

THE SOUTHERN PRESBYTERIAN REVIEW.

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ARTICLE I.

THE BENEFITS OF INFANT BAPTISM.

It is not our purpose, in this article, to show the warrant which the Church has for the practice of infant baptism; either by reproducing the arguments and proofs which her talent and learning have so abundantly furnished, or by the presumptuous attempt to bring forward new arguments. We propose the humbler but important task of considering the advantages of this practice, of answering the utilitarian question so often asked, *cui bono?*—asked with triumph and complacency by the polemic, and yet with honest doubt by some who seek to know the truth. We wish to look at the subject on its practical side. Let us premise, however, that the validity and obligation of this practice do not by any means turn upon the question of its advantages. No matter how many benefits we might show to arise from it, unless we believed that we have divine authority for it, we would not dare to continue it. We have no right to

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ARTICLE V.

THE NORTHERN GENERAL ASSEMBLY (O. S.) OF
1866.

Although we are not connected with the denomination represented in this Old School General Assembly, and hence have no direct interest in it, or in what it may do, there are many reasons why it is becoming and necessary for this Review to take notice of some of the extraordinary proceedings which have characterised the recent sessions of that body. Among these reasons, we may mention, 1. That the said Assembly is the supreme court of the largest body of orthodox and evangelical Presbyterians on earth. This fact gives to its proceedings an artificial importance which can attach to no other such body, and which do not belong to the proceedings themselves. 2. The acts of the recent Assembly have put the great principles of Presbyterianism to a test to which they were never subjected before; certainly not on this continent. 3. The Constitution of our Church and that which controls the said Assembly, is the same; and all the decisions which that body has reached concerning it, cannot fail to arrest attention among us; for whatever is constitutional with them must needs be so also with us. 4. The attention which that Assembly continues to bestow on our Church forces us to observe its proceedings narrowly, and to weigh their influence and probable effects upon us as a denomination. 5. We were ourselves members of that Church until recently, when forced out of it by the action of its General Assembly. And although, if we know our own heart, we are thankful, and daily render thanks to God for the fact, that we are out of it; that we are free from its contests, alienations, and divisions; and that we are permitted to address ourselves to the great work which is before us, in peace, quietness, and harmony; nevertheless, we look with more hope toward it than we do toward any other body of the North; and we expect, for the sake of "auld lang syne,"

and notwithstanding all that has happened, to observe its proceedings with a more abiding interest than those of any other denomination except our own. 6. And last, though not least, the effect which these recent proceedings is likely to have on the general interests of evangelical Presbyterianism, challenges the thoughtful interest of every man who loves the doctrines of grace and the order of God's house, as set forth in our common standards.

We take no pleasure in the divisions which afflict the Old School body. Again, as good old David Nelson used to say, we have Presbyterian arrayed against Presbyterian; the strength, the energy, and the talents, which ought to be employed in promoting the common cause, and in carrying the war into Satan's camp, are exerted for the triumph of party; and stalwart arms hurl powerful blows, Presbyterian against Presbyterian. We do not love these scenes; and while we can fully understand and appreciate the position of those who, in that Church, are called on to take part in unhappy controversy, nevertheless, we mourn over the necessity for it. Yea, we would have rejoiced before God, had the action of the last Assembly been such as to commend itself to the Christian conscience of the whole denomination; such as to restore peace to that Church and harmony to its courts.

We do not design to give anything approaching a history of this Assembly, or a review of its entire proceedings. Those that are prominent, possessing special and permanent interest, because of their extraordinary nature, are all we shall pass under our criticism. We must refer our readers to the newspapers, for the current debates, and other matters of interest pertaining to it.

The Assembly was very full—not the largest Assembly which ever met, but the fullest delegation ever present from the Presbyteries now belonging to it. Throwing out the eight foreign missionary Presbyteries, but one of which was represented, every ministerial delegate was present, except two from California. All the ruling elders were present except fourteen. An unusual number of the members had long occupied prominent positions, and exerted a commanding influence in the Church. The del-

agation of the eldership, in proportion, was as distinguished as that of the ministry.

On examining the reports of the respective Boards, we observe that while the Boards of Domestic Missions, Publication, and Church Extension, enjoy an average of prosperity, that of Foreign Missions suffers greatly with diminished resources; and these subject to heavy discount in making remittances in gold or its equivalent to the foreign stations. Moreover, the abstract in the minutes says nothing about it, but the newspapers represent a falling off in the receipts and in the number of candidates of the Board of Education. These lamentable results as to the two Boards most likely to be affected by them, may be accounted for, partly, because of the alienations and divisions now existing in the Church, as their immediate and necessary effect, creating a want of confidence; partly, because the things of Cæsar, in the courts of the Church, and even in the worship of the sanctuary, have assumed so much prominence in many places, that the true work of the Church has dwindled into insignificance; partly, because under the instructions of the Assembly of 1865, the funds contributed by the churches must all be used in the interest of the dominant party in the Church; and partly, by the necessity laid on the minority in the Church to contribute to the support of their brethren, who are under the ban of the Boards. There may have been other reasons, but we doubt not all these have had a most potent influence in preventing a large increase in the receipts of all the Boards, at a time of unprecedented prosperity throughout the whole North.

The Seminaries enjoy an average of prosperity, except Danville, which has finally succumbed to the circumstances which surround it, and has closed its doors. The wide division of sentiment on the questions now agitating that Church in the Synod of Kentucky, within whose bounds the Seminary is located; and especially the fact that the oldest and the youngest professors have been out of sympathy with a majority of the Synod on these distracting topics, and in full sympathy with the current influence in the Church; while the remaining professors have been in full sympathy neither with the Church, the Synod,

nor their colleagues, has led to a result which Dr. Breckinridge foresaw, and one year ago wished to anticipate. The proceedings of the Assembly seem to look toward a removal of the institution to some other point. If removed, certainly it will not be sent further South; and we cannot suppose that those funds contributed to the Seminary in the South-west, simply because of the nearness of the location of the institution to that section of the country, can be taken to any point more remote.

Dr. E. D. McMaster was appointed to the chair of Theology in the Chicago Seminary. Two or three times before, his claims to a similar position have been canvassed in the Assembly; and although his attainments have always been recognised, he has heretofore been passed over, because he was not in harmony with the Church on the subject of slavery. But now, as the Church has been converted to his views on these subjects, and he and it are in full concord on "doctrine, loyalty, and freedom," we think it was very suitable in this Assembly to acknowledge their accession to his position by electing him to the very chair from which he had previously been excluded because of this variance of opinion. The Assembly have made the *amende honorable* in the most honorable way to Dr. McMaster.

But these matters pertaining to the ordinary work of the Church, occupied but an insignificant share of its attention. The absorbing matter was the "Declaration and Testimony," prepared and issued by the Presbytery of Louisville, and which was subsequently signed by a large number of ministers and elders, principally within the bounds of the Synods of Kentucky and Missouri. This document, and the papers connected with it or occasioned by it, occupied three-fourths of the time of the General Assembly; and like the lean cattle of Pharaoh, consumes almost every thing else in the portly pages of the Princeton Review.

This Declaration is quite a large pamphlet—entirely too large for insertion here. We must content ourselves with a brief synopsis of it.

After a solemn preamble, in which the gravity of the occasion and the imminency of the dangers which surround the Church

are set forth, the signers proceed to testify against error in doctrine and irregularity in the practice of the General Assembly, in the following fourteen particulars, viz. :

“1. Against the assumption, on the part of the courts of the Church, of the right to decide questions of State policy.”

“2. Against the doctrine that the Church, as such, owes allegiance to human rulers or governments.”

“3. Against the sanction given by the Church to the perversion of the teachings of Christ and his apostles upon the subject of the duty of Christians, as citizens, to render to Cæsar the things that are Cæsar's, and to be subject unto the higher powers.”

“4. Against the action of the Assembly on the subject of slavery and emancipation in 1864, and as confirmed in '65.”

“5. Against the unjust and scandalous contradiction of their own recorded testimony, and the well known facts in regard to the labors 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.”

“6. 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 the elections.”

“7. 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.”

“8. Against the sanction which has been given, both directly and indirectly, to the usurpation, by the secular and military power, of authority in and over the worship and government of the Church.”

“9. Against that 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.”

“10. 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.”

“11. Against the wide-spread and destructive perversion of the commission of the ministry and the province of Church courts.”

“12. 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.”

“13. Against that act of the Assembly by which the Board of Domestic Missions (that is, the Executive Committee at Philadelphia or its Corresponding Secretary,) are constituted a court of final and superior jurisdiction, to judge of the orthodoxy of the ministry and the soundness of their views touching the nature of the government of the United States, the doctrine of State rights, the freedom of the negroes, and the various important questions touching their social and civil *status*, now and prospective.

“14. 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. We testify against any test of a religious character, in order to the exercise of the rights of citizenship; and against any political test whatever as a qualification for membership in the Church, or the exercise of the functions of the gospel ministry.

“REASONS FOR THIS TESTIMONY.

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

“1. 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.”

“2. Because they are contrary to the doctrine of the Presbyterian Church, as taught in her Confession, Catechisms, and Constitution.”

“3. Because they tend to obliterate all the lines of separation between the civil and ecclesiastical powers, to confound their jurisdictions, to identify them with each other, and so to destroy the freedom of both.”

“4. Because they have brought the ministry and the ordinances of religion, and the authority of the Church into public disrepute.”

“5. Because they tend to keep up strife and alienation among

brethren of a common faith, and thus delay the pacification of the country."

"6. Because they are schismatical."

The closing paragraph of this branch of the Declaration, and the concluding part of the whole document, we give in full, as follows, viz. :

"Against this corruption and betrayal, therefore, we testify in the sight of God and angels and men. We wash our hands of all participation in its guilt. We declare our deliberate purpose, trusting in God, who can save by few as well as by many, to use our best endeavors 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 endeavor, we pledge ourselves to assist and co-operate 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 doctrine, 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.

"And now, dear brethren in Christ, that without delay we may begin this arduous and most important work, to you who like ourselves are servants of the Lord Christ; 'who adhere to the plain doctrines of the cross as taught in the Standards of the Westminster Assembly; ' to all of you who love your ancient and pure Constitution; to you who are grieved for the afflictions of Jacob, and desire to restore our abused and corrupted Church to her simplicity, purity, and liberty; we a portion of yourselves, ministers and elders of your churches, would propose, most respectfully and kindly, and yet most earnestly :

"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 recognise 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 organised 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 any where 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 corruption 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 into the hands of Him who is over all, God blessed forever. AMEN.'

"NOTE.—Some portions of the above recommendation, together with most of the closing paragraph, are taken from the Act and Testimony, A. D. 1835."

Whatever else may be said of this document, no one can hesitate to attribute to it the meed of praise for marked ability. Nor can any one fail to perceive that the spirit which animates it is that of intense earnestness and concern for the interests of the Church of God. The names appended to it are, in large part, certainly those of men who have been zealous and faithful officers in Christ's house, and who have done much for the up-building and strengthening of the Presbyterian Church in by-gone days; many of them are men whose praise is in all the churches. For their number, a list of greater character and

respectability could not readily be secured to any document on any subject.

The paper itself, however, is liable to some criticism. On our first reading of it, we were impressed with the belief that it would fail to produce the effect designed. As a declaration of principles, it is entirely too voluminous. The authors of it could scarcely expect the argumentative parts of it to be largely signed. Men who agree in their opinions do not often arrive at their convictions in exactly the same way; and hence multitudes who might have held views coincident with those of the signers of this paper, would be deterred from affixing their names to it, because they did not concur in some of the reasoning contained in it. Moreover, there was a vehemence of expression which would be distasteful to many who might approve of it in every other respect. Many who were anxious to testify against the erroneous and hurtful doings of the General Assembly, might be slow to use such strong language about the Assembly itself.

But while some may hesitate to approve of the forms of expression occasionally employed, on the other hand we may affirm that Presbyterians have always indulged in a very free criticism of the doings of their church courts. Indeed, this has been deemed their birth-right; and arises out of the doctrine of the Church that Synods and Councils are liable to err. This doctrine is designed to be incorporated in the very vows of ordination where the candidate simply promises to be subject to his brethren "in the Lord." This is at once a confession of the supreme right of Christ as King and Head of the Church, and of the fallibility of tribunals composed of fallible men. Now, though these brethren have exercised this right with great freedom at a time of intense excitement, and in the pressure of a strong provocation, the question is whether they have carried it beyond the boundaries of right, and justly subjected themselves to the summary discipline of the Church.

If we understand the recent discussions, the points in which they have offended, are, their denunciation of the General Assembly as having, on the questions at issue, become apostate to the truth; their refusal to obey the orders of the Assembly

prescribing new terms of communion; their withdrawal from participation with the Boards of the Church, except that of Foreign Missions; and their declared purpose of withdrawing from the Church, in case they should fail to bring it back to its ancient landmarks. These are strong positions assuredly; but is there not abundant precedent for them all?

1. In the Old and New School controversy which agitated the Church about thirty years ago, the respective parties were wont to use strong language; and whilst a rotundity and chasteness of expression may have been used in the formal deliverances of that day which are not affected in the Declaration and Testimony, yet the charges go to the full extent of this document against the action of the supreme judicatory of the Church. The difference between the pronouncements of that day and this, in this particular, is simply one of rhetoric. A chastened rhetoric is certainly an excellent thing in its place; but a failure to employ its rotundity and to use dilettante language in speaking of public evils, is scarcely an unpardonable sin.

2. As to the refusal to obey the orders of the Assembly, this has been done before. The examination rule was set aside by many Presbyteries, who refused to obey it, declared it unconstitutional, etc.; and it was not till many years after its passage that it became established as the law of the Church. But no summary measures were adopted against recusant Presbyteries; a solemn vote of disapproval of their records was generally, but not always, made in their respective Synods, and there the matter ended. The spirit of the Church has always been that of conciliation; it has been its uniform course to aim at the satisfying of the consciences of weak brethren, without resorting to extreme discipline, on every matter where the great truths of the gospel of Jesus Christ were not involved. Hence it has always avoided pushing matters to an extremity.

3. For many years the existence of irresponsible voluntary organisations for doing the appropriate work of the Church in evangelization was not only suffered in the Presbyterian Church, but much encouraged. And although, in the great reform of 1837, the Church formally undertook this work itself, it has

never to this day forbid the operation of other societies within its bounds. It has never required the various Presbyteries and Synods, on the pains and penalties of exclusion from its fold, to contribute to the ecclesiastical Boards, and operate through the channels of their organisation. Various Presbyteries have, at different times, cut loose from the Board of Domestic Missions, and undertaken to conduct missionary operations for themselves. The same is true with regard to the Board of Education, and we know of no principle of Church order violated thereby, which would require the interposition of the General Assembly: certainly not, anterior to an injunction from the General Assembly requiring co-operation with its plans, and an abstinence from independent efforts. If voluntary societies may operate within the bounds of the Church, assuredly the Presbyteries and Synods are not justly liable to anathema for acting for themselves in their ecclesiastical capacity.

Finally, as to their threat of withdrawing from the Church in case it could not be reformed, this is nothing new. To address that language to the Assembly itself might be deemed an act of defiance, and hence be censured as a contempt. The Declaration and Testimony, however, was not addressed to the Assembly, but to the Church at large, just as the Act and Testimony of 1834. But the Presbytery of Chillicothe not only threatened the Assembly with withdrawal, about twenty-five years ago, but actually abstained from sending commissioners to the Assembly for two or three years; and declared they could not do so, as long as slaveholders were allowed to commune in the Church. Of this conduct the Assembly took no notice. Moreover, what did Dr. Gurley do in this very Assembly at St. Louis, but to its face declare that if it did not exercise discipline on these recalcitrant brethren, he would seek ecclesiastical cover elsewhere? This was deemed no offence to this Assembly, because Dr. Gurley had become a leader, and was simply hectoring them a little. What did Mr. Galloway do, in this same Assembly, but declare that he would not sit in an Assembly with a man who had called him vulgar; and so the vulgar threat had its desired effect, and in order to retain so distinguished a leader in their counsels, the

Assembly had to redress his private grievances by expelling a member. But both these gentlemen, Dr. Gurley and Mr. Galloway, were guilty of great disrespect to the Assembly; and at the very least, ought to have been called to order by the moderator. Had such language been employed by a member of the minority, by Dr. Boardman, Dr. Van Dyke, Dr. Anderson, or Dr. Brookes, we have no doubt they would have felt the power of the majority of four to one, in a decisive form.

But this shows the difference between my ox goring yours, and your ox goring mine. The Declaration and Testimony men were in the minority in the Assembly and in the Church; but these men were in the majority. That majority were flushed with their unexpected power, and the great accessions they had gained to their party after the Assembly met; and fell into the very error which they charged on the minority, viz., that of pushing matters to extremes, instead of pursuing methods of conciliation.

In all the particulars which we have mentioned, however, no candid man will deny that the brethren who issued the paper in question pushed their right of dissent, remonstrance, and protest, to its extreme; and in their strong and stirring appeals to the Church, nothing could justify them but the pressure of urgent conscience under a deep sense of impending danger. Their course has been censured as schismatical; and assuredly, schism is the result. How extensive it will become, none can now tell. But on whom does the charge justly rest? Let the proceedings which have been had in reference to this matter be first examined; after which, we can the better judge of the question of responsibility.

The document under consideration having been adopted by the Louisville Presbytery, was immediately published to the Church. Great offence was taken at it in many places by the party which has been in the majority. And when the Synod of Kentucky met, Dr. R. J. Breckinridge moved to exclude the signers of that document from seats in that body, charging that by signing it they had disqualified themselves to sit in any Church court. This measure having failed, Dr. Breckinridge and others took a

complaint to the General Assembly at St. Louis. As all this matter came before that body in other forms, and as there was some failure to secure its full presentation according to previous arrangement, Dr. Breckinridge dropped his complaint for the present, and allowed it to be postponed to the next Assembly.

The deep agitation of the Church, in Kentucky, Missouri, and elsewhere, by this document, and the discussions which grew out of it, led to considerable uneasiness on the part of those who had hitherto been in the majority, not knowing whereunto this thing might grow, and fearing that the party of the Declaration and Testimony should prove stronger than had been expected. Lest any damage should accrue to their interest, and the Church should be induced to abandon her testimony on loyalty, freedom, State rights and the like subjects, strenuous exertions seem to have been put forth by the leaders of the majority. Especially we may mention that Dr. R. J. Breckinridge put forth a call for a convention or caucus of the party of the majority, to determine what course should be adopted in the Assembly pertaining to this subject. Many of the oldest ministers of the Church afterward united in this call, and a convention of more than a hundred members met at St. Louis a day or two before the convening of the Assembly, and continued in session until after the organisation of that body.

The Presbytery of Louisville, which had adopted the obnoxious document, was represented in the Assembly by a most able delegation, viz., the Rev. Drs. S. R. Wilson and Stuart Robinson, both of Louisville, and the Hon. Charles A. Wickliffe, a ruling elder at Bardstown, and Mark Hardin, Esq., a ruling elder at Shelbyville.

Immediately after the organisation of the house, Dr. D. V. McLean moved the following resolution, which was adopted by a decided majority, viz. :

“ *Whereas*, It is understood that the Presbytery of Louisville has openly defied the General Assembly, and refused to submit to its orders, in a pamphlet adopted by it, of which the following is a specimen, viz., ‘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; and

“*Whereas*, Said Presbytery has commissioned, and sent to this Assembly, at least one Commissioner, who, if the order of the last Assembly had been faithfully executed by said Presbytery, there is the strongest ground for believing 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.”

This minute thus adopted is assuredly extraordinary; it has no precedent. The excuses and pretexts offered for its justification only the more clearly show the unwarrantable nature of the action taken. It is immaterial what may be the nature of the offences charged, or whether the charges be true or false, the fundamental maxim of justice is that every man is presumed to be innocent until proved guilty; he must be accounted innocent until his guilt has been established, by satisfactory testimony, after a formal judicial investigation.

It was maintained that this action was competent to the court, because the Louisville Presbytery was under process, and the constitution authorised the court to exclude it from representation until its case was issued. But, 1. The minute makes no allusion to Dr. R. J. Breckinridge's complaint at all, which it must do, if it be a part of that trial; but it assigns entirely different reasons for the action taken. 2. The complaint was not then before the house; so far as the Assembly, in its official character, was concerned, it did not know the case was to come up: hence this could be no part of it. 3. What right had Dr. Stanton to sit in the moderator's chair, if this was a part of that trial, since he himself was one of these parties to it? 4. When that case did come up, it was found that it was not the Presbytery of Louisville that was on trial, but the Synod of Kentucky; and so the house decided. Fifth, and lastly. The case never was tried at all, but was practically abandoned. Now, if this proceeding was part of this process, as Mr. Clarke argued, when the case fell through, why did not the excluded

commissioners have a right immediately to resume their seats? But no such right existed under this minute, nor was it dreamed of.

Again: It was claimed as a right inherent in a church court to judge of the qualifications of its own members; and the Houses of Congress, and of our various State Legislatures were referred to for illustration. In answer to this, we observe, 1. This power in these legislative bodies is expressly provided for in the Constitution of the United States, and of the respective States. A constitutional right in a political legislature cannot infer the existence of the same right in a similar ecclesiastical body; but the fact that it is not granted by the ecclesiastical constitution immediately infers its non-existence. For, if it required a constitutional provision to confer it on the political legislature, certainly it would require a like constitutional provision to confer it on the ecclesiastical court. But granting its existence, what does it amount to? What is meant by qualifications? Is worthiness meant? Assuredly not, but simply that the man possesses the constitutional requirements, and has been elected according to the forms of law. That is, Are Drs. Robinson and Wilson ministers properly ordained and lawfully connected with the Presbytery of Louisville, and in good and regular standing? And a similar inquiry, *mutatis mutandis*, with regard to the ruling elders; and then, Have these brethren been regularly elected? The question is not whether Dr. Stuart Robinson is the best abused or the most abusive man in the Church. Nor whether he went to Canada or was banished there. Nothing of the sort. Nor yet, as to whether, if he were tried, he would be found guilty of the specified offences; but simply, Is he constitutionally qualified, and constitutionally elected? The whole object is to ascertain, in a regular and lawful way, whether the action of the constituency has been in accordance with the constitution; and by the American constitutions, as well as by that of Great Britain, this power is conferred upon the legislature simply to prevent confusion and disorder. It is important to have it exactly determined where the power resides to examine into the legality and constitutionality of public elections. It is

the only resort against violence. Hence this authority is made determinate in the legislature, lest the exercise of this power elsewhere might lead to an interference with its independence. But this same necessity can scarcely be predicated with reference to ecclesiastical courts. 2. The manner in which the preamble deals with the subject, is to determine the worthiness of these members: a right which, under the constitution, is lodged in the Presbyteries, and in every representative body is inherent in the constituency. 3. The paper is really a judicial finding, with a penal sentence. It asserts facts, as to crimes committed; and cutting like a two-edged sword, it strikes now at the Presbytery, and now at the commissioners; and ends by ejecting the commissioners, because, by possibility, on a supposed trial which actually never took place, that Presbytery might be found guilty of grave offences. For high-handed tyranny we think there is no parallel to it, except in the action of the present Congress of the United States in the matter of Southern representation. (We mean, of course, in making this statement, to judge of that Congress and its conduct by its own principles, established by the most convincing of all reasoning, the logic of the bayonet.)

But to return. How would it have sounded, in 1837, had Dr. Baxter arisen and offered a resolution to this effect: "That whereas Dr. N. S. S. Beman, a commissioner from the Presbytery of Troy, is understood never to have adopted the Constitution of this Church; and whereas, it is probable that his Presbytery would have deposed him from the ministry, had they obeyed the injunction of the Assembly of 1835 on the subject of trying men for their doctrinal errors: Therefore, *Resolved*, That until the Assembly shall have examined and decided on the conduct of said Presbytery, the said commissioner shall not be entitled to his seat." Would it not have startled the Assembly, and shocked its moral sense, at that day, before the Church had run wild with political excitement? It would have been said that no charges had ever been tabled against Dr. Beman. Neither have charges ever been tabled against Stuart Robinson, notwithstanding all the hue and cry which have been raised against him. It would have been said that no one could be pronounced guilty by

a legislative action, until proved guilty by a judicial process; that innocence must be inferred until guilt has been judicially established. This, again, is a principle recognised every where, except in the case of Dr. Stuart Robinson and the Declaration and Testimony men. It would have been said that the forcible and unconstitutional ejection of a commissioner from the Assembly had destroyed its integrity, and rendered the whole of its proceedings null, since it could no longer claim to consist of an equal delegation of ministers and elders from every Presbytery, and hence that it did not represent in one body all the particular churches of the denomination. And had such an outrage been perpetrated, it would have weighed in the balances against the Old School before the Supreme Court of Pennsylvania in Bank in 1839.

This latter point was, indeed, raised and argued with great force against the action of the St. Louis Assembly now under consideration, by Dr. Van Dyke, of Brooklyn, in his able protest. The answer to it, prepared by Dr. West, also of Brooklyn, and adopted by the Assembly, cannot be considered any thing less than a complete acknowledgment of the validity of the objection. The reply is that Dr. Van Dyke's principle would vitiate every meeting of the Assembly, because some delegates fail to attend at every meeting. This may pass for good fencing; such weapons may answer to foil an adversary; but surely Dr. West and the Assembly must have known that this argument, if we may call it such, did not, in the slightest particular, touch the difficulty raised by Dr. Van Dyke. That silence gives consent, is a law of all deliberative bodies; and voluntary absence is the most potent form of silent acquiescence. This is more especially the case when the law of organisation, by which the members are bound, specifies the quorum to whose decisions they all agree to submit. But is there any analogy between the voluntary absence and silent acquiescence of Presbyteries or their commissioners, and the forcible ejection of lawfully delegated members? Is there ever a quorum present in any deliberative assembly, when any man is forcibly ejected? Can it be called a General Assembly of the whole Church, when any Presbytery is denied

representation? This is Dr. Van Dyke's point, which Dr. West does not touch, does not even approach; thereby confessing his inability to meet it.

Indeed, one member, Mr. Galloway we believe, defended the action taken against the Louisville commissioners, by charging that the Assembly of 1837 had ejected the commissioners from the "four Synods" from the house without giving them a hearing. He said the Assemblies of 1837 and 1838 had cut off Presbyteries and Synods in this manner. Mr. Galloway must get the history of his own Church from the New School; for this is precisely what they have always charged on the Old School, but which the Old School have always denied. The New School have charged that those Presbyteries and Synods were excinded; but the Old School have always, until Mr. Galloway became their champion, claimed that they were simply disowned. The Assembly of 1837 examined into their origin, the source whence they came; they repealed the Plan of Union of 1801, under which they were organised, declaring it unconstitutional, and that, hence, every thing done under it was unconstitutional. Therefore, those Presbyteries and Synods which were organised under it, never having been constitutionally organised, were no part of the Presbyterian Church; and so the Assembly of 1837 decided, and Judge Gibson pronounced it good law in 1839. But no man, at that day, ever dreamed that any commissioner could be ejected from the Assembly, or any member excluded from the Church, after he once had obtained admittance by the constitutional door, without regular trial and condemnation; or that a lawfully constituted Presbytery could be denied representation, on any ground. The Assembly decided that the Presbyteries of the dismissed Synods had never been lawfully constituted; but nobody has yet denied the legality of the organisation of the Presbytery of Louisville. Hence, the case of the disowned Synods is not analogous to the case in hand, and forms no justification of the recent action of the Assembly.

Indeed, such a proceeding was never dreamed of in 1837. At that day it would have been denounced as an arbitrary assump-

tion of tyrannical power by an irresponsible majority. And undoubtedly, all unprejudiced men outside of the Old School body must so account their recent course toward the Louisville commissioners. Men must be tried and convicted before being condemned. And this was precisely the course Dr. R. J. Breckinridge aimed at. He does not often secure his objects by indirection; but comes up to the issues before him squarely, meeting them face to face. In this case, he endeavored to arraign the lower court on direct charges, condemn it on them, and execute sentence accordingly. This course would have challenged the respect of all men, whatever might have been the final result; for it would at least have shown a decent respect for the forms of justice.

But in an evil hour the Assembly fell under the lead of Dr. D. V. McLean, who understands nothing of the forms, and would seem to care but little for the ends of justice; and consequently brought on itself the indelible discredit of its tyrannical course towards the Louisville Presbytery.

The resolution having been adopted to exclude the Presbytery of Louisville, on the motion of the same extraordinary leader, Dr. D. V. McLean, it was "resolved that a committee of seven be appointed, composed of four ministers and three elders, to examine into the facts connected with the alleged acts and proceedings of the Louisville Presbytery, and whether it is entitled to representation in this General Assembly; and to recommend what action, if any, this General Assembly should take with regard to the said Presbytery."

They first exclude the Presbytery of Louisville, and then appoint a Committee to inquire into its conduct, and report whether it ought to be excluded. First, they hang the men, and then inquire whether they ought to hang them. This would scarcely be recognised out west or in the south-west, as "rough justice," under the unwritten code of Judge Lynch; as, always, under that code, a formal trial is had, and a formal sentence pronounced, antecedent to execution. This Assembly, however, was filled with admiration of the Congress of the United States, and tried to justify every arbitrary proceeding by a reference to

the rights and corresponding action of its two Houses. But did any body ever hear of such proceedings in either House of Congress? We admit that in its past history, and especially in more recent proceedings, precedents of a most extraordinary nature may be found. But just here, the appeal to Congress fails. It sometimes has adopted very startling measures, and by most unaccountable votes has vacated seats filled by men whose views were antagonistic to those of the majority. But we believe there is no instance on record where they have vacated the seat first, and then inquired into the grounds of their action afterwards. Recently four or five seats have been declared vacant, in one or other of the Houses of Congress; but in every case the members were allowed to hold their seats until the investigation of their cases was had, and a presumed ground of ejection ascertained. The forms of justice and of law have always been recognised, and, at all events, an *outward* respect has been manifested for them, while it may be true their spirit has been flagrantly violated, and that for partisan purposes.

The report of this Committee, through its Chairman, the same Dr. D. V. McLean, enlarges on the three following points, viz. :
 1. The acts and proceedings of the Presbytery of Louisville;
 2. The right of the Presbytery to a representation in the Assembly; and 3. What action the Assembly should take in the premises.

On the first point, it quotes various expressions in the "Declaration and Testimony" which charge error in doctrine and illegality in the action of preceding Assemblies; and cites the recommendations of that paper, as to the proper course to be pursued by the signers thereof, in the circumstances under which these alleged departures from the truth on the part of the supreme judicatory had placed them. After carefully reading over these specifications, we are still unable to see that the charges made against the General Assembly, or the expressions of apprehension for the consequences, are more schismatical than those contained in various documents issued during the period from 1831—37, pending the Old and New School controversy. Indeed, we think no man can read this remonstrance, and then

compare it, for example, with the Act and Testimony, without becoming satisfied that it was penned with the manifestoes of that day lying before the authors of it as their model. True, there is a vigor of language, an emphasis in its tone sometimes, that is a little startling; and what the men of 1835 express in the positive, those of 1865 express in the superlative; but the objects aimed at were manifestly the same, viz., to arrest the attention of the Church to grievous departures from her standards on the part of the present majority, and to secure, if possible, a reform of the Church by a return to the spirit and letter of her ancient standards.

On the second point, as to the right of the Presbytery to representation, it claims the authority of the Assembly to exclude from their seats parties who are under process. But it happens that the Presbytery was not under process, unless this was the beginning of it; and unfortunately the Presbytery was excluded first, and process was subsequently undertaken, even according to that view of it. But the word "process" is technical, and hence has a constitutional definition, of which this paper is utterly oblivious. True, every proceeding may be called process; but it cannot be called process in the constitutional sense, until trial has begun, the first step in which is the tabling of charges. When these are formally adopted, or at least formally ordered, constitutional process has begun. In that event, we suppose it is the right of a judicatory to exclude the parties on trial from their seats in it, *i. e.* in the court that tries, until the case is issued. All the precedents quoted by the Committee simply go to sustain this point.

On the third point, they recommend summary measures, viz., the dissolution of the Presbytery, and the organisation of a new one out of those who had not signed the unsavory remonstrance. The case was already before the house, in two judicial cases. 1. The complaint of Dr. R. J. Breckinridge against the Synod of Kentucky for a failure to eject the Presbytery. The decision of this case might have decided the whole matter just as the majority wished. The court could have determined the case, by censuring the Synod of Kentucky for neglect of duty, and

enjoining on them an attention to it, with specific instructions at its coming meeting; or it might have taken up the case itself as thus brought before it, and issued it, involving a determination of the fidelity of the court below, as well as an issuing of the original case. Again: There was an appeal of the Rev. J. P. McMillan from the decision of the same Synod, in postponing the case of complaint which he had made against the Presbytery to its next meeting. This case would have involved the same issues, and hence the two were merged by order of the Assembly. But judicial forms are always annoying, when an object has to be gained, and when the minds of men are already made up. A Republican Congressman asserted that the Bureau of Military Justice was organised to convict men, not to acquit them; and so, the General Assembly sets aside the rules of constitutional order, ignores the existence of causes pending at its bar, and appoints extra-judicial committees to produce extra-judicial findings; all because the decree had gone forth, the Presbytery of Louisville must be ejected, *per fas aut nefas*. The predestined purpose was conviction. Some may consider it a small matter how a result is reached; but the accomplishment of such results as those obtained at St. Louis, and by such means as those employed, is abhorrent to every feeling of justice; and it need create no great astonishment that the prevalence of such a spirit in the Assembly has caused a profound sensation throughout the whole of the Old School body. Dr. Humphrey urged this point upon the Assembly, viz., the absolute necessity of proceeding according to the forms of law, in order to secure the ends of justice; but while his speech is said to have produced considerable impression on the lachrymal organs of the majority, it would seem to have made none on their hearts or heads.

After much debate, however, the Assembly began to hesitate. The inklings of public dissatisfaction were too manifest; and an effort to avoid the constitutional issues which thrust themselves before the Church, was made. Dr. Gurley, of Washington City, offered a paper, which condemned the Declaration and Testimony as a slander against the Church, schismatical in its character and aims, and its adoption as an act of rebellion. It, more-

over, postponed the whole subject, report and all, to the next Assembly; and summoned the Presbytery and all the individual signers of the Declaration and Testimony to the bar of the next Assembly; but in the meanwhile suspended them from their ruling functions in every court above a church session. Moreover, it provides for the dissolution of any Presbytery or Synod which may refuse to obey these mandates in making out their roll. This is the substance of the whole minute.

The Assembly seem to have been very much surprised, and proportionately gratified at the accession of Dr. Gurley to the ranks of the majority. At the opening of the Assembly, he was run for moderator by the more moderate brethren; but before the Assembly got through, he had become the leader of the majority. And now the unprecedented vote was adopted of recording his speech as well as his resolutions. The speech is nothing but a rehash of the resolutions; a re-statement of the same things in different language; and the recording of it was just the manifestation of the majority's intense delight at the accession of the Doctor to their party.

All these proceedings, and all the attempted measures of the majority, are in an equal degree unprecedented, and were justified on the floor of the Assembly, and have been by their apologists since, on the same grounds. Some of these only can we notice.

H. K. Clarke, Esq., of Detroit, made what Dr. Hodge calls a "powerful speech" in defence of the summary measures of the Assembly. He began by informing the Assembly that the executive, legislative, and judicial powers in our church courts are not distributed as they are in the state and national governments; which he said *necessitated* a great difference in the modes of procedure. The meaning of which, if it has any meaning as an argument, is, that because these various functions all belong to the same body, they must necessarily be confounded in actual practice. As every thing in this Assembly was illustrated by allusions to political tribunals instead of the Scriptures and the standards, we will once more imitate the example, and call the attention of our readers to the Senate of the United States, in which unquestionably all these powers are exercised. But

though that tribunal is sometimes called on to try causes, as in cases of impeachment, sometimes to take part with the President in the executive administration of the government, and sometimes to unite with the House of Representatives in the ordinary duty of making laws; yet we do not suppose that it ever occurred to any grave senator that the fact that these three kinds of power were lodged in that body *necessitated* a confounding of all distinctions, after the fashion practised by Mr. Clarke. The men who compose that Senate have a method of ascertaining what kind of business they are doing; and know well that when sitting in a legislative capacity, they can perform no judicial functions whatsoever; and they know, moreover, that under the constitution of the United States, they can make no judicial determination of any matter that may come before them, unless it be as a decision of a cause regularly tried. Until this Assembly met, we supposed that the same point was well settled in the Presbyterian Church; that every judicatory had to constitute as a court, before passing to the consideration of judicial business. Mr. Clarke, in his great speech, showed that *necessarily* a different mode of procedure must be adopted, because all these powers were to be exercised by the same tribunal. This point having been established to his own satisfaction, the learned gentleman proceeded to inquire whether the Assembly had the power to do the thing proposed to be done. And having established this point, as he supposed, he jumps to the amazing conclusion that the Assembly may adopt any mode of procedure it may see fit, "in itself just," provided no particular mode is pointed out in the constitution; the meaning of which is, that the Assembly possesses all power not absolutely forbidden. We utterly deny his conclusion, although we fully grant his premise. Undoubtedly it is the right of the General Assembly to cut off a synod, a presbytery, or a church. But it has not this right, unless the inferior court, thus subjected to punishment, has been guilty of such flagrant misconduct as to justify such high measures. How is this guilt to be established? Mr. Clarke says, if there is no positive constitutional order on the subject, the Assembly may act in any method it sees fit. The inference is, that the Assem-

bly may, while sitting in its ordinary business capacity, make judicial determinations, even to the exclusion of whole church courts (arriving at its knowledge of their offences in any way it may, and without the slightest reference to judicial forms,) because the actual form of trial of an inferior court is not specified in the written law. This is new and astounding doctrine. The laws of our Church are very few; the Church has for the most part been content with the statement of principles; and with the practical application of them, as circumstances might seem to require. The principles applicable to the trial of causes do not change their nature, because the offending party is a church court, instead of being an individual. Mr. Clarke is a lawyer; and we suppose knows something about bodies corporate or politic. In trials where corporations are parties before civil tribunals, the same safeguards are thrown around and about them which belong to the individual citizen; and their causes are conducted in precisely the same manner as if they were real individuals. The inferior church courts occupy precisely the same relation to the ecclesiastical commonwealth which corporations do to the civil commonwealth; that is, they are bodies ecclesiastical. And though the written law does not prescribe the exact method of procedure, the Church has deemed her principles entirely applicable to the trial of church courts; and during her whole history until now, has strictly conformed her practice to those principles. This is proven by the history of almost every General Assembly; and even this very matter was actually before the house, on two pending judicial cases against the Synod of Kentucky.

Mr. Clarke's next point was that the Presbytery was guilty of such offences as justified the measure of exclusion which he was advocating. This point we shall not discuss; for guilty or not guilty, the Assembly had no right to pronounce them so, until the Presbytery had first been subjected to a trial according to the principles of the Constitution of the Church.

But now we return to inquire whether it is so that the Assembly possesses legislative, executive and judicial powers? In the sense in which we use those terms, in applying them to the civil

state, it is false that the Assembly possesses any legislative authority whatever. The Confession asserts that all Church power is ministerial and declarative; because Christ is the only Lawgiver in Zion. He commissions the Church to proclaim his will, and to execute his orders. The powers which it employs in doing this are called dogmatic, diacritic, and diatactic. Her dogmatic or didactic authority is exercised in making her symbols of faith, and in bearing testimony on the subject of doctrine; her diacritic or judicial power she exerts in all her judgments in bringing men into the Church and its respective offices, in trying causes, etc; and her diatactic or regulative power is asserted in the canons she adopts to cause all things in the worship and government of the Church to be done decently and in order. These regulations are also found in the standards. All else which she does is in its nature executive, just as the regulations of a head of one of the departments of the government is not legislative in its nature, but executive. In this very subordinate sense, the Assembly possesses, in common with all other church courts, legislative authority; but this is confined strictly by the constitution and by the law of Christ, as well as by the previous practice of the Church, to what is sometimes called executive, or more properly still, administrative action. This, moreover, is all the executive power which the Assembly or any church court can possibly exercise. And if we term it legislative, as Mr. Clarke does, then where is its executive power, and how does it exercise it? But the discussion of this fruitful theme we cannot pursue now. It takes in too wide a range for the limits of this article.

The leaders of the Assembly, however, did not agree among themselves as to the manner in which the Presbytery was before the Assembly. While some contended, as we have seen, that it was under process, upon the appeal and complaint against the Synod of Kentucky, others contended that it was now under process because of these proceedings. But as neither of these views seemed satisfactory, Dr. Thomas attempted the rescue of his cause, and claimed that the Presbytery was before the Assembly under the power of review and control. We cannot take

the time nor the room to examine all the points raised in this interminable discussion; but as to this claim of power, we simply refer our readers to the chapter on Review and Control in the Book of Discipline, where they will see how widely the course of the Assembly differed from the course prescribed, if this was the kind of power which was aimed at.

Dr. Hodge comes to the aid of the Assembly, in his article on its proceedings in the July number of the *Princeton Review*, and, in the one important aspect of constitutional right, justifies all that was done. True, he thinks the punishment of the Declaration and Testimony men was excessive; but he says, "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." This is new doctrine. We always supposed that the end of discipline was the maintenance of justice, not the assertion of power: and in our simplicity, we supposed that it was a matter of great importance for a Christian man to get his rights; far more so than for a church court to exert its power, even though it may have the law on its side. Two Presbyteries, we believe, petitioned the late Assembly either to remove Dr. Hodge from his chair, or make him keep quiet concerning the unwonted proceedings of the Assembly. Undoubtedly the Assembly had the power to remove him: the law would have been on its side. But we scarcely think Dr. Hodge or his friends would have thought it a small matter had the Assembly put forth such an exercise of its power. It would have been an act of unquestionable tyranny. And when Dr. Hodge teaches the Church that it is of small moment what the Assembly does, provided it has the law on its side, he is whetting a sword for his own neck. Nor is this the first time that just such a thing has happened in history.

But is it so, that the powers of the Assembly to do such things as these are clearly defined in the constitution, and has it become so important for the Assembly to assert them, that the rights of private parties pale into insignificance in the presence of the law? In paving the way for the defence of this Assembly, the Doctor

gives us decidedly the most clear statement of Presbyterianism which we have ever seen from his pen; and, moreover, he states the true and only limitations of the powers of church courts, viz., that they are only to handle things ecclesiastical to the exclusion of secular affairs; that they are governed by a written constitution, and are restrained by the law of Christ. This is sound doctrine. But the decrees which the Declaration and Testimony men protest against, are those which the Assembly had passed pertaining to loyalty, freedom, State rights, and the like; which subjects sound so much like secular matters, that it would be difficult for us to name any secular thing, if these are not to be so called. The constitution assuredly gives them no power over such matters, and the word of God expressly excludes the things of Cæsar from his household. Moreover, the very power to deal as they have done with their condemned brethren is not conferred by the constitution, but expressly withheld.

True, Dr. Hodge advocates the high ground that this power arises from the very nature of the Assembly, as the supreme court of the Church. He contends that, to all intents and purposes, the Assembly is the Church; that the Church is there by its representatives. But this is only true in the assertion of the powers constitutionally conferred. The Assembly is the highest court of the Church, but only a court after all. Powers not conferred are reserved to the Church itself, and the constitution expressly points out the manner in which they are to be conferred and exercised; that is, how the voice of the Church is to be ascertained. The Assembly is first to propose; then the Presbyteries are to approve. That is, it takes the votes of a General Assembly and of a majority of the Presbyteries to give any new grant of power; and this is what the constitution recognizes as the voice of the Church.

Dr. Hodge attributes to the Assembly the "power to correct abuses or evils immediately in any part of the Church." This language is not found in the constitution. There is a clause somewhat resembling it, viz., the one about "suppressing schismatical contentions and disputations." But will Dr. Hodge contend that this provision signifies that the Assembly is to exercise this

authority without rhyme or reason, without mode or manner? When the constitution prescribes a mode of doing any thing, that is the law; and every other mode, not authorised, is thereby excluded. Refer to the chapter on Review and Control, and the whole method of procedure in such a case is marked out. In like manner, the Book of Discipline prescribes the only way in which ministers and private members of the Church can be dealt with. The assumption of the power by the Assembly to ride over inferior church courts, to treat their constitutional authority with contempt, and to lord it over those made subject immediately to the inferior courts, is a clear act of tyranny, unauthorised by the constitution; and the principles upon which the right to do so is maintained are clearly those of despotism.

Dr. Hodge's argument consists of a discussion of three points. The first is: Had the Assembly the constitutional right to exclude the commissioners, and dissolve the Louisville and other Presbyteries on account of their Declaration and Testimony members. He lays out his whole strength to prove what we suppose hardly any person will dispute, namely, that in extreme cases the Assembly may defend itself and the Church from intolerable evils by extra-constitutional measures. The revised Book of Discipline provides for cases without process. Dr. Hodge merely shows that such remedies for extreme cases are necessary and are inherent in our courts. If any Presbytery should openly and officially declare itself Socinian; or if the commissioners of any Presbytery should avow to the Assembly that they were no Presbyterians and no Christians, the Assembly would be bound to dissolve such Presbytery, and reject such commissioners; just as if a man should rise in the Assembly and blaspheme, he ought to be immediately expelled. This, in brief, is the whole of what Dr. Hodge is able to say in his elaborate defence of the constitutional right of the Assembly at St. Louis to pursue the course it adopted relative to the matter now under consideration. But when Dr. Hodge comes to his other two points, viz., Assuming the Assembly's right, had it reason? and, Was the manner of its action right or wrong? we find him speaking briefly, yet clearly and pointedly for truth and for justice, thus: The

Assembly had no adequate reason for such action. 1. The penalty was too severe; 2. No important object was to be gained; 3. The men whose presence was to dissolve any Presbytery were allowed to sit in this Assembly itself; 4. This action will stir up instead of allaying strife; and 5. It only throws all things into confusion. And as to the manner of the action, Dr. Hodge declares there is "little difference of opinion," and "even the leaders of the majority themselves deprecated the action of Dr. McLean, which for some reason they felt constrained to adopt."

It is not for us to harmonize these discordant utterances. Nor can we explain how Dr. Hodge could get his own consent to reason from any such extreme case as that of a Presbytery or its commissioners avowing infidelity, to the case of the Louisville brethren. Nor yet can we undertake to inquire how he comes to speak of Dr. Hill, the immediate successor of Principal Robertson in the leadership of the Moderates in the Church of Scotland, as "the highest modern authority on the discipline and government of the Scottish Church."

Considering how clear and how pointed is Dr. Hodge's censure of the *unreasonable* decision of the Assembly upon this case, which so long absorbed and so much excited them, and of the *utterly indefensible* manner in which they carried out that decision, our readers will probably be surprised to learn that dismissing this topic, and looking back over the proceedings of the Assembly, Dr. Hodge says they contain "much for which the Church should be thankful, and much which promises great good in the future." When we first read this, we almost thought it was irony; but after carefully reading it we came to a different conclusion. He specifies five points, for which these thanks are due. "1. The Assembly recognised 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." "2. The Assembly recognised the principle that adhesion to its deliverances and judgments cannot be made a condition of Christian or ministerial communion." "3. The doctrine taught by the Assembly respecting schism is the scriptural doctrine on that subject, as it

has ever been held in our Church." "4. This Assembly teaches the scriptural doctrine concerning slavery." And "5. The Assembly takes scriptural and liberal ground on the subject of Christian union."

The longer we live and the more we see of men and of things as events actually occur, the more does our youthful ardor cool and our capacity for astonishment diminish, whilst we daily learn more and more the truth of Solomon's words, that "there is nothing new under the sun." And yet, when we found that Dr. Hodge was in earnest, we confess that we began to regard his five grounds of congratulation with something approaching astonishment. These felicitations, however, seem to us decidedly the severest criticisms we have seen of the doings of the Assembly. Suppose we agreed with the Doctor in his estimate of the work done at St. Louis, what do his congratulations amount to? He sends greeting to the Church, because the Assembly has recognised the right of protest! Men must submit to the behests of the Assembly right or wrong; but the Assembly did not strike the chapter on protests out of the Book! True, you must swallow the pill; but you have the right to say you do not like it. Nor did the Assembly make its own acts, terms of communion! Men have still the right to sit down at the Lord's table without expressing their belief in the Assembly as they do in the Saviour! And then, again, the Assembly holds to the Scriptures on the three points of schism, slavery, and Christian union! The Declaration and Testimony men had asserted that the Assembly had become apostate to the truth on certain points pertaining to the relation of the Church to the State; and Dr. Hodge is in an ecstasy because they did not apostatize on certain other points! The Assembly said the former statement was slanderous; and if Dr. Hodge's statements about the points he names are not equally slanderous, if he does not assert that the Assembly had apostatized in regard to them, he clearly intimates that he had feared they would do so. The idea seems to be, that although the Assembly did not apostatize on the points suggested, the members of that court were the exact kind of men of whom the Church might justly be afraid; and hence he calls upon all the

true men of the Church to give thanks that they did not. Although the right of protest was formally recognised, provided it was done very feebly and submissively; yet the lash had been applied with such vigor, and the guillotine had fallen with such a sharp stroke upon those who had ventured to exercise that right, that men who had tender backs, and whose necks were in danger, had sufficient warning to be very cautious. Those dreadful forebodings which the Doctor manifestly had, he is thankful were not fully realised. And so, he turns his fears into congratulations, and “damns the Assembly with faint praise.” With uplifted hands he sings pæans because the Assembly still shows a sort of respect for the constitution of the Church, and because it has not absolutely rejected the Scriptures! And this is all—absolutely all, for which he gives thanks; very large thanks for very small favors.

This matter leads us to look very briefly at the action of the Assembly with reference to our Church. Dr. Hodge says, “The Assembly takes scriptural and liberal ground on the subject of Christian union.” Again we ask, is Dr. Hodge in earnest? Dr. Van Dyke offered a paper looking toward a re-union of our Church with the Assembly, which was immediately consigned to oblivion. He proposed to include us in the overtures for a closer union of all Presbyterian Churches, which motion was forthwith laid on the table. The narrative says this was done because of our errors or sins of rebellion and slavery; and gives the *liberal* information, that whenever we repent of those sins, the Assembly will cordially receive us back. The Assembly would have said the like to the Hottentots or Camanche Indians. Moreover, the Memorial of the Convention was adopted, which charges on us various sins and offences, and reaffirms all that the Assembly had ever said about us; Dr. Lowrie’s minute does the same; and still Dr. Schenk’s minute does the same. Not satisfied yet, the Assembly adopts a Pastoral Letter, whose main purpose seems to be to misrepresent us and our position, and discredit us before the Christian world; in which, sentences are quoted in such a way as to make the readers thereof believe they are taken from our records, but which they are not. Besides, Dr. Schenk’s

minute expresses great sympathy for the men among us (thank God, they are very few,) who during the war pretended to be with the South, but were not; and ends of course, as we have already said, with the inevitable reaffirmation of the decrees of Pittsburgh. After all this, because Dr. J. T. Smith got the Assembly to pass a resolution couched in terms of seeming kindness towards the South, and hoping for a reunion of the whole Church "on the basis of our common standards, *and* on terms consistent with truth and righteousness;" Dr. Hodge ventures to call the ground taken by the Assembly "liberal," and declares the platform to be broad enough for all to stand on, "north, south, east, and west." And yet the Assembly had practically turned out of doors the Declaration and Testimony men, mainly because of their sympathy with us in our principles; and had expounded "truth and righteousness" as understood by it, in multiform ways, none of which consisted with either our honor or our peace and safety. This is the liberality of the Assembly, and this also is the liberality of Dr. Hodge towards his Southern brethren!

But this declaration of Dr. Hodge has a deeper meaning than lies on its surface. The ground, he says, which the Assembly takes on the subject of Christian union, is "*scriptural* and *liberal*, and their platform is "broad, scriptural, and just, on which the whole Church, north, south, east, and west may unite." We restrain ourselves from saying with what feelings we read this language. The radicals would not have said this about their former Southern brethren. Their purpose was to prevent the possibility of our returning to the Church from which we had been driven. They took us for honest men at least, and knew well when they prescribed their terms of re-union that no honorable Southern minister would ever think of submitting to them. We did not feel insulted at their doings; we knew what they meant. But when Dr. Hodge utters such language, with the Minutes of the General Assembly lying before him, in which he finds condemnations of us piled upon condemnations, until the Minutes groan with the burden thereof, we have a right to feel indignant. The Assembly's grounds are "scriptural;" then

we must be sinners against God for not accepting them. They are "just;" then we ought to be satisfied and sue for readmission. Finally, they are "broad" and "liberal;" then we are exorbitant—nay, we are turbulent schismatics, if we expect their alteration in any whit. The most objectionable of the Assembly's papers against us, Dr. Hodge suppresses (as he does also the rejected because "disrespectful" (!) protest of his friend Dr. Boardman,) and so, while holding us up as the party to blame for the division of the Church, denies his readers the opportunity of knowing fully what the Assembly did respecting us, and how often they cast out our names, as evil, during this very meeting. The effect of what he says must be to increase prejudice against us. We are exhibited as guilty schismatics, offenders against both God and man, persistent rejectors of terms of union, "broad, scriptural and just," aye, even "liberal"! Well, in the view of all these circumstances, we shall not, of course, be expected hereafter to read with patience any more exhortations from him in letters to his Southern brethren, urging on them to forget the past. There are many things in that painful past which our charity towards Northern brethren, and Dr. Hodge himself, would make us wish to forget, if he and his Assembly would let us. He must excuse our saying we feel very sure that no two Presbyteries, nor yet one, will be found, next year, overturing the Assembly to interfere with his writing such reviews of their proceedings as this.

We regret that the duty of defending our own Church should compel us to write as we have done. We have no inclination to defend the principles of the Declaration and Testimony men, except in so far as these are the principles of eternal truth and righteousness. As servants of Christ, we wish to know no man after the flesh. Men are nothing to us, but truth, every thing. Certainly, had our zeal for the truth of Christ permitted, we should have rejoiced in the continued unity of the Old School Presbyterian Church. As for reunion, sincerely and earnestly as we might have desired it upon terms consistent indeed with "truth and righteousness," it does not appear to us that resolutions couched in doubtful phraseology to satisfy one party, while

pastorals and memorials replete with our abuse are adopted to satisfy another party, can possibly be the methods of conciliation which the case requires.

Upon one more topic, we have a few statements to record. Zion Church, in Charleston, South Carolina, was fully organised some years before the war, by a Presbytery then in full connexion with the Assembly we have been reviewing. It had a large membership of both whites and blacks, with a full bench of elders and a pastor. What distinguished its organisation, however, from that of our Southern churches generally, was the fact that all the white members of the church were pledged to regard the religious benefit of the colored people as a special object of attention and pursuit. An immense church-building was erected at the expense of the white people of Charleston, all the internal arrangements of which contemplated, primarily, the comfort and advantage of the black membership. This building, costing not less than \$25,000, was taken possession of by a missionary of the Assembly soon after Charleston fell, the chief portion of the congregation, both white and black, having been long before compelled by the constant shelling from Morris Island to abandon the city. When they returned to Charleston, the corporation petitioned Gen. Saxton, of the Freedmen's Bureau, to restore their church. He referred their petition to the missionary, and he to the Freedmen's Committee at Pittsburgh, who returned it to Gen. Saxton with their "*claim*" endorsed upon the document, to the effect that the church was "the property" of their Assembly. A correspondence subsequently took place between Dr. Adger, formerly minister of the congregation, and the Rev. S. C. Logan, the Secretary of the Freedmen's Committee at Pittsburgh. The Secretary acknowledges that "the *claim*" was made, but "without any knowledge of the case by any member of the Committee present," upon representations from parties in Charleston to the effect that the Assembly had twice contributed money to the object; alleges that they made the claim under pressure, to save the church from "being handed over to parties having no shadow of claim to it;" declares that after making the claim, he "immediately began an effort to

discover the truthfulness" of it; but acknowledges that after "following the matter up carefully until within the last two weeks," he had "failed in finding any evidence that the Church had been aided in any measure by the Assembly," and that he intended to write to that effect to "our missionary." At the same time he insists, that as the church was built for the benefit of the colored people, his Committee cannot, in justice to those "poor Christians," consent to give it up to their old pastor and his friends of the corporation. All this is a perfectly fair statement of the ground taken by Mr. Logan, in his first letter of date March 4th, 1866.

The points made by Dr. Adger in his reply to Mr. Logan, dated March 27th, were, 1. That supposing the information upon which the Committee acted had been correct, it did not justify them in setting up that claim to the whole property; 2. That a Committee of Presbyterian ministers and elders may not first set up claims to other people's property, and then afterwards examine into the grounds of them; 3. That it was unaccountable how it should require *ten weeks* of "careful following up" (as alleged by Mr. Logan) to find out whether the Domestic Missionary Board at Philadelphia or the Church Extension Board at St. Louis, had contributed money to build a church in Charleston; 4. That it was strange Mr. Logan should allow to pass by even two weeks of confessed persistence by him and his committee in an unjust claim; and 5. That it is incomprehensible how, with the petition of the corporation of Zion lying before him, sent on from Gen. Saxton's office, the Secretary could speak of their being pressed to make that unjust claim, in order to save the property from being handed over to parties who had no shadow of claim to it.

This letter Mr. Logan acknowledged on the 18th of last April, and promised to reply to, at an early date, but has not yet done so.

Now, the Assembly at St. Louis had "explanations" from Mr. Logan of "the nature of the tenure" by which the church is "held by the Committee" as follows: "It had been claimed by a New School minister in behalf of an Aid Society; the Gen-

eral in command had decided that the Old School Presbyterian Church was entitled to its use; that Mr. Gibbs, our missionary, had taken possession; that the church might be used for the purposes for which it was originally founded; that the Committee had made no claim upon it as our property; that the whole matter is now before the proper authorities in behalf of the colored congregation by the act of its officers; in short, that the contest is really between the former white trustees and the present colored congregation."

The Hon. Mr. McKnight, late a member of the Freedmen's Committee, alluded to Dr. Adger's letter as censuring the agents of the Church on account of having taken possession. "But," said the speaker, "the church was not responsible for the retention of that church at the present time. As soon as they ascertained the facts, they relinquished all claim. It was then that Mr. Gibbs, a colored preacher of much ability, instituted proceedings for the possession of the church under the provisions of the civil rights bill. There the matter rests; the colored men contending they are as much entitled to the property as the white men."

The Rev. Mr. Allison, also a member of the Committee, said "the impression seemed to have got abroad that they had come into a collision in this field of labor, but this was altogether a mistake. They had carefully avoided establishing themselves in any place where the Southern Church and Freedmen's Aid Societies were operating." "In all cases teachers and missionaries had been instructed to avoid infringing on the labors of others."

The Standing Committee's report on the business of the Freedmen's Committee, says in regard to the Zion Church case, only this: "The General Assembly regard the avoidance, as far as possible, on the part of the Committee, of all unpleasant collision with the Southern churches, as wise and judicious; and inasmuch as the jurisdiction of the civil authorities has been re-established in South Carolina, the question as to the occupancy of said house in the future is a question of law, and must be left to the adjudication of the civil courts."

That Committee also “bear cordial testimony to the fidelity, zeal, and efficiency of the Assembly’s Committee on Freedmen,” and especially to the “faithful and successful work of their Secretary during the past year.”

Let the reader observe now, that Mr. Logan declares to the Assembly that his Committee “had made no claims upon the church as their property;” and yet that “claim” was endorsed by him upon the back of the Corporation’s petition sent to the Committee from Gen. Saxton, and by them returned to the General. And Mr. Logan’s letter of the 4th of March says: “First then, this Committee did lay before Gen. Saxton, on the 11th of December last, a claim to Zion Church as the property of the General Assembly.”

Let the reader also observe, that whilst Mr. Logan declares to the Assembly that it was the post-commander’s adjudication which gave the use of the property to his Church, and so shifts the responsibility for their holding it from themselves upon him, yet it is certain and plain that the said post-commander refused to give possession to the owners of the building, because Mr. Logan and his Committee claimed it as the property of the Assembly.

Let the reader observe further, that the responsibility is shifted again to the missionary, by both Mr. Logan and Mr. McKnight. The latter says, it is “a colored preacher” that claims the church, under “the provisions of the civil rights bill;” and both declare it is the colored congregation that is contending with the white people who built the church. And yet the Committee supports the missionary who makes this unjust claim for his colored adherents. And so the Northern Presbyterian Church is made to sanction the effort to transfer twenty-five thousand dollars’ worth of property, from its rightful owners to other parties, on the ground of an *ex post facto* law of Congress. The excitements of the present may blind men’s eyes; but bye and bye the question for all parties will be, whether to be more astonished at the injustice fathered thus upon the church, or the dishonesty practised thus in laying all of the Committee’s responsibility upon a colored man.

Let the reader observe again, to his own amazement, the

absolute denial, by another member of the Committee, that any collision had taken place at all. Such an impression seemed to have got abroad, but it was altogether a mistake. They had carefully avoided places where the Southern Church was at work. Their missionaries could not infringe on the labors of others. All a mistake! The Committee's claim of the property, and their missionary's holding it, and the corporation's asking for it and being refused, and Dr. Adger's correspondence about the matter with Mr. Logan, and Mr. Girardeau's congregation being supplanted by another congregation, his session by another session, and himself by another preacher, these are all myths and not realities at all! Bravo, Mr. Allison! What a bold stroke was that for the exculpation of your Committee!

Now, the worst part of this case is, that a printed copy of the whole correspondence between Mr. Logan and Dr. Adger, including Gen. Saxton's own statement respecting their claim endorsed on the corporation's petition, was, all of it, plentifully circulated in the Assembly at St. Louis, and was in the hands perhaps of every member thereof. And yet the Assembly is so absorbed and so excited, or else so prejudiced against their Southern brethren, that it cannot see any of these things in their true light, but absolutely commends the Committee and the Secretary for their whole course!

Our brethren of the Northern Church have allowed themselves to be put by their agents into a false position on this subject. We can afford to do without our property in Charleston until the military authorities, by which all matters relating to the colored people there are still regulated, shall turn over to us what is our own. But *the Northern Church cannot afford* to continue to hold this property until we shall so obtain the restoration of it. Whether their Committee or their missionary hold it, they are involved in the act. Whether their Committee or their missionary incite the colored people connected with them to make an unrighteous claim to what does not belong to them, the Church of the North is involved in the injustice. It will not read well in history, if we should actually be indebted to military tribunals for a measure of justice refused to us by Christian

brethren, by Presbyterian ministers and elders. It is now eight months that this endeavor on the part of those old and tried friends of the black man in Charleston has been making to get justice from a Presbyterian Committee and Assembly. First in one form and then in another, first upon one ground and then upon another, the effort has been persisted in to deny the Charleston men their plain rights. At length the military authorities are under pledge to yield up the property with one condition, viz., that the missionary schools of the Northern Church be furnished with school-room accommodations in the basement of the building for a definite period. To this extent we have succeeded in getting the hold of our brethren upon our property broken. With a very deep and strong sense of the wrong they have done to us throughout, we do regret most sincerely for their sake and for the honor of our common name and Master, that it should be only to force, and not to right, they will yield up what does not belong to them, and that to the Government and not to the Church, we should have to be indebted for justice.