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ELDER SAMUEL HENDERSON, EDITOR.

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The Methodist Book Concern—A valuable Auxiliary of the Gospel—and a Holy Charity—Hon. Rufus Choate's view of Methodism—The Contrast Reviewed.

It is not even as when a hungry man is seen on the streets, or a weary traveler is found in the night, that we are moved to pity, and to relieve his want. So shall the multi-

Butler Henderson.—Attention to the higher duties of the ministry, in connection with a revival for my own charges, and Camp meeting labor, and with the conviction that my position has been fully established in the controversy; namely that Methodism is a Republicanism of the highest order, has delayed my answer to your article on the Book Concern Property Case, and the principles involved in its adjudication, so far as they bear upon the question under discussion.

An analysis of these principles, will be increased support to my position. A brief history of this case, is necessary to a correct understanding of them. It is furnished to my hand by Mr. Wood. He says, "when Methodism was organized as a separate church, in addition to the means of instruction afforded by preaching, it was very obvious that a great want was to be supplied in the furnishing of religious literature to its people; and one of their teachers organized a system of publishing books in this country. It was originally established in Philadelphia. This preacher, whose name was Cooper, had a small sum of money to the object, and invested it in books. They were sold among the denomination; and out of the profits a small capital was gradually formed, which was employed in publishing books. This came to be a matter of some magnitude, and in 1836 it had been removed to New York, and became an extensive establishment. It was then destroyed by fire, and afterward reinvigorated and from that time to the present it has gone on with great prosperity, so that it has accumulated a capital of about \$250,000. It was early provided that the preachers should see that their congregations were supplied with books.

They were very faithful men—stimulated by a love of gain, but by the higher purpose of religious devotion. Of course, a fund thus constructed could not but become considerable. Your honors will have your attention called to the fact, that it was really the result of the devotion and services of the preachers. It was not like many charitable funds, a fund growing out of the donations of wealthy men, but it was in its main features the earnings of this system. Its profits, after providing capital enough to carry on its business successfully, were devoted to a variety of purposes, to one single purpose, in two or three branches. That purpose was, the making up of the deficiencies of travelling preachers, and providing for the superannuated, superannuated preachers, the wives and children of preachers, and the widows and orphans of deceased preachers. (Church Property Case p. 1 and 2.) It was a charity which grew out of about laborious, self-sacrificing, benevolent services, just as much as any saving Bank or Life Insurance (p. 152). Every preacher was an agent in the diffusion of the literature of the church; a wise, very wise plan—wise for the people, and wise for the government of the Church; but it was the act of the preachers; it was the labor of the preachers that made this, the great Book Concern which it ever came to be. This was a business most strictly and directly connected with the ministry of this church, calling not only for activity and labor on their part, but pecuniary accountability on the part of every preacher, in every Methodist circuit (p. 151). It was intended to create a fund for the first great object of enlightening this Methodist community as to religious truth; and that the second great object, that when the first object was accomplished, that the preachers themselves, might have some little stimulus for activity and that they should be enabled to look for an absolute support from this fund for the want of oblation, and the wants of their dependents, and the wants of their poor and suffering brethren. I ask if there ever was a fund, which provided so equitably and justly, a retiring pension for these men, who for a trifling salary not enough to pay for a fashionable dinner, served year after year in the wilderness, and spent their best days in toil (p. 155). It was a retiring pension or saving Bank, for the superannuated and worn out preachers, and their widows and orphans (p. 157).

The foregoing extracts, from Mr. Wood's speech, show us both the ground, and the kind of right to property in the Book Concern, held by the travelling preachers of the Methodist Church, first, that the right to it grew out of the fact that it was namely the product of their own earnings, from a small capital created by themselves, and by themselves managed under all the pecuniary liabilities to which business of every sort is subject. And, secondly, that this Book Concern property was held by them, in trust for two distinct and specified purposes, and cannot be alienated by them for any other uses whatever; no, not even for any other religious enterprises. These objects are first, the diffusion of religious knowledge, and then the relief of indigent and distressed preachers, and the widows and orphans of deceased preachers. The first named object, these objects, all must pronounce a laudable christian enterprise, eminently worthy of a band of gospel ministers; and the second a holy charity, which like Job, becomes eyes to the blind, and feet to the lame, and a father to the poor, and brings the blessing of him who was ready to perish, upon those who manage it; and causeth the widow's heart to sing for joy. Of this latter object of the Book Concern, Mr. Wood says, "now until we get to the beneficiaries, we find no person having any thing but a mere administrative right—a mere agency, and as to selection no discretion (p. 149.) Mr. Wood says (p. 319) "the Methodist church are not the beneficiaries, they are the managers of this charity, for the sake of others—they have no right to apply it to any other interest in the church or at least so much of it as may be required to fulfill the end designed to supply the beneficiaries. Said not true then, that property thus created, and held for such holy uses, is a valuable auxiliary of the gospel, and a holy charity? Can any rational man pronounce such an institution, contemplating such holy ends anti-republican? Does the fact that the capital was created by preachers, that its increase was the profit of their labors, and that this holy charity is administered by preachers to their suffering brethren, their widows and orphans, constitute it anti-republican? No, Er. Henderson, it is not only not anti-republican, but it merits more praise than to coldly affirm it is in harmony with republicanism. The lawyers who called it a wise institution, might have added it was one of the holiest, and most benevolent institutions in the land. Suppose yourself and a score of Baptist preachers began a noble enterprise of this kind, furnished a small capital for the purpose, assumed the responsibility, and devoted the profits of your labors to such blessed uses; what would you, what could you think, of the soundness of judgement of that man, who should denounce this wise design anti-republican? Would you not say friend, you are mistaken; some strange prejudice has blinded your mind, or you would commend and not censure, our noble object. If we as ministers choose to devote a portion of our means and of our labor to the work of offering you a holy literature; and give a portion of our earnings to relieve the disabled veterans of the cross, who have ministered unto us in holy things; whose rights have we infringed, that you should consider us as enemies of our land? We have wronged no man, we have defrauded no man. If you as laymen are envious of imitating our holy example; what hindrance you? Go write, publish and circulate a holy literature, and expend your profits upon whatever noble objects of charity you see proper, and we do rejoice therein you and will rejoice. Who would deny the justice of this rebuke? None, not one, such then is my reply to any who gainsay the fact that the Book Concern, no matter whether the ministry or the laity administer its holy uses, is a valuable auxiliary of the gospel, and a holy charity."

In the above explanation of the character of the Book Concern property, I have frankly admitted that it is held, not by the bishops, but by the entire body of itinerant for specified uses; and that no other department of our church has the smallest control over it. I do not only defend this right of the preachers to manage this charity of their own creation, although none but the indigent beneficiaries are enriched by it one farthing, but I warmly eulogize the scheme and with a free heart. Nevertheless with equal frankness and boldness, I unequivocally deny that our bishops or our conferences have any similar property in our churches; or that they have even the shadow of a shadow of any kind of property in our churches, or any other right beyond the privilege of appointing preachers to them from our annual conferences. I challenged you in a former letter to publish the deed of any Methodist Church in the land—the record was at hand, you could have seen it at any moment. You did not choose to do it, but quoted in part, and remember only in part, a resolution passed at the General Conference, in view of a probable division of the church. The part of the resolution which you omitted, gave a sense entirely different from what seems to be the meaning of your mutilated extract. The resolution is as follows. That all the property of the Methodist E. Church in meeting houses, parsonages;

colleges, etc. within the limits of the Southern organization, shall be forever free from any claim set up on the part of the M. E. Church, "so far as this resolution can be of force in the premises." Does this resolution justify your declaration that the bishops and clergy assumed an absolute proprietorship in, and a right to dispose of, all the churches, schools, colleges &c of the Methodist Church in the United States? Look at it again, and particularly, look at the emphatic clause, which you neglected to quote, which omission changes entirely the sense of the resolution; namely, *so far as this resolution can be of force in the premises.* How far could it have been of force in the premises? Why just so far as to release the Southern Churches from the claim the church North could have set up. What claim did the church North think they could possibly have set up over the property in Southern Churches? Simply this, and this alone, and not the shadow of a claim beyond this—that if the Southern Methodist Church had been declared a secession by the Court, and the Church North had been so minded they could, had not this resolution interdicted it, have appointed preachers to these churches; is the sole point referred to in this resolution. The only right ever claimed by our bishops or conferences, in our church buildings, is the right of sending Methodist preachers, created such by the laity, and by them recommended for the itinerancy to preach the gospel in these buildings. The lawyers say (p. 208) "that body (Gen. Con.) had however no proprietary interest in the preaching houses, and could only transfer its jurisdiction over them, which is done by the resolutions, and the proceedings under them." But our disciplines are scattered broadcast over the land. Look into them, and see the form of our church deeds, and let prejudice no more utter so groundless a charge. I again repeat, that in all things in which the laity are equally concerned with the ministry, Methodism has lay delegation, and lay management to the fullest extent; in for instance Missionary Tract, Education, Sunday School, and other societies, and in Conference Financial Boards. And that these are by no means inferior interests of the church you will admit, when I repeat that the missionary Society, which has more lay than clerical managers, disburses annually by far the largest revenue of our church about \$160,000. As for our College operations, you have an example of them here in Tuskegee immediately under your eye. Who I ask are the Trustees of our Tuskegee Female College? Are they preachers? Who are now organizing a Faculty? Are they preachers? No, you know them, and have every opportunity to see to what extent laymen control these interests. But you inquire, are not the laity equally interested with the preachers in the Book Concern? I answer by no means; the preachers not the laity, furnished mainly the capital, made the earnings by their labor, and disburse the profits, not to indigent laymen, but to distressed preachers. Who then should control it? Plainly those who alone would suffer from its mismanagement.

The foregoing expose of the character of the property held by the Methodist Church, will prepare us for an easy understanding of the principles involved in the Church Property Case; in which the right of the Southern Church to a due proportion of the Book Concern fund, was contested by the Church North, under the influence of abolition sentiment. I here premise that the opinions of legal gentlemen, such as the learned counsel engaged in the Church Suit, upon questions such as the following: What are the rights of property which the courts of our country will recognize? are worthy of the highest respect. But upon questions of Church Policy, whether in the Methodist, Baptist or Presbyterian Churches, those who are not connected with these churches, however great their legal attainments, cannot possibly understand them as thoroughly as judicious ministers of these churches, who are familiar with the every day operations of their respective church systems. I have all along in this discussion supported my position from acknowledged church standards, and not from the mere opinions of those unconnected with either of our churches. You had the standards of our church before you, in the very book whence you extracted these legal opinions. When you sought to condemn us, you should have attempted it from those standards. Your failure to do this, and your resort to the mere opinions of only a portion of the counsel engaged in the case—opinions, which had been in advance solemnly protested against by no less an authority than the Louisville Convention of the Church South, which protest was actually in evidence before the Court—and opinions too, which were exactly opposite to the opinions of the most distinguished lawyer employed in the case, and indeed the most distinguished lawyer in the United States, the

Hon. Rufus Choate of Boston—and opinions, which have also drawn forth from Dr. Elliot and others of the church North, bitter condemnation; though you seem to have strangely mistaken us, in supposing that either the Northern or Southern churches, silently assented to these opinions—this resort I say to proof of this description, is *pramface* evidence of the weakness of your cause, and of the groundlessness of your allegations. It may be asked then, did the church South recover its property upon false principles? I answer, no. There were principles set forth in the debate, which were false in their application to all other matters of Church Policy, but true in their application to the Book Concern fund. With reference to this fund, the entire travelling ministry of the United States had no constituency—they were the only body in the Church, who had any voice at all in the disposing of this fund—they were the only department of the church which had any control over it, and simply because it was of their own creation they were the church, in the government sense of the term, so far as this fund was concerned, but no further. The application of these principles to other matters of Church Policy, was a false statement of our Church Government, but their application to this fund, was just, and therefore the Court rightly so adjudged as our rights in the case.

The case stood thus. The Book Concern property was held by the entire body of travelling ministry, for specified uses. Secondly, the annual Conferences delegated to the Gen. Conference their entire control over this fund, placing upon them but a single restriction, which restriction was, that they should carry out the design of the founders of this charity, namely that they should not appropriate the produce of this fund to any other purpose, than for the benefit of the beneficiaries therein described; and so the Gen. Conference became the manager of this fund, and the annual conferences disbursed the proceeds to the beneficiaries thereof. Thirdly, the General Conference, thus clothed with full powers, could have divided without any separation of the church, this fund into two or twenty parts, provided that the intention of this restrictive article was secured, that the proceeds were disbursed to the proper beneficiaries. Fourthly, the division of this fund with the Church South secured the proceeds of it to the very same beneficiaries, and no others, intended in the restrictive article; and therefore the Gen. Conference had the power to make this division; and in view of the necessity for separate ecclesiastical jurisdictions, growing out of the diverse views of the two sections of the Church upon the slavery question, wisdom dictated the propriety of this division of the fund. And lastly, the majority of annual conferences of the United States—the only primary bodies having any claim over this fund—approved of this division; and though the two thirds majority required to change the restrictive article was not obtained; yet in consideration of the fact that, that the design of this article was as effectually secured after the division of the funds with the church South, as before; it was decided to be no bar to this division of the property. Therefore, the will of the majority of the General Conference of 1844, and the will of the majority of annual conferences which approved of the measure thereafter, should be executed.

The plan set up in bar of this measure, was that the beneficiaries to whom the Southern Conferences would distribute these proceeds, did not answer the description of such in the discipline—they were not members of the Methodist Episcopal Church—they and their conferences were a secession from the Methodist Church. It was replied, that in the Church South "there was no deviation in morals; or doctrines in rites, ceremonies, or usages—that there is no sort of pretence of any deviation in doctrine, nor any thing in morals in practice, or in Methodist usages, or that we are heretox in the shade of a hair." In every thing we are alike; and therefore if the fund were divided with the Southern Church, it would not promote doctrines contrary to those cherished by the creators of this charity. We have done nothing for which we should be stigmatized as a secession; we have only asked for a duality of jurisdictions, instead of an unity of jurisdiction of the General Conference; and we had weighty reasons for making this demand.

The preachers representing the annual conferences, and the people in the Northern section of the church, declared it was the sentiment of the Northern people that it would operate greatly to the prejudice of Methodism in that section, if a bishop connected with slavery were permitted to exercise episcopal functions among them—and accordingly suspended a blameless bishop. Thereupon, the Southern preachers representing the annual conferences and the people in the South-

ern section of the work, knowing the strong indignation which would inevitably be excited by an attempt to degrade a holy man from the office of bishop, on account of his connection with slavery, asked that provision should be made for a separation, contingent upon the demand of the people of their section for such division. The preachers representing the church North wisely conceded that contingent demand, and took all the preliminary steps necessary to consummate the separation; provided that the facts which were to be developed, proved that the Southern preachers had rightly interpreted public sentiment. They separated—the Southern preachers returned to their homes. Primary assemblies were called—as Mr. Faucher counsel for the North said, "the most excited meetings soon occurred in all parts of the South, and the most indignant resolutions were passed"—with one consent they demanded an immediate separation from the church North. The contingency provided for by the General Conference was become a certainty. And to complete all the steps necessary to perfectly exonerate us from the charge of secession; the entire body of annual conferences took action, directly upon the money interests involved in the division, and thus indirectly upon the question of the division itself, and a majority of them voted that the church South should have her just proportion of the funds of the church.

Here then we have the General Conference consenting to the division, if the sentiment of the people demanded it—the majority of the annual conferences of the United States also consenting to it—the laity of the entire South demanding it—and the laity of the church North, the only remaining party in the case, being satisfied that their abolition sentiments had accomplished the suspension of Bishop Andrew, and the separation, not affecting their church relations at all, did not, in their primary assemblies, raise any voice against this division, which they could have done had they seen proper, and therefore, it is only justice to say that they also tacitly consented to this division. Thus we see the majority in all the departments of the church, consenting to a duality of jurisdictions; and though there was not the two thirds majority of conferences, wrongfully supposed necessary to a division of the funds of the church yet there was a majority in favor of separate jurisdictions, and being one in all things else, we are not therefore a schism or secession, and so were righteously adjudged by the Court.

That these were the true principles upon which the rights of the South rested; and upon which the Court decided in favor of the South, though not presented in this form, is evident, from the fact, that in all the pleadings of the counsel, there is a constant reference, not only to the action of the General Conference, but also to the action of the majority of the Annual Conferences in favor of the plan of separation, and to the almost universal demand of the laity of the Southern Church for that separation. Some, however, of the counsel and only some of them, in their zeal to repel the charge of schism from the Church South, thought proper, contrary to the opinion of other counsel, to take the position, that the General Conference had almost enough power to divide the Church independently of the action of other departments of the Church. Nevertheless, fearful of the weakness of this position, they took good care to show, that the entire laity of the South demanded the separation, and that a majority of the annual conferences sanctioned it.

Now, the idea, that the provision of the General Conference for a division of the church would have been binding upon the annual conferences, and the laity, if public sentiment among them had not demanded it, is plainly absurd; for upon the very face of the articles of separation, as well as in the debates of that conference, and in the protest of the South, the fact stands out prominently to view, that the plan of separation was to be executed only upon a given contingency, that is, that the laity and ministry of the Southern Church should demand it. If this contingency did not become a fact, the plan of separation was to be void and of no effect. Moreover, the action thought necessary to consummate the division, was to be laid before all the annual conferences, for their assent; and as Mr. Faucher says, "the Southern preachers were to feel the pulse of public sentiment," and act accordingly. Therefore, the assumption that the General Conference claimed and possessed the power to divide the church, independently of the annual conferences and of the laity, was wholly gratuitous, and contrary to the facts in the case, and unnecessary for the support of the just claims of the South.

If the annual conferences had vetoed the action of the General Conference, it would have been a minority; and if the laity in their primary assemblies, had protested against it, that protest

would have been of as much force, as it was in the case of a distinguished preacher of the Georgia Conference, who opposed the plan of separation and was required to vacate his charge of the Columbus Station; it would have made the plan null and void. Nevertheless, I have already admitted that in so far as the control of the Book Concern fund, which was the property in suit, was concerned, the preachers who created it, had the sole control of it. They were with respect to it, and to it only, the church in a governmental sense, and had no constituency, in this matter; and in the management of this fund, the laity had no voice. But as the same lawyer says, (p. 339) and as our discipline teaches, "the Church, in a Methodist sense is the connexion of good and pious men, who make the Bible their creed, and hold fast to that only which is there expressly disclosed, or may be thereby by clear reasoning established." This is what your own witness declares to be the Methodist sense of the term church; the very sense of the term church, I am explaining in my analysis of Methodism. And I am sure, very sure, that I much prefer the Methodist idea of a church, to a legal fiction wholly groundless, in fact, and in theory. And in the Methodist sense, I know, no lawyer nor any other reader of our discipline, could affirm that our itinerant preachers had no constituency, in the very face of the fact so plainly stated in our discipline, that none can be licensed to preach among us without the vote of the laity; and none can be received into the itinerancy without a vote of the laity. Recommending the candidate to be received; so that every itinerant has been constituted such by two distinct acts of the laity. The affirmation that the itinerant preachers had no constituency, must therefore, have been made in some other than a Methodist sense, and if made in any other than a Methodist sense, it has nothing to do with, and should have no place in, a just exposition of Methodism.

But Mr. Lord said, "if the General Conference had chosen to become Socinian, if it had chosen to have adopted the Presbyterian or Baptist forms, either of government, or of doctrine, it was in its power to do it." Most assuredly they could as individuals controlling their own action, any member or members of them, in our free country, could have adopted any of the systems specified; nay, more, he might with equal justice have said, they could have become Mohammedans, or Buddhists; and so could any member or members of your associations, or conventions, or of Presbyterian Synods, or assemblies. The members of our General Conference could have done this contrary to that restrictive article, which you forgot to mention, and which forbids the altering of our doctrines to the shade of a hair. Still, there is another *could* and another *would* too, behind all this matter—that is, the annual conferences could have taken every one of these delegates on their return home and tried and expelled them, and they would most certainly have done it too. If Mr. Lord meant, that the members of the General Conference could have changed so much as a hair's breadth our articles of faith, even if there had been no restrictive article forbidding it, and then escaped ecclesiastical penalties, he was most egregiously mistaken.

A little knowledge of the history of Methodism would convince you, that no General Conference either in the United States, or in England, has ever established or changed our doctrines by vote. We have always acted on the principle that we should not add new doctrines, nor expunge old doctrines from the Gospel of our Lord Jesus Christ. We have thought there was something of temerity in the idea of voting, for instance, whether Christ were divine or not—whether he were the King of Kings and Lord of Lords, or a mere worm of dust. We cannot with so facile a movement bestow inflexible crowns upon Christ, nor tear them from his brow, and therefore do not consent that such doctrines shall be subject to majorities. We propose such truths as heaven's legislation, and whoever joins our Church, thereby declares his faith in them, not as man-made, but as heaven-revealed truths.

The excellent Mr. Benson says, "well was it for both preachers and people, that all their doctrines and the essential parts of their discipline, which taken together may be termed the constitution of the Methodists, were decided upon and recorded before the existence of a Conference. No member of the Methodist Conference, however respectable for parts or piety, would be suffered in that assembly, to make the truth of any doctrine of Methodism or essential part of its discipline, a subject of debate. (Mem. p. 121). And for this sufficient reason, that God has not imposed upon us the duty of amending his own legislation.

The notion that the General Conference had no limit to its power but the six restrictive rules, had been solemnly protested against by the Louisville

Convention, which organized, upon the den and of the laity, the Church South, in the following language: a protest drawn forth by the doctrine, that a General Conference had no restriction upon its power to depose a blameless bishop. "Very few indeed of the more fundamental and distinguishing elements of Methodism, deeply and imperishably imbedded in the affection and veneration of the church, and vital to its very existence, are even included in the restrictive articles. This theory assumes the self-reliant absurdity, that the General Conference is in fact the government of the church, if not the church itself. With no other constitution than these more restrictions upon the powers of the General Conference; the government and discipline of the Methodist E. Church, as a system of organized laws and well adjusted instrumentalities for the spread of the gospel, and the diffusion of piety, and whose living principles of energy have so long commanded the admiration of the world, would soon cease even to exist." (Prop. Case p. 131). "Such wild and revolutionary assumptions, so unlike the faith and discipline of Methodism, as we have been taught them, we are compelled to regard as fraught with ruin and mischief to the best interests of the church." (p. 132).

The Hon. Rufus Choate of Boston, the most eminent lawyer employed in the case, states correctly the relative powers of the several departments of the church. He says of what he styles "that old grand, well-compacted, and once beautiful community—the Methodist E. Church: 'for the administration of local business it has local judiciaries; for the conduct of its general affairs, proceeding upon the plan of our grand secular union, it has a general body.'" (p. 264). So Mr. Choate it seems, thought there was a striking analogy between our church and the Federal Government; and like sentiments were entertained by John C. Calhoun and Daniel Webster. Of the organization of American Methodism, Mr. Choate justly says "the true sovereign then, I submit, the true sovereign by which alone it can be destroyed, may be said to be the preachers in a mass acting in obedience to the wishes of the people, in strong and general demand of the laity, for a separate organization, through the advice of Mr. Wesley, and upon their own judgment of expediency and duty and consent for the express purpose of doing that work. So that it was in a remarkable degree analogous to the Convention which created the Federal Constitution in 1787. The true creator of the church was the general and collective will of American Methodism, acting through the laity, and through the preachers. It was a great ecclesiastical Convention of the Methodists of America (p. 268). After this church was created it had, and it necessarily must have had, administrative bodies through which in various spheres to carry on its daily business. Such are the officers of the church, such are the annual conferences, such are the quarterly conferences, and such is, or such at least, was in 1792, the General Conference. These, *as of then, are subordinate executive agencies of the principal, the constituent, the Church.* That Mr. Choate was correct in his view of the part performed by the laity in the organization of Methodism, is proved beyond all question by Mr. Wesley's letter recommending the organization of the American Church; and by his letters of ordination delivered to Dr. Coke. He says "some thousands of the inhabitants of these United States desire my advice;" and hence he gave them his views of a Scriptural Church. Again in the ordination letter he says "many of the people in the Southern provinces of North America desire to continue under my care," &c., (Bangs Church Hist. p. 154). Now you will observe that at that time there were less than 150,000 members including blacks, and only 83 preachers; therefore if any man can impeach the veracity of Mr. Wesley, and unguity 83 preachers into some thousands of the inhabitants of these States, he may then, and not until then, truthfully deny that the laity had any thing to do with the organization of American methodism.

Mr. Choate's only error in imagining that we had not legally withdrawn from the Church North was, that he thought a majority of annual conferences less than two thirds, insufficient and this with infirmities in the action of the laity, prevented a legal division of the Church, therefore we could not under law recover our just rights. But the plain principles of justice, declaring the cases—the fact that the two Churches were identical in doctrine and usages; that the leading department of our Church had consented to the division—that Southern preachers were equally with Northern preachers creators of this fund; and its proceeds if divided with the South, would be distributed among similar beneficiaries, determined the Court, notwithstanding any apparent informalities in the action of the annual conferences, and of the laity, to order the South a just proportion.

Convention, which organized, upon the den and of the laity, the Church South, in the following language: a protest drawn forth by the doctrine, that a General Conference had no restriction upon its power to depose a blameless bishop. "Very few indeed of the more fundamental and distinguishing elements of Methodism, deeply and imperishably imbedded in the affection and veneration of the church, and vital to its very existence, are even included in the restrictive articles. This theory assumes the self-reliant absurdity, that the General Conference is in fact the government of the church, if not the church itself. With no other constitution than these more restrictions upon the powers of the General Conference; the government and discipline of the Methodist E. Church, as a system of organized laws and well adjusted instrumentalities for the spread of the gospel, and the diffusion of piety, and whose living principles of energy have so long commanded the admiration of the world, would soon cease even to exist." (Prop. Case p. 131). "Such wild and revolutionary assumptions, so unlike the faith and discipline of Methodism, as we have been taught them, we are compelled to regard as fraught with ruin and mischief to the best interests of the church." (p. 132).

The Hon. Rufus Choate of Boston, the most eminent lawyer employed in the case, states correctly the relative powers of the several departments of the church. He says of what he styles "that old grand, well-compacted, and once beautiful community—the Methodist E. Church: 'for the administration of local business it has local judiciaries; for the conduct of its general affairs, proceeding upon the plan of our grand secular union, it has a general body.'" (p. 264). So Mr. Choate it seems, thought there was a striking analogy between our church and the Federal Government; and like sentiments were entertained by John C. Calhoun and Daniel Webster. Of the organization of American Methodism, Mr. Choate justly says "the true sovereign then, I submit, the true sovereign by which alone it can be destroyed, may be said to be the preachers in a mass acting in obedience to the wishes of the people, in strong and general demand of the laity, for a separate organization, through the advice of Mr. Wesley, and upon their own judgment of expediency and duty and consent for the express purpose of doing that work. So that it was in a remarkable degree analogous to the Convention which created the Federal Constitution in 1787. The true creator of the church was the general and collective will of American Methodism, acting through the laity, and through the preachers. It was a great ecclesiastical Convention of the Methodists of America (p. 268). After this church was created it had, and it necessarily must have had, administrative bodies through which in various spheres to carry on its daily business. Such are the officers of the church, such are the annual conferences, such are the quarterly conferences, and such is, or such at least, was in 1792, the General Conference. These, *as of then, are subordinate executive agencies of the principal, the constituent, the Church.* That Mr. Choate was correct in his view of the part performed by the laity in the organization of Methodism, is proved beyond all question by Mr. Wesley's letter recommending the organization of the American Church; and by his letters of ordination delivered to Dr. Coke. He says "some thousands of the inhabitants of these United States desire my advice;" and hence he gave them his views of a Scriptural Church. Again in the ordination letter he says "many of the people in the Southern provinces of North America desire to continue under my care," &c., (Bangs Church Hist. p. 154). Now you will observe that at that time there were less than 150,000 members including blacks, and only 83 preachers; therefore if any man can impeach the veracity of Mr. Wesley, and unguity 83 preachers into some thousands of the inhabitants of these States, he may then, and not until then, truthfully deny that the laity had any thing to do with the organization of American methodism.

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