

The Wesleyan.

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No. 37

GENERAL CONFERENCE OF THE METHODIST CHURCH OF CANADA.

From the Toronto Globe.)

THURSDAY, August 30.

The Conference resumed its sitting at nine o'clock. There was a considerably increased attendance of delegates. After devotional exercises, the minutes of the preceding session were read and confirmed.

Memorials in favor of the Union were presented from the Goderich, Peterboro', Lindsay, Owen Sound, and Braconbridge Districts. A memorial from forty-two widows of deceased ministers was presented by Rev. S. J. Hunter. These claimants on the Superannuation Fund prayed that due consideration be given to the loss likely to accrue to them.

A memorial from Nova Scotia set forth that the restrictive rules as found on pages 35 of the Discipline of the Methodist Church of Canada should form a part of the constitution of the United Church; that there should be secured to the Annual Conferences the right and privilege at present possessed by the Annual Conferences of the Methodist Church of Canada, including the veto power, and that the exercise of the veto power should apply to the articles of the constitution of the United Church as possessed by the first General Conference.

The Secretary laid on the table as supplementing Basis of Union, a tabulated statement of notes of Quarterly Meetings and alterations in Basis of Union.

THE PRESIDENT'S ADDRESS.

The President, rising, then said—I think it will be appropriate for me at this stage to make a few remarks in connection with the matter as it now stands. The discussions in the different Annual Conferences, and the discussions in the public press, indicate a good many points upon which difficulties seemed to arise. In some of the Annual Conferences expressions were given very strongly in regard to the legal difficulties arising, and the great danger of proceeding at all in our present course. I felt myself under an obligation to this Conference to put myself in the very best position I could to answer any question of a legal character that might arise. I therefore addressed a list of questions—rather, first of all, I thought it right, as Mr. J. E. Rose, Q.C., a rising barrister, had been communicated with on the subject of the legality of our action, to go and converse with him in order to ascertain what course ought to be pursued by me, as President of the Conference, to obtain such information as I thought the Conference would be likely to require. After a very long conversation, in which we went over the action of the Conference, he said he was surprised at the correctness of the action of the different Conferences, and except upon one point he could not see that there could be any question raised as to the legality of action, and that was as to what he called exceeding the instructions of the General Conference on the subject of the General Superintendency. I said to him what I am here to say, simply—not to discuss or debate—that the committee of the Methodist Church of Canada did not receive instructions. You will not accept that I know (several voices—“No, no?”)—and I tell you, however, exactly what I said, so that you will know what occurred between us. I then gave Mr. Rose a history of the resolution and of the vote. I said the resolutions took up what was called the constitutional question, because there was a pressure to know whether the Conference would accept a General Superintendency or not. The Conference did accept the General Superintendency, provided that it did not interfere as set forth in the resolution. I said it was not given to the Committee as an instruction; it was simply done in answer to an earnest desire on the part of certain members of the Conference to know what the Conference was willing to do on that question on which it was most sensitive. We discussed the matter for a long time. Mr. Rose took pretty strong ground at first, but modified it as we went along, and finally he became silent, but whether I convinced him or not I don't know. At all events, he said it amounted to nothing. As the General Conference had to act in the case, it was for them to decide, and he could prove no impediment whatever. They could decide what in their judgment was correct in regard to the case. I said to him, “What would you do?” He said, “My idea is that you would be wise to submit the matter to two of the best counsel in Ontario.” I said, “Will you aid

me in the arrangement of the questions to be propounded?” Here we found a difficulty at once. He said, “In my judgment you should submit the case to C. Robinson, Q.C., and Hon. Edward Blake, who will give you such legal advice as you could safely act upon.” We found a difficulty as Mr. Blake was across the ocean. I left Mr. Rose, and went to see what other way out of the difficulty I could find which would be satisfactory to my own mind. I may say that I told Mr. Rose that if he experienced any difficulty in answering the question I put to him to consult Mr. Robinson. He found no difficulty, as in his judgment the answers were so palpable that no lawyer could take exception to them. I beg to call upon the Secretary to read the questions and Mr. Rose's opinion.

Dr. Sutherland then read the following legal opinion, obtained from Mr. Rose:

To Rev. S. J. Hunter, D.D., and Rev. A. Sutherland, D.D., Toronto.

“GENTLEMEN,—I have the honor to acknowledge the receipt of your favor of the 26th July inst., submitting to me for my opinion certain questions relating to the Union of the Methodist Churches. From your letter of instructions and the provisions that I have had with the venerable President, I assume as a fact that it is not the intention of the Church immediately to act upon the agreement which you may enter into otherwise than to meet in a general Conference or assembly of the united bodies, and there to settle upon the rules of order and discipline, or in other words to provide a result in suspending the Union, because it may be as above indicated, that all that you had done and will do will be perfectly consummated without legislation. The legislation sought for will be necessary as a matter of expediency, and to make admissible all titles to the Church property. First, I think that the General Conference of the united Church may as well elect a chairman or President *pro tem.*, and may proceed to elect a General Superintendent who shall discharge the duties of the office as provided for by the constitution, postponing the changes which are provided by such agreement until opportunity is had to apply to the Legislatures of the province and of the Dominion for confirmation of the agreement. I advise, therefore, in answer to the first question, that it will be perfectly proper for the General Conference of the united Church to meet and proceed with the details of the Union scheme and form a discipline for the united Church. I think you must assume that everything that has been done up to the present by the bodies proposing to enter into the Union has been legally done, and a ting upon that assumption you will proceed as if all formal provided by the constitutions of the various Churches had been fully observed, such indeed may be the fact. Second, I think that after proceeding thus far you may pass a resolution that such legislative sanction be asked for from the Legislatures of the several provinces, and the Dominion as you may be advised by counsel learned in the law shall be essential for the purpose of validating your actions confirming your agreement, and vesting the property of the contracting parties in the united Church. No objection can be made as to such action so long as the President is not called upon to act in performance of any duties of the office until after legislation has been obtained. In a word, respecting some what what I have stated before, I would advise that the General Conference meet in Belleville as provided; that upon the action of the General Conference, being in confirmation of the steps so far taken towards the Union you then proceed to hold a united Conference; that at this united Conference you formulate a constitution for the government of the Church, and nominate your officers to carry out the constitution, apply to the various Legislatures for the necessary legislation, and it may be convenient to name a day upon which the machinery of the united Church shall be put in motion, fixing such a date beyond the time necessary for obtaining the proposed legislation, say the 1st of June, 1884, or such other date as may seem to you convenient, making due allowance for the length of the session at Ottawa. As a matter of extra precaution, it might be well to adjourn the General Conference of the present Methodist Church at the call of the chair to consider any matters and pass any resolutions that counsel, upon consideration, may think necessary.”

Rev. Dr. Williams said that he had a legal document in his pocket which gave a different opinion altogether from the one read. It was Mr. Bethune's opinion on the case.

Mr. J. T. Moore rose to a point of order. No document could be referred to unless it had first been tabled.

The Secretary thought the document should be tabled, and the instructions given to Mr. Bethune as well.

The Conference then adjourned.

AFTERNOON SITTING.

In the afternoon session, on motion it was decided that the case presented to Mr. Jas. Bethune, Q. C., and his opinion thereon, be read. The case and opinion were read as follows:

1st. In the Basis of Union the following amongst other changes are made in the government of the Methodist Church of Canada:—(First) The authorization of the General Superintendent to open the Annual Conference and preside during the first day of its session, and afterwards alternately with the President elected by the Annual Conference, and to ordain ministers and jointly sign the ordination parchment. (Second) The composition of the Annual Conference, by the introduction of equal lay representation, and (Third) the provision for merging the Methodist Church of Canada in a proposed united Church composed of

the Methodist Church of Canada, the Methodist Episcopal Church, the Primitive Methodist, and the Bible Christian Churches. Is there any legal ground for denying that any or all such changes are constitutional changes demanding a three-fourths majority vote in the General Conference, according to the provisions of the Book of Discipline, page 28, No. 11 (?) Can the members of the adjourned General Conference legally constitute themselves members of the proposed united Conference, or must they be elected by the District Meetings and Annual Conferences which in the Methodist Church of Canada appoint delegates to the General Conference, or is it the acceptance of the Basis of Union by the majority of the Quarterly Meetings and Annual Conferences equivalent to a legal election to the united Conference? If so, what is the meaning of the fact that the London Conference rejected the Basis upon the case? (3) Does the provision of the Basis relating to the General Superintendent so meet restrictive rules of the Methodist Episcopal Church touching Episcopacy, as to make it impossible for any party in that Church to claim and retain possession of the Church and other properties? (4) In case one or more of the Churches proposing to unite should be prohibited by parent Conferences in England, whose consent must be obtained, can the rest of the Churches—legally unite, or will not the failure of any one to come into the Union invalidate the Basis of Union which is entered by representatives of all the Churches on condition of a general Union, and must not the Basis then be submitted to the next ensuing Annual Conference? (5) Does the action of Quarterly Meetings and Annual Conferences, or the terms of the resolution of the last General Conference to give effect to the Union—see Journal of Conference, page 232—bind the General Conference to consummate Union, or is the Conference free to reject the Basis, especially in view of the fact that the Committee on Union exceeded the limitation embodied in the resolution found on page 240, section 2, of the Journal of Conference? (6) In case of illegality in any of the points above indicated, what would the effect be upon the titles of property involved if dissenters chose to appeal to courts of law? (7) Has the General Conference power to disavow with the restrictive rules, Nos. 1, 2, 3 and 4, page 28 of the Book of Discipline? (8) If the term constitutional change be not covered by the Discipline, does Basis require an unanimous vote?

MR. BETHUNE'S ANSWERS.

In answer to the first question, I have to say that assuming the proposed Union to be a constitutional change within the meaning of the Book of Discipline of the Methodist Church of Canada, I think that there is no manner in which the Union cannot be consummated unless secured or shall secure a majority of three-fourths of the members of the General Conference, as set forth in part 3, chapter 1, section 1, subsection 11. I entertain the gravest doubt whether the proposed Union is a constitutional change within the meaning of the subsection just referred to. In a word, considering the cases in the 5th and 6th volume of the old series of the Upper Canada Queen's Bench Reports, in which the question as to the Union of the then Methodist Churches of Upper Canada was considered, Chief Justice Sir John Robinson and Mr. Justice Sheppard seemed to think that the two Methodist bodies could unite in doing away with Episcopacy, as a distinctive feature of the then Episcopal Methodist Church, but Sir James Macanney dissented from that view, and I think that the current of modern decision accords with his view of the law. Except for the funds belonging to the various Churches proposed to unite and their respective courts of justice would not interfere with the Union, but it is now settled that where there are these funds and Church properties courts will interfere and protect and dissent from the Union in the enjoyment of his right to have the trusts upon which the funds and properties are held carried out. I think very probably that if an attempt be made to consummate the Union of the Churches referred to before legislation sanctioning it has been obtained, the courts of justice may be compelled, if applied to by any member of any of the Churches who may be affected pecuniarily by any extent by the proposed Union, to restrain its consummation. The courts appear to wish in the event, I think, to look at the matter as one of contract, and will enquire whether under the phrase “Constitutional Changes,” it was intended, for instance, to allow three-fourths of the members of the General Conference to elect Union with the Roman Catholic Church or the Presbyterian Church, the construction of the whole Discipline points only to such changes as might be thought advisable within the Methodist Church, but not to the extinction of the then existing Methodist Church. I mention this that it may not be assumed that I think that the Union can be consummated by the majority referred to. In answer to the second question, I have to say that unless the discipline be altered expressly, I do not see how the members of the adjourned General Conference can constitute themselves members of the proposed General Conference, because I understand that the Discipline provides in clear and explicit terms for the constitution of the membership of the General Conference by

election in each Annual District Meeting preceding the General Conference. (See part 2, chapter 1, section 1, subsection 4.) Of course, if the General Conference can, under the phrase “Constitutional Changes,” also have the power to alter the part of the Discipline just referred to, and so could constitute the members of the General Conference members of the proposed Conference. I do not think that the General Conference could make the change referred to so as to go into operation except under subsection 12 of the answer to the third question I have to the fourth question I have to say that I think that if the Basis fails as to any of the Churches it necessarily fails as to the whole. It is based entirely on the union of all the Churches. In answer to the fifth question, I have to say that I think I have already answered the sixth question, but if not I may further add that in the absence of legislation sanctioning the Union the dissenting portion of the people now constituting the Methodist Church of Canada might maintain possession of all the Church properties. In answer to the seventh question I have to say that beyond doubt the General Conference has no power to interfere with the restrictive rules referred to. In answer to the eighth question, I think so.

(Signed) JAMES BETHUNE.
August 28, 1883.

It was moved and seconded that these documents be printed. The motion carried by 65 votes against 31.

The Basis of Union was taken as read.

Rev. Dr. Sutherland said he had thought from the very exhaustive and exhausting discussion which had gone on during last year in Conference, social assemblies, and the press, it would scarcely be necessary to go over the ground again and reiterate arguments with which every one was familiar. There appeared, however, a very general desire among the brethren who did not see exactly as did supporters of the Basis of Union, that the whole thing should be gone over again. An observation or two would be in place in regard to the assembling of this Conference. As that had been a matter somewhat questioned the point was submitted to legal counsel some time before the meeting of the Annual Conference. The opinion given was most decided and positive that there was an inherent right in the constitution of all deliberative bodies to adjourn their sessions at any time and place they might decide. The manner in which the Basis had been submitted to the Quarterly Meetings had been questioned, but after all it came to be a simple question of yes or no—the declaration that if they were willing to accept the Basis with certain modifications was equal to rejecting it. He did not regard the resolution passed at the Hamilton Conference as an instruction to the Union Committee—first, because it was not passed as an instruction, and second, because when passed there was no Union Committee to whom to give instructions, and there was no intimation given that it was an instruction to a Committee to be appointed. It was not an instruction, but an expression of the preference of Conference at that time without declaring that they would not modify their judgment if they might see reason to do so. When the Committee met in Toronto the understanding arrived at was that they would endeavor to secure that point in the Basis, if possible, and if found impossible that they should be left free to use their judgment as to how far they should make concessions. When that decision was reached in Union Committee it was chiefly on the ground that anything less than was conceded in regard to General Superintendency would certainly imperil the property held by the Methodist Episcopal Church. That Church met them on very broad and a friendly ground, and said in effect that they were prepared to meet them as far as they could go with a legal safety, and they could not be asked to go further. The Methodist Church was now entering on an era fraught with great importance, not only to them as a Church, but to the whole cause of Christianity in the Dominion, and perhaps to some extent throughout the world. It must not be forgotten that the decision reached will have effect prejudicially or otherwise on the efforts for the unification of the Churches on the earth. That was shown plainly by the utterances of the public press, both secular and religious, on this continent and the old world. A remarkable feature in connection with the movement was that all the journals with one exception pronounced most positively to be in favor of the Union scheme, and expressed the earnest hope that it would be carried to a successful issue. That indicated clearly the current of public opinion. If the question was of great

importance twelve months ago, it is manifold so now, because it had gone through successful stages of development, and had been carefully considered, and exhaustively discussed. The laity had pronounced their verdict with a consensus of opinion amounting to virtual unanimity, and even ministers by a very large majority had endorsed the same movement. They had now reached the final stage, where it remained to be seen whether a very small minority in the Church was to be sufficient to block the great connexional measure that had ever and which had been endorsed by a larger majority of laity and ministers than any question in the past. With regard to the movement, as to its origin, he might say as the school boy did to his teacher whom he had thrashed, “I did not begin the fight.” He did not commence the present movement. No one seemed to know its origin, it seemed to spring up spontaneously, it began to be talked about in the papers, it got into Conferences, resolutions were formulated, and almost before they were aware of it, they were met with this movement in favor of Methodist Union. The conclusion he arrived at in regard to that was that, having assumed such proportions, it must be dealt with in some way. The next conclusion which he reached was that the question had assumed such a shape before the Christian public to-day, that the Methodist Church of Canada—strong as she is—could not afford to take an unfriendly attitude toward it. The duty of the Toronto Committee was not to formulate a constitution of discipline for the future Church, but simply to agree upon a basis on which a discipline might be formulated in the future. That would be a sufficient answer to those who complained that certain matters were omitted from the Basis. It was complained that the restrictive rules were not in the Basis, and argued that therefore they were not to appear in the constitution of the Church of the future. Who gave these persons authority to make such unquiet statements? That matter was not overlooked by the Joint Committee, for Professor Burwash called attention to it, and the reason why they were not taken up was because the Committee was not called together to consider details but to agree on general principles, and it was taken for granted that the restrictive rules would not be omitted. Four Churches were entering the Union, and it was manifest that the Church of the future could not proceed along the lines of discipline of any one of the contracting bodies. Those bodies were almost identical in principle, and it would be difficult to justify their continued separation. Every one was looking at the matter with a critical eye, and very good reasons would be required to justify their separation. The important question was whether the compromises made touched the essentials of the polity of any Church, and thus became a matter of principle. All the Churches conceded something in the Union movement, and accepting the Bible Christian, the Methodist Church of Canada conceded less than the others. If Union were consummated, it would doubtless be followed by a grand revival. They could not now draw back but must press forward, and they could not go before the Christian public of the world and admit that they had missed the grandest opportunity ever offered to heal the breach and concentrate their energies to promote Christianity. The speaker concluded by moving his motion in favor of Union, which appeared in yesterday's report.

Rev. Dr. Ryckman seconded the motion.

Rev. Dr. Williams moved in amendment:

That we had with great satisfaction and pleasure the tendency and desire of the several Methodist Churches of this country to form an organic body if a Basis can be found that will carry a majority of the ministers and members of said Churches. In relation to the Basis of Union now presented to this Conference, we express our regret that it contains certain provisions which we cannot see our way clear to accept, and in addition to these we fear that certain complications in relation to at least one of the Churches proposing to unite make extremely hazardous to consummate the Union until further information has been obtained as to the effect of the action of the parent bodies in the United Kingdom upon titles to property involved. With respect to the General Superintendency, we are our own witnesses to accept it harmoniously with the principle laid down by the General Conference in the amendment to the report of the Union Committee, with the understanding furthermore, that the restrictive rules shall not be omitted from the constitution of the united Church, that grave legal questions shall be settled prior to the consummation of the Union, and that the principle of the amendment above referred to shall be adopted, we heartily express our readiness to concur. Union with other Methodist bodies at as early a date as may be practicable.

He supposed that as soon as the Ba-

sis was carried by a constitutional majority they would have peace in the Church so long as sun and moon endure, and that the minister would get all he needed and the layman all he wanted. The Church was never more quiet than no one complained of the lack of supervision. No one had a right to complain of an infringement of his rights. The Church had, moreover, been carried on most economically, more so indeed than it would be in the future. In regard to the General Superintendency, he looked upon the expression as found in the journals, as one of principle rather than a simple instruction as to what committee should do. Although the committee had not been formed it could be given as an instruction to committee when called into existence. There were serious omissions in the Basis of Union. He was glad that the tendency of public sentiment was in favor of Union, but at the same time he heard that the trend of public opinion was in favor of skepticism. When allusion was made to unanimity of sentiment he wanted to know where it was to be found; there were at least 90 quarterly Meetings which had not voted for the Basis, and in some of those which voted in favor of it the majorities were trifling, and the ninety included some of the largest of the Quarterly Boards, and those furnishing a large proportion of means for carrying forward work. He found that 431 ministers voted for the Basis and 251 against. Taking the number of effective ministers at 1035, there were 383 who did not vote at all, and those added to the 251 gave 634 who either voted against Basis or did not vote. Where then was unanimity? There was no doubt much power in Union, and he had labored hard to reach what was called common ground. They had a good deal of trouble in reaching common ground in 1873, but they did reach it. The link on the compact was hardly dry before some persons commenced to pull the Church government to pieces, and declared it was a rope of sand. If Union was carried there would be no difficulty in St. Catharines over it. They were at peace, and those who were fond of circulating fly sheets should keep them out of that district. He had been attacked for having stated that the restrictive rules had been left out intentionally, but the Secretary admitted they were so left out, because it was not the intention of the committee to formulate a discipline. In forming a Basis it was important to limit the power of the law makers. He was asked to join the Union without the power of the law makers being limited, but he never would place absolute power in the hands of any one, not even in Queen or Parliament. He thought Conference would not make such change in the Church government as to abandon four of six restrictive rules. He was not prepared to leave it to any majority to say what he should believe and how he should worship God. The constitution of the Church did not empower Conference to accept the Basis of Union without those restrictive rules being inserted. They never contemplated they would reach a position where those rules would be abandoned. When the Churches went into Union with the British Conference in 1853 these rules were maintained. In 1847, after the reconstruction, those rules were there. In 1873, when a new Basis was formed, the rules were there as part of it, and then they were not forming a Discipline, but passing down a Basis. The Conference should adopt a resolution that the restrictive rules should be inserted in the constitution. There was something after all in the matter of the General Superintendency, for it meant self government under the direction of a General Conference, a privilege which other bodies had not enjoyed, and, therefore, could not surrender.

The Rev. Wm. Williams, in a second motion, said the resolution fully met his views. He was a Union man, but he had been a Union man under other circumstances. If the Union of 1874 was right this was wrong, if the Union of 1873 was right this was wrong. In 1874 they clearly defined the rights and privileges of the Annual Conferences; now all those had been left undefined. In the new Basis those structures introduced into the Basis of 1874 had been removed. As to the introduction of the General Superintendency into the Annual Conference, the integrity of Annual Conferences was a principle worth contending for. His position in respect to Union had a reference to the title of *Rev. J. R. Gandy* was pleased with the fact that the proposal for Union assailed had been so minute. Dr. Williams' great point was the omission of

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