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I.

THE RELATION OF GOD TO THE WORLD.

ALL theology, and for that matter all philosophy and all science as well, must be Theo-centric ; must have God for its beginning and end. There is a great deal of confusion of thought arising from substituting words for thoughts, in the pious claim in vogue nowadays that all Theology must be grouped Christo-centrally. There is an immense sense in which every loyal Christian will recognize this as true. In the *first* place, the revelation of God in Christ is so infinitely more clear and full than in all the universe beside, that we may well say not only that Christ is God, but also that there is no God other than the one whose consummate self-revelation is in Christ. In the *second* place, Christ is undoubtedly the Author and Finisher of our faith, and the beginning and ending of human salvation. The entire scheme of salvation begins and ends in his person and work. And in the *third* place, all power in all worlds is put into Christ's hands, so that all events are controlled by his will, all history revolves around his person, and all science finds its key in his doctrine. Notwithstanding all this, however, Christ is central because Christ is God. The unincarnate God and his natural relations to the universe must be logically prior to and more fundamental than the incarnate God and his gracious relations to his creatures. The Apostle Paul has a deep meaning when he says, 1 Cor. xi. 3 : "The head of every man is Christ, . . . and the head of Christ is God," which is equivalent to saying : "The centre of every man is Christ, and the centre of Christ is God."

Three questions, therefore, obviously lie at the foundation not only of all man's religious knowledge, but equally at the foundation

V.

THE CONSTITUTION OF THE PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA — WHAT IT IS, AND THE MODE OF AMENDING IT.

I.

THE CONSTITUTION—WHAT IT IS.

IN the United States and at the present time the term CONSTITUTION, when used in reference to the laws of an organized society, is ordinarily employed in the complex sense of indicating (1) a *written* instrument, (2) which sets forth the *fundamental principles* of the government of the society, and only such principles. This meaning, it is believed, was first attached to the word in the United States. It was so attached, as will be seen, only a short time before the adoption of the "Constitution of the Presbyterian Church," when other meanings were generally recognized in both Church and State. These old meanings, though still prevalent in Great Britain, have in process of time become well-nigh obsolete in this country; it must be evident, however, to every thoughtful mind that they could not at once be displaced from the thought and use even of educated men by the newly adopted signification.

The employment of the term as denoting *written laws not necessarily fundamental* has prevailed for centuries among English-speaking peoples. When used in this sense, however, it is generally in the plural, *constitutions*; if employed in the singular it is with the definite article, *a constitution*. Thus we read of the Apostolic Constitutions, the Constitutions (or Laws) of Justinian, the Constitutions of Clarendon. Hooker, in his Ecclesiastical Polity, uses the expression: "The positive *constitutions* of our Churches." In this sense the term occurs in the Laws of the Church of Scotland. The first sentence of the famous Barrier Act reads: "Enacted, that before any General Assembly of this Church pass any acts which are to be binding rules and *constitutions* of the Church," etc.* Principal Hill,

* Compendium of the Laws of the Church of Scotland, Part II., pp. 69, 205.

in his Theological Institutes, writes of the Barrier Act itself as "a binding rule and *constitution* to the Church." In all these instances the term is manifestly used, not in the American sense as indicating written *fundamental law*, but as a synonym for law or rule.*

The singular term with the definite article, "the Constitution," as indicating the *fundamental principles* of a body politic, has long been in use in the British Empire. In Britain, however, it is employed as indicating an *unwritten* body of principles. On this subject the following is quoted from the Encyclopædia Britannica, under the title CONSTITUTION :

"In one important respect England differs conspicuously from most other countries. Her constitution is to a large extent *unwritten*, using the word in much the same sense as when we speak of unwritten law. Its rules can be found in no written document, but depend, as so much of English law does, on precedent modified by a constant process of interpretation."

Principal Hill uses the term in a similar sense when writing of "the *constitution* of the Church of Scotland." † He was not referring to any written document, or collection of documents so entitled, such as the Constitution of the United States; but, using the term in the British sense, he was contemplating the general principles underlying the organism of the Church. These principles he had been striving to determine and "delineate" from a consideration of her history and enactments.

The first use of the term in the restricted American sense that the writer has been able to discover was by the Convention that, in 1776, framed "The Constitution or Form of Government" of Virginia. In 1780 a similar instrument, similarly entitled, was adopted in Massachusetts. In 1787 national importance and prominence was given to the new signification by the submission of the "Constitution of the United States of America" to the vote of the people. This new signification, by force of the fact that the term used in this sense is the legally established title of the fundamental instruments of our national and State governments, has naturally and necessarily become prevalent in the United States. It could not, however, as before remarked, at once displace other and familiar meanings from the thought and language of the people;

* In the political compact entered into by the Pilgrims of the Mayflower, the word occurs in this general sense: "We . . . do, by these presents, . . . combine ourselves into a civil body politic, . . . and by virtue hereof to enact, constitute, and frame such just and equal laws, ordinances, acts, *constitutions*," etc. The *one hundred and twenty* laws drawn up by the celebrated John Locke for the government of the Colony of Carolina are entitled "Fundamental Constitutions."

† See "Extracts" in Compendium, Part I., pp. 463, 467, 468.

and, consequently, there must have been, for a considerable time, confusion in the use of the word, even by intelligent men.

The first occurrence of the term in the records of our Church that the writer has been able to find is in the following resolution, adopted by the Synod of New York and Philadelphia, in 1785, when appointing the Committee that prepared the original draft of our existing Form of Government (*italics mine*):

“Ordered, That Dr. Witherspoon [with nine others] be a committee to take into consideration the *constitution* of the Church of Scotland, and other Protestant Churches, and agreeably to the general principles of Presbyterian government, compile a system of general rules for government of the Synod, and the several Presbyteries,” etc. (*Records*, p. 512.)

It seems manifest that in this resolution the term *constitution* was used in the British sense. It is true that the American use had then been originated; it had not, however, become national. But beyond this there were no Constitutions of the European Presbyterian Churches in the American sense; and, still further, had such written documents been contemplated, the term employed would necessarily have been the plural *constitutions*. The use of the singular term points to an ideal something that, in the thought of the author of the resolution, lay at the basis of the systems of laws established in the several churches contemplated.

The Committee appointed under the foregoing resolution reported the next year a draft of “a system of discipline and church government.” This draft, sometimes styled by the Synod “A Plan of Church Government and Discipline” and sometimes “The Book of Government and Discipline,” engaged the attention of that body at its meetings in 1786 and 1787. In 1787 the Synod made a few alterations in the Westminster Confession, and also ordered that the amended Confession and the amended Book of Government and Discipline should be printed and distributed for the consideration of the Church. Direction was also given that the Committee charged with the duty of printing should revise the Westminster Directory for Worship, and print their revision in connection with the other books.

The next year, 1788, the Synod, which body claimed and exercised full legislative power, adopted the Confession, the Catechisms, the Books of Government and Discipline, and the revised Directory for Worship, and declared them to be collectively the Constitution of the Church. The several minutes of adoption and declaration are as follows:

“[May 23th.] The Synod having fully considered the draught of the Form of Government and Discipline, did, on a 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 judicatories 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, as 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 and practice 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." (*Records*, p. 546.)

"[May 29th.] The Synod having now revised and corrected the draught of a Directory for 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 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 said 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 Synod at their present sessions.

"Ordered, That Dr. Duffield, Mr. Armstrong, and Mr. Green be a committee to superintend the printing and publishing the above said Confession of Faith and Catechisms, with the Form of Government, and the Directory for the Worship of God, as now adopted and ratified by the Synod, as the Constitution of the Presbyterian Church in the United States of America, and that they divide the several parts into chapters and sections properly numbered." (*Records*, p. 547.)

The following points must be manifest to the careful reader of the foregoing exhibit : (1) That the initial movement toward the formation of what is now known as the Constitution of the Presbyterian Church contemplated the formation of nothing more than a Book of Government and Discipline ; (2) that the term CONSTITUTION was not applied to the books framed or amended until their final ratification in 1788 ; (3) that when the term was employed it was with singular lack of precision ; at first the Form of Government and Discipline were alone so styled ; then, as by an afterthought, the Confession was ordered to " be printed in full along with it as making a part of the Constitution ; " next, on the following day, the amended Directory and Catechisms were classed with the other books as parts of the *standard* ; and, finally, in the concluding resolution the complex of all the books that, in the immediately preceding deliverance, had been styled " the *standard* of our doctrine, government, discipline, and worship," was denominated " the *Constitution* of the Presbyterian Church in the United States of America." It is probable that the records of no deliberative body of acknowledged intellectual power can show a similar indeterminateness in the use of an important term at such a juncture. The most probable explanation of so

singular a fact is that the term was employed in a new and not thoroughly appreciated sense. In confirmation of this view, attention is called to the fact that it was only in the preceding year that national prominence had been given to the new use of the word by the framers of our national "Constitution."

It must also be manifest that the term was not used by the Synod in what is now regarded as its strict political sense—namely, as a written document setting forth *only* the *fundamental* principles or laws of government. The Constitution of the Presbyterian Church, according to the final enactment of the adopting Synod, embodies not only the *fundamental principles of government*, but the rules of procedure in discipline, and the formulas of doctrine and worship. There seems to have been a vibration in the minds of the members of Synod between the American sense of the term and the British sense when applied to written laws—as in the Barrier Act of the Church of Scotland, in which all *standing rules* are styled *constitutions*.

It is here in place to remark that, in the judgment of the writer, no uninspired book can be the Constitution of the Church of Christ in the American sense of that term. A Constitution, in the American sense, is essentially the work of the Sovereign, and Christ alone is Sovereign in His Church. The kingdom of Christ is in no sense a Republic with authority to determine the fundamental principles of its government. Those principles are to be sought in the revealed Word of God, and the utmost that the Church is empowered to do in reference to them is to set forth a digest of them—a digest which, however useful it may be as a guide and help, should never be regarded as her Constitution in the American sense. This is unquestionably the doctrine of the Westminster Confession and Catechisms, which declare not only that "the Holy Scriptures of the Old and New Testaments are the only rule of faith and obedience" (*Larg. Cat., Ans.* 3; see also Conf., ch. i., sects. 2, 6, 9, 10), but also that—

"All synods or councils since the apostles' times, whether general or particular, may err, and many have erred; therefore they are not to be made the rule of faith or practice, but to be used as a help in both." (*Confession*, ch. xxxi. 3.)

It is, of course, admitted, in the language of the Confession (ch. i., sect. 6):

"That there are some circumstances concerning the worship of God and government of the Church common to human actions and societies which are to be ordered by the light of nature and Christian prudence, according to the general rules of the word, which are always to be observed."

On such matters, ecclesiastically styled the *Prepa*, the Church has

power authoritatively to legislate. Her enactments, however, form no part of her Constitution in the American sense ; they are analogous to the laws enacted by Congress under the authority and within the limits of the Constitution.

Nor can any section of the Church usurp a prerogative that does not belong to the undivided Body of Christ. Each denomination of Christians, it is true, externally, in its relations to the State, may be regarded as a voluntary association, having the right to adopt such constitution as it chooses that does not conflict with the rights of others. Internally, however, each denomination, as a portion of the one Church, is bound to receive as the fundamental principles of its government those which Christ has set forth in His Word ; save in respect of the *Prepa*, it has no right to legislate. It is admitted that a denomination erring in its interpretation of divinely enunciated principles, if error be unintentional and within limits, does not thereby cut itself off from the Body of Christ ; but, at the same time, it is affirmed that any denomination that assumes to itself the right of determining the fundamental principles of its government, or that consciously declares aught as a principle that Christ has not so declared, or consciously omits to accept aught that Christ has established, usurps the crown rights of its king, and becomes guilty of both heresy and schism.

The term Constitution as applied to the Books of our Church is, in the judgment of the writer, not only a misnomer, but most unfortunate ; it necessarily suggests to the minds of Americans an analogy between those Books and the Constitution of the United States which does not exist. The Bible alone contains the Church's Constitution. Our *subordinate* standards (as such books are correctly styled in the churches of Scotland), in so far as they set forth fundamental principles of government, are but digests of the judgments of the Supreme Court of our Church concerning such principles ; in so far as the Form of Government, the Book of Discipline, and the Directory for Worship set forth matters pertaining to the *Prepa*, they are the legislative enactments of the body that is at once the Supreme Court and the supreme legislative body.* The Confession of Faith and the Catechisms are *sui generis* ; there is nothing analogous to them in the Law Books of the State ; they are the digested judgments of the Supreme Court of the Church on matters of doctrine, inclusive (so far as the Confession is concerned) of some of the fundamental principles of Church Government.

* This body, it should be carefully noted, is not the General Assembly, but the General Assembly in conjunction with the Presbyteries. The General Synod exercised both powers in completeness.

It may be said, however, that the Synod of New York and Philadelphia had as much right to use the term Constitution in a new and peculiar sense as had the National Convention. This is undoubtedly true, although the abstract wisdom of such a course on the part of that body may be questionable; but, whatever may be thought of the wisdom manifested in the choice of the term, it is acknowledged that we must now accept it. In so doing, however, we should be careful to distinguish it from the term as applied to the Constitution of the United States. It is unquestionable that by the phrase "The Constitution of the Presbyterian Church in the United States of America," is properly contemplated that collection of written formulas severally entitled: The Confession of Faith, the Larger Catechism, the Shorter Catechism, the Form of Government, the Book of Discipline, the Directory for Worship, adopted by the Synod of New York and Philadelphia in 1788, as those formulas have been legitimately amended.

II.

THE MODE OF AMENDING THE CONSTITUTION.

Four views have been held in the Church on this important subject—namely:

1. That the amendment must be proposed by an Assembly and then be ratified by the affirmative votes of at least a majority of the Presbyteries returned in writing to a subsequent Assembly, the sole office of the latter body being to canvass the returns and to declare the result.

2. That the amendment must be proposed by the concurrent action of at least two thirds of the Presbyters, and then be ratified by the vote of a subsequent Assembly.

3. That amendments of the Form of Government, the Book of Discipline, and the Directory of Worship are to be effected by the first of the preceding modes, and those of the Confession and Catechisms by the second.

4. That the proposed amendment must be overtured to the Presbyteries by one Assembly; must then receive the affirmative votes of at least a majority of all the Presbyteries, which votes must be reported in writing to a subsequent Assembly; and, finally, must be ratified by the affirmative vote of the Assembly to which the returns are made.

Those who adopt the first of these views, which this article con-

templates as the correct one, base their opinion on Form of Government, ch. xii. [xi.],* 6, which is as follows :

“ Before any overtures or regulations proposed by the Assembly to be established as constitutional rules [standing rules] † shall be obligatory on the churches, it shall be necessary to transmit them to the Presbyteries, and to receive the returns of at least a majority of them in writing approving thereof.”

Those who adopt the second view do so on the basis of the resolution supplementary to the original adopting act of the Synod of 1788. ‡

The reasons for the *third* view, so far as the amendment of the Confession is concerned, will be set forth in the language of the distinguished committee (Drs. Hoge, Hodge, Spring, Leland, and N. S. Rice), by which it was presented to the O. S. Assembly of 1844 as a portion of a report :

“ The Form of Government, ch. xii., sect. vi., gives power to the General Assembly to propose overtures which, if approved by a majority of the Presbyteries, shall have the force of CONSTITUTIONAL RULES. This provision, it is thought, does not apply to altering or amending the Confession of Faith, 1st. Because it relates to the powers of the General Assembly, and is plainly designed to limit their power in respect of legislation. 2d. The use of the terms ‘ Overtures or Regulations ’ defines with sufficient clearness the meaning of the expression ‘ Constitutional Rules, ’ and limits its application to the rules of government and discipline, but excludes alterations of the doctrinal and fundamental principles of the Church. 3d. Unless the language used necessarily and certainly embraces alterations of the latter kind, it would be unwise to resort to a forced construction, and thus jeopard the stability of the great principles of faith and order embraced in our Standards. . . . That Synod [1788] in the adopting act inserted a provision that ‘ two thirds of the Presbyteries may *propose* alterations or amendments which shall be valid if *subsequently enacted* by the General Assembly.’ So far only as this embraces Constitutional Rules, this provision has been changed, but in every other respect it remains in full force.” §

The fourth view is based on an illegitimate combination of selected portions of the first and second modes. It has no basis in any of the acts or deliverances of the Church, and it has but few supporters.

* The double numeration of the chapter is due to the introduction of an initial chapter by the Revision of 1821. What is now known as “ Ch. I. Preliminary Principles ” formed no part of the Form of Government as at first adopted. In the original Book that chapter appeared as an “ Introduction, ” being an explanatory address to the Christian public.

† The words within the brackets, “ *standing rules,* ” are those employed in the original Book. They were altered to “ *constitutional rules* ” by an amendment first proposed to the Presbyteries in 1799 (*Minutes*, p. 180), and finally declared to have been adopted by a *majority* of the Presbyteries by the Assembly of 1805. (*Minutes*, pp. 304, 333.)

‡ This resolution may be found in *Records*, p. 546 ; and in Moore's *Digest*, p. 51 ; it appears in full on pp. 87, 88 of this article.

§ The full text of the portion of the Report bearing on the point at issue may be found in Moore's *Digest*, p. 323 ; *Minutes*, 1844, pp. 422, 423.

It has been claimed by some that the Assembly of 1827 acted in accordance with this view in "rejecting" five amendments which had been sent down to the Presbyteries by the preceding Assembly, and which had received the affirmative votes of a majority thereof. It appears, however, from a careful consideration of the records that the Assembly did not "reject" the proposed amendments; it simply declared that the vote of the Presbyteries had been irregularly given, and that therefore the amendments had not been legitimately ratified. The right exercised by the Assembly was not the alleged right of ratifying or rejecting, but that of canvassing the votes and declaring the legal result.*

Before proceeding further, it is proper to call attention to the fact that the question before us is not the abstract one as to the best mode of amending the Constitution, but, What is the mode already established and which is obligatory until it be regularly altered?

At first glance it may seem as though there should be two distinct modes of amending the Formulas of our Church. Those Formulas contain two entirely distinct classes of articles—the first, definitions of revealed truth; the second, enactments within the limits of ecclesiastical authority. The consideration of proposed amendments respecting the one or the other of these classes calls for the exercise of widely different powers of the human mind; in the one case a Presbyter acts as an interpreter of God's Word, in the other he judges, in view of existing circumstances, what will be for the best interests of the Church. It may also seem that, in introducing the phrase CONSTITUTIONAL RULES into the Form of Government, the Church had in view a distinction in mode. This manifestly was the view of the distinguished Committee that reported on the subject to the O. S. Assembly of 1844. Without at present discussing the question of the propriety of establishing different modes, it is remarked that the united Church has never established them, either at the time of the adoption of the Constitution or by any subsequent action; but that, on the contrary, she has never contemplated more than one mode. This will appear in the following discussion, in which it will incidentally appear that in the substitution of CONSTITUTIONAL RULES for STANDING RULES in Form of Government, ch. xii. [xi.], 6, it was with the distinct declarations by the Assembly proposing the change that it was proposed because the latter phrase was ambiguous, and that both phrases referred to ARTICLES OF THE CONSTITUTION.

It may also be remarked that, without a recasting of our Formulas, the establishment of different modes in effecting amendments would

* See *Minutes of 1827*, p. 218.

involve an obvious impropriety. It would not do to draw the line between the Confession and Catechisms, on the one hand, and the other books on the other. The Books of Government, Discipline, and Worship contain some of the most important definitions of revealed truth; it would be utterly incongruous to subject these definitions to one rule of amendment and those of the Confession and Catechisms to another; nor would it be possible to draw the line in the Books of Government, Discipline, and Worship between what belongs to the *Faith* of the Church and what to the *Prepa*. These matters are so intermingled in those Books that it would be practically impossible to distinguish between them; there are not only many chapters in all of them, but many articles, that contain both definitions of revealed truth and enactments concerning the *Prepa*.

It is now in place to present the considerations that, in the judgment of the writer, make manifest that the established mode of amending all portions of the Constitution is the one first mentioned—namely, by a majority vote of all the Presbyteries upon overture from a General Assembly.

It seems to be unquestionable, it must be acknowledged, that it was the intent of the majority of the Synod that framed and adopted "The Constitution" to establish as the rule of its amendment the resolution supplementary to the adopting act. If such was their intent, however, their mistake was in not making it a part of the Constitution itself; the more especially was their failure to do this a mistake, in view of the fact that apparently another and an inconsistent rule was set forth in Form of Government, ch. xii. [xi.], 6. But, whatever may have been the intent of the adopting Synod, it is unquestionable that the united Church has never acted on the supplementary resolution. So far from acting thereon, the united Church from the beginning, even when prominent members of the Synod of 1788 were in her Assemblies, has always acted on the rule contained in the Form of Government. This is abundantly evident from a careful examination of the records of the Church, which makes manifest the unsoundness of the position of the Committee that reported to the O. S. Assembly of 1844 that (*italics mine*): "So far only as this [the supplementary resolution] embraces *Constitutional Rules* this provision has been *changed*, but in every other respect remains in full force."

The implications of this sentence are two: First, that the Church has distinguished between the Constitution and the Constitutional Rules contained in the Constitution; and, second, that she has *changed* (amended), in effect at least, the provision of the supple-

mentary resolution in respect of the "Constitutional Rules." On the contrary, the records show, first, that the united Church has never made the distinction implied; and, second, that so far from *changing* (amending) the supplementary resolution of the Synod of 1788 she has unvaryingly treated it as of no authority, and has acted on the provision of the Form of Government, ch. xii. [xi.], 6, as though it alone touched the matter of Constitutional amendment and also covered the entire field thereof. Not only has every amendment been adopted, but every proposition for amendment (including one for the amendment of the Confession) has been made on the basis of the provision in the Form of Government.

So far as appears from the records, the matter first came before an Assembly for consideration in 1799, eleven years after the adoption of the Constitution. The Presbytery of New York memorialized that body, objecting to the enactment by the preceding Assembly of certain rules for the government of Presbyteries in the reception of foreign ministers. The ground of the objection was that the enactment of such rules by the Assembly *alone*, without submitting them to the vote of the Presbyteries, was in violation of the article in the Form of Government that we are now considering. It should be noted that this was before the alteration in that article of the words *standing rules* into *constitutional rules*. The Assembly by vote refused to rescind the action of the former body, and adopted the report of a Committee setting forth the reasons for refusal, the first part of which is as follows :

"The first reason assigned by the Presbytery of New York for their request is founded on a misinterpretation of an ambiguous expression in the Constitution. The sixth section of the eleventh [xii.] 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 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 to forbid the Assembly to give the section that interpretation.'" (*Minutes of 1799*, p. 179.)

The manifest force of this deliverance, which denied the validity of the second alternative interpretation of the rule in question, was to affirm the validity of the first—namely, that by the words *standing rules* was indicated "articles of the Constitution"—or, in other words, to declare that, by a provision of the Constitution itself, the Constitution may be amended by a *majority* of the Presbyteries upon overture from the Assembly.

But it is inconceivable that this Assembly could have acted in ignorance of the supplementary resolution of the adopting Synod. Only eleven years had elapsed since the action of that body; there were certainly four men in the Assembly who had been members of the Synod, all men of mark—namely, the Rev. Dr. Samuel Stanhope Smith, President of Princeton College; the Rev. Dr. William Tennent, the Rev. Messrs. James Boyd and Nathan Grier; besides these there were present several other distinguished men whom we cannot suppose to have been ignorant of the exact history of the adoption of the Constitution; the answer to the memorial of the Presbytery of New York was drawn by the Rev. Messrs. James Graham and Archibald Alexander, and Elder Jonathan Elmer. In view of these facts it is impossible to suppose that the Assembly acted in ignorance or oversight of the resolution of 1788. The only tenable hypothesis of its course seems to be that its members regarded the two provisions concerning amendment as in conflict, and that as the one was in the Constitution itself it should prevail over the other.

But whatever may be the explanation of its course, it is certain that the Assembly did regard the provision of the Form of Government as having respect to the amendment of "Articles of the Constitution," and did so declare; and it emphasized this opinion by overturing to the Presbyteries, in accordance with the recommendation of the Committee that prepared the answer to the Presbytery of New York, the proposition to remove from the provision what in the answer had been styled "an ambiguous expression" by substituting therein *constitutional rules* for *standing rules*. The minute of overture is as follows (*italics mine*):

"The respective Presbyteries were and they are hereby required to send up to the next Assembly their opinion on the section of the Constitution referred to, and if they think proper to advise and empower said Assembly to make the alteration therein proposed in the phraseology of this section, *according to the mode pointed out in the Constitution for effecting any alteration in that instrument.*" (*Minutes*, p. 180.)

The Assembly of 1800 manifestly agreed in opinion with its predecessor. It appeared on canvassing the returns that less than a majority of the Presbyteries had voted on the proposed amendment; the Assembly, however, continued the overture that proposed alteration. And not only was the overture continued, but a memorial from the Presbytery of Baltimore similar to that from the Presbytery of New York of the preceding year was answered in the negative. It is also manifest that this Assembly could not have been ignorant of the provision of 1788. This appears, first, from the composition of the Assembly; *five* of its members were among the most

distinguished members of the adopting Synod—namely, the Rev. Drs. Samuel Stanhope Smith, Alexander McWhorter, John Rodgers, and Ashbel Green, and the Rev. Jedidiah Chapman—Dr. Rodgers and Mr. Chapman being representatives of the protesting Presbytery of New York. And, in the second place, the following preamble and resolution, together with others bearing on the same subject, were presented, placed on record, and, after discussion, referred to the next Assembly :

“ *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.” (*Minutes*, pp. 205, 206.)

The presentation, discussion, and reference of this paper not only show conclusively that the Assembly was not in ignorance of the supplementary resolution of the adopting Synod, but the phraseology of both the preamble and the resolution go far to confirm the hypothesis set forth as explanatory of the course of the preceding Assembly, and also to show the correctness of a similar hypothesis in reference to the course of the Assembly now under consideration—namely, that the majority of the members regarded the provisions of the supplementary resolution and that of the Form of Government as in conflict, and that, as the latter was a provision of the Constitution itself, it should prevail.

It is to be regretted that the Assembly of 1801 took no action on the paper that had been referred to it other than to refer it to its successor. There can be no doubt, however, that the judgment of this body on the point at issue was in harmony with that of its predecessors. It again happened that a majority of the Presbyteries failed to vote either for or against the proposed amendment. This Assembly did not, it is true, so far as appears from the minutes, resolve by vote to continue the overture to the Presbyteries, but neither did it withdraw it ; and that the overture was by universal consent regarded as continued is manifest from the fact that the following Assembly canvassed additional returns. It is beyond question that had not the Assembly of 1801 agreed in opinion with those that preceded it, it would have withdrawn the overture and rescinded the Regulations concerning foreign ministers as unconstitutional. But not only did it fail to take these actions, but it adopted the famous Plan of Union,* the abrogation of which in 1837

* *Minutes*, pp. 224, 225.

was one of the most potent influences resulting in the disruption of the Church. Now, it must be evident to every thoughtful mind that the articles of the Plan of Union were far more inconsistent with Form of Government, ch. xii. [xi.], 6, as that provision was interpreted by the Presbyteries of New York and Baltimore, than were the Regulations concerning foreign ministers. The Plan of Union could have been adopted by the Assembly only in view of an interpretation of that provision coincident with the view of the preceding Assemblies—namely, that it had sole respect to the amendment of the Constitution.

The evidence that the Assembly of 1802 agreed with its predecessors is also complete. In view of the fact that a sufficient number of Presbyteries to decide the case had not reported, it ordered a continuance of the overture of amendment. It also ordered a reference to the next Assembly of the preamble and resolution originally offered to the Assembly of 1800.

The Assembly of 1803 continued the overture, with injunction to the delinquent Presbyteries to take action. This Assembly also dismissed [tabled] the resolution relating to the apparent conflict between the supplementary resolution of the adopting Synod and the provision of the Form of Government that had been referred by the preceding Assemblies,* doubtless in view of the fact that the appointment of a special committee was contemplated, which was shortly after appointed,

“To consider [*inter alia*] whether any, and, if any, what alterations ought to be made in the said Confession of Faith, etc. ; to make such preparatory arrangements on the subject as they shall see proper ; and to report to the next General Assembly.” (*Minutes*, p. 282.)

The committee appointed under this resolution consisted of several of the most distinguished men in the Church, of whom *four* had been members of the adopting Synod—namely, Rev. Drs. Blair, Tennent, and Green, and Rev. Mr. Irwin.

At the next Assembly, 1804, it again appeared that a number of Presbyteries sufficient to decide the question of the proposed amendment had not voted. The Committee on Revision appointed by the preceding Assembly reported, recommending that no alteration of the Confession or Catechisms should be proposed,† but that *twelve* amendments of the Form of Government and *one* of the Book of Discipline, *thirteen* in all, should be overtured to the Presbyteries

* *Minutes*, p. 278. The record is somewhat obscure. There can be no doubt, however, in the mind of the careful reader as to the intent of the minute.

† This recommendation was not based on any alleged difference in the modes of amending the Confession and the other Books, but on the inexpediency of amending.

for adoption. It is proper to call attention to the fact that this report, which was adopted, proceeded on the basis of alleged provision for amendment in the Form of Government, ignoring altogether the provision of the adopting Synod. Near the close of the report occurs the following (*italics mine*) :

“No amendment can be made in our *Standards* till a majority of the Presbyteries shall have expressed their approbation thereof in writing.” (*Minutes*, p. 305.)

The judgment of the Assembly of 1805 on the point at issue is no less manifest than that of its predecessors. The Committee to which was referred the returns of the Presbyteries on the proposed amendments reported, first, the state of the vote, from which it appeared that *two* of the proposed alterations had received less than a *two-thirds* vote, and, secondly, “that *all* the amendments proposed by the last Assembly have been approved, and on their part sanctioned by a *majority* of the Presbyteries.”* There is no record of any formal vote on the question of the approval of this report ; near the close of the meeting, however, there was adopted, in connection with a resolution ordering the Trustees of the Assembly to publish a new edition of the Constitution, the following (*italics mine*) :

“And whereas, all the amendments proposed by the last Assembly have been approved by a *majority* of the Presbyteries, and this approbation certified by them in writing to this Assembly,

“*Resolved*, That the Trustees cause the said amendments to be incorporated in the Plan of Government and Discipline,” etc. (*Minutes*, p. 340.)

That this Assembly ignored the supplementary resolution of the adopting Synod, and acted on the provision of the Form of Government, is evident not only from the declaration that the proposed amendments had been “approved by a *majority* of the Presbyteries,” but from the further fact that *two* of those amendments had been approved by a majority *less than two thirds*.

But a still more significant fact, as indicative of the mind of the Assembly, is that one of two amendments that failed to receive a *two-thirds* vote was the one that had so long engaged the attention of the Church—namely, changing *Standing Rules* to *Constitutional Rules* in Form of Government, ch. xii. [xi.], 6. There are those who contend that up to the time of the adoption of this amendment the *two-thirds* rule was the law of the Church in reference to all the articles of the Constitution, but that by the amendment the law was changed in reference to matters of mere ecclesiastical arrangement.° Indeed, this is the implied position of the Committee reporting to the O. S. Assembly of 1844. The act of the Assembly in declaring this amendment adopted shows most clearly the fallacy of that

* *Minutes*, p. 333.

position. Manifestly, unless the Assembly had utterly ignored the Supplementary Act, regarding it as of no authority, and had looked upon the provision of the Form of Government, even in its original form, as the fundamental and only law touching amendments, it could not have declared that the change had been legitimately effected.

It must be evident to every thoughtful reader of the preceding exhibit that *seven* continuous Assemblies, from that of 1799 to that of 1805, in all of which there were many distinguished members of the adopting Synod, declared either expressly or impliedly that the only law providing for the amendment of the Constitution is the one found in the Constitution itself. And not only so, but no dissent from this position was ever placed upon the records of any one of these Assemblies, nor, so far as appears, did any Presbytery ever utter a protest.

And still further. From the time we have been considering to the present, every proposition for amendment, including one in 1826 for an amendment of the Confession, has proceeded on the basis of the provision in the Form of Government, and every declaration of adoption or rejection has been made on the same basis. The action of the Assembly of 1826 in proposing an Amendment of the Confession, and that of the Assembly of 1827 in canvassing the Presbyterial returns, are highly significant on the point at issue. The former Assembly overtured to the Presbyteries the question whether ch. xxiv., art. 4, of the Confession "shall be erased?"* It also sent down *eight* proposed amendments to the Form of Government and the Book of Discipline.† There is not the slightest intimation on the minutes that the Assembly contemplated that these proposed alterations should be effected in different modes and by different Presbyterial majorities. The special Committee to which was referred the returns made a report, the first part of which was as follows :

"There are connected with the Assembly *eighty-eight* Presbyteries : *forty-five*, therefore [a mere *majority*], are necessary to make any alteration in the Constitution of the Church.

"In regard to the proposed erasure of the fourth section of the twenty-fourth chapter of the Confession of Faith, *sixty-eight* Presbyteries have reported ; *fifty* of them against the erasure, and *eighteen* in favor of it. The section, therefore, is not to be erased." (*Minutes*, p. 217 sq.)

There is, indeed, no formal declaration that this report was voted upon. It is a universally recognized fact, however, that it was adopted ; and its initial sentence makes manifest the fact that the

* *Minutes*, p. 177.

† *Minutes*, pp. 188 sqq.

Assembly regarded the alteration of the Confession as being on the same basis with the alteration of the other Books of the Constitution. From that time until the present it has been the expressed or implied declaration of every Assembly of the United Church that has delivered or acted on the subject that a proposed amendment of the "Constitution" or "Standards" must be ratified by a "majority" of the whole number of the Presbyteries. Thus the Assembly of 1833 declared: "There are 111 Presbyteries, of which 56 [a majority] are requisite to authorize any alteration of the Constitution;" * the Assembly of 1836: "By the Constitution of our Church the consent of a majority of the Presbyteries is necessary to authorize the alteration contemplated." † Similar declarations by Assemblies since the reunion could be cited did space permit. It is vain to object that all the proposed amendments, save one in 1826, respected books other than the Confession. This, indeed, is true; but the object of amendment mentioned in the deliverances of the Assemblies is the CONSTITUTION, and of this the Confession forms a part. It should also be carefully noted in reference to the proposed amendment of the Confession that both the Assembly of 1826 and that of 1827 treated it on the basis of the provision in the Form of Government.

The only expressed dissent from the otherwise unbroken chain of deliverances of Assemblies, from the first action on the subject until now, is that of the O. S. Assembly of 1844. If there be any force in the unvarying judgment of the Supreme Court of the united Church as to the interpretation of its Constitution, then is it manifest that the rule for the amendment of all portions of the Constitution is the one contained in ch. xii., art. 6, of the Form of Government.

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Newark, N. J.

* *Minutes*, p. 400.

† *Minutes*, p. 276.