort and personal sacrifice, there would be not the least difficulty in sustaining themselves as a Church,—and impliedly, at least, an efficient organization. To most persons in Salem, such a statement is proof conclusive of absolute presumption and infatuation. A man who has not a dollar in the world that he does not owe, beside owing hundreds which he has no visible means of paying, might just as well say, that he can support a family with entire ease and perfect honesty. And those who derive a material part of their maintenance from subscriptions or gifts of charity, however fraternal or genteel, or who depend largely upon creditors, whose just demands they have no ability to cancel,—are not ordinarily regarded as in very flourishing or very desirable circumstances.

Of one thing, however, we are very certain. Those at Howard Street will need something more substantial, than the aid afforded them by Ex parte Councils, however imposing in numbers. So far is it from being the truth, that "it is admitted by *all*, that a Church *ought to be sustained* in Howard Street," the sober fact is, that if all those in Howard Street were to leave the place to-morrow, and the house of worship there, with the vestry, and all that belongs to the original Howard Street organization, in the form of church-plate or any other property, were advertised to be given up, without money and without price, to any new Congregational Church of twenty respectable male members, who would "covenant" to sustain worship there, and never to use the property for their private advantage,—there is not the slightest good reason to suppose, that the first *ten*,—the first *one*, could be found, who would be willing to accept the gift! And as things now are, there is as little of probability, after all that is said in the "Result," that a single lay-brother of the late Council would join himself to the existing organization,—were every one of the fifteen to remove to Salem, with a purpose of there residing until the last hour of life!

It certainly ought to be considered a question of some importance, whether an organization for the purposes of a Congregational Church, has the means, present or prospective, for a permanent support. If there had been a Council called, to organize a Church out of the minority at Howard Street,—and that Council could have been made to know the simple, undisguised truth of facts,—there is not one probability in a thousand, that such an organization would have been deemed expedient or suitable; unless that Council had been composed of men, in whose judgment the Churches generally would be very slow to confide.

The innuendo, or implied accusation, that there are some, who wish to "crush" those at Howard Street, could never have been written with a true knowledge and a just application of facts. And it is somewhat too great an imposition upon ordinary patience, that they who have acted in honesty and uprightness, with the certain consequence of being traduced and maligned, should be so injuriously represented by respected and beloved brethren abroad, from whom a different treatment ought to have been received. Even some in Salem, whose names have undoubtedly had the greatest influence in sustaining the

course of the Howard Street minority, have not hesitated to say, that the Church at Howard Street ought not to be dissolved; *because such an organization is of great advantage to the peace of other Churches in the city!*

For several years previous to the vote to dissolve, the apprehension had been felt, and was frequently expressed by some of the worthiest members, that the inevitable result of such violent proceedings and speeches as those of a portion of the minority, would be the dissolution of the Church.* And if the public knew but a very small part of what might be told of the scenes which have been witnessed in many church-meetings, and of the language used in respect to the pastor, as well as to brethren of the Church, they would not marvel at such apprehensions; but would rather account it an amazing mystery of endurance, which enabled so many to persevere as long as they did, in their self-sacrificing exertions to sustain the order of the gospel at Howard Street.

§ *Concluding Remarks.*

Our examination of the views of the late Council, as it respects the proceedings of the Tabernacle Church, and the right of a majority to disband a particular local Church, has occupied much more space than we had anticipated. But one line of error may require many pages, or even a volume, for a suitable correction. We should have been glad to say less of the case of Mr. Goss. Much easier and a far more pleasant labor it would have been, to present our own views affirmatively, instead of defending ourselves and refuting the arguments of our opponents. We feel that we have been injuriously treated, and really aspersed. We have been held up to the public, as "radical reformers;" as inventors of "a new instrument of destruction" to the Churches,—and as advocating "the right of a majority not only to destroy their own rights, but also to PLUNDER OTHERS OF THEIRS."

These are a part of the charge against us. And now what have we done? What sentiments do we hold, that should "fill" our brethren "with undissembled wonder and astonishment"? In the foregoing pages, the reader has the means of judging, whether, as Congregationalists, we have any "new doctrine" or "novel theory;" or whether we have committed any thing "worthy of death" to our ecclesiastical reputation and our ministerial influence.

Most of our examination of the question, whether a Church has a right to disband by vote of a majority, has been conducted upon the principle of *argumentum ad hominem*. And we think that we have effectually shown, that, upon the admissions of the Result of the late Council, *all the objections* which they have urged against our claim of right for majorities, and which are of any weight whatever, lie with

* We allude to such, for example, as will be remembered by those, who were present at the meetings in April, 1844, when such an effort was made and repeated to obtain a vote of the Church,—“that the Collectors chosen for Foreign Missions, take subscriptions of all who may be disposed to contribute to the Union Missionary Society, and forward the amount contributed, to the Treasurer, in the name of the Howard Street Church.”

equal force against the method of extinguishing a Church, which they themselves consider the only proper method, according to our Congregational system. We assent to their method of causing a Church to cease, as being strictly Congregational; but we also maintain, that it is equally Congregational for a majority to *dissolve* a Church. We contend, nay more, we do know, that the former method is no more prescribed in the Platform, or in any "Ratio Disciplinae," than is the latter.

The Scriptures, as we understand them, *are silent*, as to any express direction or witness upon the vital points involved in the present discussion. If it were otherwise, we think that our brethren would not have been slow in referring us to the "law and the testimony," in the Word of God. Let them now, if they can, adduce a single sentence from Moses and the Prophets, or Christ and the Apostles, which forbids the dissolution of "a particular local Church." If it be *so easy* a work for them, as they give us to understand, if they mean any thing in what they say, let them put us to silence by a "*Thus saith the Lord.*" We shall be much obliged to them for a reference to the chapters and verses, which they had in mind. But we do not need their comments, nor their practical observations.

We shall not consent to be "a whit behind the very chiefest" of them, in our respect and reverence for the obligations of our church-covenants. But we insist that these obligations shall be rightly interpreted. And we claim as much competency to interpret them, as we can accord to our brethren. So far as authority is concerned, it surely is needless to aver, that no body of men has ever yet existed in New England, or elsewhere, with authority or commission to bind the members of our independent Churches to any prescriptions or ordinances of church-polity. And the late Council have entirely failed in their appeal, both to the fathers in general, and to the early covenants of our Churches, with the Platform of 1648, in particular.

As a voluntary association, a particular local Church has the same power to dissolve, as to continue its organization. The right is inherent in the very constitution or being of a Congregational Church. But the *power* should always be discriminated from the responsibility, and the *right* is not to be identified with the wisdom or expediency of its exercise.

The dissolution of a Church differs, in some important respects, from the dissolution of a merely secular association or corporation. The covenant of the members with God, as believers in Jesus, is untouched. Their title to be received into other Churches is not infringed in the least; and in proof, we need only refer to the manner in which members of the late Howard Street Church have been treated by other Churches. And as it regards "watch and care," they are practically in no worse condition, than hundreds and thousands who are members of Churches undissolved.

Still, we have been willing to argue the question of disbandment, upon the hypothesis or pretension, that the members of a disbanded Church were cast out into the world, and were "no members," as much as by excommunication. So far as they may be in this condition, so far are *they* also, who have not been recognized in other Churches, when the Church of which they were members voted unan-

imously to unite with some one specified Church, or with other Churches at pleasure. They are "no members" in the one case, no less than in the other.

In the *end* to be accomplished by a particular church-organization, there is nothing to prevent a dissolution. This end, as the Platform says,—is "*the public worship of God and the mutual edification of one another.*" If, therefore, it appears that a given organization cannot be sustained without a burden of oppressive embarrassment, pecuniary or otherwise; or if in existing difficulties, internal or external, there is no rational prospect of deliverance or essential relief,—then may there be good and sufficient reasons for the members of such an organization, to dissolve the local bonds which hold them in fellowship.

The covenant with one another is *conditional*,—sacred as it is from its intimate association with that which is made with Christ in God, and which no changes of earth can annul or essentially modify. And as each individual is bound to regard the general good of all, the greater the actual importance of church-organizations, in the broadest view of the end to be accomplished, the more conclusive may be the argument, in a given case, for the dissolution or the extinguishment of a particular local Church. For the very reason that the Church is a *good* institution, it may be the imperative duty of the members of that Church to put an end to its visibility and identity. Vastly more of *good* may thus be accomplished. And singular, most anomalous would it be, if, when it is so often a most difficult question, whether a Church should be formed, it could never afterwards be a question, whether it should be dissolved.

Of the reasons for disbanding a Church, *the majority are as competent to judge*, as of the reasons for any act or measure, which belongs indisputably to their cognizance and control. On board the *Mayflower*, the Pilgrims recognized the great principle, "THAT THE WILL OF THE MAJORITY SHALL GOVERN." Some of the fathers in the Massachusetts colony, as we have seen, attempted an experiment of church-administration, by requiring unanimous concurrence. They soon found themselves in perplexities, in which, their remedy of *admonition*, and *disqualification to vote*, proved like that for some diseases of the natural body,—which *shifts the place, but keeps the pain*. To *compel* a minority to vote with the majority, by the coercion of *discipline*, would be somewhat worse than what has been charged upon ourselves.

Majorities may err. But certainly, by all experience, they are as much to be trusted, as *minorities* can ever be. And if in the case of Churches, a majority, however large, cannot dissolve the organization, then must it follow, that a minority, however small, may do mischief, and incalculable mischief, for which there is no remedy. By their very covenant itself, in its application to the minority, while mutually under law to Christ, the majority may be "*constrained*" by "the love of Christ" to *declare their church-organization to be dissolved and no longer to exist*. And there may be no sufficient reason imaginable, why, in some cases, a majority should retire, voting themselves letters of dismissal, yet leaving *the minority* to be the Church. We cannot see why a member can be *excommunicated*, by a major vote,—if an *unanimous* vote is necessary for a Church to disband.

If a majority shall proceed improperly or wantonly, in any case, they are responsible, as individuals, first of all to the Great Head of the Church; but in a high degree, also, to members of sister Churches. They should not be received into the Churches, until they have given evidence of repentance for wrong doing. Those who have not been partakers of their sin, cannot of course be accountable, as partakers. If they have suffered any temporal injury or inconvenience, they have no reason to be disquieted, as if themselves in fault. And if they wish to be one body, and are capable of sustaining an organization of their own, let them be organized, and let them have the benediction and the supplications of all who pray for the peace of Jerusalem and the prosperity of Zion.

Let them not, however, violate all truth, ecclesiastically, historically, and morally, by a preposterous claim to be the same organization, as before the disbandment by the act of their associates.* Let them neither take possession, nor desire any part of *the property* of the disbanded Church, than such as belongs to them by the law of Christ,—whatever may be the law of the land; remembering the words,—“I THE LORD LOVE JUDGMENT; I HATE ROBBERY FOR BURNT OFFERING.”

As it respects the fearful consequences from the distinct recognition of the power and right of majorities to disband a Church, our brethren of the Council would have us think, that they are very much alarmed. Before they “came to judgment,” we had heard, that *many* of our Churches would certainly be dissolved, and that very soon, if majorities were understood to have such power. We have not been much troubled.

If it be a fact, that we have any Churches, in which the majority would wantonly and recklessly pass a vote of disbandment, provided only that the vote would be considered valid,—we are ready to say of such Churches, that, in all human probability, the sooner the deed was done, the better it would be for the interests of “religion, pure and undefiled.” Better far that such members of Churches should be “no members,” whether with, or “without excommunication.”

If also any persons, who have belonged to a disbanded Church, do not see fit to connect themselves with other Churches, and prefer never to use their letters of testimonial, we believe, that, with very rare exceptions, they would be of very little advantage to any Church, and, as things usually are, would not be likely to “grow in grace” any more surely, by a mere “*name to live*,” as recognized members of “the household of faith.” In any event, it is their own fault, if they remain as *of* the world, while in the world.

The evils of a disbandment of a particular Church have been greatly, and, as appears to us, very wrongly exaggerated in the Result of our brethren. Pictures of imagination, more than of life, have been painted with an unsparing profusion of dark and doleful coloring. The whole of this, we can explain; and if we mistake not, we are not alone in opinion, that sober-minded men of mature age, in writing for the Churches, should aim to write the truth in *simplicity*, as well as godly sincerity, without simulation or *dissimulation*.

* *That, they CANNOT BE, let who will vote that they are. A man may just as well be made his own father, by a vote of his neighbors.*

When speaking of the act of dissolution by the Howard Street majority, the Council put forth all the energies of their mechanical or inflated rhetoric and poetry, as if the extinction of a church-organization was a catastrophe "unspeakably mournful." Yet immediately afterwards, they tell us, that if a Church cease to exist, *by a vote of the members to take letters of dismissal*, according to *their method of extinguishing Churches Congregationally*, there may not be the slightest objection! So then, after all that they have aimed to do in their onslaught upon us, it seems that the "head and front of our offending" is, that *we think it lawful and honorable* for a Church to die in that particular manner, which is not agreeable to the views and feelings of this Council!

Churches however, it must not be forgotten, *have been dissolved*, or have been extinguished, by *mere majorities in fact*, when the *appearance* was, as if by unanimous consent. A *minority*, also, against the wishes of the majority have taken such measures, with or without good reason, as have brought all to vote, or not to resist a vote, to disband the organization. And when it is said of some Churches, that they voted *unanimously* to take letters to other Churches, the real truth was, that a minority did not vote at all, or voted as they did, because they could not help themselves, or, because, under all circumstances, they chose to submit to the will of others. And it is to be remembered, that, if there is any violation of covenant obligations, when a majority act against the wishes of a minority of *brethren*, in voting to dissolve a Church, or to give and take letters, it must also be an equal violation of covenant obligations, if, although the vote of the brethren is most cordially unanimous, *there is a single solitary female member of the Church, who cannot or will not give her consent to the measure!*

But if any have supposed, that there is any essential difference between the power exercised, or between the moral evils, great as they may be, in the case of the dissolution of a Church by a majority, and the *extinction* of a Church by a vote of all the acting male members to give and receive letters of dismissal,—we cannot but think, that we have now presented some considerations, which may lead to a review of their opinions. The difference, in our humble apprehension, is the same as between *dying*, and *not living!* But we all know that the feelings of people are less disturbed by some words than by others. Both euphony and euphemism have their advantages.

Upon the main question before us, there are of course things to be said, on the one side and the other. Intelligent and honest men may differ in their first impressions, and in their more careful inquiries and reflections, in regard to the preponderance of argument. There are unsettled questions in our Congregational system; as for example, whether a pastor should be a member of the Church of which he is the pastor, or whether a pastor, when dismissed, belongs to any Church, if he was not considered a member of the Church of which he was the pastor. Upon such questions, as upon that which we have been discussing, there may be honest differences of opinion; but there should be no angry strife, no denunciation, no bitterness.

The question of the right of a Church to dissolve by a major vote, we have sometimes been told, is a question which may be decided, without reference to any particular case. It lies open to the mind's

eye, and every one may see *what is right* in the premises. We are not disposed to deny this statement; but if it be a question to be decided by every man, according to the dictates of his own intuitive perception and discrimination, or the spontaneous counsel of his personal convictions, we must be allowed to confide in our own judgment,—although at variance with that of any of our brethren, who have declared us to be in error. And we must say to those brethren, that if they wish to bind our hearts with theirs in the cordialities of union and esteem; and if they would promote entire harmony and the happiest communion among the Churches and Ministers of the Essex South Conference, they must adopt a very different style and air of address, from that which so unfortunately characterizes their intensely partisan Result.

If any of our brethren from abroad have imagined themselves to be peculiarly qualified or specially commissioned, under providential direction, to “adjudicate” the ecclesiastical questions of the Churches of the Essex South Conference, and of all the Churches of our order in Massachusetts, they must bear with us, if we suggest to them, that they may have essentially mistaken their calling. We are ready to receive any counsel, which, at proper times and in a truly fraternal spirit, they are pleased to offer us. We will also give our attention to any further arguments, which they may wish us to examine; and, so far as our self-respect, or our sense of duty may require, we shall endeavor to vindicate our opinions, until convinced that we are in error. This is all which they can reasonably ask. It certainly is all which we can encourage them to hope.

We have desired to meet them, at every point, fairly, candidly, and effectively. We have made no false issues. We have no disguises. We have sought to exhibit the exact truth of facts, and the exact force of arguments. Conscious of infirmities and deficiencies, neither few nor small, we yet shrink from no test of reason or of revelation. In the fear of God and the love of Christ, we hope, not unworthily, to maintain the Congregationalism, which we have received from the fathers, whose memory we delight to honor. In its true principles and results, under a wise, impartial, and benignant administration, we believe, that it is the most just and safe, as well as the most free and ennobling of all forms or institutions of ecclesiastical polity.

And may “the God of peace,” who is also “the God of patience,” give us wisdom, with every grace of his good Spirit, that we may never, by any act or influence, either publicly or privately, contribute, in the smallest measure, to impair confidence in its character,—to mar its intrinsic beauty,—and to turn its “glory and virtue” into shame and contempt. May our brethren also, with ourselves, be blessed abundantly from on high; and all “find mercy,” “in the day, when God shall judge the secrets of men, by JESUS CHRIST, according to” the “Gospel!”

APPENDIX.

[p. 12.]

At a meeting of the Tabernacle Church, April 19, 1850, the following votes were passed:—

Whereas, a certificate of the late Clerk of the Church has been published, stating that he “had furnished brother Ezekiel Goss with copies of the following documents, viz: 1. The vote of the Church, August 25th, [24th,] 1849; 2. The Report of the Committee which was appointed to state to him the reasons why his request was not granted; 3. The resolutions adopted by the Church respecting Howard Street Church, and the second vote declining to dismiss him, passed September 28th, 1849; 4. The reasons put on record for declining his request for a Mutual Council, and that these are all the record of proceedings in his case up to the 20th of November, 1849;”

And whereas, upon examination of the Records of the Church, it has been found that no record was made of other important proceedings,—Therefore,

Voted, 1st, That the Records of the Church be so amended, that, in addition to what was recorded as the proceedings of the meeting, September 14th, 1849, the following entry shall be made:—“A resolution was offered, viz: ‘Resolved, That the explanations of brother Goss in regard to his leaving the Church with unkind feelings, be accepted by this Church as perfectly satisfactory.’ After some discussion, the resolution was laid upon the table.”

Voted, 2dly, That the following entry be made, in addition to the record of the proceedings of the meeting, September 28th, viz: “After the Report of the Committee appointed September 7th, to explain to brother Goss the reasons why the Church did not grant his request for a dismissal, the resolution which was presented at the meeting of the Church, September 14th, was called up from the table and considered. Objections were made, and a vote being taken, the Church refused to pass the resolution. The pastor also requested the Church to take a vote upon the question, whether the Committee, appointed September 7th, were authorized by the facts in the case to make the statement which they did to brother Goss, as contained in their Report. A vote was accordingly taken, and the question decided in the affirmative. *The Church thus approved the doings of the Committee, and virtually adopted the Report which had been previously accepted.*”

Voted, 3dly, That the omission of the Clerk to record in full the doings of the Church, at the meetings of September 14th, and September 28th, may be explained, without imputing to him a design to make a record, which, by its omissions, might operate to the advantage of brother Goss.

Whereas, also, in the published certificate of the late Clerk of the Church, dated December 26th, 1849,—it is stated, “that, on the 26th of October, it was repeatedly said to Mr. Goss, we have nothing against you”;—

Voted, That these words, as naturally understood, are suited to make an erroneous impression;—no member of the Church having used any such words to brother Goss, without saying, or supposing himself to be explicitly

understood to mean, as saying,—“We have no charges *before the Church*, against you. You are not upon trial, and therefore, it is not in order for you to address the Church, as if you were.”

The above amendments, with the accompanying correction, were adopted without debate,—no one voting in the negative.

Attest,

GEORGE C. HODGDON, *Clerk.*

Salem, April 27, 1850.

[p. 38.]

We copied all the quotations, in respect to the nature of a covenant, intending to insert them here, that the reader might see at a glance, that not one of them touches the point, which the Council have assumed as their fundamental position. Our space is otherwise needed. But we cannot refrain from remarking, that we hope our brethren will not be imitated in such a manner of quotation and such a style of grandiloquence in general. It is no mark of erudition to copy names or titles of authors, pamphlets, or books,—with a few extracts,—from the mass which can be found in some Historical Collections,—illustrative of the period of the fathers,—which one of the writers calls “*this pamphlet-glutted age.*” And after quoting a sentence of what “Rathband says,” in 1644, it is not in the highest style of scholarship merely to add,—“To whom Welde, of Roxbury, replied”;—especially, if there was no “*Welde, of Roxbury,*” after 1641.

[p. 49.]

For example. “It may sometimes come to pass, that a church-member, not otherwise scandalous, may *fully withdraw*, and divide himself from the communion of the Church to which he belongeth. In which case, when all due means for the reducing him prove ineffectual, he having thereby cut himself off from that Church’s communion; the Church may justly esteem and declare itself discharged of any further inspection over him. Heb. x. 25; Rom. xvi. 17; 2 Thes. iii. 14.” (Heads of Agreement, Congregational and Presbyterian, 1690. See Magnalia, Vol. II. Upham’s Ratio, &c., p. 307.) The Tabernacle Church, for at least forty-five years, have recognized the propriety of this course.

In the answer to the “Sixth Position,” from which we have quoted, (p. 17.) it is said of a person, who desired to leave the Church, and the Church could not give consent: “If after all this, we see his spirit stedfastly and stiffly bent for a departure, then, though we dare not act against our light by consenting or counselling, yet, if his sinne be apparent and danger eminent, we use rather through indulgence (in cases of like nature) to suspend our vote against him, as not willing against his will to detain him, abhorring to make our Churches places of Restraint and Imprisonment.” We are not sure, that we understand this statement. If we do, it is very plain, that, in the early Churches, members were sometimes allowed to *make themselves* “no members without excommunication.”

[p. 76.]

Result of Council advising the Dissolution.

SALEM, APRIL 14, 1847.

It appears that the pastor’s request for a dismissal arises from embarrassments which have rendered, in a great degree, abortive his earnest and self-denying efforts for a course of years, and which embarrassments have now come to a crisis, so that we can do no less than accede to his request, and we hereby *declare his pastoral relation dissolved.*

We tenderly sympathize with the Rev. Mr. Mann, in his afflictions and disappointed hopes, and most cordially recommend him to the Churches of

Christ, as *sound in doctrine; earnest, able and faithful in preaching; kind, amiable and acceptable in the relations of social life, and heartily devoted to the true ends of the ministry.* And we deem it due to him to say, that his failure of the desired success in extricating this Church from its embarrassments should not be used in disparagement of his ministerial character in any respect.

And since the embarrassments which have so far frustrated his ministry still exist, without prospect of change, while the Church retains its present organization, we would suggest the inquiry whether the best good of all concerned would not be consulted by a dissolution of that organization, and the members connect themselves with other Churches in this city. A step so uncommon, we think, is made expedient by reasons as peculiar. It is not that we think that there is not ability and piety enough to sustain the enterprise in favoring circumstances. There are materials of great value in this Church, but they stand in such relations as to hinder their efforts for good. Nor is it true that our denomination in this city have Churches enough without this. The prospect rather appears to be, that if this is dissolved, a new one will soon take its place. We would, therefore, advise that the present *organization*, if it sees fit, vote a *dissolution*; and if the proprietors of the meeting-house see fit, to close it a while and wait for the movements of Providence, we feel persuaded that the time will soon come when the way will be made to open it under better auspices. A new organization formed for the purpose, would of course stand clear of most of the embarrassments of the present.

We deem it to be our duty in concluding this Result, to call upon some of the individuals of the Church to reconsider the manner in which they have treated their pastor, during the existence of the difficulties which have given occasion to the calling of this Council. Saying nothing of those who have been in fault in other matters, there has been a disposition on the part of these, to push some favorite points to extremes;—a want of charitable construction of the pastor's motives and conduct in relation to points on which there existed a difference of opinion between him and them; and a deficiency of that kindness and courtesy which he had a right to claim as a Christian minister, and particularly as their pastor.

The Council hope that they will see their error, and that in whatever future ecclesiastical connection they may be placed, they will seek to be possessed of a spirit of wisdom, and of a sound mind, and will remember, that *charity, kindness and forbearance* are as important parts of Christian character, as zeal in suppressing the errors and vices of society.

PARSONS COOKE, *Moderator.*

E. A. LAWRENCE, *Scribe.*

[p. 107.]

So much has been said respecting the sale of Howard Street bell, organ, &c., as if *unauthorized*,—and other erroneous statements having been circulated,—we here present some facts and documents.

At a meeting of the proprietors, regularly notified, May 28th, 1847, it was Voted 3d, That the standing committee shall ascertain what is the amount of all the debts due from this corporation, and report at an adjourned meeting, one week from this evening; and that they be authorized to raise, in some way, what money may be necessary for immediate use. June 4th, the proprietors met by adjournment. The committee stated, that they had been unable to raise money in any way. The minority were then asked, if they had any proposition to make. They declined making any. It was then Voted, That the standing committee be, and they are hereby authorized to sell so much of the corporate property, as will meet all the legal demands against this corporation, viz., the organ, lamps, carpet on the aisles, the bell, and the furnace, if necessary, to liquidate the debts due from this corpora-

tion; and report their doings to the proprietors at a meeting called for that purpose. *The above vote was passed with only two dissenting.*

The standing committee thus had the power to sell the above articles at once, but they waited, hoping that some other course might be practicable. Not one of the above articles was sold, until more than two months after the vote to sell. On the 2d of August, a note became due at the bank, which had been given by the former treasurer (who was one of the minority) to Mr. Mann, and endorsed by Mr. Mann. The payment of this note had been guaranteed by six of those who continued at Howard Street. On arriving at maturity, the note was unpaid. Mr. Mann was desirous of being released from his liability to the bank, and likewise desirous of being paid for his services subsequent to the last settlement by the note. The minority were notified, that unless the bills were paid, the property must be sold. The committee offered to sell the property to the minority, but these refused to buy. Offers were repeatedly made to the minority to have the whole property appraised by disinterested men, and after the appraisal, they might either buy or sell. Other offers were made, to have the whole subject in regard to the house referred; but these they also declined.

March 20, 1848, a meeting of the Proprietors was called, at which it was Voted, That it is expedient to sell the property of the corporation for the purpose of paying its debts and dividing the surplus, if any, equitably among the proprietors; and that we fully concur in the petition of R. P. Waters and others, now pending before the Legislature. The vote stood 29 yeas—9 nays.

It having been ascertained that there was no prospect of adjusting the difficulties, and expense continuing, such as rent for cellar and interest money, it was thought best to close the concern. Immediately after the vote of June 4 was passed, an individual of the minority who was present, and strongly objected to paying the debts by assessment of the pews, but did not object to selling the property, had an attachment placed on all the articles which it was voted to sell; thus endeavoring to prevent paying the debts. The committee became personally responsible to the sheriff, and sold the articles. The suit was brought for \$1,000.

The plaintiff and four others, as if representing the proprietors, commenced *a new action* at law against the committee, who had retained part of the money received from the sale of the articles, but had offered to pay the debts—the plaintiff's among the rest—provided he would relinquish his suit for the recovery of the money. Thus were the committee placed in a situation, in which they could not pay the money, without risk to themselves, and requiring them to defend themselves, in two actions, for the same money.

The following Agreement was written by S. E. Sewall, Esq., Plaintiff's attorney.

It is agreed by and between the parties to the suits now pending in the Supreme Judicial Court, in the County of Essex, April term, 1849, between Daniel Millet against Isaac P. Foster and others, and the Howard Street Church against Isaac P. Foster and others.

The said suits shall be dismissed by an entry of *neither party*, each party paying his own counsel fees.

The defendants in said suits agree, that they will account for all the moneys received for the sale of the bell, organ, lamps, carpets and church-furniture of the Howard Street Church.

The defendants are to be allowed for *all* sums paid for debts, justly due from said corporation, and the balance of the money is to be paid to Mr. Michael Shepard, who is to apply the same to pay the following debts now due from the Church, to wit:—cellar rent, note due Benjamin Trask, balance due Henry Hale, and balance due Daniel Millet. Said Shepard is to adjust, as referee, the amount due said Hale and Millet, about which contro-

versy may arise. And the said Shepard shall also audit the accounts of said defendants.

The defendants are to be charged with interest on all sums received by them, except for such time as they can show that the money, or any part of it, was specially deposited, as the money of the Church, or for the benefit of said Church. The balance of the money to be paid on the note of Mrs. Saunders.

Said Shepard, as referee, shall decide any disputed claims. The bill of N. J. Lord, Esq., for counsel fees, amount \$34, not to be brought into this account.

Signed,
S. E. SEWALL, Plaint'ffs Att'y,
both cases.

Signed,
A. HUNTINGTON, Def'ts Att'y,
both cases.

DANIEL MILLET.
ISAAC P. FOSTER.
HENRY HALE.
A. T. BROOKS.

May 2, 1849.

The subscriber, by consent of parties, appointed Referee in the case of Daniel Millet vs. Isaac P. Foster and others, and Howard Street Church vs. Isaac P. Foster and others,—having met the parties at several different times, heard their claims and objections to the same, and having duly considered the matter, do award to the several persons hereafter named, the sum set against their respective names in full for their several claims and demands, viz:—

To Daniel Millet,	\$220 59
“ Henry Hale, for self and J. & H. Hale,	154 33
“ Benjamin Trask, note and interest,	56 80
“ Isaac P. Foster, for allowance by general consent, for cash paid Miss Barker and Mr. Emilio,	25 00
“ R. P. Waters vs. D. Millet,	5 10
“ T. & A. R. Brooks's bill,	75
“ Aaron Smith,	3 00
“ cash paid P. E. Webster for cellar rent, per receipt,	97 50—131 35

563 07

To Charles F. Bates, the sum of \$94 00, payable in pews in the meeting-house of the value aforesaid, being for \$23 50 advanced in cash.

Leaving the sum of \$389 66 on account of the note to Mrs. Saunders, 389 66

\$952 73

The referee received of Isaac P. Foster, for the balance due on sale of church organ, and for interest paid by him, the sum of \$936 82, 936 82

The sales of the bell, lamps, and church-furniture were settled for by Mr. Foster, with Henry B. Smith, Treasurer, and duly accounted for in said Treasurer's account.

Balance of account due from Henry B. Smith, Treasurer, 1847, paid the referee, 15 91

\$952 73

Signed,

MICHAEL SHEPARD, Referee.

Salem, May 31, 1849.

And thus was the money appropriated at last, just as the Proprietors' Committee had wished to appropriate it, before the suit was commenced by Mr. Millet. Upon other parts of the foregoing statement of facts, we leave the candid to make their own comments. The Proprietors, by a very great majority, were determined that the debts of the corporation should be honora-

bly paid. And they could not, therefore, leave in the hands of the minority the property which had been set apart for this purpose,—although the minority were ready to assume the debts, if they could be allowed to retain the property. The church-plate is held by the minority, under bonds; and the house of worship is occupied, without the possession of the keys of the Proprietors. Those who had the possession, May 4, 1847, have never surrendered the least part of their legal right in the church-plate, or the house of worship.

[p. 114.]

We have in mind a small Council, convened in the early part of the year 1775,—by a Letter Missive of “fourteen brethren,” “representing that the Boston Presbytery, sitting in Salem, in September last, had declared them, (together with many sisters of the Church, provided they did not return in the time limited, now past,) *to be dismissed, &c.*, but without censure; and *requesting advice and assistance in a re-establishment of church-order.*” The Council proceeded to organize “the fourteen brethren,” with a larger number of females, and formally recognized them as a sister Church in good and regular standing. Having done thus, they voted, that “*in a reasonable and just construction*” they were the very Church from which they had been dismissed, and from which they had previously withdrawn; not, however, *the Church as it then was*,—or as it was *when those brethren withdrew from it*,—or as it was *when some of them were its Presbyterian elders*;—but as it was, *twelve years previous*. This was about equal to the doings of the first, or of the last Ex parte Council, at Howard Street. “We speak as unto wise men.” *They may “judge”!*

Letter Missive for the Mutual Council, April 14, 1847.

The Howard Street Church to the Church in Lynn, sendeth greeting:

REV. AND BELOVED,—Our Pastor, the Rev. Joel Mann, having renewed his request for the calling of an Ecclesiastical Council to dissolve the pastoral relation subsisting between us, if it be found expedient, and we having acceded to his request, you are hereby invited to attend, by your pastor and a delegate, to consider and act on that subject, and to give such advice as may be found needful in connection with your result, on Wednesday next, at 9 o'clock, A. M., at the Vestry of said Church.

With Christian salutations and love, we are your brethren in Christ,

J. MANN, *Pastor.*

GEORGE H. SMITH, } *Com. of*
ISAAC P. FOSTER, } *the Church.*

Salem, April 7, 1847.

The other Churches invited are the Crombie Street, Salem, Washington Street, Beverly, North and South Danvers, and Marblehead.

In a letter of Rev. Mr. Mann,—Kingston, R. I., Oct. 19, 1849,—it is said: “I desire it to be understood and distinctly stated, that I did not advise a single member of the dismissing Council to recommend the dissolution of the Howard Street Church. I knew not that such a step was contemplated, until I learned, that it had been agitated in the first Council. Learning that, I remarked to some friends, that I should not be surprised if the second Council should recommend a dissolution. So far as I know, the measure originated *wholly* in the view which the Council had of the exigencies of the case. It is much to be regretted, that the Ex parte Council did not take ground with their brethren, as to the fact of dissolution, and then, if they deemed it best, advise the formation of a new Church. This would have avoided all disputation.”

DR. HITCHCOCK'S REMONSTRANCE.

I agree, substantially, with the Council in regard to the facts in this case, which are these. In the year 1847, a Mutual Council, called by the Howard Street Church in Salem and their pastor, Rev. Mr. Mann, advised said Church to dissolve, as a Church, providing letters of recommendation for each member, by which each one could unite with some other Church at his own election. In the same year, after due deliberation, the Howard Street Church voted thus to dissolve; seventeen voting for the dissolution, and ten against it. In the year 1849, Mr. Ezekiel Goss, a member of the Tabernacle Church in Salem, requested a letter of dismissal and recommendation to the Howard Street Church; the said ten who voted against dissolving the said Church claiming to be the Howard Street Church, as though no vote of dissolution had been passed by the majority. To that request the Tabernacle Church objected, because in their opinion, there is no such body as the Howard Street Church, regularly organized, and because of some alleged irregularity in the conduct of Mr. Goss. Mr. Goss having asked a reference of his request to a Mutual Council, and having been refused, called an Ex parte Council for advice. The Council, thus called, have voted to sustain Mr. Goss, and if need be, to recommend him to the Howard Street Church, and also that the persons now claiming to be the Howard Street Church are said Church as it originally existed.

Against this action of the Council, the subscriber begs leave, with feelings of great deference, and the high personal regard which he entertains for each member of the Council, to enter his remonstrance, including the following objections.

[The first objection, which relates to the case of Mr. Goss, has been already cited in full, on pages 33 and 34, of the preceding Review.]

2. I am so unfortunate as to differ in opinion from the Council in regard to the existence or non-existence of Howard Street Church. But here I wish to say, once for all, that towards the individuals claiming to be said Church, I have none but the kindest feelings. With some of them I have had a pleasant acquaintance; they having been once members of my congregation. I should love to gratify them all by my vote on this occasion, if I could do it conscientiously. But these are my difficulties.

Is the vote to dissolve said Church, by the majority of its members to be pronounced a nullity, on account of its nature, its conditions, or its inherent wrongfulness? If so, then all proceedings growing out of it, and based upon it are alike nullity. "From nothing nothing can come." The letters of recommendation to its members are a nullity, the reception of some of them into various Churches is a nullity; they are still members of Howard Street Church, and as such have the right to act and decide, in said Church, on all matters of importance that may come before it. It follows that the persons claiming to be Howard Street Church, before this Council, are such only in part, and all their acts as such part are null and void. Their act in withdrawing fellowship from or excommunicating, all those members who took and used, in a proper manner, their letters of recommendation, has no force. Shall we decide that the act of the very same men, on the same time, in dissolving a Church, is nothing, and their act in recommending members is sound and good? especially, as this latter act, the granting of commendatory letters, is based upon the former, the dissolving of the Church?

Can we decide that the vote to dissolve the Church is a nullity, because it is not lawful, in any case, for a Church to dissolve itself? In looking at this question, it may be well to inquire what right any competent number of

persons have to form a Church? The answer is, that they have the right to do so, when they believe, by so doing, they can best enjoy the public worship and ordinances of the gospel, and exert a greater and better influence upon the world. Now if, upon experiment, they find that these ends are not accomplished by their organization, and can be better answered by dissolving, have they not the right to dissolve? Is it not as clearly their duty to do so, as it was to form? Is not the act of dissolving, in its nature, as lawful as the act of forming? Have not sundry Churches acted on this principle, without rebuke? Was not the Robinson Church in Middleboro' dissolved on this principle? and the late Church in Boston which worshipped in the Marlboro' Chapel? and more recently a Church in Charlestown? and others? Were these acts of dissolution all unlawful, and therefore a nullity? And who is to judge whether any particular Church does answer the proper ends of its organization? Is it not clear that this question must be left to the decision of the brethren constituting such Church? As there is no power that can enjoin upon any number of persons to form a Church, or hinder them from doing so, it follows that they are the sole judges on the question of dissolution. Advice may be asked, and given, and taken, but the decision of the brethren is valid and final. Their act, in dissolving, is a lawful one.

The merits of the question, whether Howard Street Church, previously to the vote of dissolution, accomplished, in a proper manner, the ends of its organization, are not before this Council. The party calling us admits that the Mutual Council which recommended its dissolution, did so for the alleged reason, that Christian discipline could not be maintained in said Church. And no proof has been adduced to show that it could be. No one has ever *said* that it could be. The Result of that Council has been refused to us, though called for; and it was in evidence, that it could, in all probability, be easily obtained. In regard to the merits of this question, we have only these two facts. The one, that a Mutual Council of sister churches, in the neighborhood of Howard Street Church, advised to its dissolution. How came they to do so? What thought would be further from the minds of a Mutual Council, formed by Churches in the immediate neighborhood of the Church in Braintree, or of Mount Vernon Church, Boston, than the thought of advising to the dissolution of either of those Churches? Must there not have been great want of order, at the time, in Howard Street Church? The other fact is this. It is in evidence before this Council, that such were the difficulties in Howard Street Church, at the time of the vote to dissolve, that numbers of the brethren refused to attend her meetings. Into this state of things this Council has not been permitted to cast a glance. The question, as laid before us, by the party calling us, has been, virtually this, was not the vote to dissolve the Church, so far technically wrong, wrong in regard to the order of business, as to be null and void?

It is a well known rule that our Churches ought not to dismiss their members to the world. They can only be severed from the Church by death, or by excommunication, or by removal to some other Church. On this ground it is contended, that no Church can dissolve itself, because, though as in the case of Howard Street Church, letters of recommendation are provided for every member, yet there is no security that they will be accepted, and properly used; and if not, members will be virtually dismissed to the world. This, as it appears to me, is a liability to which all Churches are necessarily exposed, without their own fault. We give letters of dismissal and recommendation to our members going West, to Missouri, to Minesota, to Oregon, to California, without any security that they will ever be used in a proper manner. And if not, as our brethren are gone beyond our call, they are virtually dismissed to the world. The fault and the responsibility are theirs and not ours. This argument, therefore, against the right of a Church to dissolve itself, if it prove any thing, proves too much, viz., that we can

never give a letter of dismission and recommendation to a member of the Church, unless he will come under bonds to keep within hailing distance.

Can it be said in truth, that when a Church votes to dissolve itself, providing letters of recommendation for all its members, they are thereby cast out upon the world? Does not every well-ordered Church hold fellowship, not only with all the members of all other Churches, but also, with all such as have good letters of recommendation, and admit them to occasional communion, where Christian character is maintained? Yea, do they not go further, and when a Church, as in some cases has occurred, is dissolved by decay, and removals, till but one member remains, take parol evidence in the case of that one, instead of a letter, this being the highest evidence the case admits? To suggest that some members of a Church voting to dissolve, may know of no Church with which they are willing to unite, is to cast reproach upon them for their want of attainment in "the bond of perfectness." Such a thing should never be said respecting our brethren, without the most stubborn evidence, the direst necessity.

Can we decide that the vote to dissolve Howard Street Church is a nullity, because the members were not all agreed in the vote, because there was a minority, and therefore, that the minority are now the Church? If we take this ground, we virtually, if not explicitly, declare that the minority, have the right to *veto* and *nullify* the act of the majority. The majority decide that Howard Street Church *is not*. The minority decide that *it is*, and this Council say the minority is to be sustained in their decision. It seems idle to attempt to conceal this point. The facts speak for themselves, and intelligent and unbiassed men have ears to hear, and they will hear. Now this principle, that a few can thus control the many, appears to me a doctrine of despotism, to which I am persuaded my neck was never made to bow. I have given thanks to God for many years that I and my children are governed by majorities, and not by a few. There is an inherent probability that many will not be so likely to err as few. "In the multitude of counsellors there is safety." Any action which shall sanction the existence of an aristocratic minority in our Churches is entitled to receive my serious, but feeble and fallible remonstrance. I am aware that majorities may, and sometimes do act, oppressively, and when they do, it is very desirable to afford all consistent relief possible, to the individual or the few who constitute the minority. But in attempting this relief should we not use all precaution against inflicting greater injury upon large communities? And will not our conceding the principle that, in some instances, a minority may exercise the veto against the act of the majority, expose our Churches to great confusion and dissension? Who shall bound or limit the instances in which this power may be used? Who is willing to belong to an association in which a minority of one or a few can block the action of the whole body? What sound lawyer or financier would advise a man to invest property in an association thus managed?

I have been aware, for some years, that a desire is floating in the community to impose some check upon the action of majorities. More than once have I been asked if I could not suggest some method by which this could be accomplished. I have never seen the subject before any grave body of good men until the late meeting of this Council. It seems that now a beginning is to be made in the work, a new rule of action introduced, even this, that in matters touching the alteration or dissolution of a covenant, majorities shall not rule, and minorities shall have the right of a veto upon their action. But is not the remedy worse than the disease? Be it so, that majorities sometimes act oppressively. What then? Are we sure that minorities will not, if they have the power? Has power in the hands of one or a few never been abused? Let us not do a thing in our haste, which we shall not love afterwards.

An attempt is made to represent this as an exempt case. The reasoning

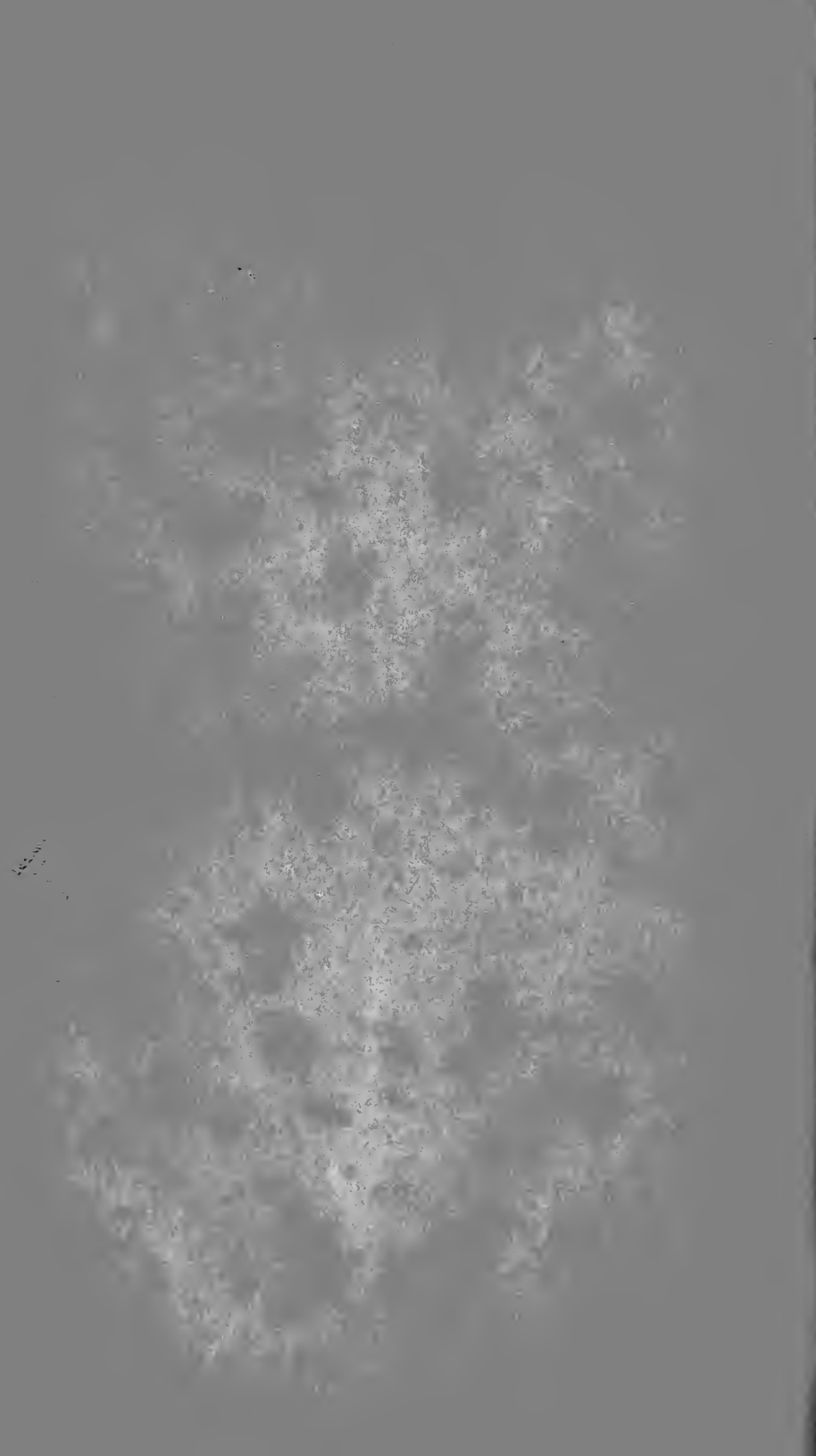
is, that while, in the greater part of the proceedings of a Church, the majority should rule, in cases like this, where the action respects a covenant, a constitutional basis, a majority should not be allowed to decide. I am well aware that there are cases in regard to civil constitutions, where a constitutional provision is made for a peculiar quorum, either two-thirds or three-fourths being required to render the action valid. But in all cases, where no such constitutional provision exists, a majority is a quorum. Have we any such constitutional provision for a peculiar quorum in our Churches, in regard to acts pertaining to a covenant or constitution? If so, when and where did it originate? If not, a majority is a quorum, and its acts are valid and final. Church covenants have been revised and altered in numerous instances, and since the days of Jonathan Edwards, some scores of half-way covenants have been dissolved. Was this not done by majorities? Was Edwards obliged to wait till every man in the Church would agree to abolish a half-way covenant before the thing could be done? Let us look to the future. We are now mourning the general withdrawing of the Holy Spirit from the young. The Churches are dwindling. This was the case with our fathers, and in their alarm lest Church after Church should become extinct, they invented the half-way covenant. May not our children do the same thing, or something worse? It belongs to the very genius of Congregationalism to have the right to modify a covenant, because it arose and has lived in opposition to an established religion. If we may not modify a covenant, we have as truly an established religion as any in the world. Any obstructions which we throw in the way of so doing, would be suicidal. If the next generation shall introduce un-Christian covenants, and some future Edwards shall be raised up to reform the Churches, shall we hamper him with the rule that on such a subject, a majority shall not govern, and all the stereotyped heresy, and petrified folly which a godless generation shall have thrust into church-covenants, must stand till every member of the Church shall agree to their removal?

For myself I certainly would not demand more than a majority in any Episcopal Church, to dissolve her covenant of baptismal regeneration, nor would I ask for more in any Baptist Church to abolish her covenant of close communion. It is self-evident that any authority which can modify a covenant, can abolish it. The apostle appealed to our common sense when he declared that only such things as cannot be shaken are the things that remain. I therefore enter my remonstrance against the proposed rule, that no Church can be dissolved until every member consents. Have not articles been introduced recently into some of our Churches, prohibiting the admission of such men, hereafter, as traffic, or dabble improperly, with alcohol or slavery? And is it ever required that every member must agree to such an act, to render it valid and binding?

What effect would the above named rule have upon the question of property? If the vote of the majority to dissolve Howard Street Church is invalid and a nullity, and those constituting the minority are now the veritable old Howard Street Church, then, as we are told by high legal authority, all the property belonging to said Church, at the time of the vote to dissolve, belongs now to the minority. The same would be as true had the minority been but one. Is this according to the law of righteousness, the law of Christ? Is there here no temptation to man to constitute himself a minority? no bounty upon disagreement among brethren? Can it be that a Christian Council will sanction such a principle? There is something in man's heart which led the great Guardian of right to declare, "Thou shalt not covet." Shall we, by our decision, add provocatives to nature on such a point?

With these thoughts, I remain the Council's most affectionate brother,

CALVIN HITCHCOCK.



PROCEEDINGS
OF AN
ECCLESIASTICAL COUNCIL

HELD IN
WASHINGTON, D. C.,

January 13-16, 1869.



MINUTES.

An Ecclesiastical Council convened in the Church-building of the First Congregational Church in Washington, D. C., on WEDNESDAY, January 13, 1869, at eleven o'clock, A. M., in accordance with letters-missive in form as follows :

Nov. 9, 1868.

The First Congregational Church in Washington, D. C., to the Congregational Church under the pastoral care of Rev. — —.

Reverend and Beloved :

You have heard that there are some difficulties in this church. We first endeavored to settle them by a committee of our own number. We intended, if this should fail, to ask the advice of our sister churches. Before the committee could make its final report, an ex-parte Council was demanded by a minority of the church. Upon our representation, the ex-parte Council was not held.

At the request of our pastor, a mutual Council, to consider all our difficulties, was called, — he asking that the minority should be represented on the Council by churches of their own selection. Such churches were agreed upon, but those of the committee representing the minority refused to sign the letter-missive, though drawn in exact accordance with the action of the church; and thus the Council was defeated by them. The pastor, on the sixth of September, offered his resignation, which of course involved a Council. A large majority of the church and pew-holders requested him to withdraw this, and he did so on the eighteenth of October, and at the same time presented his request for a mutual Council.

This request the church granted.

We therefore invite your attendance, by pastor and delegate, at a mutual Council to be held at our church-edifice, on the corner of G and Tenth streets, in this city, on Wednesday, the thirteenth day of January next, at

eleven o'clock, A. M., to hear such statements as may be made by the church and pastor, or either of them, concerning our affairs, and to advise with us in regard to our difficulties, our interests, and our wants.

Wishing you grace, mercy, and peace,

We subscribe ourselves, yours,

CHARLES B. BOYNTON, Pastor.

J. W. RUMSEY,

R. H. STEVENS,

A. B. BARTLETT,

H. C. SPENCER,

J. S. DELANO,

A. L. STURTEVANT,

Committee of the Church.

The churches invited are :

Church under pastoral care of	Rev. R. S. Storrs, Jr., D. D.,	Brooklyn, N. Y.
“ “ “ “	“ H. W. Beecher,	“ “
“ “ “ “	“ J. P. Thompson, D. D.,	New York.
“ “ “ “	“ J. C. Holbrook, D. D.,	Homer, N. Y.
“ “ “ “	“ Edward Strong, D. D.,	Pittsfield, Mass.
“ “ “ “	“ H. M. Parsons,	Springfield, Mass.
“ “ “ “	“ A. H. Quint, D. D.,	New Bedford Mass.
“ “ “ “	“ Mr. Goodell,	New Britain, Conn.
“ “ “ “	“ Samuel Wolcott, D. D.,	Cleveland, Ohio.
“ “ “ “	“ H. D. Moore,	Cincinnati, Ohio.
“ “ “ “	“ Charles G. Finney,	Oberlin, Ohio.
“ “ “ “	“ Flavel Bascom,	Princeton, Ill.

[And, by subsequent letter, the church under the care of Rev. C. E. Lord, Chester, Vt.]

Suitable accommodation will be provided for pastors and delegates.

Rev. Samuel Wolcott, D. D., of Cleveland, Ohio, called to order, and ascertained that a majority of the churches invited were represented.

The Council then organized, by choosing Rev. Joseph P. Thompson, D. D., of New York, Moderator; and Rev. Alonzo H. Quint, D. D., of New Bedford, Mass., Scribe.

The Roll of the Council was made up as follows :

From the Tabernacle church, New York city,

Rev. Joseph P. Thompson, D. D., Pastor,

Dea. William H. Smith, Delegate.

From the Church of the Pilgrims, Brooklyn, N. Y.,

Rev. Richard S. Storrs, Jr., D. D., Pastor,

Dea. Richard P. Buck, Delegate.

- From the Plymouth church, Brooklyn, N. Y.,
Dea. Charles C. Duncan, Delegate.
- From the church in Homer, N. Y.,
Rev. John C. Holbrook, D. D., Pastor,
Dea. Ebenezer G. Ranney, Delegate.
- From the Second church, Pittsfield, Mass.,
Bro. Willard Carpenter, Delegate.
- From the First church, Springfield, Mass.,
Rev. Henry M. Parsons, Pastor,
Bro. Henry Morris, Delegate.
- From the North Congregational church, New Bedford, Mass.,
Rev. Alonzo H. Quint, D. D., Pastor.
- From the church in New Britain, Conn.,
None.
- From the Plymouth church, Cleveland, Ohio,
Rev. Samuel Wolcott, D. D., Pastor,
Bro. Lucius F. Mellen, Delegate.
- From the Vine Street church, Cincinnati, Ohio,
Rev. Henry D. Moore, Pastor,
Bro. Joseph P. Walker, M. D., Delegate.
- From the First church, Oberlin, Ohio,
None.
- From the church in Princeton, Ill.,
Rev. Flavel Bascom, Pastor,
Bro. William Converse, M. D., Delegate.
- From the church in Chester, Vt.,
Rev. Charles E. Lord, Pastor.

The letter-missive was read by the Moderator, upon which it appeared that the Council was properly constituted; and the Moderator opened its proceedings with prayer.

The Council then declaring itself ready to receive statements, upon the subjects proposed in the letter-missive, —

Papers were read by Rev. Dr. Boynton, pastor of the church, and by Dr. Hiram Barber, in behalf of the committee of the church; and copies of correspondence between the committee and certain disaffected members, regarding the calling of this Council, were also presented. It was then

Voted, That having heard statements presented by the pastor and the committee of the church, and also correspondence between the committee

and certain disaffected members of the church, the Council is now ready to proceed to hear from such disaffected members such statements as they, by a committee, may desire to present, upon the matters covered by the statements of the pastor and the committee, and referred to in the letter-missive.

Bro. William F. Bascom, a member of the church, then proceeded to present some statements of the views of disaffected members. But there having arisen a question as to the extent to which such members might present their statements, or the Council might consider them, it was

Voted, That the Council understands that the letter-missive, by which it is convened, authorizes and requires it to investigate, as far as it deems proper, all matters bearing on "the difficulties, interests, and wants" of the church calling it; and to give advice as to what will be likely to heal or remove those difficulties, promote those interests, and meet those wants.

It was also *Voted*, That the Moderator now ask the pastor of the church, the committee of the church, and those persons who appear to represent disaffected members, respectively, whether they agree with this understanding of the letter-missive.

The Moderator then asking this question as directed, Bros. William F. Bascom and Oliver O. Howard, for disaffected members, accepted fully this understanding of the Council. But, some discussion ensuing with the pastor and committee of the church, it was

Voted, To appoint a committee of three to confer with the pastor and committee of the church.

And Rev. Henry M. Parsons, Rev. Samuel Wolcott, D. D., and Dea. William H. Smith, were appointed such committee.

It was then *Voted*, That the Council take a recess until half-past six o'clock, P. M.

The Council re-assembled at half-past six o'clock, P. M., and its session was opened with prayer by Rev. Dr. Wolcott.

The minutes of the preceding session were read and approved.

Voted, That the Council meet in the morning at nine o'clock; that at one o'clock, P. M., a recess of half an hour be taken; and a recess from four o'clock, P. M., to half-past six o'clock, P. M.

The committee appointed to meet and confer with the pastor and committee of the church, reported that "the pastor and committee accept the understanding of the letter-missive as declared by the Council; with the common understanding that these three principles

are held, viz. : 1. That of the self-government of the local church. 2. That a majority governs, in the church. 3. That a minority in a church is not to be recognized as an organized body."

The report was unanimously accepted.

Rev. Dr. Boynton then laid before the Council the following questions, upon which the pastor and church desired answers :

1. Is this church truly Congregational in its theory or its practice; and has the pastor, in his teachings or his practice, departed in any degree from the principles and customs of our denomination?

2. In what respect, if any, do the principles and practice of this church and pastor, in regard to the colored race, differ from those of a majority of the other Congregational churches of the land?

3. Has the pastor been guilty, as charged by the minority, of unministerial or unchristian conduct, either in the neglect of pastoral duty, or at the communion session, or at the preparatory lectures, or in any other essential particular?

4. Has the success of this enterprise been such as should satisfy the reasonable expectations of its friends?

Bro. William F. Bascom then resumed the presentation of the views of disaffected members, and continued until a quarter before ten o'clock P. M., when the Council adjourned, with prayer by Rev. Flavel Bascom.

The Council met at nine o'clock, A. M., THURSDAY, and prayer was offered by Rev. Henry D. Moore.

The minutes of the session of the previous evening were read and approved.

Bro. William F. Bascom then resumed his presentation of the views of disaffected members, which, with various questionings, occupied the time until the hour fixed for a recess, when he concluded. At one o'clock, P. M., a recess was taken until half past one o'clock.

The Council being again in session, it was

Voted, That further statements from Rev. Dr. Boynton, and the committee of the church, be, at their request, assigned for a hearing at half past six o'clock, P. M.

In behalf of disaffected persons, statements were made by Dea. S. H. Hodges and Bro. O. O. Howard; and the testimony of Mr. Cook, a former applicant for admission to the church, was introduced.

A discussion ensued upon the financial condition and history of

the society, in the course of which the relation of the enterprise to the American Congregational Union came before the Council. It was then

Voted, That the examination of this relation be referred to a committee, to report in the evening.

And Rev. H. M. Parsons and Dea. Richard P. Buck were appointed such committee.

At four o'clock, P. M., the Council took a recess.

The Council resumed its session at half past six o'clock, P. M., and prayer was offered by Rev. Mr. Lord.

For the committee upon the relations of the society to the American Congregational Union, Rev. Mr. Parsons made the following report, which was accepted, and ordered to be put upon the records :

The committee appointed to examine the facts relating to the collection of funds under the indorsement of the Congregational Union, find, —

1. That the date of the circular sent out from Washington, and indorsed by Dr. Boynton, was after an interview between Dr. Boynton and Dr. Palmer, Secretary of the Union, in which Dr. Palmer distinctly withdrew the sanction of the Union to the appeal Dr. Boynton proposed.

2. That Dr. Boynton told Dr. Palmer he should use the old indorsement made by Rev. Mr. Langworthy, a former Secretary, three years before.

3. That W. F. Bascom says that Dr. Boynton remarked in his hearing that he was refused sanction by Dr. Palmer, but should use the old one before the churches.

The pastor and committee of the church not being ready to present their case, a few minutes were occupied by Bro. O. O. Howard.

Rev. Dr. Boynton then presented his further statements, and answered questions proposed by members of the council.

After brief explanations by various persons, the committee of the church declared its statement to be closed ; and at half past ten o'clock, P. M., the Council went into private session.

In private session, each member of the Council expressed his views of the facts presented. It was then

Voted, That Rev. Dr. Quint, Rev. Dr. Wolcott, and Bro. Henry Morris, be a committee to draft a Result.

Having voted to meet at 12 o'clock, noon, at half past two o'clock, A. M., Friday, the Council adjourned.

The Council re-assembled, in public session, at twelve o'clock, noon, FRIDAY. Prayer was offered by Rev. Dr. Storrs.

Rev. Dr. Holbrook was appointed Assistant Scribe.

It was *Voted*, That the hearing be re-opened, so far as to allow the committee of the church to make further statements.

Dea. Lyman, and Bros. Rumsey, Sturtevant, and Bartlett, then made statements in behalf of the church.

At the close of these statements, the committee declared their entire satisfaction with the opportunity given them for expressing their views, and at two o'clock, P. M.,

Voted, That a recess be taken until three o'clock, at which time the Council shall meet in private session.

The Council met in private session at three o'clock, P. M.

The committee appointed for the purpose then reported a draft of Result, which, after full discussion, was referred to a committee consisting of Rev. Dr. Storrs; Rev. Mr. Bascom, and Dea. William H. Smith; to which the former committee was also added.

The Council then adjourned.

At half past six o'clock, P. M., the Council met in private session, and prayer was offered by Rev. Mr. Parsons.

The committee on Result reported a draft, which was fully discussed, and slightly amended. It was then adopted, every member of the Council voting in the affirmative, and is as follows:

RESULT.

This Council has assembled at the call of the First Congregational Church in Washington — a call occasioned by the difficulties which have existed in that church — to hear the statements of the church and its pastor concerning their affairs, and to advise with them “in regard to their difficulties, their interests and their wants.” Its members have listened, patiently and with attention, to all the statements which have been presented, orally or in writing, by the pastor, the committee of the church, or the committee representing disaffected members of the church; and have desired and endeavored to form such a judgment upon the statements thus presented as should be satisfactory to their own minds, and should contribute to relieve the difficulties of the church, to promote its interests, and to meet its wants. They are happy to recognize, and put on record, the fact that the various persons who have appeared before the Council, representing various and

opposite parties in the church, have treated each other, in the main, with entire Christian courtesy, and have evidently sought to be altogether temperate and accurate in their representations.

If the Result to which the Council has been brought shall contribute, in any important degree, to promote the harmony and advance the welfare of the church which has convened it— a church concerning which so many high and affectionate hopes have been cherished, not only by its own members, but among all the churches of our faith and order throughout the land — the members of the Council will rejoice to have given the time and effort necessary to secure an end so important.

In the judgment of this Council it has been from the first a misfortune to this church, and probably, to some extent, a source of its troubles, that the pastor of it has not been himself a member of it, and that his ministerial relation has been, as it continues to be, with a distant Presbytery. A doubt of his entire sympathy with the peculiar Congregational principles and methods, has been not unnaturally occasioned, or encouraged, by this fact. And, though the Council finds no reason to doubt his entire sincerity in the expressions which he has given of attachment to the Congregational system, which this church was established to represent, it cannot but feel that it would have been for the good of the church, and for his own usefulness and peace as its pastor, that he should have personally connected himself with it.

In the administration of the church, as that has been exhibited before us, certain grave and dangerous errors appear plainly to the members of the Council to have been heretofore committed, out of which has largely come the present unfortunate and threatening condition of affairs. The principles affirmed and maintained by the pastor, and the majority of members in the church, — and which, in theory at least, we do not find to be denied by those who are opposed to the continuance of the present pastoral relation, — are among the familiar and elementary principles of the Congregational system, and are always to be held clearly in mind. They are: *first*, that the right and duty of self-government inhere in the local society of believers; while still such a society should recognize all the obligations which grow out of the fellowship of the churches: *second*, that the majority of members in each local society of believers has the right, and is under the obligation, to decide in all cases upon the course of action which this should pursue: and *third*, that a minority of members within a church cannot properly be recognized as an organization.

These principles, as we have said, are correct and important; are, indeed, fundamental, in the Congregational polity; and the pastor, and the majority of the members in this church, in adhering steadfastly to them, only show their intelligent appreciation of that system of ecclesiastical order which they have adopted.

But while they have properly held these distinctly in view, they have at the same time, in the judgment of the Council, taken measures, and adopted

courses of action, which are not only uncongregational, but practically, though not we presume intentionally, unjust.

How far this has originated in the want of any sufficient code of rules, for the guidance of the church in the conduct of its internal affairs, it may not be easy to say; but the members of the Council are confident that the presence of such a code as is commonly embraced in the manuals of our churches, would have saved this church from much of the confusion and irregularity which have marked some of its important proceedings. They learned with great surprise and regret that no such code has hitherto been adopted in this church. And one of the most earnest recommendations which they have to make is, that this great defect, always certain to be fruitful of mischief, be at once and carefully supplied.

In the absence of such a code of rules, defining the way in which a proper meeting of the church for business can be called, it has been the custom here for the pastor, with a majority or a moiety of the deacons, to call such meetings, at their discretion; and petitions for a meeting, signed by numbers of the members of the church, and presented to the pastor, have necessarily been left dependent for their success upon his personal views and feelings, and those of the deacons who have sympathized with him. In point of fact, such efforts to obtain meetings have been several times unsuccessful. Anything more utterly foreign than this arrangement from all the principles, and customary practices, of Congregational churches, it would not be easy to imagine. A society that can convene, for the transaction of its own business, only when it may please ^{pupils} ^{children} of its officers to call it together, might as well save itself ^{trouble}, and relieve itself of future responsibility, by putting all its matters into the hands of others, to be transacted for it.

The only arrangement made for a regular bi-monthly business meeting of this church, was made by a resolution, which has itself been set aside — as, of course, it was liable to be set aside, at any time — by a vote of the majority of the church; and no such meeting has been held since the last summer.

As the extraordinary power of convening or preventing meetings of the church, at their discretion, has thus been assumed by the deacons of this church, in connection with the pastor, so also an unusual power has been exercised by the deacons in cases of discipline, without dissent on the part of the majority of the church.

In one case of discipline, the particulars of which have been presented to us, it is affirmed, and conceded, that the offending brother, having been twice visited by two of the deacons, but not by the pastor — against whom his alleged offense had been committed — was notified by the “Board of Deacons,” as it has here been called, to appear before a meeting of the church, there to show cause why he should not be suspended from the communion and privileges of the church. His case, in other words, had been first decided upon by the “Board of Deacons,” and he was notified by that body, and not by the church, to appear before the church; as if he were

appealing from one tribunal to another, to obtain, if possible, a reversal of his sentence.

No proper specifications were furnished him; no sufficient time was allowed for his preparation of his defense, if he wished to make one; the proper preceding steps of discipline had not been taken; and the action of the church, suspending him from its communion, was taken on the same night on which he had been notified to appear before it — motions to defer action having several times been voted down.

In the whole spirit of Christian considerateness and justice, as well as in conformity to Congregational principles and customs, these proceedings can only be characterized by the Council as having been radically defective. No man or woman of a just and sensitive self-respect, would consent long to be exposed to the perils, to reputation and happiness, involved in such a mode of conducting church discipline.

It has been an unfortunate thing, that in the examination of candidates for admission to this church — which examination has also been conducted by the “Board of Deacons” and the pastor — inquiries should have been made of them which have left on some the impression that they could only be propounded if they came as supporters of the pastor, and of the majority who have sympathized with him. It is especially unfortunate that a paper should in one case have been presented by the pastor himself to a number of those who desired to enter the church, pledging them to an agreement with the views of ~~the~~ ^{himself} and his friends. It is most of all unfortunate, in the judgment of ~~the~~ ^{the} Council, that a committee of the church, speaking in the name of a majority of ~~the~~ ^{the} members, in a pamphlet which has been widely circulated, should have declared that they will “not permit the welfare of the church to be imperiled in future,” by the admission to it of any persons hostile to the pastor. To add such a qualification as this to the proper conditions of membership in a church of Christ, is not merely an injustice to individuals. It unsettles the foundations of the church itself. Neither admission to the church, nor the discipline of those embraced in its membership, can ever properly be limited or inspired by the opinions of individuals as to the expediency of continuing a particular pastorate.

The Council finds, that the conducting of the business meetings of the church by parliamentary rules, in which the limitations of those rules have not always been followed, has led to the control of church action by expedients out of harmony with the fraternal order of our churches. Questionable technicalities have sometimes been used, to the denial of the rights of members. A greater departure from right, however, has been manifest in the undue exercise of power by a mere majority. The theory that the majority is the church, itself untrue, has been pushed to a disastrous extent. A majority should not rule the minority; it only decides what action shall be binding on both. There may be no greater tyranny than the tyranny of a majority. The very power of a majority should make it patient, tender, and generous. Even the assertion that “the majority must rule,” may become destructive of that spirit which should aim at perfect harmony. In this

church there has been seen a compact majority, and a compact minority. In both, there has been too much organizing and planning. Business appears to have been shaped outside, to be ratified within the church. Both parties are liable to censure. The sometimes violent conduct, on the one hand, has provoked arbitrary rule on the other; while arbitrary rule, on the one hand, has provoked disturbance on the other. The real power of a majority is in the moral force of its decisions. That force seems to have been ineffectual in this church.

It has been a still greater mistake that the act of numbers, either of the church, or of the deacons, sufficient to constitute a majority, has been sometimes regarded and quoted as the act of the church, or of the Board of Deacons, though those members had not met in an organized capacity.

The supposed attitude of this church towards the colored race has excited painful interest in our churches, throughout the country. The facts regarding the application of three colored persons for membership in this church, the sermon of the pastor soon following, and the several votes of the church, either indorsing or modifying its positions, have touched a sensitive nerve in our denomination. The Council is not surprised to find that these occurrences have been the fruitful source of controversy within this church. The painful fact has appeared in evidence before the Council, that the reception of colored children to the Sunday school was considered "an open question," until it was settled by the offer of premiums to such scholars as should bring in the largest number of pupils — which resulted in the accession of considerable numbers of children of color, and which was complained of as "forestalling" the consideration of that subject. There is no denial of the fact that an impression has been made that this church is conscious of the distinction between persons of different races in its membership.

The Council believes that this unpleasant impression is not fully warranted by facts. It does not appear that this pastor has changed his life-long convictions, or abandoned his life-long and manly support of the rights of the African race. There appears to have been in his mind the idea, and in fact he avers that he believes, that the highest success of that race will be achieved by its working through its own schools and churches; and that his motive is found in this conviction of the best good of that class, and not in any dislike to their reception to our churches. The pastor and church utterly deny all sympathy with a spirit of caste, and repudiate all its manifestations.

Yet it is true that the impression referred to has been made; by the sermon of the pastor, and by the acts of himself and the church. That impression has checked the sympathies of our denomination, and dried up the sources of further help. Our churches undoubtedly participate in the feeling of the minority on this subject. This Council feels that it speaks the voice of the churches when it asserts that relief from this suspicion is indispensable, either to harmonize the parts of this church, or to harmonize this church itself with the other churches of our denomination.

The Council feels that this unfortunate impression was inevitable, from

the transactions recorded. However carefully qualified, the informing of applicants for membership, and the teaching in a sermon, that it was better that that race remain in churches of their own, insured a belief that the church preferred that distinction. It was an unhappy event that this theory was introduced. It was unhappy that it was introduced at its particular time; and that it seriously compromised the position of some brethren in the church whose public duties brought them into immediate relations to that race. Those members were necessarily forced into an open antagonism, in which their conduct could not be considered factious; it was devotion to principle. For the dissensions thus arising, these men are not responsible.

It was not only unfortunate; this Council believes that no such theory is in the proper province of the church. The church of Christ knows no distinctions of race or color. To what churches any class of Christians should be morally constrained to join themselves, is not for the church to consider. It is settled in the constitution of the church itself, and by its Divine Head, that not the color of the skin, but the character of the heart, is the only test. There is neither white nor black; — only redeemed souls. And the question of color ought not to be known to the church.

The Council believes that this church should renew most emphatic expression of its principles — that, of color, or race, the church is ignorant.

On still another topic the members of the Council feel constrained to speak in condemnation of the course which has been pursued by the church, and by members of both the parties into which unhappily it has been divided. We refer to the publication of harsh and irritating pamphlets, in which many injurious charges have been made against others associated in the same church, — which charges have thus been put into permanent form, and then scattered widely over the land. This has immensely increased the alienation of feeling which has practically divided the members of the church into two organized and hostile camps; and it has made far more difficult than it would otherwise have been, the securing of such a reconciliation between these members, as would at once remove the difficulties from the path of the church, and restore it to full strength and prosperity. Such a publication has not, in the judgment of the Council, been justified by any facts presented to it.

While the Council has thus spoken, as in duty bound, with the most perfect frankness and freedom, of what it has found in the past action of the church, which has been irregular, and of evil effect, it cannot close this Result without recognizing the excellent traits which have been shown by those on both sides of this sad and disastrous controversy. The pastor of the church is a preacher of distinguished ability, who has gathered into his weekly congregation as large a number of worshipers as, stately attends on the services of any Protestant church in the National city. Among those who are specially in sympathy with him, are many of great intelligence, and excellence of character, whose profound and fervent attachment to their pastor is as creditable to themselves, as it is honorable to him.

While among those opposed to him, and to the majority of the church — the parties, reckoning male votes alone, standing nearly as *forty-two to forty-four* — are also those for whose Christian character, culture, and power of good, the Council entertain the highest regard; — among them one, especially, whose past career as a Christian soldier has endeared him unspeakably to his countrymen, while his efforts on behalf of this church have been, from the first, a principal source of its strength and success.

The Council feel that if these two parties — so disastrously divided, and each of which embraces many of those whom the church needs, and must have, for its future well-being — could be united hereafter, in action and in feeling, there would be nothing to prevent the church from realizing all, and more than all, that its most ardent friends have desired and prayed for.

Whether it is possible to secure this result while the present pastoral relation continues, the Council is not prepared to say. If it can be, it will be only by the exercise, to an unwonted degree, of the spirit of forbearance for the future, and forgiveness for the past, on either side; by a careful avoidance of any further occasions of strife; and by an earnest and universal study of the things that make for peace. If the future experience of the church should be like that of the past two years, it would only be an occasion of regret, to all who have contributed to it, that it was ever established.

We earnestly exhort each and all of its members, with the pastor, to consider the responsibilities under which they stand to those churches of the Lord, in other parts of the land, which have so promptly and generously given of their means to the erection of this spacious and beautiful edifice, and on which reliance must still be had for its completion. We exhort them, most of all, to recognize constantly their responsibilities to the Great Head of the church, whose kingdom is to be greatly advanced, or hindered, by the success or the failure of this church. And we pray them to resolve, each for himself, that no one of them will stand in the way of that success which is so important; or allow himself to be, in any measure, the occasion of a failure, so sad, and vast, and memorable.

After the adoption of the Result, it was

Voted, That the Council meet in public session at ten o'clock, A. M., SATURDAY, and that the Result be then read to the church and pastor.

Voted, That Rev. Dr. Storrs and Rev. Dr. Quint be a committee to publish the minutes of the Council.

The minutes were then read and approved; and at ten o'clock, P. M., the Council adjourned.

The Council met at ten o'clock, A. M., SATURDAY. In the absence of the Moderator, the Scribe called to order; Rev. Dr. Holbrook was appointed to preside, and opened the session with prayer.

The Result of the Council was then publicly read.

Prayer was then offered; and remarks were made by several members of the Council; and by some members of the church, and by Dr. Boynton.

The minutes were then read and approved.

At twelve o'clock, noon, the Council, with prayer, singing, and the benediction, was dissolved.

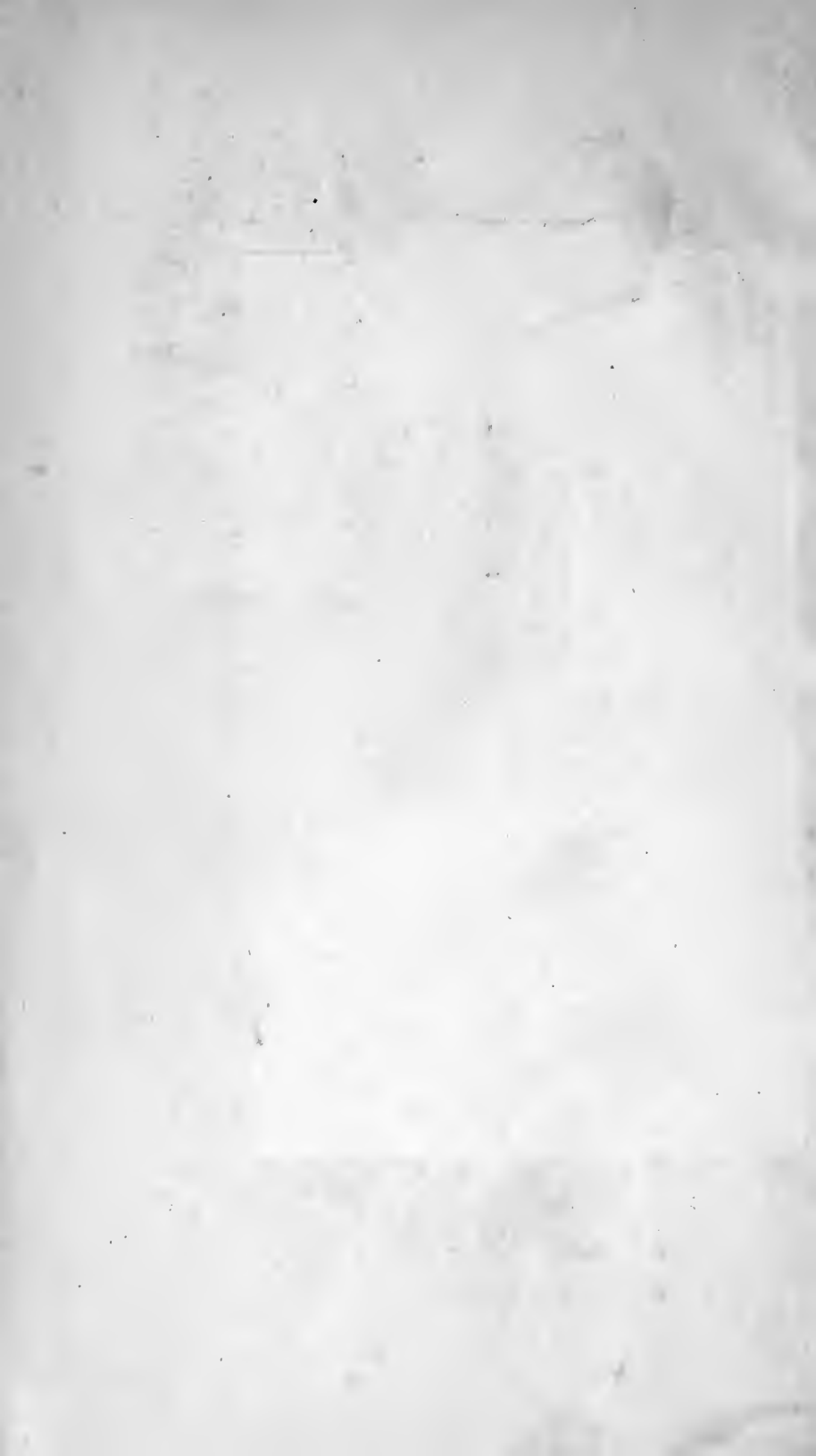
JOSEPH P. THOMPSON, Moderator.

JOHN C. HOLBROOK, Moderator, *pro tem.*

ALONZO H. QUINT, Scribe.







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