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ARTICLE I.

NATIONAL SINS.—*A Fast-Day Sermon, preached in the Presbyterian Church, Columbia, Wednesday, November* 21, 1860. By REV. J. H. THORNWELL, D. D. Columbia: Printed at the Southern Guardian office.

"And it came to pass, when King Hezekiah heard it, that he rent his clothes, and covered himself with sackcloth, and went into the house of the Lord."—*Isaiah* 37: 1.

I have no design, in the selection of these words, to intimate that there is a parallel between Jerusalem and our own Commonwealth in relation to the Covenant of God. I am far from believing that we alone, of all the people of the earth, are possessed of the true religion, and far from encouraging the narrow and exclusive spirit which, with the ancient hypocrites denounced by the Prophet, can complacently exclaim, the temple of the Lord, the temple of the Lord, are we. Such arrogance and bigotry are utterly inconsistent with the penitential confessions which this day has been set apart to evoke. We are here, not like the Pharisee, to boast of our own righteousness, and to thank

ARTICLE III.

THE MANNER OF ALTERING OUR DOCTRINAL STANDARDS.

The constitution of the Presbyterian Church in the United States of America consists of four parts, pertaining respectively to doctrine, government, discipline and worship. We claim that all these formularies are scriptural, and hence are binding on the consciences of those associated together in the Presbyterian Church, in Christian and ministerial communion. But we do not consider them all scriptural in the same sense, nor binding in the same degree.

1st. The scheme of doctrine taught and symbolized in the Confession of Faith, and in the Larger and Shorter Catechisms, we hold to be the very system of faith revealed in the Bible for man's salvation. Hence, we require the office-bearers, but especially the authorized teachers of the Church, to receive them as the confession of their faith, adopting them, *ex animo*, in their plain and obvious sense, "as containing that system of doctrine taught in the Holy Scriptures;" and the private members, in like manner, are under obligation to receive instruction therefrom, with that docility which becomes disciples in the school of Christ.

2d. The principles and rules of our government, discipline and worship, we hold to be derived from the Bible, either from its direct and positive precepts, or by good and necessary inference therefrom. While, therefore, we claim our Church order to be *jure divino*, in the sense that all the prerogatives, the officers and the ordinances of the Church are clearly ordained in the Scriptures, we do not hold that all the details of ecclesiastical regulation are given, but that much is left, in the practical administration of the Church, to human wisdom and prudence, in subordination

to the directions of the Divine word. Hence, we profess those parts of our Constitution pertaining to the order of the Church, in a very different sense from the confession we make in adopting our doctrinal formularies, since they necessarily contain, not only the principles of government, discipline and worship, which the Scriptures ordain, but, also, such prudential rules and regulations as the necessities of the Church have constrained her to enact. As these are, in good part, the mere product of human wisdom, instead of receiving and adopting them as we do the system of doctrine taught in the Confession, we are simply required to declare that we "approve of the government and discipline of the Presbyterian Church." So, also, the private member is under obligation to submit to his brethren placed over him in the Lord, in the due exercise thereof.

Before our present Constitution was formed, the standards of the Presbyterian Church were those of Westminster. By the adopting act of 1729, the Westminster Confession of Faith, together with the Larger and Shorter Catechisms, were unanimously adopted by the Synod, with the exception of certain clauses relating to the civil magistrate. At the same time, they unanimously declared, that they judged "the Directory for Worship, Discipline and Government of the Church, commonly annexed to the Westminster Confession, to be agreeable in substance to the Word of God, and founded thereupon;" and enjoined its observance "as near as circumstances will allow and Christian prudence direct."

At the organization of the General Assembly as the supreme judicatory of the Church, in lieu of the old Synod of New York and Philadelphia, these formalities underwent various changes. The clauses of the Confession of Faith which had reference to the relation of the Church to the government, etc., were altered to their present form; a single phrase, on the same general subject, was omitted from

the Larger Catechism; the Shorter Catechism was adopted entire; and thus our doctrinal symbols were formed, being substantially and really those of Westminster. But, in the other parts of the Constitution, the changes were much greater. The Form of Government teaches the same principles of polity inculcated by the Westminster Directory; and, moreover, it enjoins in general the same practice; while but few sentences, if any, remain unaltered. The Westminster Directory of Government contained scarcely any thing beyond the statement of the principles of ecclesiastical regimen, according to the doctrine of Presbytery; while the standing rules of the Church, pertaining to order, were prescribed by the General Assembly of the Kirk, and were given in a digested form in the Collections of Stuart of Pardovan. The framers of our Form of Government have given in it an abridged statement of Presbyterian polity, according to the general principles common to the First and Second Books of Discipline and the Westminster Directory, together with a brief but comprehensive digest of such of the standing laws of the Kirk, preserved by Stuart of Pardovan from the Acts of the Scottish Assembly, as are required by our circumstances, but so altered as to be adapted to our necessities. The Book of Discipline and the Directory of Worship have both undergone great changes since 1788; but they have always taught the same principles embodied in the old Presbyterian standards of Scotland, and have enjoined the same rules of procedure and practice, with but slight variation.

The result of all this is, that whereas the Westminster Confession and Catechisms remain, at the end of more than two hundred years from their first adoption, the symbols of faith of our Church, with no alteration except that pertaining to the relation of the Church to the State, and to the rights and duties of the civil magistrate, the other portions of the Constitution have undergone frequent changes as to their external form, and many alterations as to the

standing rules of ecclesiastical action, while all along they have maintained the same great principles of government, discipline, and worship, summarily set forth in the Confession itself. Hence, moreover, there is a reverence felt for the Confession and Catechisms, in the mind of the Church, second only to that rendered to the Bible. This arises, partly from the circumstances of their preparation, and their great antiquity, giving the Church a strong assurance of their scriptural fidelity and sterling value; partly, because the Church recognizes in them the precious Gospel of everlasting life, since she finds a response to their heavenly teachings in the heart-felt experience of all her children; and partly, because they come to us freighted with illustrious recollections of a multitude, whom no man can number, who, triumphing in the living power of their saving doctrines during the ages that are past, have crossed the flood—even a noble army of the redeemed of earth, martyrs, professors, and confessors, who, by a steadfast faith or by a self-sacrificing zeal, or by heroic deeds, have witnessed a good profession, as, through much tribulation, they have entered into the kingdom of God, and have transmitted to us as a priceless inheritance this precious legacy. On the other hand, highly as we value the remaining parts of our Constitution, they can claim no such antiquity, they have undergone no such venerable experience, and they can boast no such host of glorified witnesses. Hence, whatever changes human experience may require in the rules of Church order, the alteration of the Confession of Faith and Catechisms never can be effected, until the Church herself is profoundly impressed with its absolute necessity, as a matter of fealty to her King and Head; and then it can only be done with great deliberation and deep solemnity.

In the history of our Church, on three or four different occasions, attempts have been made to obtain an alteration of the Confession of Faith, in the chapter on marriage; and we believe this is the only part in which there ever

has been any attempt to effect an alteration. At the last General Assembly, this effort was renewed by the presentation of a memorial on the subject, from the venerable Synod of Philadelphia, improperly called "the old mother Synod," by the distinguished brother who presented the memorial. "The old mother Synod of Philadelphia" was merged in the Synod of New York and Philadelphia; and of this latter body, not the Synod of Philadelphia, but the General Assembly, is the successor. Notwithstanding, it is one of the four original Synods formed at the organization of the General Assembly, venerable still for its age, but more venerable on account of its great size, and the weight of character belonging to it, from the ability, learning, experience, and age of very many of its respected members, whose praise is in all the churches. As the brother who had charge of the memorial on behalf of the Synod (Dr. Boardman) claimed for it a respectful hearing on account of the source whence it came, we shall treat that honored brother, and the venerable Synod which he represented, with the great respect of assigning at length our reasons for believing that they have chosen an unconstitutional method of accomplishing their purpose, whether their object be right or wrong—on which point we shall say nothing in this article.

I. It is certainly a question at once grave, serious and interesting, as to whether the doctrinal standards of our Church can be altered; and, if so, in what manner and to what extent. It has been seriously doubted, indeed, by some of our wisest and ablest divines, as to whether there is any power residing in our Church judicatories, or in the whole Church, in any imaginable way to make any change whatever in the doctrinal portions of the Constitution. This view is based on the fact that the profession of faith is of the nature of a religious covenant, and is of perpetual obligation. This certainly is a weighty difficulty, and very formidable, unless some provision can be found of equal

obligation with the Confession itself, by which it may be altered. It is very true that there is no provision made in the Constitution for changing or amending any doctrine or precept professed to be derived from the Word of God. The authority is limited to the alteration of "constitutional rules," those prudential regulations which human wisdom made, and, *per consequentium*, may alter or amend. Take these formularies as we have them, and on their face they are as binding as these objecting brethren say they are, and unalterable, in the degree and for the reasons assigned. Nor is there any way of escape from this conclusion, as it seems to us, unless we find it in the act adopting our standards, and establishing the Constitution. If it provides any manner of effecting such alterations, that also becomes part of the covenant, and is as binding as any part of the Constitution, since it is the very instrument which originally gave, and still gives, vitality to the Constitution itself. This general principle, however, is liable to this limitation, that it cannot be so construed as to set aside the obligations assumed by Church officers, ministers, elders and deacons, at their ordination. For, since these obligations, by the authority of the Constitution, are imposed on them at their induction into office; and since, in the discharge of their public duties, they are always acting under the weight of these solemn vows; it is not morally possible to conceive of any change being effected in that faith of the Church which they have confessed and professed by solemn covenant; for the change can only be made by the votes of those who have solemnly sworn to maintain it, as it is. Here, then, is a difficulty of a very serious character, which, most certainly, must affect this question very materially. Church officers "receive and adopt the Confession of Faith of this Church as containing that system of doctrine taught in the Holy Scriptures." Now, no honest man can remain a minister, elder, or deacon, of the Presbyterian Church, after he ceases to believe that system of doctrine taught in

our standards. This is, in the highest sense, true of the minister; for, besides adopting the Confession of the Church, he promises, among his vows of ordination, "to be zealous and faithful in maintaining the truths of the Gospel, and the purity and peace of the Church," etc. What truths of the Gospel can this mean, more emphatically than those he had just confessed by the previous vow? Therefore, the idea of his attempting to effect an amendment of the standards so as to alter or modify any doctrine belonging to that system taught in them, or so as to make them teach some other system of faith, is simply absurd, in any moral or legal aspect of the case. Whatever change the provisions of the Constitution or the terms of the adopting act may authorize us to make in the phraseology of the Confession, so as to make it express more accurately, and with less liability of misconstruction, the doctrines contained in the system it was originally designed to teach, if this be possible; or, whatever additions we may feel ourselves justified in making to it, by way of testimony against the new errors ever springing up in a gainsaying world, if any shall ever be deemed needful; or, whatever changes we may attempt in any of those articles, sections or sentences, which are not necessarily included in that system, such as the extent of the law of incest, the rights and duties of civil magistrates, etc., certainly, it must be acknowledged that we can not, by any action or exercise of power, directly or indirectly affect the system of belief, or any doctrine thereof, taught in our symbols, embraced at our ordination, and embalmed in the faith of the Church. For, 1st. We would by the very act be guilty of most fearful perjury. 2dly. We would thereby absolve every Church officer from his ordination engagements to us; for our Confession would no longer be the one he had received and adopted, and sworn to maintain. And, 3dly. The act would free our Christian people from all obligations to us, such as they enter into at our installation; and would hence throw

the Church into anarchy. For their reception of us, in the pastoral relation, is consequent upon our public adoption of the Confession. But now, having changed our faith, and altered our symbols to make them correspond therewith, we would thus, by our own act, have destroyed the very basis of the covenant, and it would of course perish. Even the Constitution of the United States, in those amendments adopted as a declaration of rights, provides that no law shall ever be passed impairing the validity of contracts. If the civil covenants made among men pertaining to temporal things be so sacred as this, how solemn and binding do those religious covenants become, which are made to men, indeed, but before God, with regard to the things of His kingdom, and which are the more sacred because the obligation is wholly moral, resting entirely on plighted faith. Wherefore, there is not, and can not be, any authority existing any where, which has any moral right to do any act, or make any change, which shall affect or destroy the covenants made between the Church and her officers, between the Church and God's people, or between the officers and the people. Did the power even exist to make such changes as these, they would only be made with reference to the reception of ministers and members in the future: they could not, by any right, be made binding on those already connected with the Church; which again only shows the absurdity of any such claim of power.

Therefore, throughout this article, whenever we speak of the right to alter the doctrinal standards, we mean to be understood in the restricted sense which we have explained above. The covenant of ordination is such that it invests those who enter into it with certain great and invaluable rights, and also imposes on them, not only a faith, but an engagement faithfully to maintain it. This engagement is individual and personal, between the Church and every individual officer—not between the Church and her officers in the general. It can only be dissolved by the consent of

both parties; which consent, so far as the officers are concerned, must also be individual and personal. Hence, the engagements of ordination must be kept inviolate on the part of the Church. Therefore, the right of the Church to make any change in her standards, must be limited, *quoad hoc*. In this sense we desire to be understood in all we say in our subsequent pages.

II. Having thus given our views as to the limits of the discussion, it is necessary now to consider the state of the question.

The Constitution was adopted by the Synod of New York and Philadelphia in 1788, at the last meeting of that body. For several years that venerable Synod had been occupied in forming a permanent Constitution for the Church—with reference to its own dissolution. At this meeting the work was completed, and was finally ratified and adopted, in a minute which we copy in full, from Baird's Collection, first edition, page 10, as follows:

> The Synod having fully considered the draught of the Form of Government and Discipline, did, on the review of the whole, and hereby do, ratify and adopt the same, as now altered and amended, as the Constitution of the Presbyterian Church in America; and order the same to be considered and strictly observed as the rule of their proceedings, by all the inferior jurisdictions belonging to the body. And they order that a correct copy be printed, and that the Westminster Confession of Faith, as now altered, be printed in full along with it, making a part of the Constitution.
>
> *Resolved*, That the true intent and meaning of the above ratification by the Synod is, that the Form of Government and Discipline, and the Confession of Faith, as now ratified, is to continue to be our Constitution and the Confession of our Faith, unalterable; unless two-thirds of the Presbyteries under the care of the General Assembly shall propose alterations or amendments, and such alterations or amendments shall be agreed to and enacted by the General Assembly.

Subsequently, the following additional minute was adopted and recorded, viz:

> The Synod, having now revised and corrected the draught of a Directory of Worship, did approve and ratify the same; and do hereby appoint the said Directory, as now amended, to be the Directory for

the Worship of God in the Presbyterian Church in the United States of America. They also took into consideration the Westminster Larger and Shorter Catechisms; and, having made a small amendment of the Larger, did approve, and do hereby approve and ratify, the said Catechisms, as now agreed on, as the Catechisms of the Presbyterian Church in the said United States. And the Synod order, that the Directory and Catechisms be printed and bound up in the same volume with the Confession of Faith and the Form of Government and Discipline; and that the whole be considered as the standard of our doctrine, government, discipline, and worship, agreeably to the resolutions of the Synod, at their present session.

There could be no difficulty in the case, were this the only provision bearing on the subject. The plain and obvious meaning of the above is, that no alteration of the Constitution can be made, except on the petition of two-thirds of the Presbyteries, addressed to the General Assembly, and asking that body to do it. That is, all alterations are to be made by the Assembly, on the petition of two-thirds of the Presbyteries. But in the Constitution itself there was a provision which was early understood to apply to the prudential regulations contained in some parts of that instrument, and under which, in its original form, or as subsequently amended, all the changes heretofore effected in the Constitution have been made. We insert it as it originally stood in the first Form of Government, as follows, viz:

Before any overtures or regulations proposed by the General Assembly to be established as standing rules, shall be obligatory on the Churches, it shall be necessary to transmit them to all the Presbyteries, and to receive the returns of at least a majority of them in writing approving thereof.

Here, then, we have two laws which seem to conflict in their provisions. In the last Assembly, it was contended that this latter act had no reference, in the minds of the framers of our Constitution, to any of the provisions contained in the Constitution itself, but only to standing injunctions of the General Assembly; that it was taken from the "barrier act" of the Church of Scotland, which

had no reference to constitutional enactments, as it was said, but only to standing regulations prescribed by the General Assembly of the Kirk, under the general provisions of the Constitution; and that our rule being derived from it, must be understood as a simple limitation of the powers of the Assembly in reference to the same objects that the "barrier act" had in view. Hence, it was argued that the use which has been made of this article of our Form of Government was entirely an after-thought, occasioned by an oversight of the adopting act of the Constitution, which had been laid away among the manuscript records, and forgotten. On the other hand, it was contended that our article, although derived originally from the Scotch law, was inserted as an exception to the general law contained in the adopting act; that this latter act had reference to the great principles of the Church as to faith and order, whereas the former was designed to apply wholly to the rules of ecclesiastical procedure and practice contained in the Constitution; that since the faith of the Church is the very element of her life, no change was allowed to be made in the forms of it, or in the manner of expressing it, unless the necessity was so great that the Church herself required it at the hands of the Assembly, through a spontaneous petition from two-thirds of the Presbyteries—whereas, those ecclesiastical rules designed for the regulation of the proceedings of Church courts could be amended by a vote of a majority of the Presbyteries, on the recommendation of the Assembly; in fine, that the object of our fathers was to make the faith and principles of the Church stable, while matters of mere human prudence could be altered according to conveniency. This, then, is the position of the question, as it lies before us.

III. The important part which "the barrier act" of the Church of Scotland occupies in this discussion, makes it necessary for us to examine into its origin, history, and

use, from which it will be seen, we doubt not, that its great purpose has been misunderstood among us. The act, as quoted in Baird's Collection, is taken from the "Compendium of the Laws of the Church of Scotland." In that work the extract from the original act is not sufficiently extended to enable us to understand its true object. In Dr. Cook's edition of the "Styles, Procedure and Practice of the Church Courts of Scotland," we have a full statement of the matter. In that work, on page 266, we are told that "an overture and act anent novations" was passed by the Assembly in December, 1695, in the following words, viz:

The Assembly having heard an overture brought in from the Committee for overtures, that no new acts relating to the doctrine, worship or government of this Church, be made until they be first transmitted to the several Presbyteries of this national Church; which being considered, the General Assembly recommends it to the members of this Assembly to discourse upon the said overture with their respective Presbyteries, and that the next General Assembly may be more ripe to determine anent the conveniency thereof.

At the next Assembly, the result was, that the law, usually called "the barrier act," was passed, January 8, 1697, in the following words, viz:

The General Assembly, taking into their consideration the overture and act made in the last Assembly concerning innovations; and having heard the report of the several commissioners from Presbyteries, to whom the consideration of the same was recommended, in order to its being more ripely advised and determined in this Assembly; and considering the frequent practice of former Assemblies of this Church, and that it will mightily conduce to the exact obedience of the acts of Assemblies, that General Assemblies be very deliberate in making of the same, and that the whole Church have a previous knowledge thereof, and their opinion be had therein; and for preventing any sudden alteration or innovation, or other prejudice of the Church, in either doctrine, or worship, or discipline, or government thereof, now happily established; do therefore appoint, enact, and declare, That before any General Assembly of this Church shall pass acts which are to be binding rules and constitutions to the Church, the same acts be first proposed as overtures to the Assembly, and being by them passed as such, be remitted to the consideration of the several Presbyteries of this Church, and their opinions and consent reported by their commis-

sioners to the next General Assembly following, who may then pass the same into acts, if the more general opinion of the Church, thus had, agree thereto.

By carefully comparing this "barrier act" with our barrier article, already given, it will be seen that the Scotch barrier relates to "binding rules and constitutions," and had for its purpose to prevent "any sudden alteration or innovation, or other prejudice of the Church, in either doctrine, or worship, or disciple, or government;" whereas, our article relates simply to such "overtures or regulations" as are proposed as "standing rules." It will enable us to understand this matter of phraseology, and the relation of the one act to the other, to examine into the objects of the "barrier act," briefly, before proceeding to a consideration of our own article.

1. In the early days of the Reformed Church of Scotland —indeed, for more than a century, from the organization of the Church, in 1560, till the passage of the barrier act, in 1697—supreme authority, in all matters ecclesiastical, was exercised by the General Assembly. The Reformation itself was established by act of Parliament, on the basis of the Confession of Faith laid before them by the Protestant ministers appointed to prepare it. The first meeting of the General Assembly of the Church of Scotland, thus reformed, convened on the 20th of December, 1560. It was but small, only forty-four members, and only from six to twelve of them ministers.* By it the formulary known as the First Book of Discipline was prepared and enacted, which for many years maintained its position as the book of polity of that venerable Church, on the sole authority of the Assembly. It never was either adopted or established by act of Parliament.

In like manner, the Second Book of Discipline, the National Covenant, the Solemn League and Covenant, the

* Our authorities differ slightly as to those precise numbers.

Westminster Confession, Catechism and Directory of Government and Worship, etc., etc., all were enacted by the General Assembly, and were enforced on the Church by its supreme authority. Some of them, afterwards, received the civil sanction by act of Parliament; but, as ecclesiastical enactments, first and last, they rested for their authority on the act of the General Assembly ratifying and adopting them.

But it must not be inferred that the General Assembly was in the habit of exercising arbitrary authority, or of lording it over God's heritage. For, during nearly all this time, that body was composed of a very full representation of the whole Church. Stuart of Pardovan, in his Collections, Book I., Title XV., section 3, says:

> At the beginning of our Reformation, the Assembly did consist of those of the reformed religion, delegated from some shires and burghs where the reformed dwelt. The number of pastors was then so small that it did not exceed the fourth part of the meeting, as may be seen from their *sederunts*, in the copy of the MS. acts of Assemblies; and until the number of ministers did increase and multiply, it was at first a general meeting of them all; but thereafter they did empower and commission a few to represent them, who are thereupon only designed "the Commissioners of the General Assembly."

By the act of the English Parliament of 1645, the representation of elders was made twice as great as that of ministers, two elders being appointed for every minister; but the Scotch Directory of Government, printed in 1647, made the representation of ministers and elders equal. But further: Measures of great importance, after the General Assembly had ceased to be a collective, and had become a representative body, were never passed on, until the commissioners had an opportunity of consulting their constituents. For the Assembly of 1639, as we are informed by Dr. Cook, page 266, ordained as follows, viz:

> That no innovation, which may disturb the peace of the Church and make division, be suddenly proposed and enacted; but so as the motion be first communicated to the several Synods, Presbyteries and Kirks,

that the matter may be approved by all at home, and commissioners may come well prepared, unanimously to conclude a solid deliberation upon these points in the General Assembly.

2. The immediate occasion or reason of the passage of the barrier act, so far as we can judge from the history of the case, was a change in the law of representation in the Assembly. In 1694, an act was passed which still regulates the matter in the Established Church, by which Presbyteries were allowed to delegate not less than a sixth part, nor more than a fifth part, of the ministry; and reducing the delegation of elders to about two-thirds of that of ministers. This was, doubtless, a great change in the Constitution of the Assembly. How the Assembly was constituted, during the troublous times after the Restoration, or under what law it was constituted after the Revolution, we are not able to learn from any authorities at hand. But, according to any of the previous rules on this subject, this act of 1694 must have caused a great diminution of the size of the Assembly, especially in its popular element. At the very next meeting of the Assembly after the passage of this act, and, of course, the first that met under the new basis of representation, the overture was introduced which became the forerunner of the barrier act, as already given. No reason is assigned for requesting the change proposed in the manner of enacting standing rules of general obligation; but we can clearly see a just jealousy of the rights of the Church, when left in the hands of so small a portion of her rulers.

3. Since the adoption of the barrier act, all fundamental laws and regulations of the Church have been submitted to its provisions. The very first exercise of the right of the Presbyteries, under this act, of which we can find any mention in our authorities, was in giving sanction to the "Forms of Process," in 1704, which are still in use in the Established Church of Scotland, though much modified. And we find that, under it, all such regulations as are given

in the Pardovan Collections, and in the "Styles, Procedure and Practice of the Church Courts," by Dr. Cook, are submitted to the Presbyteries before becoming binding rules. Those who may not have these books at hand to refer to, can understand the matter, when informed that, so far as they are applicable to our Church and country, these same regulations, or similar ones, are contained in the Form of Government, commencing about the eighth chapter, in the Book of Discipline, and in the Directory of Worship; but chiefly in the first of these.

Now, the true intent of this act can be ascertained by considering the evil it was designed to remedy, or the danger which it was expected to prevent, by observing the actual application of the rule in the practice of the Church; and by a careful examination of the language of the act itself, with these historical lights before us. We have seen, then, that the object of the act is, on the one hand, to prevent arbitrary and hasty legislation by the Assembly, making innovations in the doctrine and order of the Church; and, on the other, to secure the passage of only such "binding rules and constitutions" as might meet with the approval of a majority of the Church, as well as of the Assembly. We have, also, seen that under it such constitutional enactments have been passed as the directory of discipline of the Church, known in Scotland as the "Forms of Process," as well as all those regulations designed for the government of the Church and her judicatories, such as we have already described. Moreover, the overture of 1695, already quoted, which originated the "barrier act," was, "that no new acts relating to the doctrine, worship or government of this Church be made until they be first transmitted to the Presbyteries." Still further: The preamble to the act itself declares its great purpose to be, "for preventing any sudden alteration or innovation, or other prejudice of the Church, in either doctrine, or worship, or discipline, or government thereof, now happily

established." It may be that the "act of security," passed as the basis of the union between the kingdoms of England and Scotland, in 1706, in ratifying and establishing the Confession of Faith and the Presbyterian Form of Church Government, "to continue without any alteration to the people of this land in all succeeding generations," took away from the Church, as well as from the Parliament, the right to alter any of her accredited formularies; those included in the act of security being the Westminster standards, the Second Book of Discipline and the Forms of Process. But the Scotch Church have understood that act to be one protecting them from the encroachments of the State, and have never hesitated to make any changes in her forms of order which the conveniency of the Church demanded. It may be, moreover, that the Constitution of the Church of Scotland contains no provision for its own modification. But the power that made it could unmake it again. The whole of the formularies of that Church, except the Forms of Process, were enacted on the sole ecclesiastical authority of the General Assembly; and of course, having established them, it could also repeal or alter them. The very purpose of the "barrier act" was to take out of the hands of the General Assembly this high prerogative, and to lodge the decisive power in the Presbyteries. Now, the "barrier act" was passed several years before the union of the two kingdoms, and whatever may have been the effect of the "act of security," who can doubt, with all these facts before him, that the original design of the law was to throw a barrier around the Assembly, to protect the rights of the people in matters pertaining to faith and order? Heretofore the Assembly had exercised supreme authority on all these subjects. It had made and unmade confessions; it had established and supplanted books of discipline; it had set up and overturned directories for worship; it had enjoined the teachings of one catechism, only to set it aside to make room

for another, and thus the Assembly had claimed and exercised all Church power. This might all be well enough at first, when the Assembly was the real embodiment of the Church, all her ministers, and a large part of her eldership, being of her body. It might still do, while the representation of the Church was composed of the bulk of the ministers, with twice as many, or even as many, ruling elders. For, by means of these representatives, who by the canons of the Assembly were required to confer with their constituents on all fundamental matters, and especially on all innovations, the sense of the Church could be gathered, and the voice of the Assembly, when acting without civil restraint, was but the voice of the Church. But now, the case was changed. By the law of 1694, the Assembly was reduced to between one-sixth and one-fifth the clergy, with about two-thirds as many elders as ministers. It was time for the people to look after their rights, and secure the stability of their beloved Church, for which many of that generation had fought and bled under the banner of her covenants, and in the glorious defence of her faith and order. With their own blood and treasure freely poured out, and with the blood and treasure of their martyred fathers, the sons of the Covenanters had purchased them as their own priceless boon, and as the peerless inheritance of their children and their children's children. The General Assembly had more than once been corrupted and overcome by king-craft; and the potent influence of Scottish merks or English pounds sterling had been felt, when tulchan bishops lorded it over God's heritage, and Arminian pastors fleeced the flock. The General Assembly, through intimidation and corruption, had bartered away their Church, their religion, and their sacred all. Venality might again creep in—corruption might again canker in the General Assembly—but when all innovations had to be judged of by the Presbyteries, such a calamity could never befall them, until the nation itself had become corrupt.

The books before us give us no reason for the act in question. The reasons we have suggested are derived from the times, the circumstances, and the necessities of the Church. Every reader can judge for himself as to their validity. But, be the reasons of the act what they may, it has actually accomplished for the Church of Scotland all we have claimed for it; and now, during a period of more than one hundred and seventy years from its first passage, it has preserved the doctrine and order of the Kirk from innovation. To us its meaning and purpose are manifest.

IV. We now proceed to a consideration of our own barrier article. We have already copied it, as it originally stood in the Form of Government as first adopted. It is in this form we have to do with it at present. In its amended form it may be seen in Form of Government, chapter 12, section 6.

With us, as in like manner it had been the case in Scotland, the mother Presbytery first, and afterwards the mother Synod, was not only the supreme court, but exercised supreme ecclesiastical power. The adopting act of 1729 was the act of the Synod. It is true that it came up at more than one meeting, giving the members an opportunity of consulting with their people at home, as the Scottish commissioners under similar circumstances were required to do. But finally it was passed, without consulting the Presbyteries, and was enforced by the sole authority of Synod. But the Synod was composed of all the ministers of the Church, with an elder from every Session. The acts of the Synod were, therefore, really the acts of the Church. The Presbyteries sometimes objected to the proceedings of Synod, and remonstrated; but usually their difficulties were solved, and the power of the Synod was maintained as supreme.

At the formation of our Constitution, the same contingency happened which had also occurred in Scotland. The General Assembly, which was erected out of the ruins of

the old Synod, was no longer a convocation of all the ministers of the Church, with one elder from every congregation; but it was composed of delegates from the Presbyteries—ministers and elders being sent in equal numbers. Hence, in forming the Directory of Government, a barrier article was inserted, in imitation of the barrier act. We have already quoted them both, and now refer the reader to them. Their phraseology, as we have before observed, is very different, in an important respect. The Scotch act has reference to "binding rules and constitutions," *i. e.*, to every kind of ecclesiastical enactment, whether fundamental, or only prudential. But our article had no application to fundamental enactments, but only to those "standing rules," which are of the nature of "regulations," which rest wholly on human wisdom, and are of a prudential nature. Among the Scotch, those enactments designated "binding rules," in the barrier act, are usually called "the standing laws of the Church"—from whence we doubtless obtained our expression, "*standing* rules." The right to amend our Constitution, in any of its fundamental articles, is not given in any part of the book itself, but it is given in the act adopting the Constitution, as already recited. So that our fathers seem to have separated the provisions of the barrier act; and, in the adopting act, to have inserted the provision pertaining to "constitutions;" while, in the barrier article, they have retained the provision concerning "binding rules." Indeed, the very fact that there is a change of phraseology, gives strength to our position. It is conceded that our law was modified from the Scotch act. A variation of language would not have been adopted without a purpose. It is a settled principle of legal construction, that if a provision of one statute, whose construction has been determined and acted on, be inserted in another, the same construction must be given to it; but if the clause varies, it shows a different intention in the minds of the law-makers, unless it is manifest that the variation

was made in order by more precise language to give the construction attributed to the former statute. This common-sense rule makes it evident that there was a distinct purpose in omitting from our article the word "constitutions," found in the barrier act—that the framers of our article designed to omit from its operation every thing which, under that law, had gone under the name of "constitutions," in the minds of our Scottish brethren. So, also, the variation of language, from "binding rules" to "standing rules," was manifestly designed to give greater precision to the law. "Binding rules" is tautalogical; for all "rules" must be binding, although many of them are temporary. To adopt the phraseology, "standing laws," would open the way for misapprehension; for it might be construed to mean the whole Constitution. But the phraseology, "standing rules," was rightly chosen, since it was to those regulations which are of permanent and constitutional obligation the article was designed to apply.

The opinion was expressed, on the floor of the last General Assembly, that the original object of our article never was carried out; but that, without authority, yea, in direct violation of the adopting act of 1788, the article was so changed as to admit of the use now made of it. But if this article was based on the "barrier act," it must have referred to the same things, under the name of "standing rules," which the Scotch act called "binding rules," as we have just seen. We have already proved that in the usage of the Kirk it did apply to just such standing laws as are preserved by Pardovan and Cook. Now, our Form of Government was derived from two general sources. The portions pertaining to the doctrines of Church polity are abridged from the First and Second Books of Discipline and the Westminster Directory. The remaining chapters and sections are condensed from such of the standing laws of the Church found in the Pardovan Collections as were suited to our circumstances. Our books of discipline and worship,

also, were composed with the Scotch laws in hand, as any one will perceive who will take the trouble to compare our formularies with Stuart of Pardovan. If, then, the Scotch act had reference to such standing regulations as these, when it spoke of "binding rules," and if our article be taken from it, to what can its more precise language, "standing rules," apply, if not to such regulations?

Again: Early in the history of the General Assembly, there was a dispute as to the meaning of the phrase "standing rules," the nature of which seems now to be misunderstood. In recent discussions it has been taken for granted that the dispute was as to whether it meant constitutional rules, *or* those acts of the Assembly designed to carry out the provisions of the Constitution. But this is certainly an error. So far as the public records show, the dispute was as to whether it did not include the latter, *as well as* the former. We can find no question raised as to the right of the General Assembly to send down "overtures" to the Presbyteries, for the altering of any of the "regulations" contained among the "standing rules," in our formularies. But there was a party who desired to make the rule go further, and take in along with these all the injunctions of the General Assembly. This was the matter in controversy.

There is an ancient legal maxim, venerable even in the days of Lord Coke, "*Contemporanea expositio est fortissima in lege.*" It is, therefore, fortunate that this law early received a thorough investigation and a constitutional settlement; and this in two particulars: first, that it did not include rules outside of the Constitution; and, secondly, that it did include the standing rules contained in the Constitution.

The first of these points was determined by an authoritative decision of the General Assembly in 1799. The Assembly had passed a rule on the manner of receiving foreign ministers. The Presbytery of New York objected to it, among other reasons, as a contravention of the barrier

article. The Assembly, as quoted in Baird's Collection, first edition, page 23, replied as follows:

> That the first reason assigned by the Presbytery of New York for their request, is founded on a misrepresentation of an ambiguous expression in the Constitution. The sixth section of the eleventh chapter is thus expressed: "Before any overtures or regulations proposed by the Assembly to be established as *standing rules*, shall be obligatory on the Churches, it shall be necessary to transmit them to all the Presbyteries, and to receive the returns of at least a majority of the Presbyteries, in writing, approving thereof." *Standing rules*, in this section, can refer only to one of the following objects: 1st. To articles of the Constitution, which, when once established, are unalterable by the General Assembly; or, 2d. To every rule or law enacted without any term of limitation expressed in the act. The latter meaning would draw after it consequences so extensive and injurious, as forbid the Assembly to give the section that interpretation. It would reduce this Assembly to a mere committee to prepare business upon which the Presbyteries might act. It would undo, with few exceptions, all the rules that have been established by this Assembly since its first institution, and would prevent it for ever from establishing any rule not limited by *the terms of the act* itself. Besides, *standing rules*, in the evident sense of the Constitution, can not be predicated of any acts made by the Assembly and repealable by it, because they are limited, in their very nature, to the duration of a year, if it please the Assembly to exert the power inherent in it at all times to alter or annul them, and they continue to be rules only by the Assembly's not using its power of repeal. The law in question is no otherwise a *standing rule* than all other laws repealable by this Assembly.

The next year, 1800, the Presbytery of Baltimore petitioned for the repeal of the same act to which the New York Presbytery had objected, until constitutionally enacted. The overture was rejected, "inasmuch as the Assembly consider the act referred to in the said overture as entirely constitutional."

In like manner, the other point, viz: that the article in question does apply to the "standing rules" contained in the Constitution, has been as authoritatively settled as the first. In 1799, the proposition was sent down to the Presbyteries to change the expression, "standing rules," into "constitutional rules," under the very authority contained in that article itself. No vote was recorded against sending

it down—no protest was entered—and no remonstrance came from any disaffected Presbytery.* The opposition was to limiting the provision to constitutional rules. The Presbytery of South Carolina expressed the opinion that it had "a principal relation to the mode or manner of altering or amending the Constitution;" but were opposed to changing the phraseology, manifestly because they were opposed to limiting it to constitutional rules. During the whole discussion, which only ended in 1805, when the change of phraseology was effected, the Assembly seem to have acted with a full and perfect conviction of their right to make changes under that clause; and, so far as the record shows, of this right there was no dispute. The meaning of no constitutional provision could be more clearly or authoritatively settled than this was; all parties consenting unto the exercise of the power as rightful, although a large minority disputed its propriety, and voted against it.

Nor was all this done in ignorance and forgetfulness of the adopting act of 1788. The subject seems to have been first broached in 1799, but it was not settled until 1805. But in 1800 the adopting act of 1788 was up for consideration, and an overture was offered and disposed of, as follows:

A motion was made and seconded, that the Assembly adopt the following resolution, viz:

Whereas, the Synod of New York and Philadelphia, at their sessions in the year 1788, after adopting the Constitution, made and recorded a resolution on the subject, which is conceived by some to be at variance with the Constitution, and by others to be of equal authority with the Constitution itself; therefore,

Resolved, That the Presbyteries instruct their commissioners to the next General Assembly on this subject, and authorize them to annul the said resolution, or to reconcile it with the Constitution.

After some discussion, the Assembly

Resolved, That it would be improper in the conclusion of the sessions, to determine an affair of such magnitude as the present appears

* "Qui tacet verbo et facto, ubi obloqui vel resistere potest ac debet, consentire videtur."

to be; and that, therefore, it be recommended to the attention of the next General Assembly.—(See Baird's Collection, page 22.)

The subject was not resumed. We doubt not these proceedings grew out of the discussions on the petition from the Presbytery of Baltimore of that same year, alluded to above. However that may be, here we see that the whole subject was before the Church for five years before the first alterations of the Form of Government were effected. That action, therefore, could not have been had in ignorance of a law lying by in the manuscript records of the body and forgotten. This brings us,

V. To a consideration of the adopting act of 1788. Has it become obsolete, or is it still of binding force. On this subject we say,

1. That the adopting act of 1788 is the very basis of the Constitution of the Church—the very act which gives it vitality, and on which its authority rests. The Synod of New York and Philadelphia had been employed for several years in preparing the public formularies for the Church; but no vote was binding, no change was made in the accredited standards of faith and order—every thing remained as it was under the adopting act of 1729, until the passage of the act of 1788. By it the newly prepared standards were ratified and adopted as the Constitution of the Church, and were declared binding on the lower judicatories. This act, therefore, gave vitality to the Constitution itself—was the act which brought it into being.

2. It is still the law of the Church. It has never been repealed, no attempt has ever been made to repeal it. It is contended, that because it has never been acted on, in the history of the Church, it has become obsolete, and is no longer binding. But we answer, that non-user does not nullify legal enactments, much less fundamental or constitutional rights. "A statute cannot become obsolete by disuse, or by contrary usage, or any adjudication whatever," unless the legislative authority in which the power of

repeal resides, by subsequent legislation, treat it as though it had become obsolete. The Constitution of the United States gives Congress the power to determine the manner of choosing Representatives, and the time of the election of the electors of President. This power was never exercised until 1842. Did previous non-user render these laws null? The Constitution also gives Congress authority to appoint the times of the election of both Senators and Representatives, but that body has never exercised the power. Who will contend, therefore, that it does not exist? A constitutional right may lie in abeyance—but it does not therefore cease to exist. The moment there is occasion for its exercise, it is revivified. On the other hand, a law passed in contravention of a fundamental enactment, is itself void, no matter how long it may have stood on the statute-book—at all events, this was good Old-School doctrine in 1837, and proved itself good law, before Judge Gibson, in 1839. The Plan of Union of 1801 had stood for thirty-six years; but it was repealed, and every thing done under it was declared null, because of its unconstitutionality. So the Assembly reasoned; and the Supreme Court of Pennsylvania declared it good logic and sound law. In view of which facts, we acknowledge it sounded odd enough to hear learned divines, in the last Assembly, arguing that because a fundamental law had been lying in abeyance, it had thereby become obsolete and null. We thought such reasoning would have sounded much better in the New School Assembly, than in ours. But, moreover, the very purpose of the provision contained in the act of 1788, was to prevent a constant tinkering at the constitutional principles and established faith of the Church; to secure the Church against innovation in matters which were settled in her standards. Hence, it is, assuredly, a very marvellous argument against an enactment which was confessedly designed to secure stability in

the principles of the Church, that it has absolutely accomplished its purpose.

3. The law is unrepealable. This arises from the nature of the act. It is the act by which the Constitution was ratified, adopted, and established. Its repeal would be the repeal, also, of the Constitution, and would work the dissolution of the Church. We may, indeed, if we see proper, dissolve the Church in many ways; but we can not remain a Church and at the same time repeal the very law establishing the Constitution, and binding us together in Church communion. But it is asked, may not the power that made it unmake it again? How far this is true, in reference to vested rights, we need not discuss at present. For, even though we should grant the principle, it can meet with no available application here. For the body which passed the adopting act of 1788, in all that it did, was simply preparing to dissolve itself into its constituent elements, to meet no more for ever. The old Synod of New York and Philadelphia was composed, *de jure*, and putatively, of all the ministers and one ruling elder from every Session of the whole Presbyterian Church in the United States. The General Assembly is wholly unlike it, being entirely a representative, and not a collective, body. The original Synod, consisting of the body of the Church, assembled in the persons of her Divinely appointed rulers, dissolved itself, and can never meet again. The size of the Church and country forbid it; the Constitution makes no provision for it, but makes many against it; and the impossibility of the Church longer continuing to meet, as it had done, in General Synod, was the very cause of the adoption of the present Constitution.

4. The law has neither been buried nor forgotten. Two or three speakers told us this, in the last Assembly; but the records of the Church show them all to be mistaken; yea, that every change ever effected in our Book was made with this law fresh in the memory of the Church. The first

changes effected in our Form of Government were discussed from 1799 until 1805, when the vote of the Presbyteries was given confirming them. But in 1800 this act of 1788 was discussed by the Assembly; and an effort was made, by those who contended that the Constitution and it conflicted, to have the sense of the Presbyteries taken on the subject. The minute in the case we have already quoted. The next changes were made in 1821, being sent down to the Presbyteries in 1820. But the first Assembly's Digest was printed sufficiently early in 1820 to be lying on the table of the Assembly, and in the hands of the members, when that body met; and in it the act of 1788 is given in full, the important parts being printed in capital or italic letters. The third and last occasion on which any change was effected was in 1833. But in 1832, in answering the question, "Whether the Catechisms, Larger and Shorter, are to be considered as a portion of the standards of our Church, and are comprehended in the words, 'Confession of Faith of this Church?'" the Assembly refer to "the adopting act of our Confession," for the authority of the Catechisms as a part of our standards; and they quote the act almost entire. (See Baird's Collection, p. 17.) Finally, in 1843, a proposition was made to alter our Confession on "the marriage question;" which was referred to a committee, who, in 1844, reported; and among other things they declare that the act of 1788 is the law of the Church on the matter of changing the doctrinal standards. With all this before us, can we say that this act has ever been forgotten, or that it has become obsolete?

5. But suppose we agree that this law has become obsolete, and is no longer binding, what effect will that have on the right to make changes in our doctrinal standards? 1st. As the Constitution itself contains no clause which can be construed into a provision for altering any part of it professed to be derived from the word of God, the setting aside of the adopting act of 1788 would simply take away all

right of every kind to alter the articles of our faith. 2d. It would render the whole Constitution even more stable and binding than before; for the alteration of any of its doctrinal statements could only be effected by revolution, or an ecclesiastical *felo de se;* since any change would absolve every minister, ruling elder, and deacon, from his ordination engagements, as well as the private members from their allegiance.

VI. Here, then, we have two laws on the same general subject, enacted at the same time, and of equal obligation—the one contained in the Constitution itself, the other in the act adopting the Constitution and giving it being. This, however, would occasion no difficulty, were it not for that apparent conflict which seems to exist between their provisions. The question we now have to examine is as to whether this conflict be real, or only apparent; and whether there is any just method of reconciling their provisions. In considering these questions, it is safe for us to derive our hermeneutics from the courts of law and the bar, thus obtaining the aid of that noble profession, which had its origin in the glorious uncertainty of the law, occasioned by the imperfection of human legislation and human language; and whose chief occupation is the interpretation and construction of statutes, in order to the promotion of justice and the maintenance of our cherished rights.

That eminent jurist, Sir Wm. Blackstone, says, that "the fairest and most rational method to interpret the will of the legislator is, by exploring his intentions at the time when the law was made, by *signs* the most natural and probable. And these signs are either the words, the context, the subject matter, the effects and consequence, or the spirit and reason of them all." Moreover, in order to ascertain the intention of the legislature, the court may look to the object in view, the remedy intended to be afforded, and the mischief intended to be remedied. In view of these general principles, the object of which is to gain a knowledge of the

intent of the legislative power, the courts of law have established certain rules for the interpretation and construction of the statutes, which have been tested by experience, and sanctioned by the concurrent approbation of the English-speaking world. Such of these as are applicable to our present inquiry we insert below, as we derive them from the books. Those to which we have had access, in preparing this article, are Blackstone's Commentaries, Bouvier's edition of Bacon's Abridgment, and the United States Digest.

1st. Words are to be understood according to the *usus loquendi* at the time of the making of the statute. Hence, "where a word used in a statute has a fixed technical meaning, the legislature must be understood as employing it in that sense, unless there be something in the context which shows that it was intended to be used in a different sense."

2d. Statutes *in pari materia* are to be construed together, as though they were one law; and two statutes seemingly repugnant should be so construed that they shall both stand, and harmonize, if possible. This apparent conflict may be reconciled on any fair hypothesis, and vitality given to each, if it can be, and is necessary to conform to usages under it.

3d. If, from a view of the whole law, the intent is different from the literal import of some of its terms, the intent should prevail.

4th. If the language in different portions of the statute is inconsistent, it should be so construed as to be consistent with the leading objects of the statute.

These rules, thus given as they are acted on by courts of law, must commend themselves to the common sense of every reader. The object in every case is the same, to point out a way by which we may carry out the intention of the law in cases of obscurity, conflict, or doubt. It seems to us that the application of these rules will enable

us to escape from the apparent difficulty in the construction of our own laws, which have occasioned this article. Let us look at this point a little.

If we have been successful in what we have attempted, we have shown that our barrier article was originally inserted with reference to constitutional rules or regulations; that this construction of it was early given by an authoritative decision of the Assembly, and was ratified by a vote of the Presbyteries, changing the phraseology in accordance therewith; and that it has uniformly been acted on by the Church during her whole history. All these points may be considered settled; and hence the construction of that article of the Constitution can no longer be viewed as an open question. For, "where an old statute has received an early practical construction which, if it were *res integra*, it might be difficult to maintain, it will be adhered to, especially if great mischief would follow a contrary construction." So that, even though the construction given to our first barrier article be such that we could not maintain it now, we are compelled to adhere to it; because it was made by the proper authority, and has been practically carried out ever since; and the giving of a new or different construction to it would work great mischief, overturning many of the ecclesiastical regulations contained in the Constitution, and unsettling much of the action of our Church courts during the last sixty years. This, then, may be placed among the *res adjudicatæ;* and in our future proceedings the operation of the law ought to be in accordance with the construction it has thus received, and not in accordance with the meaning we might, at the first, have attached to the words. "*Interpretatio vim legis habitura est.*"

The case is different with the adopting act of 1788. It has never, as yet, been practically construed, since there has never been any occasion of acting on it. As the other article has had its meaning settled, the question arises, is there any method of interpretation or construction whereby

we can reconcile the provisions of the adopting act, with the construction given to the barrier article? Let us explore that act, and see whether the language employed gives us any insight into the intention of the Synod in adopting it. 1st. The books composing our Constitution are declared in that act to be adopted as "our Constitution, and the Confession of our *faith and practice*, unalterable," unless two-thirds of the Presbyteries petition for its alteration. The phrase, "faith and practice," has always been used in a specific sense by us. Thus, it is used in the question propounded at the ordination of our Church officers, as prescribed in the Form of Government, as follows: "Do you believe the Holy Scriptures of the Old and New Testaments to be the Word of God—the only infallible rule of *faith and practice?*" So, also, in the Form of Government, chapter 1, section 4, it is declared that "there is an inseparable connection between *faith and practice*, truth and duty." And in the seventh section of the same chapter, it is said, "that the Holy Scriptures are the only rule of faith and manners;" an equivalent expression. In the Confession of Faith, chapter 1, section 2, after giving the names of the canonical books of the Bible, it is said of them: "all which are given by inspiration of God, to be the rule of faith and life;" an expression, likewise, of equivalent import. Here, then, we have an expression in the adopting act which is always used in our formularies, and in the common speech of our ministers and people, with reference to the doctrines and duties enjoined in the Scriptures. When "peculiar phrases are made use of, it must be supposed that the legislature have in view the subject-matter about which such terms or phrases are commonly used." 2dly. The act in question declares our various formularies to be "our Constitution, and the *confession* of our faith and practice," etc. Now, the Church of God adopts nothing as the *confession* of her faith, which she does not believe to be directly or inferentially derived from the Holy Scriptures.

3dly. After ordering the Catechisms to be printed in the same volume with the Confession of Faith and Form of Government, the Synod resolved, "that the whole be considered as the *standard* of our doctrine, government and worship," etc. But the Bible is every where declared to be the only rule or standard of faith and practice. If, then, these formularies be our "standard," it is only because they are an embodiment of the teachings of the Scriptures on these various subjects. 4thly. The word "Constitution," which with us, in this land of popular sovereignty, protected by written constitutions, has acquired so definite a meaning, and always brings before our minds the idea of a written instrument, containing precise terms of agreement, was used very differently by our fathers, as it still is by our trans-atlantic brethren, who speak as confidently of the British Constitution, although unwritten, as we do of the Constitution of the United States, engrossed on parchment—yea, and the former seems destined to be the firmer and more enduring of the two. Possibly the framers of our Constitution, in imitation of the convention which had just formed a Constitution for the United States, may have given it the definite meaning which now we always attach to it. But we are of opinion this was not the case, or otherwise they would have employed a more uniform phraseology on the subject. Whereas, they use the terms, "confession," "standards" and "constitution," in this very act, almost interchangeably. Giving it, then, the sense attributed to it in the mother country, and in the "barrier act," our Constitution consists simply of those great principles of truth which the Church embraces in her faith, and illustrates in her practice, as they are embodied in her standards.

There is nothing forced in all this, as it seems to us, unless it may be deemed by any one that we have given an unjustifiable meaning to the word "Constitution," as employed in the act in question. Be that as it may, we

think no one can read over that act without seeing that its great object was to throw a protection around that faith and order of the Church which we Presbyterians believe to be derived from the Bible; to secure the Church against sudden innovation in her doctrines and polity. The language employed always looks towards matters of fundamental importance and scriptural obligation—to "faith and practice," to the "confession" of our doctrines, and to the establishment of a "standard" for the Church in the four particulars of belief, and worship, and discipline, and polity. None of the terms employed in this act could be construed so as to conflict with the barrier article, had it been inserted as a limitation of the act, by way of a proviso. The fact that it is inserted in the place it properly belongs—*i. e.*, in the chapter defining the powers of the General Assembly—ought not to widen its meaning, or cause a conflict between it and the adopting act. Even if we acknowledge that there is not only an apparent but real conflict between it and the adopting act, the most that can be said is, that it is an exception to that act. The act is the general law, and the article is the particular exception. But since "*exceptio probat regulam*," the main law must prevail in every case not expressly included within the exception.

VII. The construction we have contended for ought to prevail, because it accords with the nature of the subjects to which these laws apply. We hold that there is no equality in fact, nor in the eyes of the people, between the faith and order of the Church, in the principles thereof, on the one hand, and those rules and regulations prescribed for the conduct of ecclesiastical affairs, on the other.

1st. They are derived from different sources. Nothing can be a matter of faith which is not revealed by God. Creeds and confessions, and articles of belief, are all declarations of the conviction of those who adhere to them, as to what God has revealed to us, for our salvation, and for our orderly living as his followers, in Church fellowship. We

hold, then, that the doctrines of the Church, and the principles of its order, contained in our standards, are from God; and, hence, that they vary not. We may, indeed, err in deducting, interpreting, and declaring the Divine will; but God's revelation, rightly understood, is unchangeable. But the rules of ecclesiastical procedure, and the general regulations of the Church, are committed to earthen vessels; they originate in human wisdom and prudence—they are the product of human experience and necessity—and, of course, they ought to be changed, as the circumstances and the varying necessities of the Church may demand. The same rules and regulations are not applicable to all countries; nor are they suitable during all times in any one country.

2d. They are received by the Church in a different sense. We are required "sincerely to receive and adopt the Confession of Faith of this Church, as containing the system of doctrine taught in the Holy Scriptures." The General Assembly of 1832 decided that, according to the adopting act of 1788, the expression, "confession of faith," had a wider meaning than we attribute to it as the name of the first part of the Constitution. Hence, in the question above, as given in our Book, the capital letters were not used, as they would be, were it a proper name. It is manifest that the adopting act, by the expression, "confession of our faith," meant to include the whole Constitution, in so far as doctrine is concerned. Indeed, the two words are used as synonymous: it is called "our Constitution and the Confession of our Faith." In accordance with this use of the words in that act, our Book has always been called "the Constitution of the Presbyterian Church," on the title-page; and the "Confession of Faith," as the endorsement, on the back of the bound volume. In this sense, then, we adopt the system of faith contained in our standards. On the other hand, we simply declare that we "approve of the government and discipline of the Presbyterian Church."

Not the principles of Church polity merely; for they are contained summarily in the Confession of Faith; and even if we limit the previous declaration to what is contained in that formulary, the doctrine of the Church, and its ordinances, with the powers and prerogatives of Church officers and judicatories, belong to the "system of doctrine" contained in it. We are, therefore, by this declaration, required to approve of the practical application of these principles, and the administration thereof, as prescribed in our standards. All of this is human in its origin and practice. We approve of it, believing that it is consistent with the Word of God; but not believing that no other regulations are allowable, or would answer the ends of the Church in the discharge of her great duties. In a word, what is scriptural we adopt; what is human and prudential, though designed to carry out the requirements of the Scriptures, we simply "*approve.*"

3d. The Church, during her whole history, has treated them differently. For more than two hundred years, the Church of Scotland has reverently preserved and constantly adhered to the Westminster standards, without alteration, and without any attempt to effect any change whatsoever. These standards, however, unlike ours, do not contain any of the ecclesiastical rules and regulations, such as we have included in ours. These last, however, have been with them the subject of constant change and amendment. So with us, the Westminster Confession of Faith, and all the doctrinal parts of our other standards, remain unchanged, at the end of more than seventy years from their first adoption; and but a single change was ever attempted, viz: in 1816. It failed, and, as to the manner of it, was utterly unconstitutional. But the standing rules contained in these formularies have met with several alterations, in the years 1805, 1821, and 1833, respectively. That these respective parts of our Constitution occupy a different position in the mind of the Church, is manifest from this

constant amending of the one, and the permanence and stability of the other.

4. They are reverenced in a different degree by the Church. The very statement of this point is all that is needed. Why need we argue that the Church loves her faith as she does not the mere regulations pertaining to ecclesiastical administration? The rules of Church action may be altered and amended so as to promote the conveniency of Church courts, the despatch of business, and the ends of discipline, a hundred times, as they have been, we suppose, in Scotland; and yet how few can tell that this has been done, or what effect does it produce on the Church, unless it be in its increased efficiency? But let one change be attempted in the great doctrines of grace, transmitted from generation to generation, in her Westminster Confession and Catechisms, and one universal wail of alarm, amidst a spontaneous shout of execration, would come up from every hill and dale and city, from hamlet and cottage and palace—from the whole heart of Scotland. Let a motion be made to dispense with ruling elders, and to appoint Episcopal moderators, and immediately the Banner of the Covenant would be once more unfurled to the breeze, and the descendants of the martyrs and reformers of the old Scotch Kirk would fight as valiantly for Christ's Crown to-day, as their fathers did when arrayed against popery, prelacy and independency, two hundred years ago. Go tell our own people that you are going to make some change in the size of the General Assembly, or in the law of representation, or in any regulation merely prudential, and, ten chances to one, they will not care a stiver about it; these are simple matters of Church action, which from the necessity of the case must be determined, in large part, with reference to the conveniency of the Church courts, or otherwise that of Church officers, and the people are willing they should determine for themselves. But go and tell them that you are about

to strike from the Confession of Faith any of the doctrines peculiar to our system, or to alter any of the leading principles of our polity, in favor of popery, prelacy, or Congregationalism, and you would soon discover that many a venerable Presbyterian lady would be ready to throw her footstool at the lug of the preacher who should dare to come into her beloved Presbyterian meeting-house with any of his idolatrous ceremonies and popish gear, and that the keys of many a house of worship would be turned against the intruder who should dare to come to them with these sham doctrines, instead of the old faith of their fathers, which they have been taught in their childhood by their now sainted parents, which they have believed unto the saving of their souls, and in the living power of which they mean to die. In short, rebellion would be rife in all our Churches; and it would be found that, if need be, Presbyterianism is still the stuff out of which martyrs are made.

Now, the construction we have placed on the two laws with reference to amending our Book, precisely corresponds with the relative importance of the various subjects to which they refer, as the Church at large esteems them. Whether or not we have given them the proper construction, some may doubt; but certainly the law on this subject ought to make as broad a difference as we have contended for between matters merely human, and those professedly based on the Divine Word.

VIII. The wisdom of the provision, thus interpreted, none can question. There is a natural division of the Constitution into two parts:

1st. There are those parts of it which relate to the faith of the Church, and to the principles of its organization, in the various books, chapters, and sections. These are by no means the property of the officers and judicatories of the Church; but every private member has as deep an interest in the preservation of them as any Church ruler, whether

minister or elder. These doctrines and principles enter into the very life of the Church, and take hold on the minds and hearts of her people, as the sheet-anchor of their hopes and the palladium of their rights. Every proposition for an alteration of these parts of our Constitution ought to come from those Church courts which can most nearly and correctly represent the popular will. As we have contended, the proposition for a change must originate with the Presbyteries; and the General Assembly has no power to act on the subject, until two-thirds of the Presbyteries concur in sending up a memorial to that body requesting it to take action. First of all, the Presbyteries must move on the subject. The Christian people of our communion must decide, in the first place, through their ministers and ruling elders. Or, if these begin agitating any questions of reform, their own people are the first who have a right to know it; and who would know it, under this rule. And whenever the people of our Presbyterian Church become so thoroughly satisfied that our standards need to be improved, by change of phraseology or otherwise, that two-thirds of our Presbyteries shall send up memorials to the General Assembly requesting the change, we shall agree that it be done. For then it will be certain that either our Constitution is wrong, or that the Church has become so estranged in doctrine that the minority ought to know it.

2dly. There are those parts which relate to the practical administration of ecclesiastical affairs. These receive comparatively but little attention from the people; who are willing to leave them to their rulers, without manifesting or feeling much interest in the question. The Church judicatories are more affected by them than the people; indeed, the people are only remotely affected by them at all, since all their own rights are preserved intact by the other law. It is hence very proper, and every way suitable, that changes in these respects should be proposed by the General Assembly, where their necessity can be best known.

Moreover, as no matter of faith and no principle of polity can be thus involved, it is right that the vote of a majority of the Presbyteries should be decisive.

Hence, according to our position, the faith and rights of the Church are preserved in the hands of the Presbyteries intact, and can never be touched by the General Assembly, until the courts below have acted. This secures the stability of the Church and the permanence of her Confession. No movement to change or amend her formularies can be successful, unless the feeling in its favor be deep-seated and wide-spread, and its manifestation be general and spontaneous.

But we must close. We have contended, throughout this article, that every movement for the amendment of the Confession of Faith, and the principles of our Church order, must originate with the Presbyteries; and that the General Assembly has no right to take any action on the subject, until it receives a petition or memorial from two-thirds of the Presbyteries, requesting it to do so. If, then, our respected brethren of the Synod of Philadelphia, or of any of its Presbyteries, are seriously of the opinion that the chapter on marriage needs amendment, let them procure the passage of a memorial suggesting the change they desire, through some Presbytery, and let that Presbytery send it to all the other Presbyteries for their concurrence. If two-thirds of the Presbyteries unite in the petition, and the General Assembly shall make the change, although we shall cast an earnest vote against it, we shall cheerfully submit, at all events, so long as no effort is made by our brethren to strike the principle in question from the Bible.