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ART. I.—*History of the Rise and Influence of the Spirit of Rationalism in Europe.* By the Rev. W. E. H. LECKEY, M. A. In two volumes. New York: D. Appleton & Co. 1866.

*History of Rationalism; embracing a Survey of the Present State of Protestant Theology.* By the Rev. JOHN F. HURST, A. M. With Appendix of Literature. New York: Charles Scribner & Co. 1866.

*Essays on the Supernatural in Christianity, with Special Reference to the Theories of Renan, Strauss, and the Tübingen School.* By Rev. GEORGE P. FISHER, M. A., Professor of Church History in Yale College. New York: Charles Scribner & Co. 1866.

*The Temporal Mission of the Holy Ghost; or, Reason and Revelation.* By HENRY EDWARD, Archbishop of Westminster. New York: D. Appleton & Co. 1866.

THE simultaneous appearance of these and other important works, for and against Rationalism, from such various quarters—sceptical, Papal, and orthodox evangelical—only proves how profoundly the mind of all parties in Christendom is agitated on the subject. These several parties, of course, take very different views in regard to it. The sceptics laud Rationalism

ART. V.—*The General Assembly.*

THE General Assembly of 1866 was in many respects a remarkable body. It was numerously attended, two hundred and fifty-one members being present the first day. It embraced many men of distinguished ability. It came together at a time when the public mind, in the church and state, was deeply agitated. The questions presented for discussion included topics in which the whole community took the liveliest interest, and the conclusions arrived at are likely to have a very great and perhaps lasting influence on the character and destiny of the Presbyterian church.

As so much of the time of the Assembly was taken up with the case of the Louisville Presbytery, and so much of the debates had reference to documents which do not appear on the minutes, it is necessary, in order to understand the measures, and to account for the animus of the Assembly, to advert to some things which occurred prior to the meeting of that body.

*“Declaration and Testimony.”*

The action of the Assembly of 1865, having given offence to many ministers and elders, especially in the border states, the Presbytery of Louisville adopted and issued a “Declaration and Testimony,” to which they solicited the adherence of those in all parts of the church who agreed with them in opinion. This document, making twenty-seven octavo pages, is much too long, notwithstanding its historical importance, to be inserted in this journal. It testifies against fourteen errors in doctrine and practice as to which it charges the General Assembly with having departed from “the faith and practice” enjoined by the Head of the church. It testifies, 1st, against “the assumption of the courts of the church, of the right to decide questions of state policy.” 2d. “Against the doctrine that the church as such owes allegiance to human rulers or governments.” 3d. Against the perversion of Christ’s direction to render unto Cæsar the things that are Cæsar’s, and the Apostle’s command to be subject to the higher powers. 4th. Against “the action of the Assembly on the subject of slavery and

emancipation in 1864, and confirmed in 1865." 5th. Against "the unjust and scandalous contradiction of their own recorded testimony and well-known facts, in regard to the labours of the Presbyterian church and ministry, for the christianizing of the slaves of the South, and the preaching to them of the gospel of Christ." 6th. Against "the doctrine widely taught in the church, and even countenanced by the Assembly, that the acts and deliverances of the courts of Christ's commonwealth may properly be based upon, and shaped in accordance with the ordinances and laws of state legislatures, the orders and proclamations of military chieftains, and even the results of popular votes given at elections." 7th. "Against the doctrine that the will of God, as to the duty of the church and of his people, is to be learned from particular providential events, and that the teachings of the Scriptures are to be interpreted by these providences." 8th. "Against the sanction which has been given both directly and indirectly, to the usurpation by the secular and military powers of authority in and over the worship and government of the church."

In support of this charge they refer, among other things, to "the endorsement in word and act of such usurpation as perfectly right by the Seminaries at Princeton and Danville, as witness the doctrine laid down by the Princeton Professor of Theology, and the doctrine and practice of the Danville Professor in the same department." 9th. "Against the alliance which has been virtually formed, by the church with the state, by which the state has been encouraged, and even invited to use the church as an instrument for giving effect to its various schemes of a political character." 10th. "Against that persecution which has been carried on for these five years past, and with increasing malignity toward all those who have steadfastly refused to sanction or acquiesce in these departures of the church from the foundations of truth and righteousness." 11th. "Against the wide-spread and destructive perversion of the ministry and the province of church courts." 12th. "Against the action of the Assembly in reference to the churches in the seceded and border states, and against the basing of that action upon an assertion of what the Assembly had the clearest evidence was not true." 13th. "Against the act of

the Assembly by which the Board of Missions, *i. e.*, (the Executive Committee at Philadelphia or its Corresponding Secretary) were constituted a court of final and superior jurisdiction,—&c.” 14th. Against all and every movement in the church, however cautiously or plausibly veiled, which looks to a union of the state with the church, or a subordination of the one to the other, or the interference of either with the jurisdiction of the other.

*Reasons for this Testimony.*

Against each and all these errors in doctrine and practice we testify :

1st. Because they are contrary to the word of God, and subversive of its inspiration and supreme authority as the only infallible rule of faith and practice.

2d. Because they are contrary to the doctrine of the Presbyterian church as taught in her catechisms, confessions, and constitution.

3d. Because they tend to obliterate all the lines of separation between the civil and ecclesiastical powers, &c.

4th. Because they brought the ministry and the ordinances of religion and the authority of the church into public disrepute.

5th. Because they tend to keep up strife and alienation among brethren of a common faith, and thus delay the pacification of the country.

6th. Because they are schismatical. “Those who invent new doctrines, who teach for doctrines the commandments of men, who bring in damnable heresies, are, by the word of God, adjudged as schismatics. It is not those who withdraw from such corruptors of the gospel that are chargeable with the sin of schism; but those who by their false teaching and scandalous practice render it necessary for the faithful to separate themselves in order to preserve their garments undefiled.”

In the conclusion of this section they say: “We declare our deliberate purpose, trusting in God, who can save by a few as well as by many, to use our best endeavours to bring back the church of our fathers to her ancient purity and integrity, upon the foundation of the apostles and prophets, and under the

banner of our only King, Priest, and Prophet, the Lord Jesus Christ. In this endeavour we pledge ourselves to assist and coöperate with each other; and by the grace of God we will never abandon the effort, no matter what sacrifices it may require us to make, until we shall either have succeeded in reforming the church and restoring her tarnished glory; or, failing in this, necessity shall be laid upon us, in obedience to the apostolic command, to withdraw from those who have departed from the truth. Compelled to this course, we will go bearing with us the true Presbyterian church, with her doctrines, order, worship, and freedom, as they have been given her by her divine Head, and transmitted from generation to generation by the hands of saints, and confessors, and martyrs."

*Action Proposed.*

1. "That we refuse to give our support to ministers, elders, agents, editors, teachers, or to those who are in any other capacity engaged in religious instruction or effort, who hold the preceding or similar heresies.

2. "That we refuse to take any part in the discussion or decision by any ecclesiastical court, of those questions touching the policy and measures which do properly pertain to the civil commonwealth.

3. "That we will recognize no authority in the decision of questions of Christian doctrine or morals, or concerning the rights of the church or the duties of its members, other than the written word of God.

4. "That we will not take any oath prescribed by civil or military authority, as a qualification for sitting in a church court, or for worshipping God, or for preaching the gospel, or exercising any of the functions of the ministry. Nor will we sit in any judicatory thus constituted.

5. "That we will extend our sympathy and aid, as we may have opportunity, to all who in any way are subjected to ecclesiastical censure or civil disabilities or penalties, for their adherence to the principles we maintain, and the repudiation of the errors, in doctrine and practice, against which we bear this our testimony.

6. "That we will not sustain, or execute, or in any manner

assist in the execution of the orders passed at the last two Assemblies on the subject of slavery and loyalty; and with reference to the conducting of missions in the Southern states; and with regard to the ministers, members, and churches in the seceded and border states.

7. "That we will withhold our contributions from the Boards of the church (with the exception of the Board of Foreign Missions) and from the Theological Seminaries, until these institutions are rescued from the hands of those who are perverting them to the teaching and promulgation of principles subversive of the system they were founded and organized to uphold and disseminate. And we will appropriate the moneys thus withheld, in aid of those instrumentalities which may be employed for maintaining and defending the principles affirmed in this Declaration, against the errors herein rejected; and in assisting the impoverished ministers and churches anywhere throughout the country, who agree with us in these essential doctrines, in restoring and building up their congregations and houses of worship.

8. "We recommend that all Ministers, Elders, Church Sessions, Presbyteries and Synods who approve of this Declaration and Testimony, give their public adherence thereto in such manner as they shall prefer, and communicate their names, and when a church court, a copy of their adhering act.

9. "That inasmuch as our only hope of improvement and reformation in the affairs of our church depends upon the interposition of Him, who is King in Zion, that we will unceasingly and importunately supplicate a Throne of Grace, for the return of that purity and peace, the absence of which we now sorrowfully deplore.

10. "We do earnestly recommend that on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 1865, a convention be held in the city of \_\_\_\_\_, composed of all such ministers and ruling elders as may concur in the views and sentiments of this testimony, to deliberate and consult on the present state of our church; and to adopt such further measures as may seem best suited to restore her prostrated standards, and vindicate the pure and peaceful religion of Jesus from the reproach which has been brought upon it, through the faithlessness and apostacy of its ministers and professors.

“And now, brethren, our whole heart is laid open to you, and to the world. If a majority of our church are against us (as we have too much reason to apprehend it is), they will, we suppose, in the end, either see the infatuation of their course, and retrace their steps, or they will, at last, attempt to cut us off. If the former, we shall bless the God of Jacob; if the latter, we desire to stand ready for the sake of Christ, and in support of the Testimony, now made, to endure whatever suffering may be required of us by our Lord. We have here frankly, openly, and candidly, laid before our erring brethren the course we are, by the grace of God, irrevocably determined to pursue. It is our steadfast aim to reform the church, or to testify against its errors and defections until testimony will be no longer heard. And we commit the issue to Him who is over all, God blessed forever. Amen.”

This document, in the pamphlet form, now before us, is signed by forty-one ministers and seventy-eight elders. Its publication produced a general feeling of apprehension. The severity of its language, its sweeping assertions, its charges of defection and heresy against the supreme judiciary of the church, its condemnation of principles and practices coeval with our organization, and its avowed schismatical object, offended the judgment and conscience of the great body of our members, ministers, and elders. It was, perhaps, an exaggerated apprehension of the strength of the party represented by the “Declaration and Testimony,” which led to the call for a convention of ministers and elders who approved of the acts of the Assembly, and desired to sustain them, to meet at the same time and place as the Assembly itself. The abstract right of the people to meet together to express their own convictions, and to endeavour to mould the opinions of others, cannot be questioned. It is pushing this right, however, to a very dangerous extreme, for a convention to be called to sit side by side with a constitutional assembly, whether in the church or state, with the avowed or obvious purpose of influencing its action. Such a course can be justified only in times of the greatest emergency, when the appointed means of governing the church or state are deemed unworthy of confidence. In the present case, as the event shows, no such emergency existed.

The fact that this convention was attended by over a hundred members, shows, however, that no little apprehension was felt as to the effect which the "Declaration and Testimony" was likely to produce.

We fully sympathize in the disapprobation of the spirit, principles, and proposed mode of action set forth in that document, which has been so generally expressed. It is founded, from first to last, upon an erroneous theory of the office and prerogatives of the church; a theory which was advanced for a purpose, and was never acted upon by any branch of the church from the beginning. It assumes the church to be so spiritual in its nature and functions that it cannot recommend objects of benevolence, such as colonization, or temperance societies, nor testify against such glaring sins as the African slave-trade. It forbids all injunctions to Christians to be faithful, as citizens, to the Government under which they live. It is, among other things, against the acts of the Assembly, passed during the late war, declaring the duty of loyalty and obedience to the civil authorities, that the signers of this document testify. If this doctrine were to prevail, a seal would be set on the lips of the church, and she would be forbidden to testify against many sins, and to enjoin many duties which lie properly within her sphere. In consequence of this contracted view of the prerogative of the church, the Declaration refuses all regard not only to such acts and deliverances of the Assembly as may really transcend the limits of the constitution, but to many which are perfectly legitimate. The gravest objection, perhaps, to the document, is its openly schismatical character. Individual signers of the Declaration have, indeed, denied any intention to separate from the church. However true this may be of them, personally, there can be no doubt as to the meaning and design of the document itself. Its signers say: "We will not abandon the effort until we shall either have succeeded in reforming the church and restoring her tarnished glory, or, failing in this, necessity shall be laid upon us, in obedience to the apostolic command, to withdraw from those who have departed from the truth." It is not exclusion, but a voluntary withdrawing, in obedience to an apostolic injunction, that is here spoken of.

When the Synod of Kentucky met, Dr. R. J. Breckinridge

moved that those members of that body who have issued and signed this Declaration and Testimony should not be allowed to take their seats as members. This motion was lost; whereupon Dr. Breckinridge complained, and appealed to the General Assembly. It was under these circumstances the Assembly met. It was the Declaration and Testimony, and its consequences, which occupied most of the time of the House during its whole meeting, and which has so profoundly agitated the church and threatens still more serious evils.

*Organization of the House.*

The General Assembly of the Presbyterian Church in the United States of America met, according to adjournment, in the Second Presbyterian Church, St. Louis, Missouri, on Thursday, the 17th day of May, 1866, at eleven o'clock A. M., and was opened with a sermon by the Rev. John C. Lowrie, D.D., Moderator of the last Assembly, from Acts i. 8: "But ye shall receive power after that the Holy Ghost is come upon you; and ye shall be witnesses unto me, both in Jerusalem, and in all Judea, and in Samaria, and unto the uttermost part of the earth."

The Moderator announced that the first business in order was the election of Moderator, and the Assembly proceeded to such election.

Rev. R. W. Allen nominated Rev. P. D. Gurley, D.D., of the Presbytery of the Potomac.

Rev. Dr. Krebs nominated Rev. R. L. Stanton, D.D., of the Presbytery of Chillicothe.

Rev. Dr. Brookes nominated Rev. S. R. Wilson, D.D., of the Presbytery of Louisville.

On motion of Rev. Dr. W. L. Breckinridge, it was

*Resolved*, That in all elections by this body, a majority of the votes cast be necessary to an election.

The roll was called, and Rev. R. L. Stanton, D.D., was then elected Moderator, having received 158 votes, to 75 cast for Rev. Dr. Gurley, and 18 for Rev. Dr. Wilson.

The Moderator appointed Rev. Dr. Krebs a committee to inform Rev. Dr. Stanton of his election, and conduct him to the chair.

Upon taking the chair, Dr. Stanton briefly addressed the Assembly as follows:

FATHERS AND BRETHREN: I need scarcely say that I am deeply sensible of the honour conferred upon me by being called to preside over your deliberations. This honour brings with it responsibilities and labours of no ordinary character. While thankful for this mark of your confidence, I shall endeavour to bring to the discharge of the duties of the chair an honest effort to advance the wishes of those whose servant only I am. A consciousness of my inability fully to meet the demands of the position you have given me, prompts me to throw myself upon your generous indulgence, and to ask your assistance in every proper way; while it is essential, in order that the business of the Assembly may be properly conducted, that we should unitedly seek the guidance of that wisdom which is from above. It has been said by many that this would be one of the most important General Assemblies of our church. There may be some truth in the estimate thus put upon what may prove to be the result of our deliberations. Vital questions, affecting the integrity of this Assembly and the purity and peace of the church at large, will claim from you a prompt and decisive solution. That rebellious defiance of lawful authority, which has racked this nation to its foundations during four years of war, still rages within the precincts where it was born—the church of God. To meet it promptly, courageously, in the fear of God, and with the aid of his grace, is your manifest duty, as well as directly to deal with those who openly deride your most solemn injunctions. To settle all these questions upon principles so clearly right that they shall command the confidence of the church and give it rest, and at the same time advance the Saviour's glory, should be the object of our labours. Then those who have gone out from us upon vain and wicked pretexts may be left to their own chosen way, and if any still remain to revile, they may know the cost of setting at defiance the authority which Christ has given to his church. The bare mention of these things shows how greatly we need a wisdom from above. Let us seek that wisdom and grace which God hath promised, and may he give success to the right!

The Moderator then announced that nominations for Temporary Clerk were in order.

Rev. M. J. Hickok, D.D., Rev. Everard Kempshall, and Rev. J. B. Davis, were nominated.

Upon calling the roll the Rev. Dr. Hickok was elected Temporary Clerk.

*Exclusion of the Commissioners of the Louisville Presbytery.*

It is understood to have been the programme of the convention to allow the whole matter concerning the Louisville Presbytery and the Declaration and Testimony to abide the issue of Dr. R. J. Breckinridge. This would have brought up the merits of the case, given all parties a fair hearing, and secured a regular judicial decision, against which there could be no appeal. This wise course was prevented by the introduction, on the first day of the session, by Dr. D. V. McLean, of the following paper, which threw everything into confusion:

WHEREAS, It is understood that the Presbytery of Louisville has openly defied the General Assembly, and refuses to submit to its orders, in a pamphlet adopted by it, of which the following is a specimen: "We will not sustain or execute, or in any manner assist in the execution of the orders passed at the last two Assemblies on the subject of loyalty or slavery, and which refer to the conducting of missions in the southern states, and with regard to ministers, members, or churches in the seceded or border states;" and

WHEREAS, Said Presbytery has commissioned and sent to this Assembly at least one Commissioner, who, if the orders of the last Assembly had been faithfully executed by said Presbytery, there is the strongest reason to believe, would have been suspended from the functions of the gospel ministry; therefore,

*Resolved*, That until the Assembly shall have examined and decided upon the conduct of said Presbytery, the Commissioners therefrom shall not be entitled to seats in this body.

Rev. Dr. W. L. Breckinridge moved to lay this paper on the table, on which motion

Rev. John Crozier called for the ayes and nays, which were ordered.

Ruling elder S. Galloway moved that the Assembly do now adjourn, which was lost.

The question was then taken on the motion to lay Dr. McLean's paper on the table, which was lost by 212 noes to 31 ayes.

Before taking a vote on Dr. McLean's paper the Assembly adjourned. The next day—

Rev. Dr. D. V. McLean briefly stated the purport of the paper offered by him yesterday in relation to Louisville Presbytery. He contended that the Assembly was, legally and properly, the judge of the qualifications of its members, and without entering into any defence of the principles of the paper, he moved the previous question on its adoption. After some time spent in raising and discussing points of order, the paper was adopted, under a call for the ayes and noes, by a vote of 201 ayes to 50 noes, and three excused from voting.

Rev. H. J. Van Dyke, D. D., Rev. A. P. Forman, Rev. J. T. Smith, D. D., and others gave notice of their intention to offer a protest against this action of the Assembly, and to ask that the same might be spread upon the minutes.

Rev. Dr. D. V. McLean then offered the following :

*Resolved*, That a Committee of seven—four ministers and three ruling elders—be appointed to examine into the facts connected with the alleged acts and proceedings of the Louisville Presbytery, and ascertain whether it is entitled to a representation in this General Assembly, and to recommend what action, if any, this Assembly should take in regard to said Presbytery.

Rev. Dr. West moved to lay this resolution on the table.

The motion was lost.

Rev. D. J. Waller moved to amend Dr. McLean's resolution by adding the following: "And that the case of Rev. T. A. Bracken, a commissioner from West Lexington Presbytery, and alleged to be at the same time a member of Lafayette Presbytery, and a pastor of a church within its bounds, be referred to the same Committee."

Rev. Dr. J. H. Brookes, of St. Louis Presbytery, offered the following additional amendment:—"And that the Committee be also instructed to inquire into the truth of certain rumours, charging other members of this body with the same offence for which the Presbytery of Louisville has been arraigned before

the Assembly, and report what action should be taken in the premises."

Dr. Brookes very naturally and honourably desired the action of the Assembly to be directed against all those who were in the same category. As he and others had signed the Declaration and Testimony, he insisted they were as much responsible as the Louisville Presbytery, by which it had been adopted, and therefore if the members of that Presbytery were to be censured, he and other signers of the document should be included in the same condemnation. To this, however, the Assembly did not, at least in the first instance, agree, but confined its attention to the Presbytery and its commissioners.

Dr. Van Dyke, Dr. Anderson, Mr. Forman, and Mr. Bracken, spoke in favour of the proposed amendment. They insisted that it would be partial and unjust to deal exclusively with the Louisville Presbytery, while so many others held, and had avowed, substantially the same sentiments. Mr. Forman said that Dr. Hodge in the protest presented to the Assembly of 1861, and Dr. R. J. Breckinridge in the Synod of Kentucky, had pronounced the action of the Assembly unconstitutional and unscriptural. Dr. Anderson said the Synod of Missouri by a vote of three to one had adopted the main points involved in the Declaration and Testimony. Mr. Bracken said that the Synod of Kentucky without a dissenting voice had adopted the paper of Dr. R. J. Breckinridge condemning the action of the Assembly of 1861. Subsequently the action of the Synods of New Jersey and Philadelphia declaring that the certain deliverances and injunctions, in the form of rules of procedure adopted by the Assembly of 1865, were not binding on the churches, until they had been sanctioned by the Presbyteries, were cited as putting those Synods on the same ground with the signers of the Declaration and Testimony.

We presume that Dr. Hodge and Dr. R. J. Breckinridge, to say nothing of the venerable Synods referred to, are perfectly willing to bear the responsibility of their own declarations. It tends however to nothing but confusion and misrepresentation to confound things essentially different. There is as much difference between the protest to the Assembly of 1861, and the action of the Synod of Kentucky on the one hand, and the

Declaration and Testimony on the other, as there is between Dr. R. J. Breckinridge and Dr. Stuart Robinson. These gentlemen are very pronounced in their antagonism, and cannot easily be put into the same class, nor can the documents of which they were severally the authors or advocates. All that the protest against the Spring resolutions of 1861 said was, that it was not the province of the General Assembly to interpret the constitution of the United States, and to decide whether the allegiance of the citizen is primarily due to his own state or to the Union. This is the precise ground taken by Dr. R. J. Breckinridge and the Synod of Kentucky. In his paper adopted by that body, it is said, "In the judgment of a large majority of the Assembly (of 1861), and of multitudes in the church, the subject-matter of the action, in the premises, being purely political, was incompetent to a spiritual court. Undoubtedly it was incompetent to the Assembly, as a spiritual court, to require or advise acts of disobedience to actual governments, by those under the power of those governments—in the manner and under the circumstances which existed; and still further, it was neither wise nor discreet for the Assembly of the whole church to disregard, in its action, the difficulties and dangers which render it absolutely impossible for large portions of the church to obey its order, without being liable to the highest penalties. . . . The Synod contents itself with this expression of its grave disapprobation of this action of the Assembly—which the Synod judges to be repugnant to the word of God, as that word is interpreted in our Confession of Faith."—The Synod thus expressly endorses the minority of the Assembly of 1861 in their protest, and adopts identically the same principle. If therefore, their protest, contains, as has been asserted, the seeds of all the heresy and treason which have since been propagated in the church, Dr. R. J. Breckinridge's paper contains the same seeds transplanted from the open air into a steaming hot-bed. The truth, however, is, that neither paper contains either heresy or treason. They simply assert a principle which, *in thesi* at least, no man can deny. In perfect consistency with their former action, the signers of the protest of 1861, and the members of the Synod of Kentucky, united in Presbyteries, Synods, and General Assemblies,

in the strongest appeals and exhortations to the people of the non-seceding states, to be loyal to the national government and zealous in its support. But it is against such appeals and exhortations the Declaration and Testimony formally testifies, and condemns them as evidence of the departure of the church from the faith and practice prescribed by the word of God and its own standards. In this matter, therefore, there is a great gulf between the two parties.

In the second place, all that the Synods of New Jersey, Philadelphia, and virtually those of Baltimore and Kentucky, did in reference to the action of the Assembly of 1865, was to declare that in their judgment no mere deliverance of the Assembly (not sitting in its judicial capacity) is binding on the conscience of the people; nor can it be obligatory on the lower courts to require of applicants for ministerial or Christian communion to approve of such deliverances. This is all that this journal had asserted on this subject. This again is a point about which there can be no difference of opinion. There may be difference in words, and in practice. The principle may be violated, and those may be denounced who maintain it, but it cannot be denied. It is written, "Whether it be right in the sight of God to hearken unto you more than unto God, judge ye." If Paul required the Galatians to pronounce an apostle or an angel from heaven anathema, if he preached another gospel (and whether it was another, they were the judges), surely we cannot be required to submit to the declarations and ordinances of any body of men on earth, if we judge them to be contrary to the Scriptures. No deliverance of the Assembly therefore can be imposed as binding on the people or upon inferior judicatories, which either transcends the limits of church power, or is contrary to the constitution, or in contravention of the word of God. This is a principle, which, as we have said, does not admit of dispute. Dr. Thomas, in his speech before the late Assembly, said, that the Assembly had made deliverances which he deemed to be contrary to the Scriptures. It is of course out of the question that he could either adopt those deliverances himself, or impose them upon others. Dr. West in the Assembly of 1865, said, that if the Assembly should order the northern Presbyteries and sessions to disci-

pline those of their number who had aided, encouraged, or abetted the late rebellion, "there is not a church in New York which would not snap its fingers at such action," of course Dr. West cannot, with the least self-respect, or with the slightest regard to the good opinion of honest men, attempt to enforce obedience to such action on his brethren.

Had the Declaration and Testimony confined itself to testifying in behalf of the principle in question, and confined the application of it to proper limits, there would have been no ground of complaint. But it refuses to recognize the authority of acts which are fully in accordance with the constitution and the Scriptures, and denounces as heretical doctrines which the Presbyterian church has ever recognized as true and sound. It testifies against all deliverances during the late war, exhorting the people to loyalty and the support of the government. It denies that the church, as such, owes allegiance to any human government. Its authors, in their recent address, condemn the Assembly for making patriotism a Christian virtue (as though honesty, although a natural duty, was not also a matter of Christian obligation); they accuse that venerable body of "asserting the bold Erastian heresy, that the revealed will of the Lord Jesus Christ is the supreme law of the land, directly in the face of the Scriptures, as interpreted by the symbols of the Scottish Reformation, and the fathers of the Westminster Assembly." This heresy, so called, has been propounded by high judicial authority in our civil courts. It is nothing more than the assertion of a truth which all Christians admit, viz., that the will of Christ binds all men to whom it is revealed in all their circumstances and relations. It is one thing, therefore, to protest against acts which transcend the constitution, and another to pronounce nugatory or heretical acts and declarations which are perfectly scriptural and constitutional.

In the third place. Many wise and worthy men were convinced that Congress had not the constitutional right to establish a national bank, or to conduct internal improvements. They openly avowed this conviction. They endeavoured to demonstrate its unsoundness, and to induce others to agree with them. In all this they were exercising the clear right of freemen. But if they had gone further, and not only denounced

Congress as apostate, but avowed their determination to break up the Union, to separate themselves from the central government, and to proclaim themselves the true United States, unless the majority would adopt their peculiar views, their conduct would have deserved and received universal reprobation. In like manner there are many in the church, whole Synods and Presbyteries, who believe that the General Assembly, in certain acts, transcended the limits of the constitution. This opinion they avowed and endeavoured to sustain. But they neither desired, purposed, nor organized any factious opposition or combined resistance, much less any separation or schism. The signers of the Declaration and Testimony, however, not satisfied with protesting against the acts in question, extended, most unreasonably, their denunciations and criminations, and put themselves in the position of schismatics by avowing the purpose of separation, and adopting the incipient measures for the execution of that purpose. Nothing, therefore, can be more unreasonable than the attempt to identify with them the Synods of Pennsylvania, New Jersey, Baltimore, and Kentucky, or such men as Dr. Breckinridge, Dr. Hodge, Dr. Thomas, and Dr. West. The gulf between the two classes is wide and deep.

Dr. Thomas spoke against the amendments and in favour of the resolution for the appointment of a committee. His speech was characterized by the skill he always manifests in popular address. He endeavoured to draw a distinction between the Presbytery of Louisville and individual signers of the Declaration and Protest. The one was an organized body, directly amenable to the Assembly; the other might claim that they were exercising their personal right of protest or dissent. This distinction does not appear to us to be sound. If the adoption of the Declaration disqualified the Presbytery to send Commissioners, it disqualified its signers to sit as members. This the Assembly itself ultimately admitted, and by special vote permitted those of its members who had adopted the obnoxious document to retain their seats.

Dr. Thomas, after the conclusion of his speech, moved the previous question, which motion prevailed. The amendments were thus cut off, and the vote on the main question was decided

in favour of adopting the resolution for the appointment of a committee.

The Commissioners of the Presbytery excluded from their seats by the action of the Assembly presented the following paper, viz.

To the Moderator of the General Assembly of the Presbyterian Church,  
now in session in St. Louis.

The undersigned, Commissioners from the Presbytery of Louisville, deem it both respectful to the Assembly, and demanded by the interests of truth and righteousness, to lay before the body, through you, in this formal and official manner, for record on the minutes, their views and purposes in regard to the resolution passed yesterday, under operation of the previous question, to this effect:

“That, WHEREAS the Presbytery of Louisville have ‘openly defied the Assembly,’ and declared publicly their intention not to enforce the orders of the two last Assemblies on slavery and loyalty, &c., and have, in act, disregarded them in sending a Commissioner here, who, by a faithful execution of those acts, would probably have been suspended from the functions of his office; therefore,

“*Resolved*, That until the Assembly shall have examined and decided upon the conduct of said Presbytery, the Commissioners shall not be entitled to seats in this body.”

We respectfully suggest, not indeed as vital to the case, but as illustrating simply<sup>1</sup> the evil of such action, under the operation of the previous question, cutting off all explanation, that both the premises of the Assembly’s resolution contain grave mistakes of facts. The Presbytery of Louisville have indeed published a Declaration and Testimony against the acts of the five preceding Assemblies, in which many ministers and elders outside the Presbytery, formally, and many more in spirit and act, have concurred. But the Presbytery of Louisville have not “openly defied the Assembly,” as might have been seen by reference to the whole tenor of the paper, from which a single passage is quoted. Nor have the Presbytery sent any Commissioner here, who, even under the act of 1865, in relation to ministers who have gone into the Confederacy, or fled or been banished into foreign countries, could have been suspended from

the ministry. Since the only one of their Commissioners who has been absent from the country during the past three years, was neither in the Confederacy, nor fled, nor was banished; but, being absent on a vacation tour, by arrangements made months before, at the inauguration of an unlimited military power under the control of his bitter ecclesiastical enemies, prolonged that absence, with the advice and concurrence of the church session and of prudent friends of all parties.

Aside, however, from these mistakes of fact in the premises, a far more important matter, in our judgment, is the dangerous error in principle involved in such action, even were the facts as charged. On this view of the case, we beg leave, with all respect and deference, to suggest:

1. It will be manifest, on due reflection, and would have been shown, but for the call for the previous question, that the assumption of the right to take such action under the general power of any deliberative body to judge of the qualifications of its own members, arises from a failure to see the want of analogy between the case of the General Assembly and that of legislative and other similar bodies in the secular sphere. The right to appoint Commissioners to the General Assembly, and to judge of the qualifications of those Commissioners, is inherent in the Presbyteries, whose members are a constituent part of the Assembly itself; nor can they be divested of that right save by sentence of deposition from office as Presbyters, reached through the forms so carefully prescribed in the constitution. The claim of any particular Assembly to judge of the qualifications of its own members must be limited in the nature of the case to the question whether the credentials are in accordance with the provisions of the book. But in fact the Assembly in this instance does not pretend to be passing judgment upon the qualifications of its own members at all, but upon the constituency which sent them. This is manifest, not only from the terms of the action, but also from the fact that one of the Commissioners excluded was no party to the "Declaration and Testimony;" neither could he be possibly objected to on the score of disqualification or a defective commission.

2. This, therefore, makes manifest what was confessed on the floor of the Assembly by some who voted for this resolution,

that the action was *in its nature judicial*, and it is therefore, in effect, a judicial sentence, pronounced and executed, not only in disregard of all the provisions for a fair trial so carefully ordained in our constitution, but, under the operation of the previous question, excluding the parties charged from a word of explanation, defence, or protest.

3. And it adds to the aggravation of the wrong done in this action; that, even had the Assembly the right thus to act, and were its action according to the forms of law and the sentence given after a fair hearing, it is a sentence of disgrace, as if inflicted for crime committed, whereas what was done by the Presbytery could at most be regarded as only the mistaken exercise of the right of protest against what was conceived to be an act of usurpation by the Assembly.

4. A further aggravation of this wrong is the manifest partiality evinced, in thus singling out for condemnation the Presbytery of Louisville, while, notoriously, a large number, if not a majority of the churches in all parts of the country, but also several Presbyteries represented in the Assembly, have *done* precisely the thing which the Louisville Presbytery is condemned for asserting its purpose to do.

5. But a still more important and dangerous principle involved in this action, is, that it takes away from minorities, and even individual members of the body, all those safeguards provided for their protection against the violence and partisan feeling of a casual majority of members in all times of excitement and passion. The principle of this action, if admitted, would inevitably and speedily change the Assembly from an *ecclesia*, organized, restrained and governed by the well established laws of Christ's house, into a mere ecclesiastical gathering under the unlimited control of the majority of members, "the most part knowing not wherefore they have come together."

6. It but evinces more clearly and aggravates the wrong done in this case, that the Assembly resolves not absolutely and finally to exclude us, but only to exclude us until the Assembly "*shall have examined and decided.*" The right to examine and decide under such a resolution; the right to exclude us, even for an hour, pending such examination; the right to exclude us after such examination is had, and the right absolutely and

finally to exclude us, are all equally groundless. The injury inflicted upon the good name of the Presbytery among the churches from a temporary exclusion, as though *probably* guilty of high crime, is *scarcely less* than the injury from a sentence of final exclusion. Besides, even though it was consistent with our proper self-respect, and with the honour of the Presbytery for us to await the result of the Assembly's inquisition, thereby recognizing the Assembly's right thus "to examine and decide," we are cut off, by the sentence of exclusion, from the exercise of any right of defence. All of which makes it still more palpably manifest that the action of the Assembly is, in effect, the pronouncing and executing of sentence, and afterward proceeding "to examine and decide."

With profound respect for the Assembly as the highest court of the church, and with unfeigned sorrow that we are constrained, in fidelity to our trust, thus to speak, we feel it our duty to say to the Assembly, that—Regarding this action as of the nature of a judgment upon the Presbytery and its Commissioners, and this judgment a sentence of exclusion without trial or a hearing in any form in explanation or defence; regarding this action as not only unjust, injurious, and cruel, but as subversive of the foundations of all justice, destructive of the constitution of the church, and revolutionary in its nature; regarding it as setting a precedent for the exercise of a partizan power in the courts of Christ's kingdom, which leaves all the rights and immunities of His people at the mercy of any faction that may casually be in the ascendancy—we should be untrue to the Presbytery whose commission we bear, faithless to the cause of truth and Christian freedom, false to our Lord and King, should we silently acquiesce in such procedure, or in any way recognize its legality. We must regard this action in its effect, so far as relates to us as Commissioners, and to this present Assembly, as final in the case.

With these views and convictions, there is but one course left open to us, viz., To take our appeal at once upon the issue, as it has been made for us and forced upon us, from this General Assembly to the Presbytery of Louisville in particular, in so far as it concerns ourselves and that body, and to the *whole church* in so far as it is an issue involving the great

principles of her constitution, and, indeed, her continued existence as a free Christian commonwealth in the enjoyment of the franchises and immunities conferred upon her by her adorable Head.

We therefore respectfully inform the Assembly that we shall not attend further upon its sessions.

STUART ROBINSON,  
SAM'L R. WILSON,  
MARK HARDIN,  
C. A. WICKLIFFE.

*St. Louis, Mo., May 19, 1866.*

Dr. Boardman then offered the following resolution:

*Resolved,* That the paper just received from the Commissioners from the Presbytery of Louisville be referred to the special committee having charge of that matter, and that said committee be instructed to report, with the least practicable delay, as to the expediency of re-admitting said Commissioners to their seats, till the case be disposed of.

This resolution Dr. Boardman supported in an able, earnest, and eloquent speech. He insisted that as these Commissioners were regularly appointed and presented themselves with credentials approved by our own committees, and thereupon enrolled, they had as good a right to sit, deliberate, and vote, as any other members of the House. To deprive them of this right was an act of great injustice, transcending the legitimate authority of the Assembly. There were no definite charges, merely "alleged acts," for which no defence or explanation was admitted. Such a course of action endangered the standing of every member of the Assembly, as any man was liable to be condemned unheard. It could not fail to arouse public sentiment against the Assembly, as well as to produce dissatisfaction and alienation in the church, and thus lead to serious evils. These and other ideas were expanded and pressed by the speaker with great clearness and force.

Dr. Hornblower took substantially the same view. He urged with clearness and ability the objections to the peremptory action which had been adopted. 1. That the exclusion of the Commissioners of the Presbytery of Louisville was unprecedented. 2. That it was for an act in which the Synod of

New Jersey (of which the mover of the resolution excluding the said Commissioners was a member), had concurred. This action of the Synod, although adopted late in the evening, was sanctioned after the matter had been well considered by a committee, and when the Synod was as full as usual. 3. That the mover framed the resolution without conference, made a speech in its support, and then moved the previous question. This he considered a very objectionable proceeding. 4. That there is often an impatience at the forms of justice. Men are satisfied if substantial justice is done, without regard to the means by which it is accomplished. This is a great evil. He disapproved of the conduct of the Louisville Presbytery, and thought it deserved censure, but at the same time held, that the exclusion of its Commissioners, in the manner by which it was effected, was unconstitutional.

The Hon. Isaac D. Jones also argued in favour of Dr. Boardman's resolution. He insisted that the Commissioners of the Louisville Presbytery were entitled to their seats, because they had been regularly appointed. 2. Because the right of a body to judge of the qualifications of its own members is a right regulated by law which determines the mode of its exercise. 3. It must be exercised before the members are admitted to their seats, and not after they have been regularly enrolled. 4. He reviewed the analogies which had been sought in justification of the action of the Assembly, derived from the acts of legislative bodies and civil courts. A court may indeed punish summarily for contempt. But it must be contempt of itself, and committed in its presence. In the case of the Louisville Presbytery, the contempt complained of, if committed, which he questioned, was against former Assemblies, not against the body then in session. No man ever heard of a court punishing a contempt committed against its predecessors. Mr. Giddings, when expelled for a contempt of the House of Representatives, when re-elected was freely admitted by its successor. 5. Mr. Jones further argued that the Louisville Presbytery had done nothing more than many of those on the other side had done with regard to the fugitive slave law. That law had been pronounced unconstitutional, condemned as cruel and unjust, and its execution in various ways impeded.

In this debate the Hon. S. Galloway followed Dr. Boardman, and made the principal speech against the adoption of his resolution. He defended the action of the Assembly in the exclusion of the Louisville Commissioners, which it was the object of Dr. Boardman's resolution to reverse, 1st, on the ground of the inherent power of the Assembly and the binding force of its decisions. On this point he quoted freely from the decision of the Supreme Court of Pennsylvania, in our celebrated Church Case. In his judgment Chief Justice Gibson said: "The decisions of every council, to which parties refer a matter for adjudication, is binding, though it be a mere informal reference to a neighbour. The decisions of the General Assembly, or any other of these general councils, is as binding on all the churches and congregations within its jurisdiction, in spiritual affairs, as the decision of a state tribunal in civil affairs. All are bound to submit to such decisions." He cited also the following passage from Mr. Hubbell, one of the counsel in the Church Case, as containing a sound exposition of our constitution: "From the decision of this great council there is no appeal; and when the General Assembly declares a doctrine heretical, it must no longer be heard in a Presbyterian church. Its maintainers must either conform to this decision or go elsewhere, and form new associations; of which they may, at their pleasure, make what are heresies, when compared with our standards. This decision of the General Assembly is the decision of the majority of that Assembly, and hence it results, (however harsh it may seem,) that the construction which the majority put upon the standards is orthodoxy, and that of the minority is heresy. This power is necessary to and inherent in every church establishment, or it ceases to be a church, call it what you please. This decision may be given either in the process of a judicial trial, and be the sentence upon an individual heretic, or it may be an abstract declaration of the Assembly, or 'bearing of testimony' against heretical doctrines. In whatever form this declaration of the Assembly may be given against a particular opinion, that opinion is heresy, and must be abandoned by the faithful. The malcontents have no alternative but submission or secession."

He argued at length to show that the decisions of the Assembly are final and binding, that we are bound to obey them. This is the doctrine of the church, he said, as laid down by the Supreme Court of Pennsylvania. He read as follows: "The whole power of the Presbyterian Church is concentrated in the General Assembly. Notwithstanding that supreme judicatory of the church has entrusted the exercise of this power, in many cases, to the inferior church judicatories, the Synods, Presbyteries, and church sessions, yet as the General Assembly exercises an appellate jurisdiction over all these inferior judicatories, and is the tribunal of dernier resort, the whole power of those judicatories concentrates in the General Assembly as the primeval fountain of ecclesiastical power. It exercises the same power over the decisions of the inferior judicatories that the Supreme Court in this state exercises over the decisions of the inferior courts. And you cannot arraign the Supreme Court, on an accusation of abusing its power, by reviewing the proceedings of an inferior court; whilst it would undoubtedly be an abuse of power, should the inferior refuse to allow an appeal to be taken from their judgment."

2d. He appealed to the action of the Assembly in 1837-8, in cutting off Synods and Presbyteries without a hearing. 3d. To the action of state legislatures and courts. 4th. The Presbytery was under process by the appeal of Dr. R. J. Breckinridge. It was under process from the day notice was given of that appeal. The question simply is, whether the Commissioners from that Presbytery shall be allowed to sit and deliberate until that appeal is issued. We say they shall not, because of their reproachful and rebellious language against the supreme court of the Presbyterian Church.

Finally, on the motion of Mr. H. K. Clarke, Dr. Boardman's resolution was divided. The first part, viz., "That the memorial of Dr. S. Robinson, and others, be referred to the committee of seven appointed to make inquiry in the matter of the Presbytery of Louisville," was adopted. The remainder was laid upon the table.

Rev. Dr. Van Dyke presented and read the following protest, signed by himself and sixteen others, against the action of the Assembly in excluding the Commissioners of the Louisville

Presbytery from the Assembly without hearing them, and pending an investigation into the conduct of that Presbytery.

PROTEST.

We, the undersigned, respectfully protest against what we deem to be the mischievous and erroneous judgment of the General Assembly, in suspending the Commissioners from the Presbytery of Louisville from the exercise of their rights and privileges as members of this body, for the following reasons:

1. By this act the Assembly has violated the fundamental principles of its own organization, and vitiated its own integrity as the highest judicatory of the Presbyterian Church. It is declared in chapter xii. of the *Form of Government*, that the General Assembly "shall represent in one body *all* the particular churches of this denomination;" and again, the General Assembly "shall consist of an equal delegation of bishops and elders from each Presbytery." It cannot be denied that at the time their representatives were excluded from the Assembly, the churches composing the Presbytery of Louisville were, and still are, an integral part of the Presbyterian Church. And yet the Assembly, by a simple resolution, adopted under the operation of the previous question, without debate, excluded these churches from all participation in its proceedings at a time when the business under consideration was of vital importance to the said churches. For such a course of action there is no warrant in the constitution, and no precedent in the history of the church. The attempt to justify it by the usage of legislative and other political assemblies, is, in the judgment of the undersigned, utterly futile; because, in the first place, there is no proper analogy between legislative bodies or other secular assemblies, acting under rules of human invention, and the court of Jesus Christ, organized under, and bound by the laws of Christ, as expounded in its own written constitution; and because, secondly, if such an analogy did exist, it has been violated in this case in the following essential particulars: 1. By the action of its own Committee on Commissions, and by the formal adoption of their report, the Assembly had already

secular assemblies, when the right of members to the seats they have obtained is contested, they are always allowed to retain their places in the body, and to participate in its proceedings until the case is fully decided.

2. By this act the Assembly has virtually pronounced a judicial condemnation upon the Presbytery of Louisville without observing any of the forms of trial so carefully prescribed by the constitution, and so essential to the due administration of justice. And, in the opinion of the undersigned, this proceeding is rendered the more irregular and unjust in view of the fact that, by the operation of the previous question on the adoption of the resolution excluding them, the Commissioners were denied a hearing before the Assembly, either in their own behalf, or in the behalf of the Presbytery they represent. And this disregard of judicial forms is further aggravated by the fact, that in the resolution excluding the Commissioners from their seats, the Assembly endorsed unsustained public rumours against the ministerial character and standing of one of the said Commissioners, and made these rumours, thus endorsed, without any judicial proof, a ground of condemnation against the Presbytery.

3. The facts alleged against the Presbytery of Louisville do not involve any heresy or crime, nor justify the exclusion of the churches comprising said Presbytery from the fellowship of the church of Christ. Inasmuch as "all synods or councils since the days of the apostles"—being composed of uninspired and fallible men—"may err, and many have erred," the right to publicly discuss, dispute, and protest against the deliverances of such synods and councils belongs to every other ecclesiastical body, and to every, even the humblest, member of the church. This right has been exercised from the foundation of the church till the present time, and has never been disputed except by the Church of Rome. Moreover, the deliverances and orders of the General Assemblies, against which the Presbytery of Louisville have protested, and which they have refused to obey, not having been transmitted to the Presbyteries for their approbation, (according to the requisition of the *Form of Government*, chap. xii., sec. 6,) are not "established as constitutional rules;" neither are they "obligatory upon the churches." To exclude the churches of the Presbytery of Louisville from representa-

tion in this body for refusing to do that which, according to express provisions of the constitution, was not obligatory on them, is, in the judgment of the undersigned, an unwarranted and alarming usurpation of power.

For the foregoing and other reasons, in the name of Jesus Christ, by virtue of the right secured to them in the constitution, and in the discharge of their covenant obligations to study the purity and peace of the church, the undersigned do solemnly protest against this whole proceeding, as being unconstitutional and revolutionary, as calculated to bring the lawful authority of this Assembly into contempt, to enkindle strife and produce alienation, and to defeat the end for which the Assembly was originally organized, viz., that it might "constitute the bond of union, peace, correspondence, and mutual confidence among all our churches."

HENRY J. VAN DYKE,	GLASS MARSHALL,
R. K. SMOOT,	JAMES H. BROOKES,
J. L. YANTIS,	JOHN M. TRAVIS,
A. P. FORMAN,	THOMAS A. BRACKEN,
L. P. BOWEN,	J. W. PRYOR,
R. L. MCAFEE,	GEO. W. BUCHANAN,
ISAAC D. JONES,	J. T. HENDRICK,
G. C. SWALLOW,	P. THOMPSON,
S. J. P. ANDERSON,	W. M. FERGUSON.

On motion of Rev. Dr. West, it was

*Resolved*, That the protest be admitted to record, and that a special committee be appointed to answer it.

To this protest the following answer was on a subsequent day returned:

The paper upon which the Assembly acted in the exclusion of the Commissioners of the Louisville Presbytery from their seats in this body until their case should be decided, indicates sufficiently the true ground of that action. It is no other than the constitutional right of the General Assembly to protect its own dignity, and vindicate its own authority, as the supreme tribunal of the church, in view of open insult to that dignity, and open defiance to that authority, by an inferior court, subject to its jurisdiction.

1. The argument of the protestants that the Assembly has, by this action, violated the fundamental law of its organization

in this respect, that no Assembly can be constitutionally valid unless *all* the particular churches and Presbyteries under its care are actually represented in the body, is an utter misinterpretation of the constitution, and the assertion of a principle that would vitiate the validity of nearly every meeting of the Assembly, and render the organization of any Assembly almost an impossibility. So conspicuous a fallacy as that of confounding the fundamental law and right of representation with the actual presence of the whole company of the representatives themselves, needs only the statement of the fallacy in order to furnish its refutation, not to mention the various clauses of the fundamental law which evince its glaring absurdity. (*Form of Government*, chap. xii.)

2. In reply to the protestants' assertion that there is no warrant in the constitution, no precedent in the history of the church, and no sufficient analogy for such exclusion, to be found in any secular assemblies whatever, the Assembly simply utters the counter assertion. The protestants, moreover, err greatly in supposing that the Assembly is organized by any "formal adoption" of the report of the Committee on Commissions, or that the *ex officio* organization of the Assembly by the clerks of the house, as the ministerial officers of the Assembly, renders impossible any subsequent action of the Assembly in reference either to the Commissioners themselves, or to the Presbyteries, which are the electors of these Commissioners. The power of the Assembly to determine claims of membership in its body, involves the power to decide whether the electors have, by any act, or acts, so far disqualified themselves as, *pro tempore*, to forfeit their right of representation in the supreme tribunal of the church. *McElroy's Report of the Presbyterian Church Case*, 1839, p. 171; *Assembly's Digest*, revised ed., p. 726, § 126.

3. The protestants, moreover, utterly misrepresent the action of the Assembly in the exclusion of the Commissioners of the Louisville Presbytery, by denouncing it as a "judicial condemnation" of the Presbytery without a regular trial. So far from this being the case, the truth is, that the action of the Assembly was only the suspension of the functions of the Commissioners, interdicting their participation in the deliberations of this body until their case should be decided, in the consideration of which case the Commissioners were not only allowed, but particularly invited, by formal vote, to appear, discuss the

case, and defend the action of their Presbytery to the fullest extent. The allegation that the Assembly decided the case of the Commissioners of the Louisville Presbytery merely upon public rumours, without proof, is entirely untrue.

4. It is unnecessary to enter upon any detailed denial of the protestation that the Louisville Presbytery has done nothing that can, by any possibility, justify the Assembly in the suspension of the privileges of the Commissioners. The Presbytery, according to its own "Declaration and Testimony" is in admitted, open, and persistent defiance of the authority of the Assembly, by its lifting up a standard of revolt in the church, and by its call upon all Presbyterians to send in "adhering acts," and thus engage in rebellious, heretical, and schismatical conduct, and so the Assembly has judged. In reference also to the doctrine that no decrees and determinations of the General Assembly are of binding force upon the inferior judicatories, unless previously submitted to the Presbyteries, and approved by a majority of the same, the Assembly declares that this is simply a violent wresting of chap. xii. sec. 6, *Form of Government*, from its historical connection and design, and in opposition not only to the usage of the church in past days, but also to the careful decision of the whole matter, as it emerged in the early controversies of the church. (*Digest*, p. 49, 50.)

5. As to the right of protest by any individual or court in the Presbyterian Church, the Assembly fully recognizes the same. But it is utterly unendurable, as it is utterly unconstitutional, to prostitute or pervert the right of dissent and respectful protest to the ends intended by the Louisville Presbytery, to wit, to open rebellion against the authority of this body, to the propagation of a vast brood of fatal heresies, to bitter misrepresentation of the acts of the Assembly, and to the organization of conspiracies against the very existence of the church itself.

6. The declaration of the protestants that, by the Assembly's action, the churches under the care of the Louisville Presbytery have been excluded "from the fellowship of the church of Christ," is illegitimate, illogical, and gratuitous. There is not a particle of evidence to justify the implication that the Assembly deals with the churches under its care, in precisely the same way in which it has dealt with the Louisville Presbytery. Should every minister of the Presbytery be not only suspended

from his ecclesiastical functions, but deposed from the gospel ministry, the churches of the Presbytery would still remain in connection with and under the care of the Assembly, until, by their own act of insubordination, they had rendered themselves obnoxious to the censures, and judicial or legislative discipline of this supreme tribunal, and thereby been lawfully excluded from our connection, or had voluntarily withdrawn themselves to go elsewhere.

N. WEST,  
W. T. FINDLEY,  
F. T. BROWN.

Thus ended the discussions referring to the exclusion of the Commissioners of the Presbytery of Louisville. The whole subject, however, was resumed and occupied a large share of the remaining sessions of the Assembly, being brought up again in the report of the committee of seven, so often referred to.

*Report on the Presbytery of Louisville.*

That report is so long that we cannot insert it at length. It is drawn up with marked ability, and presents the case against the Louisville Presbytery in the strongest light. We do not think that any speech or document on that side of the question presents so plausible an argument in defence of the proposed action of the Assembly.

It states that three subjects had been committed to their consideration. 1. To examine and report the acts and proceedings of the Presbytery of Louisville. 2. To inquire whether the said Presbytery, in view of the action referred to, is entitled to a seat in this Assembly. 3. To recommend what action, if any, the General Assembly should take in the premises.

Under the first head, the committee give an analysis of the Declaration and Testimony. Under the second they urge that the Commissioners of the Presbytery should be debarred from sitting in the Assembly, because it was discretionary to suspend from the privilege of a seat in a judicatory the parties who were under process. The Presbytery was under process from the time the Assembly appointed a committee to examine into the action. Under the third head, the committee recommend the adoption of the following resolutions :

*Be it Resolved by the General Assembly of the Presbyterian Church in the United States of America :*

*First.* That the Presbytery of Louisville be, and hereby is, dissolved; and that the custody of its records, papers, and other property be transferred as hereinafter ordered.

*Second.* That a new Presbytery be and is hereby constituted, to be known by the same name, occupy the same territory, and have watch and care of the same churches; said Presbytery to be composed of the following ministers, (together with so many elders as may appear,) viz., Rev. D. T. Stuart, W. W. Hill, S. Williams, W. C. Matthews, R. Valentine, B. H. McCown, J. H. Dinsmore, H. C. Sachse, T. A. Hoyt, J. L. McKee, J. P. McMillan, J. McCrae, H. T. Morton, J. C. Young, or so many of them, whether ministers or ruling elders, as shall, before their organization, subscribe the following formula, viz., "I do hereby profess my disapproval of the Declaration and Testimony adopted by the late Presbytery of Louisville, and my obedience in the Lord to the General Assembly of the Presbyterian Church in the United States," which formula, together with the subscribers' names, shall be subsequently entered upon these records. The said Presbytery shall meet in the Chestnut street church, in the city of Louisville, Kentucky, on the 20th day of June, 1866, at the hour of eleven o'clock A. M., and shall be opened with a sermon by the Rev. J. P. McMillan, or in his absence, the oldest minister present, who shall preside until a Moderator is chosen.

*Third.* That so many ministers belonging to the late Presbytery of Louisville as are not herein named, are hereby directed to apply for admission to the Presbytery now constituted, as soon after its organization as practicable, and they shall be received only on condition of acknowledging before the Presbytery their error in adopting or signing the Declaration and Testimony, and of subscribing the aforesaid formula on its records. If at the expiration of two months from the organization of the new Presbytery, these ministers shall not have made such application, or shall not have been received, their pastoral relations, so far as any may exist with the churches under our care, shall thenceforth be *ipso facto* dissolved.

*Fourth.* That the licentiates and candidates under the care of the dissolved Presbytery are hereby transferred to that now

constituted, and the Stated Clerk of the late Presbytery is hereby directed to place the records and other papers of the said Presbytery in the hands of the Stated Clerk of the Presbytery now constituted, as soon as such clerk shall be chosen.

*Fifth.* That this General Assembly, in thus dealing with a recusant and rebellious Presbytery, by virtue of the plenary authority existing in it for "suppressing schismatical contentions and disputations," has no intention or disposition to disturb the existing relation of churches, ruling elders, or private members, but rather to protect them in the enjoyment of their rights and privileges in the church of their choice, against men who would seduce them into an abandonment of the heritage of their fathers.

The committee recommend the adoption of the following order: That on the hearing of the matters presented by this report, the Commissioners to this Assembly from the Presbytery of Louisville be heard to the rules of order which govern this House. This recommendation was adopted, and the Rev. Dr. Brookes was requested to inform the Commissioners of the action of the Assembly. To this communication the following answer was received:

The undersigned, Commissioners from the Presbytery of Louisville, who happen not yet to have left the city—overlooking, in the spirit of Christian forbearance, the insult and seeming mockery of the Presbytery and themselves, in a proposition to appear and be heard before a court which has already condemned them unheard—in response to the resolution of this afternoon, transmitted to them by the Permanent Clerk of the General Assembly, most respectfully refer the Assembly to their letter of May 19th, as containing very obvious and sufficient reasons why they could not, without further special instructions from their Presbytery, appear before the present Assembly in any capacity.

SAMUEL R. WILSON,  
STUART ROBINSON,  
C. A. WICKLIFFE,  
by James H. Brookes.

*St. Louis, Mo., May 24th, 1866.*

The debate on the above report of the Committee of seven was protracted and earnest. As the same principles were in-

volved, the discussion took much the same course as that which concerned the exclusion of the Commissioners of the Presbytery of Louisville. The first speaker was Dr. Thomas, who delivered a much more argumentative speech than the one on the former question. He contended, 1st. That the Louisville Presbytery was properly before the Assembly by the power of review and control. 2d. It is not necessary in order that the superior judicatory should exercise this right of review that the records should be before the House. It is enough that the irregularity to be corrected should be notorious. 3d. He appealed to former acts of the Assembly providing for the exclusion of delegates from offending Presbyteries, according to the rule in chap. v, section 9, of the *Book of Discipline*. 4th. He proved also that the Assembly had on other occasions passed over Synods, and acted immediately on Presbyteries. 5th. As the Assembly had the right to act in the way proposed, the occasion not only justified it, but demanded it.

*H. K. Clarke, Esq.*, of Detroit, made a powerful speech in support of the report. In his introductory remarks he called attention to the fact that the executive, legislative, and judicial powers in our church courts were not distributed as in the state and national governments. They all vest in one and the same body. This of necessity creates a great difference as to the modes of procedure. After this and other preliminary observations he proceeded to discuss the following points: 1. Has the Assembly the power assumed in the report under consideration? He referred, in support of an affirmative answer to this question, to explicit statements of the *Form of Government*, in chaps. viii. and xii. In the exercise of this power the Assembly may adopt any mode of procedure in itself just, if it sees fit, provided no particular mode is prescribed in the constitution. No such mode is prescribed as to the conduct of process against a Presbytery. Hence the mode proposed in the report is perfectly legitimate. His second proposition was, that abundant ground was afforded in the action of the Presbytery of Louisville to call for the interference of the Assembly. That Presbytery deliberately refused to obey the injunctions of the Assembly of 1865, especially as to the reception of ministers and members who had participated in the rebellion. He argued

with great force to show that the rebellion was a great crime; that those who favoured and joined it were guilty of a civil, moral, and ecclesiastical offence; and that Presbyterian ministers and church members had been foremost in exciting and fostering this criminal revolt. He referred, in support of this last point, particularly to the action of the Synod of South Carolina, and to the sermon of Dr. Palmer, which had exerted so great an influence on the public mind at the South. The Presbytery had not only refused to obey the injunctions of the Assembly, but had avowed the purpose of creating a schism in the church, unless their opinions were adopted, and had taken measures to carry that purpose into effect.

*Dr. West* argued with ability and warmth on the same side, and with special reference to the speech of *Dr. Van Dyke*. He urged the adoption of the report for the following reasons.

(1.) Because the deliverances of the Assembly as to slavery and the rebellion are in accordance with God's word.

(2.) These injunctions are a duty, if the doctrines upon which they are based are true. We first give doctrine, and then enforce the precept. That is the rule in all our preaching. See the four preliminary principles in the *Form of Government*, where it is clearly laid down that truth and duty are inseparable.

(3.) The injunctions being true, remain until they are repealed, or the end for which they were given is accomplished.

(4.) The church is bound to state and enforce the truth on all subject to her care. There is no political element involved in this doctrine.

(5.) Because of the very end of government there must always be some final, ultimate tribunal, whose decrees are to be obeyed, unless contrary to the word of God.

(6.) Because the deliverances of the Assembly are in accordance with our standards; they are to be received and submitted to, as a power vested in the church for her good, and the good of her members. This power is not a self-originated, but a divinely delegated power—the power of Christ himself. The decrees of the Council of Jerusalem were not submitted to the Presbyteries; but they were binding then, and they are binding now. “But,” says the objector, “those men were

apostles." I answer, that the apostleship was not a source of power, else there had been no need of a council.

(7.) Because our ordination vows bind us to submit to the General Assembly. We all understand this.

(8.) Upon the whole theory upon which the Presbyterian Church rests—its four grand principles, popularity, parity, &c.

(9.) From the principles laid down in the contest of 1838. All the questions involved here were settled then. How did that controversy terminate? It established the principle that the Assembly had legislative, executive, and judicial powers. This is the grand principle that runs all through that controversy.

He was particularly explicit as to the power of the Assembly in the premises. "We have no need," he said, "to wait for an express grant of power; for the relation of Presbyteries to the Assembly is not, by any means, the same as that of states to the general government. The power here is of God. The Assembly need not give a reason for its action, for it has all power. The question here is, Who is to be obeyed?—the Presbytery of Louisville, or the General Assembly? One or the other must give way. Our authority must be dragged down in disgrace, or punishment must be inflicted on the rebellious."

In an early part of this article, we adverted to the fact that Dr. West, in the Assembly of 1865 intimated in a very pointed manner, that if the injunction as to those who favoured the rebellion should be applied to the abettors of the rebellion at the North, it would not be obeyed. We had not then seen his speech, and therefore give here what he said on that point, as we find his remarks reported in the *Presbyterian*.

"It is alleged, again, that the Assembly refused to impose the same terms of admission upon men in the North, and men coming from the South. In reply to this I say, that the injunctions of the last Assembly were, that when application was made for admission, inquiries should be made as to the conduct of the applicant in the rebellion. An independent resolution was proposed, directing church sessions to take the same action, and make the same inquiries respecting their members. This,

as we all know, was voted down. The injunction made by the Assembly was left to be acted upon on *application*."

We do not see that this touches one point. The question is. Have not our sessions and Presbyteries from God, and under our constitution, the right to judge of the qualifications of ministers and church members, subject of course to their responsibility in the exercise of that right, to the review of the higher judicatories? If the General Assembly has no right to say to the sessions, beforehand, whom they shall receive, and whom they shall reject, how can it have the right to say the same thing to the Presbyteries. And if abetting the rebellion be so great a crime as to call for the rejection of an applicant for admission, why does it not call for the expulsion of those already within our pale? If the injunctions of the Assembly be binding as to the southern applicants, it would have been equally binding as to the far more guilty northern abettors of the rebellion. And if the disobedience to the one injunction be a failure of allegiance to the church; then the contemptuous refusal to obey the other is a still greater offence against its authority. This is the light, as it seems to us, in which this matter will strike most minds.

*Dr. William L. Breckinridge* made the first speech in opposition to the report. The spirit which this gentleman brought into the debate may be inferred from the following paragraph:

"I have been taken to task a number of times since I had the privilege of addressing this body on this subject, by persons of various shades of opinion, and especially by those whom I would, without disrespect, call the holders of extreme opinions on this subject. I have been taken very gravely to task for the kindness of feeling I expressed towards my brethren on all sides; the effect of which, in my mind, is to convince me more and more that I am right. One finds very serious fault with me for speaking a single kind and loving word towards my brother Thomas, whom I have known longer probably than the person who rebuked me has lived; and another finds fault with me for speaking a kind or charitable word towards my dear brethren of the Declaration and Testimony wing, many of whom I have known for a long time. I am not in sympathy with either of these parties, but I thank God I can love them all as my

brethren, and when I am rebuked for expressing kindness of feeling towards them on both sides, I thank the Lord and take courage, because it convinces me more and more perfectly that the middle ground is the true ground."

The great object of his speech was to prove that the General Assembly had not the constitutional power to do what the committee recommended. It could not disregard the Synod, and reach over its head, and, of its own motion, either organize or dissolve a Presbytery. This he argued, 1. From the words of the constitution. In the chapter granting powers to the Assembly, there is not one word said of Presbyteries, except as they were the constituencies of the Assembly. 2. From the absence of any sustained decisions in support of such power. 3. From the evil consequences which would flow from its concession. If the Assembly can act directly on the Presbyteries, it may on the sessions, and on the individual members, and do anything that is "doable," having in itself all the power of the churches. From the reference made to this speech by subsequent speakers, it seems, not only on account of the character of the man, and spirit which he manifested, but by the force of the argument, to have made a strong impression upon the House.

*Dr. Humphrey* moved to strike out the resolutions reported by the committee, and insert the following:

*Be it Resolved, as follows:*

The "Declaration and Testimony" adopted and published by the Presbytery of Louisville is, in the terms, spirit, and intent thereof, derogatory to the just authority of the General Assembly, hostile to the institutions of this church, destructive to the peace of our people, and fruitful in schismatical contentions and disputations.

Wherefore this General Assembly expresses its grave disapprobation of the proceedings of the Presbytery, as unbecoming in a lower judicatory of the church.

The Assembly also enjoins upon the Presbytery to forbear whatever tends to further disturbances and agitations; to support the institutions of the church, and especially to take such order at its stated meeting as will show that it does not intend to defy the authority of the General Assembly, or to disparage the institutions of the church.

Furthermore, the Assembly does hereby require the Presbytery of Louisville to appear by its Commissioners before the next General Assembly, on the second day of its session, to show what it has done, or failed to do in these premises, and the next Assembly is requested to take up and issue this business.

Furthermore, the Assembly directs the other Presbyteries to confer with those ministers under their care, who have signed the "Declaration and Testimony," and to urge those brethren to disavow the intention of setting the authority of the General Assembly at defiance. These Presbyteries are also directed to report hereon in writing to the next Assembly. All this to the end that the whole church may have quietness and repose.

Notwithstanding the limited space at our command, we venture to insert the speech of *Dr. Humphrey*, in support of his substitute, at length as reported in the *Presbyterian*.

Mr. Moderator, allow me, in the first place, to speak of this question, not as it effects many of my brethren here; but as it affects the Presbyterian Church in Kentucky. While a large majority of you will return to undisturbed and pleasant fields of labour, and be allowed to prosecute your work in peace, we of the Synod of Kentucky will, if this paper is adopted, return, not to the ordinary and peaceful business of the ambassadors of Christ; but to scenes of strife and controversy, and to agitated and divided churches. We are thrust into the midst of a controversy in churches, among which some of us have gone forth for twenty years sowing the good seed of the kingdom, with God's blessing upon our labours. Therefore bear with us while we present our views as to the effect of the measure proposed by this report. And let me say just here, that whatever may be your action, some of us will bow in due and respectful deference, and go home to do what we can to repair the desolations around us. If it were the purpose of the Assembly to exact strict *justice*—if no *mercy* were to be exercised—undoubtedly it might be well to pass the paper before us. But if it is our purpose to exercise mercy, tempered with judgment, this is not the paper. I sympathize fully with the sentiment expressed by a previous speaker, and thank God that he is a God of mercy.

This is my only ground for hope; and it is in this spirit that I have drawn the paper I have just presented.

Let me now call the attention of the Assembly to some points wherein this amendment differs from the report of the committee. And, in the first place, let me say that, as respects the Declaration and Testimony, and the judgment we form of it, there is no essential difference between this paper and that of the committee. Stronger terms are used by the committee, it is true; but the opinion expressed is substantially the same. There are in Kentucky three parties; first, the signers and supporters of the Declaration and Testimony; second, the "middle men," as they are called; and third the party representing the majority of this Assembly. We, who are known as "middle men," agree with the latter in their opinion of that pamphlet. So far as the church is concerned, we agree that whatever there is in it that is new, is not true; and that what is true, is not new. As to secular and spiritual affairs, we believe that things secular belong to the state; and things spiritual, to the church; but we hold also, that in the rebellion great moral questions were involved, and we thank God for the deliverances of the Assembly during the last few years. While I have not agreed to some of the great points in those deliverances, and have thought them not strictly in accordance with the principles by which such matters should be settled, I have stood by the church, and I expect to do so in the future, for I believe the great body of its testimony is deduced from the word of God. As to the *spirit* of the Declaration and Testimony, I suppose, therefore that we are in entire accordance with this body. Sir, until I read it, I did not know how rich the English language was in terms of objurgation—they dance through the whole document to the tune of Dixie. I agree with the Assembly that the *spirit* of this document must be rebuked. But when I come to compare the two modes proposed for this purpose, I find that the one proposed by the committee is *partial*. It is to be brought to bear in all its terrible power upon the heads of a few brethren in the Presbytery of Louisville, while there are others who confess themselves guilty of the same offence. Is there any good reason why the whole power of the Assembly should fall upon a few, while others are allowed to

escape? There is undoubtedly a difference between the Presbytery of Louisville and others, and this amendment provides for that difference. It proposes to deal differently with different offenders—to *deal* with all, but with a difference in our final judgment.

When the life, the liberty, or the ecclesiastical relations of the people of God are at stake, judicial forms are of vast importance. This amendment preserves the form of judicial process. I have been pained to hear it asserted here that it is unnecessary to regard the *form* so long as we observe the *spirit* of the law. Why, Moderator, forms but embody the spirit. You cannot trample down the form without trampling upon the spirit. We must stand by the *form* if we would preserve the *spirit* of justice. The plan proposed by the committee is anomalous and unprecedented. What analogy, I ask, is there between the Third Presbytery of Philadelphia and the Presbytery of Louisville? The former was established without constitutional authority, and for the propagation of error. It was dissolved because it never had a legal existence. The latter was established in 1813, and from that day has stood on the firm foundations of the church. Did any one ever hear of a Presbytery dissolved, and its members turned out of the church in the manner in which it is proposed to dispose of the Presbytery of Louisville? The ecclesiastical position of every minister in the Third Presbytery of Philadelphia was carefully cared and provided for, while here a Presbytery is dissolved, and no provision is made to preserve the ecclesiastical position of its members. Our fathers in 1837 were remarkably careful to administer matters according to the constitution of the church, and they ceased their citation only because the dissolution of the Plan of Union made it unnecessary. Did you ever know of a body of men turned out of the church—and that, too, without a hearing? Festus said it was not the manner of the Romans to deliver any man to die, before that he who is accused have the accusers face to face, and have license to answer for himself concerning the crime laid against him. Shall we be less just than they? All through our Book citation is the rule—aye, *two* citations—for proceeding against offenders; and I undertake to say you cannot proceed to this measure till you have

given these brethren a fair chance; and that they may have that, this amendment proposes to cite them to appear before the next Assembly.

Again. The process recommended by the committee is *too summary*. It does not afford to these brethren that *locus penitentiae*—that place for repentance—which is guarantied to the worst criminals. Hence I plead for more time. Give them one year more. If they bring forth fruit, well; if not, then cut them down. We propose by this amendment to put this case on such a footing that a judicial trial and investigation can be had hereafter. I have quite agreed with my venerable colleague (Dr. R. J. Breckinridge) that a judicial trial was the best way to settle this important matter, and we came here expecting it, under his appeal. Here is a legal tribunal; here are the parties; here are the judges, who have come, expecting to hear and consider the matter; here is the venerable Nestor, whose breast has so long been bared to the enemies of his church and of his God; here are the papers; here are all things necessary for a full and impartial investigation. We expected this course to be pursued. We came ready to submit to your decisions, whatever they might be, and to go back to Kentucky and stand by the church, though we went back under your censure, and marked with tokens of your disapprobation. That plan has failed, and we now propose to cite these brethren before the next Assembly, and to settle this great case, not upon the banks of the turbid Mississippi, but beside the clear and beautiful waters of the Ohio.

Again. The scheme proposed by the committee is simply one of *church power*. It is a *brutem fulmen* in every aspect. It says to these men, "We have concentrated in our hands *all* the power which Christ has given to his church. We have you in our hands, and will hold you there, and in the exercise of this concentrated power." The amendment proposes that our proceedings shall be in the legitimate exercise of the power of all the bodies among which the power of the church is distributed. We urge a trial. We urge that the question may come up by a reference to the Synod of Kentucky. I believe that Synod would issue the matter in accordance with truth and righteousness, and I do not object to the insertion of such an injunction.

This Declaration and Testimony was only issued in September last. Give us time to deal with these brethren, and see if they will not retrace their steps. We are greatly agitated and disturbed all over Kentucky, and we ask this General Assembly now to step in and relieve us. If you will send this case back to us, we will do the very best we can with it. I beg of you to consider all these things, and act accordingly.

I now approach a point upon which I speak with diffidence and reluctance. Though I have lived there for twenty years, I am not a Kentuckian by birth, and I can say here what I would not say before a Kentucky Presbytery. I tell you these Kentuckians are a great people. Kentucky has been the cradle of Presbyterianism for all these western and south-western states. She has had a bloody and troubled history, and a troubled experience in religious matters. First came the Cumberland schism, then the New-light controversy, and then the New-school agitation and division. Our cause has triumphed there in three trying conflicts. We are now in the midst of a fourth, and, by God's blessing and your assistance, we will meet it successfully. But do not lay upon us burdens which we cannot bear. Kentucky has always had an able and godly ministry—men of ardent zeal and untiring labour—yet to-day the Presbyterian Church within her bounds numbers but ten thousand communicants. Kentucky Presbyterianism has emptied itself all over Indiana, Illinois, Missouri, and Tennessee, and been a fountain of light and salvation all over this land. Yet, few as we are in numbers, we have done some things for Christ and for his church. We have established two noble institutions. Danville College and Danville Seminary stand to-day as monuments of the piety and liberality of Kentucky Presbyterianism. Of our one hundred and fifty churches, but one-third are self-sustaining. If you drive a ploughshare through these churches, what can be the result but to ruin all this work of years, and spread division and desolation through all our bounds? Now, unless it is absolutely necessary, lay not on us this severe affliction. Spare us one year more to go back to our brethren of the Declaration and Testimony, and beseech them to cease from this work of strife. Let our Kentucky church alone one year more, I entreat you. Then, if you *must* cut it down, well.

We will submit, and, though with bleeding hearts, we will go home and labour to repair our desolations. You who are pastors, we entreat you to come to us as pastors. We call upon you who are young men, to come to us in the name and spirit of the Master, and labour with us for the strengthening and establishment of his glorious kingdom. We call upon you to come and preach the gospel. But spare us this blow—*spare us this blow*. Do not destroy forever our hopes of a united church.

We learn from the papers that the delivery of this speech drew tears from many of the audience. Elder H. K. Clarke Esq., said, "It almost persuaded him to be—on Dr. Humphrey's side." Had the Dr's substitute been adopted, we believe that it would have been as oil on troubled waters, and ultimately satisfied all parts of the church, except perhaps the most extreme of the Declaration and Testimony men. It has been ordered otherwise. God, for his own wise purposes, seems to have ordained a further period of agitation and trial for the church, for its good and his own glory.

*Dr. Van Dyke* spoke at length against the report of the committee. Few members of the Assembly, on either side of the House, were listened to with greater respect by all parties. His moderation and manliness, as well as the clearness and fervor of his arguments, produced a strong impression whenever he addressed the Assembly. His speech has been published in a separate form, as well as reported in the papers. We can give only a bare synopsis of its principal points. 1. He laid down what he claimed to be the true principles of loyalty in the church and state. He had been loyal in both relations. He had no intention of separating himself from the church of his fathers. 2. He denied that the signers of the Declaration and Testimony had any design to divide the church. 3. He reviewed the action of the late Assemblies, particularly that of 1864, to show that it was political in its character and bearing. 4. He maintained that the decrees of the Assembly of 1865 were unconstitutional, and therefore not binding on anybody. The Assembly had only delegated powers, and cannot make terms of communion without transmitting them to the Presbyteries for their approval. 4. The proposed action was partial.

“Why this discrimination,” he asked, “between ministers of different sections? There are ministers in all the Presbyteries,—and I am one of them—who will not obey them. The Synod of New Jersey and other judicatories have formally protested against them. 5. “The execution of these orders is impossible. Not a Synod nor a Presbytery in the North has tried to enforce them. I abominated,” he said, “the effort to enforce on men who are *down*, and who owned themselves ‘whipped,’ orders which I do not dare to enforce on my own members.”

*Dr. Boardman* made a long and able argument on the same side of the question. 1. He expressed decided disapprobation of the Declaration and Testimony. He regarded it as urging sound Scripture principles to an undue extent. He did not believe that there were five men in that Assembly who do not believe a large part of the principles laid down in that paper. He contended therefore, that as its signers were not heretical, as they were devoted ministers of the gospel, they did not deserve the severe treatment now proposed. 2. He urged that the Assembly have not acted with such severity towards other offenders. He read extracts from the *Danville Review* condemning the action of the Assembly as “unchristian and unjust.” 3. He argued to show that the decrees of 1865 were unconstitutional. “You require,” he said, “of every minister from the South who presents himself for admission, that he holds to the opinions of the four last Assemblies on the subject of slavery; and this too, when your own Assembly has said it is wrong to make slaveholding a term of communion.” 4. He depicted at length the evil consequences which may be expected to flow from the proposed action.

*Dr. Brookes*, from his high standing as a man and as a minister, and his distinguished ability as a public speaker, secured an attentive hearing from the house, and was sustained by the sympathy of a crowded audience in the galleries. He said he stood alone. Even those who were most opposed to the action of the majority joined in the condemnation of the Declaration and Testimony. As he had signed that document, and, although not its author, had been principally instrumental in its production, he was the more bound to speak in its

defence. He regarded the Declaration and Testimony as a simple protest, and he does not appear to have assumed its defence in any other light. His first position was, that there was good and sufficient reason for protesting against the acts of the five preceding Assemblies. In support of this position, he cited the testimony of Dr. Hodge and others, who had protested against the action of the Assembly of 1861; and then that of Dr. R. J. Breckinridge, Dr. W. C. Matthews, Dr. R. W. Landis, and Dr. Humphrey, who had joined in the condemnation of that action in terms as severe as those used in the Declaration and Testimony. 2. He reviewed the acts of subsequent Assemblies, passing slightly over those of 1862 and 1863, and dwelling at length on the action of the Assembly of 1864, in reference to slavery. That action was, as he maintained, in direct contradiction to the carefully considered deliverance of the Assembly of 1845, and to the word of God. In 1845 the Assembly declared that slaveholding was not in itself sinful, nor was the renunciation of that relation a condition of membership in the church of Christ. The Assembly of 1864 declares it to be "guilt" and "sin." It instructs the Board of Domestic Missions to refuse its aid to all missionaries and ministers who do not adhere to the declaration of that Assembly, touching loyalty and slavery. The Assembly of 1865 reduced the principles of the former Assemblies to practice, by enjoining on the lower judicatories to require of applicants for admission, the adoption of those principles. This, he said, necessitated a struggle unless "the liberty of God's children, and the crown rights of Jesus Christ as King of Zion were to be tamely and basely surrendered."

His second position, viz., the right of any member of the church to protest, not being called in question, was not enlarged upon. The third point of his argument was, that the spirit and form of the protest contained in the Declaration and Testimony were justified by the necessities of the case. He asserted that the committee who had that document under consideration had failed to produce anything really disrespectful to the Assembly. He instituted an extended comparison between the spirit and language of the Declaration and Testimony and those of protests uttered on other occasions. Under this head he referred to the

paper prepared by Dr. W. L. Breckinridge, and adopted by the Presbytery of Transylvania, declaring certain acts of the Assembly of 1865 unconstitutional, unwise, inexpedient, and nugatory. He cited still stronger language from the records of the Presbyteries of Ebenezer, of Sangamon, (Ill.) and Lewes, (Md.) He dwelt on the action of the Synod of Kentucky, in the fall of 1865, sustained by the vote of Dr. R. J. Breckinridge, which declared "the acts of last General Assembly, (1865), on overtures No. 6 and 7, and the fourth resolution on the Report of the Board of Domestic Missions, in the judgment of the Synod, unwise, as tending to destroy the peace and harmony of the church, and in some of their provisions unconstitutional and unscriptural." Dr. Brookes then adverted to earlier facts in our history. He cited the action of the Presbytery of Chillicothe, which declared they could hold no communion with any ecclesiastical body which tolerated the sin of slaveholding, or its justification, under its jurisdiction. He quoted from the *Christian Monthly Magazine*, for Sept. 1845, edited by the Rev. Dr. Thomas, an extremely severe denunciation of the Assembly of that year, for its deliverance on slavery. He thus endeavoured to show that there was nothing in the Declaration and Testimony to call for special censure from the General Assembly.

Besides the substitute for the Report of the Committee presented by Dr. Humphrey, printed above, *Dr. Boardman* offered the following paper :

The attention of the General Assembly has been called to a pamphlet entitled 'A Declaration and Testimony,' purporting to have been adopted by the Presbytery of Louisville, on the 2d day of Sept. 1865. This pamphlet contains various statements, which, if taken in their literal import, we regard as disrespectful to the General Assembly, pregnant with schism, and adapted to foster a spirit of insubordination throughout our bounds. The Assembly is unwilling to believe that the Presbytery of Louisville designed to place itself in an attitude of rebellion against the just authority which Christ has established in his church, or that it will deliberately sanction the use of words and phrases which seem to set at defiance the higher judicatories of the church. Willing to give the members of that Pres-

bytery time for reflection, the Assembly contents itself, for the present, with admonishing them of their grievous error, and directing them to review their whole procedure in this matter, and to make a full report of their action in the premises to the Synod of Kentucky, at its next stated session, and also to the next General Assembly.

The Synod of Kentucky is instructed to take such order in the case as may, in their judgment, best conduce to the purity and harmony of the church, and the interests of true religion. And since this case has manifestly excited much feeling, and threatens to disturb still further the peace of our communion, we exhort all concerned to cultivate a spirit of forbearance and conciliation, to merge all private and personal aims in a paramount devotion to the interests of truth and righteousness, and humbly invoke for themselves and the churches with which they are connected the healing, reviving, and sanctifying influences of the Holy Spirit.

Preferred by

H. A. BOARDMAN,	R. J. CLARK,
R. W. ALLEN,	JOSEPH T. SMITH,
J. S. MCCLELLAN,	J. E. SPILMAN,
D. C. BROWN,	CHARLES A. MARSHALL,
JOHN H. CLARKE,	WILLIAM T. ADAMS,
JUSTUS T. UMSTED,	WILLIAM M. GRIMES,
I. F. VANARSDALE.	

*H. Day, Esq.*, of New York, offered the following substitute for the paper of Dr. Gurley, subsequently adopted by the House:

*Whereas*, This General Assembly has had brought to its notice a certain paper called a "Declaration and Testimony," which, it is alleged, was adopted by the Louisville Presbytery, Sept. 2, 1865, and which imports to be signed by ministers and ruling elders belonging to other Presbyteries; and, *whereas*, in the judgment of this General Assembly, the said paper is a most flagrant and unwarranted attack on the dignity and authority of the General Assembly, derogatory to its character, tending to bring odium and disrepute on the highest judicatory of the church, and to increase agitation and alienation in the bosom of the church, schismatical in effect, contumacious in

spirit, and unjust and untrue in its statements; now, therefore this General Assembly, in defence of its authority, in the exercise of its high prerogative to suppress schismatical contentions and disputations, reproof, warning, and bearing testimony against error in doctrine and immorality in practice, and in the fulfilment of its sacred duty to secure union, peace, and mutual confidence of all our churches, does *Resolve*,

1. That this General Assembly considers the alleged action of the Louisville Presbytery, and of the ministers and ruling elders who have signed, published, and disseminated the said paper called the "Declaration and Testimony," as worthy of the gravest censure of this body, and as an offence against the authority, peace, and harmony of the church, and as a sin against the Lord Jesus Christ, the great Head of the Church.

2. That the Synod of Kentucky is hereby required, at its next meeting, to proceed in an orderly manner to try the Louisville Presbytery for the said alleged offence of adopting, publishing, and disseminating, the said "Declaration and Testimony," and that the Synod by its records, at the next General Assembly, do show what it has done in the premises.

3. That this Assembly does hereby require and enjoin on the said Louisville Presbytery, to reconsider its action in adopting said "Declaration and Testimony," to cease from disseminating the same, and from all agitations and contentions which tend to disturb the peace and harmony of the church, and to submit to the lawful authority of the church of Christ, as exercised by the General Assembly, and that the Presbytery by its Commissioners report its action in the premises to the next General Assembly.

4. That each and all the Presbyteries with whom any of the subscribers to said Declaration and Testimony are connected, are hereby required, at their next meeting, to proceed against such subscribers, and try them for said alleged acts, in signing and giving publicity to said document, and if it is found that they have been guilty of offence in so doing, that each of said Presbyteries, respectively, do censure their conduct, and require such members to confess their error, and to cease from their agitations; and such Presbyteries are hereby required, by their Commissioners, to appear at the next General Assembly, and

report their action in the premises, and while such persons are under process, as aforesaid, to suspend their privilege of deliberating and voting as members, until the process is finally issued; and it is further ordered, that the members of said Presbyteries, who have not subscribed said "Declaration and Testimony," shall have the authority of such Presbyteries respectively, shall exercise their proper functions, and shall have charge of the Presbyterial Records and all property.

Mr. Day's motion was laid upon the table.

Under a subsequent resolution of the Assembly, it was signed by the following persons, as expressing their views, and being the one for which they would have voted had it come before the Assembly:

Henry Day, A. Gosman, S. G. Law, E. D. Yeomans, E. B. Raffensperger, W. T. Cushing, D. V. Smock, D. M. Halliday, John Dickson, John M. Krebs, William H. Hornblower, S. D. Chamberlin, J. R. Ralph, John L. Nevius, H. L. Vannuys.

Dr. Gurley's paper, which was presented as a substitute for the resolution recommended by the Committee, was adopted by the vote, *yeas*, 196; *nays*, 37. *Declined to vote*, J. H. Brookes, 1. The paper is as follows:

1. *Resolved*, That this General Assembly does hereby condemn the Declaration and Testimony, as a slander against the church, schismatical in its character and aims, and its adoption by any of our church courts as an act of rebellion against the authority of the General Assembly.

2. *Resolved*, That the whole subject contemplated in this report, including the report itself, be referred to the next General Assembly.

3. *Resolved*, That the signers of the "Declaration and Testimony," and the members of the Presbytery of Louisville who voted to adopt that paper, be summoned, and they are hereby summoned, to appear before the next General Assembly, to answer for what they have done in this matter, and that until their case is decided, they shall not be permitted to sit as members of any church court higher than the Session.

4. *Resolved*, That if any Presbytery shall disregard this action of the General Assembly, and at any meeting shall enroll, as entitled to a seat or seats in the body, one or more of

the persons designated in the preceding resolution and summoned to appear before the next General Assembly, then that Presbytery shall *ipso facto* be dissolved, and its ministers and elders who adhere to this action of the Assembly, are hereby authorized and directed, in such cases, to take charge of the Presbyterial Records, to retain the name, and exercise all the authority and functions of the original Presbytery, until the next meeting of the General Assembly.

5. *Resolved*, That Synods, at their next stated meetings, in making up their rolls, shall be guided and governed by this action of the General Assembly.

In support of this paper, Dr. Gurley read the following reasons for adopting it, which were ordered by the Assembly to be inserted with it in the *Minutes*.

1. Because it condemns in strong, yet just and appropriate terms, the Declaration and Testimony, pronouncing it "a slander against the church, schismatical in its character and aims," which it manifestly is.

2. Because it declares the adoption of the Declaration and Testimony by any of our church courts, to be an act of rebellion against the authority of the General Assembly; which it manifestly is.

3. Because it summons the signers of this Declaration and the members of the Presbytery of Louisville who voted for its adoption, to appear and answer for their conduct before the General Assembly, the body against whom they have offended, and the only body which, in the present circumstances of the church, can properly and without embarrassment consider and adjudicate the case.

4. Because it summons them to appear before the *next* Assembly, thus giving them ample time for reflection, for repentance, and for making up their reply.

5. Because, in the meantime, it forbids their sitting in any church court higher than the Session—an abridgment of privilege which we are bound to make in fidelity to our erring brethren and to the peace of the church.

6. Because it saves us from even the appearance of taking action in this case which is too summary and severe. Though we might lawfully dissolve the Presbytery of Louisville at this

time, no such great or perilous exigency has arrived as makes such an extraordinary proceeding necessary—nor is it expedient. It is better for the Assembly, better for the church, and better for all the interests in any way concerned in this case, that justice should be secured and administered *in the ordinary way and by the ordinary methods.*

7. I urge the adoption of this substitute, because it provides that in case any Presbytery shall disregard this action of the Assembly, and permit the signers of the Declaration and Testimony or those who voted to approve it, to sit in the body as members, that act of rebellion, according to an authoritative declaration of the Assembly, dissolves the Presbytery, and causes its powers to pass at once into the hands of those who respect the highest court of the church, and are willing to submit to its authority.

8. Finally, in answer to the objection, that the General Assembly has no right to pass beyond the lower courts and deal with individuals, I would say, our *Form of Government* expressly gives to the General Assembly the power “of suppressing schismatical contentions and disputations;” and this clearly implies the power of dealing directly with the persons or parties who are engaged in such contentions and disputations.

*Dr. Monfort* moved that it be the sense of the Assembly that the above paper take effect at the close of the sessions of this Assembly, and that the signers of the “Declaration and Testimony” continue until then to occupy their seats.

This paper of *Dr. Gurley* has some obvious advantages over that proposed by *Dr. D. V. McLean*. It avoids immediate and peremptory action; it gives time for those implicated to consider and determine upon the course which they will pursue; and it secured the votes of some who doubted the authority of the Assembly to act at once and without citation or warning, on a Presbytery, without regard to the Synod to which it belonged. On the other hand, it goes quite as far as the report of the committee, as to the power which it assumes to belong to the General Assembly; it is equally severe in the penalty attached to adherence to the Declaration and Testimony; and it reaches over the whole church, instead of being confined to the single Presbytery of Louisville. The Presbytery of Baltimore, we

understand, has one member, a young gentleman from Canada or Nova Scotia, who signed the Declaration and Testimony. If the Presbytery should allow him to take his seat, it would be *ipso facto* dissolved. The Assembly thus proposes to visit scruples as to the constitutionality of one of its injunctions and a simple act of disobedience, with a penalty as severe as it could inflict for the open denial of Christ and rejection of his gospel. We do not question the right of the Assembly to pass such an order. We speak only of the severity of the penalty. We think that the Presbyteries ought to submit to this order, however severe they may consider it. For ourselves, we should, on the whole, have preferred, of the two papers, the resolutions of the Committee.

In the winding up of the Assembly there were several papers of importance adopted.

*First:* The following addition to the Pastoral Letter, proposed by Dr. Krebs.

In regard to the deliverances of the last and five preceding Assemblies, as well as this, and especially the requisitions to examine applicants from the South touching their views of slavery and rebellion, the Assembly would observe, that although the war is over, secession effectively quashed, and slavery abolished,—yet in view of the spirit of these dead issues which, it must be admitted, still survives rampant and rebellious, perhaps more virulently in the religious form than elsewhere, it was necessary to guard the church from being disturbed by this element, which has asserted itself so rebelliously, and continues to be so vehemently proclaimed, and therefore to require satisfactory evidence of the practical repudiation of these heresies.

Nor does the Assembly deem it needless to observe, that while manifestly the views put forth by these deliverances, and the views which it was proposed to elicit from applicants for admission to our churches and presbyteries, have regard only to those more recent opinions concerning the system of Southern slavery, out of which secession and the war for its perpetuation and extension grew, the Assembly considers that there is no contradiction between these latest expressions of the Assembly, needed by a new state of the case, and the whole current of consistent deliverances on the subject of slavery which the church has

from the beginning and all along uttered—especially from 1818 to 1846.

The Assembly in these things has desired to impose no new terms of communion; it has but pointed out the appropriate treatment of the rebellious and disobedient; and, in the language of no less an authority than the illustrious Calvin, it did but make “a genuine and simple application of the *lex Dei* to the times and manners for which it was designed.” In this special application it has only, in the still further language of the great Reformer, “guarded against offences which are most expressly forbidden by the Lord,” without, “taking away one *punctum* of Christian liberty.” *Instit.*, lib. iv., cap. x., sec. iv. 21, 22.

And in regard to our deliverances on these subjects, the Assembly here contents itself, as sufficient, with declaring that it has but exercised the constitutional right and duty of the Assembly, which has been constantly exercised from the time of the fathers who made the constitution of our church, to utter its sentiments, warnings, and exhortations, on all points and questions, which, while we are properly restrained from invading the jurisdiction of civil tribunals, do nevertheless belong to that class of things which we may handle, viz., those moral and religious questions, which, although they may even embrace points in which *politics*, whether in their larger or lesser sense, are involved, because they relate to civil and political affairs, are also questions of *religious* duty, and cannot be thrown out of the religious jurisdiction.

*Second:* Dr. Gurley offered the following addition, which was also adopted:

It having come to the knowledge of this body that some of the ministers under our care are not able to subscribe to the recent testimonies of the General Assembly on the subjects of loyalty and freedom, and that some who have not signed or formally approved the Declaration and Testimony, do nevertheless hesitate to comply with the requirements of the last Assembly touching the reception of members from the South, known or supposed to have been in sympathy with the rebellion; therefore,

*Resolved,* That while we would treat such ministers with

kindness and forbearance, and would by no means interfere with the full and free discussion on their part of the testimonies and requirements referred to, we deem it a solemn duty, which we owe to them and to the church, to guard them against giving countenance in any way to declarations and movements which are defiant of the Assembly's authority, and schismatical in their tendency and aim, and we do earnestly exhort them in the name and for the sake of our common Lord and Master, to study and pursue the things which make for peace.

*Third:* Dr. *W. E. Schenck* offered the following paper :

*Whereas*, There is reason to believe that among the ministers and members of the Presbyterian Church in the South, there are many who disapproved of the late rebellion against the Government of the United States and of the separation of those churches from this body, and who did not of their own free will and consent lend their aid or countenance thereto, but bowed, before what they believed to be an irresistible necessity; therefore

*Resolved*, That this Assembly, without expressing any opinion in regard to the propriety of the course adopted by such persons, will still cherish a kindly and fraternal regard for them, and whenever any of them shall desire to return to their former connection with us, they will receive a cordial welcome.

And in regard to those who have voluntarily aided and countenanced the said rebellion and separation, this Assembly disclaims all vindictive feelings, and all disposition to exercise an undue severity, and reiterates its readiness to receive them back whenever they shall have complied with the conditions laid down by the last General Assembly on page 563 of its printed *Minutes*.

After discussion, the previous question was called for and sustained, when the main question was put, and the paper was adopted.

*Fourth:* A paper offered by Dr. *J. T. Smith*, was, on motion, taken from the table and adopted. It is as follows:

*Whereas*, The churches in that portion of our country lately in rebellion, whose names appear upon our roll, have not been represented in this Assembly, and still remain in a state of separation from us; *and whereas*, the measures adopted by this Assembly, if not carried out by the lower courts in a spirit of

great meekness and forbearance, may result in perpetuating and embittering divisions already existing, and extending them over portions of our church, now at peace; therefore,

*Resolved*, 1. That this Assembly greatly deploras the continued separation between ourselves and our Southern brethren, so long united in the bonds of Christian love and ecclesiastical fellowship, and expresses the earnest desire that the way may be soon opened for a reunion on the basis of our common standards, and on terms consistent with truth and righteousness.

*Resolved*, 2. That the lower courts who may be called upon to execute the measures of this Assembly, be enjoined to proceed therein with great meekness and forbearance, and in a spirit of kindness and conciliation, to the end that strifes and divisions be not multiplied and inflamed, and extended still more widely, and that the discipline of Christ's house may prove for edification and not for destruction.

The matter of a report from Dr. West, on the Sunday milk traffic, committed to him by the last General Assembly, was referred to the next Assembly.

*Fifth*: Dr. Lowrie, from the Committee on Overtures, presented a report in answer to the memorial of the Convention from which the following paragraph is an extract:

“As the General Assembly, at its present session, has considered substantially the matters embraced in said memorial, and expressed by its action its judgment, it is deemed unnecessary to suggest any additional measure for rebuking the spirit of rebellion against the authority of our highest court in a few sections of our church. The dissatisfaction and discontent consequent upon the deliverances of the Assembly of 1865 are abating with increased knowledge of the design and purport of those decisions, and it is confidently believed that maturer reflection will produce a fuller acquiescence in the authority of the church. It is alike the past and present purpose of our church, to preserve within its fold all who sincerely and earnestly love its order and doctrines, and to fan into life and energy every lingering spark of genuine attachment to our faith and order which may exist in those portions of our country where the spirit and unrelenting power of the rebellion drove many true and loyal Presbyterians into a hostile atti-

tude towards the church and country. With this enlarged and Christian view, it is appropriate to declare, that whilst the testimonies and authority of our church are to be obeyed, the fullest Christian liberty of opinion is tolerated and protected, and no enforcement of the deliverances of our church is expected or demanded—except that which will debar from our communion and church courts all those who refuse to submit to the ‘powers that be,’ and remain in wilful antagonism to the manifestations of God’s providence, and the authoritative decisions of our church.”

Every attentive reader of the minutes and reported debates of the last Assembly must be aware that in all that concerns the action of the Assembly in regard to the Presbytery of Louisville and its Commissioners, there are three distinct points for consideration. First, had the Assembly the constitutional right to exclude these Commissioners from a seat in the Assembly until their case was decided; and had it the right to dissolve that Presbytery as was proposed by the Committee; or to dissolve other Presbyteries on the contingency provided for in the paper of Dr. Gurley, which was finally adopted? The second question is, assuming that the Assembly had the right to do what it did, was there any sufficient reason for its action? Did the Presbytery of Louisville merit exclusion from the Assembly? The third question relates to the manner in which these things were done. There may be a right and wrong, a kind or unkind, a fair or unfair way of doing what in itself is just and proper.

The first of these questions alone has any permanent importance. It is comparatively a small matter that a court should inflict an unduly severe penalty; or that the judge should be harsh and overbearing in his spirit and manner, provided he has the law on his side. It was not the hardship to Dred Scott, as a man, or any want of courtesy on the part of the Supreme Court, that caused its decision in that case to shake the country like an earthquake. It was that the decision itself was in conflict with the long-cherished and settled convictions of the people as to what was the true law of the land. As to the first of the three questions proposed for consideration, it may

be remarked that there are three different theories as to the nature of our Presbyterian system; all of which were advanced on the floor of the late Assembly, and each of which controlled the opinions and votes of those who adopted it.

The first is derived very much (as it seems to us) from an assumed analogy between the constitution of the United States and that of the church. In our national and state governments, the constitution is a grant of powers. Congress has no power which is not specified in the constitution; all others are expressly reserved to the states or to the people. In like manner, as many assume, the Presbyteries are the source of power in the church. The Assembly has no power not expressly granted by the Presbyteries in the constitution. And hence the demand was so frequently and earnestly made for a reference to chapter and section, where the power to exclude Commissioners, or to act immediately on a Presbytery, was granted.

The second theory goes to the opposite extreme. It assumes that the Assembly is the source of power to the other courts. Having all church-power in itself, it has delegated a certain portion of its fulness to Synods, Presbyteries, and Sessions. This was the doctrine for which the authority of Chief Justice Gibson, and of the Supreme Court of Pennsylvania was quoted, especially by Hon. Mr. Galloway. A much higher authority might have been derived from the Church of Scotland.

The third view is that which, we presume, is held by the great body of Presbyterians. It assumes, 1. That all church power is derived from Christ and conveyed in his word, and by his Spirit. 2. That this power belongs to the whole church, not to the clergy to the exclusion of the people, nor to the people to the exclusion of the clergy. 3. That it inheres in the church, as the body of Christ, and, by his appointment, is to be exercised through certain office-bearers, who act as its representatives and organs. 4. These office-bearers are selected, qualified, and called by the Holy Spirit. 5. It is the function of the church to authenticate this call of the Spirit, and to certify it as its judgment, to the people. This is done in ordination. 6. The office-bearers of a church, therefore, are that church, *i. e.*, they are authorized and empowered, in the name and behalf of the church to exercise all the power which Christ has given

it for edification. Hence the session of an individual church is authorized to do whatever an individual church may do, in the reception of members, in the exercise of discipline, and in the instruction and spiritual nurture of the people. So the Presbytery is vested with the power of the church within its limits. It is the representative, organ, and agent of the collective body of Christ's people included within its ecclesiastical limits. The same is true of Synods, Assemblies, or other general councils. These church courts in no case derive their powers from the constitution. They possessed them before the constitution was framed, and would continue to possess them although it was entirely abolished. A number of Christians organizing themselves into a church, and electing church officers, would of course have the power which Christ has given to his church; the power to judge of the qualifications of candidates for admission to Christian ordinances; to exercise discipline, and to provide for the edification of the people. The Presbytery has, in like manner, independently of any written or human constitution, all the power which Christ has given to a Presbytery,—the right to ordain, the right to suspend and depose from the sacred ministry; and the right to exercise all the functions of a church within its own limits. The constitution is only a treaty, or a set of stipulations, as to how these several church courts shall exercise the powers which they derive from Christ. The Presbytery, for example, has the right to ordain, but it has agreed with other Presbyteries not to ordain any candidate who has not received a classical education. That is, as the Scriptures require that a minister must be apt to teach, the Presbyteries have bound themselves to regard a liberal education as one evidence that the candidate possesses that qualification. Again, the Bible requires that a minister should be sound in the faith, able to resist gainsayers; the Presbyteries have agreed to make the sincere adoption of the system of doctrine taught in the Westminster Confession a test of such soundness. The constitution therefore, instead of being a grant of powers, is a limitation of them, so far as their exercise is concerned. It ties the hands of all the church courts, and prevents their doing many things which otherwise they would have a perfect right to do. All this is reasonable and just. It is necessary to

secure harmony, peace, and purity. If one Presbytery assumed one standard of ability to teach, or soundness in the faith, and another another; the utmost confusion and conflict would be produced. Besides, a minister ordained by one Presbytery becomes a minister of the whole church, and exercises in the higher courts a jurisdiction over the whole body. The whole body, therefore, has an interest in his being suitably qualified, and a right to a voice in securing that end.

According to this theory every church court has within its limits all church power. The power of presbyters is given to presbyters, inheres in them, and is not delegated to them. It can be exercised by them, whenever they are properly associated and organized for the exercise of their functions. A commander-in-chief of an army can command a regiment or a company. In cases of emergency he does assume such command. It is only on rare occasions that this is either expedient or possible. He has too much to do, to allow of his taking into his own hands the duties of his subordinates. In the state, the care of children is properly left to their own parents. But in the case of orphans, or when the parents are untrustworthy, the courts interfere, and the children become wards in chancery. The court performs toward them the duty of parents. Our General Assembly has examined a minister on his knowledge of experimental religion, and his qualifications for the sacred office, and received him as a minister of the Presbyterian Church, in good standing. Of course the cases are extremely rare in which the higher courts are justified in assuming the functions of the lower bodies, but, so far as the power to do so is concerned, we do not see how it can be questioned. If three presbyters have from God the right to ordain or depose, why should not three hundred have the same power? Our church in the early period of its history uniformly acted on this principle. When the original Presbytery passed into a Synod, the Synod continued to exercise presbyterial powers, in appointing commissions to license, to ordain, to visit churches, and to adjust difficulties.

Such being the nature of the power of our church courts, it is necessary to consider its limitations. The power of all our courts is limited in three ways: First, it extends only to things

ecclesiastical, to the exclusion of secular affairs. Secondly, it is limited by the constitution. Thirdly, it is limited by the word of God.

1. The church has authority only in matters pertaining to religion. It is organized and endowed by her Head with certain prerogatives in order to secure the propagation and preservation of the gospel, the purity and edification of the body of Christ. If Congress should pass laws to regulate the religion of the country, they would be a dead letter. If church courts transcend their limits, and undertake to decide questions pertaining to the state and its civil tribunals, their decisions have no binding force. The church cannot regulate the tariff, or establish banks, or make all her members democrats or republicans, or interpret the constitution of the Union or of the States. Should it at any time attempt to legislate on these subjects, the people would regard their action with the same feeling they would the acts of Congress assuming to regulate the faith of the church. As to this point there can be no difference of opinion.

2. In the second place, it is equally plain that an unconstitutional law is void *ab initio*. It is no law. It is not obligatory on any person or upon any organization. If a man refuses to obey a law of Congress or of the States, which the courts pronounce unconstitutional, he is held harmless. His disobedience is justified. This is an important safeguard in church and state. As our constitution establishes certain fixed principles and rules, and limits the authority of all our courts, even the highest; any enactment or requisition inconsistent with its prescriptions, may be, and should be, disregarded. There is not a Presbytery in the land which would give heed to any Assembly which should forbid them to ordain a candidate unless he had passed through a full three-years course in some Theological Seminary. The constitution also prescribes the terms of Christian and ministerial communion, and these can only be altered by altering the constitution. This is the principle which is enunciated in our Book, when it says, that no constitutional or standing rule shall be considered binding, until it has been remitted to the Presbyteries and received their sanction. That is, the General Assembly cannot alter the constitution, or give binding force to anything inconsistent with it. This is perfectly consistent with the recognition of

the authority of the Assembly to "law down rules," within the limits of the constitution. The laws of Congress bind the people, if constitutional; so the acts of the Assembly are binding under the same conditions.

3. The third limitation is that imposed by the word of God. That anything contrary to the Scriptures can bind the conscience of any man, or be rightfully imposed upon him as a rule of faith or practice, no Protestant will for a moment admit. If all the ecclesiastical bodies in the world should pronounce that true, which God declares to be false; or that right, which He pronounces to be wrong, their declarations would not have the weight of a feather. No law of man can make that sin which is no sin, or that virtue which is not virtue. Should the Assembly decree that eating meat, drinking wine, using tobacco, or holding slaves, is sinful and a bar to Christian communion, if the word of God teaches the contrary, its decrees would bind his people no more than the decrees of Congress enjoining the worship of images or the adoration of the host. Here again, beyond question, we are on common ground.

Another great principle of our common Protestant Presbyterianism is the right of private judgment. It was said on the floor of the Assembly, in the warmth of debate, that the deliverances, acts, or injunctions, of that body, are to be assumed to be within the sphere of church-power, to be constitutional, and consistent with the word of God, and obeyed as such, until by competent authority the contrary is officially declared. This is the denial of the first principles of Christian liberty, whether civil or religious. Every man has not only the right to judge for himself on all these points, but is bound by his allegiance to God to claim and exercise it. The Bible teaches, and all Protestants believe, that the Spirit is promised and given as a teacher, not exclusively to the clergy but to all the people of God. Therefore, every Christian is bound to search the Scriptures, and to judge for himself whether the things decreed or commanded are consistent with that standard. Thus the early Christians acted when they refused to obey the constituted authorities of the Jewish church. Thus afterwards, although the Bible enjoined upon them to be obedient to the powers that be; yet, when the Roman magistrates re-

quired them to burn incense to idols, they resisted unto death. There had been no Reformation, had not God taught and enabled his people to assert this right of private judgment. Episcopacy would have been established in Scotland, and despotism in England, had not our Presbyterian and Puritan ancestors been men enough to claim and exercise the right to think for themselves, and to obey God rather than man. This right is recognized in the state. No man is bound to obey an unconstitutional law. If he errs in his judgment, and pronounces that to be unconstitutional, which is in fact legitimate, he must bear the penalty of disobedience. And so it is in the church. If an individual, or Presbytery, refuses to obey an injunction of the Assembly, from the conscientious conviction that it is contrary to the constitution or the word of God, he or it may be arraigned for disobedience, and condemned or justified according to the judgment of a competent court; for one Assembly is not bound by the decision of its predecessors; and may, therefore, justify disobedience to any of their injunctions, which it deems erroneous. On this right of private judgment we must all be agreed. Dr. Thomas and other leaders of the majority in the late Assembly repeatedly and expressly stated that former Assemblies had frequently made deliverances which they deemed to be contrary to the word of God. Of course they did not, and could not adopt them; nor could they require others to approve them, without demanding that men should approve what they believed God condemned. The deliverances of the Assembly, therefore, by common consent, bind the people and lower courts only when they are consistent with the constitution and the Scriptures, and of that consistency every man may and must judge, as he has to render an account to God.

Such, as we believe, are the principles in which nine-tenths of our ministers and members will concur. It follows from these principles that the General Assembly, unless expressly prohibited by the constitution, can exercise, when the emergency demands it, its power to correct abuses or evils, immediately in any part of the church. It has the right, on its responsibility to God, to refuse seats to delegates, or to dissolve any of the lower courts, if the safety or well being of the church

requires it. This follows from the scriptural principle of representation. Under the Old Testament, by the appointment of God, the elders of a tribe were the tribe; and the elders of the congregation were the congregation, and could act as such. Under the New Testament dispensation, the elders of the church, in council assembled, are the church. The elders of a particular church are that church, and the delegated elders of the whole church are the whole church, and are clothed with all church power, under the important limitations above specified.

In the second place, the right in question, and specially to exclude delegates, flows from the very nature of the Assembly as a court of Christ. It is a body of men duly appointed, consisting of those who recognize the Headship of Christ, the infallible authority of His word, and the Presbyterian system of doctrine and order. If any men present themselves as Commissioners, who openly and avowedly declare them no Christians, or no Presbyterians, it is plain that the Assembly should be bound to reject them. The avowal may be so explicit and public, made *viva voce* or over their written signatures, as to preclude the need of examination or proof. If any Presbytery should make an official declaration of Socinianism, and that declaration be signed by its Commissioners, published to the world, and circulated through the Assembly, we presume no one would deny that that body would be bound to say to those Commissioners, "you do not belong to the class of persons of whom, according to the Scriptures and the constitution of the church, this court is to be constituted." If there be any doubt as to the facts, those ought to be cleared up. But if the facts are beyond question, then the right and duty of the Assembly is immediate and imperative. It is said that it is contrary to natural justice that any man should be condemned unheard. But, in the first place, in the case supposed there is properly no condemnation, at least in the judicial sense of the term. The effect of the exclusion is not to depose, or even to suspend the parties from their office as ministers or elders, but simply, as it were, to arrest them and to remit them to the proper tribunal for trial. In the second place, a man cannot be said to be condemned without a hearing, who is condemned,

(or rather arrested), out of his own mouth, for his own declaration made *in præsentî*.

In the third place, this right is analogous to the right of expulsion. If a man should rise in the Assembly and blaspheme, he may immediately be expelled. There would be no need of a trial or an examination. And fourthly, this right of peremptory and immediate action is the right of self-preservation, which belongs to all bodies and associations. It is exercised by all legislative assemblies. Congress may rightfully exclude any avowed traitor from taking his seat in the council of the nation. Every judge has the right to protect the sanctuary of justice by immediately committing to prison any one who violates its dignity. General Sheridan, in the last battles before Richmond, deprived General Warren of his command on the field, and sent him to the rear. This was a tremendous punishment inflicted without a hearing. It may have been an act of cruelty or injustice, but the right thus to act cannot be questioned. General Washington did the same thing in the case of General Lee in the battle of Monmouth.

These remarks are all applicable to the case of dissolving a Presbytery. Should any such body make a declaration of Socinianism, or avow themselves to be infidels, the Assembly would not be bound to leave the people six months under the instruction and government of such open apostates. It would be its duty, in virtue of its charge of all the churches, immediately to dissolve the body, and deprive its members of all ecclesiastical power.

The views here expressed of the inherent power of our church courts, and especially of the General Assembly, were presented and defended at length in the pages of this *Review* for July, 1838, pp. 464—490. It was then shown: 1. That our church, from the first, adopted the standards of the Church of Scotland, both as to faith and form of government. 2. That in Scotland, so far from the Assembly being the creature of the Presbyteries and deriving its powers from them, it existed before the Presbyteries, and governed the church for years before any Presbytery was organized. It was the Assembly that formed first the Synods, and then the Presbyteries. 3. That the General Assembly in Scotland had from the begin-

ning acted as the governing body of the whole church, exercising, whenever it saw fit, original jurisdiction; acting directly on the Presbyteries, and individual ministers, citing, trying, condemning or acquitting them, as it deemed right; transferring pastors from one parish to another without the intervention of any of the lower courts; and, in short, exercising a general and immediate jurisdiction over the whole church. On this head we quoted from *Hill's Institutes*, the highest modern authority on the discipline and government of the Scottish Church, the following passage. After stating that the powers of the General Assembly are judicial, legislative, and executive, Dr. Hill says: "In the exercise of these powers, the General Assembly often issues peremptory mandates, summoning individuals and inferior courts to appear at its bar. It sends precise orders to particular judicatories, directing, assisting, or restraining them in the exercise of their functions, and its superintending, controlling authority, maintains soundness of doctrine, checks irregularity, and enforces general laws throughout all districts of the church." 4. That our *Confession of Faith* itself teaches, chap. xxxi. 2, that, "It belongeth to Synods and Councils, ministerially, to determine controversies of faith, and cases of conscience; to set down rules and directions for the better ordering of the public worship of God, and government of his church," &c. And that "the decrees and determinations of such councils, if consonant to the word of God, are to be received with reverence and submission, not only for their agreement with the word, but also for the power whereby they are made, as being an ordinance of God, appointed thereunto in his word." It is here taught not only what the power of church courts is, but also that it is from God, and not conferred by men. 5. Pages of that article of our *Review* are filled with citations from our records to show that the original Synod of Philadelphia, the United Synods of New York and Philadelphia, and the General Assembly, have uniformly acted as courts of original jurisdiction; acting immediately on individuals, sessions, and Presbyteries, and that the Assembly has ever assumed that it had the power to correct abuses, by the immediate exercise of its authority, when necessity required, in any part of the church. We cannot, therefore,

agree with those who denied the right of the General Assembly to exclude the Commissioners of the Presbytery of Louisville, or to dissolve the Presbytery itself. It is to be remembered, however, that the effect of dissolving a Presbytery, is not, as some of the speakers seemed to suppose, to suspend or to depose its members. It merely dissolves the bond which unites them as a church court. They might be attached to other Presbyteries, or disposed of as the Assembly saw fit.

We are aware that in answer to a protest of the New-school party, against the abrogation of the Plan of Union between Presbyterians and Congregationalists, the writers of that answer take different ground from that assumed above. They say: "1. The constitution of the Presbyterian Church, like that of our National Union, is a constitution of specific powers, granted by the Presbyteries, the fountains of power, to the Synods and General Assembly. 2. No powers not specifically granted can lawfully be inferred and assumed by the General Assembly, but only such as are indispensably necessary to carry into effect those specifically granted." On this it may be remarked: 1. That every one is aware that the Assembly is in the habit of appointing one or more persons to answer protests, who present their own particular views. It would be unfair to hold the Assembly responsible for the soundness of every argument which they may see fit to use. 2. The theory, the opposite to that assumed in this answer, was the basis of the whole action of the Assemblies of 1837 and 1838, and was constantly avowed in the debates. 3. Admitting that the Assembly of 1837 did commit itself to this false theory, that would have little weight against the uniform teaching and action of the Presbyterian Church, both in Scotland and in this country, in all periods of its history.

If it be acknowledged that the Assembly had the right to do what it did, the second question to be considered, is, was there any adequate ground for the exclusion of the Commissioners from the Louisville Presbytery, or for ordering the dissolution of every Presbytery who should admit any of the signers of the Declaration and Testimony. On this question every man has a right to his own opinion. For ourselves we think there was no adequate reason for such action. 1. Because the penalty

was unduly severe. It is among the heaviest within the power of the Assembly to inflict, and, therefore, should be reserved for extreme cases. 2. There was no important object to be gained. The church would not have been endangered in any of its important interests by the adoption of a milder course. 3. The Assembly itself virtually admitted that signing the Declaration and Testimony was not a sufficient reason for exclusion from our church courts. It allowed those who had signed it, and who openly avowed in the presence of the Assembly, their continued adherence to it, to retain their seats to the end of the sessions. Yet it ordered that any Presbytery who should admit one of those signers, should be *ipso facto* dissolved for doing what the Assembly itself had done. 4. This action instead of tending to allay strife and division in the Border States, had a directly opposite tendency, and therefore was so earnestly deprecated by some of the wisest and best men of the church. 5. It places, or would place, if carried out, many ministers and churches in anomalous position, and put in jeopardy important interests. The dissolution of a Presbytery, as before remarked, does not suspend or depose its ministers, or separate them from the Presbyterian Church, or vacate their pulpits. Without further action it only throws all things into confusion.

These reasons however afford no justification of disobedience to the orders of the Assembly. A law is binding although severe or unwise. So the orders of the Assembly are binding, unless they transcend the sphere of church power, or are contrary to the constitution, or to the word of God.

As to the third question, which concerns the mode adopted to secure the ends aimed at, we believe, from all we can learn, there is little difference of opinion. The leaders of the majority themselves deprecated the action of Dr. McLean, which, for some reason they felt constrained to adopt. That a member should rise in his place, propose the exclusion of the members of a Presbytery, make a speech in favour of his motion, and then move the previous question, and thus prevent any other member from stating his objections to the motion, or his reasons for preferring a different course, was certainly a most extraordinary proceeding. And then the motion to refer the case of

the Presbytery of Louisville to a committee of the House, thus taking it out of the hands of the judicial committee, where it already was on the appeal of Dr. R. J. Breckinridge, was irregular and unnecessary. It prevented the matter from coming up in the way which had been designed, and which would have secured a fair hearing of all parties, and a calm judicial decision.

In looking back over the proceedings of the Assembly, there is much for which the church should be thankful, and much which promises great good in the future.

In the first place, the Assembly recognized the right of protest and of free discussion, as belonging not only to its own members, but to all the members and ministers of the church. This was declared to be the birthright of Presbyterians. It was called a sacred right, with which the Assembly disclaimed all intention of interfering. The right of protest, as it has always been exercised, includes the right of dissenting from the deliverances and judgments of church courts, on the ground of their being unwise, unjust, unconstitutional, or unscriptural. It includes the right to make all proper efforts of proving the correctness of the grounds of objection, and to bring their brethren to agree with them.

Secondly: The Assembly recognized the principle that adhesion to its deliverances and judgment cannot be made a condition of Christian or ministerial communion. It would be a contradiction to allow of protest against a deliverance, and then demand approbation of it as a condition of membership in the church or ministry. Should the Assembly declare that the holding of slaves is not a sin, or a bar to Christian communion, and allow Dr. Thomas and others to protest against such declaration as unscriptural, could it then require him to approve and act upon it on pain of exclusion from the church? The judicial decisions of the Assembly are of course final, and must be submitted to, until the penalty be removed by a subsequent Assembly. Its orders and injunctions are to be respected in all cases, and obeyed, unless believed to be contrary to the constitution and the word of God. If an individual be arraigned for such disobedience, and the church courts, including the Assembly, censure him for the offence, he would have meekly to submit to

the infliction, (as the Quakers do for refusing to obey the military laws), or leave the church. It is plain that the Assembly recognized these principles when it adopted the papers proposed by Dr. Gurley and Dr. J. C. Lowrie. The former expressly recognized the right of those who are not able to subscribe to the testimonies of the Assembly of 1865, or to carry out its injunctions, to remain undisturbed in the church, provided they do not engage in movements defiant of the Assembly, and which lead to schism. The other paper does substantially the same thing. The Assembly has always acted on this principle in case of conscientious dissent from its testimonies, or failure to obey its injunctions. The abolitionists who openly repudiated the deliverance of the Assembly of 1845, and refused to act upon it in the exercise of discipline, were left to enjoy their constitutional liberty. That is, the Assembly avows its purpose of acting on the common sense principle adopted by every constitutional government. The state allows the people to think and say what they please about its laws, and to disobey them for conscience' sake, provided they do not disturb the public peace, and quietly submit to the penalty of disobedience, when judged to be without sufficient cause.

Thirdly: The doctrine taught by this Assembly respecting schism, is the scriptural doctrine on that subject, as it has ever been held in our church. Schism is separation from the church without adequate cause. It is a breach of Christian fellowship and subjection, enjoined by Christ on his people. This has ever been regarded as a great sin. No man is justifiable in thus breaking up the unity of the church, unless he is required to profess or to do something which the Bible condemns as false or wrong; or unless he is prohibited from professing or doing what the Bible commands. We, as Presbyterians, are required to profess and teach nothing but what is contained in our doctrinal standards, and we are required to do nothing but to conform to the form of government and discipline which we have voluntarily adopted. It would be a sad thing if the Union of the United States should be dissolved because Congress should enact an unjust tariff, or an unconstitutional bank-law, and it would be equally grievous if the church were to be rent asunder every time the General Assembly should, in the

judgment of a portion of its members, err in their testimony or injunctions.

Fourth: This Assembly teaches the scriptural doctrine concerning slavery. It distinctly asserts that slaveholding is not a sin or a bar to Christian communion. This it does in two ways: First, by declaring that the recent testimonies on this subject are not to be understood in any sense inconsistent with the former deliverances of the church. But, in 1845, the scriptural doctrine on this subject was not only distinctly stated, but elaborately sustained. The Assembly declares that it still adheres to that deliverance, and virtually reiterates it. Secondly, by saying that the errors intended to be denounced, the renunciation of which was insisted upon, were, 1. That slavery is a divine institution, "in the same category with marriage and civil government," (and therefore to be perpetuated and extended)—and, 2. That it is the mission of the church to conserve the institution. These declarations of the Assembly are contained in the paper offered by Dr. Krebs and in the Pastoral Letter.

Fifth: The Assembly takes scriptural and liberal ground on the subject of Christian union. It declares that it is desirous of retaining, or receiving into the church, all who sincerely adopt our standards of doctrine and government, who adhere to the testimony of the church, as just explained by the Assembly, and are willing to submit to its legitimate authority, that is, who are not schismatical in their spirit and measures. These principles are, in the paper presented by Dr. J. T. Smith, specially applied to the Southern churches. With regard to whom the Assembly says that it "greatly deploras the continued separation between ourselves and our Southern brethren, so long united in the bonds of Christian love and ecclesiastical fellowship; and expresses the earnest desire that the way may be soon opened for a reunion on the basis of our common standards, and on terms consistent with truth and righteousness."

In view of these declarations, it is the obvious duty of every minister and member of our church to labour to allay all further alienation and strife. We have here a platform, broad, scriptural, and just, on which the whole church, north, south, east, and west, may unite.

The two General Assemblies meeting at the same time in St. Louis, gave occasion to friendly intercourse between the two bodies. Messages of kind greeting were interchanged, and they united in the celebration of the Lord's Supper. All this met, and will meet, with general approbation, as tending to the promotion of Christian fellowship. Rev. Dr. Nelson appeared in our Assembly, and made a conciliatory and eloquent address. In his reply, Dr. Stanton, as Moderator, reciprocated the assurances of brotherly regard, and expressed himself as decidedly in favour of a closer union between the two bodies. He was understood to intimate that the principal causes of separation had been pro-slavery tendencies on the part of the Old-school, and laxness in matters of order on the part of the New-school. We are not sure that this was the meaning of the Moderator, although he was so understood by many of his hearers.

There cannot be a greater historical error, nor a more injurious imputation on the Old-school Church, than to insinuate that a zeal or tenderness about slavery was the motive which guided its action in 1837 and 1838. There is not a word about slavery in the Act and Testimony, nor in the proceedings of her convention, which sat in 1837 alongside of the Assembly; nor in any of the official documents on either side relating to the separation, nor in the debates which occupied the time of the House. To suppose that such men as Dr. R. J. Breckinridge, the early and faithful advocate of emancipation in Kentucky; the venerable Dr. Elliot of Pittsburgh; the late Dr. Green of Philadelphia, one of the authors of the testimony against slavery, adopted in 1818, and the whole Old-school body, especially the whole Synod of Pittsburgh, then regarded as the backbone of the church; to suppose, we say, that such men, while professing zeal for doctrine and order, were really influenced by a desire to protect slavery, is to suppose them to be hypocritical and dishonest—a set of false-pretenders. We have no idea that Dr. Stanton intended any such imputation, although his speech, unfortunately, is adapted to give some countenance to this slander, which has been frequently uttered by the more reckless among the enemies of our church. The avowed and real causes of separation were: 1. That while the Old-school insisted

on the cordial adoption of the system of doctrine taught in our standard, as the condition of ministerial communion; the New-school maintained that all that was required was the adoption of "the fundamental doctrines of religion." On this ground it was notorious that they freely received and ordained, as ministers, men who denied many of the distinctive principles of our system; that is, the principles which distinguish the doctrine of the Reformed Church from Pelagianism, Semi-Pelagianism, and Arminianism. 2. The other cause of separation was, that the New-school received Congregational churches and ministers into organic union with our body; allowing men who had never adopted our standards, and who refused to adopt them, to sit in all our church courts and administer the discipline and government of the church. If these causes still exist, then the union of the two bodies would involve, on our part, an utter dereliction of principle. It would be a surrender at discretion. It would be an acknowledgment that we had been either false or misguided in all that was done, in effecting the deliverance of the church; or it would evince that we ourselves had apostatized from the faith of our fathers, and were willing to sacrifice our faith for unworthy ends. It would also be a grievous breach of trust, and would forfeit morally, if not legally, our title to the endowments of all our institutions. These endowments were given to a body holding the distinctive principles of the Old-school, and because it held them. In many cases, and those involving the largest benefactions, the money was given to the Old-school body as such, and is forfeited if it loses its distinctive character.

If the causes above specified have ceased to exist, then, there is no valid objection to the union of the two Assemblies. We believe, however, that they exist now in all their original force. The principle of lax interpretation of the Confession of Faith has of late years been all but officially avowed by the New-school. This was done in the *History of the Presbyterian Church*, recently set forth by their Publication Committee. The organ of their church in Philadelphia, says, if the union takes place, it must be on the principles of "*liberal* Presbyterianism." We know what liberal Christianity means, and it is not hard to understand what is meant by "*liberal* Presby-

terianism." It is no less notorious that the New-school has never taken official action against union with Congregationalists. There are Presbyteries in their connection with scarcely a single Presbyterian church within their limits. While, therefore, we believe that there are many sound Presbyterians in the New-school body, with whom we should rejoice to be united, we are persuaded that the great body, at least of the older members of our church, would regard an organic union of the two Assemblies as a great calamity, and as a great sin against our own principles. The principal danger on this subject arises from the fact that the separation between the Old and New-school occurred nearly thirty years ago; and consequently, a great part of our younger brethren are ignorant of its causes and necessity, and are, therefore, not prepared to estimate the gravity of the interests at stake.

This subject was brought before the Assembly in several overtures, which were referred to the appropriate committee, who reported the following resolutions, which were adopted:

*Resolved, 1.* This Assembly expresses its fraternal affection for the other branch of the Presbyterian Church, and its earnest desire for re-union at the earliest time consistent with agreement in doctrine, order, and polity, on the basis of a common standard and the prevalence of mutual confidence and love, which are so necessary to a happy union and to the permanent peace and prosperity of the united church.

*Resolved, 2.* That it be recommended to all churches and church courts, and to all ministers, ruling elders, and communicants, to cherish fraternal feelings, to cultivate Christian intercourse in the worship of God and in the promotion of the cause of Christ, and to avoid all needless controversies and contentions.

*Resolved, 3.* That a committee of nine (9) ministers and six (6) ruling elders be appointed, provided that a similar committee be appointed by the other Assembly now in session in this city, for the purpose of conferring in regard to the desirableness and practicability of re-union; and if, after conference and inquiry, such decision shall seem to be desirable and practicable, to suggest suitable measures for its accomplishment, and report to the next General Assembly.

The following committee was appointed by the Moderator:

*Ministers.*

- J. M. Krebs, D. D., Synod of New York.  
 C. C. Beatty, D. D., Synod of Wheeling.  
 J. T. Backus, D. D., Synod of Albany.  
 P. D. Gurley, D. D., Synod of Baltimore.  
 J. G. Monfort, D. D., Synod of Cincinnati.  
 W. D. Howard, D. D., Synod of Pittsburgh.  
 W. E. Schenck, D. D., Synod of Philadelphia.  
 Villeroy D. Reed, D. D., Synod of New Jersey.  
 F. T. Brown, D. D., Synod of Chicago.

*Elders.*

- James M. Ray, Synod of Northern Indiana.  
 Robert McKnight, Synod of Allegheny.  
 Sam'l Galloway, Synod of Ohio.  
 H. K. Clarke, Synod of Sandusky.  
 Geo. P. Strong, Synod of Missouri.  
 Prof. Ormond Beatty, Synod of Kentucky.

*The Hymnal.*

The committee to whom had been assigned the preparation of a new Hymn Book, notwithstanding the amount of adverse criticism they have encountered, succeeded in getting their work sanctioned, and authorized to be used in the churches. It has, however, been referred to an enlarged committee, to be modified and increased in size. While it is impossible, in matters of taste, to please everybody, we gather from what has been of late written on the subject, that there are certain points in which there is a general agreement: 1. We should have but one book,—the use of two or more is inconvenient, awkward, and expensive. 2. Whatever may be said on general principles, it is a historical fact, not to be ignored, that the Presbyterian Church, in Great Britain and America, is addicted to the worship of God in the use of the Psalms of the Old Testament. Their omission from a book designed for general use does violence to all our traditions and to the spirit of our church. There should be at least one metrical version of every Psalm. 3. It is to be remembered that singing in the sanctuary

is an act of worship. Didactic, exhortatory, or sentimental prayers are admitted to be offensive and unedifying. Hymns of like character are equally objectionable in public worship. 4. Hymns for children are as much out of place for a book designed for the sanctuary, as nursery prayers in a liturgy. 5. The mutilation or alteration of hymns should be avoided. The pastor can select the portions of a hymn he desires to be sung. It is commonly unnecessary thus to change an author's productions. Such changes are almost always for the worse; and often do violence to the cherished associations of the people, who are attached to the hymns in the form with which they are familiar. The thanks of the church are due to the committee for the labour, taste, and talent, exercised in the production of the new book. We hope they may be able so to modify it as to give general, if not universal, satisfaction.