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No. I.

Archibald Alexander

Art. I.—*The Established Church of Scotland, with an account of the secession from the same.*

By a statistical table of the established Church of Scotland, published in 1720, the number of ordained ministers is 948; by a similar table of 1833, the number of pastors is 967; and the number of parishes 957. The increase of the clergy, therefore, in a space exceeding a century, does not amount to twenty; although, in that period, the population of the country must have been nearly doubled. It must be remembered, however, that the secession, which now includes one-fourth of the population, has occurred in this period; and other dissenters have also multiplied their numbers. These tables also, it is believed, do not include the ministers of the chapels of ease, and such as are without pastoral charge; such as professors in colleges, and tutors in private families; for we observe, that in the table of 1833, no minister is entered on the list, who is not the pastor of a parish. The reason, therefore, why the clergy are more numerous than the parishes, is that some parishes have more ministers than one.

In the former table, the number of synods is thirteen and the number of presbyteries sixty-seven; in the latter

may be forgiven, but bigoted attachment to truth is an unpardonable crime. This critical injustice is a crying sin in Germany, and is creeping upon us. Let us shake the viper off. Let us learn to judge an author by the merit of his writings, and not by the obloquy or silence of his enemies. The infidels of Germany have been bedaubed with eulogy *usque ad nauseam.* When will the struggling pietists be noticed? Even admitting that they are inferior, (Tholuck and Hengstenberg may serve as an example,) does not the goodness of their cause entitle them at least to our compassion? For ourselves, we are determined not to echo the decisions of a party, and an anti-christian party too, in Germany, on these important subjects, but on suitable occasions to appeal from the inexorable judgment of neology to that of revelation and our readers' common sense.

Art. V.—*New Ecclesiastical Law.*

Samuel Miller

It has been lately announced that the Synod of Philadelphia, at its annual meeting in Gettysburg, in October last, adopted, and proceeded at once to enforce, a doctrine in reference to ecclesiastical proceedings, which appears to some altogether novel, and truly extraordinary. The doctrine is this,—"That no *complaint, appeal,* or *protest,* can be admitted by any judicatory, except in *judicial cases.*" In adopting this doctrine, the Synod seems to have intended a distinction between what they denominated *legislative* acts, and *judicial* decisions; meaning by the latter, cases of regular judicial process, in which there are parties, charges, and a judicial sentence; and by the former, all acts of ecclesiastical bodies in which they prescribe laws, express opinions, or perform any other legislative or executive functions. And, therefore, when the Synod, by a large majority, had passed a vote, adopting the "Act and Testimony," a respectable minority was refused the privilege of entering their protest against the decision. The reason assigned for this refusal was, "that the Synod never rendered any *judgment,* in its proper sense, in relation to the "Act and Testimony;" that no judicial matter had been before it in relation

to that document; and that, therefore, no protest could be admitted in the case."

We had heard of this doctrine being broached and advanced with much confidence by an individual, a number of months before the meeting of the Synod. It never occurred to us, however, as possible, that it should receive countenance from gentlemen of experience and reflection. Few things have therefore surprised us more than to hear of its adoption by the venerable Synod of Philadelphia. How this fact is to be accounted for, we will not attempt to conjecture. It is of more practical importance to show that the doctrine here assumed, cannot in our opinion, stand the test of a moment's examination.

The question, whether the doctrine adopted and acted upon by the Synod, is correct or otherwise, can be ascertained only by appealing to two sources of proof, viz. *First*, how does *precedent* speak? What has been the *usage* of the Presbyterian church in reference to this matter? And, *secondly*, what are the dictates of reason and common sense on the subject?

I. In deciding *what is law* in an ecclesiastical body, if we can find out what has been its long and uniform *practice*, the question is answered. In Church, as well as in State, there is a *common* as well as a *statute* law. In the present case, it is believed no doubt can exist how the matter stands. Reference will first be had to the practice in *our own church;* and then to that of the church of *Scotland*, which, more than any other, perhaps, we own as our ecclesiastical mother.

In the Presbyterian Church in the United States, it is manifest that appeals, complaints and protests, have ever been allowed in all sorts of cases. Whenever a judicatory has decided any question which came before it by a vote, —whether the question were legislative, declarative, executive or strictly judicial—in any and every such case, both theory and practice allow of appeal, complaint and protest, at the pleasure of the party wishing to offer either. Accordingly, it is declared, in chapter VII. section 2d. of the Book of Discipline, as follows—"EVERY KIND OF DECISION WHICH IS FORMED IN ANY CHURCH JUDICATORY, except the highest, is subject to the review of a superior judicatory, and may be carried before it in one or the other of the *four following ways.* 1. *General Review and Control.* 2. *Reference.* 3. *Appeal, and* 4. *Complaint.*" Words cannot be more express. "*Every kind of decision*"—(the most comprehensive lan-

guage possible) that can be formed by an ecclesiastical judicatory, may be regularly opposed by appeal, complaint, &c. And, lest it should be contended that the term *judicatory* is never applied to our ecclesiastical assemblies, excepting when they sit in a strictly judicial capacity—nothing is more certain from our whole form of government than that this plea, if made, would be altogether untenable. Whoever will look over the chapters, both on government and discipline—will find this term applied to all our ecclesiastical assemblies, however convened, or on whatever subject they may be employed in deliberating. We are told of the members of the judicatory; the time of meeting and mode of convening the judicatory; the moderator of the judicatory, &c. &c.; forms of expression which plainly imply that the title in question is applicable to the body in all the diversity of its circumstances, and deliberations.

Perhaps it will be said that the declaration just quoted from the VIIth chapter and second section of the Book of Discipline, was not adopted until the year 1821, and, of course, may be a novelty in our church. It is true, that chapter made no part of our public formularies until the year just mentioned. But then it is equally true, that more than thirty years before that time, when the General Assembly was first organized, the following article appears in the system of Rules adopted for the government of that body:—"Any member who may think himself aggrieved by a decision of the General Assembly, shall have his dissent or *protest*, with his reasons, entered on the records of the Assembly, or filed among their papers, if given in before the rising of the Assembly." Here the same general language is used as before—"a decision of the Assembly"—any decision—no matter what its subject, or its form,—it may be made the object of a *dissent* or *protest*.

Such, then, is, and has long been, the *law* of the church in reference to this matter. Let us now see what has been her *practice*.

We have been in the constant habit of attending on the judicatories of the church, in all their grades, for more than forty years; and we never knew or heard of an individual who doubted the right of appeal, complaint, and protest, in all sorts of cases. Wherever there was *a vote* taken—a decision adopted, let the subject be what it might—not only was there liberty for all to vote in the negative

who chose to do so; but if they thought the decision a matter of sufficient importance, they were also at liberty to protest, and complain to a higher judicatory. Formerly, indeed, the distinct section on *complaints*, had no place in our book. The *thing*, however, was known and practised; though the *doctrine* of complaints had not been so distinctly defined and laid down, as that of appeals. And, accordingly, many a time, and on a great variety of occasions, we have participated in protests, &c. in all sorts of cases, without dreaming that any one ever thought of confining the privilege to cases of *process* only.

But the experience and the recollection of an individual, may, perhaps, be distrusted. And although no minister of the Presbyterian Church has been met with, whose opinion and recollection were not precisely the same with that which has been expressed; yet many will not be satisfied even with this. The archives of the church are better than cursory assertions. *Litera scripta manet.* Let us, therefore, appeal to public records, which cannot lead us astray.

In the year 1826, the General Assembly, after much discussion respecting the location of the Western Theological Seminary, determined, by a vote, to postpone fixing the location for another year. Against this decision the Reverend *Joshua L. Wilson*, of Cincinnati, entered his solemn PROTEST, accompanied with five reasons, which still remain on permanent record.

In the very same General Assembly, (of 1826,) Mr. *Josiah Bissell*, of Rochester, presented a commission to the Assembly, as a ruling elder, and was, after much discussion, received; though it was proved and admitted that he had never sustained that office. Against this decision to receive Mr. B. *forty-two* members of the Assembly entered their solemn PROTEST, supported by three reasons. Surely there was no judicial process here, in the sense understood by the advocates of this new doctrine. Among the subscribers to this protest, appear the names of several gentlemen, who seem to have voted in favour of the *new doctrine* in the Synod of Philadelphia, viz. the Reverend *William L. M'Calla*, *Samuel Martin*, *Henry R. Wilson*, *George Potts*, &c. &c. No one seems to have doubted that this protest was admissible; and the majority who received Mr. B. appointed a committee to answer the opposing protest, and their report appears on record.

In the General Assembly of 1828, that body resolved, by a vote, to re-organize the Board of Missions. In opposition to this act a solemn *protest* was presented and read, by a minority of the Assembly. Nor does the right of protesting on such an occasion seem to have been, for a moment, questioned.

Again, in the General Assembly of 1831, a *committeeman*, from one of the western Presbyteries, appeared with a commission for a seat in that body, as a ruling elder. After considerable discussion he was received, and enrolled as a member. Against this decision a formal *protest* was entered by *sixty-seven* of the minority. And it is worthy of notice, that among the subscribers to this *protest*, the following names are found, every one of which, it is believed, is now recorded, in the Synod of Philadelphia, in favour of the new doctrine, viz. the Reverend *Robert J. Breckinridge, William Latta, John Hutchinson, Alexander Boyd, Ashbel Green, Thomas M'Keen, Samuel Martin*, &c. &c.

At the same General Assembly, (1831,) a resolution was adopted, expressing an opinion that, in future, *committeemen* ought not to be delegated to the General Assembly. Against this expression of opinion, a *protest* was offered, accepted, and recorded, signed by thirty members of the minority.

These cases are considered as decisive. Enlargement on them is unnecessary. And if we had been accustomed to print the records of our Presbyteries and Synods, no doubt, nothing would be more easy than to cite scores of similar cases from them.

Let us now turn to the Church of *Scotland*, from whose proceedings it is hardly necessary to say to any intelligent Presbyterian, by far the greater portion of our rules and habits are derived. And here, it is believed, testimony no less unequivocal against the new doctrine will be found.

Perhaps no source of information, with regard to the judicatories of Scotland, is more decisive, or carries with it greater authority, than the "View of the Constitution of the Church of Scotland," by the Reverend Principal *Hill*, published a little more than thirty years ago. In this work, (p. 222,) we find the following explicit statement—"EVERY ECCLESIASTICAL BUSINESS THAT IS TRANSACTED IN ANY CHURCH JUDICATORY is subject to the review of its ecclesiastical superiors, and may be brought before the court immediately above in *four* different ways:—1. by *Review*, 2. by *Refer-*

ence, 3. by *Appeal*, 4. by *Complaint.* Here we have a language somewhat different from that employed in our own book of discipline, in the corresponding part, as before quoted; but no less decided and comprehensive. "*Every ecclesiastical business that is transacted*" in such a body, may be brought before a higher court by *appeal* or *complaint*, and, of course, by a *protest*, which commonly accompanies a complaint. Language more comprehensive and unqualified could not have been used.

With regard to *precedents* in the Church of Scotland, we lament that we happen to have access to the minutes of the proceedings of the General Assembly of that church for one year only, viz. 1833. On opening these minutes, we find, at once, a case exactly in point. The Presbytery of Dumfries appointed a certain minister a commissioner to the General Assembly. A reverend member of that Presbytery thought that the appointment was not constitutionally made, and entered his *protest* against it, which was readily admitted, and sent to the Assembly, who received the protest—considered the case—and *unanimously* resolved that the commissioner was duly appointed. Here was no case of *judicial process*, as will be instantly seen. Yet we find no objection made to the right of *protest*, on the part of either the Presbytery or the General Assembly.

So much for the law of the Presbyterian Church in relation to this matter, as ascertained by established and unquestionable *precedent.* Let us now attend—

Secondly, to the dictates of *reason* on this subject. And on this branch of the inquiry, it is apprehended that many words will not be necessary.

The right of *complaint* and *protest* is a privilege granted to members of minorities in judicatories, by which they are enabled constitutionally to oppose what *they consider* as erroneously done. It is one of the great safeguards of our ecclesiastical system, which it is of the utmost importance to maintain without let or hinderance. If one of our inferior judicatories, in a moment of prejudice or passion, should adopt an unwise judgment, even by an overwhelming majority; still, if there be but *one member* of the body who takes a different view of the subject, and who considers it as of sufficient importance, he may enter his *protest*, and *complaint*, against the decision, and thus bring it, in spite of all resistance, before the next highest judicatory.

Now, it may be asked, can any good reason be assigned why this precious privilege of protest and complaint should be enjoyed in cases of judicial process, and refused in cases of great legislative, executive, or declarative enactment? Is it more reasonable in itself, or of more importance to the church,—that the members of a minority should have the privilege of protesting and complaining against a decision, by which a man charged with intemperance is suspended from communion, than that they should enjoy the same privilege, if a great declaratory act were passed, committing principle, and perhaps entailing permanent injury on the church? Suppose the Synod of Philadelphia, (for in trying general principles we must suppose the worst,) instead of passing an act adopting the "Act and Testimony," (concerning which we do not, at present, say a word, as it is for general principles we are now pleading,) had passed a solemn declaratory act, pronouncing that, in their opinion, the doctrines taught by *Pelagius* were in no respect inconsistent with our confession of faith; would it have been reasonable to deny to a faithful minority the privilege of protesting and complaining? Yet, according to the doctrine of the Synod, such a privilege could not have been enjoyed. They might, indeed, have entered on the minutes their simple, naked *dissent;* but the moment they should have undertaken to *reason* and *remonstrate* on the subject, and, in short, to treat it as the magnitude and danger of its injurious character demanded, that moment they would have shut themselves out from the opportunity of acting at all! Can this be considered as just or reasonable? Can it be regarded as a proper use of the constitutional principle, which secures to every member of our respective judicatories the privilege of regular opposition to what he deems unwise or mischievous measures?

Let it not be said, in reply to these appeals, that in all decisions, members who are opposed to the measure carried by a vote of the majority, may enter their *dissent* on the minutes; and that these minutes will, of course, go up to be reviewed by the judicatory next above; when an opportunity will be given to correct any thing wrong in the proceedings. Why not say the same in regard to cases of *judicial process?* Surely they too will come up in the same manner, and undergo the same review. Why allow specific appeals, complaints, and protests, with regard to *them?* Certainly not on account of their greater importance; for,

in a multitude of cases, they are, to all human appearance, of unspeakably less importance than great declaratory acts, which may have an influence on the character of a whole church for ages to come.

But the minutes of presbyteries and synods are not always, in fact, punctually carried up, every year, to the next superior judicatory. Cases of failure often occur, even in the limited territory and dense population of the Church of Scotland; but much more frequently in the scattered and far-distant churches of the United States. Presbytery and synod books may fail of being produced by unavoidable accident, or by sinister design. Judicatories, conscious of having passed questionable acts, may intentionally keep back their records, fearing a vote of censure from a higher court. In short, in this manner they may be withheld from review for several years, until the time has passed in which the review could be of any avail.

Besides, when the records of the court below *are* examined by a superior judicatory, it is commonly done by a *small committee*, who may perform their duty in a hasty and superficial manner, and may unintentionally overlook important matters. How unsafe to leave erroneous decisions of great magnitude to this contingency! How much better to have the supposed error embodied in a *protest*, brought up by those who presented it, and explained and urged by those who understand its bearing, and take an interest in the issue! In this case, the records will be more likely to come up with regularity, and the whole subject to be examined with more care and justice.

It is perfectly evident, then, if the right of complaint and protest is to be of any real value to the members of our judicatories, that it must be allowed in legislative and declaratory acts, and is of just as much importance in regard to them, as in respect to judicial process, and often unspeakably more. The whole *reason* of the right applies as really to the former as to the latter. And if we once begin to muzzle dissenting members in this manner, who can tell where the prohibitory system is to end?

It is probable that the erroneous views taken by the synod on this subject—for such, with great deference, we are constrained to regard them—have been derived from an improper comparison of our judicatories with *civil courts*. Analogies of this kind must not be pressed too far; or they will inevitably lead to false conclusions. Much in-

struction, in ecclesiastical proceedings, may, no doubt, be derived from the enlightened study of the statute and common law of the land. But there is danger of being led astray by too much devotion to the principles and precedents of secular courts.

There is, perhaps, some reason for begging pardon of the readers of these remarks, for dwelling so long on a point so exceedingly plain. But respect for a venerable synod has led to an examination of the new doctrine, more extended and more careful than would have been thought proper, if it had been the speculation of an individual only.

Art. VI.—*The Lord Jesus Christ the example of the Minister.*

From the first months of childhood much that we learn is from imitation. What we see others do is thenceforth easier to ourselves, and in accordance with this principle of human action, God addresses us as imitative beings. We are told to be "imitators of God as dear children;" but lest the splendour and incomprehensibility of the divine model should confound us, "God manifest in the flesh" is made our example. The words of Christ have a wider application than to the eleven, "I have given you an example, that ye should do as I have done to you." And all secondary or intermediate patterns, (though Paul himself sit for the picture,) are to be compared with the lovely original. It is true of believers in general, that they ought to imitate the example of Christ and all coincident examples. It is true in a higher sense of ministers. To them Paul says, as to the Corinthians, "be ye imitators of me," or rather of Christ in me. For observe, the holy apostle represents himself as only the reflector of Christ's radiance; and therefore we are justified in leaving the mirror, and directing our views to the Sun.

The Lord Jesus Christ is in some way, nay in most respects inimitable. The two natures must be distinguished. In his divine nature Immanuel has no ministerial work;