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8-25-1846

Letter from Henry Bidleman Bascom, A.L.P. Green & S.A. Latta to James B. Finley

H.B. Bascom

A.L.P. Green

S.A. Latta

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The undersigned Commissioners appointed by the late Genl
Conference of the M. E. Church, South, in accordance with
the Plan of Separation, adopted by the General Conference
of the M. E. Church in 1844, to act in concert with the
Commissioners of said M. E. Church, specially appointed
for the purpose, in estimating the amount of property & funds
due to the M. E. Church, South, according to the Plan of separa-
tion aforesaid, and to adjust & settle all matters pertain-
ing to the division of the Church property & funds, as agreed
upon, and provided for in said Plan, with full powers
at the same time, to carry into effect the whole arrange-
ment, with regard to said division of property; We do respect-
fully give notice, to the Rev Dr Bangs, Dr Peck and ^{Rev} James
B Finley, Commissioners, and the Rev George Lane & Co. B.
Lippitt, Book Agents of the M. E. Church, that they are prepared
to act in concert with them, as the Plan of separation con-
templates and requires, in an amicable attempt to settle
and adjust all the matters and interests to which the appoint-
ment of each Board of Commissioners relates - that is to say,
all questions involving property or funds which may be pend-
ing between the M. E. Church and the M. E. Church South.
And as necessary to such a result, in the judgment of the
Commissioners South, they would respectfully suggest & urge
the propriety and necessity of a joint meeting of the Boards
of Commissioners, North & South, at a period as early as practica-
ble, that the intention of the Plan of separation, in this re-
spect, may not be defeated, by unnecessary delay.
It has been the aim of the General Conference of the Church
South, to see that all the terms and stipulations of the Plan
of separation, be strictly complied with on their part, and
provision has been accordingly made, that the Rev John
Early, Book Agent of the M. E. Church South, and its "Appoin-
tee" to receive the property and funds falling due to the South

to duly & properly clothed with the legal & corporate powers, required
by the Plan of separation

The undersigned Commissioners, are not able to perceive any
valid Reason, or Reasons, why the Negotiation respecting the division
of property, should not proceed in the hands of the joint Commissioners,
without delay, and hence request the joint Meeting recommended
above. As the Genl Conference Plan of separation, leaves it
with the Commissioners of the ~~several~~ ^{Bodies they represent} to
judge and determine, whether the Annual Conferences have
authorized the Change in the 6th Restrictive Rule, and, no such
decision can be had, until given by them, it seems import-
ant, that such decision should be given by them, as soon as
practicable; and we know of no mode of conclusive action in
the Case, except by a joint Meeting of the Commissioners.

The Plan of separation, provides for no intermediat action be-
tween that of the Annual Conference, and that to be had by the
Commissioners, and unless the Commissioners North, are in
possession of information, clear & satisfactory, that the action
of the Annual Conference, in the aggregate vote given by them,
is adverse to the Recommendation of the General Conference, it
is obviously made their duty by the Plan of separation, to meet,
and decide the question.

From all the information in our possession, we see no Reason why
we should not act, on the assumption, that the proposed Change
in the Restrictive Rule, has been authorized. The language of the
Discipline is, "Upon the concurrent Recommendation of three fourths
of all the Members of the several Annual Conferences, who shall
be present, and vote upon such Recommendation." The language
of the Plan of separation is "Whenever the Annual Conferences
by a vote of three fourths of all their members voting on the
3rd Resolution." It follows hence, that both by the language of the
Discipline, and that of the Plan of separation, the question was to
be settled by ^{the aggregate vote of} those Members of the several Annual Conferences,

who were present at their annual sessions, when the question
came up, and actually voted upon it. If any refused, or failed
to vote, with such we have nothing to do. They cannot be re-
garded as either for or against the measure. They declined
the Right of suffrage, by refusing to act, and the determina-
tion of the question rests with those, who were present and
voted in accordance with law. In the instance of several
Annual Conferences the vote was contingent and future
events, now to be judged of by the Commissioners, were to
give an Affirmative or negative Character to their vote.
In the instance of two of these at least (and we believe it to
be equally true of four) it is susceptible of the clearest proof,
that by their own official showing, their vote must beyond
doubt, be counted in the affirmative, or not at all, and in either
Case, and in deed without reference to either, taking no account
of the Conferences which refused to vote, it is believed the Con-
stitutional Majority of all the votes given, was in favour of the Change,
and it will, it seems to us, devolve upon the Commissioners of the
M. E. Church, to make the contrary appear, before they can in good
faith refuse to carry into effect the Plan of separation. To settle this
question, fairly and honorably, and in accordance with the facts
in the Case, it is believed that a Meeting of the Commissioners
is indispensable.

To this we may add, that the most weighty Considerations both
of justice, and Humanity, demand alike that the question be
settled as early as possible, as the dividends, to which we are
declared entitled by the Plan of separation, and which that
plan pledges shall be paid to us until the division of prop-
erty shall actually take place, have already been withheld, and
our "Travelling, Supernumerary, Superannuated, and worn out
Preachers, their Wives, Widows & Children" are literally suffering
for the want of funds given in trust for their support. Funds ~~are~~
~~not~~ to which the General Conference of 1824 ^{not only} declared them

entitled, but solemnly stipulated to divide with them, upon principles of Christian kindness and the strictest equity.

The division of property & funds stipulated, contemplates no gratuity to the South, for it is well known, that in receiving all the Plan of separation accords us, we are receiving but a part of what the South has contributed to the Common Fund in question.

There is another view of the subject, which in our judgment should not be overlooked, by the Commissioners. The proposed change in the Restrictive Rule, was regarded by all who favored the Plan of separation, in the General Conference of 1844, merely as means to an end. The end aimed at, was an equitable division of the Church property, and the more certainly, and securely to effect this, within the established forms of law and order, the change in question was proposed. Such change however, or the want of it, cannot possibly affect in any form the question of right, or the true issue in a legal process, should it be found necessary to institute such process.

The M. E. Church South, intend a most sacred appropriation of the funds they may receive, exclusively to the purposes specified in the 6th Restrictive Article, and not intending to divert them in any way, to any other object, or purpose, the change recommended by the General Conference, can only be regarded as a matter of form, subordinate in every high moral & legal sense, to the end had in view by that body in the adoption of the "Plan of separation."

The object in calling attention to this view of the subject, is not in any way to supersede the "Plan of separation," but to insist, as we shall always continue to do, that unless the letter of the "Plan" shall interpose insuperable difficulty, its spirit and intention, plainly & imperatively demand, at the hands of the Commissioners, that they carry it into effect, and that they cannot fail to do so, without a gross abuse of the trust reposed in them. Hence again, we urge that a meeting of the Commissioners, at an early day, is necessary to settle this preliminary question, which, it appears to us, can be conclusively settled, in no other way.

It certainly cannot be necessary, that we demand the Commissioners

and Book Agents of the M. E. Church, that the peace and quiet not less than the Character & Hopes of the Church, North and South, urgently require, that this great property question, be settled as soon as practicable, and we are most anxious, that it should be done amicably and with good feeling, and especially, that it may be done without an appeal to the Civil Tribunal of the Country, and the General Conference of the M. E. Church South, have accordingly instructed their Commissioners, to look to such an issue, as the last resort, in view of the adjustment aimed at.

In conclusion the Commissioners of the M. E. Church South, in view of the facts, & Considerations, to which they have adverted, in this communication, would respectfully & urgently call upon Dr. Bangs, as Chairman of the Commissioners of the M. E. Church, to call a meeting of the joint Board of Commissioners, as herein before indicated, and we cheerfully concede to him, the right, so far as we are concerned, of fixing the time & place, at any period between the last of October & the first of March next.

Very respectfully,

W. M. Dixon

A. L. F. Green

S. A. Latta

Comrs M. E. Church South

Cincinnati O

25 August 1846

P. S. We would respectfully ask and claim, upon the ground of justice & right, that the Commissioners & Book Agents of the M. E. Church, make and send to each by express, the General Conference of 1844, upon the Secretaries of all the Annual Conferences of the M. E. Church, for an authentic, attested statement of the vote or action of each Conference, in relation to the change of the 6th Restrictive Rule; And the Commissioners of the M. E. Church South, will do the same, within the limits of the Southern organization.

W. M. Dixon

A. L. F. Green

S. A. Latta

August 25, 1846

The undersigned, Commissioners appointed by the late General Conference of the M.E. Church, South, in accordance with the Plan of Separation adopted by the General Conference of the M.E. Church in 1844, to act in concert with the Commissioners of said M.E. Church, specially appointed for the purpose of estimating the amount of property and funds due to the M.E. Church, South according to the Plan of Separation aforesaid, and to adjust and settle all matters pertaining to the division of the church property and funds, as agreed upon, and provided for in said Plan, with full powers at the same time to carry into effect the whole arrangement with regard to said division of property, would respectfully give notice to the Rev. Dr. Bangs, Dr. Peck and Rev. James B. Finley, Commissioners, and the Rev. George Lane & C.B. Tippet, Book Agents of the M.E. Church, that they are prepared to act in concert with them, as the Plan of Separation contemplates and requires, in an amicable attempt to settle and adjust all the matters and interests to which the appointment of each Board of Commissioners relates, that is to say, all questions involving property or funds which may be pending between the M.E. Church and the M.E. Church South. And as necessary to such a result, in the judgement of the Commissioners South, they would respectfully suggest and urge the propriety and necessity of a joint meeting of the Board of Commissioners, North & South, at a period as early as practicable that the intent of the Plan of Separation in this respect, may not be defeated, by unnecessary delay. It has been the aim of the General Conference of the Church South, to see that all the terms and stipulations of the Plan of Separation be strictly complied with on their part, and provision has been accordingly made, that the Rev. John Early, Book Agent of the M.E. Church South, and its "appointee" to receive the property and funds falling due to the South, be duly and properly clothed with the legal and corporate powers required by the Plan of Separation.

The undersigned Commissioners are not able to perceive any valid reason, or reasons, why the negotiations respecting the division of property, should not proceed in the hands of the joint Commissioners without delay, and hence request the joint meeting, recommended above. As the General Conference Plan of Separation leaves it with the Commissioners of the bodies they represent to judge and determine whether the Annual Conferences have authorized the change in the 6th restrictive rule, and as no such decision can be had, until given by them, it seems important, that such decision should be given by them as soon as practicable, and we know of no mode of conclusive action in the case, except by a joint meeting of the Commissioners. The Plan of Separation provides for no intermediate action between that of the Annual Conferences, and that to be had by the Commissioners, and unless the Commissioners North are in possession of information, clear and satisfactory, that the action of the Annual Conferences, in the aggregate vote given by them, is adverse to the recommendation of the General Conference, it is obviously made their duty by the Plan of Separation to meet, and decide the question.

From all the information in our possession, we see no reason why we should not act upon the assumption that the proposed change in the restrictive rule has been authorized. The language of the Discipline is “upon the concurrent recommendation of three fourths of all the members of the several Annual Conferences, who shall be present, and vote upon such recommendation.” The language of the Plan of Separation is “Whenever the Annual Conferences by a vote of three fourths of all their members voting on the 3rd resolution.” It follows hence, that both by the languages of the Discipline, and that of the Plan of Separation, the question was to be settled by the aggregate vote of those members of the several Annual Conferences who were present at their annual sessions when the question came up, and actually voted upon it. If any refused, or failed to vote, with such we have nothing to do. They cannot be regarded as either for or against the measure. They declined the right of suffrage by refusing to act, and the determination of the question rests with those who were present and voted in accordance with law. In the instance of several Annual Conferences the vote was contingent and future events, now to judged of by the Commissioners, were to give an affirmative or negative character to this vote. In the instance of two of these at least, and we believe it to be equally true of four, it is susceptible of the clearest proof that by their own official showing, their vote must beyond doubt, be counted in the affirmative, or not at all, and in either case, and indeed without reference to either, taking no account of the Conferences which refused to vote; It is believed the constitutional majority of all the votes given was in favor of the change, and it will, it seems to us, devolve upon the Commissioners of the M.E. Church to make the contrary appear, before they can in good faith refuse to carry into effect the Plan of Separation. To settle this question, fairly and honestly, and in accordance with the facts in the case, it is believed that a meeting of the Commissioners is indispensable.

To this we may add, that the most weighty considerations both of justice and humanity, demand alike that the question be settled as early as possible, as the dividends to which we are declared entitled by the Plan of Separation, and which that plan pledges shall be paid to us until the division of property shall actually take place, have already been withheld, and our “Travelling, supernumerary, superannuated, and worn out preachers, their wives, widows & children” are literally suffering for the want of funds given in trust for their support, funds to which the General Conference of 1844 not only declared them entitled, but solemnly stipulated to divide with them, upon principles of “Christian kindness and the strictest equity.” The division of property and funds stipulated contemplates no gratuity to the South, for it is well known, that in receiving all the Plan of Separation accords us, we are receiving but a part of what the South has contributed to the common fund in question.

There is another view of the subject, which in our judgement should not be overlooked by the Commissioners. The proposed change in the restrictive rule, was regarded by all who favored the Plan of Separation, in the General Conference of 1844, merely as a means to an end. The end aimed at was

an equitable division of the church property, and the more certainty and securely to effect this within the established forms of law and order, the change in question was proposed. Such change, however, or the want of it, cannot possibly affect in any form the question of right, or the true issue in a legal process, should it be found necessary to institute such process.

The M.E. Church South intend a most sacred appropriation of the funds they may receive, exclusively to the purposes specified in the 6th restrictive article and not intending to divert them in any way, to any other object or purpose, the change recommended by the General Conference can only be regarded as a matter of form subordinate in every high moral and legal sense, to the end in view by that body in the adoption of the "Plan of Separation."

The object in calling attention to this view of the subject, is not in any way to supersede the "Plan of Separation," but to insist, as we shall always continue to do, that unless the letter of the "Plan" shall interpose insufferable difficulty, its spirit and intention, plainly and imperatively demand, at the hands of the Commissioners, that they carry it into effect, and that they cannot fail to do so, without a grave abuse of the trust reposed in them. Hence, again, we urge that a meeting of the Commissioners, at an early day is necessary to settle this preliminary question, which it appears to us can be conclusively settled in no other way.

It certainly cannot be necessary, that we remind the Commissioners and Book Agents of the M.E. Church, that the peace and quiet not less than the character & hopes of the Church North and South, urgently require that this great property question be settled as soon as practicable, and we are most anxious, that it should be done amicably and with good feeling, and especially, that it may be done without an appeal to the civil tribunals of the country, and the General Conference of the M.E. Church South have accordingly instructed their Commissioners to look to such an issue as the last resort, in view of the adjustment aimed at. In conclusion, the Commissioners of the M.E. Church South, in view of the facts and considerations to which they have adverted in this communication, would respectfully and urgently call upon Dr. Bangs, as chairman of the Commissioners of the M.E. Church, to call a meeting of the joint Board of Commissioners, as herein before indicated, and we cheerfully concede to him, the right, so far as we are concerned, of fixing the time and place, at any period between the last of October the first of March next.

Very respectfully,

H.B. Bascom

A.L.P Greene

S.A. Latta

Commissioners, M.E. Church South

Cincinnati, O

25 August 1846

P.S. We would respectfully ask and claim, upon the ground of justice & right, that the Commissioners and Book Agents of the M.E. Church make a _____ of the General Conference of 1844, upon the secretaries of all the Annual Conferences of the M.E. Church, for an authentic attested statement of the vote or action of each Conference, in relation to the change of the 6th restrictive rule; And the Commissioners of the M.E. Church South, will do the same, within the limits of the South as an organization.

H.B. Bascom

A.L.P. Greene

S.A. Latta