

CHURCH HISTORICAL SOCIETY

1852

BISHOP DOANE'S
PROTEST,
APPEAL AND REPLY.

KING & BAIRD, PRG. CANTON ST. PHILA. PA.

THE PROTEST AND APPEAL

OF

GEORGE WASHINGTON DOANE,
BISHOP OF NEW JERSEY;

AS AGGRIEVED,

BY THE RIGHT REVEREND WILLIAM MEADE, D.D.; THE RIGHT REVEREND
GEORGE BURGESS, D. D.; AND THE RIGHT REVEREND
CHARLES PETTIT McILVAINE, D. D. :

AND

HIS REPLY

TO

THE FALSE, CALUMNIOUS, AND MALIGNANT REPRESENTATIONS

OF

WILLIAM HALSTED, CALEB PERKINS, PETER V. COPPUCK,
AND BENNINGTON GILL;

ON WHICH THEY GROUND

THEIR UNCANONICAL, UNCHRISTIAN AND INHUMAN PROCEDURE,
IN REGARD TO HIM.

PHILADELPHIA; KING & BAIRD:

1852.

ARCHIVES AND HISTORICAL
COLLECTIONS, EPISCOPAL
CHURCH
AUSTIN, TEXAS

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THE PROTEST AND APPEAL

ARCHIVES AND HISTORICAL
COLLECTIONS, EPISCOPAL
CHURCH
AUSTIN, TEXAS

GEORGE WASHINGTON BOYD

MEMOR OF NEW JERSEY

IN THE SUPREMACY OF THE LAW
AND THE RIGHTS OF THE
PEOPLE

Entered according to Act of Congress, in the year 1852, by

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In the Clerk's Office of the District Court of the United States, in and for
the Eastern District of Pennsylvania.

THE PROTEST AND APPEAL

GEORGE WASHINGTON BOYD

MEMOR OF NEW JERSEY

IN THE SUPREMACY OF THE LAW
AND THE RIGHTS OF THE
PEOPLE

GEORGE WASHINGTON BOYD

L E T T E R,
FROM THE BISHOPS OF VIRGINIA, MAINE, AND OHIO,
TO THE BISHOP OF NEW JERSEY.

September 22, 1851.

TO THE RIGHT REV'D GEORGE WASHINGTON DOANE.

RIGHT REV. AND DEAR SIR :

We the undersigned, your brethren in the Episcopate, have recently received from certain lay members of our Church in the Diocese of New Jersey, a communication calling upon us, to perform the painful duty of making inquiry into the truth of reports in relation to yourself, which have been in circulation for some years past. This we are requested to do, in order that we may determine whether it may not be proper to institute a trial according to the canon of the General Convention provided for that purpose. Such is the character, and so great is the number of the charges specified in that document, that we do not feel ourselves at liberty to decline the call thus made upon us, unless the object thereof can be attained in some other way, which shall satisfy the reasonable demands of complainants in your own diocese and in the church at large.

In order to relieve ourselves from a most distressing duty, we have determined to appeal to you, in the hope that you will take prompt and effectual measures, for carrying into operation, what must have been the expectation of the church in her canon for the trial of a Bishop :—viz., That action shall first take place in Diocesan Conventions.

It appears to us, that it is only when a Diocesan Convention refuses to institute inquiry, or neglects to do it for too long a period, or performs the duty unfaithfully, that the Bishops can be reasonably expected to interfere. It is true, that in the present case, as the above mentioned document sets forth, and as has been otherwise made known to us, it has been wished and attempted to induce the Convention of New Jersey to take this subject into consideration, and that the effort has been resisted and prevented; nevertheless, so reluctant are we to engage in a task so painful as that set before us, that we have resolved to advise and urge you to have, without delay, a Special Convention for the purpose of a full investigation of all that has been, or may be, laid to your charge, whether in the document we transmit to you, or otherwise. It is also our duty, as your brethren, and as Bishops of the church, most earnestly to impress it on your mind, that such is the

nature of the charges made against you in that document, and of the same and similar reports, which for years have been in circulation, to the great grief of many, and the injury of religion, that nothing else can satisfy others, and relieve yourself from the suspicion of great guilt, but the appointment, by the Convention, of an impartial and intelligent committee, in whom great confidence will be reposed—with instructions to make the fullest investigation of the evil reports which are, and have been, assailing your character and conduct. We feel bound to say, that no mere report of a committee, or vote of a Convention, declaring a belief of your innocence, and that an inquiry is unnecessary, will suffice for your own reputation, or give satisfaction to the public. We are persuaded that nothing but such an investigation as that which we have described and recommended, can either satisfy those whom you may deem unfriendly to you, or relieve the minds of many anxious and distressed friends. Should such a course as we have pointed out be pursued by you, and either a presentment made, or sufficient reasons be assigned why it is not merited—we, your brethren, who have been sought out for the purpose, and have most reluctantly consented to take any part in it, will rejoice to be relieved from the most trying duty which could possibly be laid upon us.

Sincerely praying, that you may be able to disprove, or satisfactorily explain, the things laid to your charge, or else have grace from God to acknowledge whatever has been done amiss—we remain your friends and brethren in the ministry of Christ.

WILLIAM MEADE,

Bishop of the P. E. C. of V—a.

GEORGE BURGESS,

Bishop of the Prot. Epis. Church in Maine.

CHA'S. P. McILVAINE,

Bishop of the Prot. Epis. Church in Ohio.

COMMUNICATION ;

FROM

WILLIAM HALSTED, CALEB PERKINS, PETER V. COPPUCK,
AND BENNINGTON GILL,

TO

THE BISHOPS OF VIRGINIA, OHIO, AND MAINE.

To the Right Reverend William Meade, D. D., Bishop of the Diocese of Virginia ;
the Right Reverend Charles P. M'Ilvaine, D.D., Bishop of the Diocese of Ohio ;
and the Right Reverend George Burgess, D. D., Bishop of the Diocese of
Maine.

For a long period, more especially for the two years last past, grave and serious charges injuriously affecting the moral character of the Bishop of this Diocese, tending to impair his usefulness and to bring our Church under reproach, have been rife, and they have continued to increase until they have reached a magnitude and assumed a form which the blind can scarcely fail to see or the deaf to hear. Believing that the best welfare of the Church requires that the charges should be promptly met, and the Church be relieved of the odium under which she rests, while the same continue to circulate undenied and unrefuted, we had fondly hoped that the individual implicated would have sought the earliest opportunity of relieving his own character from the imputations which are almost daily made against it, and of dissipating the dark cloud of obloquy which, in consequence of these imputations against its ecclesiastical head, now grievously mars the fair character of our Church.

We deeply regret that the Bishop did not embrace the opportunity which was offered him by the resolution of enquiry presented to the Convention of the Diocese, at the City of Burlington, in 1849, of meeting and repelling the rumors and charges which were then known to be in current circulation against him. The course then taken served to confirm, rather than diminish, the suspicions, that these charges had foundation in truth. Since then we have waited till two other annual Conventions have passed, at either of which the Bishop has had a full and free opportunity of demanding an investigation of the truth of these charges. But instead of demanding an investigation as every honorable man in society feels bound to do when imputations are made against his character, we discover a manifest intention to avoid investigation, and to leave these rumors and charges to circulate for another year unchecked, un-
cleared, and unrefuted.

Acting in the spirit of the 26th Article of our religion, which declares, That it appertaineth to the discipline of the Church that enquiries be made of evil ministers, and that they be accused "by those that have knowledge of their offences;" we felt ourselves called upon to make such an investigation into the nature and truth of these charges, as to enable us to perform our duty; and, upon such investigation, we are compelled, reluctantly, to say that there are many charges publicly made against the Bishop of this Diocese, which ought, in our opinion, to be investigated under the Canon of the General Convention in such case made and provided, in order that, if false, their falsity may be made manifest, or, if true, that farther measures may be taken under the same Canon to relieve the Church from the odium which they inflict upon her. Amongst others of these charges visited by public rumor upon the Bishop and the Church in New Jersey, the following have come to our knowledge:

[Here follow the charges; which are inserted in the REPLY.]

We believe that the foregoing charges and specifications can be sustained by proof, and we therefore present them to you, three of the Rt. Rev. the Bishops of the Church, in order that you may take such measures in accordance with the Canons of the Church, in relation to the same, as your official duty and your well known devotion to the welfare of the Church, may seem to you to require.

In this communication we have by no means embraced all that is charged against Bishop Doane by public rumor. Other matters of a like dishonorable and unbecoming character we have reason to believe will develop themselves to your official notice whenever you shall see fit to act upon this investigation.

In making these charges we are actuated by no motives of personal hostility against the Bishop, but our motive is to sustain and vindicate the reputation of that Church of which we are humble members.

New Jersey, August, 1851.

Signed,

WM. HALSTED,
CALEB PERKINS,
PETER V. COPPUCK,
BENNINGTON GILL.

PROTEST, APPEAL AND REPLY.

To the Right Reverend William Meade, D. D., "Bishop of the P. E. C. of Va.;" the Right Reverend George Burgess, D. D., "Bishop of the Prot. Epis. Church in Maine;" and the Right Reverend Charles Petit M'Ilvaine, D. D., "Bishop of the Prot. Epis. Church in Ohio:—"

The undersigned, the Bishop of New Jersey, replies, and says: that he received, through an unknown hand, on *this second day of February*, a document, with their signatures, addressed to him, and dated, without place, on *the twenty-second day of September, 1851*, a copy of which with the document accompanying it, signed, "William Halsted, Caleb Perkins, Peter V. Coppuck, and Bennington Gill," is prefixed; and, that he has read the two, with mingled surprise and indignation. With surprise, that three persons, bearing the responsibilities of Bishops, in the Church of God, could be found to take action, against a Bishop, on the shewing of four persons. With indignation, that three persons bearing the responsibilities of Bishops in the Church of God, and presumed to be acquainted with the principles of diocesan and episcopal relations, should venture on a proceeding, so utterly inconsistent with both. "Such is the character, and so great is the number of the charges specified in that document," the three Bishops say, "*that we do not feel ourselves at liberty to decline the call thus made upon us; unless the object thereof can be attained in some other way, which shall satisfy the reasonable demands of complainants in your own diocese, and in the Church at large.*"—To multiply charges, and to make them odious, seem thus sufficient, in the judgment of the three, to warrant, and indeed, compel proceedings, against a Bishop. Will it be endured, that they shall speak of "complainants," in the diocese of the undersigned; and then be able to produce but four? How far the Churchmen of New Jersey will permit the four, whose names are written above, to be their representatives, the undersigned most cheerfully consents that they should say.

But, surprise is heated into indignation, when the three Bishops announce their resolution. "We have resolved to *advise* and *urge* you to have without delay a special Convention for the purpose of a full investigation of all that has been, or may be laid to your charge, whether in the document we have sent to you or otherwise. It is also our duty as your brethren, and as Bishops of the Church, most earnestly to impress it on your mind, that such is the nature of the charges made against you in that document, and of the same and similar reports, which for years have been in circulation to the great grief of many, and the injury of religion, that *nothing else can satisfy others and relieve yourself from the suspicion of great guilt*, but the appointment by the Convention of an impartial and intelligent Committee, in whom great confidence will be reposed, with instructions to make the fullest investigation of the evil reports which are and have been assailing your character and conduct. We feel bound to say that *no mere report of a Committee or vote of a Convention, declaring a belief of your innocence, and that an inquiry is unnecessary*, will suffice for your own reputation, or give satisfaction to the public. We are persuaded that nothing but *such an investigation as that which we have described and recommended*, can either satisfy those whom you may deem unfriendly, or relieve the minds of many anxious and distressed friends."—The undersigned is a Bishop, in the Protestant Episcopal Church, in the United States of America. There is nothing against which our whole reformed Communion in England and America protests more strenuously, than against the right of any Bishop to interfere, within the jurisdiction of any other. And, for himself, he must alike resist the intrusion, into the fold, which he received from Jesus Christ, of the individual papacy of Rome, and of the triumviral papacy of Virginia, Maine and Ohio. What! Three Bishops, or three hundred, or three thousand, presume to dictate to him, under the menace of a presentment, the calling of a special meeting of the Convention of his diocese! Presume to dictate the object, for which such Convention shall be called! Presume to dictate, how that object shall be sought! By a Committee! By "an impartial and intelligent Committee!" By an impartial and intelligent Committee, "in whom *great confidence* shall be placed!" By an impartial and intelligent Committee, in whom great confidence shall be placed, "with instructions" to do precisely, what the three shall order! "No mere report of a Committee, or" even "vote of a Convention," declaring their entire belief of inno-

cence, and the needlessness of an inquiry, will suffice. Not even if the Convention of New Jersey, as in 1849, should, by a vote unanimous, declare themselves contented with their Bishop, and refuse to investigate, would that content the three. And, then, the high result of this implicit submission to their mandate! “Should such a course as *WE have pointed out*, be pursued by you, and either a presentment made or sufficient reasons be assigned why it is not merited, we your brethren who have been sought out for the purpose, and have most reluctantly consented to take any part in it will rejoice”—at what?—not that innocence shall triumph, not that malice shall be discomfited, not that, one called a “brother,” shall be vindicated, but —“to be relieved from the most trying duty which could possibly be laid upon us.” And, then, such concluding words as these: “Finally, praying that you may be able to *disprove!* or satisfactorily explain, the things laid to your charge; or else have grace from God to acknowledge whatever has been done amiss, we remain your friends and brethren in the ministry of Christ.” And all the while might not the real secret of their earnestness, to have the presentment made by the Convention, be their anxiety, to save their own three votes, for use, upon the trial?

But the three Bishops have misconceived their man. The undersigned has not asked their advice; and will not submit to their urgency. Least of all, will he listen to their advice, or endure their urgency, under the enforcement of a threat. No such special Convention will be called by him. No interference with his equal and inalienable rights, as one of the Bishops of Jesus Christ, can be suffered by him. No aggression, upon the Christian freedom and ecclesiastical independence of the flock, over the which the Holy Ghost has made him overseer, will be allowed by him. In the perfect fearlessness of truth, he stands, and will stand, in his lot; whatever his divine and gracious Father may ordain, that it shall be. And, in the name and presence of Almighty God, he now proceeds, to make, to record, and to proclaim his solemn PROTEST, and his APPEAL, as solemn, to the Bishops, every where, with whom he is in communion, against the uncanonical, unchristian, and inhuman procedure, of the three, whose names are overwritten.

G. W. DOANE,

Bishop of New Jersey.

Riverside, 2 February, 1852.

PROTEST.

IN the Name of the FATHER, and of the SON, and of the HOLY GHOST, Amen. The undersigned, George Washington Doane, D. D., LL. D., by divine permission, Bishop of the diocese of New Jersey, humbly ministering before God, in the twentieth year of his Episcopate, in the name of His crucified Son, and in the power of His sanctifying Spirit; and not without tokens of the Heavenly blessing, on his unfaithful and unworthy ministrations: makes, now, as in the immediate presence of the HOLY TRINITY, adorable and ever to be blessed, his solemn Protest, as aggrieved by the Right Reverend William Meade, D. D., Bishop of the Diocese of Virginia; the Right Reverend George Burgess, D. D., Bishop of the diocese of Maine; and the Right Reverend Charles Pettit M'Ilvaine, D. D., Bishop of the diocese of Ohio, by their *uncanonical*, *unchristian*, and *inhuman* procedure, in regard to him, as herebefore set forth, in the document, bearing their signatures.

He protests against their action as *uncanonical*. The undersigned is the Bishop of a diocese. The three signers are Bishops, in three several dioceses. The limit of the diocese, in every case, is the limit of official action. There is nothing clearer in the voice of primitive antiquity, than the prohibition of episcopal intrusion. Nothing, within our age, has been the cause of more excitement, than the aggression of the Bishop of Rome, upon the dioceses of the Bishops in England. The Council, which set forth the Nicene Creed, A. D. 325, prefixes, to the Canon of Episcopal limitations the emphatic sentence, "Let the ancient customs be maintained!" And the second Canon of the second General Council, A. D. 381, at which the Creed of Nicæa was completed, referring to the decree of the former Council, distinctly says, "the Bishops must not go beyond their dioceses, nor enter upon churches without their borders, nor bring confusion into their churches." And, again, "Bishops may not, without being called, go beyond the bounds of their diocese, for the purpose of ordaining, or any other ecclesiastical function." The *πρωτον ψευδος* of the Papacy is the claim of the Bishop of Rome to jurisdiction beyond his diocese: and this first lie has been the fruitful source of every Romish error and corruption. By the fourth Article of the "Constitution," "for the

government of the Protestant Episcopal Church in the United States of America," it is ordained, that "every Bishop of the Church shall confine the exercise of his episcopal office to his proper diocese." And, when the Apostle Peter, in the first of his holy Epistles, which, by their divine inspiration, are higher than all Canons or any Constitution, enjoins on the believers, "let none of you suffer, as a murderer, or as a thief, or as an evil doer, or as a busy body in other men's matters;" the character last described is, in the original, *αλλοτριοςπισκοπος*, which literally means *a Bishop, out of his own diocese*. That the action now complained of is the action of these three, as Bishops, is manifest, in all the paper, which they send, as well as in the style, with which they sign it. That their sole office, as Bishops, in any case, where discipline is called for, towards a Bishop, is to make a presentment, the Canon, "Of the Trial of a Bishop," clearly shows. That the right of any three Bishops, to present the Bishop of a diocese, is limited to cases, where a Diocesan Convention, for some cause, disregards its duty, in the premises, is manifest, from the whole structure of the Canon; which, on any other construction, could never have permitted three Bishops, in a Church, where there are more than thirty, to stand, as the alternative, of two-thirds of each order, in a Diocesan Convention, where two-thirds of the Clergy, entitled to seats, and two-thirds of the parishes, canonically in union, were present. And yet, departing from their place, transcending all their rights, invading another diocese, and dictating to another Bishop, they prescribe, as the condition of their not presenting him, the course which he shall pursue, the course which his diocese shall pursue, the course which his Convention shall pursue, and the course which its Committee shall pursue. They reject, before hand, the declaration of the Convention, among whom their Bishop has gone in and out, for twenty years, that they believe him innocent. They reject, before hand, the determination of the Convention, that enquiry is unnecessary. They must have the very investigation which they "advise and urge;" which they "have described and recommended;" which they "have pointed out:" or, else, the undersigned must be presented. Against this aggression on the diocese of New Jersey; against this invasion of the most sacred rights of the undersigned; against this dictation to him to pursue a course marked out by them, and to his Convention, to pursue that course, under the threat of a presentment, if such dictation shall not be

obeyed; and, thus, the fear of a presentment be admitted: the undersigned most solemnly protests, as uncanonical; and utterly refuses to submit to it.

He protests against their action as *unchristian*. The blessed Paul, addressing the Galatians, writes, "Brethren, if any man be overtaken in a fault, ye, which are spiritual, restore such an one in the spirit of meekness; considering thyself, lest thou also be tempted." He had learned this lesson of the dear and gracious Lord, who died for us: whose rule in all such cases, is, "If thy brother shall trespass against thee go and tell him his fault between thee and him alone: if he shall hear thee thou hast gained thy brother. But if he will not hear thee take with thee one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it unto the Church." Such, upon this subject, is the law of Christ; binding on all Christians: and surely not the least so on all Christian Bishops. Now the document which the three bishops have adopted bears date, New Jersey, August, 1851. Their own letter bears date, September 22, 1851. The reports which they complain of, they say, "have been in circulation for some years past;" and again, "for years have been, in circulation:" some of them, much longer ago, as is apparent from the larger document, than the date of the assignment of his property, made, by the undersigned, three years since. And, yet, in all that time, no one of these three Bishops ever told the undersigned his fault, alone; or came, with two or three, to tell him. No one of them ever uttered a word or addressed a line, to him, of admonition, or expostulation, or even of inquiry. He was with them, during the Session of the General Convention, at Cincinnati; and not one of them came to him, to say a syllable upon the subject. One of them, the Bishop of Ohio, was, several days, in Burlington, in November last; before which it is known that he had been applied to for his consent to some such movement, afterwards declined by him. He called at the residence of the undersigned. The undersigned returned his visit; and spent at least a half an hour with him, in free and friendly conversation. And, yet, no hint of any distrust in his mind; of any paper in his pocket; of any movement in his heart. Nor, as the undersigned is well convinced, did he take that occasion to go to any one of those who knew the case and were parties to it, in Burlington; to those who have charge now of the financial affairs of the two institutions, which involved the

undersigned in all his trouble; or who, as friends and neighbours, knew the facts, and could have furnished authentic information and conclusive evidence. And, yet, the Bishop of Ohio, thus derelict of the first duty of a Christian, of a brother, of a man, when he had all the means for its discharge, at hand; and the Bishops of Virginia and Maine, with the pressure of three years, and more, of evil report, as they allege, upon their ears, with the favourable opportunity, which the Session of the General Convention afforded, and with the multiplied and multiform occasions which the railroad and the mail supply, without one previous word, approach the undersigned, whom they describe as "brother," in February, 1852, in an official paper, with their official signatures; having received, as unquestionable ground for the highest ecclesiastical proceeding, a document, which bears the names of but four persons, and which they have evidently adopted, without applying to it a single test, as to its truth or accuracy: and, on that sole basis, demand of him a course of action unprecedented in the history of our own Church, and unparalleled in any other; and, that, under a threat, if he refuses, of immediate presentment. Against this action, as utterly unchristian, he solemnly protests.

And he protests against it as *inhuman*. These Bishops have, for years, as they allege—for more than three years, as the document which they adopt, sets forth—heard the reports on which they ground their present action. And they have chosen, for it, such a time as this. When, as they might have known, had they inquired, before they acted, that the undersigned, by the assignment of all his property for the benefit of his creditors—having before anticipated, for at least four years, in his efforts to maintain the institutions he had founded, his only income, except his salary, as Rector of St. Mary's Church, of seven hundred dollars, which is chargeable with the maintenance of an aged mother and two sisters—had made himself dependent, altogether, for his living, and his family's, upon money loaned him, in advance of income, which expires with life. When, as they knew, his hearth is visited with the severest sorrow, not involving sin, that human house can hold. When, as they knew, his heart was bleeding, still, from the immedicable wound, which it received, but two months since, in the bereavement of one, who was its more than brother. Within three years, the documents allege no new offence. No reputable person, here, will say, that, for a year, or more, the old attempted calumnies have been revived.

A visit, of a day, to Burlington, with the desire to know the truth, would have removed, from any of the three, all apprehension as to "the grief of many," or "the injury of religion." But they preferred to act, from Maine, from Ohio, and from Virginia; and draw their fearful bow at the crushed heart of one whom they yet call their brother. The undersigned solemnly protests against this action of these Bishops, at such a time, and in such circumstances, as inhuman.

All which, as in the fear of God, under a full sense of all his official responsibilities, and as in the immediate presence of the judgment, the undersigned, freely forgiving the Bishops who have thus aggrieved him, and humbly beseeching their forgiveness of Almighty God, through Jesus Christ our Lord, unreservedly affirms and deliberately subscribes, at Riverside, this fifth day of February, in the year of our Lord, 1852.

G. W. DOANE,
Bishop of New Jersey.

Signed in the presence of, and attested by,
Reuben J. Germain, *Presbyter, Principal of St. Mary's Hall*;
Moses P. Stickney, *Presbyter, Rector of Burlington College*;
Adolph Frost, *Presbyter, Librarian of Burlington College*;
Marcus F. Hyde, *Presbyter, Professor of Ancient Languages in Burlington College*.

APPEAL.

To the Right Reverend Philander Chase, D. D., Bishop of the diocese of Illinois, Presiding in the House of Bishops; the Right Reverend Thomas Church Brownell, D. D., LL. D., Bishop of the diocese of Connecticut; the Right Reverend Levi Silliman Ives, D. D., LL. D., Bishop of the diocese of North Carolina; the Right Reverend John Henry Hopkins, D. D., Bishop of the diocese of Vermont; the Right Reverend Benjamin Bosworth Smith, D. D., Bishop of the diocese of Kentucky; the Right Reverend James Hervey Otey, D. D., Bishop of the diocese of Tennessee; the Right Reverend Jackson Kemper, D. D., Missionary Bishop for Wisconsin and Iowa; the Right Reverend Samuel Allen M'Croskey, D. D., Bishop of the diocese of Michigan; the Right Reverend Leonidas Polk, D. D., Bishop

of the diocese of Louisiana; the Right Reverend William Heathcote De Lancey, D. D., LL. D., Bishop of the diocese of Western New York; the Right Reverend Christopher Edwards Gadsden, D. D., Bishop of the diocese of South Carolina; the Right Reverend William Rollinson Whittingham, D. D., Bishop of the diocese of Maryland; the Right Reverend Stephen Elliott, jun., D. D., Bishop of the diocese of Georgia; the Right Reverend Alfred Lee, D. D., Bishop of the diocese of Delaware; the Right Reverend John Johns, D. D., Assistant Bishop of the diocese of Virginia; the Right Reverend Manton Eastburn, D. D., Bishop of the diocese of Massachusetts; the Right Reverend John Prentiss Kewley Henshaw, D. D., Bishop of the diocese of Rhode Island; the Right Reverend Carlton Chase, D. D., Bishop of the diocese of New Hampshire; the Right Reverend Nicholas Hamner Cobbs, D. D., Bishop of the diocese of Alabama; the Right Reverend Cicero Stephens Hawkes, D. D., Bishop of the diocese of Missouri; the Right Reverend William Jones Boone, D. D., Missionary Bishop, at Amoy, in China; the Right Reverend George Washington Freeman, D. D., Missionary Bishop of Arkansas and the Indian Territory, South of $36\frac{1}{2}$ deg., with Supervision of the Church in Texas; the Right Reverend Horatio Southgate, D. D.; the Right Reverend Alonzo Potter, D. D., LL. D., Bishop of the diocese of Pennsylvania; the Right Reverend George Upfold, D. D., Bishop of the diocese of Indiana; the Right Reverend William M. Green, D. D., Bishop of the diocese of Mississippi; the Right Reverend John Payne, D. D., Missionary Bishop, at Cape Palmas, on the Western Coast of Africa; the Right Reverend Francis Huger Rutledge, D. D., Bishop of the diocese of Florida; the Right Reverend John Williams, D. D., Assistant Bishop of the diocese of Connecticut; and the Right Reverend Henry John Whitehouse, D. D., Assistant Bishop of the diocese of Illinois; and, all and singular, the Bishops of the Reformed Catholic Church, in all the world; the undersigned, the Right Reverend George Washington Doane, D. D., LL. D., Bishop of the diocese of New Jersey, as aggrieved by the uncanonical, unchristian, and inhuman action of the Right Reverend William Meade, D. D., Bishop of the diocese of Virginia; the Right Reverend George Burgess, D. D., Bishop of the diocese of Maine, and the Right Reverend Charles Petit M'Ilvaine, D. D., Bishop of the diocese of Ohio, having made, as before recorded, and to be proclaimed, his solemn Protest, now makes, in the presence of Almighty God, and in the name of the holy undivided

TRINITY, to his brethren in the Episcopate, beloved in the Lord, his solemn Appeal; as one, in whom the sacred order of Bishops has been insulted, the first principles of our diocesan Episcopacy, as handed down to us from Jesus Christ, have been disregarded; the sovereignty of dioceses invaded; and the independence of diocesan Conventions laid under dictation.

For himself, the undersigned asks nothing of his brethren, in the Episcopate above appealed to, but that which their instincts as men, their obligations as Christians, and their responsibilities as Bishops, will freely accord to him, upon the simple showing of his case.

The Appeal, which he now makes, is for "the house of God, and the offices thereof." One member cannot suffer, and all the members not suffer with it. That which is now attempted, in New Jersey, may be pursued, elsewhere. If the mere representation of four laymen, without confirmation from his diocese, and even without examination as to its value, can be regarded, as the sufficient warrant, for three Bishops, to present a Bishop, to be tried; or, what is infinitely worse, demand his obedience and submission to their will, under the penalty of a presentment, what Bishop can be safe, what Diocese secure? "*Proximus Ucalegon ardet.*" The undersigned would rouse his brethren, all, to the alarming inroad, which is now attempted on the peace, the freedom and the order of the Church. The first stride of the three Bishops, not addressed in this Appeal, is longer than the Papacy achieved, in centuries. The spirit of Popery is not confined within the Vatican. There are potential Popes, upon whom no shadow from the seven hills has ever fallen. The Protestant Episcopal Church in the United States has nothing to fear from the thin shade of Leo or of Hildebrand, that lingers, yet, and trembles, along the Tiber. Our Popery is here. The Papacy of prejudice is that, from which we have to fear. The freedom, peace and order of the Church are threatened now, through a triumvirate of tyrants. And the undersigned could never rest upon his pillow, nor go in hope into his grave, nor look for mercy at that day, did he not call upon his brethren in the Episcopate, as they shall stand with him before the Judge, to give account of the holy and beautiful flocks, which they received from Him, as purchased with His blood, to see to it, upon the peril of their consecration vows, that this high handed undertaking be indignantly frowned down; that, so, in the warning words of the third General Council, (held at Ephesus, A. D., 431,) "the canons of the Fathers be not transgressed, nor the pride of worldly power be in-

roduced under the appearance of a sacred office, nor we, by little, lose that liberty, wherewith our Lord Jesus Christ, the Deliverer of all men, has endowed us, by His own blood."

The undersigned, simply declaring, as under the immediate eye of God, to his Right Reverend brethren, addressed above, his entire and perfect integrity and innocence, as to all and singular, the charges made against him; assuring them of the sincerity of his fraternal love and service; and humbly and affectionately soliciting from them the continual charity of their prayers, subscribes himself, in all fidelity, their brother and servant, in the Gospel of our Lord and Saviour Jesus Christ,

G. W. DOANE,

Bishop of New Jersey.

Signed in the presence of, and attested by,
 Reuben J. Germain, *Presbyter, Principal of St. Mary's Hall*;
 Moses P. Stickney, *Presbyter, Rector of Burlington College*;
 Adolph Frost, *Presbyter, Librarian of Burlington College*;
 Marcus F. Hyde, *Presbyter, Professor of Ancient Languages in Burlington College*.

REPLY.

IN replying to the false, calumnious and malignant charges of William Halsted, Caleb Perkins, Peter V. Coppuck, and Bennington Gill, covering, as they do, the range of many years of public service and of public sacrifice, and crawling into the inner sanctities of private life, an outline of the course of events, with which they are connected, becomes necessary. A stand-point must be given to honest people, from which they may see, in its true bearings and real complexion, the depth and darkness of that flood of falsehood, calumny and malignity, into which these four laymen have desperately plunged. It is of the first necessity to show the course of things, by which a man, who challenges the world, upon the ground of perfect honesty of purpose and unreserved and ruinous self-sacrifice, could possibly be made the subject of such charges, even from such a source. The statement, from the very nature of it, could be made by none, but him who is its subject. It shall be so constructed, as to defy contradiction, or material correction.

The undersigned was elected Bishop of New Jersey, on the 3d day of October, 1832; being then Rector of Trinity Church, in the city

of Boston. He had no knowledge that his name had been before the diocese, until the Committee brought to him the testimonials of his election. There were many reasons why he should have shrunk from the acceptance of the office, to which he was then designated. But, if the voice of God is to be heard at all, it must be through the councils of the Church. The friends, on whom he had relied the longest and the most, urged his acceptance. He was consecrated on the 31st day of October, of that year. In the summer after his consecration, the Rev. Dr. Wharton died; and the undersigned was chosen his successor as the Rector of St. Mary's Church, Burlington.

At the date of his consecration, the Church in the diocese of New Jersey was in a most feeble and depressed condition. The late Reverend John Croes, the oldest son of the venerable first Bishop, deliberately expressed the conviction, that, in West Jersey, the Church could never be revived. There were but seventeen Clergymen, in the diocese. The actual communicants of St. Mary's Church, Burlington, were less than thirty. The whole amount of Missionary collections, from all the parishes, reported in 1833, was \$121.05½. The Fund for the support of the Episcopate amounted to \$2049.33; and the whole amount paid to the Bishop for the first year of his episcopate was \$206.92, being the aggregate of collections in the parishes, with interest. It was thus, literally, "the day of small things." But, there was an earnest spirit and resolved heart; and the work was entered on, in unreserving faith. At the Convention of 1833, it was resolved that efforts should be made to increase the Fund to \$10,000, within five years. The addition reported in two years was but \$1657.27; of which the income relinquished by the Bishop, to aid in the accomplishment of the design, was \$546.05, about one-third. In 1840, the permanent salary to be paid to the Bishop, *as soon as practicable*, was fixed by Canon at \$2400 per annum. But the Fund has never reached \$10,000: and the annual receipts of the Bishop, including travelling expenses and postages, have never much exceeded the tenth part of the salary proposed by Canon. His only other source of income has been his salary as Rector of St. Mary's Church, Burlington; at first \$440, and then \$700, with the Parsonage. The net receipts of his official income from both sources, have not exceeded \$500 per annum, through the period of his episcopate. The private income of one, who never withheld her hand from the service of Christ's Church, or the comfort

of His poor, has supplied the lack of service of the diocese, in supporting the episcopate.

But, it was ample for the purpose. And, had the undersigned confined himself to his mere work, as Bishop of the diocese, and Rector of St. Mary's Church, he never would have been compelled to reply to these atrocious charges; nor been dependent, for the poor pittance, which supplies his personal necessities, on the confidence and kindness of another. To revive the work of the Lord, in the field of duty where his lot was cast, something was evidently called for, beyond the slow and distant hope of mere parochial increase. A rally of Churchmen, on Church principles, was needed for the work of the Church. The natural reliance, with God's blessing, must be on Christian education. The diocese was singular, in its facilities for that purpose. The enterprise would overflow on the whole Church; and swell the rivers which make glad the city of our God. And, in the faith in which the office of a Bishop had been undertaken, the plan of a Diocesan School for boys was early the object of attention and enquiry. While this was so, the proprietor of a long established Female Seminary, in the city of Burlington, desiring to retire from its charge, proposed the sale of his establishment, as a Church School for Girls. This was in 1836. On consultation with judicious friends, here and elsewhere, who advised the enterprise, and made offer of their aid, it was determined to embark in it. And St. Mary's Hall for Female Education on Church Principles, was opened on the first day of May, 1837. The announcement was received with favor, every where. But who can ever forget the storms that swept the country, in that year? Who has not walked in sorrow among the wrecks, that strewed the shore? What strongest commercial house, what best concerted financial enterprise that did not suffer, from its violence?

Its first effect upon the undersigned was to arrest the subscription to a loan of \$25,000, towards an endowment, before two-thirds of it had been obtained; and leave him, to supply the deficiency, as he best could. Its further effect was to keep down the patronage of the institution, for several years, to a point, far below the cost of maintenance. Nevertheless, it did not stop. And, at one time, when there were but twenty-six pupils, more than one quarter of them were free; being orphans, or children of poverty. To go on, at such a rate, of course involved a debt. The undersigned had faith in God: and, merging in the work his whole resources and his

credit, it went on. As prosperity returned to the country, patronage flowed in upon St. Mary's Hall. And, then, success became embarrassing. Buildings were to be erected, and fixtures and furniture were to be supplied: and, to do this, there was no resource but current income, or pledge of credit. Of course, the debt increased. To provide for it, paper must be used. To be procured, it must be paid for. And, then, in a majority of cases, its discount must be had, at extra cost. A perfect confidence, that continued success would ensure ultimate relief, encouraged exertion; and made trials tolerable, for the work's sake, which no personal interest would have sustained, one week.

The acceptance of a Christian School for Girls created a demand for a Christian School for Boys. In 1845, special circumstances seemed to indicate, that the time had come for such an undertaking. A movement was then made, for a school, for boys, such as St. Mary's Hall already was, for girls. The proposition met with signal favour. It was at once said, "Why not make it a College? The time is propitious. At any rate, procure a charter; and use it, when you are ready!" A charter was procured. A site was purchased. The pressure of patronage forced on the work, beyond its time. So that, at the end of two years, the Catalogue enrolled an hundred and twenty-seven students. There was no endowment. There was no monied patronage. Every thing was to be done; and nothing to do it with. Every thing was done; and done with nothing. For what was a subscription of \$8000, towards the grounds, the buildings, the fixtures, the furniture, the apparatus—the entire provision, religious, scholastic and domestic—for an hundred and twenty-seven children, and the whole staff of teachers? Nevertheless, the provision was made, and the children were collected. And he, who, with God's blessing, had accomplished these things, after two most dangerous attacks of illness, which confined him for nearly five months, having exhausted, in his enterprize for Christian education, his means and his credit, was left with two most prosperous institutions, whose annual receipts were not less than \$70,000; and, with an unmanageable debt.

When the undersigned first owned the mercy of Almighty God, in turning back his face and feet from towards the grave, his instinctive impulse was, to provide for the reduction of this indebtedness. It was well established, that, if the two institutions were subjected to nothing more than their proper expenditure—freed, that is to say,

from the disadvantages of a credit system of business, and of an extravagant outlay, for the maintenance of credit—a very large percentage of their receipts, after paying the whole cost of carrying them on, might be applied to that object. He therefore invited three of his friends to accept the transfer of his whole interest in both, numbering together, two hundred and eighty-seven pupils, in trust, to secure their most effective and economical administration; and, then, to distribute the surplus receipts, from time to time, among the Creditors of both: he himself devoting himself, as heretofore, and more, to their continuance and success; and waiving all claim for consideration or compensation, till every form of indebtedness should be extinguished. At two large meetings of the persons chiefly interested, this proposition was approved, and its prosecution earnestly recommended. Ultimately, however, it was frustrated, by the refusal of two or three, to sign the necessary agreement; not because they did not desire that it should be carried into effect, and believe that it might be done successfully; but, from expectations, unreasonably entertained, of relief, from other quarters. At a council of his friends, called to consider what should be done, in this state of affairs, the undersigned was unanimously advised to make an assignment of all his property, for the benefit of all his Creditors; and to arrange for the carrying on of the institutions, under his own conduct and supervision, but on the financial responsibility and business direction of others, as before proposed. This was done. The undersigned gave up his property, of every form; to meet, so far as it might, a debt, not personal to himself—his private income being much more than equal to his private expenditure—but growing out of his venture for Christian education, in the two institutions above named; and his self-disregard, to serve the Church, to adorn and dignify his native State, and shed the light of Christian learning, on the land.

It was on the 26th day of March, 1849, before the undersigned had fully left the house, after his dangerous and distressing illness, that this assignment was made. A brief statement of the circumstances was published, with his name. It was announced, that the two institutions would open, as usual, on the first of May, ensuing, under the conduct and supervision of the undersigned; the business department, at St. Mary's Hall to be under the charge of the Hon. E. B. D. Ogden, J. C. Garthwaite, Esq., and Joel W. Condit, Esq.; and that at the College, of Judge Ogden, Mr. Garthwaite,

and R. S. Field, Esq. Mr. Aertsen to be the fiscal agent, at both institutions. These arrangements were duly approved and authorized by the Trustees of the College; who undertook also the direction of the Hall: and the one opened with 143 girls, and the other with 127 boys.

It might reasonably have been supposed, that for such an enterprise, undertaken in a spirit so disinterested, carried on at such tremendous sacrifices, and sustained through such disastrous trials, patience and charity would be permitted to have their perfect work. The Trustees of the College, twenty-four in number, dispersed throughout the State, had given the assurance of their confidence. The four gentlemen, who came in aid of the undersigned, in the immediate progress of the work, possessed universal respect and reliance. And the patronage of the parents and guardians of 270 children, entrusting, to the undersigned the physical care, the intellectual culture and the moral and religious training, of their sons and daughters, afforded such a guaranty of personal estimation, as few have ever enjoyed. One would have thought, that the whole Church, with one consent, would have united their petitions to Almighty God, to bless a work so tried and crowned; and lent their hearts, their voices, and their hands, to aid in its advancement, and to extend its influence. But William Halsted was a member of the Convention of the diocese, which, on the 30th day of May, a month from the re-opening of these sacred institutions, so tried, and yet so trusted, met, in the city of Burlington. Its first act, when the organization had followed the Prayers, the Sermon, and the Holy Communion, was the unanimous resolution, that the senior Presbyter of the diocese, the Rev. John Croes, "be requested to offer up to Almighty God, the public thanksgiving of the Church, for the happy recovery of the Right Reverend the Bishop of this diocese, from a recent and distressing illness." And, on the afternoon of the second day, William Halsted offered the following Preamble and Resolution:

"Whereas, a Bishop should be blameless, and should have a good report of those that are without, lest he fall into reproach; and, whereas, public rumor, as well as newspaper publications, have made serious charges against our Bishop, impeaching his moral character, tending to impair his usefulness, and to bring the church of which he is Bishop into disrepute—therefore,

"*Resolved*, That a Committee be appointed, consisting of three clergymen and three laymen, who, or a majority of them, shall make such inquiries as shall satisfy them of the innocence of the accused, or of the sufficiency of ground for

presentment and trial; and that they do make report to this Convention, at its present session, or at such other time as this Convention shall designate."

He introduced it, with a preliminary speech. It was made the subject of a long and earnest debate. It was opposed by several members, clerical and lay; and supported by the mover: and, finally, at about 9 o'clock, the Bishop rose, to put the question, on the passage of the resolution. Mr. Charles King, now the President of Columbia College in the city of New York, records the issue thus:

"When, after a few brief, touching, steadily uttered sentences,* upon the extraordinary and trying position in which he stood, the Bishop said, 'All who are in favour of this resolution will say *Aye*'—a silence deep as death fell upon the assembly—the beating of each heart was audible—but not a word was spoken. No solitary *Aye* broke this awful silence! The mover of the resolution himself was voiceless. After a due pause, the Bishop again spake—'All opposed to this resolution will say *No*.' Then went up, as if with one breath and from one heart, such a negative, as no one could mistake the import of. Its tone, its fervor, its sincerity, were significant, even more than its unanimity. The work was done; and after finishing some formal business, the Convention adjourned.'

When it is considered, that the Convention sat in the city of Burlington, where the "serious charges" against the Bishop, if they had a being, must have been most current, and most vigorous; where the persons and the papers, to supply the means of their complete authentication, if they could at all be authenticated, were present; and in the very heart of whatever disappointment, disquietude, murmuring, clamour, condemnation, an event so disastrous as his failure could occasion; and that, within but four days more than two months, after the assignment had been made, what more complete acquittal

* Which were exactly these:—"The Convention will bear me witness, that during the almost seventeen years of my Episcopate, no important question has been considered here, on which I have not expressed, to the best of my ability, the convictions of my judgment, and of my conscience. That the question, now before the Convention, is one of great importance to the diocese, directly, as well as indirectly, through me, no one can doubt. But it is a question personal to myself. And, on that account, I depart from the practice of my whole official life; I waive the claims and the obligations of duty; I almost disregard my solemn consecration vows—vows, such as lie on none of you—and, with an entire and perfect unreserve, without a word, as without a fear, submit the question, to God, and to this Convention."

of all blame, than this result, could possibly be had? And when can it be ever claimed that a Convention has done all its will, in regard to its Bishop, suspected or accused of wrong, if not in the case, thus stated? The undersigned peremptorily demands, as his clear right, that in his case the Convention of his diocese has set forth, in the most emphatic way, its mind and will, as to his presentment, not only, for any of the offences contemplated by William Halsted, in the resolution cited above; but as to its further entertainment of them: and that thus the canonical right of any three Bishops, to make presentment on such charges, is perfectly estopped. And he is the more tenacious of this claim, that, at neither of the subsequent Conventions of this diocese—that at Newark in May, 1850, and that at Burlington in May, 1851—the slightest intimation was expressed of any doubtfulness, as to the character or conduct of the undersigned. To claim, as the three Bishops do, that when a Convention refuses to institute inquiries, the subject being specifically proposed, deliberately discussed, and formally disposed of, any three Bishops may override its will, and make presentment of its Bishop; to say, as they have ventured to feel bound to say, “that no mere report of a Committee, or vote of a Convention, declaring a belief of innocency, and that an inquiry is unnecessary, will suffice,” is quite too much in the nature of a Star-chamber proceeding, the undersigned must hope, to find any countenance, in the Protestant Episcopal Church of the United States of America.

The undersigned might now dismiss this subject. The Convention of the diocese of New Jersey, the highest canonical resort, in a proceeding against their Bishop, refuse to proceed; declare their confidence, in him, whose going out and coming in, they have observed, for twenty years; and regard, as utterly inconsistent, with their duty to him, to themselves, and to their God, the proposal to investigate. There is no door opened, by which three Bishops can come in, between their Bishop and themselves. Men shall not put asunder, but in the proper form, and process due, of law ecclesiastical, those whom God hath joined together.

But, the undersigned is not disposed to leave the matter, so. He positively denies, that the progress of the Church, in the diocese of New Jersey, has been impeded, by the prevalence of any rumours, of disadvantage to his character. So far from it, the diocese of New Jersey has gone on, steadily and constantly, to increase, and advance, through the whole period of his Episcopacy. The 17

clergymen, of 1833, are multiplied by four. The Missionary income, of the Church, from one hundred and twenty dollars, has been increased, ten, twelve, and fifteen times. The last list, of the parishes, and Missionary stations, furnished to the Convention, by Bishop Croes, enumerates twenty-one; the list, presented to the last Convention, fifty-nine. He has consecrated forty-two churches. The largest number of persons confirmed, in any year, was 290; reported to the Convention, of 1850. There have, already, been confirmed, since the last Convention, 271; leaving the Vernal Visitation, yet to be added. The number of communicants, in St. Mary's Church, has more than been decupled. In no respect, in no instance, has the undersigned seen the slightest reason to believe, that his influence, for good, within the diocese, has been impaired, by any thing that has transpired, within the last three years: while, from the whole Church, not only, but from the secular community, in which he lives, he is in the constant experience, of marks and tokens of respect and confidence, which overpower him, with the sense of his unworthiness.

As little does the undersigned admit the justice of the complaints, of the four laymen, that he has avoided, or has not invited, an investigation; and that he has been silent, under reproach. He never has avoided an investigation. On the day before the resolution, introduced by William Halsted, he was told, of his intention, by a friend, who had endeavoured to prevent it, (Charles King, Esq., President of Columbia College.) His answer was, "That must not be. Recal whatever you have said. By all means, let him have his way." And the whole Convention will bear witness, that he never said one word, to influence their decision. Why should he invite an investigation? He was satisfied, with his own sincerity, and honesty. His diocese was satisfied. The Trustees of the College were satisfied. The patrons of St. Mary's Hall, and Burlington College, were satisfied. His parishioners were satisfied. His friends, every where, were satisfied. If there were any, that were not, it was for them to move. He was always in his place. They did not come to him. Why should he go to them? He stood upon the decision, of the Convention, of 1849. If any are not satisfied with that, let them remove him from it, if they can. Why should he not keep silence, under reproach? He considered who reproached him. He considered how they did it. He was willing to let Shimei curse. For his silence, he had David's pattern: "As for me, I was like a deaf man,

and heard not; and as one that is dumb, who doth not open his mouth: I became even as a man that heareth not, and in whose mouth are no reproofs." And the pattern of the Lord of David, "Who, when He was reviled, reviled not again; when He suffered, He threatened not; but committed Himself to Him that judgeth righteously." Who will say, that he was ever, heretofore, so charged, that he could answer? Who will say, that, now, that three responsible persons adopt the charges, even of four, and they such charges, he has delayed to answer? To all, and singular, though false, calumnious, and malignant, he now addresses his reply. And he can truly say, with the three holy children, to the king, "We are not careful to answer thee, in this matter." To such charges, so sustained, it gives him no concern, to make reply. The Lord judge, between him, and them, who have so shamefully entreated him!

CHARGE I.

Obtaining money under false representations or false promises.

SPECIFICATION.

He obtained money, amounting to \$1000, of the Rev. Alfred Stubbs, Treasurer of the "Society for the promotion of Christian Knowledge and Piety," under a representation or promise that he would give safe and ample security for the same; and he has not returned the money nor given security therefor.

REPLY.

The undersigned, when on the visitation of a portion of his diocese, had been the bearer of a letter, from the former Treasurer of "the Society for the Promotion of Christian Knowledge and Piety," to the Rev. Mr. Stubbs; then newly appointed to that office. As afterwards appeared, it contained bank notes, for one thousand dollars; being so much of the funds of the Society. In the course of his visit, Mr. Stubbs said to him, that he had that money; that he did not know what was best to do with it; that if it would be of any use to the undersigned, in carrying on his Institutions, he had rather it were in his hands, than any where else; that he only wanted customary security. The undersigned hesitated; but received it. As had been done, in other cases, a bond, with warrant of Attorney, was given. In the other cases, judgment was entered, when the difficulties came on; and the money paid. It would have been so, in this; but the Rev. Mr. Stubbs, at the time, was absent, from the country. An arrangement has been made, through an-

other, by which Mr. Stubbs is protected from loss. It may be confidently asserted, that no such view of the subject, as the four laymen attempt to give, has ever presented itself to Mr. Stubbs. It may also be said, that to adopt that view would be fatal to the character of every merchant, banker or other person, who has ever made a loan, "on call;" and failed, while the money was in possession.

* * The undersigned, in replying to this first Charge, takes occasion, once for all, to say, that, in making these replies, he is conscious, as must be apparent to every one, that he does so, at great disadvantage: from the lapse of time—three, five, seven, or fifteen years—since the occurrence of some of the transactions or the measures which led to them; the principal in these transactions, without experience in business operations, and with the bent of his mind and course of his life, in an entirely different channel; and unaided, in his discharge of them, and in the exertions which grew out of them, by the customary means and appliances, which Commerce has devised, and by which commercial persons are assisted and sustained. Nevertheless, as nothing was ever done, but in good faith, he has no apprehension as to the satisfaction which his answers will afford to faithful men. To any others, no replies could ever be satisfactory.

CHARGE II.

Inducing individuals to endorse promissory notes for him by false representations and false promises.

SPECIFICATION.

He induced Michael Hays to endorse notes for him from time to time during the years 1847, 1848, and 1849, until his endorsements amounted to a sum exceeding twenty-nine thousand dollars, by representing to said Michael Hays that he was solvent and able to pay his debts, when he knew at the time that he was insolvent and unable to pay his debts.

REPLY.

Michael Hays was liberally paid, for every endorsement. He is said to have admitted, that he did not desire to do a better business, than endorse for Bishop Doane; and, that, if he was never paid any more, he should lose nothing, or not much. The undersigned never represented himself to Michael Hays as solvent, or able to pay his debts. For twelve years, nearly, he kept all his large and various engagements. He relied, for ultimate

relief, on the increasing income of the institutions; which did not disappoint him: and on contributions from the Churchmen of the diocese, and elsewhere, to relieve him, of the burden of his outlay, for permanent improvements, at the College. He had a just claim to this relief. It was promised to him, again and again. It was, as often, deferred. It never came. Hence, his embarrassments. And, hence, his failure

CHARGE III.

Taking the sum of \$7,476.51 of the monies belonging to the Episcopal funds of the Diocese, without the authority, knowledge or consent of the Convention.

SPECIFICATION.

He induced the Rev. Reuben J. Germain, the Treasurer of the Convention, (who had given no security for the faithful performance of his duty, and was unable to respond to the Convention for a loss of said fund,) to sell out good Stocks, and Bonds and Mortgages, (bearing an interest,) belonging to the Convention, and to loan the proceeds of said sale to said Bishop Doane, upon his own notes without security.

REPLY.

He never induced the Treasurer of the Convention to sell out good Stocks, Bonds and Mortgages, to loan the proceeds of said sale to him. There were never any Mortgages belonging to the Episcopal Fund. No sale of any part of it was ever made, for the purpose of being loaned to the undersigned. The Rev. Mr. Germain will testify to these statements. Money was paid in, from time to time, by subscribers. Stocks which were depreciating, and likely to grow worse, and bonds which were of doubtful tenure, were sold. The undersigned was carrying on the work of the Church. He needed large sums of money, for the purpose. The Treasurer lent him his uninvested funds, temporarily, on his notes. He had a precedent for this, before the Episcopate of the undersigned. The notes of the undersigned were always submitted, with the other vouchers to the Committee, annually appointed, to examine the Treasurer's accounts. No objection to the investment was ever made; to the undersigned, or to the Treasurer. It was considered safe. And it has been perfectly secured: as a Committee of the Convention of 1850 have reported.

CHARGE IV.

Swearing rashly and unadvisedly in regard to the value of his property.

SPECIFICATION.

In the affidavit annexed to the Inventory of his property, (attached to his assignment,) taken before John Rodgers, Master in Chancery, on the 29th March, A. D., 1849, the said George W. Doane deposed and swore, "that the above (meaning the said Inventory) was a true and perfect Inventory of all his real and personal estate, together with the value thereof," when in truth and in fact, the said Inventory did not contain the true value of very many of the articles of property therein enumerated. It did not contain the true value of the real estate therein enumerated. It did not contain the true value of the several articles of furniture, household goods, &c., in St. Mary's Hall. It did not contain the true value of the several articles of furniture, household goods, &c., in Burlington College. It did not contain a true valuation of the articles of furniture, household goods, &c., at Riverside.

REPLY.

The undersigned denies that he swore "rashly and unadvisedly, in regard to the value of his property." The decision to make the assignment was adopted by him, with the advice of several gentlemen, who hold the very highest place in the confidence of the community. The obvious aim was to prevent a few of the creditors, who might rush in upon the property, from taking more than their share of that which belonged proportionally to all. The Assignees were G. S. Cannon, Esq., and Robert B. Aertsens, Esq. The former of them, now, the Prosecutor of the Pleas in Burlington county. The other, an accomplished and experienced Merchant. The undersigned referred the whole subject entirely to their judgment; and was guided, in every thing, by their advice. They were the appraisers of the Real Estate, unaided and uninfluenced by him. They prepared the Inventory, to which by their direction he affixed his name. At their instance, the oath administered to him was taken. He uniformly declared to them and to all his advisers, at the time, that he had no other wish but that every thing should be done faithfully and justly; for the interest of his Creditors, and for the success of the Institutions. From these, it was his hope, that the ability would be realized, to discharge all his debts. And he has constantly said, and now repeats it, and records it, that whatever the construction of the law may be, he must ever hold himself a debtor; until every dollar of every claim be fully paid, in principal and interest. So far, for the denial of rash and unadvised swearing; and of the existence of any motive for it.

Now, as to the allegations in the Charge and Specification. The claim they make, is, that the property was undervalued. The value of Real Estate, situated as this was, is purely a matter of opinion. It was valued by the Assignees themselves, after consultation with several persons acquainted with the property; and the best evidence that they were well advised, is that, six months after the assignment was made, all this property was exposed at public sale, open to competition from every quarter; and brought precisely the price at which it was valued. The personal property at St. Mary's Hall and Burlington College, had been appraised for another purpose, as stated in a previous portion of the Reply, some weeks before the Assignment, by the Rev. Messrs. Germain and Bradin, respectively; and again revised by them, and by the Assignees, at the time; and such value put upon it as they honestly believed to be correct. The last named persons alone appraised the property, at Riverside. At the day of sale, the house was crowded with company; many of whom were bidders: and it is the conscientious conviction of those who had no interest in the result, that, had the competition of Mr. Edward N. Perkins, who purchased most of it for his mother, and that of the other gentlemen and the Trustees been withdrawn, the property would not, in the aggregate, have brought near the price, that it did sell for. But the charge of fraud, here, is gratuitous, if not absurd. The temptation in such cases is to exaggerate, not to depreciate, the value of property. No one seeks to make his case worse than it really is. By a higher estimate, it must be seen, at once, that the contrast, subsequently drawn between the amount of debts and the value of property, must have been greatly relieved. But, then, the charge would have been, that the property was *overrated*.

CHARGE V.

Swearing falsely as to the list of his creditors, and the amount of the debts due to them respectively.

SPECIFICATION I.

The said George W. Doane, did on the 29th day of March, 1849, before John Rodgers, Master in Chancery of the State of New Jersey, swear and depose that a certain list of creditors, which preceded the said affidavit, and to which said list the said affidavit was attached, was "a true and perfect list of his creditors with the amounts severally due to them as far as he had been able to ascertain according to the best of his knowledge." When the said George W. Doane well knew that the said list was not a true, full and perfect list of his creditors, and of the amounts severally due to them, and that the same was untrue in the following particulars.

REPLY.

The effrontery, of this Charge, almost puts its falsehood, out of countenance. How, do these persons *know*, that the undersigned, "well knew," that the list, alluded to, was not a full, and perfect list? Can they discern the heart? The statement, which follows, drawn up, by Mr. Aertsen, who best could do it, will show, that it truly was, "according to the best of his knowledge."

The remarks, which were made, under Charge IV., as to the reliance, on which the Affidavit was made, apply as well to this. The list was made out, and presented to him, by those who had no interest to misrepresent; and were sworn to do right. All had been done, to make it correct, that time, and opportunity, permitted.

In regard to both the Affidavits, the undersigned expressly asked, if the oath was peremptory, as to the correctness of the statements; and was told, it meant, according to the best of his knowledge. According to that, he swore.

"The list of debts, was made out by R. B. Aertsen, from the best data, in his possession. He had come to Burlington, in February, 1849, at the request of the Bishop, who had been confined to a sick bed, since the November previous; had been, more than once, considered past recovery; and was, at that time, in so precarious a state, that often, days would elapse, that he could not be consulted. He had spent more than a month, in getting, into some kind of order, a business which had become almost hopelessly perplexed. During this long illness, papers were lost, or mislaid, notes had been renewed, and new ones made, without being recorded: and there is not a doubt, that many were settled by the Bishop, which have never come back, into his hands, in consequence of the unlimited confidence, which he was accustomed to place in every one with whom he had dealings. New debts were contracted, in carrying on the two Institutions; with the particulars of which, he could not, possibly, be acquainted. Unhappily, no regular system of book-keeping had been adopted, at either Institution: so that, in making the statement, (and it is proper to say, that, at that time, the necessity for an assignment, was not contemplated,) recourse was obliged to be had, to every quarter, for information; and, in almost every case of an open account, it was furnished, by the creditor himself. Every assistance, which the Bishop could give, in his then weak state, was given. Daily messages would be received, that such an one was a Creditor. Sometimes, the amount would be

named. But, most generally, that was not possible. It had to be sought elsewhere. And, when all this is considered, the wonder is, not that some debts were omitted, but that so many were remembered. Statements, were obtained, from the several Banks, and individuals, with whom paper had been negotiated; and, every conceivable mode adopted, to make it as perfect as possible. This list, was prepared for, and laid before, a meeting of Creditors, called for the purpose, of effecting an arrangement; by which the Institutions might be carried on, without interruption. That arrangement failed; and an assignment became unavoidable. But, although all the large Creditors, were at that meeting, and this list was before them, its correctness, was not called in question; and, therefore, the presumption was, that it was as nearly correct as possible."

R. B. A.

SPECIFICATION 2.

The list did not set forth the name of the Episcopal Convention of the Diocese, or the Treasurer of the said Convention, or the Episcopal Fund as a creditor of the said George W. Doane for any amount of money. It did not state that he was indebted to the Episcopal Fund, or to the Convention, or to Mr. Germain, Treasurer thereof, for the sum of \$7,476.51, or any other sum of money due to the said Convention, or to the Treasurer thereof. And that Michael Hays was in said list designated as a creditor to the amount of \$17,500, when the said Michael Hays was a creditor to the amount of \$29,000 and upwards.

REPLY.

It has been stated, under the foregoing Specification, how the list of Creditors was made out; and, under what disadvantages. The matter of the Episcopal Fund, was not regarded, as an ordinary debt; and the purpose, from the first, was entertained, to provide for it, distinctly. This has been done, by the undertaking of another; to the entire satisfaction of the Convention: as will be found, in the Journal, for 1850. Nevertheless, a memorandum of it was sent in to Mr. Aertsen; though, as it proved, too late, to be included in the list.

As to the discrepancy, in the amount of indebtedness, to Michael Hays, the list was made out, not by the undersigned, but by Mr. Aertsen, as he best could, without his help: from his note-book; from the books of the several banks at which discounts were had; and from the memoranda of the broker, by whom, for the most part, they were negotiated. The difference, as stated, is great. But, it must be remembered, that neither party kept accurate lists. And,

beside, that a great proportion of the notes must have fallen due, and been renewed, during the five months' illness of the undersigned; of which he could have little cognizance. There was no motive, to any fraudulent statement: since it was certain to be corrected, by the notes, themselves.

SPECIFICATION 3.

He placed on said list the name of Joseph Deacon as a creditor to the amount of \$23,480 only, whereas, the said Joseph Deacon was at the time a creditor to an amount exceeding \$30,000.

REPLY.

Joseph Deacon, like Michael Hays, endorsed, for the undersigned, extensively; and received a consideration, for it. The notes were obtained, when needed; and neither party kept any list. The statement, in the assignment, in this case, was made out under the same disadvantages, as that of Michael Hays. And the maturity of many of the notes, and their substitution by others, during the illness of the undersigned, would expose the matter to much additional difficulty. The discrepancy is large: but the circumstances were peculiar. The statement could in no way injure Mr. Deacon, nor benefit the undersigned.

SPECIFICATION 4.

He stated in his list of debts that there are sundry notes, whose endorsers are uncertain, amounting to \$4,447.36, but he does not specify who are the creditors or holders of said notes; or the amount of said notes respectively.

REPLY.

The notes endorsed by Hays and Deacon were, for the most part, discounted, by a broker. The undersigned seldom knew, by whom the money was furnished. Of what other use, this specification is, than to swell the number, it is difficult to see. There could have been no objection to stating the names, had they been known. Not to know them is scarcely culpable; surely, not fraudulent.

SPECIFICATION 5.

He states in his list of debts sundry notes endorsed by R. J. Germain, negotiated by F. Woolman for \$1,983.25, and yet he does not tell who are the creditors or holders of these notes, or the amount thereof respectively.

REPLY.

This seems to be another item, inserted for the sake of number.

The undersigned did not know the particulars, alluded to. Of what importance could it be, that they should be known? How can the ignorance of them, or the omission to state them, be charged, as fraud?

SPECIFICATION 6.

He omits to place on his list of creditors the name of H. R. Cleveland, who he well knew was at the time a creditor in trust for the sum of \$15,000.

REPLY.

What shall this assertion be called? The indebtedness to the estate of Mr. Cleveland, in trust, is acknowledged, in the Schedule of the Real Estate, which forms part of the assignment. It has been on record, in the public office, at Mount Holly, for nearly three years; and accessible to all. Peter V. Coppuck lives at Mount Holly. William Halsted is frequently, if not constantly, there, at the Burlington Courts. Caleb Perkins and Bennington Gill are both within two hours of it. And, yet, they unite, in declaring that the debt is not acknowledged: and, *that*, in a document designed to procure the presentment of their Bishop. They make the assertion knowing it to be false; or else without taking the slightest pains to know if it was true. In so solemn a transaction, the difference is small. "Acting," they say, "in the spirit of the 26th Article of our religion, which declares that it appertaineth to the discipline of the Church that inquiry be made of evil Ministers, and they be accused by them that have knowledge of their offences, *we feel ourselves called upon to make such an investigation into the nature and truth of these charges as to perform our duty: AND UPON SUCH INVESTIGATION, we are compelled,*" &c. An investigation which did not go to the whole extent of the assignment! Or, else, a wilful misstatement of its contents!

SPECIFICATION 7.

He omits to place on his list of creditors the name of William Chester, who he well knew was a creditor to the amount of \$800.

REPLY.

This indebtedness is also stated in the schedule, which forms part of the Assignment. The same remarks apply to this, as to the preceding Specification.

SPECIFICATION 8.

He omits to place on the list of his creditors the name of Sarah C. Robardett, who, he well knew (at the time he made his affidavit attached to said list) was a creditor of his to the amount of \$3000.

REPLY.

This indebtedness is also stated in the schedule, which forms part of the Assignment. The same remarks apply to this, as to the *two* preceding specifications.

SPECIFICATION 9.

He omits to place on his list of creditors the names of I. B. Parker, and other Trustees, to whom he knew (at the time he made said affidavit) that he was indebted in the sum of \$10,800.

REPLY.

This indebtedness is also stated in the schedule, which forms part of the assignment. The same remarks apply to this, as to the *three* preceding specifications. The rule, in regard to testimony is, "*Falsus in uno, falsus in omnibus.*" What an illustration of it!

SPECIFICATION 10.

He omits to state the amount of debts due to several of his creditors, respectively, or states the amount as being much less than he knew it to be, at the time he made the affidavit.

REPLY.

How does this agree with the rule of common justice and of common sense; which requires, in all "specifications," "reasonable certainty, as to time, place and circumstance?" To what end, such a specification; but to make a show, by numbers?

CHARGE VI.

Willfully contracting large debts without any reasonable prospect of being able to pay them.

SPECIFICATION 1.

Contracting debts to an amount exceeding \$250,000, when his whole estate, real and personal, according to his own valuation, under oath, does not amount to one half that sum.

REPLY.

The first remark, in connection with this specification, is, that, of this \$250,000, the real estate of the undersigned stood for

\$100,000. The objection raised, then, lies against the floating debt, of \$150,000. In regard to that, it may be remarked, that, if every one carrying on a large business, requiring the use of large sums of money, were measured by the rule which is here applied, no one could stand, a day. Granted, that the whole estate of the undersigned did not amount to one-half of his debts. Was that *all*, that he had to rely upon? Are two flourishing Institutions to count for nothing? He had passed through the fiery part of his trial. Institutions of such character, could not be established without a large outlay of money in the beginning. The period of comparative loss had gone by. Consider the situation of these Schools, at that time. St. Mary's Hall, during the winter term of 1848-9, (when the undersigned was prostrated by illness,) contained 159 pupils, and Burlington College, 127. There are no means available by which the net profits of this term can be accurately shown; but the results of the following term are known; and furnish the basis of what is very near to a certainty. During the summer of 1849, St. Mary's Hall contained 144 pupils, and the net profits of that term were - - - - - \$5.040 69

Now, every one knows, that after the receipts exceed the expenditures, the cost of every additional pupil rapidly diminishes. So that, at the period under consideration, we may safely estimate the profit, on the latest comers, as at least one-half of the term charges: the difference between 144 and 159 is 15.— 15×75 ($\frac{1}{2}$ term charges) - - - - - 1.125 00

\$6.165 69

Burlington College then contained 124 pupils, and the profits were \$3.365 18. An addition of 3 pupils would give, as the profits of the previous term - 3.590 18

Showing the profits of the two, together, per term - \$9.755 87

Being a total annual surplus of nearly *Twenty Thousand Dollars*. There is not a doubt, that, had the undersigned retained his health uninterrupted, and been permitted to carry on his work unmolested; the number of pupils would have increased, rather than diminished; and he might, under the new arrangements, then in progress, have raised this amount to \$25,000 per annum. Let any honest person look at this statement, which the books of the two Institutions

confirm, in every figure of it: and judge, then, as to the value of this charge.

The amount of the debt was large: made much larger than it ought to have been, by the cost of procuring money, and the disadvantage of purchasing on credit; to say nothing of various forms of imposition. But it was not so large, that a few years would not have reduced it to a manageable amount; and a reasonable period of success extinguished it.

SPECIFICATION 2.

Contracting debts to an amount of upwards of \$150,000, (over and beyond the amount of his mortgage debts,) when his personal estate, according to his own valuation, under oath, amounted to only \$17,418 56.

REPLY.

The only real difference, between this, and the former specification, is the omission of the indebtedness, chargeable on the Real Estate. It should have stood in the place of that. The remarks, made in regard to that, dispose of this.

CHARGE VII.

Drawing checks on banks, (in which bank at the time he knew he had no money to pay said check) and delivering said checks to individuals as good, or in payment of their demands against him.

REPLY.

There were several Banks in New Jersey, at which special friends of the undersigned, and of his work, were influential—in many cases, as Presidents, and Cashiers—on which, he was permitted to draw short drafts, from time to time; to be discounted and placed to his credit. At their maturity, they were duly met. This was an indulgence granted to the undersigned, by those who had an interest in his work; and were willing, in this way, to assist him in its prosecution. He drew no other checks, but in connexion with his discounts, on any Bank, but that in Burlington; in which he kept his account.

CHARGE VIII.

Practising deception upon creditors and other persons, by giving or sending them checks on banks (in which he knew at the time he had no money) in payment of demands against him. And when informed that the bank on which said checks were drawn refused payment of the same, neglecting to pay said checks.

SPECIFICATION 1.

He drew his check upon the Burlington Bank, and sent it to the Princeton Bank, or one of the officers thereof, to pay a note of his which was due at said bank, and on which said note there was a responsible endorser; and the officer of the Princeton bank, relying in full confidence upon the payment of the said check by the Burlington Bank, neglected to protest the said note, and thereby discharged the endorser; and the said George W. Doane being informed that the said check was unpaid, neglected to pay any part of the same for a long time thereafter: and a large proportion of the amount remains unpaid to the present day.

REPLY.

The circumstantialness of this specification will not supply its lack of truth. Its points are: that a note had been discounted, at the Princeton Bank; that, it had a responsible endorser; that, when it fell due, it was paid by a check on the Burlington Bank; that it was, therefore, not protested; that the endorser was, so, discharged; that the check on the Burlington Bank was refused, for want of funds; and the payment of the check, for a long time, neglected; and, then, made in part. Now, there was no note. There was no separate endorser. There was no payment, by a check. There was thus, for two reasons, no discharge of the endorser. There was no refusal of a check on the Burlington Bank. There was a protest. The only truth, to all these falsehoods is, that the amount was paid, in part. This was the case. One of the short drafts, alluded to under charge VII, was drawn, on the undersigned, by the Rev. Mr. Germain; who was for a long time closely associated in the business operations, in which he was engaged. It was accepted by the undersigned, and discounted at the Princeton Bank. Being unpaid, at maturity, it was duly protested. The payment of a third part of it, at a subsequent date, is acknowledged on the draft. Why did these guardians of "the 26th Article of our religion" ascertain just enough, to make the basis of a falsehood; and not enough to state the truth? How is it to be reconciled with their assertion that they had made "such an investigation," as "to enable" them "to perform" their "duty?" The occurrence, which the undersigned is thus called on, under such circumstances, to explain, is nearly *four years old*.

SPECIFICATION 2.

Drawing checks on the Burlington Bank (when he had no money in said bank) and after he had been told by an officer of said bank that he must not draw checks on said bank when he had no money there.

REPLY.

The only ground of this false allegation is the habit of the undersigned, to make his account good, every day, at 3 o'clock. Checks, which came in, in the early part of the day, would often be unprovided for, at that time. Provision was made, to meet them daily; until the sickness occurred. It is a practice, current, every where; and nowhere regarded as evidence or intention of fraud. The account was troublesome, in this way, to the officers of the Bank; but no objection, other than that, was ever made by any of them. It may be safely asserted, and contradiction defied, that no idea of dishonesty was ever in their minds. So far from it, the Cashiers in all the Banks, in which the undersigned did business, will testify to his proverbial punctuality, for years.

CHARGE IX.

Wilfully persisting in making written promises to pay money, at stated periods and times, and allowing said promises to be repeatedly broken and unfulfilled.

REPLY.

If this charge means any thing, it is, that when applied to for payment, the undersigned promised to do so, at a time, when he hoped it would be possible; and then was disappointed. He might have refused to promise. But he was always anxious to meet every one's convenience; and sometimes undertook what was found to exceed his ability. If there is dishonesty in this, it is of very common occurrence. Whoever casts a stone, should himself be "without sin."

CHARGE X.

That he induced individuals to endorse notes for him under pretence that they were to renew notes which had been previously endorsed by the said individuals, and, after obtaining said notes for such avowed object, appropriating them to other purposes—leaving the old notes they were pledged to renew unpaid, and thus increasing the liabilities of the said endorser without his consent.

SPECIFICATION 1.

He obtained the endorsements of Michael Hays in the manner set forth in the foregoing charge to an amount much larger than he would have been willing to endorse for him.

REPLY.

Michael Hays kept no account of the notes, endorsed by him; and so, could never testify, to the amount of them. They were al-

most uniformly endorsed, with the dates, blank ; and being, with rare exceptions, for the same sum, could never be identified, nor their appropriation ascertained. Moreover, the endorsements were bought and paid for ; and were as properly convertible to any use, as bank notes would have been. The undersigned denies entirely the pretence, charged above. For the reasons, above stated, it never could be established. If what is charged had occurred, the protest of the note would have gone at once to the endorser ; and told the tale. The falsehood is transparent. Finally, Michael Hays has acknowledged, as can be proved, that he *declared under oath before the Grand Jury, in August, 1850, that HE HAD NO CAUSE OF COMPLAINT AGAINST THE UNDERSIGNED.*

SPECIFICATION 2.

He obtained the endorsement of Joseph Deacon, in the manner set forth, in the preceding charge, to an amount much larger than he would otherwise have endorsed for him.

REPLY.

The very same remarks are equally applicable to this, and the former, specification. Joseph Deacon has acknowledged, as can be proved, that he *declared under oath, before the Grand Jury, in August, 1850, that HE HAD NO CAUSE OF COMPLAINT, AGAINST THE UNDERSIGNED.*

CHARGE XI.

That on or about the 30th day of April, 1846, he signed the name of Horace Binney, Esq., to a subscription paper, and thereby making him a subscriber to the amount of \$1000 towards the building of a new church in the city of Burlington, without any authority from the said Horace Binney, Esq., to write his name to said subscription paper.

REPLY.

It need hardly be said, that the subscription was made, under the impression, that it was authorised by Mr. Binney. If it were not, of course the payment would be refused. In any event, it could confer no personal advantage on the undersigned.

CHARGE XII.

That, after making said subscription, and with a view of justifying or exculpating himself, he did, on the 28th day of May, 1847, write a letter to Thomas Milnor, Secretary, wherein he made the following statement, viz.—“ Let me here say, that in procuring a subscription of more than \$13,000, no man or woman put in a single word of condition, or the slightest claim for equivalent, unless Mr. Binney so makes out his case ;”—which said statement

is untrue, and was known to be untrue by the said George W. Doane at the time he wrote said letter.

REPLY.

The said statement, not being untrue, could not be known to be untrue. No man or woman *did* "put in a single word of condition, or the slightest claim for equivalent; unless Mr. Binney so make out his case." What is here alluded to, as contradictory of this statement, was the conversion, on the part of several of the subscribers, of their loans to St. Mary's Hall, into gifts to St. Mary's Church. But this conversion was made, in every case, at the instance of the undersigned; and involved, on his part, the present payment of money, subscribed, to be paid, at his convenience. The payment, in every case, was made: to the amount of several thousand dollars.

CHARGE XIII.

That he took an undue advantage of his official station and ministerial character in borrowing and obtaining money from women and persons little skilled in business, who were least able to resist the influence of his office and position, and then disappointed their just expectations by neglecting to fulfil his engagements to them.

SPECIFICATION 1.

Borrowing of Sarah Vansciver \$400.

REPLY.

Sarah Vansciver was, in no way, subject to undue advantage, from the undersigned. She did not live in Burlington. The money came into his hands, as often occurred, as a loan; to be used in his business. It was secured by bond and warrant of attorney. The whole amount was long since paid.

SPECIFICATION 2.

Borrowing of Mrs. C. Lippincott \$11,951.67.

REPLY.

Mrs. C. Lippincott was most intimately acquainted with all the business risks and relations of the undersigned; and had the deepest interest in the institutions, for which they were undertaken. She is connected, by marriage, with the family of the undersigned; and has been, for almost twenty years, as one of his family. She had money, variously situated. She desired to call it nearer to her. She preferred investing it in the work, in which the undersigned was engaged, and receiving her interest from him, to having it in any other form. She acted with the fullest intelligence, and with the most perfect freedom. The interest on the whole amount has

been constantly paid, from another source; and will be, until the principal is reimbursed.

SPECIFICATION 3.

Borrowing of Mrs. A. C. Winslow \$1700.

REPLY.

The undersigned is the guardian of Mrs. Winslow's only child. She requested him to receive and take charge of a legacy of \$3000; partly hers, and partly his. She has received it, in part. The interest has been duly paid; and the balance is responsibly recognized, as a debt to be reimbursed. Mrs. Winslow has always been as one of his own family. Her husband was to him, as a son. Their child is as his own; receiving his education, without charge, at Burlington College.

SPECIFICATION 4.

Borrowing of Mrs. Sarah C. Robardett \$3000.

REPLY.

Mrs. Robardett has a bond and mortgage, on property, abundant for the security; and duly receives her interest. The record of this security is at Mount Holly; accessible to all. But, it did not suit the four to see it. It is difficult to see how this specification sustains the charge of taking "undue advantage," or "disappointing" "just expectations," or "neglecting to fulfil engagements."

CHARGE XIV.

That after making solemn assurances to pay money justly due to an individual, he threatened that if said individual complained to the Convention of New Jersey, he would pay him nothing.

SPECIFICATION.

Michael Hays told said George W. Doane, that if he did not pay him according to his agreement, he would complain of him to the Episcopal Convention then about to be held on the 28th of May, 1851; and the said George W. Doane then replied that if he did, he would not pay said Michael Hays any thing, or he should have nothing.

REPLY.

The undersigned had agreed to pay Michael Hays, on condition that he settled the notes, endorsed by him, without litigation, one thousand dollars a year, until one half of the amount of his endorsements, in principal and interest, was paid; and had given

jointly, with his wife, an order on the Trustees, in Boston, by whom her income is paid; to be obtained from them, in case he failed to pay it. His sole reliance, to meet this engagement, himself, was the payment, to him, of his salary, as Head of the two Institutions. The payment of this salary being deferred, by reason of the appropriation of the funds, to objects, supposed, by the Executive Committee, to be more urgent, Michael Hays had then the remedy, stipulated and accepted, in an application to the Trustees, in Boston. Instead of making this resort, he threatened, last Spring, to apply to the Convention of the Diocese. The reply of the undersigned was, that he would get nothing, by that; that he would thus disturb the quiet, which he had agreed to maintain, and so do injury to the institutions; and, if that course were undertaken, the agreement was broken, and the undersigned would pay him, no more. Michael Hays rejoined, that he did not expect that he would; but that he had made his determination.

CHARGE XV.

He has ground the face of the poor and oppressed the hireling in his wages.

SPECIFICATION 1.

He admits in his list of creditors, that he is indebted to the servants at Burlington College and St. Mary's Hall, in the large sum of \$1490.

REPLY.

Fifty servants, in the five months' illness of the undersigned, accumulated a debt of less than \$1500: an average of \$30 each. Every cent was paid them, from the receipts of the new term, within sixty days. And this is grinding the face of the poor; and oppressing the hireling in his wages. It is not stated what it is, to have given constant employment, with good pay, to, from twenty, to fifty, servants, for fifteen years.

As to grinding the face of the poor, there is no class of people, with whom the undersigned has ever had so much acceptance. And, were the four false accusers to attempt a rally of the poor of Burlington, against him; they would find themselves reckoning, without their host.

SPECIFICATION 2.

He admits in his list of creditors, that he is indebted to William H. Carse, one of his gardeners, in the sum of \$519.16, and also for sundry bills contracted for him by said Carse to the amount of \$592.37.

REPLY.

William H. Carse, here set down, by a rhetorical flourish, as "one of" the "gardeners" of the undersigned, was, not only, gardener and farmer, for Riverside, St. Mary's Hall, the College, and the Farm; amounting, in all, to more than thirty acres: but dairyman, and gasman, for the three establishments. He had many men under him; and, in the payment of their wages, and in the purchase of all the supplies of all kinds, in all his departments, had the disbursement of large sums of money. Is it very remarkable, that, in the five months' sickness of the undersigned, he should have accumulated an advance of less than six hundred dollars? Could he have had a very poor face, to grind, who could have credit, to that amount? Might not the men, who looked into the indebtedness so sharply, have discovered, that he had been, long since, paid, every dollar, of his advance, and of his wages? If they had, would they have told it?

CHARGE XVI.

Notwithstanding he knew that he was insolvent, he continued to live in a style of sumptuous extravagance wholly beyond his means, and he still continues so to live while poor creditors are suffering for want of the monies which he justly owes them.

REPLY.

The undersigned, as has before been shown, has never had an average annual income, during his episcopate, from all official sources, of more than \$500. His living, and that of his family, have been sustained by the income of his wife. At no time have his expenses nearly equalled the amount of his income: though, in his earnest zeal to carry on the work of the Lord, in his hands, he anticipated that income, and greatly embarrassed it. His expenses have been materially reduced, since his failure. The house and its appointments are held, by others, for the comfort of their mother: for whose just and dutiful gratification all of them were created. What becomes of the meanness of this calumnious and malignant falsehood, with these explanations? The four, who prepared this charge live in a community, in which the state of things, thus set forth, is familiarly known, to all. And no one, whom the undersigned has ever had the pleasure to receive, as guest, at Riverside, will say, that "sumptuous extravagance" had ever any place, there.

CHARGE XVII.

That, for the purpose of enabling his Agents to borrow money for him, he represented to them that he was indebted to an amount not exceeding \$70,000, and that a loan to him of \$50,000 would enable him to pay all his debts, with the exception of about \$16,000 or \$17,000; and he permitted such Agents knowingly to make such a representation to individuals, to induce them to advance money for him, when he well knew, or might easily have known, that such representations were untrue, for in his assignment, made a few months afterwards, he acknowledges his debts to amount to more than \$250,000, and after that, it appears that this large amount did not cover his entire indebtedness by several thousand dollars.

REPLY.

The undersigned replies to this, that the amount of indebtedness, stated above, as \$70,000, was rather an estimate, than a statement. The work of the Church was labouring, under the difficulty of providing supplies for it; and the cost of providing them was enormous. Moreover, the paper relied on, for the supplies, was becoming more and more difficult to negotiate. What the undersigned desired, was the means to take up all these notes, as they fell due, and use no more of them; and to have ready money, for expenditures, during the current term. This would require, he estimated, fifty thousand dollars. He called his friends together, and proposed to them to make a loan to that amount: giving, as security for its repayment, all his real estate, in every form; Riverside, St. Mary's Hall, the farm connected with the College. With that amount of cash in hand, he could have got on. But, he did not have it. A large portion of it took the shape of funded debt. Another large portion was paid in notes, which could not be availed of, at once. In the mean time, one and another obligation was compelled to lie over; which brought distrust upon the case. The result was the failure of the loan, to give the desired relief. The difficulties were thus made greater: and, in the ten months—not as stated above, “a few months”—which ensued, before the failure, the amount of the indebtedness was fearfully increased. The estimate of \$70,000 was obviously erroneous. It was called for unexpectedly; and had to be made up hastily. But it is utterly unjust to put it in contrast with the gross sum of \$250,000: when \$100,000 of it was represented by real estate.

When all is said, the plan of the loan was not original with the undersigned: but with gentlemen in Burlington, connected neither with the College, nor with the Church. There can be no better proof of their satisfaction with his course, in the premises, than that they were large subscribers to the loan.

CHARGE XVIII.

He has violated the sacred vows that he made when he was consecrated Bishop, wherein he promised to "deny all ungodliness and worldly lusts, and live soberly, righteously and godly in this present world;" that "he might show himself in all things an example of good works unto others, that the adversary might not be ashamed, having no evil thing to say against him."

SPECIFICATION 1.

Though for two years at least he knew that charges of ungodly conduct had been published against him, he has not by any writing or publication over his own signature denied them, but by continued silence under these repeated and reiterated charges, he has impeded the growth of the Church, prevented persons from coming forward to be confirmed, and some who would have otherwise united themselves with the communion of the Church, have kept back because our Episcopal Head has remained silent under so many and so grievous charges.

REPLY.

No charges have ever been brought against the undersigned, by any respectable or responsible person. He could not be expected to deny any others. It was sufficient for him that he continued to enjoy, uninterrupted and undiminished, the confidence of his Convention, the confidence of his Diocese, the confidence of his Parishioners, the confidence of the Trustees and Patrons of the College and of the Hall, the confidence of his friends, the confidence of the community. The marks and tokens of this confidence are, in part, stated, in a former portion of this Reply. A great and constant increase, in numbers, and, it is hoped, in godliness, is there devoutly acknowledged. That, under other circumstances, it would have been still greater, the four may assert, but cannot prove. The undersigned, besides being a Bishop, is in the exercise of all the offices of a parish Priest. He is thus brought into the closest and most sensitive relations, with the community. In all the last three years, he has had no knowledge that a single individual has withdrawn from the Holy Communion, or from attendance on public worship, on any ground, personal to himself.

SPECIFICATION 2.

Instead of setting a good example to others, he has set an evil example in living beyond his income and by contracting debts he is wholly unable to pay. He has violated the injunctions of St. Paul which tell us, "to render unto all their dues and to owe no man any thing," but he has placed a stumbling block in the way of Christians.

REPLY.

This is a repetition of charge XVI.

SPECIFICATION 3.

Instead of so conducting himself as to cause the adversaries of the Church to be ashamed and to have nothing to say against him, he has so conducted himself as to cause complaint to be made against him to the Grand Jury of the county of Burlington for misdemeanor, and thus given occasion to the adversaries of the Church to say that a majority of the Grand Jury were in favor of indicting him for a misdemeanor, and that it was only by the interference of persons not members of the Grand Jury which induced a reconsideration of the vote of the Grand Jury, and prevented a bill of indictment being found against him.

REPLY.

In replying to this Specification, the undersigned sets forth the oath, taken by the members of the Grand Jury:—"You shall well and diligently inquire and true presentment make, of all such matters as shall be given you, in charge, or shall come to your knowledge, touching the present service. *The Counsel for the State, your fellows, and your own, you shall keep secret.* You shall present no one, for envy, hatred or malice; *neither shall you leave any one unrepresented, from favor, affection, fear, reward, gain, or the hope thereof.* But you shall present all things truly, as they shall come to your knowledge according to the best of your skill and understanding. So help you God."—And, he, then, insists, that this specification, if it have any weight, is laid against the Grand Jury; and not against himself. For, that the four laymen might know it to be true, some Grand Juror must have been regardless of his oath; "the Counsel for the State," his "fellows," and himself, to "keep secret;" and a majority of the Grand Jury must have disregarded their solemn oath, not to "leave any one unrepresented, from favor, affection, fear, reward, gain or the hope thereof."

Whatever the truth may be, it was through no influence of the undersigned, direct or indirect, nor with his privity, that any thing was done, or not done; considered, or reconsidered.

CHARGE XIX.

His conduct while presiding in the Conventions of his Diocese has been discourteous, undignified, unfair, over-bearing, arbitrary, and tyrannical, wholly destitute of that Christian meekness and humility, kindness and condescension which should characterize a Christian Bishop.

REPLY.

To a specification, entirely made up of personalities, the undersigned makes no reply. Even if it were true, it certainly cannot be regarded as matter for inquiry, any where, without the diocese.

The undersigned has done with the details of the false, calumnious, and malignant representations of William Halsted, Caleb Perkins, Peter V. Coppuck and Bennington Gill. How many of them he has shown to be entirely false, he does not stop to count. That, falsehoods, perversions or distortions of the truth, insinuations, or whatever other form they take, they are calumnious, all, is apparent, on their face. That their *animus*, throughout, has been malignant, is just as clear and undeniable. They are all neighbours of the undersigned. They have never suffered, from him, the shadow of a wrong. They are related to him, as to a father, in Christ Jesus. And, yet, not one of them has ever come to him to seek an explanation. Not one of them has ever sought to see the books. Nay, they have not even searched the records of the County Office, which they profess to quote; or searched them, to pervert them. They have distilled, in secret, the poison of their hearts: and they now commend the chalice to his lips, with the astounding declaration, "We are actuated by no motives of personal hostility, against the Bishop."

And these are the four persons, and such the charges, upon whose authority, three Bishops in the Church of God, without acquaintance with the men, or inquiry as to their allegations, have relied, as the ground of criminal proceedings, against their peer. Fearful, indeed, the reckoning, they will have to meet! For the inroad, which has thus been made, upon the sacred sorrows of a desolated hearth; for the interruption of the daily duties of an office, which adds, to the care of a diocese, the care of a parish, and the care of two institutions, in which two hundred of the sons and daughters of the Church are nurtured; for the storm which now must burst upon the peace and quiet of the Church; for this aggression, on the diocese of New Jersey; for this invasion of the rights of its Convention; for this injustice, indignity, and cruelty towards its Bishop—for the whole amount, and all the shapes, and every incident and consequence, of this enormous wrong—the undersigned holds, as responsible, the Bishops of Virginia, Maine and Ohio; accuses them, before Christendom; and summons them, in all solemnity and sorrow, before the judgment seat of God.

GEORGE W. DOANE,

Bishop of New Jersey.

Riverside, 9 February, 1852.

APPENDIX.

SO MUCH OF THE PROCEEDINGS OF THE
CONVENTION OF THE DIOCESE OF NEW JERSEY,
IN MAY, MDCCCXLIX.,

AS RELATES TO THE CHARGES AGAINST THE BISHOP:*

AS REPORTED, BY
CHARLES KING, ESQ.,
NOW PRESIDENT OF COLUMBIA COLLEGE,
A DEPUTY IN THAT CONVENTION.

Pp. 23—25 foregoing.

It was now half-past 6 o'clock, P. M., when the following resolution was offered by William Halsted, Esq., of Trenton:

Whereas, a Bishop should be blameless, and should have a good report of those that are without, lest he fall into reproach; and, whereas, public rumor, as well as newspaper publications, have made serious charges against our Bishop, impeaching his moral character, tending to impair his usefulness, and to bring the church of which he is Bishop into disrepute—therefore,

Resolved, That a Committee be appointed, consisting of three clergymen and three laymen, who, or a majority of them, shall make such inquiries as shall satisfy them of the innocence of the accused, or of the sufficiency of ground for presentment and trial; and that they do make report to this Convention at its present session, or at such other time as this Convention shall designate.

Previous to presenting the resolution, Mr. H. said that, inasmuch as the proposition he was about to submit, nearly concerned the character of the presiding officer, he desired, in courtesy to that distinguished gentleman, to give him an opportunity of vacating the Chair by going into Committee of the Whole.

This being quite an unusual course in the Convention, and the

* This statement has had a wide circulation in the New York Courier and Enquirer, and in many other papers; as a fly-leaf to the Journal of the Convention, and to the Register of St. Mary's Hall and Burlington College; and as part of a pamphlet, entitled, "A BRIEF NARRATIVE." It was sent, to all the Bishops. Had the three forgotten it? Or did they choose to disregard it?

Bishop indicating no wish to shrink from any duty, as presiding officer, the motion was not pressed, and the resolution was presented.

Mr. Halsted prefaced the resolution with a few remarks, in calm and measured language, disclaiming any unkind feeling towards the Bishop, or any purpose other than one of enabling him to place formally and officially before the Diocese, such explanation as he might be disposed and able to give of the charges, which, in the shape of rumors, newspaper publications, and placards in our chief cities, were calculated so injuriously to affect his reputation.

An earnest debate ensued upon this resolution. It was opposed by Mr. A. Gifford, Judge Dayton Ogden, Charles King, the Rev. Mr. Phillips, and the Rev. J. D. Ogilby, and supported by the mover, Mr. Halsted.

By the two first named gentlemen, it was shown, that the Convention could not lawfully pass the resolution presented to them—that it was wholly uncanonical and unconstitutional; but those gentlemen, and all the others who spoke in opposition to the resolution, unreservedly declared, that if charges specifying with reasonable precision, the offences imputed by rumor, or any offence cognizable by the Convention, should be presented, they would oppose no obstacle to the receiving, referring and investigation of such charges; but that in no other way could the Convention lawfully reach or touch the subject.

Mr. King spoke with great earnestness against the injustice and enormity of putting any man on his defence—and, least of all, a man such as Bishop Doane—upon vague rumor, and what was called “newspaper publications.” Mr. K. said he felt his own personal character, and the calling to which the best years of his life had been devoted, concerned in rescuing newspapers—such as he understood what a newspaper should be, and what the obligation and duty of the editor of such a paper were—from any fellowship with, or responsibility for, such papers as that which had circulated the charges referred to in the resolution—a common receptacle for all that is vile, and pandering to the worst vices, passions, and prejudices of our nature.

Mr. K. insisted, that, whereas, upon rumor or newspaper charges, the meanest criminal could not be arraigned, it was intolerable that a man of such eminent services as Bishop Doane, of such untiring devotion to his Church, and to the cause of Education as connected with the Church, of such self-sacrificing labors, should be held up as

a suspected criminal, though freely admitting that if these or any charges should be made under a responsible name, and not by anonymous slanderers—the basest at once and most cowardly of mankind—there should, and would be no hesitation in raising a committee of investigation. The gentleman, who presented the resolutions, did not profess to know anything of the truth of these rumors, or newspaper publications, and in no manner makes himself responsible; and this should, of itself, determine the Convention to reject the resolution.

The meeting of this Convention was no sudden meeting, nor clandestine meeting. It was a stated annual meeting, known of all men who might desire, months in advance; and its place of assembling equally well known to be at this town of Burlington, where the misdeeds which rumor imputed to the Bishop had been perpetrated.

If, then, there was truth in these rumors, how comes it that—after sitting here with open doors, with the eyes of all upon us, with the ears of all open to our discussions—no word of complaint, no charge of any sort had been made in any responsible manner to this Convention, against the Bishop? The fact that none such had been made must, Mr. K. contended, under the circumstances of the case, be regarded as outweighing entirely, and discrediting, the rumors upon which Mr. H. wished to proceed.

Mr. K., after reviewing rapidly the career of Bishop Doane in New Jersey, and his eminent success there in building up seminaries of learning and the Church, called upon the Convention to stand by him, and show by their vote this day, that however oversanguine Bishop Doane may have been in some of his anticipations, however even improvident in expenditures—made not for personal purposes, but for great public ends—nothing had been presented, or was known, to the Convention which could authorize any withdrawal of confidence or support from him, or impair the trust they had—that with renewed health and God's blessing upon his labors, the Diocese would yet reap, in the prosperous and triumphant march of the Church and the Church schools, the most satisfactory reward for their steady and unshaken adherence to their Diocesan.

The Rev. Dr. Ogilby presented, with great force, his views of the iniquity of the proposed proceeding; and finally at about 9 o'clock, the Bishop rose to put the question on the passage of the resolution.

When, after a few brief, touching, steadily uttered sentences,* upon the extraordinary and trying position in which he stood, the Bishop, said, "All who are in favor of this resolution will say *Aye*"—a silence deep as death fell upon the assembly—the beating of each heart was audible—but not a word was spoken. No solitary *Aye* broke this awful silence! The mover of the resolution himself was voiceless. After a due pause, the Bishop again spoke—"All opposed to this resolution will say *No*." Then went up, as if with one breath and from one heart, such a negative as no one could mistake the import of. Its tone, its fervor, its sincerity, were significant, even more than its unanimity. The work was done, and after finishing some formal business, the Convention adjourned. C. K.

* The Bishop's actual words were these: "The Convention will bear me witness, that, during the almost seventeen years of my Episcopate, no important question has been considered here, on which I have not expressed, to the best of my ability, the convictions of my judgment, and of my conscience. That the question, now before the Convention, is one of great importance to the diocese, directly, as well as indirectly, through me, no one can doubt. But it is a question personal to myself. And, on that account, I depart from the practice of my whole official life; I waive the claims and the obligations of duty; I almost disregard my solemn consecration vows—vows, such as lie on none of you—and, with an entire and perfect unreserve, without a word, as without a fear, submit the question to God, and to this Convention."