

General Assembly Number

CHRISTIANITY TODAY



||| A PRESBYTERIAN JOURNAL DEVOTED TO STATING, DEFENDING
AND FURTHERING THE GOSPEL IN THE MODERN WORLD |||

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Published monthly by
THE PRESBYTERIAN AND
REFORMED PUBLISHING CO., Inc.
525 Locust Street, Phila., Pa.

JULY, 1937
Vol. 8 No. 3

\$1.00 A YEAR EVERYWHERE

Entered as second-class matter May 11,
1931, at the Post Office at Philadelphia,
Pa., under the Act of March 3, 1879.

Editorial Notes and Comments

THE 149th GENERAL ASSEMBLY

ANOTHER Assembly has come and gone. It was not so good an Assembly as we had hoped or as bad as we had feared. Nothing was done, for instance, to remove the dark and more or less disgraceful blot on the history of our Church brought about by the unwise and unconstitutional action of the General Council in 1934 in persuading an uninformed Assembly to endorse its mandate against the Independent Board. On the other hand it has been some time since we have had an Assembly more conscious of its own rights and powers and less disposed to sign on the dotted line whatever the platform might propose for its approval. It was a socially conscious rather than a doctrinally conscious Assembly and so an Assembly disposed to take a superficial rather than a deep view of the situation in the Church—a relatively peaceful but hardly a particularly constructive Assembly. Still all in all it was perhaps the most commendable Assembly of recent years. On other pages may be found a descriptive and in some degree interpretative account of its proceedings.

DR. FOULKES made an excellent Moderator. While he made no effort to conceal his sympathies he was fair and courteous and made no attempt to dictate or lord it over the commissioners.

We came away from the Assembly confirmed in our belief that the General Council plays too large a part in determining the policy of our Church. The Council has become more and more a super-body—sort of a hierarchy—that does not fit into the genius of Presbyterianism. More and more it has become not so much the servant of the Assembly as its master—too often its unwise master. Moreover, the composition of the Council is such as to favor the establishment and continuance of a dynasty, so to speak, by virtue of the fact that the Moderator, the retiring Moderator and his nearest living predecessor, the Stated Clerk, and four representatives of the Boards are continuous members of the organization, and who, it is safe to say, largely dominate its decisions. We do not at

present favor its abolition but we do think it should be reorganized and its rights and duties more clearly defined. In our opinion neither the retiring Moderator nor his nearest living predecessor or any paid employee of the Assembly or any of its agencies should be eligible to membership.

We also came away from the Assembly strengthened in our belief that the procedure in connection with the Permanent Judicial Commission needs revision. It is unfair to the commissioners and little short of a solemn farce to require them to vote on matters of which they are all but completely ignorant. Either there should be no submission of the judgment of the Commission to the Assembly or the vote on the judgment should not be taken until after the commissioners have at least had opportunity to consider it in printed form. As matters now stand final responsibility for the judgment rests on the commissioners and yet they are required to assume this responsibility without any real understanding of its significance. This ought not so to be.

THE LEAGUE OF FAITH: A NEEDED TESTIMONY

THE Presbyterian League of Faith held two meetings at Columbus preceding the Assembly, Dr. MACARTNEY presiding. The two meetings, especially the second, were well attended and their tone and temper such as to augur well for the future of this association. DR. DAVID DEFORREST BURRELL of Williamsport, Pa., was elected as President for the ensuing year and the REV ALBERT DALE GANTZ of New York City (730 East 225th Street), re-elected as Secretary and Treasurer. Its Constitution was revised and its machinery reorganized with the aim of making it broadly representative of the Church as a whole. The following Testimony, concurred in by the National Committee of the Ruling Elder's Testimony, was issued:

1. We testify to our deep affection for the Church of our fathers, the Presbyterian Church in the United States of America. We rejoice in its great history and the part it has played in the establishment, the development, and

The 149th General Assembly of the Presbyterian Church in the U.S.A.

THE 149th General Assembly of the Presbyterian Church in the U.S.A. convened in the Franklin County Memorial Auditorium at Columbus, Ohio, at 10:30 A. M., May 27th. The opening sermon was preached by the retiring Moderator, the Rev. Dr. Henry B. Master, after which the Lord's Supper was administered to the approximately 900 commissioners and possibly 500 visitors. Dr. Master's text was Matthew 28:18-20 and his theme "The Acts of the Missionaries"—a text and theme altogether appropriate on this the Centennial of the establishment of the Board of Foreign Missions. In the development of his text and theme Dr. Master pictured the missionary enterprise as a great achievement, a great apologetic and a great dynamic. Concreteness as well as vividness was given to the picture by numerous illustrations drawn from the lives of missionaries and their converts. The sermon was worthy of the occasion and we regret that the limits of our space forbid our reproducing it as a whole. Dr. Master said in part:

"These words are our Lord's command for the evangelization of the world . . . They mark the inauguration of the world-wide missionary movement which had its origin in the heart of God Himself . . . It is possible to disobey this command, but impossible to avoid the responsibility it lays upon every follower of Jesus . . . Clearly it reveals our Lord's love for all mankind . . . He looked down the long corridors of time and saw a day when the world's only hope—so far as its social and moral and spiritual fabrics were concerned—lay in International Good Will. Without that inevitably the nations must perish from the face of the earth. Without good will among men there can be no peace, no prosperity, no real happiness. What is not so easily recognized and so readily acknowledged is that good will is an impossibility except as the hearts of the units which compose the nations are cleansed and purified by the world's only Saviour. Every other source of salvation has been tried—and found wanting. Jesus only can avail for the redemption of men, everywhere. But how shall they believe in Him of whom they have not heard? And how shall they hear without a preacher? And how shall they preach except they be sent? . . . It is the thrilling story of those who have become His witnesses, who have given the last full measure of devotion to that cause nearest the heart of our Lord, in whom the love of Christ has found a thousand tongues and modes of expression, that we are to think of together for a little while today . . .

The achievements of our Lord's witnesses are so amazing as to be almost incredible. Under the inspiration of their loyalty to Christ and the guidance of the Holy Spirit, men and women of ordinary ability have risen to heights of unsuspected greatness . . . Confronted with suffering, danger and death, they have displayed a moral heroism which is beyond all praise . . . Extensively there is nothing to be compared with it. The missionary forces have overrun the world . . . Wherever they have gone these witnesses have wrought cataclysmic changes . . . Translated into their own tongues, multitudes have heard and read the Gospel . . .

Out of this form of service have emerged schools and colleges, and thereby not merely the mental outlook but the intellectual process of myriads have been changed . . . Had they accomplished nothing more, the suffering, misery and death medical missions have prevented would justify every dollar Protestants have spent overseas. Who can appraise the influence of a Christian home in lands where womanhood is not honored and little children not greatly beloved? . . . Yet these lesser achievements pale by comparison with the victories missionaries have won in human souls for Jesus Christ. Rightly considered, they went forth not to translate the Bible, not to teach reading and writing, not to establish schools and colleges, not to build hospitals, not to do the thousand and one things they have done because these flow so naturally from the spirit of Jesus whom these missionaries do utterly love and adore. Their one all-absorbing purpose in seeking service overseas was to preach the Gospel. Beyond and before all else, they have sought to make men and women aware of the presence of Jesus, to help them find Him, to help them share Him with others . . .

"By their fruits ye shall know them." Forevermore that must be the standard of judgment in every realm. Gladly we recognize here a gleam, and there a shining ray of truth, in the world religions. Such recognition, however, can never alter the fact that the fruits of these religions have been at the best unsatisfactory, and at the worst tragically degrading. The ages prove the Gospel of Christ alone is sufficient to meet the soul-hunger of all men. There is no other Figure worthy to stand in the midst of the years and say: "Come unto Me all ye that labor and are heavy laden, and I will give you rest." In every land there are some men and women to whom that promise has been fulfilled, and in increasing numbers they are saying: "It is Jesus or no one!" He has His followers in every nation and tribe. He has met their greatest needs, and they know Him in whom they have believed. The outer and visible signs of the Indwelling Christ are the same in all lands and ages. History certifies the glorious practicability of making disciples of all nations. The call of the hour—your task and mine—the duty of the whole Church is to make all nations disciples.

A shining life is ever the best testimony to the Saviour's power. Such lives are lived by those taller souls who overlook the crowd and see far-off horizons invisible to physical eyes. Their strength comes not from contact with earth, but through companionship with the Christ Who was crucified for their sake. They have heard the Voice say "Come!" and "Go!" and in simple obedience they have laid down their lives—and found them. . . .

Christianity is God's revelation of how all men everywhere may find Him. It is the Good News of a Redeemer, One who has borne our griefs and carried our sorrows, and by His death for us—the Just for the unjust—has brought life and immortality to light. "Religious" most men are, at that, but the cleverest of men unaided cannot find their way to God. They can only ignorantly worship. The knowledge of God comes not from beneath but from above. It is brought to us by the only begotten Son of God, even Jesus Christ, Who is the Power of God and the Wisdom of God.

Nothing less than such Divine Power is sufficient for the task of making disciples of all nations. Nothing less will account for the palpable fact that the Christian missionary movement has been such a mighty force in the transforma-

tion of the great world's life. The effect of the impact of the Gospel is out of all reasoned relation to the number of witnesses, the work they have performed, the human resources at their command. . . .

These witnesses have incarnated Christianity in its purest form. Here are lives dedicated to the service of all mankind—for Christ's dear sake. Here is selflessness raised to the Nth power. Here is the absence of every sordid motive. Here are living epistles in which the world may read the Sermon on the Mount. . . .

Dynamic is the missionary enterprise as it touches the life of the Church. This is not a matter of opinion. It is a question of statistics—vital statistics. Churches are born, but sometimes, alas, they die. When a church dies it is usually because of ineffectiveness. A church becomes ineffectual when it ceases to fulfill its chief function. The chief function of the Church is to bring men, and women, and little children, into such vital contact with Jesus that, saved by Him, they are transformed into His likeness. . . .

"Go and make disciples of all nations" means personal work for Christ at home and abroad. The field is the world. We neglect any part of it at our own peril and the infinite loss of those—our brethren—to whom the Gospel is *not* preached. That is true of a church as well as of the individual. A church only achieves longevity by following the divine regimen for spiritual health. There is no prescription for spiritual health which omits the missionary spirit and endeavor. If a church is dying, the shortest road to recovery and renewed vitality is whole-hearted absorption in Christian missions. . . .

The missionary enterprise is a Lake of Galilee. It flows because it is fed with living waters. But the water comes from greater than artesian depths. Of God's people in the long ago it was recorded: "They drank of a spiritual Rock that followed them, and that Rock was Christ." From that same Rock still flow the streams which the Lord of life supplies, and of which if a man drink he shall never thirst.

Back of the Great Commission lies undying love. It was to make the living water available for all peoples in all ages that our Lord said: "All authority has been given unto Me in Heaven and on earth. Go and make disciples of all nations; baptizing them in the Name of the Father, and of the Son, and of the Holy Spirit. And teach them to obey all the commands I have laid upon you. And I will be with you all the time, even unto the end of the world."

Dr. Foulkes Chosen Moderator

The main business of the afternoon meeting of the first day of the Assembly was the election of a Moderator. Only two names were placed in nomination—Dr. William Hiram Foulkes of the Presbytery of Newark and pastor of the First Church of Newark, N. J. and Dr. James A. Kelso of the Presbytery of Pittsburgh and President of Western Theological Seminary. Dr. Foulkes' name was presented by Dr. S. Willis McKelvey of the Presbytery of Kansas City, who had been prominently mentioned as a candidate, and seconded by Dr. Walter L. Whallon of the Presbytery of Newark. Dr. Kelso's name was presented by Dr. John A. MacCallum of the Presbytery of Philadelphia and seconded by the Rev. Cornelius Bakker of the Presbytery of Lima, Ohio. Dr. Francis Shunk Downs, whose name it was widely rumored would be presented as a "conservative" candidate, asked the Moderator whether one must be a commissioner to be eligible as a candidate for the Moderatorship, possibly with the thought of nominating Dr. A. Lincoln Wiley, a delegate from the West India Mission,

who as an outstanding missionary had been suggested as a fitting occupant of the position in view of the fact that this year the Church celebrates the 100th anniversary of the establishment of its Board of Foreign Missions. The Moderator referred the question to the Stated Clerk who gave it as his opinion that no one except a duly elected commissioner was qualified to serve as Moderator. There was no formal ruling on the matter by the Moderator as neither Dr. Downs nor any other member of the Assembly seemed disposed to contest Dr. Mudge's *ipse dixit* with the result that almost immediately after Dr. Mudge had made his pronouncement a motion to close the nominations was made and passed (see editorial columns for comment). The total vote was 872, necessary for election 436. Dr. Foulkes received 563 and Dr. Kelso 308. Doctrinal issues entered little, if at all, into the election. If we are to judge from their sponsors—Dr. MacCallum is an Auburn Affirmationist—Dr. Foulkes is the more conservative of the two. Dr. Foulkes' election, if we mistake not, was due partly to the fact that he was more widely known but more particularly to the fact that he was the "organization" candidate. The election was an unusually colorless one, about the only color that attached to the election being given by the Commissioner who moved that the two candidates appear on the platform that the Commissioners might "see for whom they were voting"—a motion, however, that was lost by a large margin. It was noticeable that neither of Dr. Foulkes' sponsors in setting forth his qualifications for the position made any allusion to his connection with the New Era Movement (of unhappy memory), or his associations with the Federal Council of Churches. In our judgment an outstanding missionary, if nominated, would have been elected. Evidently, however, it did not fit into the plans of the "powers that be" to have a missionary elected as Moderator this year or we may be sure that they would have seen to it that a missionary was available whose eligibility was not only unquestioned but unquestionable.

Vice-Moderator and Chairmen of Standing Committees

At the opening of the second day of the Assembly Dr. Foulkes announced the appointment of Dr. A. Edwin Keigwin of the Presbytery of New York as Vice-Moderator and the following chairmen of Standing Committees:

Bills and Overtures, Rev. S. Willis McKelvey; National Missions, Rev. Jesse H. Baird; Foreign Missions, Rev. James A. Kelso; Christian Education, Rev. William E. Brooks; Pensions, Rev. Clarence A. Spaulding; Polity, Rev. Walter L. Whallon; Theological Seminaries, Rev. Peter K. Emmons; Finance, Ruling Elder H. T. Magruder; Mileage, Ruling Elder Mrs. C. H. Brown; Leave of Absence, Rev. W. H. Hudnut, Jr.; Synodical Records, Rev. James K. Thompson; Nominations of Members of General Council, The Moderator; Nominations of Members of Permanent Judicial Commission, Rev. John E. Flemming; Resolutions of Thanks, Rev. Dudley M. Claggett; Social Welfare, Rev. Paul C. Johnston.

The Nature of Our Report

In reporting the Assembly we take for granted that our readers as a class have little interest in a day-by-day report of its proceedings. We shall content ourselves, therefore,

with directing attention to its more significant actions without much regard to their order. The limits of our space prevent anything like a detailed and comprehensive report of its proceedings but we hope to at least record the more important of its actions and associated happenings. Those interested in reading the reports of the Standing Committees as adopted must be referred to the soon-to-be-printed Minutes of the 1937 Assembly. The limits of our space forbid any account of the pre-assembly conferences or the popular meetings held in connection with the Assembly.

Action re the Office of Stated Clerk

The 1936 Assembly directed the General Council "to prepare and present to the General Assembly of 1937 a plan of procedure providing for the election at the General Assembly of 1938 of the successor to the present Stated Clerk" who by reason of age retires on August 24, 1938. In obedience to said instructions the General Council presented the following recommendation which was adopted:

"That the Moderator of the 1937 General Assembly be directed to appoint a nominating committee of 11, himself to be the chairman of the committee. This committee shall elect its own secretary from among its members, and is directed to meet for organization and conference not later than October 1, 1937, and when organized may receive suggestions from the Church at large.

"The election of the Stated Clerk shall be effected in accordance with the provisions of the Standing Rules governing, and the usual procedures of the General Assembly in the election of its Moderator; provided, however, that the choice of the committee shall be placed in nomination first, after which nominations may be made from the floor."

In harmony with this action the following committee was appointed:

The Rev. Dr. William Hiram Foulkes, chairman, Newark, N. J.; The Rev. Dr. James E. Clarke, Nashville, Tenn.; The Rev. Dr. Charles R. Erdman, Princeton, N. J.; Ruling Elder John H. Finley, New York; The Rev. Dr. Charles W. Kerr, Tulsa, Okla.; The Rev. Dr. Hugh T. Kerr, Pittsburgh; The Rev. Dr. Mark A. Matthews, Seattle, Wash.; The Rev. Dr. Harry C. Rogers, Kansas City, Mo.; Ruling Elder Dr. Robert E. Speer, New York; The Rev. Dr. John Timothy Stone, Chicago; The Rev. Dr. Ezra Allen Van Nuys, San Francisco.

Ministerial Salaries

In reply to an overture from the Presbytery of Carlisle requesting the General Assembly to take suitable action with reference to the salaries of ministers which have been reduced by reason of the business depression but not restored with returning prosperity, the following action was taken:

"We recommend and strongly urge that all salaries which have been cut because of the depression be restored as rapidly as possible; that this action be transmitted by the Stated Clerk of the General Assembly to the stated clerk of each presbytery, and to the clerk of session of each Presbyterian church, accompanied by a letter that will set forth the desirability of this action, and urging that it be sympathetically considered by presbyteries and effectively and perseveringly carried out."

Diversion of Funds Condoned

On recommendation of the Standing Committee on National Missions, to which it had been referred, no action was taken on the following overture sent up by the Presbytery of Duluth:

Whereas, the Constitution of the Presbyterian Church in the U.S.A., specifically requires in Chapter 6, Section 3, of the Directory for Worship that money designated to a specified object shall not be diverted but that the will of the donor shall be carefully carried out,

And, Whereas, the Rev. John Sornberger, missionary to the lumber camps of northern Minnesota, laboring within the bounds of the Presbytery of Duluth, has received no travel allowance since the year 1931, although money has been paid into the treasury of the National Missions Board for this specified purpose,

And, Whereas, this missionary has been and is greatly handicapped in his labors by the lack of these diverted funds,

The Presbytery of Duluth respectfully overtures the General Assembly, of the Presbyterian Church in the U.S.A., meeting at Columbus, Ohio, May 27, 1937, to instruct the Board of National Missions to pay this money to the designated person, that he may be relieved of this handicap.

The above action was recommended on the irrelevant ground that "this overture is a matter of accounting only."

Overture A (Cayuga) Defeated

The Cayuga Overture, requesting that the statement in Chapter XXIII, Sec. II of the Confession of Faith, according to which it is lawful for magistrates under the New Testament to "wage war upon just and necessary occasions," which had been sent down to the presbyteries received 183 votes or three less than the necessary two-thirds majority.

Report of Committee on Legal Procedure

The occasion of the appointment of a Special Committee on Legal Procedure by the 1936 Assembly was the protection of the property rights of the Presbyterian Church in the U.S.A. alleged to be jeopardized in connection with the formation of the "Presbyterian Church of America." This report which is self-explanatory follows:

The 148th General Assembly of the Presbyterian Church in the United States of America, in session at Syracuse, New York, on June 2, 1936, adopted, on the recommendation of the Standing Committee on Bills and Overtures, presented through its Chairman, the Rev. Dr. Mark A. Matthews, the following resolution:

"This General Assembly hereby empowers and instructs its Moderator and Stated Clerk to take such measures as may be adequate to maintain the full constitutional authority of the Presbyterian Church in the U.S.A., guard all its interests and protect all its property rights; and associate with them, in the above responsibilities, such ministers and ruling elders, not exceeding seven in number, as they may deem wise counsellors, and to make full report to the next General Assembly."

In accordance with said resolution, the following Committee was appointed:

Ministers: Rev. Henry B. Master, Moderator, Chairman; Rev. Lewis S. Mudge, Stated Clerk, Secretary; Rev. William

B. Pugh, Rev. George Emerson Barnes, Rev. Robert B. Whyte, Rev. Mark A. Matthews;

Ruling Elders: Hallock C. Sherrard, Esq., Judge Adrian Lyon, Judge John H. DeWitt.

Judge John H. DeWitt, a member of the Committee, and one of the most competent and helpful ruling elders in the Church, entered into his eternal reward on March 7, 1937.

The remaining members of the Committee have been active in its councils throughout the year.

The duty of the Committee as defined by the appointing Assembly is "to take such measures as may be adequate to maintain the full constitutional authority of the Presbyterian Church in the United States of America, guard all its interests and protect all its property rights."

In discharging the responsibilities thus laid upon it, your Committee has kept clearly in mind the following formulation of the doctrine of Presbyterian Church Property and Property Rights, as announced by the Supreme Court of the United States in the historic case of *Barkley vs. Hayes*, "*Barkley*" being the Rev. J. M. Barkley, the then Moderator of the General Assembly, who together with the Rev. William Henry Roberts, the then Stated Clerk of the General Assembly, sued individually and as such officers and representatives of the entire membership of the Presbyterian Church in the United States of America. The United States Supreme Court, as reported in 247 U. S. 1, approved the language of the lower court in 208 Fed. 319 (322) as follows:

"The religious congregation or ecclesiastical body holding the property is but a subordinate member of the general Church organization, in which there are superior ecclesiastical tribunals with a general and ultimate power of control, more or less complete, in some supreme judicatory over the whole membership of that organization. The local congregation is itself but a member of a much larger and more important religious organization, is under its government and control, and is bound by its orders and judgments. Therefore, when the property held by the church is that purchased or conveyed for the general use of the religious congregation, not devoted forever, by the instrument which conveyed it, nor by any specific declaration of its owner, to the support of any special religious doctrines, or any peculiar form of worship, it is and remains the property of the general Church which exercises such general and ultimate power of control. It does not belong to the particular congregation which uses it, much less to the individual members of such a congregation. It does not belong to the Presbytery or the Synod, nor, in a strict sense, to the General Assembly. It belongs to the Church, which is composed of its entire membership; that membership being governed and controlled by the organic law of the Church, the administration of which is lodged in certain judicatories rising, in regular succession, to the General Assembly or court of last resort, embracing in itself legislative, administrative and judicial powers. The government of the Presbyterian Church is republican and representative in character. Its administration is vested not in the individual members, not in the congregations, but in the General Assembly, and the Presbyteries; and the Church as a whole, acting through its supreme governing bodies, exercises the ultimate rights of ownership and control over all its properties."

Shortly after appointment and organization, the attention of your Special Committee was called to a certain action of a group of persons, some of whom had had close affiliations with our own Church. This group in June, 1936, established an ecclesiastical organization and formally adopted the name "Presbyterian Church of America." The striking similarity between the name thus adopted and the official title of our own Communion, led your Committee to

submit the problems thus created to one of the most distinguished law firms in the country, none of the leading partners of which firm had any affiliations with our Church. After careful consideration, your Committee received from this unprejudiced source an opinion which, briefly summarized, was to the effect that the name "Presbyterian Church of America" was so similar to the name of the Presbyterian Church in the United States of America, as fully to warrant your Committee, in view of the specific instructions given by the General Assembly, entering complaint in the civil court of jurisdiction, requesting that the group to which reference is made above, be restrained from using the name adopted by it.

In accordance with this advice, a "Bill of Complaint" was duly filed in the Court of Common Pleas No. 5 of the County of Philadelphia, Pennsylvania. The final hearings in the case have been completed, and it is expected that the Court will shortly hand down an opinion which we have every reason to believe will be favorable to our contentions.

In cooperation with the presbyteries of jurisdiction, or with duly constituted committees of the same, your Special Committee has been engaged in, or is currently related to, friendly negotiations or litigation in the civil courts solely for the purpose of obeying the instructions of the last General Assembly "to maintain the full constitutional authority of the Presbyterian Church in the United States of America, guard all its interests and protect all its property rights," in the following Synods and Presbyteries:

Synod of New England, Presbytery of Newburyport.
Synod of New Jersey, Presbytery of West Jersey.
Synod of Baltimore, Presbytery of New Castle.
Synod of Pennsylvania, Presbytery of Philadelphia.
Synod of Iowa, Presbytery of Iowa City.
Synod of North Dakota, Presbytery of Bismarck.
Synod of South Dakota, Presbyteries of Aberdeen, Huron, Sioux Falls.
Synod of Wisconsin, Presbyteries of Milwaukee, Winnebago.

Your Committee is glad to report that prompt and decisive action on the part of those locally responsible for the guarding of our Church's interests and the protection of all its property rights, rendered unnecessary, in a considerable number of the above cases, any actual recourse to the civil courts. In other cases, the mere initiation of protective measures in the civil courts proved effective.

We regret to report, however, that in several instances, notably in the Synods of New England, New Jersey, Baltimore, Iowa, and North and South Dakota, formal court action has been found necessary, all efforts to secure amicable adjustments of our Church's interests and property rights in accordance with the provisions of the ecclesiastical and civil law having proved unavailing.

Your Committee would therefore recommend its continuance, that it may fully discharge the responsibilities laid upon it by the 1936 General Assembly.

Because of the loyalty and devotion of the Presbyteries involved and the measures taken under their auspices, no property has, as yet, been lost to the Church, and we are hopeful of an entirely favorable outcome in all the instances in which property rights have not yet been adjudicated by the civil courts of jurisdiction. The significance of this statement will be appreciated when it is stated that a conservative valuation of the Presbyterian Church property which has been more or less in jeopardy is about \$2,000,000, and that property valued at approximately \$400,000 is still the subject of litigation or negotiation.

Respectfully submitted,

The Special Committee on Legal Procedure.

Non-Judicial Case No. 1

Early in the Assembly the Permanent Judicial Commission handed down its decision in Judicial Case No. 1, popularly known as the Van Dyken case. This case came before the Assembly, as has been pointed out in previous issues of this paper, as a complaint of Rev. Ernest E. Loft against the action of the Synod of Minnesota in ordering the Presbytery of Duluth to grant the request of Mr. William Van Dyken that his name be dropped from its roll as a candidate for the ministry. (Editorial comment on this decision may be found in our editorial columns.) The preliminary judgment of the Commission which was made the final judgment of the Assembly—minus the history of the case which in substance has already been related in this paper—follows:

Against the action of the Synod of Minnesota the Rev. Ernest E. Loft has brought a complaint to the General Assembly, presenting six grounds of complaint, as follows:

- I. That the presbytery should not be disturbed in the discharge of its duty.
- II. That it is not the desire of the candidate himself nor of the presbytery that he be dropped as a candidate for the Presbyterian ministry.
- III. That it is the desire of the Presbytery of Duluth that the General Assembly shall decide the matter and state clearly the duties of the presbytery.
- IV. That the reason given at Syracuse for taking no action on Overture 15 was that the case would properly come before the following Assembly.
- V. The order of the Synod would require disobedience on the part of the presbytery to an order of the General Assembly.
- VI. The Constitution requires that the General Assembly shall decide in all controversies regarding doctrine. See Form of Government, Chapter 12, Paragraph V.

It seems clear to the Permanent Judicial Commission that the question involved in this case as presented by the records is not a doctrinal but an administrative question, and relates to the rights of a candidate, who has been received under the care of the presbytery, to be transferred to another presbytery, or to be dropped from the roll at his own request.

The Synod of Minnesota acted irregularly in the handling of the complaint of O. M. Jones et al, against the Presbytery of Duluth. A judicial commission may regularly hear either a judicial or administrative case. The reference of the case to the committee on judicial business did not, however, interfere in any way with judgment reached and there was no complaint against the irregular procedure of the Synod. The power of a synod to redress what may be contrary to order and to protect the rights of those under the care of the presbytery are clearly established in Form of Government, Chapter 11, Section 4, which reads as follows: "The Synod has power . . . to review the records of presbyteries, and approve or censure them; to redress whatever has been done by presbyteries contrary to order; to take effectual care that presbyteries observe the Constitution of the Church." And in the case before us there is no action of Synod which interferes with the Constitutional rights and duties of the presbytery. The action was solely for the purpose of safeguarding the rights of the candidate, which were denied him by the presbytery. The acceptance by the presbytery of a candidate for the ministry does not preclude the right of the candidate to obtain a letter of transfer to another presbytery or voluntarily withdraw at any time from the care and control of the presbytery. In this case the pres-

bytery had for six years supervised the preparation of the candidate and for one year and six months from his first examination for licensure and ordination had kept him waiting. In all fairness to the candidate final decision should have been made.

Moreover, his request for a transfer to another presbytery had been made before any vote was taken on his examination in theology, the further examination having simply been postponed. Under such circumstances the denial of his request for a transfer, when the candidate himself was working in the bounds of the presbytery to which he requested transference, and which was at a distance, would seem to be an injustice and to work a real hardship to him. Since so long a time had elapsed after his first examination, and licensure was denied him, simple justice to the candidate demanded that either a transfer be given him or his name be dropped at his own request. The presbytery, moreover, seems to have acted in a manner that suggests suspicion of other presbyteries and of their loyalty to the Constitution of the Church. Under all these circumstances it appears that the Synod of Minnesota had not only a right, but a duty, to direct the presbytery either to transfer or to drop the candidate from its roll.

Furthermore, in fairness to the Presbytery of Black Hills, within whose bounds the candidate was at work with the express permission of the Presbytery of Duluth, it would appear that a final decision should have been reached. It is inconsistent for a presbytery to refuse either to license a candidate or to transfer him and at the same time give him permission to labor within the bounds of another presbytery. Such action suggests that the Presbytery of Duluth was seeking to prevent him from being received by another presbytery and so blocking the way of the candidate to licensure and ordination.

The Permanent Judicial Commission has considered carefully the grounds on which the complaint against the Synod of Minnesota was based.

The first ground, namely, that the presbytery should not be disturbed in the discharge of its duty, is sufficiently answered by the evidence that the Synod was not seeking to disturb it in its duty but to prevent it from continuing to deny the rights of a candidate.

The second ground, that it is not the desire of the candidate himself to be dropped from the roll, is contrary to the fact established in the record, namely, that he did request to be dropped.

The third ground, that it is the desire of the presbytery that the General Assembly shall decide the matter and state clearly the duties of the presbytery, calls for a simple statement. When a presbytery receives under its care a candidate for the ministry, it assumes a responsibility of such supervision of his preparation that usually there shall be little question as to his soundness in theology or his devotion to the Constitution of the Church. And when he comes for licensure, presbytery, satisfied with his course of study and his general qualifications, should proceed, without haste, and yet without delay, to his complete examination. Nor should there be any reluctance to transfer him to another presbytery when he has found work within its bounds, to which he then naturally belongs. Chapter 14 of the Form of Government covers all these matters in a way so broad and thorough that every presbytery may be informed.

The fourth ground of complaint is irrelevant to the decision of the case.

The fifth ground of complaint, that the order of the Synod would require disobedience to the order of the General Assembly of 1910, is sufficiently answered by pointing out the fact that the Assembly nowhere designates any particular presbytery, but simply says that presbyterial oversight should be continued until their views are matured

and brought into harmony with the Word of God as interpreted in our standards. This might well be the Presbytery of Black Hills, as well as the Presbytery of Duluth.

The sixth ground, that the Constitution requires that the General Assembly shall decide in all controversies respecting doctrine, is irrelevant, for this clearly is not a doctrinal case, but one respecting administrative power and rights.

It is, therefore, the opinion of the Permanent Judicial Commission that the Synod of Minnesota acted within its power in directing the Presbytery of Duluth to drop the candidate from its roll and that the complaint of Ernest E. Loft should be dismissed.

It is the judgment of the Permanent Judicial Commission that the complaint of Ernest E. Loft against the action of the Synod of Minnesota be, and is hereby, dismissed. The judgment of the Synod of Minnesota is, therefore, in effect, and the Presbytery of Duluth is directed immediately to drop the name of Wm. Van Dyken from its roll as a candidate for the ministry.

Clifford L. Hilton of the Synod of Minnesota was not present and took no part in the hearing and decision of this case.

The Van Dyken Case also came before the Assembly by way of an overture (No. 29) from the Presbytery of Duluth. That overture follows:

"Whereas, the Presbytery of Black Hills did on September 12, 1936, license William Van Dyken, a candidate for the ministry who was and is under the care of the Presbytery of Duluth, and

Whereas, the Synod of South Dakota has approved the minutes of the Presbytery of Black Hills recording this licensure.

The Presbytery of Duluth therefore respectfully overtures the General Assembly meeting in Columbus, Ohio, to withhold approval of the minutes of the Synod of South Dakota in this particular matter.

The Assembly on recommendation of its Standing Committee on Synodical Records withheld approval of the minutes of the Synod of South Dakota—an action which was seemingly imperative in view of the fact that even according to the ruling of the Permanent Judicial Commission Mr. Van Dyken was still a member of the Presbytery of Duluth at the time he was licensed by the Presbytery of Black Hills. Obviously this action revokes his licensure by the Presbytery of Black Hills but at the same time it leaves said Presbytery free to license him afresh, irrespective of his doctrinal soundness.

The Bennet Case

This case came before the Permanent Judicial Commission by way of reference from the Synod of New York. The Commission, however, side-stepped the necessity of pronouncing on the merits of the case by declining to accept the reference and returning the matter to the Synod of New York for action so that the case is now at precisely the same point at which it was at the close of the 1936 Assembly. While the Commission apparently acted within its discretion it would not seem as though there was any compelling reason for this recommendation, unless the desire to escape the need (for the time being at least) of passing judgment on the case be so considered. In the Van Dyken case (see above) the Commission ruled that "in all fairness to the candidate final decision should have

been made" at a reasonably early date. It would seem that the same consideration should have applied to Mr. Bennet. Three full years have now elapsed since the Mandate of 1934 was issued and it would seem high time in fairness not only to Mr. Bennet but to the Church at large that this case was finally disposed of. The treatment accorded Mr. Bennet seems all the more unfair in view of the fact that there are other members of the Independent Board, belonging to the Presbyterian Church in the U.S.A. against whom disciplinary measures have not even been initiated. The report of the Commission received and adopted by the Assembly follows:

The Permanent Judicial Commission of the General Assembly to the General Assembly regarding a reference of a judicial case vs. Mr. Jas. E. Bennet, made by the Special Judicial Commission of the Synod of New York to the General Assembly:

In compliance with the request of the General Assembly for a recommendation concerning the disposition of the reference from the Special Judicial Commission of the Synod of New York in the judicial case of the Presbyterian Church in the U.S.A. vs. Jas. E. Bennet, the Permanent Judicial Commission of the General Assembly submits to the General Assembly the following answer:

The General Assembly of 1936 directed the Synod of New York to assume jurisdiction and conclude the matter of the relationship of Jas. E. Bennet to the Independent Board for Presbyterian Foreign Missions in connection with its next meeting.

Pursuant to this direction of the General Assembly the Synod of New York elected a Special Judicial Commission to hear and decide the case. The Special Judicial Commission held three meetings, at the last of which Mr. Bennet and his counsel summarily withdrew during the process of trial. Thereupon the Special Judicial Commission decided unanimously to refer the case to the General Assembly for hearing and final decision, and then adjourned sine die.

Book of Discipline, Chapter XII, Sections 16 and 17, reads:

"A reference is a representation in writing, made by a lower to the next higher judicatory, for advice or for ultimate trial and decision in a judicial case not yet decided. Generally, however, it is more conducive to the public good that each judicatory should fulfill its duty by exercising its own judgment. Proper subjects of reference are judicial cases which are new, important, difficult, of peculiar delicacy, the decision of which may establish principles or precedents of extensive influence, on which the lower judicatory is greatly divided, or on which for any reason it is desirable that a higher judicatory should first decide."

Even if this Special Judicial Commission of the Synod of New York had been competent to make a reference, it is the opinion of the Permanent Judicial Commission that the factors in the present judicial process are not sufficiently exceptional as to make this case a proper subject of reference.

However, the Special Judicial Commission of the Synod of New York was without power to make the reference. It was constituted "to hear and decide the case." To do anything beyond that was to exceed the purpose for which it was elected. When it found itself unable to do the thing for which it was created, the proper procedure was to report that fact to the Synod of New York so that the Synod might be able to submit the case to another judicial commission or try the case itself or dispose of it in some other way.

For these reasons the Permanent Judicial Commission respectfully recommends to the General Assembly to decline to accept the Reference of the Judicial Case vs. Mr. Jas. E.

Bennet and to return all the papers in connection with the matter to the Synod of New York for action in accordance with the directions given to it by the General Assembly of 1936.

Proposed Calendar Reform

The General Council presented the following report—it had not been included in the Blue Book as might have been expected—on “proposed calendar reform”:

“The matter of calendar reform, as related to the Church year, is constantly becoming a matter of increasing importance. The office of the Council is receiving frequently urgent communications desiring that our Church, because of its size and prominence, take some position in this connection.

“In view of the fact that the Greek Orthodox Church, the Anglican, the Protestant Episcopal, the Methodist Episcopal (South), and other churches are advocating a fixed Easter on the basis of what is known as the World Calendar, the Council recommends to the General Assembly the endorsement of said World Calendar, in which Easter would be fixed each year on the second Sunday of April, namely, April eighth.

“The World Calendar provides that all years shall be alike and all quarters equal, also that there shall be each year a Year-end Day, December Y, following December thirtieth; and a Leap-Year Day, June L, following June thirtieth in leap years.”

Immediately a motion was made and seconded to adopt this report and the Moderator—apparently assuming that as a matter of course the Assembly would rubber stamp whatever the General Council might propose—put the question without waiting to find out whether anyone wanted to oppose the report. The “ayes” and “nays” seemed so evenly divided that a standing vote was called for. The vote was 432 for and 295 against. Under the leadership of Dr. Clarence E. Macartney of Pittsburgh, however, it was voted to reconsider the matter on the ground that few of the commissioners realized the import of their action. When this motion had prevailed Dr. Macartney moved that the whole matter be transmitted to the presbyteries for study. As this motion prevailed it seems safe to assume that this proposed calendar reform will receive wide-spread consideration throughout the Church between now and the next Assembly.

Overtures on Religious Drama Approved: No Action on Youth Program Overture

On recommendation of the Standing Committee on Christian Education both the overture sent up by the Presbytery of New Castle and that sent up by the Presbytery of Cayuga requesting the Assembly to instruct the Board of Education to take steps helpful to the development of religious dramas in the educational program of the Church were approved. On recommendation of the same Committee, however, no action was taken on the overture from the Presbytery of Duluth requesting Youth programs having as their “object the salvation of souls.” The overture rejected, with its implied criticism of the present material for Youth programs, follows:

Inasmuch as the material for Youth programs and leadership sent to us from the offices of the Board of Christian Education is purely of a social service nature,

And, inasmuch as the social gospel cannot replace the redemptive Gospel either as a character-forming agent or as a regenerating force,

And, inasmuch as Youth requires and has always required guidance and help rather than the responsibility of “re-making the world,”

The Presbytery of Duluth respectfully overtures the One Hundred and Forty-Ninth General Assembly of the Presbyterian Church in the U.S.A. to erect a commission of conservative scholars who shall be charged with the task of producing material and literature that may be used in a program in the churches, which program shall have as its object the salvation of souls.

Re Constitutional Guarantees of Civil and Religious Liberty

The Presbytery of North Philadelphia had sent the following overture up to the Assembly which if approved would have put the Assembly on record as opposed to the President's proposed reorganization of the Supreme Court:

“Whereas every constitutional guarantee of civil and religious liberty necessarily depends for its preservation and enforcement upon the maintenance of an independent judiciary, free from the control of political pressure of either the executive or the legislative branch of the Government;

“Therefore the Presbytery of Philadelphia North respectfully overtures the General Assembly of the Presbyterian Church in the United States of America, in session at Columbus, Ohio, to make a deliverance, reminding all followers of Christ, of whatever communion, that the privilege and practice of religious liberty and freedom of conscience which they now enjoy, was gained for them by the founders of this nation, and was by them intended to be made secure to their posterity through constitutional guarantees enforced by an independent and unbiased judiciary, free from any influence or domination of any man or body of men who might for the time being be in control of the machinery of Government; and calling upon all those who desire to preserve these constitutional guarantees for themselves and their children from governmental encroachment, tyranny or destruction, solemnly to protest by every lawful means against the passage of any measure that may render the Supreme Court of the United States, or any other Court, subservient to the executive or legislative branches of the government, or that may impair or destroy their power to preserve and defend every constitutional guarantee against destructive assault from any source.”

On recommendation of its Committee on Bills and Overtures the Assembly took the action which follows relative to the overture cited above—an action which it will be seen while commendable in itself avoided any reference to President Roosevelt's Court plan and thus in effect adopted the North Philadelphia overture minus its teeth:

“In view of conditions in many lands today, when religious liberty is restricted and freedom of conscience is denied, and thus the life of the Church is being strangled under the dominance of the State—we offer this deliverance and enter this protest, in answer to Overture No. 31 by the Presbytery of Philadelphia North, ‘On the Constitutional guarantee of Civil and religious liberty.’

“Our Republic has a remarkable history of progress and individual achievement in character and service under our Constitutional form of government. It has been a government of the people. Through its freedom of opportunities and its opportunities of freedom many otherwise hopeless have risen to positions of power and helpfulness. Freedom

of conscience has been vouchsafed and liberty and expression of belief has been guaranteed.

"Our Nation was founded by heroic souls who were willing to risk everything to possess these priceless liberties and guarantees, and we affirm that that spirit of our founders—in their possession of the liberty to enjoy and exercise the right of conscience to worship God and live their lives as they have believed He approved—that spirit is the supreme factor in the growth and greatness of our Republic.

"Today we, each one, need the same opportunities of honest toil to earn our bread by the sweat of our face, the same privileges of freedom of worship, the same guarantee of civil and religious liberty.

"Our Presbyterian Church has always stood, not only for the separation of State and Church, but also for the enrichment and God-intended development of the individual through the belief in the Gospel of and obedience to the Redeemer and Lord of Life.

"We believe that civil and religious liberty in the realm of man's spirit, is inalienable and God-given and that man can only be free, when such liberty is constitutionally guaranteed to him. Therefore any encroachment upon these liberties, and infringement of the constitutional guarantee that preserves to us these liberties, we not only look upon with alarm and disfavor, but deplore and condemn.

"We believe that a free church in a free state, such as obtains in our Republic, rests not only upon constitutional guarantees, but that the State itself is undergirded and perpetuated by that truth, grace and character which are the result of the free and fearless proclamation of the Gospel of our Lord and Saviour, Jesus Christ.

"We therefore call upon all our people to cherish, guard and maintain the liberties that are ours—both in church and state—and which are guaranteed to us by the constitution of both church and state."

Message to German Christians

Dr. Hugh Thompson Kerr reporting for the committee on Church Cooperation and Union proposed a message for transmission to our Christian brethren in Germany. In presenting the matter Dr. Kerr said:

"The situation confronting the Christian church in Germany is critical. The church in Germany is facing extinction. The church which created the Reformation is today carrying the cross. We dare not stand aside and let our brethren fight the battle alone. If we do and the battle is lost, the time will come when we too will fight the battle alone.

"The answer to the question put to him by the church of Great Britain, as to what they and we can do to help Dr. Karl Barth—gives us definite guidance. We quote a few of his words: 'The churches abroad ought to know that the German Evangelical Church is in a desperate position, in which God who is Lord of the one Church and so of all the churches alone can help.' 'The churches have got to see in the cause of this church their own cause and bring it as their own before God.'

"But prayer to be effective must be informed. The situation is this. No help can come from resolutions of protest. Such resolutions will only add fuel to the fire. 'The German church can be helped not in disapprobation of Hitler and his methods and aims, not in the idea of freedom of conscience or of the church, but in the theological presuppositions of the conflict it is waging. . . . What help would it be if the whole British fleet were to appear at the mouth of the Elbe. The German church conflict is a spiritual and not a secular

conflict and the means with which foreign churches participate in it can be none other than spiritual means.'

"The conflict that is being waged is new. It is this: 'Alongside of the revelation of God in Christ Jesus, National Socialism is demanding from the church the recognition of a divine revelation in itself, in the person of the Fuhrer, Adolph Hitler, and in the reality and history of the German nation. That is the issue and at the synod of Barmen, 1934, the German church issued its manifesto saying in effect, 'Here we stand we can do no other.'" German Christians, says Barth, want to know if they stand alone.

The message which Dr. Kerr proposed for transmission to the Christians of Germany follows:

"The General Assembly of the Presbyterian Church, U.S.A., meeting in Columbus, May 31, 1937, sends affectionate and fraternal greetings to the Christian Church in Germany. We rejoice in the loyalty and sacrificial heroism of our brethren in Christ who today are standing as did the Reformers for the eternal Gospel. We too are heirs of the same faith. We acknowledge gladly the same Confession of Faith lately promulgated by the German Evangelical Church affirming that: 'Jesus Christ as he is testified to us in Holy Scripture is the one Word of God, which we have to hear and which we have to trust and obey in life and in death. We reject the false doctrine that the church might and must acknowledge as sources of its proclamation still other events, powers, forms, and truths as God's revelation, apart from the one and only Word of God.' We affirm this same faith and convey to our Christian brethren in Germany our sympathetic understanding of this confessional statement and their loyalty to it. We wish our German brethren to know that they do not stand alone. We too stand with them in the same Christian faith, and affirm with the Great Reformer, 'Here we stand. We can do no other. God help us.'"

On request of the General Council Dr. Kerr's proposal was referred to the Committee on Bills and Overtures and being favorably reported by said Committee was adopted by an apparently unanimous vote of the Assembly—after which the commissioners joined in singing several stanzas of Luther's hymn, "A Mighty Fortress Is Our God" and under the leadership of Dr. Kerr united in prayer in behalf of the Christian Church in Germany. It is possible, as some thought, that the conception of the Word of God embodied in the message is more in harmony with that of Karl Barth than the Westminster Fathers but all seemed to be in full sympathy with its aim and purpose.

Special Commission of Nine

It will be recalled that the 1935 Assembly in response to memorials from certain members of the presbyteries of Philadelphia and Chester appointed a Commission of Nine to visit these presbyteries "in a friendly and cooperative way in an endeavor to remedy such unfavorable or unconstitutional conditions as the Commission may find evident." This Commission reported at length to the 1936 Assembly (Minutes, pp. 117-127) and was continued at its own request with instructions to make a further report to the 1937 Assembly. It will be recalled also that the 1936 Assembly referred to this Commission "for appropriate investigation and action" Dr. Donald Grey Barnhouse's alleged public statements according to which he characterized certain actions of the 1936 Assembly as "an

iniquity" and "a blasphemy perpetrated by the General Assembly." The report of the Commission insofar as it was adopted, save in the matter of the proposed Metropolitan Presbytery, follows:

Your Commission of Nine to visit certain presbyteries reports as follows:

1. In the matter of the reference of the following paper presented by Donald B. Cahoon et al., "We, the undersigned Commissioners of the 148th General Assembly of the Presbyterian Church in the United States of America, would call to the attention of the General Assembly the statement in the public press coming through the Associated Press, made by a minister of the Presbyterian Church in the United States of America, in which he refers to certain actions of the General Assembly as 'an iniquity' and 'a blasphemy perpetrated by the General Assembly,' and would respectfully request that this matter be referred to the Commission of Nine to visit certain presbyteries for appropriate investigation and action."

In the judgment of your commission, after many hours of conference and prayer with the parties concerned, the matter in question is adjusted for the present, and is well on the way to a satisfactory solution. We believe it should give our Church no further disturbance of a similar character and calls for no action on the part of the Assembly.

2. In the matter of the Metropolitan Presbytery, in carrying out Recommendation Three of our report to the Assembly of 1936, namely: "Synods and the Assembly should be encouraged to form one metropolitan Presbytery in each of the great city areas where several Presbyteries or Synods now exist; thus more effectively meeting the challenge of the Kingdom task and unifying the spiritual and financial resources of the entire metropolitan area."

We recommend that this Assembly request the Synod of Pennsylvania to carry out the merger program as recommended by its own commission, or in some similar fashion, in the case of the Presbyteries of Philadelphia, Philadelphia North and Chester in the metropolitan area of Philadelphia and vicinity.

3. We recommend that in carrying out our suggestion of 1936:

"Your Commission wishes to bring before this Assembly the following suggestions for constitutional changes upon which the Commission, if continued, may present overtures to the next Assembly:

"A. The policy and program of the Church should be determined by ministers in full-time service of the Church and their associated elders. It is significant that the Scottish and the Australian Presbyterian Churches limit the voting and office-holding membership of the presbyteries to the pastors of its churches and those executives, and teachers of its accredited theological college, whom the General Assembly appoints as voting members in the presbyteries.

"B. A rule throughout our Church that, at seventy years of age, a minister's active and official service of the Church, either as installed pastor or as executive, shall terminate";

In continuance of the above suggestions we propose that the following overtures be sent down by this Assembly to the presbyteries:

I. Shall the words "installed pastors and regular supplies" be substituted for the words "the ministers" and after the words "within a certain district" shall there be added the words, "Together with such executives and teachers of theological seminaries, colleges and religious schools whom the presbytery may by a three-fourths vote designate as voting members of the presbytery; other ministers may have membership in the presbytery with all the privileges pertaining thereto, except to vote and to represent the

presbytery in the higher judicatories," thus revising Chapter X, Section II, to read as follows: "A presbytery consists of all installed pastors and regular supplies, in number not less than five, and one ruling elder from each congregation, within a certain district; together with such executives, and teachers of theological seminaries, colleges and religious schools whom the presbytery may by a three-fourths vote designate as voting members of the presbytery; other ministers may have membership in the presbytery with all the privileges pertaining thereto, except to vote and to represent the presbytery in the higher judicatories. But in exceptional cases a presbytery may be organized within the boundaries of existing presbyteries, in the interests of ministers and churches speaking other than the English language, or of those of a particular race; but in no case without their consent; and the same rule shall apply to synods."

II. Shall the word "voting" be inserted before the word "minister" or "ministers" in Chapter XII, Section II, so that it shall read as follows:

"The General Assembly shall consist of an equal delegation of bishops and elders from each presbytery, in the following proportion; viz.: Each presbytery consisting of not more than twenty-four voting ministers shall send one voting minister and one elder; and each presbytery consisting of more than twenty-four voting ministers shall send one voting minister and one elder for each twenty-four voting ministers, or for each additional fractional number of voting ministers not less than twelve; and these delegates, so appointed, shall be styled commissioners to the General Assembly."

III. Shall there be added to Chapter XVII of the Form of Government a third paragraph to read:

"Section III. When any minister or executive shall have reached the age of seventy years his contractual service in the Church shall terminate."

In our report to the Assembly of 1936 your Commission of Nine expressed its appreciation of the cooperation of the Presbyteries of Philadelphia and Chester in working out their problems. We reported that Philadelphia had reorganized the presbytery in accordance with our suggestions and was, in our belief, well on the way to an amicable adjustment of any difficulties that remained.

Recently this faith of ours was seriously shaken, but we rejoice to report that prolonged and patient conferences and the softening grace of God gives encouraging assurance of the restoration of harmony and Christian cooperation within the Presbytery of Philadelphia.

We report that since the Assembly of 1936 the Presbytery of Chester, in excellent spirit, has completed its reorganization along the lines suggested by the Commission, and also gives encouraging promise of united progress and Christian cooperation.

Your Commission of Nine, having now helped these two Presbyteries to set their feet upon the paths of peace, and confident that the good work which was begun in them will be perfected by the Holy Spirit, respectfully asks to be discharged.

HENRY S. BROWN, *Chairman.*

It will be seen from the above that the Commission of Nine recommended that the Assembly request the Synod of Pennsylvania to form a Metropolitan Presbytery from the presbyteries of Philadelphia, Philadelphia North and Chester. After considerable discussion, during which it appeared that in two of the presbyteries concerned a large majority were opposed to the proposal, an amendment proposed by the Rev. Arthur M. Adams of the Presbytery

of Philadelphia North was adopted, viz.: "We recommend that this Assembly requests the Synod of Pennsylvania to continue the discussion of the metropolitan problem of Philadelphia for another year and, in conference with the three presbyteries of Philadelphia, Philadelphia North and Chester, to seek a solution satisfactory to the three presbyteries." Relative to the three proposed overtures—the adoption of which would mean the disfranchisement of all ministers not pastors or regular supplies, except certain executives and teachers, and the compulsory retirement of all ministers at the age of 70—the following action was taken:

That these overtures be sent to the presbyteries for their study through the next year and that the stated clerks of presbyteries be directed to transmit any revisions or suggestions made by the presbyteries to the Stated Clerk of the General Assembly, and that these be reported by the Stated Clerk to the 1938 General Assembly for action.

It will be recalled that when the Commission of Nine was appointed the blame for the conditions in Philadelphia Presbytery was placed, at least by most, on the so-called "Machen group." The closing part of the report, cited above, directs attention to the fact that the elimination of this group did little or nothing to better conditions. Obviously the blame had been largely misplaced.

Re Special Pensions to Board Secretaries

The following overture (No. 15), concurred in by more than half of the presbyteries of the Church, was sent up to the Assembly by the Presbytery of Columbus:

Whereas, when the present pension plan was being formulated and the canvass was being made for the Fifteen Million Dollar fund, great stress was laid on the parity of the ministry, and

Whereas, in the Assembly of 1928 permission was given by the General Assembly for the Boards of the Presbyterian Church in the U.S.A. to supplement from their income the Pension received by its retiring secretaries and staff members (as interpreted by the General Assembly of 1930) over and above the amount received from the Board of Pensions up to Two thousand (\$2,000.00) Dollars, the maximum sum, and

Whereas, these late years of depression have worked great hardship to many of our ministers, and the parity promised in the canvass made for the Fifteen Million Dollars fund has been destroyed by a discrimination favoring one group of our ministers, whose service, however great, is yet not greater than the preaching of the gospel by faithful and sacrificial pastors,

The Presbytery of Columbus hereby overtures the General Assembly of the Presbyterian Church in the U.S.A., meeting in Columbus, Ohio, Thursday, May 27, 1937, to revoke its action taken at Tulsa, Oklahoma, in 1928, giving permission to the Boards of said Church to supplement the normally received pension from our Board of Pensions up to Two Thousand (\$2,000.00) Dollars, which action, however, kindly motivated, is causing great criticism and has some influence in withholding gifts from our Boards, and that all ministers of the church, however employed and justly entitled to the designated Pension at the age of Sixty-five, receive alike from the Board of Pensions the Pension to which they are normally entitled.

This action, when and if taken by the General Assembly,

shall become effective on the first day of October in this year of our Lord, 1937.

Further, we pray that the Board of Pensions be instructed by this Assembly to give earnest study to the matter of speedily raising the minimum pension to not less than eight hundred (\$800.00) Dollars and that all ministers, including those entitled to Sustentation, shall share in the increase.

Had a direct vote been taken on the above overture there is small doubt that it would have been approved. All that would have been necessary, apparently, would have been for the commissioners to have voted as their presbyteries had already voted. However the portion of this overture relating to supplementary pensions was referred to the General Council and the portion relating to the Service Pension Fund to the Board of Pensions for study and report to the 1938 Assembly. This was perhaps a wise disposition of the matter provided postponement was not in the interest of "no action." Watchfulness on the part of the presbyteries may be needed to see that this essentially commendable overture is adopted, in substance at least, by the next Assembly. There would seem to be no warrant for discrimination in favor of Board secretaries and staff members as over against pastors and missionaries.

The Social Welfare Report

The report of the Standing Committee on Social Welfare was the most divisive and most discussed of the reports submitted. It was approximately 9000 words in length and dealt with a wide variety of subjects including industrial conditions, the danger of dictatorships, collective bargaining, the Child Labor Amendment, the agricultural situation, poverty, crime, juvenile delinquency, prison reform, venereal disease, race and group conflicts, gambling, motion pictures, narcotics, Sabbath observance, schools, war and peace. While there may be some question as to whether the Church is putting first things first in stressing these matters rather than doctrinal soundness and purity of life it must be admitted that the report as a whole (as adopted) is a decidedly worth-while document which it is hoped will receive careful consideration at the hands of the Church at large. There was little or no disposition on the part of commissioners to take exception to its representations and recommendations save in the matter of the Child Labor Amendment and war and peace.

Dr. Russell Paynter of St. Louis led a largely supported but unsuccessful attempt to delete from the report the sentence, "We repeat the endorsement of the proposed Child Labor Amendment, which now has been ratified by 28 states with only eight additional ratifications required," on the ground that the so-called Child Labor Amendment is really a Youth Control Movement.

Dr. Clarence E. Macartney of Pittsburgh led what proved to be in effect a highly successful attack on the Committee's proposed pronouncement on war and peace. The report in its original form asked the Assembly to affirm among other things, that:

- (1) War is a denial of our faith in a God of love and justice.
- (2) Christians cannot give their support to war as a

method of settling international disputes or carrying on national policies.

(3) We urge all the members of our churches to bear fresh testimony to the utter and absolute contradiction between the practice of war and the profession of the Christian Gospel.

(4) We protest against compulsory military training in schools and colleges and we uphold the right of Presbyterian students conscientiously to object to such training, because our Church believes in God as the Lord of conscience and in our obligation to obey God rather than men.

(5) In order to strengthen the peace sentiment in America and to help prevent our own nation from engaging in war, the General Assembly directs its Board of Christian Education to continue to make available to our pastors and other leaders blank statements in substantially the following form:

"I believe that the way of Christ cannot be reconciled with the way of war. Therefore as a Christian, it is my present purpose to follow loyally the way of Christ for the cause of peace. I believe that the solution of all international disputes should be sought only by pacific means. Therefore as a citizen, I shall support my government in its renunciation of war and in its policy of friendliness to other nations; I shall steadfastly oppose the participation of my country in any future war except as a last resort in defense against an invading force; and I shall not voluntarily cross the borders of any nation except in friendship."

Dr. Macartney moved as a substitute for the Committee's pronouncement the following:

We testify to our Abhorrence of war, and we unite with our brethren in all churches of Jesus Christ, and with men of good will everywhere, in persuading men and nations to the more excellent way of peace.

But we reject and repudiate as contrary to the grand history of our Church, contrary to our Standards, and contrary to the Word of God, the teaching that it is wrong and un-Christian to defend our nation and the precious and blood-bought heritage of our civil and religious liberties.

Therefore, we deplore, and pledge ourselves to oppose, the advocacy of any measure or measures, which, if accepted and adopted, would leave our nation defenseless in the midst of a war-girt world, or which would give encouragement to those anti-Christian movements and organizations which plot for the downfall and destruction of all that the Church of Jesus Christ holds sacred.

Dr. Macartney's substitute motion was not adopted. However, one need but compare the Committee's original pronouncement on "Peace and International Relations" with that finally adopted to perceive how substantial was Dr. Macartney's victory. As adopted the pronouncement reads:

We testify to our Abhorrence of war, and we unite with our brethren in all churches of Jesus Christ, and with men of good will everywhere, in persuading men and nations to the more excellent way of peace.

We wish it understood that in our present-day advocacy of peace we remember with pride the grand history of our Church and those who felt it to be their Christian duty to defend our nation and the precious and blood-bought

heritage of our civil and religious liberty. We give all honor to the patriots of old who, true to the light they had, fought and died for their country and ours.

We reaffirm a cardinal principle of our Confession of Faith that "God alone is Lord of the conscience," and therefore we must and do respect the right of individuals to hold a variety of opinions and to determine all matters of behavior under this central principle.

We reaffirm our patriotic devotion to our country and our willingness to do our duty as our conscience shall direct.

It should be added that while Dr. Macartney and his supporters did not succeed in preventing the appointment of a committee to prepare an amendment to the Constitution relative to its teaching on war yet they did succeed in having the committee instructed "so to draw the amendment it recommends to the next General Assembly, as to affirm the teachings of Jesus Christ with respect to the powers of the civil magistrate, the Church's renunciation of war as a method of settling international disputes, and to establish the principle that God alone is the Lord of the conscience and, in particular, with respect to the attitude of individual Christians towards the defense of their civil and religious liberties." Much of the credit for the deletion from the Social Welfare Report of its more radical paragraphs on war and peace (some of which are cited above) belongs to Elder Hallock Sherrard of Pittsburgh who moved that Sections 45-55 be laid on the table—a motion that prevailed by an overwhelming majority.

The final result would seem to indicate that while the Assembly was not adverse to a study of certain paragraphs in our Standards bearing on peace and war with a view to their possible revision; yet that it was strongly opposed to any deliverance that would cast any reflection upon Presbyterians who wish to defend their liberties and their country.

Non-Judicial Cases 5 and 6

Both of these cases are aftermaths of the action of the 1936 Assembly re certain members of the Independent Board. The first had to do with the action of Chester Presbytery in erasing the name of the Rev. Peter De Ruiter from its roll of minister and the second with the action of the Presbytery of Philadelphia in suspending the Rev. Egbert W. Andrews from the ministry—in each instance because they had joined the Presbyterian Church of America. Both have significance because of their bearing on the matter of procedure in such cases. We hope to publish them in a future issue.

Emergency Disaster Committee

The General Assembly approved the following request submitted by the General Council.

"The General Council asks the approval of the General Assembly to the erection of an emergency disaster committee, which shall be permanently organized to deal with unforeseen national catastrophes, such as the recent floods, this committee to be composed of the Moderator, the Stated Clerk, the Treasurer of the General Assembly and

the general secretaries of the Boards of Christian Education, National Missions, and Pensions, with the committee given permission to choose its own chairman."

Distinguished Service Awards

On June 1st, in the presence of the Assembly, Distinguished Service Awards were presented, in behalf of the Board of Christian Education, to Dr. John C. Acheson, President of Macalester College, St. Paul, Minn.; Dr. Charles F. Wishart, President of the College of Wooster, Wooster, Ohio; Dr. Walter L. Wright, President of Lincoln University, Lincoln University, Pa.; Dr. George L. Robinson, Professor of Old Testament literature and exegesis in the Presbyterian Theological Seminary, Chicago, and Dr. Lewis B. Hillis, Presbyterian Pastor at the University of California, Berkeley. It was stated that these five veteran educators have given a total of 198 years of service to the cause of Christian education.

Permanent Judicial Commission Elections

With the close of the last Assembly the terms of office of the following members of the Permanent Judicial Commission expired, viz., Rev. William B. Lampe, Rev. Robert Hastings Nichols, Rev. Archibald Cardle, Judge Clifford L. Hilton and Mr. C. D. Barr. The Standing Committee on Nominations of Members of the Permanent Judicial Commission made the following nominations to fill the vacancies occasioned by these expirations, viz., the Rev. Robert B. Whyte of the Synod of Ohio, the Rev. Herbert H. Field of the Synod of New York, the Rev. Jesse Herrmann of the Synod of Kentucky, Mr. Samuel D. Wingate of the Synod of Washington, and Mr. Henry M. Dowling of the Synod of Indiana. The following nominations were made from the floor: Rev. S. Willis McKelvey of the Synod of Missouri, by Dr. Clarence E. Macartney; Rev. William E. Biederwolf of the Synod of Florida, by Dr. Russell Paynter and Rev. Alexander Alison of the Synod of New England, by Dr. Joseph Lyons Ewing. Before the election took place, however, the names of Drs. McKelvey and Alison were withdrawn because of the provision in the Book of Discipline (Chap. XIII, Sec. 9) according to which "no person shall be eligible to membership upon the permanent judicial commission who is a member on any other commission, committee, or agency of the General Assembly until he shall have resigned such other membership," it being ruled, more or less arbitrarily it seems to us, that this means that one cannot even be a candidate for membership on the Judicial Commission without first resigning such other memberships. It is quite proper that one allowing his name to be presented as a candidate for membership on the Judicial Commission should do so with the knowledge that, if elected, he will have to resign from any General Assembly position he may hold, but that he should be compelled to actually resign before his name is even voted on does not seem to be mandatory according to the provision of the Book of Discipline cited and at any rate would seem to be an unwise provision. The nominees of the Standing Committee were all elected.

Assembly Action re Dr. Master's Resignation

The General Assembly on recommendation of its Standing Committee on Pensions took the following action relative to Dr. Master's resignation:

The General Assembly desires to record its real regret and sorrow in the resignation of Dr. Master, which is to take effect on October 1, 1937. It desires also to express its grateful appreciation of the fine leadership which he has given the Church and the Board of Pensions during his 18 years as General Secretary.

These have been years of remarkable achievement. A dream dreamed has come true. The blessed ministry of comfort and helpfulness to our ministers, their widows and children, and all our Church workers has been greatly enlarged. And all this care and protection have come in a large measure owing to the understanding, sympathy and devoted labors of Dr. Master.

As his heart has gone out to his brethren in the creation of this splendid and abiding monument of Pension Protection, the hearts of his brethren go out to him today in gratitude and affection, and they pray for him many happy years of retirement, enriched with the choicest blessings of our Heavenly Father.

It should be added that Dr. Reid S. Dickson, associate general secretary of the Board of Pensions, was elected to succeed Dr. Master when his resignation goes into effect on the first of October next.

Assembly Action re the Retirement of Dr. Speer

The Assembly approved the following statement presented by its Standing Committee on Foreign Missions in view of Dr. Speer's pending retirement:

Your Committee deeply regrets to announce the approaching retirement of Dr. Robert E. Speer on the 10th of September, 1937, when he reaches the age of 70. Dr. Speer became a Secretary of the Board at the early age of 24, and consequently has given his entire life to the cause of foreign missions as a Secretary of our Board. Dr. Speer's powerful personality looms so large, not only in the history of our own Board, but also in the history of Protestant Missions during the past 50 years, that it is impossible to estimate his contribution, within the limits of a paragraph. We can, however, mention his chief contributions: He has been one of the most successful of recruiting agents, for his name has exercised a magic influence on the youth of our colleges. His eloquence, supported by his massive intellect, has compelled both the church and the world to give serious heed to the missionary appeal, while his wise and sober judgment has won for him a recognition as one of the leading missionary statesmen of the age. We are glad to think that after his retirement the Presbyterian Church may still look to him for counsel and guidance when difficult problems arise in the sphere where he is a master. We assure him today of the appreciation and affection of the Presbyterian Church. His name is enshrined in our hearts and our earnest prayer goes up to our Heavenly Father that he may be long spared to us in health and strength.

The Assembly confirmed and ratified the election of Dr. Joseph L. Dodds for 20 years a missionary in North India, and Dr. Webster E. Browning for 40 years a missionary in Latin America, as secretaries of the Board of Foreign Missions.

Centennial Celebration

The Assembly adopted the following recommendations of its Standing Committee of Foreign Missions re the Centennial Celebration of the Board:

Marking with deep satisfaction the ideal announced by the Centennial Council that this be not merely a Centennial celebrating the past, but also a consecration for the future; and feeling that the whole church waits with eagerness to participate in the Centennial Celebration in a very real and vital way, making it a means of consecration; we recommend that the church heed the Centennial call for prayer with the expectation that the Centennial Celebration will be used by the Holy Spirit as a means of stimulating the spiritual life of the church to such an extent that the interest in Foreign Missions may become that of a majority rather than that of a minority of its members.

Earnestly commending all that has already been done or planned for as a part of the celebration, we recommend that the church awaken to the urgency of the situation without which the larger results may not be accomplished; and we trust that the Board may not be hesitant, nor apologetic, in its approach to the church. The opportunity of the Board both at home and abroad is great. We feel that it has the opportunity under the grace of God to bring about the spiritual revival which is so essentially and critically needed all over the world.

We recommend that the Centennial Council use every means in its power to have a Centennial Committee function in every Presbytery and every local church; and that these committees may function effectively, we suggest that the Council give adequate publicity to its plans and bring about an interchange of ideas among the Presbyteries and the churches so that each may profit by the plans and experiences of the others.

We recommend that if it is at all practical there be organized under the leadership of our Moderator, Dr. William Hiram Foulkes, a group of men and women, in the nature of the recent preaching mission, to accompany him in regional tours of missionary inspiration during the months of September and October.

It is with the deepest approval that we note the endeavor to raise a Centennial Fund of one million dollars, and as the Board makes an aggressive attempt to raise this sum, we recommend that the churches and individuals make a sacrificial response, to the end that the Fund may be fully raised.

We note with grave concern the diminishing of the missionary force during the last ten years, therefore we recommend that the Centennial emphasis may not come to a conclusion in October, but that it be continued to issue into a new and deeper consecration which shall bring forth new plans and new sacrifices, which shall usher in another hundred years of even greater obedience to the Great Commission of our Lord.

Dr. Speer's Valedictory

Following the report of the Standing Committee Dr. Speer delivered the Centennial Address of the Assembly—his final address as secretary of the Board of which he has been a dominating figure for 46 years. Emotionally speaking, this was the high water mark of the Assembly and an event long to be remembered by those privileged to be present. The address was a model of restraint as well as

masterly in its content. With hardly a reference to the part he himself has played in the work of the Board during the last half century he drew a vivid word picture of the progress of mission during the last hundred years, paying special tribute to the rank and file of those who have borne the heat and burden of the day. He made no reference to the criticisms to which the Board has been subjected in recent years but did not fail to present an appealing apologetic for the great cause to which he has so unswervingly devoted his life.

The Next Assembly

Philadelphia was chosen as the place of meeting of the next Assembly as the most fitting place to celebrate the 150th anniversary of the establishment of the General Assembly. What is more the Assembly approved the following program for this Sesquicentennial Celebration submitted by the General Council:

Thursday, May 26—Morning, retiring Moderator's sermon on an appropriate theme. Afternoon, a pageant representing outstanding episodes in our Church's history to be sponsored and produced by the Young People's Departments of the Board of National Missions, Foreign Missions, and Christian Education.

Friday, May 27—Evening, the Church's care of its ministers and their families, considered from a broad standpoint.

Saturday, May 28—Evening, Men's Fellowship Dinner. "An evening with laymen of our Church who, during the last 150 years, have reached distinction in Church or State, or both." Short biographical sketches, presented by competent persons.

Sunday, May 29—2 P. M., three addresses:

"Our Church's History to 1788."

"The General Assembly of 1789; Its Personages, Plans and Purposes."

"Our History Since 1789."

These historical addresses will be designed to present in broad outline the history and contribution to our national life by our Church.

Sunday, May 29—Evening, "Our Church and Christian Education."

Monday, May 30—Afternoon, greetings from other Churches, especially those of the Reformed Family holding the Presbyterian System. Evening, "Presbyterians as Spiritual Pioneers in Our Own Land."

Tuesday, May 31—Evening, "Presbyterians and Foreign Missions."

With reference to the meetings on Friday, Sunday, Monday and Tuesday evenings, the speakers are to be chosen by the Boards severally involved but in close association with the Committee. Every effort is to be made to make each of these evening meetings something quite different from the ordinary evening "popular meetings" of the average Assembly. At the same time, the significance of the work of each of our Boards will be in mind, and ought to be well furthered by the special services and speakers planned.

In addition, every effort will be made by the Historical Department of the General Assembly to arrange for a most significant historical exhibit.