

# The Church.

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I make this request, brethren, with an ardent desire again to serve our Master in the functions of our holy office. Severely as I have been afflicted, I humbly hope that by the overruling providence and grace of God, the period, now nearly three years of my present heavy trial, has not been, and will not be, without a blessing. In a state of almost entire seclusion from the world, I have earnestly endeavoured, in reliance on the Holy Ghost, and with constant prayer for his influences to keep a perpetual guard over my heart, to detect its evil tendencies, to discover, for greater future watchfulness, wherein these have led me astray, and to exhort the spirit of penitence, humility, meekness, and evangelical faith, devotion and charity.

Truth I am not presumptuous in hoping that hence, as well as from the sacred studies and meditations to which I have applied myself, God will graciously allow fruit to grow, both in my personal devotion to a godly life, and in earnest and faithful pastoral labour, should I, in His merciful providence, again be permitted to minister among His people.

Praying that the Lord will so incline your hearts, and direct your counsels, in a matter fraught to me with such deep and painful solicitude, and such momentous interest, as will meet with His glory and your duty, I am, brethren, yours, in the bonds of Christian respect and love.

BENJ. T. ONDERDONK.

To the Right Reverend the Bishop of the Protestant Episcopal Church, in the United States of America, their suffering brother, the Bishop of New York respectfully and earnestly tender this request, that they will, by such act as may to them seem right and proper, open the way for his relief from the operation of the sentence of suspension from the ministry, passed upon him by a portion of their body, forming an ecclesiastical court in the city of New York, in January, 1845.

This method of praying for special things in our public prayers is not consistent with our scheme—it belongs to another system.

Rev. Mr. Moore, of N.Y., said that although the discussion was, properly, on the expediency of sending a message to the House of Bishops, gentlemen were going into the merits of the case and discussing the Prayer Book.—He should expect soon to hear the legitimacy of war debated.

The question was called for, and the resolution, amendment and substitute read.

Rev. Dr. Forbes withdrew the substitute he had offered, saying he desired no alteration, but if any were to be made, he thought it should be under advice from the House of Bishops.

Rev. Dr. Ogilby asked if the gentleman from Pennsylvania was willing to accept as a substitute a resolution to refer to the Standing Committee on the Prayer Book to report on the expediency of asking the opinion of the House of Bishops on the subject.

Rev. Dr. Morton said he preferred the whole subject should go to the house.

Rev. Dr. Ogilby had no objection, but it seemed to him better that the single topic of touching the thing at all should be before the Committee. There was evidently great diversity of opinion as to the propriety of making any changes. In this general principle he entirely agreed; still if serious deficiencies were discovered, he thought they could be remedied. If the gentleman from Pennsylvania did not accept his amendment, however, he would not offer it.

Dr. Morton preferred that his motion should stand in its present form.

Mr. ——, of Michigan, asked if the whole matter could not lie on the table until the Committee should report upon it.

The President said he had been informed that there was nothing before the Committee that would lead to action upon the subject.

It was suggested that this debate would bring it before them, and so lead to some action.

Mr. Page, of N.C., moved to lay the whole subject on the table.

Mr. Williams, of Va., rose to speak to this motion, when he was called to order by Judge Chambers; but he said he only wished to remark that, in his judgment, that motion did not take precedence of all others.

The President said that a motion to lay on the table was always in order, and was to be decided without debate.

The question was then put, and the subject was laid on the table without a division.

CANONS.

Rev. Dr. Jarvis, from the Committee on Canons, made the following report, in part, on the business assigned to him by the Convention:

On the resolution to repeal Canon L, of 1789, declaring that "in this Church there shall always be three orders in the Ministry, viz.: Bishops, Priests, and Deacons," the Committee report that it is *inexpedient* to do so.

On the resolution to provide a Canon, enacting that no Diocese shall have more than one representative in the House of Bishops, the same not to apply to any Diocese having already an assistant Bishop, the Committee report that it is *inexpedient* to enact such a canon, because it would violate Article 3 of the Constitution, which states that the Bishops hold their seats, not as representatives of the Dioceses, but in virtue of their office.

Upon the subject of the canon from the judicial tribunal of the Church, of which his principal shall be already a member, the Committee report that it is *inexpedient* to enact such a provision, inasmuch as the whole subject of the canon, on the trial of a Bishop, had already been referred to the Committee, on which it was not yet prepared to report.

Upon the proposition to substitute a canon for Canon L of 1844, in regard to the expenses of the General Convention, the Committee report that it is *inexpedient* to adopt the substitute.

These are all the points on which the Committee was prepared to report.

THE BISHOP'S CASE.

The Secretary read the following memorial:

To the Bishops, Clergy, and Laity of the Protestant Episcopal Church in the U.S. of America in General Convention assembled, the undersigned, the Bishop of the Diocese of New York, respectfully presents this memorial:

It is known to your venerable body that your memorialist was on the 20th day of June, in the year 1845, declared by a Court of Bishops, convened under the General Convention, and holding its session in the city of New York, to be suspended from all Episcopal and Ministerial functions, as appears by the printed record of the proceedings of said court, to which the same having been published and extensively circulated, your memorialist respectfully refers your venerable body for the details of his trial by the said court.

It is further known to your venerable body that the said court, to which he had been and is thereby subjected, are at variance with the principles which are at the foundation of the rights and liberties of American citizens, and with those which, by the Protestant Reformation, effected the deliverance of both Clergy and Laity from the tyrannical and unjust dominion of both civil and ecclesiastical procedures—your memorialist sought for relief to the venerable body as representing the wisdom, righteousness and purity of the Church which has constituted it, as well for remedy of illegal proceedings, had under the supposed sanction of its laws, as for providing just and wholesome ecclesiastical legislation. Without advertising to other existing grounds for relief, but specifying one which concerns the future as well as the past, and the Church and every Bishop and Minister of the Church as much as it does himself, and which has equal substance and validity in every susceptible state of facts, your memorialist objects to the said sentence, which is suspension without any period or limit of limitation as follows:

Our Canons clearly distinguish between suspension and deposition. The former should be judicially determined as indicated as to be rendered practically the same with an interdict in points in which, according to the established meaning of words, there is between them essential difference. Functions, powers or rights, personal or official, cannot be destroyed by the law which only suspends them. When the 39th Canon of the General Convention of 1832 declares "that a Minister" (or which the canon makes the same thing, as is deposited Minister) "shall be restored to the ministry," it inflicts an awful sentence of punishment and suffering on a particularly defined class of persons, which no man, or body of men, has without express permission of law, a right to inflict on any other class of persons. Suspension cannot deprive a Minister of a claim to redress, except in the particular case of which would subject the kind and degree of judicial punishment without restraint of law to the will and discretion of a particular memorialist, if there is no power appointed by law to terminate a sentence of suspension, and if there is no general law regulating the term of suspensions, and if such suspension passed by any Court does not contain within itself provisions for its termination, either a prescribed time or on prescribed conditions, it is passed contrary to law and equity, or at least independently of law: either of which must be considered to make it null and void; while its tendency cannot but be to tyranny and oppression.

Your memorialist, therefore, respectfully pleads that he is now suffering under the shame and reproach, and under the privations and afflictions of illegal sentence passed upon him by a court constituted under the authority of your venerable body, and that in the absence of any canonically appointed court of appeals, he has an equitable claim upon the Supreme Council of the American Church, for redress of the grievous injury done to his character.

He has, respectively calling the attention of your venerable body to his personal considerations connected with himself in the several grades of the ecclesiastical service, and the happiness he has experienced in many ways in the several grades of the Christian ministry. Still, however, he trusts, is the solicitude with which the cause fills him, for the cause of truth and justice, and for the Christian reputation and interest of our portion of the Church of Christ. Other grounds of our character for deference to law and equity, and for equitable regard to the rights and liberties of all sorts and conditions of men in our communion. Nor in judging of this will they forget our peculiar responsibility as a Protestant branch of the church, and one established amidst the free institutions and the law and equal laws of the North American Republic.

Your memorialist confidently trusts that he will be understood to make no question respecting his Right Rev. Brethren judgments. These, it is well known, are often erroneous, in entire consistency with general intelligence, and with purity and uprightness of judgment and intent. The questioning of the legality or equity of judicial procedure and decisions, as well as the sacred right of any ecclesiastical forum, which, when exercised respectively and correctly, cannot be justly impeached in the present instance, your memorialist regards as an indispensable requirement of a conscientious sense of what is just and right. It is a duty, in the honest discharge of which, in the fear of God, he throws himself upon the Christian principles and feelings of your venerable body.

With this, and all other matter that may come before you, you may be guided by the Holy Spirit of wisdom, understanding, counsel, and the fear of God, your memorialist devoutly prays.

BENJ. T. ONDERDONK.

New York, October 11, 1847.

On motion of Rev. Dr. Forbes, the paper just read was referred to the Joint Committee on the resolutions from the Diocese of New York.

Every one introduced exclusively and tamidly the Communi-

ty, said that, at individual instances, the House of Bishops, by bringing the notice of the meetings of the Bishops, to the knowledge of the public, had done a good service to the community.

It is a fact, in the honest discharge of which, he should be allowed to do his duty.

The following letter was sent to the house of Bishops on Monday, Oct. 6th,

that this particularity belongs to the closet and private prayer, and that the prayers of the Church should be general in their terms. This must be so, else tenders of this kind may easily be given up by his will, by such act as may to them seem right and proper, open the way for his relief from the operation of the sentence of suspension from the ministry, passed upon him by a portion of their body, forming an ecclesiastical court in the city of New York, in January, 1845.

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