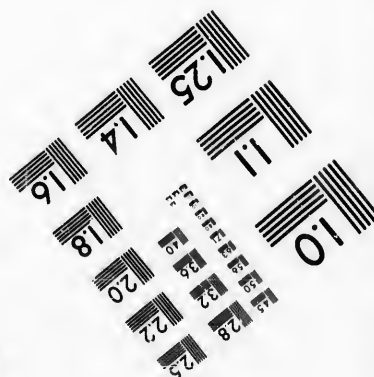


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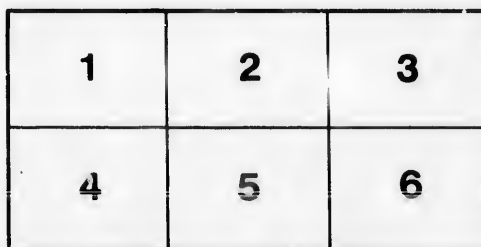
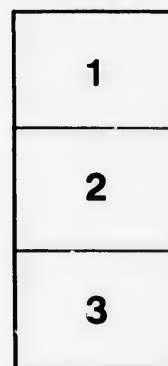
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UNION CONSIDERED,

AND THE

METHODIST EPISCOPAL CHURCH IN CANADA

DEFENDED.

~~~~~  
By the Rev. THOMAS WEBSTER.  
~~~~~

Let not them that are mine enemies wrongfully rejoice, over me; *neither* let them wink with the eye, that hate me without a cause.—Psalm xxxv. 19.



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PRELIMINARY REMARKS.

The Rev. Egerton (now Dr.) Ryerson, and others in connexion with him, having published and circulated much, derogatory to the interest and religious character of the ministry and membership of the Methodist Episcopal Church in Canada, and having laboured industriously for several years, to inpress upon the public mind a belief, that our Ministers are the most base among men: And that the "suspicions" of the Episcopal Methodists respecting the "union" were "groundless," and their subsequent proceedings "baseless and absurd:" It certainly cannot be considered assuming in us now to say a few words in self defence: after having endured almost in silence nine years of *insult* and *injury*. Although some of the Ministers of the Wesleyan Methodist Church in Canada, have sought to defame the public, and in some instances even the private character of our ministers: and have denounced them by almost every opprobrious epithet that they could invent, yet very little has been written by any Minister of the Methodist Episcopal Church, in defence of our conference, or of its proceedings since the "union."

Under some circumstances, peace and submission are christian virtues, but not in all.

It might have been hoped, that after the Wesleyans had discovered the sad effects of the "union" upon the church, and the utter contempt with which the Messrs. Ryerson were treated by the British Conference: as well as the want of judgment and foresight, in the proposing and advocating of that measure; that they would not still have continued to hold such bitterness against those whose only fault was, and still is, their attachment to the Church of their choice and their unwillingness to forsake her for the "*untried* mysteries" of the "union," which has proved a most disastrous "experiment." And must the Episcopal Methodists now be deprived of their Church property, and their reputation, because they would not recklessly rush with them within the circle of this vortex?

The Canada Conference in its intemperate zeal to effect its object, has dared to deny to the Methodist Societies in Canada, a right claimed by all protestants, and never before denied but by *papists*, viz: that of private judgment, and that too in an adherence to that, which had already been established as *part and parcel of the church*. They scrupled not to give up the Missions to the English Conference, to sacrifice the independence of the

Church, and to abolish the form of her government, with the orders of her ministry. But as some of the Wesleyan Ministers have lately denied this self-evident truth, viz : that the Canada Conference resigned its independence to the English Conference, at the consummation of the "union," it will be necessary to prove the *fact*, and we are able to do so from official authority. In the Wesleyan minutes for one thousand eight hundred and forty-one, Page 15, it is said "the English Conference, abruptly and as we think, unreasonably separated from us without our consent, and without our desire : we were *obliged to take the separate and INDEPENDENT position we occupied previous to the union, from the time of our separation from the American Brethren* in 1828." We easily infer from this extract, 1st. That the Canada Conference was a separate and "independent" body from 1828 till 1833. 2nd, That the said Canada Conference, became *dependent upon the English Conference*, from 1833 till 1840. And 3rd, That after the dissolution of the union, the Canada Conference became *independent* of the English Conference.

In the Wesleyan Methodist Almanac for 1843, we find the following item :—

"English Conference secedes from its union with the Canada Conference, and the latter commenced its *present INDEPENDENT position*.....1840.

These quotations are sufficient to establish our position, viz : That the Canada Conference gave up "*its*" independence in 1833, and became *dependent* upon the Conference in England. It may not however, be amiss to produce a third witness, "that in the mouth of two or three witnesses every word may be established." Mr. Egerton Ryerson admitted under oath last May, in Kingston, that the Canada Conference "gave up a portion of its independence," and became "measurably dependent upon the British Conference." We wonder if our opponents will impeach these witnesses.

Before entering more immediately upon the subject of *union*, which has caused so much *contention, division, and sorrow* among the Methodists in Canada, a few remarks appear requisite.

We are willing to admit that controversy between religious bodies should generally be avoided : but when a numerous and respectable body of Christians, are accused of being "Hypocrites, Schismatics," and "disturbers" of the peace and tranquility of the Church, as the Ministers of the Methodist Episcopal Church have been, by several Wesleyan Ministers, we

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should be wanting in respect, not only to ourselves, and our societies, but for the many thousands who have returned themselves upon the assessment rolls as Episcopal Methodists, if we did not step forward in our own defence.

We contend that as the societies were consulted, consented to and desired the establishment of an INDEPENDENT METHODIST EPISCOPAL CHURCH *in Canada*, in 1828, that before that form of Church Government could have been legally or justly abolished, and the Church in Canada, have been made *dependent* upon a foreign Conference; that the societies should have been consulted and their consent obtained. This not having been done, we contend that those who did not consent to the new order of things; but who conscientiously continued to adhere to the discipline of 1829, and the government and usages of the Methodist Episcopal Church in Canada, with which they had previously and voluntarily connected themselves, remained members of said Methodist Episcopal Church. And notwithstanding, *after the union had been consummated*, some submitted to it cheerfully, and others reluctantly, yet this did not effect the case of those, who refused to submit to such an innovation upon their inalienable and heretofore acknowledged rights.

Repeated and unprovoked attacks have been made upon us within the last year by certain Wesleyan Preachers, who unable to content themselves with assailing us in this country, have gone to the United States to do us wrong. Hence arises the necessity for the following pages, that the public may judge of our real position. In conclusion we would remark, that this controversy has not been sought by us; it has been forced upon us; ours is not an offensive, but a defensive warfare: and we are willing that a candid and discerning public should judge between us and our opponents.

THE UNION CONSIDERED, &c.

Nine years have passed away, since the Canada Conference was persuaded by the Rev. Egerton Ryerson, to make an attempt at destroying the Methodist Episcopal Church in Canada. In this, however, they failed ; for a "remnant" of the Methodist Episcopal Church, "foresceing the evil" that would follow, "hid themselves" within the walls of their own Zion, (which Mr. Ryerson, had in vain tried to demolish,) resolving "*not to meddle with those who are given to change.*"—Not because they were averse to the *mere matter of Union* with their Fathers and Brethren in England, but because, in the first place, they felt themselves called upon to resist the arbitrary and unprecedented stretch of power, claimed and exercised by the Conference : and in the next place, they preferred (as did Mr. Wesley) the Episcopal mode of Church Government to *any other* : and lastly, they were satisfied, (and the event has proved how far they were correct,) that the distant and dissimilar situation of the English Conference, disqualified them to judge of the circumstances and wants of the Church in Canada. The God of Israel approved the act, and thousands of blood-bought souls have, through their instrumentality, been gathered into the fold of Christ.—Nor has any year passed, which has not shown an increase in our membership, while the *mis-called* "union" which was to stretch across the Atlantic, and unite the English and Canada Conferences together in a bond of *love*, has, like a rope of sand, crumbled into atoms, and exists only upon the page of history, as a monument of Mr. Ryerson's ambitious folly, and the want of judgment and resolution on the part of the Conference, in submitting to such a measure.

It appears proper to state in this place, that the Wesleyans charge upon the M. E. Church, the sin of schism, because they would not *follow them* and abandon the Methodist Episcopal Church—a church which had been established in Canada many years since—which had been the means in the hands of God of their conversion, and which was highly esteemed by them ; Because they would not unite themselves to the Methodist Society in England, and consent to receive a President, appointed from year to year, by a Conference nearly four thousand miles distant ; Because of these things, Mr. Ryerson and his adherents denounce them as schismatics. We are willing, however, that the candid and discerning reader, should judge between us.

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We are accused by our opponents of creating a new Church. They say, "a set of dissatisfied Local Preachers got together, a year and a half after the union took place, and formed a church of their own making." We deny the charge, and challenge the proof. This accusation should rest exactly where it belongs, and that is, upon the head and shoulders of our accusers. Does not this charge apply most forcibly to our Wesleyan friends? Did not the *Canada Conference* give up its independence, into the hands of the English Conference, and submit to receive a President from it? Did *they* not *change* the order of the ministry? Did *they* not introduce an *entirely different form* of church government, with many *new* rules and regulations unknown to them before? In order that the reader may have a correct idea of the origin of our church in Canada, it appears proper in the first place, to prove that there has been a regularly constituted Methodist Episcopal Church in Canada, and in the second place, that the present Episcopal Church, recognized by the laws of our country, is the original Methodist Episcopal Church, although not composed of the same identical individuals; of the original members some having died, others having been expelled, and large numbers having seceded from the Church, at the time of what is called the Union, in 1833.

Notwithstanding that Methodism had been introduced into Quebec in 1780 by the British Troops, and the zeal and labours of Mr. Tuffey, the Commissary of the 44th Regiment, yet no particular Societies were formed.

In 1788, Mr. George Neal, a local preacher from the United States, preached the Gospel in the District of Niagara; and in the same year, Mr. Lyons, who was an exhorter in connexion, with the Methodist Episcopal Church in the United States, settled in Adolphustown, and held meetings among the people.

Nearly two years after Mr. Lyons settled in Adolphustown, several of the religiously disposed persons in that part of the country despatched a message to the Conference, held in the city of New York, October 1790, requesting them to take their case into consideration, and send them some spiritual assistance; in consequence of which, the Conference appointed the Rev. William Losee to labour as a Missionary among them. Mr. Losee accordingly came thither and proceeded to form Societies in connexion with the Methodist Episcopal Church in the United States.

Mr. Losee not having been an ordained Minister, the New York Conference, in 1792, sent to their assistance the Rev. Da-

rious Dunham, and from this period the members of the Methodist Episcopal Church in this country, had the ordinances of Baptism and the Lord's Supper duly administered among them.

Previous to the year 1800 only four Preachers had been employed in Canada. This year others were added, among whom was the Rev. Daniel Pickett. After the organization of the Genesee Conference in 1810, the District of Upper Canada was under its control, until 1824, when a separate Conference was organized in Upper Canada, under the superintendence of the Bishops in the United States, the same as the Conferences in that Country. It continued thus until 1828, when it was considered advisable that the Methodists in Canada should become a separate and independant body, in friendly relation with the American Methodists. The American General Conference of 1828 consented to the separation, in consequence of which, "the Canada Conference, held in Ernestown the same year, adopted the following preamble and resolution :"—

"Whereas the jurisdiction of the Methodist Episcopal Church in the United States of America, has been heretofore extended over the Ministers and people in connexion with said Church in the Province of Upper Canada, by mutual agreement and by consent of our brethren in this Province; and whereas it has been, and is, the general wish of the Ministers and Members of the Methodist Episcopal Church in Upper Canada, to be organized into a separate and independent body, in friendly relation with the Methodist Episcopal Church in the United States; and whereas the General Conference has been pleased to comply with our wish in this respect, and has authorized any one or more of the General Superintendents of the Methodist Episcopal Church in the United States, with the assistance of any two or more Elders, to ordain a General Superintendent for the Church in Upper Canada, (whenever such superintendent shall have been elected by the Canada Conference,) Be it therefore Resolved, That it is expedient and necessary, and that the Canada Conference of the Methodist Episcopal Church do now organize itself into an *Independent* Methodist Episcopal Church in Upper Canada, with a General Superintendent, to be known by the name of "*The Methodist Episcopal Church in Canada.*" The Conference then elected the Rev. William Case, General Superintendent *pro tem*, who continued to fill the office up to 1833, when the union was finally consummated; and although the Church in Canada had no officer consecrated to perform ordinations as a Bishop, between the years 1828 and 1833,

yet they had a General Superintendent in the person of Elder Case, who was chosen by the suffrages of the General Conference to perform all the functions of a Bishop, (ordination excepted,) and therefore the Episcopal office was sustained independent of the suffrages of the Annual Conference during that period.

AS all admit that the discipline of 1829 was the Constitution of the Methodist Episcopal Church in Canada, we may enquire whether the Canada Conference of 1833, had power according to that discipline, to abolish both the General and Annual Conferences, as they had previously existed, and to substitute one called merely "the Conference." In a word had they a Constitutional right to *destroy* the identity and government of the Methodist Episcopal Church—attach themselves to another body—under a different mode of Ecclesiastical government—under a new Constitution—with an entirely different mode of operation, laws and usages, and still continue to be the Methodist Episcopal Church in Canada; possessing all right, title, and interest in the property in possession of the Methodist Episcopal Church, previous to the "Union"? The idea is absurd. By comparing the Episcopal Discipline of 1829 with the Wesleyan Discipline of 1834, it will be found that the first section in the former is left out of the latter altogether. Why is this? If Mr. Ryerson and his brethren are what they profess to be, viz: Episcopal Methodists, were they ashamed to record the glorious rise of the Methodist Episcopal Church in the United States? Or was it because they renounced Episcopacy, destroyed the identity of the Church, so far as their acts could go, and became dependent on the Wesleyan Conference in England? Why did they wish to hide from the people the fact, that Mr. Wesley "preferred the Episcopal mode of Church Government to any other, by solemnly setting apart by the imposition of *his hands*, and prayer, Thomas Coke, Doctor of Civil Law, late of Jesus College in the university of Oxford, and Presbyter of the Church of England, for the Episcopal office; and having delivered to him letters of Episcopal orders, commissioned and directed him to set apart Francis Asbury, then General Assistant of the Methodist Society in America, for the *same Episcopal office*; he, the said *Francis Asbury*, being first ordained Deacon and Elder; in consequence of which the said *Francis Asbury* was solemnly set apart for the said Episcopal office by prayer, and the imposition of the hands of the said *Thomas Coke*; other regularly ordained Ministers assisting in the sacred ceremony." Sect. 1st, page 6th, Discipline 1829.

Before we proceed to compare the discipline of the Methodist Episcopal Church in Canada, published in 1829 with the discipline of the Wesleyan Methodist Church in British North America, (since changed to the Wesleyan Methodist Church in Canada,) published in 1834, we must notice a declaration made by the Rev. E. Ryerson in his review of the Judges opinions on the Waterloo Chapel case, which was published in the "Christian Guardian," of the 13th September, 1837; he assures the Judges in the most solemn and positive manner, that no change was effected in the government of the Church, by the formation of the "Union." That the Government of the Wesleyan Methodist Church in Canada, is the "same" as was that of the Methodist Episcopal Church. His words are, "Not because even the *form* of the Government is changed; *for that is substantially what it always has been.*" * * * "in the title of the Church the word *Wesleyan* has superceded the word *Episcopal*; the word *Presidency* stands in the place of the word *Episcopacy*; the word *President*, has got into the place of the word *Bishop*; *six words*—and nothing but words; for things remain unchanged—essentially, substantially, practicably the same."

Mr. Ryerson in another paragraph of the same article says: "In the Methodist Church in Canada, there are as much as ever "divers orders" of Ministers—President, Ministers, or Preachers, though but one imposition of hands." Mr. Ryerson, however admitted, *under oath*, in answer to a question from his Lordship at the late Kingston Assizes, the fact that in his Church there is BUT ONE ORDER OF MINISTERS. The Methodist Episcopal Church recognizes Bishops, Elders and Deacons. Is there then no *change*?

Mr. Ryerson in his cross-examination at the same trial admitted the fact, that the Canada Conference "*resigned* a portion of *its independence* to the British Conference." The Methodist Episcopal Church in Canada, was a *perfectly independent body*. Is there no *change* involved here?

But why should we be surprised at the apparent difference between his written statement and his oath in this instance when Messrs. Stinson and Richey, have shown as great a variation between his oath in the Belleville Chapel case, and his written statement to Lord John Russell.

It is indeed painful to exhibit any professed Minister of the Gospel in this "unenviable" light: But the interests of the Church, and the cause of truth demand it of us; and Mr. Ryerson and his Brethren, have driven us to defend ourselves, against their repeated, unreasonable, and unchristian attacks.

We will now proceed to compare our discipline of 1829 with theirs of 1834:—

OF THE GENERAL CONFERENCE.

Question 2. Who shall compose the General Conference, and what are the regulations and powers belonging to it?

Answer 1. "The General Conference shall be composed of all the travelling Elders who have travelled the four years last past, and have been received into full connexion."

We must now examine into the composition of the General Conference held at Hallowell, August, 1832, where the Canada Conference agreed to relinquish Episcopacy, and proposed a union with the British Wesleyan Conference in England.—Was that Conference legally composed, and in accordance with the letter of the Discipline of 1829? We unhesitatingly answer, that it was not; and this we will show to be the case from Mr. Egerton Ryerson's sworn testimony, before the Court in the Belleville Chapel Suit.—(Page 48 of Fowler's report.) The Council for the Wesleyans asked Mr. Ryerson, "Were any persons admitted to vote in your General Conference at Hallowell who were NOT ELIGIBLE to a seat in that body by your printed Discipline of 1829? Mr. Ryerson answered "There were." It appears from this report there were 34 eligible members, and 17 that were not eligible, making in all 51. It is clear then, from Mr. Ryerson's own testimony, that exactly one-third of that Conference, including Mr. Allison,* were not eligible to a seat, and consequently voted contrary to the above clause of their discipline: their acts being contrary to the discipline of 1829, which was the constitution of the Church, must therefore have been illegal and unconstitutional.

Notwithstanding that Mr. Ryerson admits the fact, that at least 16 ineligible persons were admitted and voted in that Conference in direct opposition to the written constitution of the church, he puts forth an effort to persuade the court that the proceedings of that Conference were perfectly legal, by stating that a "special session of the General Conference" was called by the General Superintendent, at the request of the Annual Conference," when the said General Conference passed the following resolution:—"Resolved, That the first answer to the second question of the third section of the discipline, be expunged, and the following inserted in its place—"The General Conference

*We are informed in a note that Mr. Allison was ill, but not whether he attended the Conference or not.

shall be composed of all the Elders, and Elders elect, who are members of the Annual Conference.' ”

It must be borne in mind that these “Elders elect” were only Deacons who had been elected to Elder’s orders, but were not ordained. The fact then stands thus 34 Elders, and 16 or 17 Deacons composed the General Conference, held in Hollowell, August 13 1832, which passed a vote to relinquish Episcopacy, as Judge Sherwood says: “in the face of the written constitution.”

We hope to be able to show in the proper place, that Elders who had travelled the wilds of Canada, and borne the burden and heat of the day, in collecting together “these poor sheep in the wilderness;” when many of those “*Elders elect*” were in their cradles; were entitled to as much respect at least as those young men, who had travelled but four or five years; and that if it would have been “unjust to exclude them from a privilege” which the discipline did not entitle them to, it would most certainly have been an act of cowardice and injustice in those Elders who had travelled many years, (although now located) not to have stepped forward, when the resolution to relinquish Episcopacy was finally determined upon, (contrary to discipline and to the views and feelings of hundreds of the members of the church,) to maintain the independence of the Methodist Episcopal Church in Canada; and that the acts of the General Conference of the Methodist Episcopal Church after the “union” were as *just* and as near the *letter and spirit* of the discipline of 1829, as the acts of the General Conference held in Hollowell, Aug. 13th, 1832. But to return to the consideration of the above resolution. This resolution, it is obvious, was not passed with a view to perpetuate the then existing form of Church Government in Canada, but to abolish it. We will presently show that the Legislative powers of the General Conference were limited, and that although they had power to make rules and regulations for the Methodist Episcopal Church, that they had no constitutional power to form a union; and that by that act, the General Conference at York, legislated its members out of the Methodist Episcopal Church in Canada, and cannot therefore be entitled to the Church Property. If mere “privilege” justifies a departure from established usages and the written constitution of the Church, what may be pleaded in justification of necessity, which proverbially has no law.

The 4th answer to the 2d question next demands attention, which is as follows :—“The General Conference shall have full

powers to make rules and regulations for our church, under the following limitations and restrictions, viz :

1. The General Conference shall not revoke, alter, or change our articles of religion, nor establish any new standards or rules of doctrine, contrary to our present existing and established standards of doctrine.

2. They shall not change or altar any part or rule of our government, so as to do away Episcopacy, or destroy the plan of our itinerant general superintendency.

3. They shall not revoke or change the general rules of the United Societies.

4. They shall not do away the privileges of our Ministers, or Preachers, of trial by a committee, and of an appeal : Neither shall they do away the privileges of our members of trial before the society or by a committee, and of an appeal.

5. They shall not appropriate the produce of the Book concern, or of the Charter Fund, to any purpose other than for the benefit of the travelling, supernumerary, superannuated, and worn-out preachers, their wives, widows and children.

6. No new rule or regulation, or alteration of any rule or regulation now in force respecting our temporal economy ; such as the building of Meeting Houses, the order to be observed therein ; the allowance to the Ministers and Preachers, their widows and children ; the raising the annual supplies, for the propagation of the Gospel (the Missions excepted) ; for the making up the allowances, of the Preachers, &c. shall be considered as of any force or authority, until such rule, regulation or alteration shall have been laid before the several Quarterly Conferences throughout the whole connexion, and shall have received the consent and advice of a majority of the members, (who shall be present at the time of laying said rule, regulation or alteration before them,) of two-thirds of the said Conferences.

7. Nor shall any new rule, regulation or alteration, respecting the doctrines of our Church, the rights and privileges of our members ; such as the receiving persons on trial, and into full connexion ; the conditions on which they shall retain their membership ; the manner of bringing to trial, finding guilty and reproofing, suspending or excluding disorderly persons from society and church privileges ; have any force or authority until laid before the Quarterly Conferences and approved as aforesaid : Provided nevertheless, that upon the joint recommendation of three fourths of the Annual Conference or Conferences, then the majority of three fourths of the General Conference shall suffice to alter any of the above restrictions except the

sixth and seventh, which shall not be done away or altered without the recommendation or consent of two-thirds of the Quarterly Conferences throughout the connexion."

By the words "our Church" in the 4th answer to the second question is most undoubtedly meant the Methodist Episcopal Church in Canada, "consisting of members Ecclesiastical and lay" with its Annual and General Conferences:—The Episcopal mode of Church Government fully established, and a constitution or discipline securing to the Preachers and members, their just rights and privileges:—*Three* orders viz: Bishops, Elders and Deacons; and completely independent of any other Ecclesiastical body: for this Church the General Conference had power to Legislate under the above restrictions. But that the General Conference had a constitutional power to destroy both the Executive and Legislative bodies of the Church—with its distinguishing feature, viz: Episcopacy, and to erect on their ruins, merely a *Conference*, Institute a Presbyterian form of Church Government, attach themselves and the Societies to, and become dependant upon, another body of Christians, we utterly deny: we do not presume to say that the Preachers individually, or collectively had no right to unite themselves to the English Methodists, or to the "Irvingites, or the Mormons" if they chose; but what we do say, is that in so doing they ceased to be members of the Methodist Episcopal Church. But that the Church or any portion of it (with the exception of the Preachers who voted for the measure) was bound by the unconstitutional acts of the General Conference of 1833, we do deny. Having violated the constitution of the Church, and having acted without authority from the discipline in forming "the union" they thereby *only* dissolved their own connexion with the Methodist Episcopal Church. And it was optional with the members and Preachers who did not approve of the change, either to adhere to the constitution of 1829 or to unite with the Preachers of 1833 in forming new relations; and those who did not connect themselves to the Wesleyan Methodist Church in British North America, remained members of the Methodist Episcopal Church in Canada, and in them therefore rests the legal title to the Chapel property erected before the "union."

The property was not deeded to the Conference, but to Trustees for the use of the Church, and when a Trustee ceased to be a member of the Church by expulsion, secession or otherwise, he forfeited his office and standing in the Church, and having attached himself to the "Wesleyan Methodist Church in British North America," he ceased to be a member of the Methodist

Episcopal Church in Canada, and thereby forfeited his Trust in the Chapel property obtained for the use and benefit of "our Church," or in other words the Methodist Episcopal Church. And to contend that because the Conference saw fit to give up its *Independence*, become subject to the English Conference—adopt the "discipline, economy and form of Church Government in general of the Wesleyan Methodists in England," (see articles of union No. 2.) and that without even consulting the membership, that therefore they also were bound to become members of the Wesleyan Methodist Church: or if they would not thus tamely submit to this *pontifical* procedure, that the Conference may wrest from their hands the buildings which they themselves had erected in which to worship the God of their Fathers. Such claims manifest little short of a papal thirst for power, are an outrage upon religious liberty, and would subject the membership to the most degrading state of vassalage.

We come now to notice the proviso in the 7th restriction upon which Mr. Ryerson and his followers rely as their strong hold in justification of the extraordinary acts of the General and Annual Conferences in 1832 and 1833: "Provided nevertheless that upon the joint recommendation of three-fourths of the Annual Conference or Conferences, then the majority of three-fourths of the General Conference shall suffice to alter any of the above restrictions except the sixth and seventh, which shall *not be done away or altered* without the recommendation or consent of two-thirds of the Quarterly Conference throughout the connexion."

It is evident that this enabling clause or proviso was not placed here to enable the Annual and General Conferences to destroy four restrictions out of seven, but to give them power to make any "alteration" that might be advantageous; for the heretofore regularly organized Methodist Episcopal Church in Canada. The sixth and seventh restrictions were not to be done away, No, they were not to be even "altered" without the recommendation or consent of two-thirds of the Quarterly Conferences throughout the connexion. The other four might be "altered" upon the joint recommendation of three-fourths of the Annual Conference or Conferences, "with the consent of a majority of three-fourths of the General Conference, but not one word here about doing away with the above four restrictions but merely to "alter" them, and until it can be made to appear that "alter" means "abolish," "then, and not till then," can it be made to appear that the Conference of 1833 acted constitutionally in abolishing "Episcopacy." But if it

should be urged that it was the intention of the framers of the Discipline of 1829, to give the General Conference (on the recommendation of the Annual Conference or Conferences) *unlimited power*, then what follows, why that they intended them to have power to destroy the existing form of Church Government at pleasure—strike forever from the discipline the general rules of the United Societies and “appropriate the produce of the book concern,” to any object the Conference may see fit.

Is it not as clear as the shining of the sun at noon, that these restrictions must have been intended for some purpose, either to guarantee to the societies that the Church should continue to be Episcopal in its form of government, or to practice great deception upon the people of Canada? or were they placed there without being designed to have any meaning at all,—merely to fill up a blank page in the discipline. If Mr. Ryerson’s position be correct, that the proviso in the 7th restriction gave the Conference power without limitation, to “do away” or abolish five restrictions out of seven,—then, by placing them in the discipline, the societies were blinded, the public mind misled, and the Conference gained a fearful and despotic dominion over the Church in Canada.

From a careful examination of the restrictive powers of the General Conference, as given and explained by Dr. Bangs in his history of Methodist Episcopacy, (pages 136, 137, 138, it appears, beyond all doubt, that it was the original intention of the framers of those restrictions, to “limit” the General Conference in its powers. “It is true, however,” he observes, “with **THESE EXCEPTIONS**, the General Conference have full and ample powers to modify, alter, or change, or to make any additional rules they may deem expedient and necessary for the benefit of the community.” These restrictions could not be abolished, but they might be “**ALTERED**” by the General Conference upon the joint recommendation of all the Annual Conferences. But can it be thought, that the General Conference restricted its own powers by the above rules, and at the same time intended that the word “alter” should mean “abolish,” and that the General Conference should have power to destroy that form of government, which Mr. Wesley “preferred” to any other, and established in the American Church; and which the Conference itself has received? Not by any means. We find a note in Emory’s defence of our Fathers, p. 68, which confirms us in this conclusion:—“As our General Conferences were originally constituted, they possessed the power of our whole body of Ministers. Whenever the powers of the present

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delegated general Conference are spoken of in this work, it is of course to be understood agreeably to the principles of the *restrictive limitations*."

Dr. Bangs is still more clear upon the restrictive clauses of the General Conference, in his history of the Methodist Episcopal Church, vol. 2, p. 231, 232, 233. Speaking of a report which had been presented to restrict or limit the powers of the General Conference, but which was rejected by a majority of seven, he says of Bishop Asbury and some of the old preachers, "They clearly saw the necessity of adopting some plan, by which the doctrines of the Church, its FORM OF GOVERNMENT, and its general rules, might be preserved from deterioration." The first report having been lost, a second was soon prepared with some slight alterations, and was received by the Conference, almost unanimously. Of these restrictive regulations, Dr. Bangs observes,—"*Call these rules, therefore, restrictive regulations, or a Constitution of the Church, for we contend not about names merely:—they have ever since been considered as sacredly binding upon all succeeding General Conferences, limiting them in all their legislative acts, and PROHIBITING THEM from making inroads upon the doctrines, general rules, and GOVERNMENT of the Church.*" These extracts place it beyond all doubt, that the General Conference (in Dr. Bangs' opinion) has no more authority to abolish the Government of the Church, than they have to abolish its Doctrines.

It must be particularly remembered that although the General Conference is the Legislative body of the Church its bounds are prescribed, beyond which it cannot go: though they can upon certain conditions make laws, and repeal others already made; yet the Government being once established, received and acknowledged, by Ministers and members, that form of Government cannot be abolished without the consent as well of the membership as of the Ministry. The membership was not consulted at the formation of the union; and it will be seen by reference to the resolutions passed at the Hollowell Conference in 1832, that the Canada Conference doubted its own competency to abolish Episcopacy, and retain the Chapel property.

The 4th sect. of the discipline of 1829, compared with the 3d section of the discipline of the Wesleyan Methodist church in British North America, published in 1834.—

Discipline of 1829, sect. 4, quest. 1st,—How is a Bishop to be constituted?

Answer ; By the election of the General Conference, and the laying on of the hands of three Bishops, or at least of one Bishop and two Elders.

Quest. 2d,—If by death, expulsion or otherwise, there be no Bishop remaining in our Church, what shall we do ?

Answer,—The General Conference shall elect a Bishop, and the Elders, *or any three of them*, who shall be appointed by the General Conference for that purpose, shall ordain him according to our form of ordination.

Wesleyan discipline of 1834, sect. 3d quest. 1st.—How is a President to be appointed or chosen ?

Answer,—The English Conference shall have authority to send from year to year, one of its own body, to preside over our Conference ; but the same person shall not be appointed oftener than once in four years, unless at the request of our Conference. When the English Conference does not send a President from England, our Conference shall on its assembling, choose by hallot, one from amongst its own numbers ; but the same individual shall not be re-chosen President oftener than once in four years, nor continue in office longer than one year at a time.

The Bishop is first elected by the General Conference, and secondly consecrated to the sacred office, by prayer, and imposition of hands.—See ordination service in the discipline of 1829. ch. 4, sec. 3, from which the following is an extract :

“Almighty God, giver of all good things, who *by thy Holy Spirit hast appointed divers orders* of ministers in thy church mercifully behold this thy servant, now called to the work and ministry of a Bishop, and replenish him so with the truth of thy doctrine, and adorn him with innocency of life, that both by word and deed, he may faithfully serve thee in this office.”

The Bishop, then, is not only chosen by the General Conference, but he is solemnly set apart by imposition of hands and the prayers of this “truly impressive service.” a service which Mr. Wesley intended should be used, when a Superintendent should be set apart for the Methodist Church in America.

The President of the Wesleyan Methodist Conference in Canada, is “appointed” by the Wesleyan Conference in England. The Canada Conference has no choice whatever in his appointment, but is bound to receive any person the British Conference sees fit to send them, so that the same individual is not sent oftener than once in four years : And it is

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not even stipulated that he should be an ordained minister; and we believe that it is an undeniable fact, that some of their Presidents were unordained, and although they had never been ordained by imposition of hands themselves, they proceeded to ordain by the imposition of their hands, some of the candidates for orders in the Canada Conference. Is this the course that Mr. Wesley designed the Methodist Church in America should pursue? Would Mr. Wesley have considered this practice "following the scriptures and the primitive Church?" If so, why did he set apart, by the imposition of his hands and prayer ('other regularly *ordained* ministers assisting in the sacred ceremony') Dr. Coke to be Superintendent in America, authorising him to set apart Francis Asbury to the same office, being first ordained Deacon, and then Elder, and *afterward* Superintendent. And be it remembered, that prior to Mr. Wesley's ordaining the Doctor, he had received Priest's orders in the English Church. Why was Mr. Asbury ordained Deacon, Elder, and Superintendent? Why did not Mr. Wesley tell the American Preachers to *ordain each other*? Why did he not approve of, and recommend the conduct of the *Virginia and North Carolina* preachers, in 1779, who appointed a committee to ordain each other, and then ordain ministers, so as to authorize them to administer the sacraments of Baptism, and the Lord's Supper. The zeal and piety of these men were manifest to all, yet their conduct was considered disorderly, by Mr. Asbury, Mr. Garetson, Mr. Waters, and many others, both of the Preachers and of the Societies. Why did the most influential Preachers oppose this step? Has not one Methodist Preacher, (if called of God) being a layman, as good a right to ordain, or administer the ordinances as another? We will let Dr. Bangs decide this point:

"Now the people thus awakened, and converted, and collected together into societies, believed, both Preachers and people, in the Divine authority of the ordinances of Baptism and the Lord's Supper; but they were, generally speaking, equally tenacious of the sacred order of the Ministry, *firmly believing, that to be fully authorized to administer these ordinances, men must be set apart by prayer and the imposition of hands.*"—Vindication of Methodist Episcopacy, p. 103, 104.

Again the Doctor remarks, after shewing that the people throughout the United States immediately after the Revolutionary war, were generally deprived of the sacraments of the Christian Church:—"Now, if such were the circumstances of

the people, that they could not be supplied with the ordinances as things then were, and if it were right, and necessary, for them to have the sacraments, then it was certainly necessary that some suitable method should be adopted, to furnish the people with them."—Ib. p. 105.

At the very time of which the Doctor is writing, the Methodists in America had many truly pious and laborious preachers among them: yet, they were in every sense of the word *lay Preachers*; but if a lay-Preacher has a just right to ordain others by imposition of his hands, and administer the ordinances, and his ministrations be valid, "then, and not till then," will it be apparent that those Presidents of the Canada Conference, after the union, who were unordained, were legally authorized to ordain, by imposition of their hands.

Notwithstanding the material difference between a Bishop of the Methodist Episcopal Church, and a President of the Wesleyan Methodist Conference, in Canada, Mr. Ryerson would have us believe, that the latter officer is a regularly constituted Bishop, (the name excepted) and that the Wesleyan Methodist Church in Canada, is precisely the same with the Methodist Episcopal Church, that existed in Canada in 1832. Are not the conclusions at which Mr. Ryerson is capable of arriving, extremely powerful and logical? In 1833, the Methodist Episcopal Church in Canada, was completely independent of any other body of Methodists in the world, in all its departments. But the Wesleyan Methodist Church in Canada, is as much an appendage, of the British Conference, as the Province of Canada, is an appendage of the British Empire. For the Canadian Parliament has just as much choice, in the appointment of the Governor General, as the Canada Conference has, in the choice or appointment of their President.

To shew at one concise view, that the Wesleyan Church in Canada is not the independent Methodist Episcopal Church, which existed here in 1832, it will only be necessary to recapitulate the main grounds of our argument.

1st. They relinquished Episcopacy.—See the articles of Union, published in their book of Discipline.

2. They abolish the whole of three orders—Bishops, Elders, and Deacons, and substituted but one, Called "*Ministers.*"

3. Their present Annual Presidents, are not consecrated, or ordained to the office, but merely elected or appointed to the Presidency of the Canada Conference, from year to year, by the English Conference.

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4. That Although the Church in Canada had no officer consecrated to perform ordination as a Bishop, between the years 1828 and 1833, yet they had one (viz: Elder Case,) who was chosen by the suffrages of the *General Conference*, to perform all the functions of a Bishop, ordination excepted, and therefore, the Episcopal Office was sustained, independent of the suffrages of the *Annual Conference*, during said period.

5. That so tenacious was the Conference of ordination by a Bishop, duly consecrated to that office by the imposition of hands, that they deferred the ordination of several Preachers, from year to year, after they had been duly elected to orders by the Annual Conference, till a Bishop duly consecrated could be had to perform it, and that too, while they had a General Superintendent in the Person of Elder Case as above stated.

6. That according to the Book of Discipline of the Methodist Episcopal Church, the Bishop or General Superintendent has to be chosen by the votes of the *General Conference*, and this Conference was a body distinct from, and superior in point of Authority, to the Annual Conference.

7 That the change made in 1833 abolished both the "*General and Annual Conferences*" as they had previously existed, and substituted one called merely "The Conference."

8. The Union formed in 1833 with the English Conference, destroyed the identity of the Church, inasmuch as previous to this, it existed and exercised its ecclesiastical functions wholly independent of any other body, but by the Union, it became in a measure blended, in both its Legislative and Executive departments with the Conference in England.

9. Previous to the said change, no person could fill the office of General Superintendent, who at the same time held membership in any other Conference, but since the Union, the Church is bound to receive one, chosen and furnished by the English Conference, who at the same time that he superintends the Church in Canada, must be a member of the English Conference.

10 Previous to the Union, the Church in Canada could Legislate wholly independent of any other body of Methodists, but the articles of Union have restrained them from altering any rule bearing directly or indirectly on said articles, without the consent of the English Conference.

A marked difference between the two disciplines continues. Sect. 6 and 7, in the discipline of 1829 have not been admitted into the new constitution or discipline of 1834. But we find

on page 23 a section treating "of *District Meetings*." These District Meetings are composed of Preachers on trial, Ministers and Stewards from the respective Circuits in the District. The recording Stewards are permitted to vote on the second day, while the financial business of the District is under consideration. The District Meetings determine what Preachers shall attend the yearly Conference, and who shall not attend. We will now contrast the composition of the Conference described by the discipline of 1829, with the Wesleyan Conference described in the discipline of 1834.

Discipline of 1829, "Page 20 of the Annual Conference."

"Question 3. Who shall attend the yearly Conferences ?

Answer. All the travelling Preachers, who are in full connexion, and those who are to be received into full connexion."

Wesleyan Discipline of 1834 Page 14.

"Question 2. Who shall compose the Conference, and what are the regulations and powers belonging to it ?

Answer. The Conference shall be composed of all Preachers who have been received into full connexion, and have been appointed by the District Meetings to attend; also of all Preachers who have been recommended by their District Meetings to be received into full connexion :—Nevertheless the Conference shall have authority to locate any of its members, by a majority of three-fourths, provided no person shall be located without one year's notice, or after he has travelled fifteen years; and the Conference shall afford any assistance to any Brother so retiring, as it may be able and judge expedient." And again page 29 :

"9. The District Meetings respectively shall have the right of fixing upon the Preachers who are to attend the Conference; subject, however, to the following limitations: viz.

1. Let not *all* the Preachers from any circuit ever come to Conference, except from within such a distance of the place where it is held, as will admit of their supplying their places on the Lord's day; or except, in very special cases, a majority of two thirds of the District Meeting shall decide that all the brethren in any circuit ought to attend.

2. Let those who are appointed or have leave to attend set out as late and return as soon as possible."

Is there not a manifest distinction in the composition of these two Conferences. The Wesleyan Conference consists of a President furnished them by the English Conference, and a select number of Preachers who must have "*leave*" from their District Meetings before they are at liberty to attend. The Dis-

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trict Meeting decides who shall go to the Conference, and who shall stay at home. If then a Preacher should unfortunately incur the displeasure of the Chairman of the District, or be likely to advocate measures in Conference in opposition to him, the worthy Chairman could use his influence to a considerable extent, to "leave any such Preacher" at home; and if the Preacher cannot influence two-thirds of the District Meeting in his favour, he cannot be allowed a seat, or a vote in the Conference, it matters not how long he may have travelled, or how important soever the measure may be which he might wish to lay before the Conference. If any such occurrence should at any time take place, the Preacher should have much more than double the influence of the Chairman, in order to get "LEAVE" to attend the Conference. Was the Conference of the Methodist Episcopal Church in Canada in 1830, and 1831 composed in this way?

Where is there an honest, and unprejudiced man, that will say that the Wesleyan Methodist Conference in Canada exactly resembles the Episcopal Conference of 1829, and that there is "no change" whatever, but "merely the name," as our opponents have asserted. We must pass over some of the unimportant difference between the disciplines of 1829, and of 1834, and hasten more particularly to notice the obvious distinction in the order, and appointment of the ministry, which will at once discover a very prominent and material difference between the Wesleyan Methodist Church, and the Methodist Episcopal Church.

The Episcopal discipline contains three separate, and distinct ordination services. The first is on page 111, which is "The form and manner of making Deacons," again page 116, "The form and manner of ordaining Elders," and on page 128, "The form and manner of ordaining a Bishop," Wesleyan discipline page 119 speaks of "The form and manner of ordaining Ministers."

We do not insist on Episcopacy as a doctrine *essential to salvation*; yet we hold it to be a *scriptural usage*: and we believe "divers orders" in the Ministry to be of "*divine appointment*." In this we are supported by the discipline of 1829. In the service for the ordination of Deacons, we find the following:—

"Almighty God, who by *thy divine Providence hast appointed divers orders of Ministers in thy Church*, Page 112. In the service for the ordination of Elders, we read Almighty God, giver of all good things, who *by thy Holy Spirit hast appointed*

divers orders of Ministers in thy Church;" Page 117, and again in the service for the ordination of a Bishop, "Almighty God, giver of all good things, who *by thy Holy Spirit hast appointed divers orders of Ministers in thy Church;*" Page 132. This is sufficient to prove that in *one instance* at least they have departed from that which the discipline of 1829 declares to be of *divine appointment*, whether or not this is in accordance with the written constitution, a candid, and impartial public can judge.

It now becomes imperative for us to shew that Deacons are a distinct order in the Methodist Episcopal Church, and not only so, but that they were a distinct order in the early establishment of the Church of Christ.—An order of Ministers which the Canada Conference totally abolished, by which they have not only openly violated the discipline of 1829, by a daring and unauthorized usurpation of power, but have set aside a plain scriptural order, an order established by the apostles themselves, approved of by the Church, (Acts vi, 5, 6,) adhered to by the ancient Fathers, "preferred" by Mr. Wesley, and received by the Methodist Episcopal Church in the United States, and in Canada.

We cannot better express our views on the appointment, duty, and usefulness of this grade of Ministers, than by quoting the clear and forcible remarks of the champion of Methodist Episcopacy in the United States: viz. Doctor Bangs.

"VINDICATION OF METHODIST EPISCOPACY—CHAP. I."

"Deacons a distinct order in the Church.

1. It will be admitted, I presume on all hands, that there were what were called Deacons, (servants) in the Church; and besides their being charged with distributing the alms the Church to the poor, it was their duty to preach the word. It appears from Acts vi, 6. that they were solemnly set apart to their office by prayer and imposition of hands. And though civil Magistrates are designated by the same term in various parts of Scripture, and though those men mentioned in Acts, were especially called to administer to the poor widows, yet it is manifest that they were successful Ministers of the Gospel of Christ, for it is said of Stephen, who was one of the seven Deacons above mentioned, that he was "full of faith and power," and that he "did great wonders and miracles among the people." Acts vi, 8, and in the very next chapter, we have recorded his admirable discourse which he

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delivered in his own defence in the presence of his inveterate enemies and accusers, the Jews. Philip was also one of those before mentioned, that was set apart by prayer and imposition of hands by the apostles: but in Acts viii, 4, it is said, "Therefore they that were scattered abroad went every where preaching the word; verse 5, "Then Phillip went down to the city of Samaria, and preached Christ unto them," and in verse 12 we read; "But when they believed Phillip preaching the things concerning the Kingdom of God, and the name of Jesus Christ, they were baptised both men and women." From these scripture facts it is undeniably manifest, that those denominated Deacons in the Church of God, were not merely lay members, appointed for the temporal service of the Church, but they were approved Ministers of the word, successfully employed in carrying the glad tidings of Salvation to the Gentile world.

"That these servants of the Church were a grade of Ministers inferior, in respect to office, to the Elders, is evident from several considerations. 1st, Though all Ministers and even Christ himself, were called *servants*, on account of their faithful services in the Church, yet those were emphatically so called, because, it is supposed, they were to serve the apostles by acting under their direction. 2d. St. Paul, 1 Tim. iv, 3, After having characterised the persons proper for Bishops, proceeds to notice the duties of the Deacons.

"Likewise must the Deacons be grave." "For they that have used the office of a Deacon well, purchase to themselves a good degree, and great boldness in the faith which is in Christ Jesus," from this passage, it appears obvious, that after being *proved*, verse 10, as probationers in the Ministry, and having been exalted to the office of *Deacons by imposition of hands*, and also having *used the office of a Deacon well, they purchased to themselves a good degree*; that is, they were qualified to become Elders in the Church. These considerations sufficiently evince the inferiority of the Deacons to the Elders, and yet they were Preachers of the Word, and had authority to administer the ordinance of Baptism, as appears from Acts viii, 12.

"The same order of men is recognized, and as Ministers of the word too, in the Epistles of the primitive Fathers—"Let the *Deacons* be blameless in his sight, as the *Ministers* of God in Christ, and not of men; not evil speakers, nor double tongued; not lovers of money, but compassionate, careful, diligent, temperate in all things, walking according to the truth of the Lord, who was the servant of all."—Epistle of Polycarp to

the Philippians. St. Ignatius, also, in his Epistle to the Ephesians, distinguishes between the order of *Deacons* and *Bishops*,—"Concerning my fellow servant *Burrahs*, according to the will of God your *Deacon*, blessed in all things, I pray that he may remain to the honor of you and your *Bishop*." And in his Epistle to the Magnesians, after mentioning the Bishop and Presbyters, as a higher order of Ministers, he says:—"And your *Deacons*, most dear to me, being intrusted with the Ministry of Jesus Christ."

"He introduces them in his Epistle to the Trallians, in a similar way, recognizing them as Ministers of the Gospel of Christ. "The *Deacons* also, as being the Ministers of the mysteries of Jesus Christ, must by all means please all, for they are not the Ministers of meat and drink, but of the Church of God. Therefore they must avoid all offences as they would do fire." To the Philadelphians he observes:—"As concerning Philo, the *Deacon* of Cilicia, he still ministers unto me in the Word of God." To the Smyrneans he says:—"Ye have done well in that ye have received Philo and Rhens, who followed me for the Word of God, the *Deacons* of Christ our God."

"From these quotations, both from the Word of God, and the writings of these Fathers, it appears evident that those denominated Deacons, were not mere lay-men, attending to the temporalities of the Church; but they were regular ministers of the word, were set apart for that work by the laying on of the Apostle's hands, and that they administered the ordinance of Baptism, and very probably assisted in the holy Eucharist."

"Let us now see whether the Methodist Episcopal Church has, in this respect, followed the Apostolic usage and custom. After having proved a young man, who thinks himself called of God to the work of the Ministry, by employing him two years as a probationer in the *Itenerating* Ministry, he is (if no sufficient reason can be assigned to the contrary,) *ordained* a *Deacon*, by the laying on of the hands of the Bishop. And what are the duties peculiar to his office as a *Deacon*? Ans. It appertaineth to the office of a Deacon to assist the Elder in Divine Service, and especially, when he ministereth the holy Communion; to help him in the distribution thereof, and to read and expound the Holy Scriptures; to instruct the youth, and in the absence of the Elder to Baptise; and furthermore, it is his office to seek for the sick, poor and impotent, that they may be visited and relieved."*

* Consecration Service.

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"So also it is said in section 7th of the form of discipline concerning the duties of a travelling Deacon, that he is,

1st. To Baptise and perform the office of Matrimony in the absence of the Elder. 2. To assist the Elder in administering the Lord's Supper. 3. To do all the duties of a travelling Preacher."

"Here, then, are enumerated all those duties of a Deacon, which the Holy Scriptures have authorized him to perform.— In this part of our Ministry, therefore, we have not *followed a cunningly devised fable*, but the Word of the Living God: and which Church is most according to Apostolic order? that which has preaching Deacons, going to and fro, sowing the seed of Eternal Life? or that which has *but one order of Ministers*, by whatever name they may be called."

We will give another extract or two on the same subject from Dr. Bangs' "Original Church of Christ," page 309 & 310.

"What greater proof should we require that those Deacons were regular Preachers of God's Word? yet they were not Elders or Presbyters. They were, therefore, an inferior order in the Ministry—which *proves that those err who confine themselves to one order only.*" And again, pages 112 & 113,— "Allowing the soundness of this conclusion, it will follow that *those Churches which admit of no distinction in Ministerial order, but reduce all to a level, HAVE DEPARTED FROM THE APOSTOLIC MODEL. In their intemperate zeal against Episcopacy, which broke out with such violence among the Independents of England in the days of the Stuarts, they seem to have run into the opposite extreme, by introducing a perfect parity of ministerial order, as well as jurisdiction, and thus have impaired that beautiful symetry which we behold in the orders, powers, and harmonious subordination of the several grades of officers in the primitive Church.*"

We would like to be informed by what authority the Canada Conference, in their "intemperate zeal" to abolish Episcopacy and to attach themselves to the English Conference in 1833, exterminated this Scriptural order of the Christian Ministry.— Did the discipline of 1829 authorise them to do so? Did the Sacred Oracles of God confer upon them this authority?— Whence then did they receive it? Can they plead a precedent for it even in *Rome herself*?

The Wesleyan Methodist Church in Canada has *but one order of Ministers*, and *one only*, Mr. Ryerson's assertion to the

contrary notwithstanding. Hence Judge Macaulay remarks, in his opinion on the Waterloo Chapel Case:—

“It is true, the discipline of 1834, in the Ordination Service, (designedly or accidentally,) acknowledges in the same language as that of 1829, the appointment by the Holy Spirit of divers orders of Ministers in the Church of Christ. Still I do not find that the British Wesleyan denomination contains more than one, likened unto Elders, styled Ministers—contrary to the Episcopal discipline, which provides for three, (exclusive of Lay-Preachers,) called Bishops, Elders, and Deacons, without any designated by the general term Ministers. The dissentient members of the Methodist Episcopal Church may feel repugnant to such arrangements. They may not look upon the union as a mere change of name—but as indicating a serious diviation in Church Government, and the calls to the Ministry—and in my construction of their discipline, I cannot deny them the right to do so on plausible grounds. The American connexion is professedly Episcopal—the British is practically Presbyterian, and whatever distinguishes the one from the other, would equally distinguish the ‘Methodist Episcopal Church in Canada’ from the ‘British Wesleyan Church in Canada.’ ”

Mr. Ryerson, however, discovering at once the gross error into which his Lordship had most unfortunately fallen, with regard to the different orders of the Ministry in the Wesleyan Methodist Church in Canada, exultingly exclaimed:—

“In the Methodist Church in Canada, there are as much as ever ‘divers orders’ of Ministers—President, Ministers, or Preachers—Though but one imposition of hands.”—Ryerson’s review of the Judges’ opinions.—See *Christian Guardian* of Sept. 13, 1837. *

What an overwhelming degree of light Mr. Ryerson has cast upon the different orders of the Christian Ministry in a few words. A mere member of the English Conference having been appointed President of the Canada Conference—although never ordained “by imposition of hands,” as soon as he receives his appointment, enters into orders without any farther ceremony,—the mere appointment of the British Conference at once transforms a *Lay-Preacher into a Bishop* for the space of one year!!! In a word, as soon as a member of the British Conference, receives the appointment of that body, to the Pres-

* At the Assizes in Kingston, in May last, Mr. Ryerson admitted, under oath, (in answer to a question from his Lordship) that in his Church there is *but one order of Ministers*.

idency of the Church in Canada, by letter or otherwise, Mr. Ryerson would fain have us believe that he is a duly authorised Bishop, agreeably to the provisions of the discipline of 1829.

What a pity that Mr. Wesley did not possess Mr. Ryerson's superior discernment; then his bare appointment of Mr. Asbury to the Presidency of the Church in America, would have been sufficient to the establishment of the Episcopal form of Government in the American Church; and perhaps a step so consistent and reasonable, so much in accordance with apostolic and primitive usages, might have spared him the painfully unpleasant controversy with his brother Charles, and others of his former friends, in which his consecration of Dr. Coke to the Episcopal office involved him.

It was asked at the Conference in America, "Do the Brethren in Conference unanimously choose Brother Asbury to act according to Mr. Wesley's original appointment, and *preside over the American Conference*, and the whole work? Answer, Yes." From this it appears that Mr. Asbury was already acting over the American Conference and work; not only by Mr. Wesley's appointment, but by the choice of the Conference,—which right of choice the American Brethren, from the beginning, appear to have been very tenacious of, as is evinced by their election of Mr. Asbury (at his own suggestion, showing the importance that he attached to the right of choice,) after he had been appointed by *Mr. Wesley himself*; as also by their *refusal*, some years after, to receive Mr. Whatcoat, *when "Mr. Wesley had directed that he should be ordained a joint Superintendent with Mr. Asbury;"* and at that time they proceeded to maintain the importance of this right of choice in the following words:—"It was farther argued, that Mr. Wesley, while in England could not tell what man was qualified to govern us, as well as we could, who were present, and were to be governed."—See Young's History of Methodism, Page 337.

We think it appears clearly from the above, that Mr. Asbury, *prior* to his consecration by Dr. Coke, came fully up to Mr. Ryerson's *standard of Episcopacy*, and if he is right, Mr. Wesley's ordination of Dr. Coke, and his of Mr. Asbury, were altogether unnecessary.

We next proceed to examine the form of the deed in the Episcopal discipline, which secures to the "members" of the Methodist Episcopal Church, any quantity of land, not exceeding five acres for any *one* congregation, which may have been deeded to Trustees in trust "for the use of the *members* of the

Methodist Episcopal Church in Canada;" with the building or buildings erected or to be erected thereon, and all the appurtenances and privileges thereof, to them, the said Trustees, and their successors in the said trust forever, for the site of a Church, Meeting-House, and Burying-ground, for the use of the members of the Methodist Episcopal Church in Canada, according to the rules and discipline which now are, or hereafter may be adopted by the General or Annual Conference of the said church in Canada, in trust and confidence that the said Trustees for the time being, shall at all times hereafter, permit any Methodist Minister or Preacher, or Ministers or Preachers, he or they being a member or members of the Methodist Episcopal Church in Canada, and duly authorized as such by the said General or Annual Conference, to preach and perform religious service in the said house, and burial service in the said burying-ground, according to the rule and discipline of the said church."—See Discipline of 1829, pages 144, 145.

The only sentence in the deed which in the slightest degree favours the course pursued by Mr. Ryerson, and his followers in the unfortunate and ill-advised union, is the following, which provides, that the Trustees shall hold the Chapel Property in trust for the "members of the Methodist Episcopal Church in Canada, according to the rules and discipline which now are, or hereafter may be adopted by the General or Annual Conference of the said Church in Canada." It will not be denied that the Methodist Episcopal Church in the United States, have published several editions of their discipline with various alterations and amendments: and that it was absolutely necessary to have the above clause inserted in the deed to enable the Annual and General Conferences to make rules, and regulations for "our Church" without invalidating the legal title in the Church, to the property erected by themselves, and for their own benefit, particularly when it is recollected that it was thought in 1828, that it might be necessary in the course of a few years, to have more than one Annual Conference, and that, therefore, some new rules or regulations might be considered advisable for the prosperity and further government of the Methodist Episcopal Church in Canada; and in this case a new edition of the discipline would be published. Hence arose the necessity for the above clause in the deed, to empower the Trustees to hold the property intrusted to them, for the use and benefit of the M. E. Church, "according to the rules and discipline which now are, or hereafter might be adopted by the

General, or Annual Conference.” We now put it to the candour of any honest man, whether or not, this appears to be the plain common sense meaning of this part of the deed. Who will hazard the assertion, that the person who drew the deed, placed this clause in it, to empower the Conference without consulting the societies, to abolish the Government of the Church—receive a President from the English Conference—give up the sole controul of the Missions to the Missionary Committee, 77 Hatton Garden, London,—and transfer the societies to the English connexion, as a slaveholder in the Southern States, would his slaves to a new master? The deed never was designed to confer such despotic power upon the Conference, and make the Preachers “Lords over God’s heritage.” The plain and obvious meaning of the deed, is, that the Conference should have authority to make rules, and regulations for the further Government of the Church, and not that they should have the right to transfer the societies, with the chapel property to the English Methodists or any other body of christians. This position may be further demonstrated from the undeniable fact, that as soon as a Trustee ceases to be a “member of the *Methodist Episcopal Church in Canada*,” he forfeits his trust. Can a person, therefore, who has become a member of the Wesleyan Methodist Church in Canada, hold office as a Trustee, according to the discipline of 1829? We will let the deed answer the question,—“whenever any one or more of the said above named Trustees, or of their successors in the said trust, shall die, or cease to be a member or members of the said *Methodist Episcopal Church in Canada*, according to the rules and discipline of the said church, the vacant place or places of the Trustee or Trustees so dying or ceasing to be a member or members of the said Church, shall be filled with a successor or successors, being *a member or members of the SAID CHURCH*.”

But Mr. Ryerson contends that the change was legally made, and by “competent authority.” See Chr. Guar. Sept. 13, 1837, “My conclusion, therefore, is, that the title of the Church was changed, by as competent ecclesiastical authority, and as much in conformity with the “written constitution.” of the Church as the name of the Town of York was changed to that of the City of Toronto, or the name of a female is changed in marriage by competent civil authority, and in conformity with the written Constitution and established law of the Province.”

We readily grant that the Canadian Legislature had a “Con-

stitutional" right to "change the name of the Town of York, to that of the City of Toronto." But did the Provincial Legislature change the general government of the Province, when they changed the name of the Town of York to that of the City of Toronto. Did they pass a resolution, and carry it into effect to this end: that the city of London in England, and the new city of Toronto should form a "union" (having the consent of the former, and without the consent of the latter,) and that the Corporation of London should have "competent civil authority" to send the good people of Toronto a Mayor "from year to year" to preside in the city Councils, and without even stipulating that he should be sworn into office?

Did they determine that some of the Wards should be entirely under the control of the London Corporation? Did they send for some of the London Aldermen, and give them the most honourable situations in the city? And all this without even consulting the people of the Town of York.

Had the Legislature attempted such a step, we are inclined to believe, that their "competent civil authority" to do so, would have been seriously questioned, and their "constitutional" act, boldly resisted.

Let us now see how this applies to the case under consideration. Not only has the name, of the Church been changed, but its entire Government. Not only has the independence of the Church been relinquished, and a President from the English Conference introduced into the place of a Bishop, to perform the solemn duties of ordination by "prayer and imposition of hands." But it is not even necessary according to "the articles of the union," that the President himself should be ordained. And "the articles of the union" further decide, "That the missions among the Indian tribes, and destitute settlers which are now, or may be hereafter, established in Upper Canada, shall be regarded as missions of the English Wesleyan Missionary Society," see Wesleyan discipline, Page 154.

Those who did not happen to be blessed with so penetrating a vision as Mr. Ryerson, and some of his friends, and who could not see through his glasses, the *glorious results* of "the union" were denounced as "blind," "stupid," "bigots," "asses clothed in Lion's skins," and their remonstrances against those measures compared to "a tempest in a tea-pot." Those who could not fall in with the union measures, were looked upon as "Aliens from the commonwealth of Israel, and strangers to the covenant of promise." Those who opposed the union, and ad-

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hered to the Methodist Episcopal Church,—the Church of their fathers,—the Church in which God had converted many of them, from the error of their ways,—and which had been wonderfully blessed of heaven. And because they would not join Mr. Ryerson, and his brethren in their attempts, to annihilate this Church; and adopt his “union views,” they were denounced by him and his followers, as “Backsliders,” “Schismatics,” “disturbers of the peace of the Church,” “dangerous demagogues,” and “scatterers of fire brands, arrows and death,” locked out of the chaples which had been erected by themselves, and treated with the utmost contempt.

But Mr. Ryerson says the change was effected by as “competent authority” as that by which a female changes her name at the time of her “marriage.” Now a female when “married,” not only changes her name and adopts that of her husband, but she also changes her situation in life; (a very material change sometimes,) she leaves her father’s house, and is placed in a new relation to her parents and becomes bound by the law of her husband instead of the law of her parents, and becomes dependent upon a stranger. Her will in a certain sense, is the will of her husband for she promises to *obey* him. How often a “female” finds out in the course of a few years that she has given up more than her name at the time of her “marriage,” she sometimes finds herself a stranger in a strange land, treated with cold indifference and contempt, and not unfrequently put away without even a bill of divorcement. (Query. Where is the bill of divorcement between the British Conference and its Canadian bride?)

But supposing a widow lady should think proper to change her name “by competent civil authority,” has she “authority” to compel the children of her *first husband* to change their name, because she has seen fit to change hers? and in refusing to do so, would they forfeit the property they may have acquired for themselves, or that which they have inherited from their father? A female by changing her name does not destroy her just title to property belonging to herself as an individual,—and so it may be said of the Preachers composing the Canada Conference; any property belonging to them as individuals, they are justly entitled to, as much so as when they were members of the Methodist Episcopal Church; the chapel property, however, did not belong to the Preachers, but to the Church, and if a Methodist Episcopal Church existed in 1833 after the “un-”

ion" was ratified, the property belongs to that Church. This we hope to prove hereafter.

Mr. Ryerson remarks the "identity" of the individual under the "new name is real;" yes and so was Mr. Egerton Ryerson the same "identical" person in 1837 that he was in 1832, *but the advocate of very different principles*. And so the people of the United States immediately after the Revolutionary war were the same individuals that they were before that event. But was there not a very great difference in point of government? but not more so, than between the Methodist Episcopal Church, and the Wesleyan Methodist Church. What would be thought of the Lords and Commons of England, should they attempt to abolish the Monarchical form of government, and substitute a democracy,—form a "union" with the United States, and receive a "President" from Congress, to rule the British Empire? Would their constitutional power to do so be acknowledged by Britons?

But again suppose some of the Americans should take it into their minds to form a union with Great Britain, and a majority of the United States authorities, without consulting the people should attempt to give up their Independence, and abolish their present form of government, and adopt in its stead that of Great Britain—consent that some Noble Lord appointed by the British Government from year to year, should be their President, not even requiring him to be sworn into office. Would the people of the United States submit to it, and acknowledge the act constitutional?

Having pointed out some of the differences which exist between the two disciplines, we now proceed in the second place, as we proposed in the beginning, to prove that the present Methodist Episcopal Church in Canada, is the original Methodist Episcopal Church, which was constitutionally organized in 1828, and governed by the discipline of 1829; although not composed altogether of the same identical individuals. We are aware, however, that this is denied by Mr. Ryerson, and the Wesleyans generally: and that they contend that when the Conference of 1833 finally relinquished Episcopacy, and became connected with the Methodists in England, that they did not leave any materials behind them, by which an Annual or General Conference could be composed. And further that the "Episcopal Party" (as Mr. Ryerson is pleased to call us) "kept a perfect silence, from *fifteen months*, to *two years* after the ses-

sion of the Hallowell Conference." See Chr. Guar. of Sept. 13, 1837.

Is it not astonishingly strange, that Mr. Ryerson, holding as he did at that time, and has done ever since, public situations in the church, should be ignorant of the opposition the contemplated union met with, on the Niagara District? even prior to the "Hallowell Conference." As soon as it was announced in the Guardian that a union between the English and Canadian Conferences was contemplated, the Local Preachers took the alarm and in their Conference, assembled in the Trafalgar Meeting-house, July 6th, 1832, the following resolution was adopted; which we here copy from the Journals of their Conference, which now lie before us:

"Resolved—That, as it appears from the Christian Guardian that an union between the Missionaries from Britain and our Church is contemplated, we address our Annual Conference on the subject of our privileges as Local Preachers—and that Brs. Picket, Culp, and Brown, be the Committee to draft such address and forward it for presentation."

Many members of the church on the Niagara district, having decidedly disapproved of the proceedings of the Hallowell Conference, went so far as to deny their power to form the union, without the consent of the societies, and also questioned the legality of the measures of the General Conference, pronouncing its acts unconstitutional and illegal, because "Elders elect" were admitted contrary to the discipline of 1829. Mr. Ryerson well knew that the Rev. D. Culp and others opposed the union, even before the Hallowell Conference, as well as while it was pending.

The following resolutions which were drawn up soon after the Hallowell Conference, and forwarded to Elder Case, can speak for themselves.

"To the Rev. Wm. Case, President of the late Annual Conference held at Hallowell, (U. C.)

"DEAR BROTHER.

We the undersigned, Local Preachers of the Methodist Episcopal Church in Canada, beg leave to address you on the subject of the contemplated union of the Methodists of this country with those of England, and respectfully to call your attention to the same. In doing this we have concluded that the following resolutions would embrace some of the most impor-

tant and material objections wherewith our minds have been, and still are, exercised against it.

"Res. 1st. We conceive that every man and body of men have been endowed by their Creator with certain natural unalienable rights and privileges. And that the commission of high crimes or misdemeanors alone, can justify an invasion upon them.

"Res. 2nd. That it is an acknowledged principle of all good governments, (and sometimes from necessity or policy of despotic ones also) that in all important matters relating to the public good, the voice of the people should in a greater or lesser degree be heard, heeded and respected.

"Res. 3rd. That in the government of the Church in Apostolic days, this was an acknowledged principle of action in matters of great importance to the Church. See Acts xv. 22.

"Res. 4th. That this principle has been adopted by the Methodist Episcopal Church, as a disciplinary rule in the same. We refer to one of the limitations, restrictions or conditions, required of that body in its legislation, contained in Dis. Page 18th and 19th.

"Res. 5th. That it is a matter of extreme doubt with us, to say the least, whether the "Resolutions" adopted by the late General Conference, are not illegal altogether, inasmuch as we are credibly informed, that Elders elect, as well as those who were Elders in the proper sense of the word, (we mean by ordination) were admitted as members of that body, and voted on the "Resolutions" aforesaid, a thing we believe unprecedented in the Annals of Methodistical Legislation. See Discipline, Page 17th; answers to the question who shall compose the General Conference.

"Res. 6th. That setting aside the legality, or illegality of the measure, *courtesy* at least required that in a matter fraught with such mighty consequences as the contemplated "union;" that the people or at least the Quarterly and District Conferences should have been consulted. We would add, "be courteous" is a divine command, and one of the leading principles of the Gospel itself. We would, when under this head further state that when a separation from the Methodist Episcopal Church in the United States was contemplated, "courtesy" was so far regarded, that the Quarterly Conferences debated and decided on it by vote, previous to its final accomplishment by the General Conference itself. We contend that a contemplated union with another body requires the same civility; and

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we apprehend disastrous consequences if it be not adopted, even at this late date. It should not be forgotten that the private members and others can take their leave of us without asking our consent; that they were "free born," and may not choose to be transferred to another body without some choice of their own in a matter of such importance as the present.

"Res. 7th. The pledge required by the American General Conference of the Canadian delegates before, or without which they would not grant the Infant Canadian Church their share of the funds, as a heretofore branch or component part of their Church, justifies them, in our opinion, from the further payment of said fund, except the contemplated union be abandoned.

"Res. 8th. The probable lack of funds at the Disposal of the British Conference and the extreme difficulty if not the utter impossibility of raising them in Upper Canada.

"Res. 9th. The hazard of our Church property, and of the right of solemnizing matrimony.

"Res. 10th. The danger of the total suppression of the Local Conference, and at any rate the deprivation of ordination to our younger successors in office, and consequently of the right of solemnizing matrimony, and of administering the ordinances.

"There are other reasons which might be assigned in the form of resolutions or otherwise, which, for delicate reasons, we would not enter upon at the present time.

"In conclusion, we desire you to convene the General Conference if you think it advisable, expedient, and legal, or take such other measures as you may see proper to adopt, for the preservation of the Church, and the prevention of the evils herein stated and apprehended by us.

"We have the honour to be Rev. and Dear Sir, your affectionate Brethren in the Gospel of our common Lord,

DAVID CULP,	JOHN W. BYAM,
ELIJAH A. WARREN,	CALEB SWAZEY,
DAVID GRIFFEN,	ARNON C. SEAVER,
HENRY GILLMORE,	

Smithville, Nov. 1832."

It will no doubt appear strange, that Mr. Ryerson, did not know that the societies generally refused to furnish *money* to bear his expences to England to negotiate the union, and so strongly did very many of them object to it, that they would not contribute one farthing.

And Mr. Ryerson very well knows that in the meantime, the

Preachers generally were exerting their utmost skill and tact to persuade the people that the "union" would be a "good measure," and that the societies ought to be "silent" until they should see what would be done,—“The union might not yet be ratified,” “it was better to say nothing till after Mr. Ryerson’s return from England;” “it would be premature to petition the Conference against the measure, before it was known whether they would adopt it or not.” And after the Conference of 1833, their language to those who expressed dissatisfaction, was, “wait till you have seen the new discipline, you will find the change not so great as you imagine.” And after the new discipline had made its *long looked for* appearance, “they would say have patience, wait till the union has had time to work, till we have gained *influence*, with our British brethren, then, all that is wrong will be reformed.” And it was thus by degrees, that they led on hundreds of the members of society, who though dissatisfied, and complaining from the commencement, had not withstood them firmly: little did they think that these blandishments were the toils of a trap set to ensnare them. This is the class of persons who were dropping off from them, from year to year, which connected with their loss of the public confidence, caused their minutes to show a decrease for so many succeeding years.

After the union they effected to retain the names of the members of the Methodist Episcopal Church, (which at the time amounted to 16,039) as members of their *new born Church*. At which time every possible effort was made by them, and almost every description of contrivance and cunning resorted to, in order if possible, to impress the minds of the membership with the belief, that the “Wesleyan Methodist Church in British North America,” was the old “Methodist Episcopal Church in Canada:” that they might draw them away with them; and in this they succeeded to a great extent: large numbers fell in with the measure; some knowingly, and others unadvisedly.

The originators of the union, being conscious of possessing a considerable amount of talent of a high order, and enjoying the *brilliant* prospect of large government *grants*, and having a share of the Clergy Reserves in prospective, doubtless expected now to have enjoyed unparalleled success, at least in adding numbers to their Church. Mr. Ryerson considering their prospects so blooming, and their triumph over those who were opposed to the measure, so complete, exultingly exclaims (in a

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leading editorial in the Guardian, of Oct. 23, 1833, in speaking of the Conferences at which the "union" was consummated) "If ever the God of love was present in the assembly of his servants he is here ;—if ever he directed all good counsels, he directs now ;—if ever the seal of heaven stamped and ratified any negotiation of its ambassadors, it is the ARTICLES OF UNION BETWEEN THE BRITISH WESLEYAN CONFERENCE, AND THE CONFERENCE OF THE WESLEYAN METHODIST CHURCH IN BRITISH NORTH AMERICA."

We do not feel disposed to trifle with this *awfully solemn* extract. It is indeed enough to cause one to shudder to think how any man could presume to say that a measure was "*stamped and ratified with the seal of heaven*," which was got up and carried through for such objects, and by such means as were resorted to in the accomplishment of the union." But from the character of the proceedings which marked its origin, and career, and from its speedy and disagreeable termination, we may easily infer whether or not, "the Hand of the Lord was in it"—whether "the arrangement was of God,"—whether its "counsels were directed of Him,"—and whether "the seal of Heaven STAMPED and RATIFIED the negotiation;" we leave the issue to determine.

During the seven years of the union, £17,806 18 11 of Missionary money was expended; besides the thousands raised and expended annually in the regular work, and the large amount of government money received for the Literary institution at Cobourg; yet at the end of those seven years of immense expenditure, the number of their Church members was 16,354, just 315 more than the number in the M. E. Church, prior to the union in 1833.

But to return, the union was spoken against publicly, not only in the Niagara, but in the London District. The Rev. David Culp, was the most forward in opposing the measures of the Hallowell Conference, he not only spoke against the measure in the Local Preacher's Conference, held in Trafalgar, July, 1832, but he also designed attending the Local Preacher's Conference for the London District, held in Wesminster, previous to the Conference of 1833. The Conference had been dissolved just before he reached the place. Many of the Local Preachers however, being still in the neighbourhood, they convened themselves together, and he explained to them more fully the nature of the union, the bad effect it would be likely to have upon both Preachers and people, and the cause of Methodism

in general; and that the *Canadian Preachers*, and societies *would have to submit* to the *judication* of the *English Preachers*, or the *union* would soon become *discord*, bitter envying, and strife with all their concomitant evils. All this took place previous to and between the "session" of the Hollowell Conference in August 1832, and the York Conference, in October 1833. Does this look like "perfect silence." We might stop here to enquire of Mr. Ryerson, how far those brethren were mistaken in their views of the "*union*." The Rev. Franklin Metcalf was the bearer of an address against the "*union*," to the Conference of 1833; but we believe Mr. M. did not present it, and when interrogated upon the subject, he said he had *forgotten it*.

Now we ask in the name of candor, what more could have been done by those who saw the evils that would accrue from such an union? It never was brought officially before the Quarterly Meeting Conferences, or the Local Preacher's Conference; the Preachers could not, or would not, consent to consult the Societies through these official bodies; but took upon themselves the whole responsibility, and were determined at all hazards to carry their point.

Before the Methodist Episcopal Church in Canada was set off by the American General Conference, as a separate and independent Church, the Quarterly Meeting Conferences in Canada were consulted; but when an union was to be formed, the government and usages of the Church abolished, and a man from England to be placed over the Societies, which was a much more important measure, their consent was considered as of no consequence whatever; and why was this? The reason is obvious; there was a fearfulness on the part of the Preachers, that the measure would meet with the opposition which is now evident it so justly merited, and that the power of the Conference to effect it would have been officially denied.

As soon as the "*union*" was decided upon, and the resolutions respecting Local Preachers introduced to the Quarterly Meeting Conferences, did not hundreds declare that they were Episcopal Methodists? that they never had consented to the union, and that they never would? and let it not be forgotten that this was the first opportunity the Societies had to express their views upon this very important matter.

As soon as the Quarterly Meeting Conference upon the London Circuit had an opportunity to act officially, they showed the most marked disapprobation of the high-handed and unconstitu-

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tional measures resorted to by the Conference, in effecting the union—denying their power to attach the Societies of the Methodist Episcopal Church to the English connexion without their individual consent. The Rev. F. Metcalf, who had been appointed by the Conference of 1833 to act as Chairman on the London District, appeared to think that this feeling would soon die away ; and in our presence requested the Rev. John Bailey not to go to the Goderich circuit, to which he had been appointed by the Conference of 1833, but to travel upon the London circuit with the Rev. John Beaty. Mr. Bailey's reply was, "*if I travel at all, I travel as an Episcopal Methodist Preacher.*" He was as good as his word, for he went out and did labour as an Episcopal Preacher, and Mr. Beaty as a Wesleyan Preacher. This continued nearly three months. Upon Mr. Metcalf's return to London after an absence of about three months, he found that the members of the Quarterly Meeting Conference of that circuit had not altered their minds, but still persisted in their opposition to the union. They contended that as all the members of the Annual Conference, with the exception of one, had left the Methodist Episcopal Church and joined the British Methodists, the official and private members on the several circuits might do the same, or remain as they were, members of the Methodist Episcopal Church in Canada ; and as they chose to remain as they were, they appointed the Rev. James Mitchel Chairman of the Quarterly Meeting Conference of the Methodist Episcopal Church on the London circuit, 18 out of 22 members voting for this measure. Nathan Jacobs was recording Steward, which office he had filled for many years past. The Conference then proceeded to business, and having arranged the regular business of the Quarterly Conference, passed the following Resolutions :—

THE QUARTERLY MEETING CONFERENCE OF THE METHODIST EPISCOPAL CHURCH OF THE LONDON CIRCUIT,
TO THE MEMBERS OF THE SAID CHURCH THROUGHOUT
THE PROVINCE.—

DEAR BRETHREN :—

The degrading and humiliating condition to which the recent arbitrary conduct of the Conference would bring us, has induced us to come to the following Resolutions, while assembled in Conference on the 25th inst. and which were carried by eighteen, with only four dissenting :—

James Mitchel being called to the Chair, and Nathan Jacobs being Secretary, it was

Resolved 1. That the powers recently assumed by the Conference, in separating themselves from the Methodist Episcopal Church are arbitrary, and degrading to the members of said Church.

Resolved 2. That we totally deny the powers of the Conference to make the late change without the consent of the Members of the Church ; and that unless said pretended powers are abandoned, and the rights and wishes of the members consulted and respected, we can have little confidence in said Conference, and will be under the painful necessity of discontinuing their services.

Resolved 3. That until the wishes of the Members of said Methodist Episcopal Church be generally known throughout the province, we deem it advisable to employ some of our Local Preachers, to administer the ordinances of the Gospel to us.

Resolved 4. That we heartily concur in the plan of having a delegation of the Methodist Episcopal Church, for the purpose of removing from our discipline every pretended power that the Conference may have vested themselves with ; and giving the Members such powers in the future Government of the Church, as will prevent their being reduced to a like state of degradation for all time to come.

Resolved 5. That John Bailey be requested to take charge of the Circuit, with power to employ what help the circumstances of the Church may require.

JAMES MITCHEL,
Chairman,
NATHAN JACOBS,
Secretary.

January 25, 1834.

The following extract from an article headed "London Circuit," contained in the Guardian of March 5th, 1834, exhibits the light in which Mr. Ryerson himself understood these Resolutions :—

"Several Resolutions have been passed by some official Members, purporting to be the voice of the Circuit, protesting against the Union ; impugning the Conference ; denying its authority ; and refusing to receive the Preachers appointed by it."

From all that we can learn, this was the most prominent step taken by any of the Quarterly Meeting Conferences ; but in several places throughout the province they shewed a marked dissatisfaction in the way in which the union had been effected ; and hundreds of the private and official Members refused to adhere to the doings of the General and Annual Conferences.

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After the above stand was made by the London Quarterly Meeting Conference, Mr. Beaty was obliged to go from Society to Society, to know who would be Wesleyans and who would not; and on many other circuits throughout the connexion, the Wesleyan Preachers were under the necessity of adopting the same method.

It now became necessary for the remaining Members of the Methodist Episcopal Church, to ascertain what strength remained in the connexion after the parricidal attempt of the Conferences of 1832 and 1833 at her annihilation. A meeting was called and held in the Burford Meeting-house for that purpose, and it was soon ascertained that the dissatisfaction respecting the union, was not confined to the London and Niagara Districts alone, but was more or less universal throughout the province. Some months were spent by a few of the Episcopal Preachers travelling through different parts of the province, in order to learn the views and feelings of the Societies, and making preparations for re-organizing the Conference.

We must now notice an important inquiry in Mr. Ryerson's review of the Judge's opinions. Mr. Ryerson remarks, "Now as it is admitted upon all hands that the Episcopal party had no existence in their present position and circumstances previous to 1834, and that what they have done could only have been done by the General Conference, the inquiry arises, where and when did their Annual Conference meet? Where and when did their Annual Conference call a meeting of the General Conference? Where and when did that General Conference meet according to the call of the Annual Conference?"—*Christian Guardian of August 30th, 1837.*

We proceed now to answer the first enquiry, "Where and when did their Annual Conference meet?"

We remark *that it met* (after the union, as we presume this is what Mr. Ryerson means,) *in Cummer's Chapel, Young St. on the 25th day of June 1834, at 10 o'clock, A. M.*

There were present at this Conference three Elders, and one Deacon, viz. Joseph Gatchell, David Culp, and Daniel Pickett, Elders, and J. W. Byam, Deacon; John Bailey, who had been appointed to the Goderich circuit by the Conference of 1833, was present, and also several Local Preachers.

Mr. Ryerson admits in another paragraph, "That the spirit and rules of the discipline in the mode of proceeding can be observed by three as well as by three hundred," The "spirit" of the rules of discipline we shall prove were "strictly" "ob-

served" in the "composition" of the *Annual and General Conference of the Episcopal party*, (as he has been pleased to call us.) Two of these Elders had travelled many years, but for some time previous had exercised themselves in a local capacity, and Mr. Gatchel was superannuated. They were, however, all regular Elders in good standing in the Methodist Episcopal Church in Canada, and the ordinances administered by them were acknowledged valid. These Elders did not consent to the union, and although the Rev. Joseph Gatchel received a certain sum of money from the Canada Conference in 1833, it must be remembered that it was money to which he was entitled as a superannuated or worn-out Preacher for past services, and from a fund which Mr. Gatchel well knew *belonged* to the *Methodist Episcopal Church in Canada*. By receiving it, therefore, he did not acknowledge the validity of the acts of the Conference, or consent to the union. The Conference knew at the time that he was decidedly opposed to its measures.

Here then were "three" Elders who knew that the Conferences of 1832 and 1833 had not "observed" the "rules" of the discipline of 1829, but had admitted "ineligible persons to vote in General Conference," thereby violating a plain rule of discipline; and had abolished the government and usages of the church, with the orders of her ministry, and attempted to transfer the membership without their own consent to another body, thus trampling upon the rights of the societies. And having information also, that hundreds of the church were resolved, with themselves, not to submit to this infringement upon their rights, and deterred not to yield to the imperious mandate of the Conference of 1833: They, therefore in connexion with other of their brethren, summoned a Conference, to consult what was best to be done: adhering as nearly as might be to the letter of the discipline, and "observing" the very spirit of its rules "in the mode of proceeding." With the exception of two points the Young Street Conferences adhered to the letter as well as the "spirit" of the discipline:—1st, the Elders had not "travelled the four years last past," and 2d, the letter of the discipline was not observed, in the calling together of that Conference.—But we earnestly contend, that both acts were in strict accordance with the "spirit" of its "rules."

But had not these "three" Elders, peculiarly situated as they were, with their brethren, as much of a disciplinary right, to call a session of Conference, as had Messrs. W. & E. Ryerson, when they returned from England, in 1840? Indeed, the cir-

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cumstances in which the Conference of 1833 placed the societies, would have justified a much further departure from the letter, of the discipline, so long as the spirit of its rules were "observed." We might say to Mr. Ryerson as St. Paul said to the Romans,—“Wherein thou judgest another, thou condemnest thyself: for thou that judgest doest the same things;”—and under less justifiable circumstances.

But the discipline of 1829, declares that “the General Conference shall be composed of all the travelling Elders who have travelled four full Calendar years last past, and have been received into full connexion.”

The Episcopal Methodist Conference, held on Young Street, June 25th, 1834, could not “observe” the letter of the discipline, because those who called the Conference had not “travelled the four full calendar years last past.” All the Elders who had “travelled the four years last past,” having, with Mr. Ryerson, fled from the Methodist Episcopal church, and taken shelter under the wing of the British Conference. But did not the Conference held upon Young Street, adhere as closely to the spirit of the written constitution, as did the Conferences of 1832 and 1833. In these Conferences ineligible persons were allowed a voice. They had travelled a few years, it is true, but had not received Elder’s orders.

The Elders who composed the Episcopal Conference upon Young Street in 1834 had not travelled for a few years past so extensively as the “Elders elect” but they were regularly ordained Elders, “by prayer and imposition of hands.”

The case lies thus, ineligible persons were admitted into the councils of the General Conference of 1832 and 1833, contrary to the letter of the discipline; to assist in demolishing the government of the church,—adopting a new discipline and economy, in changing the orders of the ministry, and trampling upon the rights of the membership.

Old, respected, and experienced Elders in the church, who had not for sometime, travelled very extensively;—discovering the short-sightedness of these young “Elders elect,” as well as the folly of their elder brethren; and at the same time viewing with feelings of deep regret, the degraded situation their beloved church was placed in by the unprecedented proceedings of the Conference: the privileges of the membership invaded by an unconstitutional grasp of power, and their inalienable rights infringed. Under these circumstances they conscientiously resolved to cleave to the old discipline and form of government,

and stepped forward once more in a public manner, and called a Conference of their brethren, to consult what course was best to be taken in this *unheard-of* state of things, in order to build up the shattered walls of the church, and protect the rights of the people.

We now would ask the candid and careful observer, which "party" is entitled to the greatest share of respect? and which "party" observe, most closely the letter and spirit of the discipline of 1829.

It may not be improper here to enquire, how near in point of composition the Episcopal Conference which was held on Young Street, June 25, 1834, resembled the first Methodist Conference which was ever held. The first Conference which Mr. Wesley ever held, was in London, June 25th, 1744.—Just ninety years to a day, previous to the Conference held upon Young Street.—At Mr. Wesley's first Conference, there were present six ordained clergymen, and a few lay-preachers, but these lay-preachers had a voice in its deliberations.

At the Conference held on Young Street, there were present four regularly ordained ministers, and a few lay-preachers, whose councils were considered necessary.

In the Minutes of Mr. Wesley's first Conference dated 25th of June 1744, we find the following questions and answers:—

"2, 3. How far does each of us agree to submit, to the judgment of the majority?"

"A. In speculative things, each one can only submit as far as his judgment shall be convinced; in every practical point each will submit, so far as he can without wounding his conscience.

"2, 4. Can a Christian submit any further than this to any man, or number of men, upon the earth?"

"A. It is plain he cannot; either to Bishop, convocation or general Council. And this is that principle of private judgment, on which all reformers proceeded; "every man must judge for himself: because every man must give an account of himself to God."—See Young's History of Methodism, Page 136, and 137,—also Watson's life of Wesley, chap. 9.

How widely the sentiments contained in the answers to the above questions differ from the intolerant sayings and doings of Mr. Ryerson, and some of his Wesleyan friends. In the Chr. Guardian, of the 13th Sept. 1837, Mr. Ryerson scoffs at the very idea of any Episcopal having a "conscientious scruple" against the union, the relinquishment of Episcopacy, or the

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other changes involved in that measure ; assuring his readers that it was viewed without a scruple by the Episcopal for "*nineteen months*," after the Hallowell Conference.

We have proved in another place that the measures of the Hallowell Conference were publicly spoken against in the Niagara and London Districts, while the union was pending ; and that the Rev. F. Metcalf, was the bearer of an address to the York Conference, containing remonstrances against the union. But for some reason he betrayed the trust reposed in him by his confiding and much injured brethren, and did not present it.

But to return to Mr. Ryerson's remarks in the Guardian, he says :—"As to the "*scruples*" which the Episcopal party began to scrape together *nineteen months* after the vote took place to which his Lordship refers, I think it may be *scrupled* as to their being very "conscientious" their consciences having viewed it without ONE "scruple" during that long period. To determine how many *such* "scruples" it would take to make one dram in the scale of "conscientious" consistency, requires I confess more arithmetical skill *than I possess*."

We may judge of Mr. Ryerson's consistency, by comparing the above with the following extract from the Guardian of 26th March, 1834 :—"It is likewise known, that some individuals in the Methodist church, have been opposed *from the beginning* to the union between the British and Canadian Conferences. Some of them have been *doubtless sincere* in their opposition," &c. In this extract Mr. R. admits that some were opposed from the beginning to the union. In the previous one he says, "their consciences viewed it without ONE scruple during nineteen months." Again Mr. R. says they *have been doubtless sincere*," while in the previous extract he says, "it may be *scrupled* as to their being very "conscientious."

Were it not that Mr. Ryerson has confessed his ignorance of calculating "conscientious "scruples," any person having a knowledge of the proceedings of the Episcopal before and immediately after the union, would be utterly astonished at his unfounded statements ; but those who were perfectly acquainted with the *ever-to-be-lamented* "union" will readily admit the fact that "conscientious scruples" is a branch of science which Mr. Ryerson is unacquainted with, and if he was ever taught this virtuous and christian principle, he has long since forgotten to apply the rules of "conscientiousness" to practice.

Let us next look at the composition of the first General Con-

ference in the United States. This Conference commenced "on Christmas eve, in the city of Baltimore, in the year 1784; sixty preachers were assembled."—See Bangs on Episcopacy Page 91.

These were all lay-preachers with the exception of DOCTOR COKE, RICHARD WHATCOAT, and THOMAS VASEY, and although Mr. Asbury had been appointed by Mr. Wesley joint superintendent of the American church with Dr. Coke, he "prudently withheld his consent until it was obtained by the suffrages of the preachers then present, who all declared in his favour."—Ib. p. 92.

How far would the Young Street Conference have deviated from the practice of the first General Conference of the Methodist Episcopal Church in the United States, if they had at once proceeded to "elect" a Superintendent, from among the *lay-preachers*, and the "three" Elders present have proceeded at once to ordain the person so elected, 1st Deacon, 2d Elder, and 3d Superintendent; such a step could have been supported by Methodistic usage, and would have been "adhering to the spirit of the discipline" of 1829. But fortunately we were not so completely straitened, and, therefore, "adhered" more closely to the letter of the discipline.

We now come to notice Mr. Ryerson's second inquiry—"When and where did that Annual Conference call a meeting of the General Conference? The answer is that the Conference held on Young Street, June 1834, adjourned to meet in Belleville, February 10th, 1835, "When" it was deemed expedient and necessary for the Conference, having no General Superintendent, to call a meeting of the General Conference, agreeably to the following clause of discipline:—

"If there be no General Superintendent, the Annual Conference or Conferences respectively, shall have power to call a General Conference, if they judge it necessary at any time." Discipline of 1829, Page 20.

This was accordingly done, and the Rev. John Reynolds (Elder) was elected General Superintendent pro tem.

The Conference met again in Cummer's Chapel, Young Street, on the 10th day of June 1835, at 3 o'clock P. M. But the eastern Preachers having mistaken the date, no Minutes of the June or February Conferences having been Published, did not assemble on the tenth. Those Preachers who had collected together, received a letter from Mr. Reynolds, requesting them to adjourn until the 25th Inst: they therefore, adjourned to meet

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again at the Trafalgar Meeting-house, at the time above *men-
tioned* ; " Thursday, June 25th 1835, Conference met accord-
ing to adjournment, in the Trafalgar Meeting-house at 2 o'clock
P. M.—J. Reynolds Superintendent pro tem in the Chair, and
Arnon C. Seaver Secretary." See Journals of the Conference
for 1835.

On Friday the 26th, the necessity of obtaining a Bishop, and
having him duly appointed—and consecrated according to the
provisions of the discipline was carefully discussed.

The same subject was resumed on Saturday 27th, and the
Conference recommended the Superintendent to call a meeting
of the General Conference: which he did forthwith; Elders
present—John Reynolds, David Culp, Joseph Gatchell, Daniel
Pickett and John H. Huston. The General Conference elect-
ed Mr. Reynolds General Superintendent, in strict conformity
with the "letter and spirit" of the fourth Sect., of the discipline.
—Page 23, which is as follows:—

" *Quest.* 2. If by death, expulsion, or otherwise, there be no
Bishop remaining in our Church, what shall we do ?

" *Ans.* The General Conference shall elect a Bishop, and
the Elders or any three of them, who shall be appointed by the
General Conference, for that purpose; shall ordain him accord-
ing to our form of ordination."

Mr. Reynolds having been duly appointed by the General
Conference, was, on Sabbath the 28th, ordained in the regular
way, by the laying on of the hands of David Culp, Joseph
Gatchell, and Daniel Pickett, according to our consecration
service.—See Discipline of 1829, chap. iv. sec. 3, p. 128.

Not only was the "letter and spirit" of the discipline "ob-
served" in the election and consecration of Mr. Reynolds to the
Episcopal office, but the legality of the measure is further de-
monstrated by Mr. Wesley, and other regularly ordained Minis-
ters, assisting in the consecration of Doctor Coke and *Messrs.*
Whatcoat and *Vasey*, and theirs, again, of Mr. Asbury in 1784.
"At the request of Mr. Asbury, when he was ordained a Su-
perintendent, Mr. Otterbine, a German Minister, who was a
pious man assisted in his ordination, by the laying on of his
hands with the other Ministers."—Young's History of Metho-
dism, Page 282—286.

The laying on of Mr. Otterbine's hands was not considered
indispensable, but through courtesy, and because he "was a
pious man" he was invited in compliance with Mr. Asbury's
wishes, "to assist the other Ministers" in the solemn service.

Sufficient testimony has been adduced, to shew that the ordination of Mr. Reynolds to the Superintendency of the Methodist Episcopal Church in Canada, was disciplinary, and Methodistical. But to establish the point more clearly, (if more clearly it can be established,) we will make another extract or two from the writings of Dr. Bangs.

He says, "that very section in our ecclesiastical economy which provides for the Episcopal office, and prescribes its duties and responsibilities, provides for the consecration of a Bishop by the hands of the Eldership, thereby clearly recognizing the principle for which I have contended: thus we read, 'If by death, expulsion, or otherwise, there be no Bishop remaining in our Church, the General Conference shall elect a Bishop; and the Elders, or any three of them, who shall be appointed by the General Conference for that purpose, shall ordain him according to our form of ordination.' This is one case of necessity, which we as a Church recognize as justifying Episcopal ordination by the hands of Elders or Presbyters."—"*An original Church of Christ*," Page 179 and 180.

Doctor Bangs in another place speaking of the Local Preachers, who were ordained Elders in the Methodist Episcopal Church in the United States, asks :

"But will any man in his senses say, that because these Local Presbyters have no special oversight in the Church, they are of an inferior order? Or that because a man is a travelling Presbyter, he is an order superior to a Presbyter: He is superior in *office* but not in *order*."—*Ib.* Page 48. *This is exactly to the point.* The Methodist Episcopal Church in Canada being pressed, as it most evidently was by *necessity*; the "travelling Presbyters" having left it and united themselves to the English Conference; the "local Presbyters" who remained being in point of "order," equal to a travelling Elder; they were justifiable upon Methodistical and Scriptural principles, in calling together the Conference—composing a General Conference—electing a Bishop, and ordaining him according to the provisions of our ecclesiastical economy.

Mr. Ryerson in his review of the Judges' opinions, his notes and remarks on Mr. Fowler's report of the Belleville Chapel case—as in all his writings against the Methodist Episcopal Church in Canada—labours to establish an hypothesis which has no foundation in truth, which is manifest from the following remarks:—He says, "The persons who call themselves 'The Methodist Episcopal Church in Canada,' are a self created

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party which sprung up in Belleville and the neighbourhood, about a year after the completion of the union."—See Fowler's Report of the Belleville Chapel Case, Page 38.

After putting the most favourable and charitable construction which it appears possible to place upon the above sentence, we do not hesitate to say, that when Mr. Ryerson penned it, he knew the fact to have been otherwise.

We have shown in our preceding remarks—

1. That the Union was viewed with suspicion by the Local Preachers' Conference, in Trafalgar, even before the Hallowell Conference.

2. That the Union was publicly spoken against in the Niagara and London Districts, between the Sessions of the Hallowell and York Conferences.

3. That the London Quarterly Meeting Conference, greatly censured and opposed the proceedings of the Annual and General Conferences; and that they declared in the strongest possible manner, as soon as Mr. Metcalf visited the London Circuit, which was *a few weeks after "the completion of the Union,"* and that too in the Quarterly Conference, that they were Episcopal Methodists; and then and there denied that the Annual, or General Conference had disciplinary power to unite the Societies to the English connexion without their consent. And about half the members on the Circuit remained with the Quarterly Conference.

4. That upon Mr. Metcalf's return to London, the Quarterly Meeting Conference would not allow him to preside, but appointed Mr. Mitchel for their Chairman, and passed resolutions condemnatory of the Annual and General Conferences, and still further requested Mr. John Bailey to take charge of the Circuit; empowering him at the same time, to employ assistants.

These facts were well known to Mr. Ryerson, and animadverted upon by him in the *Guardian*.

Mr. Baily was unable to attend all the appointments, and therefore, his brother James Baily and George Turner, Local Preachers were called in to his assistance. Messrs. J. Mitchel and James Nixon, Local Preachers, rendered him their aid. These men had regular appointments and met as usual the classes after Preaching.

The Rev. Daniel Pickett attended the Quarterly Meetings, presided and administered the ordinances.

East of the Grand River, and West of Toronto, (then the town of York) on the North and South side of Lake Ontario,

there were Societies which resisted in the onset, the usurped powers of what has since been called the "Canada Conference." The Rev. David Culp attended the Quarterly Meetings—presided and administered the ordinances.

The following is an extract from a series of resolutions adopted at Trafalgar, March 12, 1834.

(Signed)

JOHN W. BYAN, *Presd.*

ARNON C. SEAVER, *Secy.*

5. Resolved.—That the Societies of the Methodist Episcopal Church in Canada, became by common consent, a free and independent Church, viz:—by a ratified agreement between the General Conference of the M. E. Church in the United States, and the Annual Conference of the M. E. Church in Canada; said Canada Conference being authorized by the petitions of the people of their charge, to apply for, and agree upon, said measure, which was afterwards, at the Session of the Canada Conference in Earnestown, in this Province, in the year 1828, arranged and fully settled, and a compact or Discipline then formed, that became the foundation of connexion between the Conference of the M. E. Church of Canada and their people.

6. Resolved.—That every member of the said M. E. Church, is equally interested in the said Discipline, in all its provisions and institutions, as no individual can be a member of the said Church, or any other, but by freedom of choice; the said discipline is equally a guarantee to the members as to the Preachers, and no alteration of institution, or change of relation, can take place in the same without their consent, else their freedom is invaded and the Discipline violated.

7. Resolved.—That the said Discipline has vested the General Conference of the M. E. Church, with certain powers of Legislation, but such powers can alone extend to the making of rules, for the well-being and future good government of the Methodist E. Church in Canada; if they are exercised to any further extent, they are null, being unauthorized.

8. Resolved.—That the Conference, formerly of the M. E. Church, now denominated the "Wesleyan Methodist Conference" in British North America, at their two last Sessions, by their propositions to unite the Church to a remote body, by their negotiations to effect the union in question, and by their consummation of the same, have acted without disciplinary authority, inasmuch as the right of self-disposal, is denied the people—a most sacred and conscientious principle!

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9. Resolved—That the said Conference have forfeited their pastoral charge of the said M. E. Church—alienated themselves from any right or possession in the real properties secured by law to the said Church.

10. Resolved—That we are constrained, from the principles contained in the foregoing Resolutions, to enter our protest against the late changes made by the Annual Conference, as subversive of all right principles and as a dangerous precedent to be allowed in the Church, and that we hold ourselves, and those members who concur with us, still the legal M. E. Church in Canada.

The series of resolutions from which the above are extracted, was published in the public papers at the time.

That these proceedings were well known to Mr. Ryerson there can be no doubt; yet with all these incontrovertible circumstances before the Canadian public, Mr. Ryerson a Wesleyan Methodist Minister, unblushingly and unqualifiedly says: "That the persons who call themselves the 'Methodist Episcopal Church in Canada,' are a self-created party, which sprung up in Belleville and neighbourhood, about a year after the completion of the Union." He that is able to believe it, let him believe it.

To what Church we would now ask, did these Local Preachers and private members belong, six months after the union; who were members of the Methodist Episcopal Church, long before, and at the time of "the completion of the union," and who resisted the measures of the Conference of 1833, from the day they received the intelligence that the union was ratified; and who neither withdrew nor were expelled from the Methodist Episcopal Church in Canada? Did they not remain members of the said Methodist Episcopal Church in Canada? When any person voluntarily unites himself to the Methodist Church, does he not continue to be a member of said Church until death, unless he is dropped, withdraws, or is expelled?

The Wesleyan Methodist Preachers who visited the western part of the Province, after the union, did not pretend that they had power to expel those Local Preachers, and private Members who adhered to the discipline of 1829 after the acts of the Conference of 1833. They could not be dropped, for they had been members long in good standing in the Church, prior to the union. They were not called to trial nor expelled, nor were they read out of Society for "neglect of duties of any kind." They did not withdraw from the Church, consequently they

must have remained members of the Church of which they were members before the union.

In many parts of the Province, as soon as the Wesleyan Preachers reached their Circuits, after the Conference of 1833, they made out new class-papers, in the name of the Wesleyan Methodist Church in British North America. They never asked the members of the Methodist Episcopal Church, if they would wish to become members of the Wesleyan Society; but placed their names upon the class-papers, thus made out, without their knowledge or consent. And as soon as was convenient, they handed or sent to the persons thus *smuggled* into the *new born* Church, a ticket with the words "Wesleyan Methodist Church" printed upon it. Many of the people refused to submit to this clandestine "mode of procedure," and in public and private, declared that they were not Wesleyan Methodists and never would be.

"Oh yes," the Preachers would say, "you are a member of the Wesleyan Methodist Church, your name is on the class-paper, and I handed or sent you a Ticket; did you not observe Wesleyan Methodist Church printed upon the top of the ticket? by receiving that ticket, attending my Preaching, stopping once or twice in Class-meeting, and going to Love-feast the other day, you have become a member of the Wesleyan Methodist Church in British North America."

The member replies, "I never gave you, nor any one else, leave to put my name upon the Wesleyan Class-paper; I am an Episcopal Methodist, and always intend to be such; I had no idea that going once or twice to Class-meeting, attending a Love-feast, or taking into my hand a ticket, with Wesleyan Methodist Church printed on it, would initiate me, without my consent, into the Wesleyan Methodist Church." Scores, whose names were placed upon the Wesleyan Methodist Class-papers in this way, because they would not continue to attend the Preaching of the Wesleyan Ministers, their Class-meetings, and their Love-feast, were afterwards publicly read out of the Wesleyan Methodist Church; although they had never united themselves to such a Church.

We have heard of recruiting sergeants "*slipping*" a piece of money into a man's hand, or into his pocket, and sometimes throwing it upon the brim of his hat, and then declaring him an enlisted soldier, because he had received the bounty. The poor fellow expostulates, but all in vain: he is hurried off—a regularly enlisted soldier. But it was not till after the union,

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that we were taught by Wesleyan Methodist Ministers to enlist an army of Methodist soldiers, by placing their names upon a class-paper, without their knowledge, and contrary to their wishes, or by "*slipping*" into their hands, or sending to them a ticket headed "Wesleyan Methodist Church." Hundreds of the soldiers thus enlisted, proved rather refractory; and as there was no military discipline by which these Reverend Officers could coerce them to obedience, they were expelled the army.

We now stop to enquire, whether the Methodist Episcopal Church in Canada was preserved from annihilation, by the Local Preachers and members, who maintained their attachment to her, firmly adhering to the discipline of 1829, and never *voluntarily* uniting themselves with the Wesleyan Methodist Church in Canada.

We will allow the "XIII article of our religion" to decide the question.

OF THE CHURCH.

"The visible church of Christ is a congregation of faithful men, in which the pure word of God is preached, and the sacraments duly administered according to Christ's ordinances, in all those things that are of necessity, requisite to the same."

This settles it beyond a doubt; that if there were but one single "*congregation of faithful men*" having a regularly ordained and "faithful" minister to preach the pure word of God to them, who did not consent to the destruction of the Government of the church, nor acknowledge the new "Constitution;" but who "conscientiously" adhered to the discipline of 1829; the identity of the Methodist Episcopal Church in Canada would have been preserved, and its existence demonstrated.

But, after the union, there were not merely one or two, but many "congregations of faithful men" and women, who remained members of the Methodist Episcopal Church in Canada, and had "faithful" Ministers, who denied themselves many earthly comforts for the sake of the church; and who zealously, in season and out of season,—through evil and good report,—"preached the pure word of God" to the congregations, and administered to them the "sacraments" of the christian church. These servants of God and the Church, ought to be very highly esteemed for their work's sake.

If some of the societies submitted to the change cheerfully,

and others reluctantly ; if by receiving incautiously into their hands or houses tickets, which it is said constituted them members of the Wesleyan Methodist church, or was an acknowledgment on their part that they were such ; yet, it does not therefore follow that the Methodist Episcopal church in Canada became defunct ; inasmuch as the church in the London and Niagara districts maintained its identity and independence : by not submitting to the union, it has remained, and is now identically the same Methodist Episcopal church which was organized in Canada in 1828, and is, therefore, justly entitled to all the Chapel property, erected or possessed by the said Church.

We will now quote an extract or two from Mosheim's Ecclesiastical history, which will prove that the Preachers in the formation of the union, assumed and exercised a power which was never claimed, *even* by the inspired Apostles of Christ, in the organization and government of the Christian Church.—Indeed, we are inclined to believe that the Canada Conference will in vain look to the primitive church for a precedent : we think they will have to search the records of the third and succeeding centuries ; perhaps they may find in them something to countenance their “mode of procedure.” Mosheim says :—

“The *people* were *undoubtedly* the first in *authority* ; for the Apostles showed by their own example, that nothing of moment was to be carried on, or determined without the consent of the assembly, and such a method of proceeding was both prudent and necessary, in those critical times.

It was, therefore, the assembly of the people, which chose their own rulers and teachers, or received them by a free and authoritative consent, when recommended by others. The same people rejected or confirmed, by their suffrages, the laws that were proposed by their rulers to the assembly.”—Mosheim's Ec. his. vol. 1, p. 87.

The following sentence will show, that the Canada Conference has departed from Apostolic practice, by becoming dependant upon the English Conference. He adds :

“The Churches, in those ancient times, were entirely independent ; none of them subject to any foreign jurisdiction, but each one governed by its own rulers, and its own laws. For, though the churches founded by the Apostles, had this particular difference shown them, that they were consulted in difficult and doubtful cases, yet, they had no judicial authority, no sort of supremacy over the others, nor the least right to enact

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laws for them. Nothing, on the contrary, is more evident, than the perfect equality that reigned among the primitive churches." —Ib. page 92.

Who could have thought, in 1828, that the Ministers who compose what is called the Canada Conference, would, in less than six years, assume a prerogative not even claimed by the Apostles? But such is the case.

Mr. Ryerson and his friends have laboured exceedingly hard to impress upon the public mind, and more particularly upon the minds of the Judges, a belief that no regard was had to the wishes of the societies in the United States, when the Methodist Episcopal Church was organized—that they knew nothing of the matter, till all was over, and that then, they were bound to submit to the acts of the Conference. But is this the truth? had not the societies, as well as the preachers, repeatedly and in the most earnest manner, solicited Mr. Wesley to organize them into a separate church? What says Mr. Wesley himself, upon this point; speaking of the destitute situation of the American people, as it regarded the sacraments of the Christian Church, he remarks:—"In this peculiar situation, some *thousands* of the *inhabitants* of these States desire my advice; and *in compliance with THEIR DESIRE*, I have drawn up a little sketch," &c. &c. It was in compliance with the request of some thousands of the inhabitants of the United States, that Mr. Wesley drew up this sketch. The preachers did not number "some thousands," therefore, it must have been *in compliance* with the wishes of people, as well as preachers, that Mr. Wesley consented to ordain Dr. Coke, Richard Whatcoat, and Thomas Vasey, and send them to America to assist their brethren in the organization of the Methodist Episcopal Church, and ordain their Ministers. (See Bangs' history of M. E. C. vol. 1, pages 153—155.

We must now allow the Doctor himself to be a witness on this subject; he says:—"To all this, it may be said, that the people were not consulted; but their wishes were already known. They had been expressed over and over again; and that their voice was in exact accordance with the proceeding of the Conference, is demonstrated from numerous testimonies."—Ib. p. 165.

The societies in Canada were consulted before they were organized into a separate and independent church. But when Mr. Ryerson's celebrated "union" scheme was carried into ef-

fect, the Canada conference, at his suggestion, *arrogated to themselves* a power, never before claimed or exercised by any body of Protestant Ministers. And then they have the assurance to tell the public, that the Conference had competent ecclesiastical authority to make the changes, which were made—but that no change was made, even in the “*form of Church Government*, for that is the same as it always has been.”—That although they have “*relinquished Episcopacy*”—still “*Episcopacy is retained in the Church* ;”—that although they have “*but one order of ministers*,” “*they have as much as ever diverse orders of Ministers* ;”—that “*we had to abolish the Episcopal form of church Government*, in order to form the union with our British brethren, and give up our name, like a female at the time of her marriage ;”—but still the “*form of government is unchanged*,” and “*we are Episcopal Methodists still*.” Indeed, they would fain have the people believe, that since 1829, there has been neither “*variableness nor shadow of turning*” on the part of the Canada Conference. The person who can believe such things, must be well established in the doctrines taught by the “*Christian Guardian*” with regard to the matter, —however contradictory and unreasonable *they* may happen to be.

These remarks are not designed to apply in general to our brethren in the United States. They have, with a few individual exceptions, taken neutral ground. Those Preachers who have visited us and have been made acquainted with our real situation, and the stand which was made by our church in 1833 against the revolutionary measures of the Conference have invariably given to us “*the right hand of fellowship*.” They have sympathized with us in our day of adversity and trial, and they have rejoiced to see those clouds of darkness vanish away, before the rays of the sun of Righteousness. The members of our church have been very generally received when they have taken with them proper letters of recommendation, on their removal to the United States. We have heard, however, that one of our Local Preachers was rejected some where about Watertown ; through the influence of a certain Presiding Elder, who was a decided friend to the changes made by Mr. Ryerson and his friends, and a decided enemy to us, for maintaining the Episcopal form of church Government, (for that is the head and front of our offence,) but who has since been expelled by the Black River Conference for *immoral* conduct.—The Rev. Carroll Sutherland, who had been received as a pro-

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bationer into our Conference, and was ordained Deacon and Elder by Bishop Reynolds, was received by the Genesee Conference upon the recommendation of our Conference, and his ordination thereby acknowledged valid.

One reason, no doubt, why some of our American brethren have acted so coolly towards us is, because of the difficulties created in their Church a few years since by the "Reformers."* Many of the leading men among them having been Local Preachers, and the "Christian Guardian" having constantly represented those who adhered to the discipline of 1829, as "a few dissatisfied Local Preachers," these Brethren have allowed themselves to associate the Episcopal Methodists in Canada with those who have caused them so much trouble,—and without stopping to inquire whether we followed in their footsteps, or were in any way guilty of the things laid to our charge,—or even hearing us in our own defence,—they have allowed their minds to be prejudiced against us. But do we deserve this? Have we not struggled hard to maintain the same form of Church Government, for which they contended? and which was so ably defended from the attacks of the "Reformers" by the Pittsburgh General Conference of 1828? But it is very evident that the Canada Conference followed very closely in the steps of the "Reformers:" they abolished Episcopacy—changed the established order of things, and elected the President of their Conference annually; or rather, they agreed to receive him from the English Conference, which, however, they do not do at present. The remarks of Dr. Bangs respecting the "Reformers," will apply with equal force to the Canada Conference. His words are, "It is much easier to shake, and uproot established institutions than it is to raise up and render permanent a new order of things—a truth which should teach all revolutionists the necessity of caution and moderation in their measures." —History M. E. C. Vol. 3, page 431.

"Our own Church organization and plans of procedure have been made to appear more excellent from contrasting them with those substituted by the seceding party; and so far as success may be relied on as a test of the goodness and beneficial tendency of any system of operations, we have no temptation to forsake 'the old paths' for the purpose of following in the track of those who have opened the untrodden way of 'reform,'" (in

* Persons who separated from the M. E. Church in the United States some few years since; they are now called Protestant Methodists.

other words UNION,) "or to be shaken by the strong 'protest' they have entered against our peculiar organization and manner of conducting our affairs."—Ib. page 439.

Not having had a periodical at our control, through which we might have met the assaults of our opponents, and answered and refuted their attacks so repeatedly made upon us, our Brethren on the other side of the St. Lawrence may have supposed that the sayings of the Wesleyans were unanswerable, and their unauthorized proceedings disciplinary. But if the Episcopal Methodists in the United States, will examine the principal arguments urged against us by Mr. Ryerson, the *Guardian* and its supporters, they will find that they consist principally in hard names and scurrilous remarks,—(such as we would disdain to stoop to;) such, for instance, as "*Self created Episcopalians*," "*Schismatics*," "*Hypocrites*," "*Pseudo Episcopalians*," "*Reckless Partizans*," "*Unprincipled Demagogues*," and "*Asses clothed with Lion's skins*," with many equally uncharitable remarks. Is not this a pitiable, and childish warfare? (to say no worse of it.) Did our opponents suppose that *scowling*, *sneering*, and *calling ill names*, would ever awe those who would not consent to follow the Conference in their crusade against the established usages and government of the Church, under which she had been, and *still* is, so highly favored of Heaven, and to which we conscientiously adhered? If so, they have mistaken the men. Or were those Rev. Gentlemen driven to this last resort for the want of better arguments? The grievous sin which is laid to our charge is, that we would not consent to the *union*,—a measure which has proved a *curse* to the cause of Methodism in Canada, and has ended in the most bitter railings between the parties. Who will say that we have *sinned against God* because we have refused to submit to such a measure? or that we are "*Schismatics*," because we would not leave "*the old paths*" to "*travel the untrodden ways of*" *the union*? Will our Episcopal Brethren condemn us for following in their own steps? Is it an act of righteousness in them to resist an innovation upon their long established usages and form of Church Government? And does it become sin in us to do the *same things*? Or because, in this instance, the Conference is the *innovator*, does that change the character of the transaction? Or does a mere vote of Conference transform an unholy act into a holy one? If so, then the Conference can "*bring a clean, out of an unclean thing*."

Let us see how the case stands, and what similarity exists be-

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tween our position and that of our Episcopal Brethren in the United States, at the time of the "Reform" agitation.

In the United States the Annual and General Conferences adhered to the Episcopal form of Church Government which was preferred by Mr. Wesley, and regularly established in *America*, while some Local Preachers and others, who called themselves "Reformers," abolished Episcopacy, made several radical changes, and organized themselves into a different Church.

Those calling themselves "Reformers" in the United States, seceded from the Methodist Episcopal Church because they organized themselves into a Church under a different form of Church Government.

The Episcopal Methodists in Canada adhered to the Episcopal form of Church Government which was preferred by Mr. Wesley, and regularly established in *America*. The Annual and General Conferences abolished Episcopacy, and made other organic changes, attempting, at the same time, to transfer the Societies *en masse* to the British connexion.

Those calling themselves Wesleyan Methodists in Canada, seceded from the Methodist Episcopal Church in Canada, because they organized themselves into a Church under a different form of Church Government.

We will now submit one simple question for the consideration of our Episcopal Brethren:—Should a parent pursue a particular path himself, and pointing it out to his children, request them "to walk therein:" when these children pursue the steps their father trod, should he then frown upon them for following not only his example but his precepts, would he be considered a consistent man?

Fathers and Brethren, we have adhered to that, to which you have adhered, and *taught us to love*. We have resisted innovation upon that, upon which you resisted it, and *advised us to preserve*; and if we have done *wrong*, we have erred in our attachment to "the old paths."

We would record Mr. Egerton Ryerson's testimony in favor of Methodist Episcopacy, if we thought it would have any weight with the public; but from his want of judgment in Church matters, as well as his propensity to change his opinions whenever he thinks honor or emolument, is within "a stone's cast," we presume it will have but little weight with a discerning public. If, however, any of our readers should wish to know what he appears to have thought upon this subject in 1832, they may consult the *Christian Guardian* of January 15, 1832. He asks, "*Can any person object to Methodist Episcopacy who has any respect for the appointment and advice of Mr. Wesley, or the standard works of the English connexion, or the opinions of the leading Preachers in the British connexion?*" We will make no comment upon this extract, but leave the public to judge of the consistency of Mr. Ryerson and those

who acted with him, and to form their own estimate of the high "*respect which they have paid to the appointment and advice of Mr. Wesley.*"

The Wesleyans appear to think that they have gained a signal victory over us, because the Judges have decided against us in the Belleville Chapel Case, and have refused to hear the late Waterloo Chapel Suit argued in the Queen's Bench, and consequently deprived our Trustees of a new trial. It is said that the Council for the Defendants informed the Judges that there were "no new facts differing from those adduced in the Belleville Chapel Case.---If he did so, he has done just what he ought not to have done ; because there were new facts.

In the first place the Plaintiffs did not clearly prove the deed.

Secondly, the record of their Trustees was not legally established.

Thirdly, it was proved by one of the Plaintiff's own witnesses that the Waterloo Chapel ground had been deeded more than twenty years ago to the same body of Episcopal Methodists, who were then in possession of it.

And fourthly, it was clearly shown, by several worthy and respectable witnesses, that the Methodist Episcopal Church in Canada did not cease to exist in 1833. That many of the Ministers and Members of the said Church never consented to the *union*, or in any way connected themselves with the Wesleyan Methodist Church in British North America ; but remained what they always had been, members of the Methodist Episcopal Church.

It will doubtless be recollected, that in 1837, there was a suit for the same Chapel. The Jury returned a verdict for the Episcopalians. The Wesleyans then appealed to the Judges, and a majority of them having confirmed the verdict of the Jury, the Episcopal Methodist Trustees retained the Chapel.

Some time after this, another action was brought by the Episcopal Methodist Trustees to recover the Belleville Chapel.—The Jury rendered them a verdict also,—and again the Wesleyans appealed to the Judges. One of the former Judges having retired, and three new ones having been appointed, the verdict of the Jury was set aside, which leaves it open for a new action.

The Wesleyans encouraged by this circumstance, prosecuted John Gross, and others, trustees of the Methodist Episcopal Church, for the Waterloo Chapel, which suit was tried at the Kingston Assizes upon the 25th of May, 1842 : the Honorable

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JUDGE MACAULAY, presided. And although he declared that he had not "changed" his "opinion" since 1837, at which time he and Judge Sherwood decided that this same property belonged to us: he requested the Jury "*to find a verdict of one shilling for the Plaintiffs*," giving as a reason for such a charge, that a "final decision could not be obtained in the Queen's Bench;" and that "if the defendants should get a verdict, there might be a suit every time the Court would sit:" his Lordship, therefore, advised "*a verdict for the Plaintiffs*," not because "it was theirs by the law of the land," but to prevent *vexatious litigation*.

For our own part we expected no other decision from the present Judges than that which has been given; having decided against the trustees of our Church in the Belleville chapel case, they will not now decide otherwise, it matters not what evidence may be adduced, since they do not choose to hear the case argued. If any of our trustees expect their case to get an impartial hearing, they must appeal to the Governor and Council.

That the Methodist Episcopal Church was legally organized in Canada, none can deny: this being the case, then, it must still have an existence, or it must in some way have been destroyed. If destroyed, it can have no existence; if not destroyed, it is still in being. Let us now inquire, whether the Constitution of this church can be demolished, the laws and usages changed, a new Constitution drawn up and received, embracing a widely different system of Government, and that Church remain the same, identically the same, as it was before the Episcopacy was changed for an annual Presidency. No man who has compared the two disciplines, viz. the discipline of 1829 with that of 1834, can come to such a conclusion. If the Wesleyan Methodist Church in Canada, is not what the Methodist Episcopal Church was in 1829, they can have no claim to the property deeded in good faith to the Methodist Episcopal Church. It has been clearly and fully proved, in the preceding pages, that the Canada Conference changed the government, as well as the usages of the church, at the time of the "union"—they, therefore, organized a new church, with a new name—new laws—new usages—and agreed to receive a preacher from the English Conference to rule over them; they cannot, therefore, claim to be Episcopal Methodists any more than the English Methodists, for their usages and form of Church Government, are the same as those of the English Methodists.—

Mr. Ryerson has not yet attempted to prove, that the Conference had power to *annihilate* the old form of Church Government; but merely to make an *alteration* in the name of the church, and its officers; he says, "things remain unchanged;" and although he admits in one place that Episcopacy was *abolished*, he declares in another, that Episcopacy has been *retained* in the church; that there are but six words of difference between the Methodist Episcopal Church as it existed in 1829, and the Wesleyan Methodist Church in Canada, as it existed in 1837; and that the change is only in words, "for things" he says, "remain unchanged." Is it not strange that the Judges should listen to such sophistry, and self-contradiction? Now, if the government of the church has been destroyed, and a new form of government adopted, unless it can be made to appear that the Conference had disciplinary authority for such an act, they have transcended the bounds of their authority, and instead of legislating for the Church, they revolutionized it. We do not deny that the General Conference, had power to legislate for the M. E. Church, under certain limitations and restrictions, but that they had authority to abolish these restrictions, and organize themselves into a new Church, under a new name, and a new government, and attach themselves to another body of Christians, and still continue to be the "*same, identically the same,*" as they were before, is a monstrous absurdity, which never can be maintained, or palmed upon any person, who will carefully compare the disciplines, or acquaint himself with the history of Methodism in England and America.

Mr. Ryerson contends that the "Methodists are one body throughout the world." If so, why the present rupture between the English and the Canada Conferences? Those who were so closely united are now at least *two bodies* for the *far famed* "union," has been most uncerimoniously dissolved. The truth is that this, like almost every thing else that Mr. Ryerson has said or written, is partly *true*, and partly false. The Methodists throughout the world are one in *doctrine*,—but not in Church Government or usages.

As several of the Canada Conference Preachers have sworn that persons became members of the Wesleyan Church, and consented to the "union," by receiving a printed ticket headed Wesleyan Methodist Church, for the information of those who are not acquainted with Methodist usages, we will here state the manner of receiving persons into the Methodist Societies. At the close of the public services, or of Class-meet-

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ing the Minister asks if there are any who would wish to become members of the Church; if so to rise up. In Class-meeting the Class is then asked if there are any objections to the person so offering, if no objections are made, the person is received six-months on trial; during which time he or she is at liberty to leave the Church without assigning any reason; or if his walk is contrary to the rules of the Church, his name can be dropped from the Class-paper without trial or giving any reason: but if he is satisfied with the Church and the Church with him, at the end of six-months he is received into full membership; and is entitled to all the privileges of the Church.

It is customary to hold a quarterly meeting every three months. The temporal business of *the Circuit* is attended to on Saturday; on Sunday morning a Love-feast is held; at this means of grace bread and water are passed round, in token of friendship; and each person has the liberty, if he feels disposed to do so, of relating his religious experience. The Preacher who has the charge of the Circuit, sometime previous gives or sends to each member a ticket with a text of Scripture printed on it; none but members in good standing receive such tickets; persons who are pious, or who wish to attend these meetings, frequently receive a written note of admission; none but members (according to Discipline) receive printed tickets. There were several places in the Province where the people knew nothing of the nature of the "union," or the effect it would have upon the Church for some months after it was completed; they had heard that something was said about a union at the Hallowell Conference, but it never was fully explained; and when objected to by those who had gathered a faint idea of the momentous changes involved in it, the Preachers would assure them that no particular change had been, or would be made. As soon after the York Conference as possible, the new Wesleyan Preachers hastened to make out new class papers, upon which they placed the names of the members of the Methodist Episcopal Church without their own consent, and handed or sent them printed tickets headed "Wesleyan Methodist Church;" and this too, to persons who had never joined their *new-made* Church, or in any way connected themselves with it; very many of whom were almost entirely ignorant of the great organic changes made by that Conference, and who were dissatisfied as soon as they became acquainted with their nature; and although hundreds refused to concur in the "union" or even to countenance it, as soon as they understood its bearings

upon the Church—because mens' minds were so paralyzed by the unheard-of assumptions of the Conference, that they did not immediately, in some places, recover the shock they had sustained; so as to see clearly what course duty directed them to pursue—did this destroy their membership in the Methodist Episcopal Church, or transfer them without their own consent to another body? Let us for a moment consider their situation. The Church in which they had their spiritual birth, and had been hitherto nourished, was attempted to be demolished, and that too, by those who should have been watchmen upon its walls; and they, after uniting themselves to another body, going about among those societies where their influence was as yet unimpaired by a knowledge of their parricidal attempt, and telling the people that *only very slight and unimportant changes* had been made, and that the entire Church (with the exception of the place that they were then in) were satisfied; that except *here* there was no opposition, or dissatisfaction; and although *this place* was to be found throughout the *length and breadth of the country*, yet if they were to be believed it was only in the *one place* where they then happened to be. This is the description of duplicity and double dealing that was practised by them, in order if possible to prevent the people, for sometime at least, from taking a decided stand against their new-fangled innovations. But notwithstanding all their artifices there were some as we have shewn in the preceding pages who were not so easily hoodwinked. Is it at all surprising that in so trying a time, some should have hesitated; and is it at all consistent, reasonable, or just, to construe such hesitancy into concurrence with a measure that they abhorred, and to use *this* pretence to deprive them of their lawful rights.

Notwithstanding all this, some of those Wesleyan Preachers have very gravely told us, and others have even gone so far as to swear upon the Book of God, that such persons by receiving in this way the above mentioned tickets, meeting in class a few times, and attending preaching (although it is customary for persons who are not members of the Church to attend meeting, and not unfrequently class-meeting and love-feast) had become members of the Wesleyan Methodist Church, although such a way of receiving into a Methodist Church, had never been heard of before.

This is the kind of testimony which has deprived us of property deeded in good faith to the Methodist Episcopal Church in Canada.

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If we can make it appear, that a single Congregation of faithful persons continued members of the *Methodist Episcopal Church* in Canada, after the Conference of 1833, and that they never consented to the "Union," nor identified themselves with the Wesleyans in any way, (unless their pointed and direct opposition to the measure identified them with it,) and that they had a regularly ordained Minister, who preached the pure word of God, and duly administered the sacraments; then we establish the *fact*, that the M. E. Church continues to live; notwithstanding the fearful stab, which she had received from some of those of whom she was the spiritual parent, and who had been nursed in her bosom, and dandled on her lap.

Stephen Roy, an old Class-Leader, never consented to the union; he had the charge of a class who remained firmly attached to the M. E. Church; they were never expelled for not consenting to Mr. Ryerson's new measures; they were not read out of society for neglect of duty; they did not withdraw; they, therefore, remained as before, Episcopal Methodists.— Elder Culp preached and duly administered the sacraments; and who will dare to say that he consented to, or identified himself with the union in any way; he has not been expelled, he was not read out of society for neglect of duty; he has not withdrawn; he therefore remained what he had been for many years before, and still is, a Minister of the Methodist Episcopal Church in Canada. Had every other individual member of the Church in Canada, fallen in love with Mr. Ryerson's "union" scheme, and ran away with him to the English Methodists, this one single Minister, and one single congregation, would have preserved the identity of the Methodist Episcopal Church, for it comes up to the description of the visible Church of Christ, given in the XIII article of our religion, which is as follows:—

"OF THE CHURCH."

"The visible Church of Christ is a congregation of faithful men, in which the pure word of God is preached, and the sacraments duly administered according to Christ's ordinance, in all those things that of necessity, are requisite to the same." Discipline of 1829 Page 11.

Although this is sufficient to establish our identity as the original M. E. Church, we do not rest our identity upon *one minister* and *one* congregation, but upon *several ministers* and *hundreds of members*.

It has already been stated, that the Conference doubted its disciplinary power to abolish Episcopacy, and retain the chapel property; which is proof positive that the framers of the "restrictions" and "limitations" imposed upon the powers of the General Conference, never designed that Episcopacy should be "*abolished*;" and the Canada Conference must have so understood it in 1828 and 1832. This will farther appear from the circumstance that Messrs. Bidwell and Rolph were consulted upon this very point: and, strange as it may appear to the candid reader, Mr. Ryerson has carefully concealed from public view, the Postscript that accompanied their opinion, as well as a note bearing date five days later, all of which have been kindly furnished Bishop Reynolds, by Marshall S. Bidwell, Esq. The circumstance of publishing part of these documents, and suppressing the rest, is another specimen of Mr. Ryerson's plan of *manœuvring*, and *telling the truth*, and *sparing the truth, just as it may happen to suit his design*. A system that requires such tact to uphold it, must rest upon fearful quicksands, and tremble at investigation.

The documents referred to are as follows.

(COPY.)

YORK, 5th January, 1833.

Gentlemen,

We had the honor to receive last evening, your note of the third of this month, in which you state that the Conference of the Methodist Episcopal Church in Canada, desired us to give our opinion on the question, "whether the abolishing of the Episcopal form of Church Government from among them, would jeopard their Church Property."

We are not aware that there has been any adjudication exactly in point, but it has been decided that if a Corporation held lands by grant, or prescription, and afterwards they are again incorporated by another name, as when they were bailiffs and burgesses before, and now are Mayor and Commonalty, or were prior and convent before, and afterwards, translated into a Dean and Chapter, although the quality and name of their corporations are altered, yet the new body shall enjoy all the rights and property of the old. 4 Co. 87, 3, Ban. Rep. 1866. Judging from the analogy of this case, as well as from other considerations, we are of opinion that if Episcopacy should be abolished in your Church, and some other form of Church Government should be established in the manner mentioned

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in your book of Discipline, the rights and interests of the Conference in any Church property, whether they were legal, or only equitable rights and interests, would not be impaired or affected by such a change.

We have the honor to be,

Reverend Gentlemen,

Your obedient humble Servts.

(Signed,)

MARSHALL S. BIDWELL.

“

JOHN ROLPH.

To Revd. Messrs. James Richardson and Irvine.

P. S.—Since the foregoing was written, it has occurred to us, that there might be cases (although we are not aware of any) in which property has been given to the Conference, or to Trustees for their use, on the express condition that their interest should continue only while the Episcopal form of Church Government was retained. It will be understood of course that we have not intended to express our opinion respecting property held either upon these terms, or upon any other special or peculiar conditions: as the rights of the Conference, in such instances, if there be any, must depend on the particular circumstances of each case.

(Signed)

MARSHALL S. BIDWELL.

“

JOHN ROLPH.

(COPY.)

YORK, 10th January, 1833.

Reverend Gentlemen,

We have the honor to enclose our opinion in answer to the question contained in your note of the third of this month.

We trust that the Conference will perceive that it is our professional opinion merely on the legal effect upon their Church Property which will follow from the contemplated change, as *we are anxious it should be understood by them that we do not intend to express any Judgment, directly or indirectly, on the policy or propriety of such an important step.*

We return the book of Discipline which you left with us.

We have the honor to be

Reverend Gentlemen,

Respectfully, your faithful servts.

(Signed)

MARSHALL S. BIDWELL.

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JOHN ROLPH.

Rev. Messrs. Richardson and Irvine.

These learned Gentlemen knew of no "adjudication exactly in point;" indeed, such a circumstance was *unknown* in Law, and they merely judged from the "analogy of corporate bodies" such, for instance, as "where bailiffs and burgesses" existed before, and were afterwards incorporated by another name, "as Mayor and commonalty, where there was prior and convent before, and were afterwards translated into Dean and Chapter."

This was as near, no doubt, as they could come to the "*point*," but it is far from being a parallel case. It is not at all likely that these learned gentlemen had been informed that the discipline had been already violated, by the acts of the Hallowell Conference, in admitting ineligible persons to a seat and vote in that General Conference; such, however was the case. But again they say, "if Episcopacy should be abolished and some other form of Church Government should be established in the manner mentioned in the discipline, that the rights and interests of the Conference would not be "impaired or effected by such a change:" mark, "if Episcopacy should be abolished" "in the manner mentioned in the discipline"; but does the discipline provide for its abolition, or for any form of government other than the Episcopal form? It does not. Did the discipline authorize the Conference to give up its independence to another body of ministers? It did not. Where, or how did the discipline provide for giving up the Missions to the English Methodists, and attaching the societies to that connexion? It cannot be shewn. There is no truth more evident, than that the Canada Conference, in 1832 and 1833, exceeded the bounds of its authority, violated the discipline of 1829, forfeited the confidence of the Societies, and created a new Church: it was, therefore, optional with the societies to follow them into the untrodden, rough, and thorny paths of the "*union*," or to travel on in the old smooth and pleasant ones of their own highly favoured and beloved Church.

We will now lay before our readers, the Hon. Judge Macaulay's opinion of the Waterloo Chapel Case, in 1837, (an opinion, which it will be recollected, his Lordship informed the Jury, on the late trial at Kingston, that *he had not changed*,) which will confirm the principle for which we have contended, viz. That the Canada Conference seceded from the Methodist Episcopal Church in 1833, and that the present Methodist E. Church in Canada, is the original Methodist Episcopal Church, organized in 1828.

Opinion of the Hon. Judge Macaulay, on the Waterloo Chapel Case.

DOE ex Dem. The Trustees of the
Methodist Episcopal Church for the
Township of Kingston,

vs.

THOMAS BELL.

One Acre of Land and a Stone
Church in the 3d Concession of the
Township of Kingston. Lease—
Entry—Ouster and Possession, ad-
mitted.

The Plaintiffs made title in a corporate name, under the Provincial Statute, 9 Geo. IV. c. 2, by which it was, (amongst other things,) enacted, that whenever any religious Congregation or Society of Methodists should have occasion to take a conveyance of land for any of the uses therein-before recited, (namely, for the site of a Church, Meeting-house, Chapel, or Burying-ground,)—it should be lawful for *them* to appoint *Trustees*, to whom, and their successors to be appointed in such manner as should be specified in the Deed, the land requisite for all or any of the purposes aforesaid might be conveyed,—and such Trustees, and their successors in perpetual succession by the name expressed in such Deed, should be capable of taking, holding, and possessing such land, and of commencing and maintaining any action or actions in law or in equity for the protection thereof and of their right thereto—the Trust not exceeding five acres for any one Congregation, and the Deed to be registered within twelve months. It also provides that conveyances previously made for the like purposes should (being registered) be equally valid.

The Plaintiffs claimed the premises in question by virtue of an Indenture bearing date the 9th day of August, 1832, and made between Daniel Ferris of the one part and John Grass, James Powley, Barnabas Wartman, Gilbert Purdy, Lambert Vauallstine, Joseph Orser, Micajah Purdy, Francis Lattimore senior, and Robert Abernethy of the other part, whereby, after reciting the above statute and that a religious Congregation or Society of Methodists had occasion to take such a deed of a tract of land situate in the Township of Kingston, for the site of a Church and Burying-ground, and had appointed Trustees by the name of “the Trustees of the Methodist Episcopal Church in the Township of Kingston,” the said Ferris, in consideration of £3, gave, granted, sold, assigned, released, conveyed, and confirmed unto the said Trustees by the name aforesaid, and their successors to be appointed in the manner there-in-after spe-

cified, a tract of land situate in the said Township of Kingston, containing one acre, and therein more particularly described:— To have and to hold the same, with the building or buildings erected or to be erected thereon, to the said Trustees and their successors in the said Trust forever, for the site of a Church, Meeting-house, and Burying-ground for the use of the Members of the Methodist Episcopal Church in Canada, according to the Rules and Discipline which then were or thereafter might be adopted by the General or Annual Conference of the said Church in Canada,—in trust and confidence that the said Trustees for the time being, should at all times thereafter permit any Methodist Episcopal Minister or Preacher, or Ministers or Preachers, he or they being a Member or Members of the Methodist Episcopal Church in Canada, and duly authorised as such by the said General or Annual Conference, to Preach and perform Religious Service in the said House and Burial-ground, according to the rules and discipline of the said Church. It was then declared that the full number of Trustees in the said Trust should continue to be seven, and that whenever any *one* or *more* of the Trustees therein named, or their successors in the said trust should *die*, or cease to be a *member* or *members* of the said Methodist Episcopal Church in Canada, according to the rules and discipline of the said Church, the vacant place or places of the Trustee or Trustees so dying or ceasing to be a member or members of the said Church, should be filled with a Successor or Successors, being a Member or Members of the said Church, and to be nominated and appointed in the manner therein specified.

It was admitted that Daniel Ferris was seized and had good right to convey—that the Deed had been duly Registered according to the act—that there was a congregation or society such as the statute required, as therein recited, and that the conveyance operated under the statute as a Religious Trust.— This closed the Plaintiff's case.

The Defendant claimed to be in possession with the assent of some of the Trustees named in the Deed, and of others who had been appointed according to its provisions in lieu of some of the original parties who had ceased to be members of the Church, and consequently that he was no trespasser, and not liable to be turned out in this Ejectment, which was said to be brought at the instance of those who had so ceased to be members of the Church, (and were therefore no longer Trustees) in conjunction with others irregularly nominated as joint Trustees with

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them in lieu of those under whom the Defendant held possession, and who they contended were not legally seized of the property as such Trustees.

It appeared therefore that two sets of persons claimed to be Trustees and entitled to the possession, or to use the corporate name in which this action is brought to recover or defend it.—Evidence was in the first place given by the Defendant to support the right of those under whom he held. It appeared that the Methodist Church spoken of in the Deed, emanated from, and was formerly in connexion with the Methodist Episcopal Church in the United States; but that with the assent of the Parent Establishment it was in the year 1828 separated and formed into an Independent Body, called the Methodist Episcopal Church in Canada. That in 1829, the Conference of Preachers belonging to such Church framed a Discipline entitled, “the Doctrines and Discipline of the Methodist Episcopal Church in Canada,” such being the name adopted.

In 1833, a union took place between the said Church and the British Wesleyan connexion in England, attended with a change of name in the first place to that of “the Wesleyan Methodist Church in British North America,” and afterwards “the Wesleyan Methodist Church in Canada,” and in 1834 the Conference appointed under the discipline of 1829, framed another discipline adapted to the altered state of things. With a view to the union it was resolved by three-fourths of the members present at the Yearly Conference held at Hallowell, in 1832, that this Conference should recommend to the General Conference to pass the 3d Resolution of the Committee on the proposed union, which reads as follows:—“That Episcopacy be relinquished, (unless it will jeopard our Church property, or as soon as it can be legally secured,) and superseded by an Annual Presidency, and that this Conference recommended the Chairman to call a General Conference on Monday, A. M. at 6 o’clock.” The Chairman called a General Conference Meeting accordingly; and the following extract shews the course pursued by them. “A special Session of the General Conference was called and held at Hallowell on the 1st of August 1832—voted that a superintendant pro. tem. be elected—William Case was duly elected.—Resolved, that this Conference on the recommendation of three-fourths of the Annual Conference, having in view the prospect of an union with our British Brethren, agree to sanction the 3d Resolution of the Report of the Committee of the Annual Conference, which is as follows:—‘That Episcopacy

be relinquished, (unless it jeopard our Church Property, or as soon as it can be legally secured,) and superseded by an Annual Presidency, in connexion with the 10th Resolution of the said Report, which says, that none of the foregoing Resolutions should be considered as of any force whatever until they shall have been acceded to on the part of the Wesleyan Missionary Committee of the British Conference and the arrangements referred to in them shall have been completed by the two connexions.' The above Resolution was carried by a majority of three-fourths of the General Conference.—Signed William, Case, President of the General Conference."

It also appeared, that, between the separation of the M. E. Church in Canada from the Mother Church in 1828, and the period of this Union with the British Connexion, no Bishop had been nominated or ordained, and consequently that no ordinations of Ministers had taken place in the Church, unless by American Bishops; but that, according to the Discipline in that behalf, there were a number of subordinate Ministers entitled to become Members of the General Conference, and that at the Special Session in 1832 all such were, by a vote of the General Conference, admitted to the same, and allowed to participate in the proceedings touching the projected Union and vote thereon. This measure was adopted as being an act of justice towards those who would otherwise have been excluded, and towards the Church whose interests were so materially involved. It also appeared that the General Conference assembled, as of course, once in four years only, but that the Yearly Conference might convene a Special Meeting if deemed expedient, and that the Meeting at Hallowell was of the latter kind and not one of those provided for by fixed appointment in the Discipline.

It was not clearly proved that all those Elders who regularly belonged to the General Conference were present. It was thought they were. But the Meeting took place suddenly, and there was no time to summon any that were not actually present at Hallowell.—All those qualified for Elders' orders were not present nor warned, such only as were at Hallowell attending the Yearly Conference were called upon. But of the members composing such General Conference more than three fourths of the whole and of each class, i. e. of Elders regularly belonging to the Conference, and of those introduced as above explained, concurred in the Resolution which then passed the Board.

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It also appeared that the relinquishment of Episcopacy was an indispensable preliminary to the connexion with the British Conference, as Wesley had not meditated it in England—and the protocol was submitted with a pledge of compliance in this respect—and in the 2nd article of the Union, the Discipline, economy, and form of Church Government in general, of the Wesleyan Methodists in England, were agreed to be introduced into the Societies in Upper Canada, and in particular an Annual Presidency was adopted. In an explanatory note it was declared to be understood on both sides, that the provisions of that article referred to no other modifications in the economy of Methodism in Upper Canada, than those which took place at that Conference, and that the Canadian Book of Discipline had theretofore provided for.

There was a good deal of evidence received with a view to shew how far the Trustees named in the Deed had or had not acquiesced in the arrangement, 3 E. 215. but as their assent or dissent could not govern the main questions—namely the effect of that 3 M. & S. 488. proceeding upon the right of property in the cestuis que trusts, and how far those approving of the Union had or had not ceased to be members of the Church mentioned and contemplated in such Deed, the facts did not seem very material beyond what I understood to be clearly established, namely, that a majority of such Trustees approved of the Union and are adherents now to the connexion with the British Wesleyans—but that a minority were dissentient and desired to maintain the former System of Church Government and Discipline, and that of such minority, some, or at least one, had undeviatingly objected to the change, while others had at one period acquiesced in it—but after wavering for a time, finally dissented and joined him or those who had always continued in steadfast opposition.

Of the Members of the Conference a very large majority including all the Elders with one or two exceptions, approved of the Union, and many of the laity were equally satisfied. But one or two Elders, and a more numerous portion of the Inferior Clergy, and of the laity refused to recognize it, and denied the power of the Conference, 1st, to abolish Episcopacy—and 2nd, to form such a Union, placing the Church under the auspices of the British establishment, and so far under its control as to accept as their Head, a President annually appointed by the British Conference, with authority to exercise the principal functions of their former Bishop, including Ordination. Owing

to the foregoing differences arising out of the Union, the Dissentients reorganized from the remaining fragments of the original society, an Episcopal system, not in strict conformity with the Discipline of 1829—rendered impossible from the secession of ecclesiastical Members—but as near as might be, agreeably to its rules, and with a view to a strict adherence to that Discipline. A Bishop had been elected by the new General Conference, such as they had re-formed, but he had not been yet consecrated; also, the dissentients holding all those Trustees who espoused the Union to be no longer Members of the Methodist Episcopal Church in Canada, proceeded to appoint others in their place—while on the other hand, those who had acquiesced in the Union, claiming still to be the same Church as before, and viewing the dissentient Trustees, as nonconformists to legitimate changes, or seceders, appointed substitutes to fill the places supposed to be vacated by them—and the right to recover in this action, depends upon the question, which of these two classes of Trustees are now legally clothed with such trust, and seized of the estate in question. This question is conceived to be regularly raised in an ejectment, because, by the terms of the Deed under the Statute the original Trustees and their successors to be appointed as therein provided, stand seized of the estate to be protected or sued for in the collective name assigned to them, and because such Trusteeship was to cease not only at death, or by voluntary relinquishment, but also upon ceasing to belong to the Church. Wherefore it formed a subject of legal enquiry which of the parties were Members of the Methodist Episcopal Church in Canada, according to the Deed in that behalf.

3 Bur. 1268.

4 “ 1991.

3 T. R. 575.

7 B. & C. 314.

10 “ 720-1.

4 “ 462.

6 D. & R. 524.

The first consideration is, whether this forms a proper subject for investigation in a Court of Law? Religious associations of the present kind not being regular ecclesiastical establishments, are only judicially noticed in relation to their temporal interests. The Courts exercise jurisdiction over their property as charitable Trusts; and, in that way, their proceedings are often subjected to legal or equitable scrutiny.—And throughout this opinion, when I speak of the powers of the Conferences, I wish to be understood as exclusively restricting myself to their exercise in relation to the property in question, and the members of the church interested therein.

The only object here is to ascertain by whom the legal es-

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tate in the Waterloo Church and premises—1 Anst. 86.
 es is held, under the corporate name authorised by the Statute; and if those mentioned in the Deed are entitled to be regarded as Trustees de facto until ousted by some direct judicial proceeding instituted with that view, the defendant should succeed, for a decided majority of them side with the defence;—but if it is competent to the minority to prove that such persons have ceased to be Trustees, ulterior considerations must be entertained. In the event of death or secession, any one remaining Trustee would possess the estate without regard to the regularity of succeeding appointments, but unlike ordinary Trusts the legal interest is transmissible to successors when vacancies occur, See the Statute and the Deed provides that the Trust shall be vacated by any Trustees leaving the Methodist Episcopal Church in Canada; and successors have been nominated on both sides. It is apprehended, therefore, that in a litigation like the present, between two antagonist parties, each asserting a legal right to the Trusteeship, and such right depending upon membership, a Court of Law is incidentally obliged to decide upon the competence of the General and yearly Conferences to supersede Episcopacy and accept a President from the British connexion.—There is no avowed secession by either party, all depends upon the validity of the late union out of which the controversy has arisen.—When once the legal rights of the Conferences, as leading to a discovery of the present legal Trustees, are determined, the jurisdiction of this court terminates. Any breach of misapplication of the Trust, by those legally entitled, must be redressed in Equity. A Court of Law deals with the legal estate,—a Court of Equity protects the equitable interests;—the one looks to the legal rights of the trustees, the other to the equitable claims of the cestuis-que-trusts. Each in its sphere confines all parties within legitimate bounds, without any arbitrary discretion belonging to either.—Neither Law nor Equity go beyond or stop short of the Deed.

In this Court due effect should be allowed to its legal provisions,—in Chancery to its equitable objects. Whatever the Deed legally authorises should, at Law, be upheld—what it warrants in relation to the Trusts should, in Equity be respected. It would seem to follow that the question of membership

might arise, at Law, as a necessary qualification for Trustees ; or, in Equity, as essential to the privileges of *cestuis-que-trusts* : —and to whatever extent the right of membership might depend upon, and draw into judgment, any measures of the Conferences, a Court of Law would sustain their proceeding, if conducted in adherence to the modes and forms, and within the scope and compass of their constitutional authority.

Were the legal title otherwise clear, it might then become material to look minutely into the composition of the two General Conferences held in Hallowell and Toronto, in the years 1832 and 1833, for being extraordinary, and not regular quaternal Meetings, according to the Discipline, it would probably be requisite that all eligible members should have actually attended, or, at least, been apprized of the time, place and objects.

The vacancy in the Episcopal office, and its consequent want of actual representation on those occasions, and the admission of ineligible parties to the discussions might likewise merit attention, as also whether the Discipline ought not to have been amended by a substantive rescision of the second restriction, previous to any vote destructive of Episcopacy.— But the more important inquiry whether the Conferences could by any steps of their own, however formal, relinquish Episcopacy and substitute a yearly Presidency to be supplied by the British Conference, against the will of some members of the Church, and more especially, of such dissentients as belong to the Waterloo congregation attracts and demands prior notice.

14 Ves. Jr. 13. 2 P. W. 209. 6 Bro. P.C. 511. Plow. 113.

In taking up the question, it is proper to direct attention to the rise, progress, doctrines and discipline of the Wesleyan Methodist Church in both England and America ; not to canvass the merits or defects of

- 1 Stra. 385, 1051.
- 2 Bur. 723-34-8-44.
- 2 Lord Ray, 1358.
- 2 Sel. N. P. 1143.
- Rex vs. Kynaston.
- 8 East 543.
- 8 T. R. 356.
- 6 “ 268, 732.
- Hardw. 151.
- 5 Bur. 2681.
- 6 D. & R. 593.
- 4 B. & C. 426.
- 7 “ 696.
- 7 “ 314.
- 1 M. & R. 431.
- 3 T. R. 189.
- 2 East 70.
- 12 “ 22-8.
- 13 “ 385, 367.
- 4 B. & C. 800-37-42
- 7 D. & R. 267.
- 2 Smith 20.
- 6 B. & C. 456.

- 4 Bur. 2260.
- “ 2521.

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practical differences, but to glean information 3 Mer. 412-13
 auxiliary to the construction of doubtful rules
 of Church Government. With like objects other Christian
 Churches, Episcopal and Presbyterian, should be glanced at—
 not to agitate theological discussions, nor to indulge a polemic
 spirit,—but to collect rays converging to the subject under con-
 sideration. The merits of differing systems in themselves are
 not involved, and their constituent parts are only important to
 exhibit their distinguishing features.

1. I would in the first place premise that where the Disci-
 pline of 1829 speaks of "Our Church," I understand a Protes-
 tant sect, consisting of members Ecclesiastical
 and Lay, with certain known rites and doc-
 trines,—deeming the sacraments of Baptism
 and the Lord's Supper of Holy institution,
 and a duly ordained Ministry important in
 the administration, although not made an ex-
 press article of faith.

Discipline, see
 p. 11, Art. 13.

See p 111-116
 " 128

2. That by Episcopacy I take to be meant, a settled form of
 church government under a superintending clergy divided into
 a plurality of orders, and derived from scriptural authority,
 which I find expressly acknowledged in those
 parts of the Discipline that prescribe the ordi-
 nation services for Deacons, Elders, and Bish-
 ops. I think the term is used in an extended sense, not res-
 trained merely to the Head of President of the Conference, but
 indicating divers clerical orders appointed for the Christian
 Church, of which a Bishop is the Principal. Not a system
 devised merely by man's imagination as judicious or expedi-
 ent, but sincerely believed to be deduced from sacred authority.
 Were it obscure on this subject a perusal of the life of the emi-
 nent and pious Wesley and a reference to the early rise and
 progress of Methodism until the establishment of Episcopacy,
 and the promulgation of the first Discipline in the American
 Church, would illustrate its meaning according to this inter-
 pretation.

Ib.

3. It appears to me too, that the name used in the Disci-
 pline of 1829 denotes two things ; first, that the Church is
 Episcopal, and secondly, that it is seated in Canada. I think
 that the words "in Canada" at the end had a two-fold ob-
 ject,—first to form part of the name drawn from the locality,
 and, secondly, to qualify what went before—the whole import-

ing that it was not only a Methodist Episcopal Church, but that Church in Canada as distinct from the main body in the United States. The name "Methodist Episcopal Church in Canada" does not merely designate an isolated society of christians but such a society as a portion of a more extensive community of Methodist Episcopalians, and the words in the deed of trust are capable of a similar construction. [See Discipline, p. 5 and 22 at the bottom.]

The Wesleyan Church in England and the Methodist Episcopal Church in America, (of which the latter is now the largest body,) though both originating with the same distinguished Founder, form two separate and distinct societies, not one connexion. It is true they harmonize in doctrine, and agree in many points of discipline, in other respects they vary; and the history of both should be traced in the different lives of the Rev. John Wesley, and other records of Methodism, to comprehend fully the bearings of the present controversy.

What follows will display some internal differences, not immaterial, so far as this case depends upon substantial distinctions between the two communities.

The brief account of the origin of the Methodist Episcopal Church in the beginning of the discipline shews how Episcopacy was engrafted upon that Society, and that whatever Mr. Wesley might in his own mind have contemplated, its institution was understood and received by the members of that body in its true sense, touching both ecclesiastical Government and the sacred rituals, however abridged in power and authority, or deficient in rank and distinction, the Bishops may be in comparison with the English Prelates. It was that step on Mr. Wesley's part which was conceived to have formed a previous religious fraternity into an independent christian church. He had laid the

See the Letters from Coke to Wesley and from Wesley to Asbury and the American Brethren and the Discipline, p. 5.

former Assistant and a zealous lay Preacher) was in America the first to pass.

foundation, and afterwards when the superstructure was ready, thus placed the keystone in the arch, by which it was perfected and upheld as a church, in contradistinction to a lay association of pious brethren. His object was to cement its union as a christian church by an ordained Ministry, to consist of Bishops, Elders and Deacons, through all which orders Mr. Asbury (his

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In England he did not pursue a similar course, nor did he attempt to convert his adherents there into a separate church apart from the national establishment. He was a Presbyterian or held Priest's orders in that church, and was sincerely attached to its ordinances. He superintended the British societies in person while he lived, and at his death the government devolved upon the yearly Conferences by virtue of his formal *Declaration* enrolled in Chancery, executed in 1784, shortly before his ordination of Coke to the office of Superintendent in America, or to the "Episcopal office" as it is termed in the discipline. The authority of the English yearly Conference did not result from any innate right or attribute of the Preachers, nor had it existed previous to the *Declaration*, further than Mr. Wesley had been pleased to divide his power with them. History informs us that the first meeting was convened by him of his own accord in 1744 to advise upon the affairs of the societies, and explains how the Preachers gradually gained influence through the increase of numbers and the "Rules of future practice" from time to time adopted, and to which all conformed as binding regulations. The American Conferences were formed under Mr. Wesley's Assistants, and became clothed with power much in the same way.

Previous to the Year 1784, the English Conference was not supposed to possess in a collective capacity, and in relation to the Church property, any defined character cognizable in law. Much real estate (including Chapels, &c.) had been conveyed to Trustees, to permit Mr. Wesley and such others, as he should appoint, at all times during his life to enjoy the use thereof, to preach and expound God's holy word—and after his death, to permit such persons as should be appointed at the yearly Conference of the people called Methodists; to enjoy the premises for the purpose aforesaid—and it was in order to give legal identity to such Conference, that the declaration was executed. He inserted the names of 100 Preachers, and declared that they and their Successors, (therein provided for,) should constitute the Body, meant to be designated in the Deeds of Trust, when they spoke of the Conference of the People called Methodists. It was thus, that the English Conference first received its *quasi* corporate or collective character, and was perpetuated; and in whatever light Mr. Wesley's organization of a Church in America may be regarded, his arrangements for the future management of the Society in England have been respected, and it is said, have been allowed and maintained in Chancery.—

This "*Declaration*" should be examined, for under it the Society has been governed ever since his death. It shews that he dictated terms to the Conference in the capacity of Founder, and that with the Deeds of Trust it has, in relation to the Trust Estates, always operated like a law or Charter, obligatory upon them and all the members, and so the Discipline and Deed of Trust in the case before us.—Mr. Wesley's *Declaration* is yearly recognized and forms a guide in its leading provisions, as doubtless the Minutes of the Conferences will testify. It will, however, be found upon inspection that this important document is silent on the subject of ordination, and the sacred Ministrations. *They* are not provided for as was meditated and intended in the American Church—and the omission was no doubt designed. Herein the two as claiming to be Churches differ materially in their organization.

It is well known that many followers of the Father of Methodism on both sides of the Atlantic, were Members of the Established Church, and received the Sacraments from the regular clergy, and not from their own Preachers, unless in holy orders. Also, that in England he made no effort to suppress the

See his Letter of 10th Sept'r. 1784, in Moore's Life.

practice, or to dispense with the necessity, and that he only adopted another plan towards America, owing to the peculiar exigencies of the occasion as set forth in his letter to Mr. Asbury and the American

Brethren, when he ordained Coke and others to *different offices* in the Ministry. The separation from the National Church in England was gradual and not completed until after his death. Indeed up to this day (there is good reason to believe) the Methodist Clergy in England are not required to administer the Sacraments, nor are the laity obliged to accept thereof from them in their own houses of Worship, unless both parties are willing

Ward's Minature of Methodism, London, 1829, p. 22-3 and 66-7.

—it is left to voluntary choice, and any reluctance on either side warrants forbearance. It is said that in Ireland a serious estrangement and division ensued upon the Conference sanctioning the distribution of the Lord's Supper in their own meeting-

houses and by their own Preachers, although only extended to such as should be willingly disposed to receive the same, it being considered an innovation upon the principles of primitive Methodism. If so, such circumstances evince the delicacy of the change proposed here; and suggest the conscientious hesi-

tation that may be felt by them in concurring in what they may deem a matter of spiritual concern.

It has been contended, that the mode of appointing Lay Preachers is equivalent to ordination; yet the Discipline preserves a marked distinction between Lay Preachers and those ordained to the ministry by the hands under the Superintendency of Mr. Wesley to the Episcopal Church in America, and the success of the latter.

In the present discipline of the Methodist Episcopal Church is not unlike the Moravian and others in which, though Episcopacy is deemed necessary, no other or pre-eminent authority is required. The Bishop, being governed by the General Conference, which he presides, and to which, as a spiritual Forum, he is personally accountable, *although the office itself is not*. Now the society in this Presbyterian Episcopal Church, and particularly in the United States, was already an organized body of Ministers who received with authority they possessed from the parent part of that church that was by a Conference of such Presbytery was prepared for the church independent attitude it could take. The Conferences in Upper Canada in their church than belonging to the Conferences in the United States, although they might be independent. And since their present Discipline is the one which must have been the prerogatives of the two churches, this case in effect includes the General Conference could act upon the whole connexion, and reduce it without affecting the right of the lay members. It might

that may be felt by the present adherents to Episcopacy, incurring in what they may deem objectionable relaxation in matter of spiritual concern.

It has been contended, that Mr. Wesley's mode of appointing Lay Preachers was equitable to ordination; yet the Episcopal Discipline preserves a marked distinction between Lay Preachers and those solemnly inducted to the ministry by imposition of hands under the Superintendents dedicated to Mr. Wesley to the Episcopal office in America, and the succeeding Bishops.

Under the present discipline and distribution of power, the Methodist Episcopal Church in America is not unlike the Moravians and some others in which, tho' Episcopal ordination is deemed necessary, no elevation of rank or pre-eminent authority is allowed the Bishop, being governed by Synods or Conferences, at which he presides, and to which, as an Ecclesiastical Forum, he is personally amenable, though the office itself is not subject.

The society in this Province is a scion of the Methodist Episcopal Church, and previous to the separation in 1828 it was already an organized religious body, served by ordained ministers who received whatever sacred or ecclesiastical authority they possessed from that source. It was as a component part of that church that the separation took place. It was the Conference of such Preachers that the Discipline of 1829 was prepared for the church in Canada, and upon assuming an independent attitude it could not be reasonably supposed that the conferences in Upper Canada enjoyed any higher powers than their church than belonged to the General and Yearly Conferences in the United States over the principal establishment, though they might fully lay claim to an equal authority. Since their printed Discipline was manifestly based upon the one which must have long obtained in the parent society, the prerogatives of the two may be justly assimilated. So that the case in effect includes the question whether the American General Conference could abolish Episcopacy throughout the connexion, and reduce the church to Presbyterian rule, without affecting the right of property, however disapproved by the members. It might be further asked whether that body

See p. 59, 62-3

Acts xiii. 3.

" vi. 6.

" xiv. 23.

1 Timothy, iv. 14.

2 " i. 6.

Galatians, i. 1-11.

Deuteronomy, 34.

3 Adams' Religious World display p. 301.

2 Atkins 658.

could in addition, and though resisted by the laity, accept a yearly President, with Episcopal powers of ordination, from the British Connexion. Politically, reasons might operate against such a measure in the United States that would weigh in the opposite scale here; but it is not a political question, and mere expediency could not determine the right.

The discipline of both are equally comprehensive. The General Conferences are alike empowered to make rules and regulations subject to similar restrictions, and the same proviso touching the articles and doctrines of the church and Episcopacy, and the General Itinerant Superintendency. They are equally entitled to accept a Superintendent from without, or to make internal changes within; I therefore consider the Conferences in both countries of equal authority over their respective churches, and have not failed to reflect how the same question would be probably viewed in the American courts should it arise there in a parallel case.

In the hope that the above represents not inaccurately the subsisting relations between the two great Branches of Wesleyan Methodists, and the comparative positions of the American and Canadian Churches, I approach more nearly the consideration of the governing powers of the Conferences.

These powers must accrue to them from some of the following sources:—

First—From the original or inherent right of the Clergy to exercise unlimited jurisdiction over the affairs of the Churches, ecclesiastical and temporal, without participation or control on the part of the laity, or—

Secondly—As select bodies appointed in the first creation of their Society to govern and manage its affairs as a quasi corporation, not elected by the lay members, but established in the original foundation—or gradually invested with general legislative and executive authority, or—

Thirdly—As placed over a voluntary religious association to rule under a settled constitution, prescribed by the Founder, confirmed by usage, or adopted by connexion in the nature of an accepted charter.

But on whatever footing placed, the powers of the Conferences must be inherent or conferred, and if conferred they must have been implanted in the first organization of the Society in America, or have sprung from subsequent usage under tacit assent—or have been for the first time imparted by the Discipline ultimately published—and in tracing out their privileges, the

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original formation—the known usages—the acknowledged Discipline, and the deed of Trust must all be taken into view, as together embracing and explaining the Constitution.

1st. Rested upon the basis of inherent right—the early history of the Christian Church—the Councils, Synods,—Edicts, canons &c., would be referred to,—yet I believe that by the law and Constitution of England since the Reformation, the Clergy of the Established Church in convocation are not admitted to possess inherent power to make alterations in fundamental points binding *proprio vigore* upon the Laity or the property, without the sanction of Parliament, and cogent reasons would withhold from the clergy of dissenting societies, a more arbitrary discretion, unless explicitly accorded to them in their domestic archives. As respects their temporal concerns it would seem just, that between the Ecclesiastical governing power and the lay Members, their proceedings should be regulated by some fixed and stable rules in common with other Religious bodies equally entitled to exemption from secular restraint.

2 Atk. 657-9.

Hardw. 57.

“ 356.

2 Stra. 1056.

2 Bar. B. R. 351.

1 Kel. 148.

If the establishments need Parliamentary approval, dissenting congregations require the approbation of the laws operating on vested rights.

2nd. To whatever extent the constitution of any such society expressly commissions the governing power, it may freely legislate, when obscure, legal data must form its land-marks; and it appears to me that the authority claimed by the general and yearly Conferences on this occasion must be searched for, not in primitive recesses, but in the rules and registers of their own church.

They are select bodies, to which the government of a religious community is entrusted under a constitution partly written, and partly unwritten. Its written depositaries are the Minutes of the Conferences and the Discipline, to which (as the foundation of our jurisdiction) may be added the Deed of Trust. Its unwritten evidences repose in those early and first principles on which the Society was formed, and the Discipline founded, and the present object is to ascertain the true spirit and intent of such Discipline as unfolding the constitution and pointing out the jurisdiction of the Conferences. The Discipline may be treated as principally recording what already existed, though partly introductory of new regulations; for it was prepared for

the use of an association previously organized, and its object seems to have been to reduce into digested form, and adapt to local use, the articles and rules of Government already subsisting in the Mother Church, and intended to be continued in this, after its amicable separation, rather than to concoct a new code. Being apparently acquiesced in by the Members of the Church, it should be treated as having received their general approval. —I do not know that it ought to be looked upon precisely in the nature of a subscribed document, tho' I am disposed so to treat it for the present, especially whenever it affirmatively introduces new regulations, or positively recognizes old ones. This case, however, depends much upon the construction of doubtful passages, not original in the Canadian Discipline, but transferred from the American edition, when revised for the use of the church in this Province, and in which they must have existed for a long series of years. Their early date in the Methodist Episcopal Church may be inferred from the mention of Superintendants instead of Bishops.

See Discipline,
p. 17-20.

In distinguishing between what is inserted as already in force, and that which is adopted *ab origine*, it is at the same time proper also to notice those regulations of internal economy which *are embraced*, and those prominent outlines which are *omitted*. We do not perceive it laid down as rules—that Episcopacy should prevail; that there should be three clerical orders; or that there should be general and yearly Conferences;—all these, and much more, are assumed. They existed already as fundamentals, and formed the substratum of the Discipline. The system in its main pillars was already established, and provision was only wanted for completing and giving symmetry to its interior divisions. It must have been by the Head Conference of the infant Canadian Church that the Discipline was prepared; and they must have already had full power to make rules and regulations before the Discipline existed—at least they must have assumed, upon some previous footing, whatever authority they undertook to transfer to others—*Nemo plus juris in alium transferre quam ipse habet*; for they spontaneously drew up and published it as within their province, and earnestly recommended it to their brethren.

After briefly noticing the rise of Methodism, and the origin of the Methodist Episcopal Church, and inserting the articles of religion they treat of the future Conferences; first asking what are the regulations and powers belonging to the General Con-

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ference, taking it for granted there was to be one, possessed of power, but subject to regulation. The three important topics are contained in the answer; first, the affirmative or enabling clause declaring that they should have full power to make rules and regulations for the church under certain restrictions; secondly, the two first restrictions, prohibiting their changing or altering the articles or doctrines of the church, or any part or rule of their government so as to do away Episcopacy, &c., and, thirdly, the proviso, that nevertheless the two Conferences in conjunction should *suffice* to *alter* any of a series of restrictions, including the first and second. The restriction and proviso do not say in terms that they might do away Episcopacy, nor does the enabling clause; it is said to be inferrible from the three construed together. But in the first place, did the power to dispense with Episcopacy exist *a priori* in the Conference which compiled the Discipline, or would it have resulted to the General Conference unless restrained, either, 1st, upon general principles, or 2ndly, from the enabling clause?

The Conferences are not elected bodies representing their societies; they were set over them by the Founder, or the order of events, they were submitted to; and without stopping to enquire to what degree the original Founder might have remodelled a constitution which he had designed, after once setting it in motion, I am persuaded that no select body in the situation of these Conferences will be found entitled to a higher or more unrestrained discretion than a representative institution; and that whether regarded in a representative capacity, or as the original focus of power, they will be circumscribed by constitutional bounds, beyond which they cannot legally pass. I take it to be a rule of corporate governments, that whether vested in select bodies or in the members at large, or in delegated representatives of the latter, such bodies while they enjoy an inherent or implied right to make by-laws, cannot transgress those limits which their constitutions soundly expounded expressly or constructively assign. The trust is supposed to be accepted on the one side and yielded on the other upon this mutual understanding; and any such select body would be especially inadequate to subvert the constitution, or to introduce organic changes not consistent with the integrity of the structure, such as doing away a co-ordinate or component

4 Bur. 2519.

“ 2204.

“ 2260.

3 “ 1866.

“ 1656.

3 Bul. 71.

4 Co. 77.

3. T. R. 199.

4 “ 810.

- 2 E. 82. part,—surrendering their own delegated
 3 “ 215. power to strangers, or adopting any suicidal
 4 “ 17. act destructive of themselves as integral
 1 B. & P. 229. portions of the establishment.
 4 B. & C. 799. do 818.

Viewing the Methodist Episcopal Church and the Conferences in this light, no vital change would be admissible, not compatible with the relative situation and duties of the latter towards the former, over which they were appointed to preside.

3rd. In the instance of mere voluntary associations acting under written articles, the rules of Law would be found still more rigid and inflexible. I infer, therefore, from analogy to adjudged cases respecting corporations and voluntary societies, that the general undefined powers of internal management, allowed to administrative bodies over religious associations, should not be deemed more comprehensive than may be fairly considered incidental and necessary to the government and well being of the same. And I do not think the General Conference can be sustained to the extent advocated on grounds of the last kind.—Yet a more extensive discretion than ordinary might have been conferred by the members of the Church through the tacit adoption of the Discipline, and in this document the right claimed is supposed to be embodied. If so, it must be contained in the enabling clause, for the restriction and proviso, however they may help to explain its meaning, do not, of themselves, super-add any thing affirmative. Then, does the clause itself give, or do the restriction and proviso lend to it that explanation which supports the rights asserted? I believe it is a rule of construction that restrictive provisions may be inserted from extreme caution, without actual necessity, and without implying concession, or be introduced as essential limitations to abridge undoubted power; when questionable, judicial discrimination must determine the proper application.

- 1 Co. 24-47
 4 Co. 73.
 Hard. 306-446.
 8 Co. 145.
 2 B. W. 259.
 Hob. 170.
 Cro. Car. 83.

The object here is to find out the true boundaries of the enabling clause,—the restriction is referred to in aid of the solution; with the same view the proviso is taken into account, and for like reasons other portions of the Discipline and collateral circumstances demand attention.

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In my humble opinion there was nothing in the affirmative clause calling for the first and second restrictions; to such extent, I think the rules of law already restrained it, and had no others been imposed, it is not probable the proviso would have followed. It equally applies to several other restrictions some of which might in progress of time be found to want modification or amendment: even those words in the second ("any part or rule of government") might afterwards be thought to require alteration, without weakening or affecting the prohibition respecting Episcopacy.

At best it does not seem to contemplate the total rescision of those restrictions; in terms it only speaks of their alteration, and distinguishes between doing away and altering. Most liberally taken it would not do more than sanction their repeal; and if revoked, the character of restraint would be entirely lost; they would not remain altered restrictions; and, at all events, no new or affirmative Law could result from their exclusion.

The power of the General Conference would consequently depend upon the enabling clause, explained by the restriction and proviso, but in connexion with the rest of the Discipline and the tenets of the Church.

The members of the yearly Conference, in the United States, which composed the first Discipline in the Methodist Episcopal Church, not being professional men, and doubting the legal effect of the empowering clause, may, to some necessary restraints, have added others that the law would have raised, and the proviso may have been extended to the whole inadvertently, or in the belief that no future Conference would be more disposed than themselves, to disturb the settled order of the Church. The word "suffice," in this proviso, is a little remarkable, as importing a conceived previous authority in the whole, to do whatever it contemplated.

Taking into view the whole Discipline, and not treating it as delusive, in many grave particulars, but attributing to those who penned it and to those who adopted it, religious sincerity in the premises, I cannot collect that the real spirit and intention of the general enabling clause sanctioned the relinquishment of Episcopacy, as comprehended in the rules and regulations for the Church, thereby authorized to be made. It does not appear to me to constitute properly a rule or regulation for the Church, but a radical change in a constituent portion of the Church itself, and incompatible with the principles upon which the Society originally acquired the character of a Church, not

only in the system of government, but in the appointments and functions of its ministry.

Discipline 22, 111, 116, 128. The admission of divers orders to be ordained by Bishops with imposition of hands in the language set forth in the eloquent and impressive prayers for the ordination services—the general superintendency of consecrated Bishops, and the scope of the disciplinary provisions throughout appear to me to forbid the inference. I gather from thence that Episcopacy may be esteemed by many members of that Church upon two grounds:—First, as a judicious plan of mere church government, and Secondly, as of scriptural appointment, and peculiarly important in relation to the sacred ministrations: and I cannot say that those who adhere to such a system have not a legal right to be secured in the enjoyment of property obtained under it and intended for its support.

It may be said that Episcopacy is not an essential ingredient in Methodism; but the term Methodism does not strictly imply a Church perfect in itself, and, if it did, it conveys no definite idea. An Episcopal, a Presbyterian, or a Methodist Church, designates no particular sect of Christians, for several classes range under each. In the Christian Church there are various separate bodies, some differing principally in doctrines and articles of faith, others principally in matters of government and orders of Ministry. So in Methodism, there are several distinct societies—even the Wesleyans are subdivided, not only as between England and America, but in England alone—differing not in doctrine, but in church government and discipline. Wherefore to point out any single society some adjective quality must be used to characterize it,—as British Wesleyan, or Episcopal Methodists. It is evident these two branches have, since Mr. Wesley's death, grown and flourished under different circumstances; in America Episcopacy being cherished—in England disregarded, and, at present, a perfect analogy does not hold either between the two societies, or between the original Founder and the succeeding Conferences. Of the former, it may be said, That in England he formed and presided over a religious society; but that in America he formed and established a separate Christian Church. Of the latter it may be predicated, that of both associations he was the prime mover and overseer, but that the Conferences followed under him in subordination to a system already matured, and *sealed* by him

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Then it has been asserted of the Episcopal Methodists, that while they reject in terms the ministry of Presbyters, they do but conform to that of Bishops,—that Mr. Wesley, being himself but a Presbyter in the Church of England, could not ordain at all, and certainly not to any higher order than his own, even admitting his power to do so much, and that he could not by any act or ordination of his, establish the Apostolic Church in the American Society. It may be so thought by Episcopalians of other Churches; Presbyterians may entertain contrary ideas; I shall not pretend to pronounce any opinion upon the subject. He may not have designed introducing Episcopacy or he may have regarded Apostolic Succession as a fable, or have looked upon Bishops and Presbyters as one order, though different offices. These are debatable points not calling for discussion here. Whatever he intended or thought, it is certain, that Mr. Coke was already a Presbyter or Elder in the English Church, and yet that on his Mission to America, Mr. Wesley ordained him by imposition of hands, to the office of *Superintendent*, and at the same time, with the like ceremonials, ordained two of the lay Preachers (Messrs. Whatcoat and Vasy) to be Elders in the American Church—he being assisted by other Presbyters of the National Establishment; and no doubt he assumed and meant to exercise the prerogative of thus perfecting the Church in America in relation to the ho- Discipline, p. 5.
ly ordinances, the ministry, and form of gov-
ernment; in doing which, we are assured that he preferred the Episcopal mode to any other.

In the opposing sentiments of subsequent writers, touching the motives and effect of those ordinations, and their subsequent continuance in the American Connexion, it is not only safest, but on this occasion most proper, to adhere to the Discipline of 1829, because it must display most satisfactorily the sense and construction of those immediately interested, touching their true character and received meaning. The material consideration is, what are the sincere and conscientious sentiments of the Episcopal Methodists themselves—what are their notions of Scriptural Doctrine relative to the Government, Ministry, and Ordinances of their Church?

Collecting them from the discipline in evidence, we learn that they are “founded on the experience of a long series of years, and on the obser- Discipline p. 4.



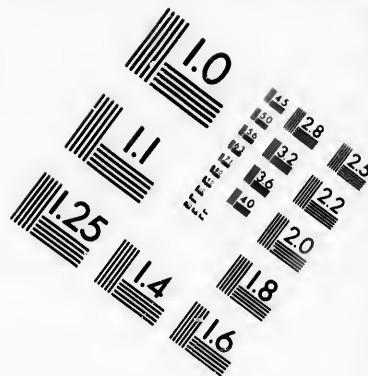
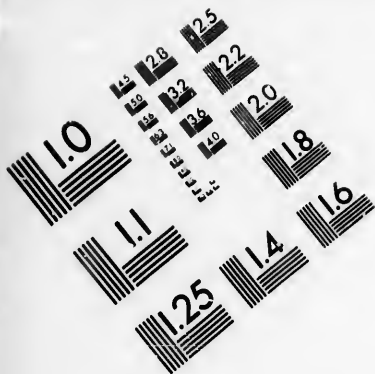
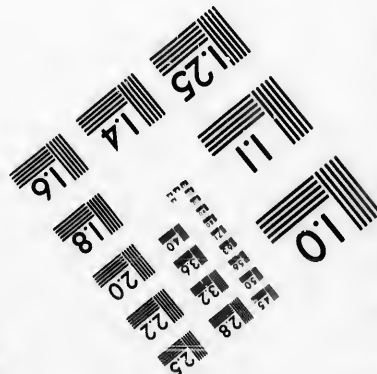
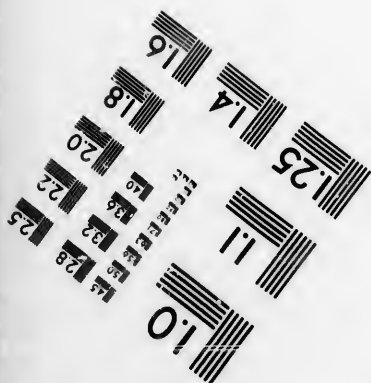
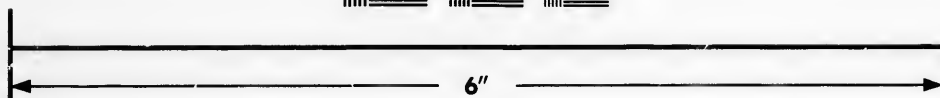
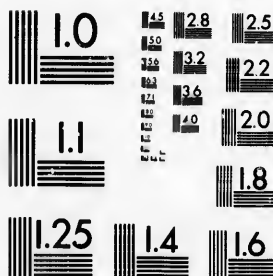


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Ib. p. 111, 116, 128. vations and remarks made on ancient and modern Churches;" that provision was deemed requisite for divers orders of Ministers as being of Divine appointment; and that the Conferences were fully satisfied of the validity of the Episcopal ordinations of Coke and Asbury, the two first Superintendants or Bishops placed over them.

It is not for me to gainsay this, or to investigate all the grounds on which the supposed validity of those ordinations were rested. Whether it was deemed competent to Mr. Wesley, as the Father of Methodism and in Holy orders, or as the head of an extensive Religious Society which Providence had raised up under his auspices, or as a case of emergency in which spiritual agency was believed to have hallowed the act, I know not. The Members of the Conference for themselves, and in behalf of their people, were satisfied of their sufficiency, and a universal acquiescence confirmed the sentiment. How deeply the minds of Episcopal Methodists may be religiously imbued on these interesting subjects, I cannot tell. It is probable a unison of feeling does not prevail, indeed the recent change affords example that with many they form no matter of conscientious scruple; for numbers of learned, sincere, and pious members, both clerical and lay, have not hesitated to conform to the Discipline of their British Brethren. Yet there are dissentients, and it is their refusal to concur that has led to this suit;—and from the whole tone and contents of the Discipline of 1829, I cannot refuse to them the right to entertain, sincerely, conscientious objections, against a change which they may deem substantial, however congenial to others. Nor upon comparing the method pursued by the English Conferences in appointing to the Ministry, with that adopted in America, do I discover that the present yearly President can be considered (in relation to Episcopacy) an effectual substitute for the former Bishops in the Canadian Church. I do not understand that the English Conference ordains by impositions of hands, in conformity with Episcopal usage, or that their appointments to the Ministry have been made and continued under persons sacredly invested by Mr. Wesley, as the American Church deems Mr. Coke and the two Elders, who accompanied him to have been;—or that upon being nominated to the office of President over the Canadian Society, any ordination is superadded as in Coke's instance—although on reaching this Province, he is permitted to ordain candidates for the Ministry

here, by imposition of hands, and a solemn service, assisted by brother Preachers.—It is true, the Discipline of 1833, in the ordination service (designedly, or accidentally) acknowledges in the same language as that of 1829, the appointment by the Holy Spirit of divers orders of Ministers in the Church of Christ. Still I do not find that the British Wesleyan denomination contains more than one, likened unto Elders, but styled Ministers—contrary to the Episcopal Discipline which provides for three (exclusive of Lay Preachers) called Bishops, Elders, and deacons, without any designated by the general term Ministers. The dissentient Members of the Methodist Episcopal Church may feel repugnant to such arrangements. They may not look upon the union as a mere change of name—but as indicating a serious deviation in Church Government, and the calls to the Ministry—and in my construction of their discipline, I cannot deny them the right sincerely to do so on plausible grounds. The American connexion is professedly Episcopal—the British is practically Presbyterian, and whatever distinguishes the one from the other, would equally distinguish “the Methodist Episcopal Church in *Canada*,” from “the British Wesleyan Church in *Canada*,” although the difference may not be so great as necessarily to destroy the identity of a Society, which, being the one, had been transformed to the other. The identity would be preserved if the change was legally accomplished.

Still it seems to me that the projected Union would separate the Canada connexion from the Methodist Episcopal Church altogether, and attach it to another body. It would take from it the character of Episcopacy. It could not at one and the same time, constitute a branch of the Methodist Episcopal Church, and of the British Wesleyan Society—but would be translated from the one to the other. So the members joining the one, would leave the other, unless avowedly adherent to both. And when they become dissentient among themselves touching the preference, it cannot be urged that Mr. Wesley, by any thing he did, established a Presbyterian Church in England, any more than an Episcopal one in America.

If argued that since the American Conferences accepted Coke and Asbury, as Bishops, they might have rejected them, and consequently may at any time dispense with their successors, it might be answered, that until their arrival and recognition the Church was confessedly deficient. That Mr. Coke and the two Elders, whom Mr. Wesley ordained, (although

there was anxiety on the subject,) were not sent over as tendered by him for acceptance in the United States, but as appointed by him to supply the Ministrations of the Church, under supposed competent ecclesiastical authority; for the language of his Historians shews, that up to this period he did not consider it a Church, but that in what he devised and did, it was his design to make it one, as his letter to

See Coke's letter, Mr. Asbury abundantly manifests. Mr. 9th Aug. 1784, in Coke's previous letter to him will help to Moore's life. explain how far the imposition of hands

and an Episcopal order or office were thought to be important in the eyes of the American Brethren; and Mr. Coke's Conduct subsequent to his arrival in America, exhibits his anxiety to persuade them all of the Scriptural authority and efficacy of Mr. Wesley's ordinations, and with which the discipline has ever since declared them to be satisfied.

Even could the American Conference have rejected Mr. Coke, (which strictly speaking they could not, without rejecting Mr. Wesley also,) it would not follow that the acceptance once made was not a final step, not to be retraced; or that Episcopacy would not have been eventually espoused from some other quarter.

If the Conferences could not lawfully enforce the late change in opposition to dissentient parties, it follows that as over the Church, the attempt was a nullity, and that no alteration was in fact accomplished; also, that their adherents left its pale and became component parts of another body, or else formed a new and separate society; the nonconformists would still continue in her communion, and might reorganize themselves and fill the Church with a qualified Ministry ordained by Bishops of the parent Establishment. The property too would remain to their use.

I consider examples drawn from revolutions in National Churches inapplicable. They beg the question. On such occasions the change really takes place by adequate and permanent authority beyond the reach of higher controul, and in the eyes of the Municipal Law, a *change* is made. Here the gist of the controversy is whether any actual *change* has by sufficient authority been effected. If it has, all is well. If the power was wanting the effort must prove abortive. Here the Laws of the country predominate, and the right asserted being denied, is brought to a judicial test. If it existed, all are bound—if not,

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the Church and the Property remain *in statu quo*, and although many of the members may have departed—the use would be to those who refused to follow.

It may be objected that my views would exact perfect unanimity throughout the Society, to warrant the step taken, with security to the property. On the other hand, it might be replied, that if the Conferences enjoyed the large powers claimed, a sufficient majority could not only reverse the whole system of government, but change the articles and doctrines; (for the first restriction being removed would admit the latter as much as the removal of the second would allow the former,) and *that*, notwithstanding the dissent of the minority of the Ministers and all the Laity; and the property would attend the change. Such extravagant suppositions do not in my estimation strengthen their pretensions, for a court of law cannot speculate upon the influence of moral checks. In deciding whether a power exists its possible exercises must be contemplated.

Further, upon a close attention to the terms of the Trust it would be difficult to point out how they could be fulfilled according to the recent change, consistently with the existence of independent Methodist Episcopal Churches in Canada, and in the United States. The Estate is declared to be for the use of the Members of the Methodist Episcopal Church in Canada, according to the rules and discipline thereof, &c., with leave to *any* Methodist Episcopal Ministers or Preachers, being a member of such Church, and duly authorised by the Conference, to preach in the Edifice mentioned in the Deed; which would allow the admission of any Methodist Episcopal Minister duly ordained in the American Methodist Episcopal Church, or of any members belonging to that connexion; all of whom would now be excluded, and those of the British Wesleyan Society, substituted.

It is not a satisfactory reply that the assent of the Conferences being a condition precedent, might be withheld from Episcopalians; no arbitrary refusal on their part could have been anticipated when the Trust was declared.—Other difficulties might arise too, should all the Trustees at any after-time die or secede, from a want in the Wesleyan Methodist Church in Canada of a Quarterly Conference, as distinguished from a Quarterly Meeting, according to the Discipline of 1829, to which allusion is made in the conveyance. Pages 26, 146.

After the best consideration, it is my humble opinion, as at

present informed, restricting myself to the Estate in question,

1st. That the Deed of Trust does not in itself expand the powers of the Conferences over the property, beyond what the Discipline recognized or conferred.

2nd. That touching Episcopacy, the Discipline conferred no new power, either in the enabling clause itself—or assisted and explained by the second restriction and the proviso.

3d. That no power to do away Episcopacy resulted or existed in the Conferences, either upon the original principles of the Church in its formation, or in their ultimate appointment over it, so as to bind the property notwithstanding the disagreement of those members opposed to its relinquishment.

Consequently that the late arrangement was not within their authority.

1st. Upon original clerical rights under the Law of England—or,

2nd. As a Select Body intrusted with the Government of a Religious Association compared with corporate bodies—or,

3d. In the light of a mere voluntary society under written articles.

Paying regard—

1st. To the inherent rights of the Conferences.

2nd. The original constitution of the Methodist Episcopal Church.

3rd. Subsequent usages; and,

4th. The Discipline and Deed of Trust: and looking particularly to,

1st. The empowering clause.

2nd. The restrictions; and,

3rd. The Proviso—and construing the whole together as illustrating the meaning of those portions most material and mainly relied upon.

Consequently, that those of the Trustees who dissented are entitled to recover, the Church in whose bosom they remain having undergone no organic change; and that the others, as respects the legal title to the property in dispute, must be considered to have discontinued their membership and vacated the trust.

Such judicial authority as I have been enabled to consult seems to me to support the conclusion at which I have arrived.

When religious congregations like the present disagree among themselves upon leading points of government or doctrine, the original system attracts primary notice, and the rule I extract

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is, that when a religious congregation, society, or church, dissentient from the established church of England, is once completely organized with known doctrines, and a settled form of government, and property is afterwards given to or purchased for the use and support of such establishment, it is not *quoad* such property, competent to one part (whether of a select body or of the whole connexion,) to change the doctrines or to remodel the government, or to adopt new doctrines or a different economy, against the will of the residue; but that when there are dissentients, the original constitution of the association must be upheld, unless where it may on the face of it impart more ample powers in unequivocal language.

If this rule be sound, I have endeavored to apply it to the present case. The changes intended here, appear to me equally substantial with some of those mentioned in the cases alluded to, and at least sufficiently so to bring this within the spirit of the rules by which they and other analagous decisions were governed.

I would refer to ATTORNEY GENERAL *vs.* PEARSON.

Per Lord Chancellor; If it turns out 3 Merrivale 264 353
that the institution was established for Ib. 298, 400.
the express purpose of such *form* of re- Ib. 362, 273,
ligious worship, or the teaching of such Ib. 411-2-413.
particular doctrines as the founder has
thought most conformable to the principles of the christian religion, I do not apprehend that it is in the power of individuals having the management of that institution, at any time to alter the purpose for which it was founded, or to say to the remaining members,—“We have changed our opinions, and you who assemble in this place for the purpose of hearing the doctrine, and joining in the worship prescribed by the Founder, shall no longer enjoy the benefit he intended for you unless you conform to the alteration which has taken place in our opinions.”

In such a case I apprehend (upon authority in the House of Lords upon an appeal from Scotland previously referred to) that where a congregation become dissentient among themselves, the nature of the original institution must alone be looked to as the guide for the decision of the Court; and that to refer to any other criterion, as to the sense of the *existing majority* would be to make a new institution, which is altogether beyond the reach and inconsistent with the duties and character of this Court.

3 Merrivale 312-418.

I must here advert to the principle which was I think settled in the case to which I referred the other day as having come before the House of Lords on an appeal from Scotland, namely: that if persons seeking the benefit of a trust for charitable purposes should incline to the adoption of a different system from that which was intended by the original donors and founders; and if others of those who are interested think proper to adhere to the original system, the leaning of the Court must be to support those adhering to the original system, and not to sacrifice the original system to any change of sentiment in the persons seeking alteration, however commendable the proposed alteration may be. Upon these grounds I have nothing at all to do with the merits of the original system, as it is the right of those who founded this Meeting-house, and who gave their money and land for its establishment, to have the trust continued as was at first *intended*.

2 Jac. & Walker 247, the Lord Chancellor said it was settled in the House of Lords that when the doctrines originally agreed to are not adhered to by all the Congregation, some having changed their religious opinions, the chapel must remain devoted to the doctrines originally agreed on.

The case alluded to in the House of Lords is reported in 1 Dow, P. C. p. 1—16, it is believed, or in 2 Bligh 529, *Craigdallie vs. Aikman, et al*; where it was said that if the members of the congregation who had left the Synod, (maintaining that they were the true church and that the Synod had departed,) adhered to the original doctrines of the church, for the support of which the Trust was originally created, they were entitled to the property, notwithstanding their secession. Inquiry was ordered on this head, but the court below reported that they could not find any material and intelligible distinction between them on the subject of doctrine, and that they differed only in some immaterial point in regard to the form of an oath, in consequence of which the decision of the court below against the seceders was affirmed.

I have not seen this report, and rely upon the statements I have met with elsewhere. Wood & Williamson's Arguments, p. 55. See also ib. p. 162—3. Ewing's Op. 27—76.

AMERICAN CASES.

20 Johns R. 12—Trustees of the Reformed Calvinist Church of Canajoharrie *vs.* Diffendorf. 7 Halstead Den *vs.* Bolton

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et. al.—3 Dessausure 557, a case between two Masonic Lodges.—5 Mass. 554, 4.—ib. 389, 7.—ib. 435, 8.—ib. 96.—C. J. Ewing's opinion in *Shotwell vs. Hendrick son & Decow*, 27, the celebrated Quaker case involving a consideration of the dispute between the Orthodox Quakers and the Hicksites.—He says we are not to interfere with their church government any more than with their modes of faith and worship. We are to respect their Institutions and sustain them.

1 Dow 16 Lord Eldon says "The Court may take notice of religious opinions as facts, pointing out the ownership of property. Post (2.)

3 Mer. 412.—S. P.—1 J. & W. 248.—3 Mer. 419.—7 Sergt. & Rawl, 460.—*Field vs. Field* called the Purchase Case (Quaker's) New York.

3 Mer. 412-13. Upon the clause respecting the desertion or removal of any of the Trustees which occurs in this Deed also, and contemplates the event that "the Trustees might change or become of any other religion (by providing [p. 362. 273.] that when and as often as any of the Trustees should die, or desert or forsake the said congregation, and should change or become of any other religion or persuasion whatsoever contrary to, and different from the said congregation, then the surviving or other Trustees &c., within days after such death, or *desertion* &c., appoint others" &c.) I must observe, that if the question comes before the court in the execution of a Trust whether a Trustee has been properly removed, and that point depends upon the question whether the Trustee has changed his religion and become of another different from the religion of the rest of the Society, it must be *ex necessitate* for the court to enquire, what was the religion and worship of the Society from which he is said to have seceded, not for the purpose of animadverting upon it, but in order to ascertain whether or not the charge is substantiated, &c.

3 M. & S. 488. Where several persons formed a company
 DAVIS } for Brewing Ale, and entered into a Deed by
 vs. } which it was agreed that the conduct of the busi-
 HAWKINS. } ness should be confided to two persons and the
 trade carried on in their names; should be Trustees and bring
 actions &c.; that a *Committee should be appointed with power to*
 make rules, orders, and By-Laws, subject to confirmation by a
 majority of the proprietors at a general meeting, and that a gene-
 ral meeting of the members of the Company should be holden
 every quarter.—Also that the Directors, for the time being,

should have power to direct and regulate the general affairs of the company. The Directors recommended the general quarterly meeting to appoint only one instead of two managers, who accordingly appointed the Plaintiff, who sued the Defendant (one of the Company) for Beer sold. Lord Ellenboro, said it did not appear the Defendant had notice of the appointment of one only—that a change had been made in the constitution of the company which could not be made without the consent of the whole body of subscribers. It was such a substituted alteration in its constitution as required the assent of all, and it was not shewn that the Defendant *acquiesced* or even *knew* of the alteration. Bayley J. It is stated the subscribers appointed the Plaintiff. If by that had been meant *all the subscribers, it might have made a difference.*

15 Vez. Ur. 88-234.—3 V. & B. 151-S.—4 B. & C. 799-
810.—2 F. R. 575. 646.

13 East 368.

3 Bur. 1834.

4 “ 2524.

2 Inst. 597.

Con. touching the Presidency.
Confined to the subject of
renders of secondary impor-
power delegated to the British

Were it necessary to express an opinion on that head, I am disposed to think it was not in the discretion of the General Conference to subject the office to another Jurisdiction, so as to place the right of electing the Head of the Church which belonged to themselves by the terms of the Discipline, in the hands of another Body with which the Church had not enjoyed any previous inter-communion or immediate connexion. And as little would it seem justifiable in the same Conference to merge its own existence in a new yearly Conference differently constituted.

In addition to the foregoing, we intended giving the opinion of Judge Sherwood, on the same case ; but the paper containing it having been mislaid or lost, we are unable to do so.

PUBLISHER'S NOTE.—Notwithstanding the care taken to issue this work free of mistakes, several typographical errors have escaped our notice.—Page 52, 7th line, for *John W. Byan*, read *John W. Byam*.—Page 22, 31st line, should read “*alms of the church,*” &c.

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