

UNITED STATES.

GENERAL CONVENTION OF THE PROTESTANT EPISCOPAL CHURCH.

Cincinnati, Wednesday, Oct. 3, 1850.

The Convention assembled for divine service at half-past eight o'clock. Prayers were said by the Rev. Dr. Wyatt, assisted by the Rev. Dr. Page of Tennessee.

After the Bishops were withdrawn, the House of Deputies was called to order. The roll was called and the minutes of the last meeting were read, amended and approved.

The secretary announced that he had appointed the Rev. Mr. Andrews, assistant-secretary, which was confirmed by the House.

In accordance with a suggestion, the President requested that the certificates from the various dioceses, in reference to trustees of the General Theological Seminary, required by canon 1st, of 1847, be handed in; in compliance with which, a number of such certificates were in the course of the morning presented.

The Rev. Dr. Stevens, of Pa., offered the following resolution:

Resolved,—That the House of Bishops be respectfully solicited to favour the House with their opinion as to the proper posture to be observed in the baptismal service.

This gave rise to an animated discussion, of which our limits forbid us to give more than a sketch.

Rev. Mr. Trapier, of S. C., spoke in opposition to the motion. It was not the first time that such motions had been made in that body. Several had been proposed at the last session which had been laid on the table. It was not without reason that they had been thus disposed of. He thought that if the Bishops might thus interpret the rubrics of the Church, they might virtually alter them and enact new. This was a matter of so much consequence to the Diocese of South Carolina, that, years ago, she had passed, and entered upon her journals, resolutions regretting that it had ever been thought expedient to resort to such a course.

The effect of such an application as this is to bring indirectly, legislation by a portion of the General Convention, when the whole body alone has the right to make laws for the Church. If the rubrics are uncertain in their meaning, let them be altered as the Constitution provides, and by a concurrent vote of both houses. This was the right, the legitimate mode. Otherwise the House of Bishops would alone legislate. For, practically, the power to interpret the law is power to make or modify the law. And it is well to avoid the danger which this may incur.

Rev. Dr. Stevens.—My friend has misunderstood the object of my motion. It is very different from those to which he has referred. It is simply to ask of the Bishops in reference to the baptismal service, what was asked of them in 1832, as to the communion service. We do not ask them to change the rubrics or the prayers, but to give their opinion as to the proper posture to be observed in the baptismal service. We all know that when a difficulty or doubt arises as to our service, we individually apply to our Bishop for a solution. Why then should we not be willing, collectively, to do the same to the House of Bishops. I have no design to induce them to alter the rubrics or any thing else.

Rev. Dr. Stevens.—I wish to offer a few remarks as to the difference of the baptismal service from all the rest. It was the practice in the Church of England to have the font at the door of the church in the porch. This was to signify that baptism was the entrance into the church. It was with reference to this the service was originally framed. It was the practice that the clergyman should go to the door of the church, and that the sponsors should there present the child.—Hence, all stood, except at the repetition of the Lord's Prayer, when the rubric directs all to kneel. This was the cause of this peculiarity in the service. It was founded on this practice.

But another remark. The Bishops are the ordinaries. Each in his own diocese is the judge of all questions that arise as to the interpretation of the rubrics, and has the right to determine and regulate all such matters. A *fortiori*, when all assembled as one house, if they give an opinion, we have a union of all the ordinaries, and their decision should have even greater authority.

Rev. Dr. Burroughs, of Mass.—It is admitted that there is no uniformity of practice in this matter. But uniformity is desirable. Why not settle the question, and know what we ought to do. I am satisfied that the Bishops will be ready to give the opinion, as will appear from the conclusion of their opinion of 1832, on the postures to be observed during the administration of the Lord's Supper.

Mr. Williams, of Va.—The right to interpret the law is, in effect, the right to make the law. He is blind to all history who does not see this. I am opposed to asking from the Bishops an opinion which we shall either feel that we are not bound to follow, or which shall be in effect binding legislation. The power to alter the rubrics is in the General Convention. It belongs to no Bishop. Nor has any Bishop the right to institute, alter or abolish rites and ceremonies.

Rev. Dr. Mead, of Conn.—I wish to take a plain utilitarian view of this question. This will not be the first action of this kind in the history of the Church.—In 1832, the opinion of the House of Bishops was asked as to the proper posture to be observed in the communion service. It was given, and has gone far to produce uniformity, and to relieve us from many perplexing questions.

In 1835, two similar questions arose. One was respecting the practice of repeating the Lord's Prayer, and a collect in the pulpit before the sermon. There was no rubric for it, but such had been in some parts the practice, and there was a diversity. The opinion of the Bishops was asked, an answer obtained, and the practice is now uniform.

In 1835, also, a lay member for Pennsylvania introduced a motion asking the opinion of the Bishops as to the proper method of repeating the confession and the Creed. An answer on this point was obtained; a uniformity on this point now is almost, if not altogether, universal.

Now as to the point before us. What brother has not often been shocked at the irreverence (unintentional I am sure) often exhibited in receiving a member into Christ's visible Church. Other societies, Masons, Odd Fellows, &c., show more reverence for their initiatory services. How many rise when the Gospel at the baptismal service is read? How many when the general exhortation it contains is read? And yet that they ought to rise is evident.

Judge Chambers.—Let the Bishops settle that.

Rev. Dr. Mead.—With all my heart, it is what I desire, and I feel the value of such a settlement.

Rev. Dr. Seabury of N. Y.—I am not sure that I can vote for this motion. The peculiar situation of the diocese of New York is reason enough for not doing so.—Its effect would be that of a law on the Church. So far I agree with the gentleman from Virginia. And it

would be especially severe on the diocese of New York, which would in this case have no voice in determining the practice she is to follow.

On motion, the resolution was laid on the table. The chair then announced the Standing Committee; but, on discovering that some gentlemen whose names were announced would probably not attend the Convention, withdrew the list for correction.

Rev. Dr. Page, of Tennessee, presented papers in reference to the formation of the diocese of Texas, which were referred to the committee on admission of new dioceses.

The House then adjourned until half-past eight tomorrow.

THIRD DAY—FRIDAY.

The Convention met at half-past eight o'clock, and after prayer proceeded with the order of business—the Rev. Dr. Wyatt in the chair.

The chair announced the standing committees, as corrected by him, viz:—

Committee on the State of the Church; on the General Theological Seminary; on the Domestic and Foreign Missionary Board; on the Admission of New Dioceses; on the Consecration of Bishops; on Canons; on Elections; on the Prayer Book; on Expenses; on Unfinished Business.

The journals of the several dioceses since the last General Convention were handed in, and referred to the committee on the state of the Church.

Rev. Dr. Vinton, of Massachusetts, brought in a report, suggesting a modification in the form of resignations in the ministry, which was referred to the committee on canons.

Rev. Dr. Claxton, of Indiana, moved that the Committee on Canons be instructed to inquire into the expediency of amending Canon 5, of 1844, by the addition of a section requiring clergymen changing their personal residence from one diocese to another, to take letters dismisyory to the diocese to which they remove, and empowering the ecclesiastical authority of the diocese from which such clergyman has removed to transmit such letters, if the same be not called for in three months from the time of removal.

Rev. Mr. Cressy, of Tennessee, moved to refer to the Committee on Canons to inquire into the expediency of so amending canon 25, of 1832, as to require that the Bishop visiting a parish of his diocese shall give notice to the Rector whether he intends to catechize children, preach, administer the Lord's Supper, hold ordination, &c.—Carried.

Rev. Dr. Van Ingen, of New York, presented the report of the committee on elections. No further action was taken with reference to the report. Rev. Dr. Mead presented a memorial from the New York Bible and Prayer Book Society, in reference to the publication of a standard edition of the Bible contemplated in the resolution of the last general convention. They offered their services to publish such an edition should the convention determine so to do, declared their willingness to be regulated by the convention, and respectfully urged the facts that they are the oldest Bible and Prayer Book Society connected with the Church, and of their location in the great commercial metropolis, as reasons why they should be employed.—Referred to Committee on the Prayer Book.

Rev. Mr. Jones, of Miss., proposed an alteration to canon 26, of 1832, making it the duty of clergymen to prepare for such services as he might receive notice of from his bishop at a visitation.—Referred to the Committee on Canons.

Judge Bullock, of Ky., proposed the appointment of a committee to form rules, designating the exact order in which business should be conducted. Carried.

Rev. Dr. Seabury, of N. Y., presented the report of the committee on new dioceses, to whom was referred the application from the diocese of Texas. The committee having examined the attested copy of the proceedings of the clergy and laity of Texas, assembled for the purpose of organizing a diocese, recommended the adoption of a resolution for the union of the Protestant Episcopal Church of the State of Texas, with the General Convention of said church, when admitted to representation therein.

The resolution was carried.

The secretary read a communication intimating that the House of Bishops had passed a resolution that the alteration of article "First" of the Constitution, to wit, the substitution of the first Wednesday of September for October, as the time proposed at the last General Convention for holding the triennial meeting, be agreed to and ratified.

After discussion the secretary was directed to apprise the bishops that the house did not concur in the resolution.

Meeting adjourned to the following morning.

FOURTH DAY.

Saturday, October 5, 1850.

The house met pursuant to adjournment. Morning prayer was said by the Rev. Dr. Jarvis, of Conn., assisted by the Rev. Mr. Trapier, of S. C.

A message was received from the House of Bishops, informing the house that they had concurred in the resolution admitting the diocese of Texas into union with this convention.

Rev. Dr. Jarvis, of Conn., in behalf of the committee on canons, reported in part, that they had considered the subject of regulating evidence in ecclesiastical trials, and deem it inexpedient to legislate on the subject at the present time, and asked to be discharged from the further consideration of it.

Mr. Duncan, of La., moved that the report lie on the table, subject to call, with a view of allowing him to introduce, hereafter, a canon on the subject, of which he now gave notice.—Carried.

Rev. Dr. Van Ingen presented a certificate of delegates from the new diocese of Texas, and also of the delegates from Delaware, and the report of the committee on elections, that these gentlemen were entitled to seats.

Thereupon the delegates in question appeared and took their seats.

Mr. Yerger offered a canon on Assistant Bishops, providing that a sentence of suspension pronounced upon a Bishop, should be sufficient to authorize a diocese to elect an Assistant Bishop, in which case the services of the assistant should not be under the controul of the Bishop of the diocese.

Referred to the committee on canons.

On motion of the Rev. Dr. Bull, of Pennsylvania, the thanks of the House were tendered to the Rev. Dr. Mead of Conn., for his long, faithful, and efficient services as its secretary.

Rev. Mr. Eaton, of Texas, proposed an alteration of the 4th section of canon 7th, of 1838, requiring candidates for orders, who have been ministers of other denominations of Christians, to be candidates and communicants of this church, at least one year before ordination.

Referred to the committee on canons.

Judge Bullock, of Ky., moved that it be referred to

the committee on the General Theological Seminary, to inquire into the expediency of altering the constitution of said seminary, as to provide that a meeting of the board of trustees shall always be held at the same time and place with the General Convention, and that special meetings of the board may be called by the presiding Bishop at the request of a majority of the Bishops.

The present constitution provides, Mr. B. observed, that all meetings of the board of trustees shall be held in the diocese in which the seminary is situated, and, that all special meetings of the board shall be called by the Bishop of that diocese.

He thought it was desirable to have the seminary in reality what it is in name, a General Theological Seminary. But this was greatly interfered with by the first of the provisions alluded to. That deprives other dioceses of a representation in the board. At the late meeting of the board, a very large majority of members present were of the diocese of New York. He had no doubt that those gentlemen were competent to manage the affairs of the seminary. He meant to cast no reflection on them. He only desired to make it practicable that all the dioceses should have their due share of its controul.

And as to the other provision. The diocese of New York has no bishop, and therefore, there can be no special meetings. It is desirable to have some officer empowered to call such meetings, and he knew of none more competent than the presiding bishop.

Mr. Newton, of Mass., said, he had not the pleasure of an acquaintance with the gentleman who had offered these resolutions, and therefore, of course, no consultation or communication with him. He was obliged to him, however, for having brought forward the subject which he would have felt himself otherwise bound to do.

He arose now to propose an amendment to the 6th article of the constitution of the seminary, that absent members of the board may vote by proxy. Now, this election and the whole government of the seminary are practically in the hands of the diocese of New York. The members from other dioceses present at the meeting never amount altogether to a majority of the whole. So much was this the case, that, as has been truly said, South Carolina, which had taken more interest in, and done more for the seminary than any other diocese, save New York, had found herself, to use the language employed, in such a dead minority, that she would no longer send her men or money to it. It will be morally impossible that trustees from distant dioceses can be present at the proposed meeting of the 2nd of November next, when the election of a professor is to take place.

It has been said that no deliberative body, but the English House of Lords allows of votes by proxy. It may be so. But you will find that there is no one of your great monied institutions—your bank, insurance companies, &c., that does not allow it in all important matters of the election of those who are to govern its affairs.

After a lengthy discussion—

Judge Bullock.—I beg the indulgence of the house for a moment. I rise to offer an olive branch, to make a proposition which I hope will meet the views of all parties. I move that this whole matter be referred to the committee on the Theological Seminary, with instruction to report by resolution or otherwise, on Thursday morning next, immediately after the reading of the minutes.

The motion was agreed to.

The Rev. Dr. Atkinson offered a series of canons in reference to the ordination of deacons and presbyters. The first provides that candidates may be ordained deacons, without examination on any points, except his fitness to discharge the duties of deacon specified in the ordinal.

The second transfers the examinations now required before the ordination as deacons to the period of application to be ordained presbyter.

The third regulates candidates for orders.

They were, on his motion, referred to the committee on canons.

The afternoon session was on motion dispensed with, and the convention adjourned till half-past eight o'clock on Monday morning.

FIFTH DAY.

October 7th, 1850.

The House met pursuant to adjournment. The minutes of yesterday's session were read, amended and approved.

Rev. Mr. Henderson, of New Jersey, had a resolution to offer, which he would perforce by a few remarks. It would be found, by reference to the proceedings of the last Convention, that this House had then resolved to appoint a joint committee to publish the Book of Common Prayer in German. This had been responded to by the House of Bishops, and the committee was appointed. But it had always been found that the practical working of a joint committee was that it was difficult to arrive at results. While the Convention is in session, the two houses have not always the same leisure, and during the recess, the Bishops on the committee cannot conveniently attend its meetings. There had been one attempt at a meeting of this joint committee, but too few met for anything but consultation.

I am situated in a city where exists the only German congregation within the bosom of our Church ministered to by a native German. Some years ago this congregation, with their minister at their head, came boldly into the Church.

Among the 40,000 inhabitants of the city of Newark, there are seven or eight thousand Germans. And I am told that in this city of Cincinnati, which it is found to have some 130,000 inhabitants, there are thirty or forty thousand Germans. It is natural, therefore, that the Church should feel interested in them. The subject was brought before the Board of Missions at their late meeting at Hartford. There were several gentlemen there from various parts of the Church, and the expression of sentiment on the subject was highly gratifying.

The Bishop of Indiana, who was present, declared that there was no more inviting field for missionary labour than this open to the Church.

Now it has been urged that the best way of naturalizing a foreign population, and preparing them to take their part as citizens, was to teach them the language. But this need not interfere with the present design. The Germans want their children to learn the language, and we have Sunday schools for them. But many of the parents are too old to learn the English tongue. The only way in which the Church can take hold of them is to give them the Prayer Book in their own language. The present version is acknowledged to be defective. The standing committee to whom it was committed have not met. Circumstances have prevented. This is not the fault of its chairman, the Bishop of Maryland. He has done his duty in the premises. He has examined the present version, noted the points that needed revision, and communicated it

to another member. But distance prevented a meeting. He has also translated other parts not before translated. The congregation at Newark is only two years old. The Rector is a gentleman and a scholar. He has reported during the past year forty infant baptisms, thirteen confirmations, sixty communicants added, and present number 233, thirty-two marriages, and thirty-five funerals. You may judge from this of the influence such a man is likely to exert.

The German population of our country is totally unlearned for by Protestants. The only religious influence which is exerted on them is that of Romanism, and they are fast going down, I fear, into downright infidelity. They find our Church more like their own than even the Lutheran. They are trained at home to observe the same fasts and festivals we are, to regard confirmation as an important part in religious life, and to use forms of worship. And it is a fact, perhaps not generally known, that in Luther's version of the Scriptures, you find portions designated as gospel and epistle for the day, which in almost every case correspond to those designated by our Church for the same occasions.

He concluded by moving that a committee be appointed to revise the German Prayer Book, and to report at the next General Convention.

The motion was adopted.

The committee on elections reported several delegates from the Dioceses of Texas, Alabama, and Indiana entitled to seats.

Mr. Wharton begged leave to introduce a canon intended to lead a systematizing of our American canon law. Uniformity in the administration of law, was a matter of great moment. It is of special importance to know what is the law, and that the decisions should command respect. We do not know now what the law is in every case. The various questions now arising under the rubrics and general canons must necessarily be various. It is hardly to be expected that the various Episcopal and Diocesan Courts will arrive at the same results. It is almost certain that great variety will exist. An Appellate Court is needed. And it is important to include in it that feature that has been found to work so well in the English Ecclesiastical Courts, the introducing laymen learned in the law. It will be seen that the proposition I have to offer, only gives jurisdiction in questions of law. It does not touch questions of fact. It constitutes an appellate court, gives its decisions authority, and provides for the receiving and communicating its decisions.

Mr. W. then read his canon, entitled, Of Appeals. Its first section provides that, in all cases decided by any diocese or court, involving questions of law, the party who considers himself aggrieved may have an appeal. He shall file a notice of it, specifying the points which he considers erroneous, and the reasons of his objections, and a declaration that he considers and believes himself to be wronged thereby. The appeal shall be heard by the three Bishops next in seniority to the presiding Bishop and to the Bishops, if any, who may have last served in this court, and by three laymen, to be chosen, one by the applicant, one by the Presiding Bishop, and one by the ecclesiastical authority of the diocese where the trial has been held. Of these, none but the layman chosen by the Presiding Bishops shall belong to the diocese whose court is appealed from.

The second provides for any stay of proceedings until this appeal is decided, that such decisions shall be final and authoritative—that it shall be certified to the ecclesiastical authority of the diocese in question, and as record to be kept and deposited with the Secretary of the House of Deputies, to be accessible to every member of the Church.

The third provides that a majority of this court shall be a quorum—that it shall meet within three months of the period when the appeal is entered, at the time and place fixed by the Presiding Bishop. The Ecclesiastical authority of the diocese where the trial took place to furnish a copy of the papers to the presiding Bishop, within one month after the appeal is taken, otherwise the decision of the Diocesan Court to be void.

The fourth provides that in case the Presiding Bishop be appealed from, the next in seniority is to perform his duties.

The fifth that the expenses shall be paid by the diocese appealed from.

On motion, it was referred to the committee on canons.

Mr. Duncan of La., moved to take up the report of the committee on Canons, on the subject of evidence in Ecclesiastical trials. Agreed to.

Mr. Duncan then remarked that he feared that an impression prevails that an exciting subject was now about to be introduced. Otherwise he was unable to account for the opposition which he had met with in getting the subject he was about to present before the house. It had been well and eloquently said this morning that the legislation of this house is not subject to the behests of a standing committee, and that every member had a right to be heard, and his propositions respectfully considered. If I remember me right, a committee is defined to be the eyes of the house, merely appointed to watch its business, to prevent confusion and to put in shape that to which the house has agreed in principle. Were it not so, I would not venture to introduce even a mere matter of law like this, which has nothing to do with feeling, and no connection with any past event, and to ask the house to pursue with regard to it a course contrary to the views of a standing committee. When I look to that committee I feel the highest respect for its members. I believe no man to be better acquainted with Canon law than its venerable chairman. And if he had surveyed the ground and had said that the present provisions of our laws are sufficient, I had bowed to his decision. But what was the case? The proposition was referred to the committee on one day, the afternoon of which was by vote of this house, occupied with other matters than business, and on the next morning the committee reported, not that legislation is not called for, but that it is inexpedient now. Under these circumstances he thought it allowable to call upon the committee to reconsider the subject, and if they still refuse, to call upon the house to take the matter up for itself.

Judge Chambers arose to explain the action of the committee. The proposition of the gentleman had been treated with due respect. A long session of the Committee had been devoted to its consideration—and they had deemed it impracticable. Our judiciary is differently situated from that of England. With us there are a variety of judiciary systems, and the laws of evidence vary in different States. It would take many volumes to contain them. It is intended that the Ecclesiastical Court, as it meets in one or another of them. But the difficulty is to know what the law is, my own State—and a very large class of appeals which come before us turn on the law of evidence applicable to them. The Bishops cannot be supposed to know