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Art. I.—*Concordantiae Librorum Veteris Testamenti Sacrorum Hebraicae atque Chaldaicae, &c. &c.* Auctore Julio Fürstio, Doct. Phil. Lipsiae. 1837–8. Sect. I—VIII.

The appearance of great literary undertakings, whether deserving of the name from the novelty or importance of their subjects, or from the amount of patient labour or of original thought expended in their execution, may appropriately be compared to that of eminent individuals in the political world. For as these latter exert a powerful influence upon the character and conduct not only of the men among whom they live and move, but also of their posterity to distant times : so important literary achievements, while thousands of ordinary publications are suffered to sink into oblivion, remain as monuments of the intellectual prowess of the age in which they are produced, and serve as guides and helpers to future advances in knowledge, virtue, and happiness. Hence it is highly proper that their appearance and character be recorded in literary history for the benefit of posterity as well as of contemporaries, in like manner as those of celebrated men are preserved in the history of political events. These

Charles Hodge

ART. V.—*General Assembly of* 1839.

OUR history of the General Assembly for the present year must be comparatively brief. The struggle which was so long carried on upon the floor of that body has ceased. We have, therefore, little to narrate beyond the ordinary routine of business. Hitherto also we have been furnished, by the several religious papers, with extended reports of the debates. Now we have little more than the minutes.

The General Assembly of the Presbyterian church in the United States of America, met agreeably to appointment in the Seventh Presbyterian Church in the city of Philadelphia, on Thursday the 16th of May 1839, at 11 o'clock, and was opened by a sermon by the Rev. Wm. S. Plumer, D.D. moderator of the last Assembly, from Isaiah 41: 16. After the sermon, the moderator proceeded to the organization of the Assembly, and opened the meeting with prayer. The permanent clerk from the standing committee of commissions called the roll of the house; the whole number of delegates in attendance was one hundred and seventy, though all did not take their seats on the first day of the session.

The Rev. Joshua L. Wilson was elected moderator, and the Rev. Jacob Green temporary clerk.

Letter from the Synod of Canada.

Letters were received and read from the Rev. John Cook, moderator of the Presbyterian Synod of the two Canadas, and from the commission of the Synod of the Presbyterian church of Canada, in connexion with the Church of Scotland. These letters were listened to with greatest respect and interest. From the latter it appears that there are fifty-five settled ministers in connexion with that Synod, which, however, are very inadequate to the wants of the country, as there are "nearly a hundred congregations and settlements, some of them very numerous, that are wholly destitute of pastors." To supply this lamentable deficiency of preachers of the gospel, strenuous efforts are now making for establishing a Theological Seminary for the education of pious young men for the ministry. The whole tone of this letter is elevated and inspiriting. It bespeaks at once the zeal for truth and the love for evangelical religion of its authors. The sympathy which it manifests in the trials of our church; the approbation which it expresses of the conduct of the Assembly;

and the cordial interest in our welfare which it exhibits, rendered it peculiarly gratifying to those to whom it was addressed. It derived additional value from the fact, that it was written after the decision of the church case at *Nisi Prius* against the Assembly, and before the reversal of that decision was known. "We cannot, brethren," say the writers, "contemplate the decision that has recently been given against you in the civil court, without sorrow and astonishment. That the case should ever have been carried to a civil tribunal, must be matter of surprise to all who hold, that the church ought, and does, possess sufficient power in her own judicatories for deciding all questions of doctrine, discipline, and government. But, let the issue before civil courts be what it may, your triumph depends not on it. A victory has already been gained, worth every sacrifice which you may be required to make. A church, that holds fast the truth, may lose her property, and suffer much temporary embarrassment; yet, in His eyes, who walketh in the midst of the seven golden candlesticks, she is rich—all glorious within, and eminently powerful for good. A church becomes poor, and weak, and despicable, only when she breaks covenant with God, and permits truth to perish from among her people."

Semi-centenary Celebration.

On the second day of the sessions of the Assembly, the Rev. Dr. Breckinridge made the following motion, viz: *Resolved*, That this Assembly will celebrate with appropriate religious solemnities, the 21st of May instant, as the fiftieth anniversary of the organization of the General Assembly of the Presbyterian church in the United States of America, with particular reference to the many signal blessings and deliverances which God has vouchsafed to our beloved church, in its whole history, and especially to that recent deliverance over which we now rejoice. This motion, after some discussion, was adopted. In accordance with this resolution the Assembly observed the 21st of May in the manner prescribed, when addresses were made by the Rev. Drs. Green and Alexander, and by Pres. Young. Dr. Green, bending under the weight of years, standing "like a solitary tree, where once a forest stood," gave a historical sketch of the church from the organization of the General Assembly in 1789. In this address the venerable father, who is one of the two or three survivors of the framers of our present con-

stitution, adverted to the remarkable increase and prosperity of our church since the formation of the General Assembly; to the signal deliverances which during the last fifty years we have experienced; and to the spiritual blessings which God has granted us within the same period. It appears that when the Assembly was formed there were in connexion with that body about one hundred and seventy ministers, the number at present in connexion with it is one thousand two hundred and seventy. And before the late schism the number was twenty-two or three hundred. The increase in the number of communicants and churches has been no less remarkable. We forbear, however, to cite further from this address, as it has already been published, and will no doubt be very extensively read.

State of the Church.

On motion of Rev. Dr. Nott, it was resolved that a committee on the State of the Church be appointed, consisting of a member from each of the Synods represented in the Assembly. This committee subsequently made a report to the following effect, viz.

"Whereas the churches connected with this Assembly previous to the year 1837, have been divided, and now exist in two distinct organizations; and, whereas, a committee of the Assembly, previous to any action on the question of such division, did settle the terms then deemed to be fair and equitable; and, whereas, this Assembly, notwithstanding the issue of the legal proceedings already had, are sincerely desirous, not only of preventing all further litigation, especially among the members of individual churches, but of doing ample justice to the churches once in connexion with them, but now in connexion with another body: therefore

"Resolved, That this Assembly hereby assent to the terms, substantially, then proposed, viz: That the corporate funds and property of the church, so far as they appertain to the Theological Seminaries at Princeton and Alleghanytown, or to the support of professors, or the education of beneficiaries, shall remain the property of this Assembly; and that its faith be pledged for raising a sum, equal in amount to a moiety of all the remaining permanent funds, which may be divided without a manifest violation of the will of the respective donors thereof, or of the trust upon which the same are holden; to be paid over by the trustees of the person or persons appointed by the other Assembly to receive the same.

"And if any legislative action shall be deemed by the other Assembly necessary for securing to it all the property or funds of congregations or theological seminaries that may belong in equity to the portion of the church within its jurisdiction,

"Resolved, that this Assembly will acquiesce in the procuring of such legislative action so far as this can, in the judgment of their legal counsel, be done consistently with the preservation of their own rights and privileges.

"And that the trustees of the General Assembly be authorized to negotiate, on the part of this Assembly, on the principles herein set forth, an amicable and final settlement of all matters in controversy, so far as church property is concerned, to take effect as soon as the same shall have been mutually agreed to

between the parties concerned—and not otherwise to be hereafter considered binding upon this Assembly: and if the parties shall not agree as to the equities concerned, that one referee shall be appointed by each, and a third by the two, and the decision of the whole or a majority of such referees shall be final in the premises.

"Where congregations have divided or shall divide in consequence of the division of the General Assembly, and attach themselves to the one body or the other,

"Resolved, That in all cases where equity requires a division of the church property, that the same ought, in the judgment of this Assembly, to be equitably divided.

"And when the parties cannot agree as to the equities in question, that each one select one referee, and the two a third, and that the three, or a majority thereof, have full power to settle the whole terms of such division.

"And that where majorities refuse to make such division, that minorities ought not, in ordinary cases, to resort to legal process, for establishing what may be deemed to be their equitable rights, until every effort for obtaining an amicable arrangement shall have failed, and not (when practicable, without great inconvenience) until the Presbytery or Synod to which they belong shall have been consulted."

After considerable discussion, the Rev. William L. Breckinridge proposed a series of resolutions as a substitute for this report, which was referred to the committee on the state of the church, and having been slightly modified, was adopted, and is as follows, viz.

"Be it resolved by the General Assembly of the Presbyterian Church in the United States of America,

"1. That this body considers itself and the church at large bound, as both have been not only willing but desirous, to adjust all claims against the corporate property of the church, whether legal or equitable, in the most prompt, and fair, and liberal manner.

"2. That this is especially the case touching any claims which may exist on the part of the four Synods of Utica, Geneva, Genesee, and the Western Reserve, declared in 1837 to be no part of the Presbyterian Church, or on the part of those who seceded from the church in 1838, or on the part of any body constituted out of the whole or any part of these elements. And that in regard to all and each of these bodies and persons, the Assembly will faithfully adhere to any pledge or promise, expressed or implied, which it can justly be construed ever to have made, and will fulfil every expectation which it ever knowingly allowed to be cherished.

"3. The trustees of the Assembly are hereby authorised and requested to on the part of this Assembly, should occasion offer, whatever is lawful, competent, and equitable in the premises, conformably to the principles and in the manner heretofore laid down in the minutes of the Assembly for 1837 and 1838, so far as relates to the corporate property of the church, or any equities springing out of the same.

"4. With reference to all institutions, corporations, congregations, and other public persons or bodies in connexion with us, but holding property for ecclesiastical purposes or for religious and benevolent uses, which property is not subject to the control of the Assembly, although the said persons, institutions, or congregations may be; in all such cases, where difficulties relating to property have arisen or shall arise in consequence of the long and painful disorders and divisions in our church, we advise all our members and friends to act on the general principles heretofore laid down, and with the spirit of candour, forbearance and equity, which has dictated this act.

"5. The Assembly reiterates the declaration, that its chief desire on all this part of our church troubles, is to do even and ready justice to and between all persons and interests over which it has any control, or in regard to which it has any duty to perform."

It is believed that a considerable proportion of the Assembly, would have preferred the original report, with some slight verbal alterations, but as the substitute was accepted by Dr. Nott, and made the report of the committee, it was adopted with great unanimity. It is evident that in neither form could it meet the expectations of our New School brethren. Their demands, however, we are persuaded, will be regarded by unprejudiced men as very unreasonable. It should be remembered that a proposition for an amicable separation of the church was made to them in 1836, when they were in the majority, at least apparently, in the General Assembly. This proposition was formally renewed, on terms which some of their own organs pronounced more liberal than they had any reason to expect, during the sessions of the Assembly of 1837. It was repeated in the fall of that year. Every effort, therefore, was made on our side to have the separation effected amicably. Had these propositions been acceded to, neither party would have been a secession. Instead, however, of acceding to these terms, the New School made a violent separation in 1838, and appealed to the civil courts. The necessary consequence of this mode of proceeding was, that one party or the other must be pronounced seceders. The law could recognise but one General Assembly. If theirs was recognised as the true one, ours must be pronounced a schismatical body. And on the other hand, if we were recognised, they must be pronounced seceders. They brought the matter to this issue, most unreasonably and improperly as we think, to the great injury of religion and of their own reputation. But having done it, they have no right to complain of the result. They now consider it an insult to be called seceders. Yet they, not merely in the newspapers, but in official documents, continue so to denominate us, in the face of the very tribunal to which they appealed to decide which was the seceding body. Surely such complaints must excite very little sympathy. The conditions on which they insist in order to an amicable adjustment of the difficulty are in the highest degree unreasonable and unjust. They require that we should give up our charter; which, our lawyers tell us, would be to invalidate the title to all the property. But suppose this was not the case. What possible object can be accomplished by giv-

ing up our present charter, in order to receive another in precisely the same terms, and for precisely the same objects? If they wish a charter for trustees of the General Assembly of the American Presbyterian Church let them apply for it. We are ready to do every thing in our power to facilitate the success of such an application. But why should we be obliged to apply for a charter for trustees of the General Assembly of the Presbyterian church in the United States, when this is the very style and title of the existing charter, and when there is not a word in that charter which even the opposite party, so far as we know, would wish to have altered? Such an application would be ridiculous. Did any one ever hear of a body of men, going to a legislature, and saying, re-enact that charter word for word, and we will give it up? There is no sense or reason in any such proposition, unless we are required to give up the legal succession. This cannot be given up without forfeiting our property; and if we were to relinquish it, it would do the opposite party no manner of good. They would not be the succession. The title to their property would not be made more secure. It is therefore a demand to do ourselves a great injury, without doing them the least good. All this is said, on the assumption, that the parties stand on equal ground; that they are equally entitled to the name and character of the Presbyterian church in the United States. But this is very far from being a just assumption. One moiety of their body has openly and officially resolved that they will not conform to the fundamental principles of presbyterianism; and the other, of their own accord, withdrew from our connexion. And still they claim to be the representatives of the Presbyterian church. This whole subject has been greatly mystified. Yet it is very plain. Judge Rogers, the court in Bank, the counsel for the New School party, as we understand the matter, all admit, that the General Assembly had a perfect right to abolish the Plan of Union of 1801. That Plan, as understood by both parties in the church, allowed congregationalists to sit and vote on all occasions in our presbyteries, as ruling elders. This has not only been the general understanding of the plan, but the uniform practice under it, from 1801 to the present day. But Judge Rogers says in his charge, that for a member of another denomination to sit and vote in any of our judicatories, is inconsistent with the fundamental principles of Presbyterianism, and that any act allowing such a proceeding, even if sanctioned by the presbyteries, would be

null and void, because inconsistent with the act of the legislature of Pennsylvania granting the charter.* Notwithstanding this legal abrogation of the plan, and this flagrant unconstitutional practice under it, the several exscinded presbyteries declared they would disregard that abrogation, and continue that practice. That is, they deliberately resolved that they would not conform to what their own Judge pronounces to be the fundamental principles of Presbyterianism, while they insist upon being recognised as good Presbyterians and allowed to sit in our highest judicatory. Because the General Assembly would not submit to this, a small minority of the delegates organized by themselves, received these recusants, and claim to be the true General Assembly of the Presbyterian church. Mankind are rational beings. It is impossible that these plain facts should fail, in spite of all misrepresentations, to work their way into the public mind. And we firmly believe that the just and good men among the New School party itself, will soon come to regard the disorderly organization of 1838 as a most unreasonable proceeding, and the claims founded on that organization as in the highest degree unrighteous. It cannot be that good men can continue to believe, that those who will not submit to the fundamental rules of a church, have a right to be in that church and to control its action. And no man who does not so believe can justify the course of the New School, or sympathize with their present feelings.

* This opinion of the flagrant unconstitutionality of the Plan of Union the old school party have uniformly asserted. Judge Rogers pronounced that plan constitutional, and reconciled that decision with the above cited declaration, by giving the plan a new interpretation. The plan declares, that "provided the said standing committee of any church, shall depute one of themselves to attend presbytery, he may have the same right to sit and act in the presbytery, as a ruling elder of the Presbyterian church." This provision, it seems, the judge interpreted to mean that in case a Congregational church member was to be tried before the presbytery, a committeeman might be deputed to sit and act in the adjudication of that particular cause, but further than that he had no right to a seat. This interpretation is at variance with the uniform understanding and practice of the church. It is a great unfairness, on the part of the organs of the new school party, to cite Judge Rogers as sanctioning the Plan of Union, when they know that he pronounced the practice, which his opinion is cited to sustain, inconsistent with the fundamental principles of presbyterianism. It may be said, that Chief Justice Gibson decided that the Plan of Union was constitutionally enacted. This is true. While we fully believe that the opinion of Judge Gibson is, in the main, obviously correct and just, there are positions in it which we consider very incorrect. So, too, while the new school concur in the conclusion to which Judge Rogers endeavoured to bring the jury, it is impossible they should approve of all the principles which he lays down. This only shows the impropriety of bringing such cases before civil tribunals.

Anniversary of the Assembly's Boards.

The Assembly resolved to celebrate these anniversaries during it own sessions, in hopes that the facts presented in the several reports would have a tendency to awaken the interest, and increase the zeal of its members in the prosecution of the objects to which these Boards are devoted. The experiment proved eminently successful. The anniversary of the Board of Education was celebrated on Wednesday, May 22. The report of the Board was read by the Rev. Francis M'Farland, the corresponding secretary. In consequence of the lamented illness of the Rev. Mr. Peabody, the financial and assistant secretary, full reports from the auxiliaries had not been secured. From this and other causes, the number of candidates reported this year is much less than usual. The number, as far as ascertained, is three hundred and thirty-eight. The whole amount of money received, including a small balance at the commencement of last year, is $33,930. 77. The expenditures were $32,793. 26, leaving a balance in the treasury of $1,137. 51. After the reading of the report, several members addressed the Assembly on the subjects brought to view in that document. The object of the speakers was to suggest improvements in the constitution of the Board, and in the mode of conducting its operations. This was happily done by Dr. Plumer, Pres. Young, Dr. Alexander, Dr. Breckinridge, and others. The report of the Board was referred to Messrs. Young, A. Alexander, and M'Kenzie. This committee made a report which was adopted as follows, viz.

"Resolved, That the report of the Board of Education be approved.

"As misapprehension has sometimes arisen in the minds of the beneficiaries of the Board, as well as in the minds of others, in regard to the light in which the Board and the Church view the assistance furnished to candidates for the gospel ministry under their care, your committee deem it expedient so to alter the second article of the constitution, as to assert more clearly the donative character of the assistance; they therefore recommend the adoption of the following, in lieu of the second article of the constitution, viz. In all other cases the aid contributed to any candidate for the ministry shall be considered as a donation, which he is under no other obligation to return, than that moral obligation which must necessarily arise out of the nature of the case.

"And, whereas, there is a very great and increasing demand for preachers of the gospel, as well to supply our moral destitutions at home as to evangelize the hundreds of millions of heathen who are perishing without instruction—and, whereas, our Church, if we compare its efforts with its ability, will be found doing very little in this great work, neither being engaged extensively and earnestly in prayer to God for the multiplication of Gospel labourers, nor presenting sufficiently to the minds of its youth the wants of a dying world, and the claims of their Redeemer to the unreserved consecration of their powers to

his service as preachers of the gospel—and, whereas, we feel that we can rely confidently on the blessing of God to enlarge our operations, and increase our success, if we endeavour, in dependence on him, to use all active and vigorous measures, both for multiplying the numbers and securing the intellectual and moral advancement of our candidates for the gospel ministry, as well as all suitable means for guarding against the intrusion into the sacred office of those who would desecrate its functions. Therefore,

"Resolved, 1. That it be earnestly recommended to the pastors and members of our churches that prayer be made to God continually, that he would pour out his Spirit on the hearts of our young men, and prepare multitudes of them to serve him in the ministry of reconciliation.

"2. That it be recommended to our pastors and elders to look out, in all our churches, for young men of suitable piety and talents, who may be educated under the care and by the assistance of the church, for the work of the gospel ministry; to converse and pray with such young men on the subject of their dedicating themselves to the service of God, in preaching the gospel; and to endeavour by every proper means to induce them to qualify themselves for becoming the embassadors of Christ to their perishing fellow men.

"3. That while the Assembly would recommend to the Board of Education the exercise of all due caution in the reception of its candidates, and a strict supervision of them during their whole course of instruction, to prevent the sacred funds entrusted to their management by the Church, from being perverted to the support of those who are unworthy of the patronage of the Church, the Assembly would also recommend to the Board to aim at a great enlargement of their operations and usefulness—and to effect this desirable object they would recommend to the Board to use increased exertions to augment, not merely the contributions of our churches to this cause, but the number of candidates under their care.

"4. That it is the deliberate conviction of this Assembly, formed as the result of much experience, that an efficient system of agencies by which all the churches of our connexion may be visited from year to year, is, in the present condition of Christian feeling and knowledge on the subject of benevolent operations, absolutely indispensable—that the Assembly therefore earnestly recommend to the Board of Education the employment of a suitable number of zealous and discreet agents, by whose instrumentality or the instrumentality of voluntary agents engaged to co-operate with them, all the churches may have this important cause annually presented before them—and the Assembly would recommend to its churches that they receive with kindness and hearty co-operation the labours of the agents of all our ecclesiastical Boards remembering that the service in which these brethren are engaged is an arduous self-denying service, undertaken not for filthy lucre, but for the glory of God, that our people may have an opportunity of understanding their duty, and discharging it in reference to the advancement of Christ's kingdom in its various branches.

"5. That it be recommended to the Presbyteries to adopt the plan of the Board, heretofore published, so far as to examine and recommend all candidates for pecuniary aid, who may reside within their bounds; and that they continue to exercise over such candidates, while in the course of education, such care and supervision as may be necessary—and when the conduct of any beneficiary shall be such as to require his dismission from a place on the funds of the Board, that the Presbytery to which he belongs be informed of the same."

Board of Domestic Missions.

The report of this Board was read by the secretary, Dr. William M'Dowell, on Thursday, May 23; on which occasion several addresses were made. It appears from this re-

port that the number of missionaries and agents in the service of the Board during the year was two hundred and sixty; the receipts $41,759. 77. The missionaries report the accession of fourteen hundred members to the churches under their care upon examination, and thirteen hundred and fifty upon certificate; the whole number of communicants being about twenty thousand. They report further the organization of sixty new churches, and the erection of a hundred houses of worship; also four hundred Sunday schools, with about twenty thousand scholars; three hundred catechetical and bible classes, with six thousand learners; three hundred temperance societies; one hundred bible and ninety missionary societies. The report was referred to Messrs. Smyth, Platt and Holmes, who recommended the following resolutions, which were adopted, viz.

"I. Resolved that this Assembly having heard from the report of the Board of Missions of the continued and increasing prosperity of the cause of Domestic Missions, as manifested in the increase of funds, of missionaries, and of the churches under their care, would record their grateful acknowledgements to the Head of the Church, who, in the midst of all her trials, has thus graciously smiled upon her.

"II. Resolved, That whereas the present position of the Board, and the nature of their present engagements, require on their part, a great enlargement of their plans and efforts in accordance with the suggestions of the report—particularly in the vast regions of the West, the South, and the South-west, including also Texas, which is calling loudly for their immediate assistance—this Assembly do most earnestly urge upon all its ministers and churches the claims of this Board.

"While the churches generally approve of this Board, and give their hearty approval to the great duty of missions, this Assembly learns, with the most painful disappointment and surprise, that not more probably than two-thirds of our pastors or churches, do at present render any assistance to the Church in prosecuting this great work. They would therefore affectionately commend this duty to every minister and church session, and express their confident hope that this appeal will meet with an universal and cheerful response.

"III. Resolved, That to secure this desirable object—inasmuch as the report, when published, though sent to every minister, cannot be generally circulated among the members of our churches, it be recommended to the pastors of churches to spread before their people the substance of this report, by reading it from the pulpit, at such time as may be most convenient for taking up an annual collection in behalf of this Board.

"IV. Resolved, That while the necessity for agents is at present felt and recognised by the Assembly, in order ultimately to remove this necessity, and thus to reduce the expenditures of the Board, the individual agency and co-operation of every minister and church session, in forwarding the interests of this Board, would, in the opinion of this Assembly, if faithfully employed, with the least expense and the greatest certainty, advance the cause, and multiply the resources of the Board."

Board of Foreign Missions.

The report of this Board was presented on Friday, and read by the corresponding secretary. After several addresses

had been made, the report was referred to Messrs. H. R. Wilson, R. B. Campbell, and M'Caleb. It appears from this report, that the Board received during the past year (including a balance from the preceding year of $4,200.44) $62,977.62. This sum is exclusive of $2,500 received from the American Tract Society, and $1,000 from the American Bible Society, to be appropriated for the use of those societies. The expenditures during the same period have been $53,590.06, leaving a balance, which is already appropriated, of $9,409.56. During the year five additional missionaries have been sent into the field. The stations now occupied in Northern India, are, first, Lodiana, Subathu, and Saharunpur, forming one mission. In this mission there are six ordained missionaries, one printer, one teacher, and two native assistants. Twenty-four works, in five different languages, have issued from the press at this station, comprising in all 1,355,030 pages. There appears to be about three hundred scholars taught at the various schools of this mission. Second mission, Allahabad and Futteghur, with six ordained missionaries and two native assistants. This mission is of more recent date than the preceding. There are about one hundred and sixty scholars in its several schools. Three additional ordained missionaries, it is expected, will be sent to these missions the coming fall.

Among the American Indians the Board have two missions; one among the Ioways and Sacs, where there are three male and four female labourers; and one among the Chippewas and Ottowas, where there are two ordained missionaries.

In Western Africa they have at present but one missionary. Two other brethren have been accepted for this field, who are expected to sail the ensuing autumn.

In China the present station is Singapore. The success which has already attended the exertions of this Board, which is yet in its infancy, is highly encouraging; and it is believed that the church, having, after many struggles and embarrassments, fairly entered on the work of foreign missions, will exert herself, in some measure, in a manner worthy of the greatness of the enterprise. We perceive that the Board have it in contemplation, in addition to the stations already occupied, to establish missions at Calcutta, Assam, among the Malays, at Marseilles in France, and Barcelona in Spain. The church would doubtless rejoice to see these and many other positions advantageously occupied. But we believe the true wisdom of the Board will consist in the selec-

tion of some few important stations, and concentrating their efforts upon them. What can two or three, or even half a dozen men do in the midst of a population of twenty or thirty millions? Experience teaches us that, under the ordinary blessings of God's providence and grace, it is a slow and difficult work to change the religion of a nation. In our age this result is not brought about by miracle, but by the divine blessing on the persevering use of those means which are adapted to form the minds and hearts of the people. This being the case, it is evident that it is time and effort thrown away, to conduct the missionary work on a small scale; to scatter the resources of its friends over the whole field, without effectually cultivating any one spot. We do not make these remarks under the impression that the Board are likely to act upon a different plan. On the contrary, as we understand their purpose, it is to concentrate their strength on a few important fields, while at the same time they occupy certain "centres of influence" with men of talents and experience, who may facilitate their general operations.

The Assembly adopted, at the recommendation of the committee to whom this report was referred, the following resolutions, viz.

"1. Resolved, That it becomes the Assembly to entertain gratitude in no ordinary degree, to the Great Head of the Church, for his smiles upon the operations of our infant missionary institution.

"2. Resolved, That the Assembly approves the views of the Executive Committee, to which the Board have responded, with the deepest sensibility, in regard to the ancient people of God.

"The Jews are a people in whose salvation we ought to take a lively interest, and in relation to whom we ought most carefully to observe the developments of Divine Providence, and vigorously seize every opportunity, as it offers, of doing them good.

"3. Resolved, That the Assembly sympathises very deeply with the Board, in the expression of its sense of the immense obligations resting on the Presbyterian Church, to increase its efforts for the conversion of the world to God. And as, in the providence of God, our beloved Zion is now in a condition to act with unity and concert on this subject, it is the duty of all to devote themselves, with increased zeal and energy, to extend the knowledge of the truth at home and abroad.

"4. Resolved, As the foreign missionary field is ripe for the harvest, that it is to be regretted that the labourers are so few, and that of the many young men in our midst, from year to year entering the sacred office, so few have engaged personally in the work of foreign missions.

"5. Resolved, That, as there are many important openings for missionary effort and influence in the Papal, Pagan, and Mahomedan world, requiring not only pious and devoted men, but also men of more than common talents, acquirements, experience and influence, the Assembly most earnestly recommend the urgent claims of missions to such men, as well as to our ministers and candidates for the ministry generally; and that they be entreated to examine prayer-

fully, whether they should not hold themselves in readiness to enter the foreign field, and go far hence to the Gentiles.

"6. Resolved, That in view of these great and important principles and interests, the Assembly is of opinion that it is the duty of our Foreign Board to call to the occupation of these important centres of influence, any of the servants of God whom they shall judge to be properly qualified.

"7. Resolved, That 6000 copies of the report be printed and extensively circulated."

Board of Publication.

This is the new designation of the Assembly's Board of publication of Tract and Sunday School Books. The name was changed as its field of operation has been enlarged. Instead of being confined to the publication of Tracts and Sunday School Books, to it is now "committed the publication, on behalf of the Assembly, of such works, permanent and periodical, as are adapted to promote sound learning and true religion." This is one of the most important enterprises in which our church has ever engaged. The influence of the press is the paramount influence in the civilized world. The pulpit can hardly rival it. That it is the duty of the friends of religion to avail themselves of this engine cannot be disputed. And as our church has determined, as a church, to exert her energies in the various enterprises of benevolence, there can, we presume, be little diversity of opinion, as to the propriety of the organization of the above mentioned Board. There has been such an organization in intimate, though not, perhaps, ecclesiastical connexion with the church of England for more than a century, and its influence has been very extensive and powerful. Our Methodist brethren, who are exceedingly wise in their generation, have long had a similar establishment. And we can see no reason why the Presbyterian church should not avail herself of the same means of doing good. It must however be admitted that it is an enterprise of great difficulty and delicacy. The character of the church is committed in a great degree to this Board. If their selection of works for publication be not judicious, the evil will be immense. The past operations of the Board promise well for the future. They have published 104,000 copies of eighteen different tracts and volumes. Among the works ordered for publication, are Stevenson on the offices of Christ, as abridged by Dr. Plumer; Guthrie's Christian's Great Interest; Gouge's Christian Directions; Charnock on Christ Crucified; and Brooke's Mute Christian. It will be a great blessing to the church, if, by means of this Board, the spirituality and deep experience of the writers of

the 16th century can be infused into our ministers and members.

Complaint of A. D. Metcalf and others.

This was a complaint against the Synod of Virginia, for deciding that appeals may lie in cases not judicial. The decision complained of, the reasons of complaint assigned by the complainants, and the whole record of the Synod in the case were read. The two parties, the complainants and the Synod, having been heard, the roll was called that each member of the Assembly might have an opportunity of expressing his opinion. After which the vote was taken and the complaint was sustained. That is, the General Assembly decided that appeals cannot lie except in judicial cases.

We regret that it is not in our power to present such a view of this case, as we have been accustomed to give on similar occasions. We have no statement, in the minutes, of the nature of the question decided by the Synod of Virginia; nor any report of the arguments for and against sustaining the complaint. We are obliged, therefore, to content ourselves with the following remarks on the principle involved in the above decision of the Assembly. As this subject has already been discussed at some length on our pages,* it may seem unnecessary to say any more on the subject. As, however, the recent decision has again brought it before the churches, it may not be improper to devote a few pages to its consideration. It is really a matter of importance. It would be a hard case if a party, suffering under a grievous wrong, should be turned away from the bar of our highest judicatory, merely on the ground that he had mistaken the nature of his remedy. The history of this question is a little curious. We have had a superior judicatory in our church for more than a hundred and twenty years. During about seventy years of this period, our discipline was conducted according to the Westminster Directory. In 1789 our present constitution went into operation; which was submitted to an extensive revision and alteration, as to matters of detail, in 1821. Under these several systems, appeals and complaints were allowed without hindrance or contradiction, from any kind of decision in an inferior judicatory, by a person who felt himself aggrieved, until 1834. Then, for the first time in our history, as far as we know, the idea was

* See Biblical Repertory, 1835, January and April Numbers.

started that appeals and complaints could be made only in cases strictly judicial. The occasion on which this doctrine was advanced was the following. The Synod of Philadelphia had passed an act by which they first received the second presbytery as organized by the Assembly; secondly, united that presbytery with the presbytery of Philadelphia; and, thirdly, divided this united presbytery by a geographical line. From this act the Assembly's presbytery appealed and complained. When the case came before the Assembly the Rev. Samuel G. Winchester, in an ingenious and eloquent speech, which was afterwards published in various forms, took the ground that "it is only from the decisions of a judicatory sitting as a court, for judicial business, that appeals and complaints can be entertained." That this novel doctrine was not at that time the doctrine of the Synod, which the Rev. Gentleman defended, is plain, from the fact, that they had referred for adjudication to that very Assembly "An appeal and complaint of the fifth church, Philadelphia, relative to the call of Dr. Beman."* That venerable body therefore, could hardly be surprised that the Assembly overruled Mr. Winchester's plea, and proceeded to exercise a jurisdiction which had been thus explicitly recognised by the very body in whose behalf the plea was urged. Though the Synod was thus free from this new doctrine in May 1834, it grew into such sudden favour, that when that body met the following autumn, they decided not merely that appeals and complaints could not lie except in judicial cases, but even that protests were in the same predicament. This is an instructive illustration of the fact that the wisest and best men sometimes allow themselves to be run away with by a plausible idea, though contrary to all their own previous professions and practice. This, however, was a mere temporary delusion. The members of that Synod who had signed or allowed protests in all kinds of cases before, still continued to sign or allow them, with equal freedom, their own decition to the contrary notwithstanding. We had fondly hoped that the whole doctrine was quietly forgotten. We had good reason for this hope. We found its very authors and advocates disregarding it the very next year; acting as though no such doctrine had ever been broached. If they practically abandoned it as untenable, we may be excused for feeling some surprise at its resurrection in a new and

* Minutes of the Assembly of 1834, p. 8.

distant quarter. It is, however, shorn of its just proportions. The Synod of Philadelphia extended the doctrine to appeals, complaints and protests. Thus putting minorities completely under the feet of majorities, not allowing them even the right of recording their dissent with the reasons for it. Mr. Winchester confined the doctrine to appeals and complaints; these Virginia gentlemen to appeals alone. In this last form it is certainly less objectionable than in either of the others.

In order to understand this matter, we must know precisely what is meant by judicial decisions, to which it is said, appeals and complaints, or appeals alone, are confined. There is a good deal of confusion and error often occasioned by the mere designation of our ecclesiastical bodies as courts or judicatories. They are so called when not sitting in a judicial capacity. We find lawyers much troubled to know what we mean by courts; and disposed to run analogies between the different civil tribunals and those found in our church. This has been a fruitful source of mistake as to the nature of our form of government. It is to this source the "Member of the New York Bar" seems indebted for his strange misconceptions on this subject, which have cost those who confided in his wisdom so dearly. If our system and nomenclature trouble the lawyers, it is no less true that the lawyers trouble us. They often bring with them into ecclesiastical bodies modes of thinking and reasoning borrowed from their previous pursuits, which are entirely inappropriate to our system. Our good brother Winchester will excuse our saying this is precisely his difficulty. His whole printed speech on the subject before us, is distinguished by this lawyer-like kind of reasoning; a strenuous insisting on the precise legal sense of terms, and thence deriving a rule of construction which makes the constitution speak a language which it was never intended to speak. Our courts are hodies *sui generis;* they include within themselves legislative, executive and judicial powers. Yet this division is in a great measure arbitrary. These several powers are but different modes of exercising the general governing authority in the church; and it is often very difficult to say whether a particular act should be placed under the one or the other of these heads. Still the classification, though not so definite as might be desired, is useful. To the exercise of legislative powers are referred the numerous rules which constitute our form of government, which were enacted in a certain prescribed way. To the same head belongs the various standing rules, which,

though they form no part of the constitution, are of force until properly repealed; such, for example, as the rules which regulate the reception of foreign ministers, &c. The head of executive powers is the most comprehensive of all, as to it belongs almost every act, except such as concern the exercise of discipline, which is designed to carry into effect the various provisions of our complicated system. Hence the examination, the licensing, ordaining, installing, dismissing ministers; the erection, division, and dissolution of churches, presbyteries and synods, are all executive acts. On the other hand, "the judicial power of the church," says Principal Hill of Scotland, "appears in the infliction or removal of those censures which belong to a spiritual society." This passage has been quoted as defining the nature of those acts from which alone complaints and appeals can properly be taken. The class of acts contemplated, therefore, is that which concerns the infliction or removal of ecclesiastical censures. That this is a correct statement of the case, further appears from the nature of the arguments by which this doctrine is sustained. These arguments are derived from the words *cause*, *trial*, *sentence*, *parties*, &c., which occur in the chapter which treats of appeals and complaints, and which, it is said, determine the nature of the cases from which an appeal may lie, or against which a complaint may be made. The definition given above of judicial acts, viz. that they are such as relate to the infliction or removal of ecclesiastical censures, is however far from being complete. A church court often sits in a judicial capacity, without any reference either to the infliction or removal of censure. Take the case before the last Assembly. The synod of Virginia decided that an appeal could lie in cases not judicial. Mr. A. D. Metcalf and others complain of this decision. The matter comes before the Assembly. That body being duly warned by the moderator that it is about to sit in its judicial capacity, hears what the synod has to say in defence of its decision, and what the complainants had to say against it, and then gave their judgment. The Assembly acted judicially; it sat in judgment on the decision of a lower court. Yet it neither inflicted nor removed any ecclesiastical censure. The synod of Virginia was no more censured by having its decision reversed, than a district court of the United States is censured when the supreme court reverses its opinion on a point of law. There are therefore a multitude of cases in which our courts act judicially, which are not judicial cases, in the sense of the above cited

definition; cases in which there is no offence, no offender, no testimony, and no trial in the ordinary sense of the terms. Besides, a case which is properly executive in one stage, may become judicial in another stage of its progress. Or to speak more correctly, any executive act of a lower court may be made the subject of judicial examination in a higher one. Thus, for example, when the Second Presbytery of Philadelphia, as organized by the Assembly, divided the Fifth Presbyterian church in that city, contrary to the wishes of a majority of the people, Thomas Bradford and others of the aggrieved party, brought the matter before the Assembly of 1835. There the case was regularly adjudicated; both parties were heard, and the decision was reversed. This new doctrine therefore rests upon a very unstable basis. It is founded on an imperfect classification of the acts of our judicatories; and assumes that the judicial function has reference to the mere infliction or removal of censures.

Let us examine the nature of the arguments which have been adduced in support of this new doctrine. Our constitution says, "That every kind of decision which is formed in any church judicatory, except the highest, is subject to the review of a superior judicatory, and may be carried up in one or the other of the four following ways: 1. General review and control; 2. Reference; 3. Appeal; and 4. Complaint." The question is, what is the meaning of this plain declaration? It does not mean, because it does not say, that every individual decision, but *every kind* of decision may be carried up in either of these four ways. These different forms of redress contemplate different circumstances, and are not all available in every particular case. A reference, for example, must be made by the body itself, and not by an individual member; but the body may refer any kind of case. An appeal supposes an aggrieved party, but he may appeal from any kind of decision which directly affects himself. A complaint supposes some kind of impropriety in the act complained of, but it may be entered against any kind of act alleged to be improper. So that any kind of decision may be regularly brought up in each of the several ways specified above. That this is the true meaning of this article, might be inferred with certainty from the fact that it has always been so understood and acted upon; and that it is almost a literal transcript of the Scottish rule on the same subject, which has always been interpreted and applied in the same way. We are now told, however, that this is not its mean-

ing; that we must lay particular stress on the word *or*. 'Every kind of decision may be carried up in one *or* the other of the four following ways:' one kind in one way, and another kind in another way. In the Scotch rule, however, whence ours was taken, there is no *or*. Principal Hill gives it thus: "Every ecclesiastical business that is transacted in any church judicatory is subject to the review of its ecclesiastical superiors, and may be brought before the court immediately above in four different ways, by review, by reference, by appeal, and by complaint." If, therefore, the emendators of our book had left out that little word, and said: Every kind of decision may be carried up in four different ways, review, reference, appeal, and complaint; there would have been an end of the matter; or rather, there never could have been a beginning to the new doctrine. Yet who can doubt that this is precisely what they meant to say, who compares the two rules, and remembers, that our practice, both before and since the emendation, was precisely, as far as the point now in debate is concerned, the same as that of the Scotch church?

The main dependance of the advocate of the new doctrine, is upon the language employed in directing how an appeal is to be prosecuted. It is argued that where there has been no trial, strictly speaking, in the court below, there can be no appeal, because an appeal is the removal of a cause already decided, from the inferior to the superior judicatory; secondly, because it is said that all persons who have submitted to a trial have a right to appeal; thirdly, because the grounds of appeal are stated to be such as partiality, the refusal of testimony, haste or injustice in the decision; fourthly, because the book directs that, in hearing an appeal, the following steps are to be taken, viz. to read the sentence, then the reasons, then the records including the testimony, then to hear first the original parties, and afterwards the members of the inferior judicatory. If this argument is valid in relation to appeals, it is no less so in its application to complaints. For if an appeal is the removal of a cause already decided, so a complaint is "another method by which a cause decided in an inferior judicatory may be carried before a superior." The grounds of complaint contemplate "parties at the bar," injustice of the judgment, &c. The steps also in the prosecution of a complaint are substantially the same as in case of appeal; the sentence is to be read, then the reasons, then the records including the testimony, then the parties are to be

heard, &c. &c. The only difference between these modes of redress are the following. First, a complaint does not arrest the operation of the decision against which it is entered; and, secondly, an appeal can be made only by an aggrieved party; whereas a complaint can be made by any member of the court who disapproves of the decision. They do not differ at all as to the kind of decisions against which they are available. The same mode of arguing is equally applicable to the case of references. For a reference is defined to be a *judicial* representation of a case not yet decided. The superior judicatory, it is said, may remit the *cause* referred; and the inferior court is directed, in cases of reference, to send up all the testimony, in order that the higher court may consider and decide the case. It is evident, therefore, that we cannot, without the greatest inconsistency, stop half way in this matter. If the use of the words cause, parties, testimony, sentence, &c., under the head of appeals, shows that they must be confined to judicial cases; it proves the same with regard to complaints and references; and our whole system of government is overturned.

The fallacy of the above method of reasoning will appear from the following remarks. In the first place, these technical terms are to be understood, not according to their use in civil courts, but according to our own ecclesiastical usage. Our bodies are called courts; their decisions are called judgments; the matters brought before them are called cases. Are we to infer from this, as has been done by the new school lawyers and brethren, that they have nothing but judicial powers; that they are mere bodies for the administration of justice? The constitution says, indeed, that they are charged with the government of the churches; yet as civil courts have nothing to do with governing, it is insisted upon that ours can have nothing to do with it. This arguing from technical terms, and giving them a sense foreign to the peculiar nature of our ecclesiastical system, can produce nothing but confusion and embarrassment.

In the second place, our rules were drawn up with special reference to that class of cases which is of most frequent occurrence, and hence the language employed is adapted to such cases. Are we to infer, however, from the fact that the book directs the inferior judicatory, in cases of reference, to send up the testimony, that no case can be referred but one in which there is testimony to be presented? Yet this is the argument on which so much stress is laid. It is, that because

the rules, which relate to appeals, direct that the sentence should be read, and the testimony produced, there can be no appeal where there has not been a judicial sentence, and where there is no testimony. This is exactly the argument made on the floor of the Assembly in 1837 by Dr. Beman, in opposition to the motion to cite certain Synods to answer for their irregularities. He insisted that the Assembly should look at the book and abide by it to the letter. But to what part of the constitution did he refer the house? Not to that which contains the radical principles of our system, which enjoins on the higher courts to take effectual care that the constitution is observed, but to the rules of detail. And sure enough, as might have been expected, these rules do contemplate some specific erroneous decision, and consequently direct that the delinquent judicatory should be cited to show what it had done "in the case in question," after which the whole case was to be remitted to the said judicatory to be disposed of in a constitutional manner. It was hence argued that although the power of calling inferior courts to the bar, and seeing that they conformed to the constitution, was clearly recognised, yet the church had, by these rules of detail, effectually tied her own hands. A specific irregular act might be called up, and sent back for correction; but the Synods themselves were beyond the reach of the Assembly. They might cherish what disorders they pleased; recognise what churches or presbyteries they pleased, trample on the constitution as they pleased, the Assembly could do nothing but correct specific acts in detail. This argument is just as good as that which is now urged about appeals or complaints. The argument is, that the rules of process limit the exercise of the right to those particular cases, in which every one of the rules can be applied.

In the third place, it is a fallacy running through this argument that there can be no judicial investigation of any thing but a judicial act. An appeal or complaint is indeed a a judicial process. Hence it is referred to the judicial committee; and the members of the court are warned, when it comes on for decision, that they are about to sit in their judicial capacity. This, however, proves nothing as to the nature of the act appealed from. The higher court is called to sit in judgment on the constitutionality, wisdom, or justice of a particular act of the court below; it matters not whether that act itself were judicial or executive. If any body was injured by it, he has a right to appeal from it, and have his brethren judge of its propriety. That our constitution con-

templated such appeals is evident from the fact that it provides that an appeal shall suspend the operation of the decision appealed from, except it be a sentence of suspension, excommunication, or deposition. This is just as much as to say, except in judicial cases; for suspension, excommunication, and deposition are the only sentences, worth naming, which our courts are competent to pass. If then these are excepted from arrest in their operation by an appeal, all are excepted, unless an appeal may lie from other than strictly judicial decisions. It is evident, therefore, that such decisions form but one class of those acts from which an appeal can be taken.

Finally, if it can be shown that all the requisitions of the book may be fully complied with in cases of appeals from executive acts, then there is an end of the argument; as the whole argument rests on the supposed incompatibility of those rules with such appeals. Let us take for illustration either of the appeals presented in 1835 by Thomas Bradford and others. The presbytery had divided the 5th church of Philadelphia against its will, erecting two new churches, and giving a name to neither. The church felt itself aggrieved; it believed that not only the spiritual interests of the congregation, but the title to the property was injuriously affected by the decision. They had therefore the right not only to have it reviewed, but arrested. They accordingly appealed. The papers were referred to the judicial committee, and found to be in order. When the case was to be tried, the Assembly was duly warned that it was about to sit in a judicial capacity, to decide on the constitutionality and justice of that act of the presbytery. The first step was to read the sentence, or decision appealed from; the second to read the reasons of the appeal. The third to read the record in the case, including the testimony. The testimony in this case was all the evidence presented to the presbytery to prove the opposition of the church to the division. Fourth step was to hear the original parties. The only parties in the case were the presbytery who had done the wrong and the church that suffered it. They were accordingly heard. The fifth step, according to the book, would be to hear the members of the inferior judicatory. This direction was complied with in taking the fourth step, the presbytery being one of the parties. Thus every direction of the book was complied with, in this, as in a hundred similar cases of appeal from executive acts. It would be mere trifling to say that the

directions were not all followed, because there were not two original parties distinct from the presbytery. There never are such parties, even in judicial cases, when the ground of prosecution is common fame. Besides, had this appeal been carried in the first instance to the Synod, and there decided against the appellants, then the original parties in this case would have been the church and the presbytery, and the members of the Synod, the members of the inferior judicatory whom the book directs to be heard in the fifth step of the trial. Thus the whole rule would have been complied with to the letter.* There is, therefore, no foundation in our constitution for this new doctrine. Every letter of the rules may be, and has been fully complied with in a multitude of cases, where the decision appealed from was merely an executive act.

It may be said, however, that it is very desirable to have appeals confined if possible to strictly judicial cases; that it is unreasonable that the executive acts of a body should be arrested by any dissatisfied member. This objection, however, overlooks the fact that no merely dissatisfied member has a right to appeal. That remedy is expressly confined to a person or persons directly affected by a decision. If a minister is tried before his presbytery for an offence and condemned, if he does not choose to appeal, no dissatisfied member can do it. And if he is acquited, no member of the court, however he may disapprove of the decision, can appeal; his remedy is to complain. But if a presbytery dismiss a pastor, against his will, from his charge, as he is directly affected by the act, he may appeal from it; or if they divide a church, the church may appeal. The right of appeal is limited, therefore, not to a particular class of decisions, but to a particular class of persons, viz. to those who are injuriously affected by the decision.

* It is perhaps to be regretted that the inferior judicatory should ever be regarded, in cases of complaint or appeal, as a party. This however is a designation which the judicatory bears as much when the sentence appealed from is a judicial, as when it is an executive act. If a minister is accused by any particular person of an offence before his presbytery and is condemned, should he appeal, the accuser and the accused are properly the parties, when the case come before the Synod; and the presbytery is not properly a party. But if the prosecution is on the ground of common fame, then as far as there are original parties at all, they are the accused and the presbytery from whose sentence he appeals. Whatever impropriety there may be in calling the inferior court a party, it has nothing to do with the present question. The court is no more a party in cases of appeal, when its decision was executive, than when it was judicial.

We have, however, acted long enough upon the defensive. We shall proceed to show that this new doctrine, especially if applied to complaints as well as appeals, (and we have seen that the two cannot in this matter be consistently separated,) is subversive of the fundamental principles of presbyterianism, and inconsistent with the uniform practice of the church. It is a radical principle of our system "that a larger part of the church, or a representation of it, should govern a smaller, or determine matters of controversy which arise therein." It is in virtue of this principle that every man who is aggrieved or injured by a decision of a lower court has the right to seek redress in a higher. He has the right to bring the matter up himself, and is not dependent on the majority of the body, whether it shall come up or not. It is further a fundamental principle of our system that any thing which has been unconstitutionally or injuriously done in a lower court, whether it affect an individual or not, may be corrected by a higher court. This is of the essence of presbyterianism. It is involved in the declaration that the church is to be governed not only by congregational and presbyterial, but also by synodical assemblies; and more expressly in the declaration that Synods have authority "to redress whatever has been done by presbyteries contrary to order." It is evident that any interpretation of words and phrases occurring in rules regulating details in the administration of discipline, which comes into conflict with these radical principles of our system, must be rejected as false and unwarranted. The new doctrine is liable to this fatal objection. It effectually prevents the exercise of control on the part of the higher courts, and renders the lower judicatories independent as to all their executive acts, which included the larger and perhaps most important part of their proceedings. A presbytery may trample on the constitution with impunity; it may admit congregationalists to sit as ruling elders; it may receive ministers without requiring them to adopt our standards; it may dismiss a pastor against his own will and that of his people; it may, for party purposes, divide a congregation contrary to its wishes, or instal a pastor over them in spite of their remonstrances; and for these and a multitude of similar cases there is no redress, if the right to complain and appeal is to be confined to judicial cases. The review of records affords no remedy at all in nine out of ten of such instances. The records contain a bare statement of the facts, that such a man was received, such a pastor dismissed, such

an one installed, or such a congregation divided, but whether these acts were constitutionally performed, they give no means of judging. They afford, therefore, nothing on which the higher court can lay hold. Besides, by withholding their records, it would be in the power of the inferior judicatory to prevent all knowledge of their irregularities, even in those few cases in which the minutes might disclose them.

It may be said that *fama clamosa* affords ground for calling the offending judicatory to an account. But, in the first place, this is a remedy which applies only in extreme cases. And, in the second, this would be doing by indirection what ought to be done decently and in order. A minority grieved by the unconstitutional or injurious acts of the majority, not having the right to make an orderly representation of the case to the higher court, is driven to make a clamour about it, in order to attract their attention. This surely is not presbyterianism. And besides, the citation and trial of judicatories, on the ground of common fame, is the most invidious, the most cumbrous, and the least effectual of all methods for the correction of abuses. If therefore the right of appeal and complaint be taken away, except in judicial cases, there is no remedy for the largest and most important class of unconstitutional or unjust acts of ecclesiastical bodies. Our new school brethren have never brought forward a principle more completely subversive of presbyterian government than the new doctrine, in its full extent, would certainly be. It would effectually prevent the legitimate operation of our system; it would place the constitution, order and purity of the church at the mercy of any one Presbytery, and leave minorities completely in the hands of majorities.

It may be said that these remarks apply only to that form of the new doctrine which excludes complaints, no less than appeals, in all except judicial cases. We have already admitted that the evil is far less sweeping, if the right of complaining against unconstitutional or injurious executive acts be allowed to remain. But the right of appeal is no less sacred than that of complaint. The constitution places them on the same ground, as far as the present subject of debate is concerned. The Assembly has no more authortiy to take away the one, than it has to take away the other. The argument which has been applied to justify the denial of the right to appeal, except in judicial cases, applies in all its force to complaints. It is proper, therefore, to show what would be the effect of the full assertion of the new doctrine. Besides, the

evil arising from denying the right of appeal where the constitution allows it, is no less real and grievous, though less extensive than when the denial is extended to complaints. A man dismissed from his charge, a congregation divided, or over whom a pastor has been installed against its consent, have a right not merely to have these acts reviewed, but their operation arrested. And it is often of the last importance that the effect of the decision should be suspended until a final determination can be had. The reversal of a presbyterial decision to divide a congregation, after it had actually been organized for nearly a year into two parts, would often aggravate, instead of healing the difficulty. And so, in a multitude of other cases, of which abundant examples might be cited from the minutes. This new doctrine, therefore, is inconsistent with the radical principles of presbyterianism, and its full operation effectually subverts our whole form of government; and even in its restricted application to appeals, it is in direct conflict with the constitutional rights of aggrieved parties, and productive of much injustice and hardship.

This doctrine is at variance also with the undeviating practice of our own and all other presbyterian churches. This of itself is a fatal objection to any new doctrine. The fact that we have been going on in accordance with the usage of all other presbyterian bodies, for an hundred and twenty years, interpreting and administering our constitution in a certain way, is answer enough to any man, who comes forward with a new doctrine, extracted by legal subtlety from the technicalities of the constitution. The words of our book have the sense which they were intended to bear; and they were intended to bear the sense in which its authors and administrators have ever understood and applied them. If we depart from this rule of construction we might as well have no constitution at all. Stability is one of the primary requisites of good government. And hence it is a great evil that any long established principle should be unsettled by some novel interpretation of our fundamental laws. That the practice of our church has been uniform on this subject, is admitted. It is maintained, however, that this usage, as far as concerns the period anterior to the revision of the constitution in 1821, is of no authority, and that the time which has since elapsed is too short to give to usage any force in opposition to what is supposed to be the sense of the constitution. This principle is no doubt correct. Usage is not of authority in opposition to a written constitution. But it is of the

greatest authority in a question of interpretation. It cannot be rightfully disregarded, unless the constitution be clearly in opposition to the usage. We have already seen that there is no such opposition in the present case; that the uniform practice of the church is in harmony with our constitutional rules. This being the case, the argument from usage is of course conclusive.

The assumption that the amendments adopted in 1821 were designed to abrogate the old common law of the church is a very extraordinary one. This common law had grown up, in this country and in Scotland, under the brief and aphoristic statement of presbyterian principles contained in the Westminster Directory. These statements were incorporated in the constitution of 1788, and are retained in the amended constitution of 1821. If from that time they were to be differently understood, it is strange that they were not so modified as to give some intimation of the fact. But how is it known that these amendments were *intended* to abrogate the old common law of the church? The authors of the amendments declare, some in one way and some in another, that they had no such intention. The church certainly intended no such change, because it went on acting under the amended constitution precisely as it had acted before. It was not until fifteen years after the amendments were made, that any one discovered what they were intended to accomplish. It is evident that such a discovery cannot be entitled to much consideration.

To show how uniform has been the usage of our church on this subject, even since 1821, we shall proceed to cite some of the examples to be found on our minutes; and for reasons already stated, we shall not confine these examples to cases of appeals. In 1822, the Assembly entertained and decided an appeal from the synod of Ohio, relating to the validity of the election of certain elders. *Minutes*, p. 18 and 21. In 1827, Dr. Green and others presented a complaint against a decision of the synod of Philadelphia, which turned on the question, Whether the same person could properly hold the office of ruling elder in two churches at the same time? The decision of the synod was affirmed, p. 117. Two other complaints of a similar character were decided the same year, p. 125, 130, and 132. In 1828, an appeal was received from some of the pew-holders of the first church in Troy against a decision of the synod of Albany, p. 228; and a complaint from the presbytery of Philadelphia against the

presbytery of Columbia, relating to the licensure of Mr. Shaffer, p. 234. In 1829, two complaints were received against decisions which were not judicial. In 1830, an appeal was presented from the church in Bergen from a decision of the synod of Genesee, which, however, was dismissed for want of a date and other irregularities in the mode of its prosecution, p. 9 and 17. In 1831, the complaint of the minority of the presbytery of Philadelphia, in the case of Mr. Barnes, was presented; and in 1832, a complaint against a decision of the synod of Virginia relating to called meetings of synod, p. 315. In 1832, there appear to have been five, if not six, complaints of the same character presented to the Assembly, p. 476. In 1834, the Assembly received and decided the appeal of the second presbytery of Philadelphia against the decision of the Synod, before referred to. The same year the synod of Philadelphia referred for adjudication the appeal and complaint of the fifth church of Philadelphia relative to the call of Dr. Beman, p. 8. In 1835, the Assembly received and decided the appeal of Thomas Bradford and others from a decision of the second presbytery dividing their church, p. 20; and also an appeal and complaint of Thomas Bradford and others relating to the installation of Mr. Duffield, when the acts of the presbytery in relation thereto were reversed, p. 33. Immediately under the record of this latter decision we find the following minute, viz. "The Assembly took up the report of the committee on the records of the synod of Philadelphia, and the records were approved with the following exception, viz. In regard to the doctrine of the said synod concerning appeals, complaints and protests, and the application of this doctrine, about which the Assembly express no opinion." There was the less necessity for expressing an opinion in words, as they had just expressed one so intelligibly, by acting in direct opposition to that doctrine. In 1836, we find several examples of the same kind, as, for instance, the appeal and complaint of the second presbytery against the synod of Philadelphia for dissolving them as a presbytery, p. 273. In 1837, their was an appeal presented by Rev. A. G. Morss and others, of the congregation of Frankford, which does not appear to have related to a judicial decision, p. 417 and 480. In 1838, there was an unusual number of such complaints and appeals: for example, a complaint by the presbytery of Wilmington; a protest and complaint by R. J. Breckinridge and others against the synod of Phildelphia for their decision relating to the third presby-

tery of Philadelphia; an appeal and complaint of J. Campbell and others against a decision of the synod of New Jersey; an appeal and complaint of certain persons claiming to be the church of St. Charles, against a decision of the synod of Missouri, that they were not the said church; which appeal was sustained, and the proceedings of the synod in the case were set aside. See pages 11, 13, 14, 15, 16, 19, 23, and 39 of the Minutes.

There is not then, upon our minutes, a single case of an appeal or complaint, which was rejected on the ground that it did not refer to a judicial sentence. We have been going on for a hundred and twenty years entertaining such appeals without any one dreaming of their being irregular. This has been done as freely since, as before, the revision of the constitution, by those who proposed and by those who adopted the amendments. If after all this a new and opposite doctrine is to be introduced, there never can be any stability or security with regard to any principle of presbyterian church government. If precedents so long continued, so numerous, so highly sanctioned, are to be set aside, the church will demand something more than verbal criticism, or ingenious inferences from collated passages. Nothing short of a plain and intelligible denial of the right to complaint of oppressive and unconstitutional acts; or to appeal from unrighteous decisions, though they may not be judicial, will induce presbyterians to forego a privilege which they have enjoyed from the very foundation of their church. No one pretends that there is any such denial to be found in our amended constitution. The prohibition is a mere inference from the technicalities of the rules of process. We think, however, that we have shown that there is no such opposition between our rules of process and the radical principles of our system; that every one of those rules may be observed to the very letter, in cases of appeal or complaint against executive acts, and consequently that there is no foundation in the constitution for this new doctrine. If it is to be applied to appeals, we see not how any one can fail to apply it to complaints and references, and if so applied, all must acknowledge that our system of government would be completely overturned. The right of appeal is already restricted within very narrow limits. It is not the privilege of any member of the court. It belongs exclusively to an aggrieved party; to those whose character or interests are immediately concerned in the deci-

sion. And to all such it is a right guarantied by the constitution and by the undeviating practice of the church.

Day of Thanksgiving.

Dr. J. Breckinridge offered a series of resolutions in relation to the appointment of a day of thanksgiving; which were amended and adopted as follows, viz.

"Whereas, by the great grace of God, our beloved church has now completed the fiftieth year since the organization of the General Assembly; and whereas, during that eventful and most interesting period she has experienced, notwithstanding all her unworthiness, extraordinary mercies of manifold kinds; and whereas, this great cycle in her history has been characterized by a series of remarkable deliverances from imminent dangers which threatened her purity, her peace, her Christian order, and sacred liberty; therefore,

"1st. Resolved, That the second Lord's day of December next be, and it is hereby appointed a day to be observed with religious solemnity by all our people, in celebrating the praises of God, and in rendering thanks to his great name for all his mercies.

"2d. Resolved, That it be earnestly recommended to all the pastors and other preachers of the gospel under the care of this General Assembly, to convene all the people on that day, to instruct them more fully in the history of those great events in which we rejoice, and to invite them to acts of personal, public, and united praise to God.

3d. Resolved, That the name of the Board for the publication of Tracts and Sabbath-school Books be changed to the name of the Presbyterian Board of Publication; and that its constitution be so altered as to require said Board to publish not only Tracts and Sabbath school books, but also approved works in support of the great principles of the Reformation, as exhibited in the doctrines and order of the Presbyterian Church, and whatever else the Assembly may direct.

4th. Resolved, That as a timely and open expression of the Church's gratitude, it be recommended that either by public collections, or in some other way approved and in use among the people, every member of the Presbyterian Church in the United States, be called to "offer gifts," for the glory of God, and the good of man, and that the same be remitted to the Treasurer of the Presbyterian Board of Publication, and that the thank-offering of the people of God made at said semi-centenary celebration, be appropriated to the object contemplated in the above resolutions under the direction of the said Board.

5th. Resolved, That a committee of one from each Synod represented in this General Assembly, be appointed to address a circular letter to the Churches, explaining the objects of the above resolutions, inviting their universal and cordial co-operation—and also calling on all the Presbyteries and Synods in our connexion, to take action on this important subject at their next stated meeting.

6th. Resolved, That nothing in the foregoing resolutions shall be so construed as to prevent any individuals that may prefer it, from directing their thank-offering to the erection of buildings for the use of the General Assembly and its Boards in the cities of New York, Philadelphia, and Louisville.

This subject elicited a diversity of opinion, not as to the object itself, for on this great unanimity prevailed, but as to the time and manner of observing the anniversary in question, and more especially as to the objects to which the funds which might be collected on this occasion should be applied.

Some were in favour of placing the funds at the disposal of the next General Assembly; others wished that an equal division should be made among the several Boards under the direction of the Assembly; others, that a publishing fund should be created; and others, that the monies should be appropriated for the erection of commodious buildings in Philadelphia and New York for accommodations for the different Boards and for the Assembly itself; while one venerable father from the West thought it would be more wise to expend the money in the erection of churches in destitute parts of the country. Notwithstanding this diversity of opinion, we believe there was a general acquiescence in the resolutions as finally adopted.

It may be that as the idea of this semi-centenary celebration is new to most of our churches, they may not appreciate the subject, nor take sufficient interest in the success of the enterprise. The result, therefore, must depend very much on the zeal which the clergy manifest on the occasion. It will be necessary that the attention of the people should be early called to the subject; that they should have clearly presented to them the great mercies of God towards our church during the last fifty years; the reasonableness of publicly acknowledging those mercies, and the warrant we have from scriptural usage for such celebrations; and the importance of the objects to be aided or accomplished by their thank-offerings. Should there be any who doubt of the wisdom of these recommendations, they must notwithstanding, out of respect to the General Assembly, to the honour of the church, and the undeniable importance of the objects to be attained, take a lively interest in the success of the plan. All must be prepared to say, as it is to be done, let it be done well.

Ministers without charge.

The committee on the overture respecting ministers without charge, made a report, which was indefinitely postponed, and the Assembly resolved, That the resolution adopted by the General Assembly in 1802, in relation to ministers without charge, be republished in the printed minutes. It is as follows, viz.

"Resolved, That it is a principle of this Church, that no minister of the gospel can be regularly divested of his office, except by a course of discipline terminating in his deposition; that if any minister, by providential circumstances, become incapable of exercising his ministerial functions, or is called to suspend them, or to exercise them only occasionally, he is still to be considered as fully possessing the ministerial character and privileges; and his brethren of the

Presbytery are to inspect his conduct; and while they treat him with due tenderness and sympathy, they are to be careful that he do not neglect ministerial duty, beyond what his circumstances render unavoidable:—That if any minister of the Gospel, through a worldly spirit, a disrelish for the duties of his office, or any other criminal motive, become negligent or careless, he is by no means to be suffered to pursue this course, so as at length to be permitted to lay aside the ministry without censure; because this would be to encourage a disregard of the most solemn obligations, by opening a way to escape from them with impunity. But in all such cases, Presbyteries are seasonably to use the means, and pursue the methods pointed out in the word of God and the rules of this Church, to recall their offending brother to a sense of duty; and if all their endeavours be ineffectual, they are at length regularly to exclude or depose him from his office.

"If any cases or questions relative to this subject shall arise in Presbyteries, which are not contemplated by the provisions of this rule, such cases or questions should be referred to the General Assembly for a special decision.—1802."

Our readers may remember that this subject was brought before the Assembly of 1835, and referred to a committee, who reported in favour of denying to ministers without a pastoral charge the right of sitting in any judicatory as members. After some discussion the matter was referred to a committee to report to the next Assembly; that committee reported in 1836 that its members had not been able to agree. And there, we believe, the matter rested. This certainly is a subject of growing importance. The increase of such ministers in our church is so great as to call for serious attention; whether the resolution above quoted will be sufficient to arrest or correct the evil, time must show.

Presbytery of Hudson.

Dr. Plumer introduced the following motion; Whereas it has come to the knowledge of the General Assembly that difficulties have arisen in the Presbytery of Hudson, which have led some of its members to depart from the Presbyterian church, therefore, *Resolved*, That the Presbytery of Hudson be directed at its first meeting to purge its roll.

It appears that a small minority of this presbytery seceded last fall, and formed themselves into a new presbytery, retaining however their old name. Before this secession the presbytery was entitled to send four commissioners to the General Assembly; after it, they were entitled to send but two. Still as the names of these seceding members were yet on the roll, and the Assembly giving the presbytery credit for sincerity in deeming it wise and prudent to delay striking off the names of those members; and as one of the commissioners had already withdrawn; and the facts in the case were not brought to the

knowledge of the house until near the close of its sessions, the Assembly considered it sufficient to adopt the above cited resolution. Against the decision Messrs. W. L. Breckinridge, Steele, Junkin and Lyle protested, on the ground that as the secession had been public and notorious, the presbytery was bound at once to erase the names of the seceders, and had no right to estimate them as members in making out their delegates to the Assembly; and consequently that the Assembly ought, as soon as it had satisfactory knowledge of the facts, to have taken more efficient measures for correcting the impropriety with which the presbytery was chargeable.

The course adopted by the presbytery of Hudson is certainly to be regretted, as it has at least the appearance of unfairness, which we are bound to avoid as well as the reality. It is no sufficient apology that the opposite party acted on the same principle; that the little seceding minority sent four members to the New School Assembly; that the secession of the presbytery of Troy sent four; or that of Cincinnati sent a double representation. It is better to suffer such things than to do them. The reader will be surprised also in looking over the roll of the New Assembly at the number of presbyteries of which he never heard before, as for example, Marshall, Washtenaw, Kalamazoo, Ripley, Knox, Hiwassee, New River. We believe these are all new presbyteries formed since the schism.

The Assembly having finished its business, it was resolved, that this General Assembly be dissolved: and that another General Assembly, chosen in like manner, be required to meet in the seventh or Assembly church, in the city of Philadelphia, on the third Thursday of May, 1840, at 11 o'clock A.M. The moderator dissolved the Assembly accordingly with prayer, singing, and the apostolic benediction. Thus ended one of the most harmonious and pleasant sessions of the General Assembly, which the church has seen for many years. We trust it is the beginning of better days.