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I. CHRIST AND HIS MIRACLES.

"His glory consists, not in being banished from history; we render him a truer worship by showing that all history is incomprehensible without him."—RENAN.

IT may be said, without disparagement of the labors of able men, that our learned treatises on the person of Christ and on his miracles fail to exhibit in a satisfactory manner a certain necessary relation between them, apart from which neither can be clearly apprehended. The confusion that attends, even to the present day, the discussion of these subjects is evidence of something wrong in our conception and method of dealing with them.

There is a troublesome feeling in many minds that the best and final word respecting the divinity of Jesus and the place and value of miracles remains to be spoken, and that, when it is spoken, it will discover a new line of thought touching the relation of the two things. It would be sheer egotism for a paper like this to propose more than a suggestion, when one takes into consideration the magnitude of the two-fold subject, and of the literature already extant; but it ought to be possible to set forth in brief, yet clear and satisfactory form the main features of a doctrine which, to our thinking, promises so much to faith in its conflict with science and philosophy.

It may be assumed that the deity of Christ is one of the best established doctrines of Christianity, in so far as the consensus of faith is able to secure a dogma. While it involves the profoundest mystery of religion, and rises beyond intellectual apprehension, it is yet in its relations seen to be indispensable. The religious

IV. REPRESENTATIVE GOVERNMENT IN THE CHURCH.[1]

I. Complaint has been made against the affirmative answer of Lexington Presbytery to the question, "Is the authority of the session exclusive of all other authority in the matter of calling a congregational meeting to consider its temporal affairs?"

This answer is based upon the three following grounds: *First*, that the government of the church is exclusively in the hands of presbyters appointed to rule; *second*, that this government is a government by the people through their chosen representatives; and *third*, that the organized assembly of the body of the church is expressly limited to two purposes—the election of their representatives and the dissolution of their relation to one class of these, the pastors of the church.

1. The proof of the first of these grounds is found in the general statement that "the officers of the church, by whom all its powers are administered, are, according to the Scriptures, minis-

[1] At a recent meeting of Lexington Presbytery a paper was presented, asking the following questions, to which the Presbytery gave the annexed answers:

"1. Is the authority of the session exclusive of all other authority in the matter of calling a congregational meeting to consider its temporal affairs?—*Answer:* It is.

"2. Has the board of deacons a right to call or have called such a meeting when, in its judgment, it is expedient to consult the body of the people about their temporal affairs?—*Answer:* No; the answer to the first question settles this.

"3. Has the session authority to decide where and what if any change shall be made in the house of worship, or the method of seating the congregation?—*Answer:* The session has the abstract authority; but it would not be expedient to use this power without consulting the congregation, except in extraordinary cases."

To these answers the following explanatory resolution was added:

"4. *Resolved*, That, in returning the answers above given, the Presbytery expresses, as the ground of its decisions, that the session is the only governing body in the church, except in those cases where the constitution expressly authorizes the congregation to exercise that authority."

Against this deliverance of the Presbytery, a complaint was brought up to the Synod, and two members of the body complained against were appointed to defend its action. In the discharge of this duty they presented the paper here published in explanation and defence of the interpretations of law adopted by Presbytery.

ters of the word, ruling elders, and deacons." (*Form of Government*, Chap. I., Par. 4.)

This general statement answers, in its designation of the officers, who are to use the offices, to the general distribution of the whole polity or frame of the church as given in another place. "The whole polity of the church consists in doctrine, government and distribution." (*Form of Government*, Chap. IV., Sec. I., Par. 2.)

The government of the church, as thus distinguished from doctrine and distribution, is specifically lodged in ruling elders, exercising their power generally in joint assemblies, occasionally severally, as in visiting the people. Deacons are absolutely excluded from governmental functions. Ministers of the word are associated in the government, but not in their several capacity as teachers; their part in government is due to their being ruling as well as teaching elders. As ruling elders, their authority is equal, no greater, no less, than that of all other ruling elders. "Ruling elders" are defined as those "whose office is to wait on government." (*Form of Government*, Chap. IV., Sec. I., Par. 2.) The same definition is made in broader terms in *Form of Government*, Chap. IV., Sec. III., Par. 1.

This is the distinctive character of Presbyterian church government, as distinguished from the papal, the prelatical and the congregational. The papal is governed by the pope, as the alleged successor of Peter, construed as the head of the apostles. The prelatical is by diocesan bishops, construed as successors of the twelve. The congregational is wholly in the hands of the brotherhood. (Hodge's *Presbyterian Law*, pp. 9, 10.) The Presbyterian is government by ruling elders, chosen as representatives by the people. (*Form of Government*, Chap. VI., Sec. I., Par. 2; Chap. II., Sec. III., Par. 1.) From these authorities it is clear that, under the Presbyterian system as regulated by the standards of the Southern Presbyterian Church, the government of the church is exclusively in the hands of the ruling elders chosen by the body of the people to exercise the ordinary functions of government.

2. The second ground of this answer of the Presbytery is, that the government of the church in the hands of ruling elders

chosen by the people is a representative government, and as such, is in the truest sense a government by the people. All representative governments are popular governments; they are governments over the people, by the people, through their representative agents. The representative government organized for action is the government of *the people organized for action.* It is the only way in which the will of the people can be legally and constitutionally organized for action under this species of government. Under a pure democracy the will of the people may be organized for action in a different way—by calling the whole body together and organizing it. But the power of the people under a representative system, organized to give legal effect to their will, can only be expressed through the regular government of their representatives, except in those cases where the constitution itself or some law passed by the representative body shall authorize primary assemblies of the people. The authority of the people under the law of our church is only to be expressed by the election of their representative rulers. It is expressly said:

"The power which Christ has committed to his church vests in the whole body, the rulers and the ruled constituting it a spiritual commonwealth. This power, as exercised by the people, extends to the choice of those officers whom he has appointed in his church."—*Form of Government*, Chap. II., Sec. III., Par. 1.

The power of the people is the original fountain of power in all representative governments; but it is never exercised directly by the people except in the special cases in which it is reserved to them by the arrangements of law decreed by themselves. They limit their own direct power as well as confer and limit the power they confer on the different classes of officers they appoint. When these powers are conferred they hold good as long as the law remains unchanged, against the people themselves, and each office as against every other office. What is assigned to one office cannot be discharged by another office nor by the people themselves. An office of legislation cannot do the duties of an executive office. A judicial office cannot do the duties of an executive office. The law properly made by the representative makers of law prescribes to the people the time, place, and mode in which they shall elect their officers. The people have no right to elect in any other

way. If they assemble at another place or another time, and elect, the election is contrary to law and void. The limitations placed on themselves are binding. The offices they create are binding on the lawfully-elected officer in positive prescriptions, and bind against all intrusion by others by the prohibitory implications of the law. That this is the true law of all representative governments is thus asserted by the celebrated Daniel Webster in his argument on the case of the Rhode Island government before the Supreme Court of the United States. The facts were briefly these: The people of Rhode Island, by a majority asserted to embrace a very large proportion of the population, resolved to change their State government. No authorization was granted by the existing government; no law was passed requiring the election to be held, or regulating time or place of election; no specifications were made of what officers were to be appointed. Irresponsible meetings of the people, held without authority of law, called a convention, adopted a constitution, and elected Thomas W. Dorr governor. A legislature was called together, went through the forms of electing a supreme court, remained in session one day, and adjourned never to meet again. The whole procedure was universally condemned as revolutionary and unlawful. The case came up in course of time before the Supreme Court, and Mr. Webster's speech contains the clearest exposition of the great principles of representative government and the established system of American liberty anywhere to be found. The following extracts are made from more than one part of his address, in order to bring his expositions into a brief and connected compass suitable to the issue before this body.[1] He says:

"Now, without going into historical details at length, let me state what I understand the American principles to be on which this system rests:

"First and chief, no man makes a question that the people are the source of all political power. Government is instituted for their good, and its members are their agents and servants. He who would argue against this must argue without an adversary."

"The aggregate community is sovereign, but that is not *the* sovereignty which acts in the daily exercise of sovereign power. The people cannot act daily as the people. They must establish a government, and invest it with so much of the sovereign power as the case requires; and this sovereign power being delegated and

[1] *Webster's Works*, Vol. VI., p. 221.

placed in the hands of the government, that government becomes what is popularly called the State. I like the old-fashioned way of stating things as they are; and this is the true idea of a State. It is an organized government, representing the collected will of the people, as far as they see fit to invest that government with power."[1]

"The next principle is, that as the exercise of legislative power and the other powers of government immediately by the people themselves is impracticable, they must be exercised by representatives of the people."

"Representation has always been of this character [that is, the representatives are charged with the protection of the rights of the people]. The power is with the people, but they cannot exercise it in masses or *per capita;* they can only exercise it by their representatives. The whole system with us has been popular from the beginning. Now, the basis of this representation is suffrage. The right to choose representatives is every man's part in the exercise of sovereign power."

"This being so, there follow two other great principles of the American system:

"1. The first is, that the right of suffrage shall be guarded, protected, and secured against force and against fraud; and

"2. The second is, that its exercise shall be prescribed by previous law; its qualifications shall be prescribed by previous law; the time and place of its exercise shall be prescribed by previous law; the manner of its exercise, under whose supervision (always sworn officers of the law), is to be prescribed. And then, again, the results are to be certified to the central power by some certain rule, by some known public officers, in some clear and definite form, to the end that two things may be done: first, that every man entitled to vote may vote; second, that his vote may be sent forward and counted, and so he may exercise his part of sovereignty in common with his fellow-citizens. . . . In the exercise of political power through representatives we know nothing, we never have known anything, but such an exercise as should take place through the prescribed forms of law."[2]

"I have said that it is one principle of the American system that the people limit their governments, National and State. They do so, but it is another principle equally true and certain, and, according to my judgment of things, equally important, that the people often limit themselves. They set bounds to their own power. They limit themselves by all their constitutions in two important respects; that is to say, in regard to the qualifications of *electors*, and in regard to the qualifications of the *elected*. They have said, we will elect no man who has not such and such qualifications. We will not vote ourselves unless we have such and such qualifications They have also limited themselves to certain prescribed forms for the conduct of elections. They must vote at a particular place, at a particular time, and under particular conditions, or not at all."[3]

"Is it not obvious enough that men cannot get together and count themselves, and say they are so many hundred and so many thousand, and judge of their own qualifications, and call themselves the people, and set up a government? Why, another set of men, forty miles off, on the same day, with the same pro-

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[1] *Webster's Works*, Vol. VI., p. 222. [2] *Ibid.*, p. 224. [3] *Ibid.*, pp. 224, 225.

priety, with as good qualifications, and in as large numbers, may meet and set up another government! What is this but anarchy?"

"Another American principle growing out of this, and just as important and well-settled as is the truth that the people are the source of power, is that, when in the course of events, it becomes necessary to ascertain the will of the people on a new exigency, or a new state of things or of opinion, *the legislative power provides for that ascertainment by an ordinary act of legislation.*"[1]

The principles of all representative government are substantially the same. The law of the Presbyterian Church as a representative popular government is substantially the same. It prescribes the qualifications of electors and the elected. It prescribes the steps preliminary to an election, and what power is to take them. It defines and limits the power of the people. It prescribes the powers of the teaching elder. It prescribes the powers of the ruling elder. It prescribes the exercise of function in ruling officers when several and when joint. It prescribes the powers of the deacons. It prescribes the powers and the mutual relations of the lower and higher courts. It is truly, fully a representative government over the people and by the people through their representatives. A presbytery, whether the presbytery of a single parish called a session, or of a larger territory called a Presbytery, or of a still larger territory called a Synod, *is the government of the people organized for action according to law.*

The vindication of the answer of the Presbytery is effected by these principles. The answer is to the question, "Is the authority of the session exclusive of all other authority in the matter of calling a congregational meeting to consider its temporal affairs?" The answer is, "It is." If it is true that a representative government is the will of the people legally organized for action, and if it is also true that under representative government all exercise of power, whether by the people or by any officer of the government, "should take place through the prescribed forms of law," then manifestly a previous prescription of law should precede any action by either officers or people in order to make it legal; that previous prescription of law must be made either by the constitution or by an act of the existing government. Admitting hypothetically what we do not admit in fact, that the people, under our

[1] *Webster's Works*, Vol. VI., pp. 226, 227.

constitution, are legally entitled to control their temporal affairs directly in their own hands, still the principles of representative government require that the assembly of the people for this purpose should be prescribed by law in the ordinary seat of current government. This is expressly required when officers are to be elected. The people may assemble to build a church or alter its arrangements, or elect officers, or raise money, or appoint days of thanksgiving or fasting in the exercise of their own will, but it would not be a lawful proceeding. It would be contrary to the law and defiance of the very government established by themselves as the organized and legal instrument for the expression of their will. For anything to be done by the people in a lawful way, it must be done according to law. As a legislature or a constitutional convention, in order to be lawful, must assemble under the prescriptions of a law previously made by the lawful representatives of the people, the authority of the session, whenever the constitutional law of the church fails to order it, must precede the assembly of the people in order to make it lawful. Their authority is the only authority which can give legal effect to the assemblies of the people under an established and settled constitution. This exclusive authority of the session is not intended to impeach the right of a higher court to order a congregational assembly. The question raised before the Presbytery of Lexington had exclusive reference to the issue tendered by the memorial between the people and the deacons on one side, and the parish Presbytery on the other. The answer asserting the exclusive jurisdiction of the session had sole reference to that issue.

3. The third ground on which the answer of the Presbytery is based is that the constitution of the Presbyterian Church limits the direct action of the people in the frame of the government to two specified purposes—first the election of officers, pastors, elders, and deacons, and second, to the dissolution of the pastoral relation. (*Form of Government*, Chap. VI., Sec. III., Par. 1; Chap. VI., Sec. V., Par. 13.)

This is a limit fixed on themselves by the people in the original framing of their government. The limitation excludes their direct legal control over the administration of their temporal affairs. Their

relation to them is the same sort of relation as that held by the people of a representative State over the finances of the State: a relation which gives sufficient power to the people over their finances, taxation, and expenditure, while it leaves the actual legislation and administration over their financial interests in the hands of the officers of the law. The will of the people in every representative government over the finances of the State is all-powerful by their influence over their representatives, although the actual making and administration of the laws is, and must be, in their officers. To call such a government a tyranny is absurd.

Several objections have been made to this view of representative government in the church. We will notice them in order.

1. It is asserted to be essentially incompatible with the fundamental idea of the spiritual or non-secular character of the church, for the parish presbytery to assert a legislative control over the temporal affairs of the kingdom of the Lord Jesus. The spirituality of the church has been asserted in the most extreme terms. The whole church is disabled from the ownership or control of secular property in any form, from the use or management of anything secular whatever. The session is disabled; the deacons are disabled; the people are disabled. To meet the necessity which always emerges in the progress of the church for money and property in various forms, a new body is created outside of the church for the purpose of "owning and managing property" for ecclesiastical uses.[1] The functions of the whole ecclesiastical body are so "wholly spiritual" as to render it a violation of her charter to meddle with anything secular, no matter how completely incident it may be to her spiritual ends, and essential to the discharge of them. This is the theory of the spirituality of the church gone to seed.

(1.) This extraordinary view is refuted first by the express words of the standards, in which it is "acknowleged" that there are some circumstances concerning the worship of God and the government of the church common to human actions and societies, which are to be ordered by the light of nature and "Christian prudence."[2]

[1] Mr. Irving in the *Central Presbyterian*, May 8, 1889.

[2] *Confession of Faith*, Chap. I., Sec. VI.

Certain secular things stand in such a relation to spiritual things as to be indispensable to the use of them. The use of houses for worship, the rules of business in ecclesiastical courts, bread and wine in the sacrament of the supper, are specimen instances in which the secular is incident and so necessary to spiritual uses as to condition the use of them to any useful purpose, and in some cases absolutely. There has always been a far greater tendency to overstretch these incidental relations of secular to spiritual things rather than to the extreme ostracism of them now attempted. The principle of *incidency* to spiritual uses furnishes a safe logical barrier to abuses, and, at the same time, repels all impossible attempts to abandon secular matters altogether. In these things there are common rights of usage pertaining both to the secular and the spiritual spheres, and therefore there is no compromise of essential character in either to use them.

(2.) It is refuted, secondly, by the principle of law, which is a dictum of common sense, that every system of granted powers carries with it a system of incidental powers, such as are necessary to carry them out. To confer the grant, and to withhold what is incident and necessary to discharge it, is to disable the original power altogether; it is to give and take back in a breath; it is to require bricks without straw. To require reading without letters, or ploughing without a plough; to require a bank to be operated without records, or a railway without wood and iron, would be considered a renewal on a grand scale of the wisdom which determined to swim without water. To suppose the Lord Christ organized a visible institute to conquer the world, and disabled it from using any modification of matter or secular things, is absurdity gone up into a craze.

(3.) It is refuted by the usage of the church in every age. Undoubtedly the use of secular powers has been often frightfully abused; but abuse is no argument against rightful use. Paul used ships to carry him to his work; he used parchment to write his immortal testimonies; and in neither did he sin. Houses, books, coined money, food, clothing, and secular things, too many to list, were from the beginning, and always, employed as incident and essential to the discharge of spiritual ends. The rightful

gain, use and management of these things for such ends is altogether becoming in an institute purely spiritual. Practical, not less than legal and logical, necessity settles many things. When it is said there is no revealed law which requires the management of property by the church, it is evident the *κοινονια* of the saints, the collection of money to be laid by in store on the first day of the week, about which Paul was so solicitous, is forgotten. It is forgotten that when any duty is required all that is necessary to its best discharge is also conveyed by the same authority.

(4.) It is refuted by the absurd alternative of a body altogether outside of the church necessary to manage the property and income on which the very existence and work of the church are dependent. In order to keep the legislative control of church property out of the hand of the constitutional government of the church, the entire capacity of the whole church is successively disabled in teachers, elders, deacons and people. The whole organism is struck with the weakness of organic paralysis. Then, to hold its needful elements of support, and feed the helpless thing, another body, outside of it, carefully distinguished from it, is created, and this alone is accepted as lawfully empowered either to own or manage the necessary support. To say nothing of the utter shame thrown by this ridiculous organic weakness on the church of Christ, it is refuted by the complete silence of our Form of Government upon the existence of such a body. It is admitted not to be there in form; it is asserted to exist by implication.[1] We deny it; that old and dangerous conception, which is not the only disastrous inheritance which the Presbyterian Church has received from its former unlawful commerce with Congregationalism, has disappeared from our standards. The congregation, as distinguished from the church, with its bought franchises in the sacred house, has gone. It was none too soon. It was the logical solecism of a body outside the kingdom, controlling it in many and disastrous forms. No other organized body would have borne it so long or borne it at all, and the recent attempt to restore it will come to grief. To assert the necessity for it is to charge the legislation of Christ with having created an institute absurdly in-

[1] Irving's Arguments, *Central Presbyterian*, May 8, 1889.

competent for its purposes. It is also obviously implied that the body of the church, under the name and power of this outside body, can be called into assembly to order the affairs of the church by any one who chooses. The regular representative government of the church is set aside as incompetent to call an assembly to order affairs in which the highest spiritual interests under their care are deeply involved, and set aside by an avowedly different body from the church, called and managed by any irresponsible party. For if the temporal matters of the church are wholly under the control of a body called the congregation, it is obvious that *without positive restrictions* in the constitution of this "congregation," any member or members of it may call it into assembly at will. There is no other organized body on earth which would submit to be stripped of its functions in such a way and by an irresponsible outside association; not one would consent to live gripped about the throat by the thin talons of a ghost thrust out of a mist. No Masonic body, laying aside its Masonic character, can assemble on the basis of mere citizenship and natural rights, and assume to control the affairs of the Masonic order. The interference of such an outside body would be instantly repudiated. Masons can only act as such when organized for action as a Masonic body under Masonic law. No reading or debating club, no society of any sort, male or female, would allow an outside and irresponsible body to control their affairs. Yet the church of God is supposed to be so weak as to be compelled to submit to this species of impertinent tyranny. This may suffice for the objection to representative government in the church drawn from the spirituality of the kingdom.

2. A second objection is that temporal affairs are not subject to church government. A distinction between polity and government is drawn for the purpose of taking the control of temporal affairs out of the hands of the government. There is a distinction between polity and government; the Book recognizes it. It is said: "The whole polity of the church consists in doctrine, government, and distribution."[1]

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[1] *Form of Government*, Chap. IV., Sec. I., Par. 2.

The distinction is that between a general term, and a particular term under it; one is the *genus*, the other is the *species;* one is a logical whole, the other one of its exhaustive divisions. But, admitting the distinction, it will not avail for the purpose in view. Unless the extreme ground just refuted is taken and the management of temporal affairs is removed altogether out of the church, and from the hands of every one of its constituent elements, it is useless to appeal to such a distinction between polity and government in the church. Polity must dispose of the temporal affairs somewhere within its territory. If government cannot have them, they must pass to either doctrine or distribution. Are the teaching elders to manage them? Hardly would that be conceded! Are the officers of distribution to manage them? Certainly, as administrative and executive officers of finance; but we are discussing, not the administrative, but the legislative and directive control of them. The State of Virginia cheerfully allows the auditor and treasurer of the commonwealth to administer her finances, but reserves the right to her Legislature to make the laws by which those administrative officers are to move the funds, and to prescribe the objects for which they are to move them. If, then, polity fails to provide for the temporal affairs in the hands of doctrine or distribution, it must place the legislative ordering of them in the hands of government. In doing this it would simply follow the dictates of common sense, and the example of every other sensible polity in the world. The finances of every State are under the direction of the State government. The finances of every college are under the management of the lawful government of the college. The finances of a bank are under the directors of the institution. The precedent is universal; and we see no reason to believe the finances of the church are under some other control than that of its own lawful and free representative government.

3. It is objected again that the powers of government are expressly defined and limited in the standards, and that the control of temporal affairs is nowhere given to any of the courts or defined as belonging to the office of the ruling elder, under any of its authorized combinations for exercise. It is said that all the

functions given to any court, from the highest to the lowest, are specified, and that what is not given is withheld. The powers given are "wholly spiritual," and no grant over temporal matters can be read into the prescriptions of the law. We only refer to what we have said, that a power so wholly spiritual as to admit of nothing temporal to execute it is an absurdity. The granted power carries the necessary incidents. But we meet this allegation with a frank denial. The grants to every court do not exhaust on their verbal face the powers conveyed to the courts. The session is expressly empowered "to order collections for pious uses." They are expressly commanded by the fundamental law to officially order a thing so completely secular as the raising of money for "pious uses," but these uses broadly classified as "pious" may be and are very various; yet none of them are specified in the grant. To say that a church court can do nothing whatever unless it is expressed in so many words in the Book is to hamper it to the sacrifice of a vast measure of its usefulness. In the specifications of the Book *comprehensive expressions are used, under which a variety of things are embraced without articulated and specific designation.* For instance, a session is empowered "to concert the best measures for promoting the spiritual interests of the church and congregation,"[1] and a presbytery "to concert measures for the enlargement of the church within its bounds."[2] Under this grant, both courts may do a number of things which are not specified in the grant. They may order a chapel to be built, as was done by the presbytery of Lexington last spring. To deny such a power to these courts would often be to prevent the best and even an essential measure for "the spiritual interests of a congregation," and for "the enlargement of the church within the bounds of a presbytery." Under this clause these courts are empowered to send delegates to local conventions in some public interest, or to appoint local days of fasting and prayer or of thanksgiving, or to inaugurate a congregational library yet none of these things are specified as among the grants of the public law to sessions or presbyteries. Some of these grants are necessarily

[1] *Form of Government*, Chap. V., Sec. III., Par. 5.
[2] *Ibid*, Chap. V., Sec. IV., Par. 6.

non-specific of all they embrace, and therefore it is overpressing a principle of interpretation, generally wise and effective in its application, to say that the grants of the constitution are so exactly defined that they exclude all that they do not specifically express. The primary sense of the word "concert" is to "set or act together," to "consult and plan," "to agree," "to adjust." To "concert measures" indicates investigation and contrivance, the handling of a variety of expedients, which, however various, divergent, and even opposite, they may be, are yet, with equal propriety considered; and yet none are specified: all come under the general designation used in the grant. It is admitted that the location, the size and quality of the accommodations of a house of worship will bear, remotely, it is said, on the spiritual interests of the church. Although forewarned that it would be preposterous to do so, we must nevertheless dare the expression of the opinion that such things bear materially and directly on the spiritual interests of the church and congregation, and are on that very account properly drawn under the control of the officers appointed to seek the best measures for promoting them. But in the instance of this lower court, the answer of the Presbytery of Lexington suggests that in all ordinary cases the representative government should take counsel with their represented body; in extraordinary cases they may act without this consultation. This answer has been severely dealt with, as "an abandonment of the right," "as showing a sense of danger in the assertion." It is often inexpedient to use an undoubted power at a given time or under certain circumstances. It may sometimes be inexpedient for a commander to order his army into a certain position; yet his right to command it to go there is unquestionable. A banker may deem it a little inexpedient to make a certain loan, yet his power to do it is undoubted. All power is under bond to discreet use, and may be withheld at the dictate of expediency without abandoning the power. Prudence is no natural enemy to power. The Legislature of Virginia might think it desirable to build a new State-house; their power to do it is unsusceptible of dispute; yet they might very well think it best to consult their constituents before doing it. Such a course would not involve an abandon-

ment of their right, or the abnegation of their power, or at all imply they thought such power, as vested in the Legislature, was a dangerous power. The answer of the Presbytery was wise, and does not deserve the censure cast upon it. A session has a perfect right to call a meeting of the congregation and lay any business before it on which it may desire the views of the people,[1] whenever it may deem it advisable. They can act otherwise if they please, and their action may be wise or unwise. The Presbytery warrants their independent action "in extraordinary cases," but advises consultation with the body they represent in ordinary cases. The counsel was judicious, but it was not designed to abandon the power or to tax it as dangerous. It may also be said generally, in all cases where the action of the representative government is not sustained by the body represented, there is abundant redress. There are previous safeguards as well as subsequent remedies. To discontent the people is sometimes to peril the spiritual interests with which the session is charged. It has grave and beloved interests to protect, over which it may be presumed to preside with a real solicitude. The court is under authority, as well as invested with it. Each court is required to act with prudence in the use of its powers, and is answerable for its course. The necessity for united action in the church, for peace and harmony of feeling, the interests of the church and the souls of men, their own honor, conscience, Christian principle, desire of approval from the Head of the church, and of support from the courts above them, are powerful preliminary safeguards against abuse of power in the lower representative court. Any grant of power in the hands of erring men is liable to misuse or abuse; but when proper safeguards are established beforehand, and proper subsequent remedies are provided, it is to repudiate government altogether to denounce power as wrongful because it may possibly be abused. If all preventives fail, the whole series of the appellate courts is open for the redress of grievances for the people or the vindication of the court below.

4. It is objected again to the control of the representative courts over the temporalities of the church, that it is inconsistent

[1] Hodge's *Presbyterian Law*, p. 165.

with the laws of the state. The state has refused an incorporation to religious bodies, and very properly. But it has never refused to allow them to own property properly related to the state. It allows and incorporates trustees to hold property for different ecclesiastical bodies, and is as prompt to protect that property as any other. Trustees, when authorized simply to hold, are not authorized to do anything else with the property, and the state is absolutely indifferent how the property is managed within the ecclesiastical body itself. It may be managed in complete accord with the laws of the church so long as it stands properly related to the state in the hands of the trustees appointed by the state for the purpose. The property of the Presbyterian Church may be managed by its own internal representative government, to any extent, without giving the least umbrage to the State of Virginia. This form of empowering trustees simply to hold, but not manage or control property for the church, is amply sufficient to secure the property, and, at the same time, to preserve the liberties of the church free from all possible intrusion by the political power of the state. Property is the only thing which creates a necessary connection between the church and the state, and this form of the link is the only one by which the necessary connection can be fully met without any intrusion of either of the spheres within the bounds of the other. For the state to create a corporation of trustees, authorized not merely to hold, but to control and manage the property, necessarily involves a gross invasion of the kingdom of Christ, and the transfer of powers conveyed by him to officers of his own. It invades the legislative control over the property vested in the elders, and the administrative control vested in the deacons. The state creates a corporate body, thrusts it into the church, and transfers to it the official functions conferred by the Lord of the kingdom. It is a gross wrong; it dishonors the authority of the King; it robs his servants; it degrades the church under secular control. This wrong can be avoided before it is done, and redressed where it has been already permitted, by simply seeking such a modification of the law of the state as will make *trustees* simply competent to *hold*, but not to manage, property of the church. Where existing values are held under this

odious intrusion into the sphere of the church, the correction ought to be cautiously but resolutely sought, or else the name of Christ will remain in disgrace. It is no salvo at all to make the elders or deacons the trustees to control, for their power to control, as given by their Lord, is deliberately evacuated, and the power to control actually exercised by them is the power conferred by the state. The dishonor to the Master, and the insult to the kingdom, is, if anything, increased rather than diminished by compelling his servants to divest themselves of functions conferred by their Lord, and to accept the same powers at the hands of the state. All the purposes of the state can be fully served by trustees to *hold*, but *not to manage*, and it will honor the rights of a true religious liberty, by leaving the internal jurisdiction of the church to discharge its divinely-appointed work without any state interference.

5. It is objected again, that this claim of legislative control over the temporal affairs of the church is inconsistent with the attitude of the Southern Presbyterian Church towards the Walnut Street Church case. The doctrine of that celebrated decision makes the definition of theological opinion by the General Assembly decisive of title to property. If no difference of opinion is involved, the principle of the Walnut Street decision will not apply. If both parties are agreed in doctrine, and a dispute about the title of property is raised, the civil courts will have to decide it on a different principle from that of the Walnut Street case; they will decide it as a mere question of priority of claim. Under the laws of Virginia the title to church property is held in trust by trustees for the benefit of the church, and not by the internal government of the church; and the trustees would have to defend the title and trust which they hold, and not the ruling presbyters. The Walnut Street case regulates a single class of litigated cases, with reference to title. The claim for the legislative control and management of temporal affairs in the church is a claim for internal jurisdiction altogether, and has no reference to matters of title which are vested by law in hands of parties appointed by the state to hold property in trust. What a decision affecting title, as the Walnut Street case does, has to do with the settlement of a

power in which title is not at all concerned, passes our wit to discover. Our claim for the session is to manage, not to hold, the title to the property.

6. It is objected, once more, that it is an assumption of power impossible to use except to the destruction of the church. A regular and constitutional representative government, chosen by the people, regulated by law, and amenable to a whole series of appellate courts is delineated as a gross and dangerous usurpation, an oligarchy whose powers will be resisted by the constituent body at all hazards to the peace and prosperity of the church. It is supposed to order churches to be built, altered, or pulled down, with more than imperial authority. Such decrees will be resisted, and ruin will be the result. For the explosion of this unpleasant vision one or two brief explanations may suffice. In the first place, the laws made by a real and lawful representative government are not the same as the imperious edicts of an autocratic power. It is the government of the people themselves. It is the power of the people organized for action. The laws made are the laws of the people, made by the lawful organ of their will. If the people are dissatisfied with the manner in which their will has been interpreted and embodied in a law, the remedy is in their hands. Representative governments have often mistaken and gone counter to the will of their constituencies, and constituencies have often corrected the mistakes of their representatives. But neither have discounted the power used in making the mistaken laws, or denounced it as tyranny or unlawful power. The power employed is not imperial, but representative power; it is not usurpation, but a grant under law; and the use of it is positively required by the law. The power is not discounted or dishonored, though a particular use of it may be disapproved and reversed. The power is not construed as dangerous or impossible to be used in consistency with the public interest, though the special employment of it may be repudiated as not wise or suitable. To represent the control of the temporal affairs of the church by its own representative government as essentially involving a tyranny and a usurpation, is absurd. When to the intrinsic representative character of the power employed is added its responsibility to the

courts above, the imputation of usurped and dangerous oligarchical power is absurdity raised into its most exquisite degrees.

In the second place, the vision of imperious decrees on the part of the session, and fierce rebellion on the part of the people, is dissolved by another consideration. The jurisdiction of church courts is "ministerial and declarative."[1] That is, they simply declare what the law is; they do not make it; they are servants of the law themselves, and simply set it forth as the law requires them to do. Teaching elders set it forth in words, by argument, and by citation of authorities from the sacred law. Church courts set it forth by presenting the law in form to be obeyed. But neither set it forth as their own, or in any way except as the ministers of a Higher Power, declaring his will. In one great sense, the government of the church is not a government by presbyters, prelates, or people; all these are alike under law, all are bound to obey the King. The compulsory right to legislate is his, and his only. Law, as formulated by man in his kingdom, is only the declaration of law by a commissioned minister. These declarations of law are enforced by no process or penalty whatever. Whenever a church court gives direction for a chapel to be built, or a church altered, it is simply setting forth, in the form of a rule of action which determines obedience, that which seems to be the will of the King and the duty of his people. This they are empowered to do under the order of the constitution "to order collections" and to "concert measures for promoting the spiritual interests" of the church and its attending congregation of unconverted men. But when this is done, their full part is done. The part of the people then comes to the front. The law has been set forth, and each one must determine for himself, and under his own responsibility to his own master, how and to what extent he shall obey it. It has been proposed as an objection, or, at least, as a difficulty, that such a legal order or declaration of law in reference to matters which have to be carried into effect by the money of the people, was of doubtful propriety at least, as savoring somewhat of a compulsory demand for it. This is absolutely mistaken. In reference to all grants of money, or any other

[1] *Form of Government*, Chap. V., Sec. II., Par. 2.

property whatever, the law of the kingdom leaves every man at liberty to determine his own proportion, whether much, little, or none at all, on his own convictions of personal duty, and on his own responsibility to the King. *No greater freedom is possible under any law at all.* The right of one is the right of all, and the right pertains to everything in which money or property is concerned. It has been supposed that neither the session nor any church court has any right to propose matters involving the raising of money. This is positively contradicted by the express words of the standards. They are positively commanded "to order collections for pious uses,"[1] and the session which fails to do it is delinquent in duty. But when these collections are ordered their duty is done, and the people are left to deal with them on their own convictions of their duty. Whatever the people may do, the order of the collections by the session was absolutely right, and to construe their act as an impertinent use of an unlawful power is absurd. These collections afford the parallel of all other grants of money under the orders of the representative government of the church. All proceed on the same principle, are ordered under the same power, and are subjected to the same free subjection to the conscience of the individual. Whether the session should declare and set forth to be dealt with as the law of the King, as determined by the interests of his kingdom, that a chapel or a new church should be built, or an old one altered, the power employed is a perfectly legitimate power in the government of the church. The people have it in their power to defeat it by withholding the means. They may consider the use of the power under the circumstances as unwise, but they have no right to impeach the power itself, or the church court, as passing one whit beyond its legitimate authority in employing it. To say that the legitimate control of the temporal affairs of the church is a usurpation over the pecuniary rights and interests of the people, is wholly without a foundation.

7. It is objected again, that this relation of the government of the church involves "gross injustice." To whom? Of all men under heaven, to every member of that unrecognized "congrega-

[1] *Form of Government*, Chap. V., Sec. III., Par. 5.

tion," still carefully distinguished from the church, who contributes to the building and maintenance of a house of worship. Such a person is construed as a stockholder in the house, and has a voice in its management, a right secured by the practice of simony; and the doctrine complained against is supposed to warrant the lower court to usurp his right and defraud him out of it. It will be at once perceived that this extraordinary conception of injustice proceeds on the supposition that the old simoniacal notion of a congregation, with coördinate, and, in fact, superior rights to the church, is still recognized in our law, and still standing in its old ruinous and dishonoring relation to the kingdom of Christ. But this is absolutely untrue, to the best of our knowledge and belief. The word "congregation" is still used occasionally as distinguished from the "church," but it is now used to represent the unconverted portion of the people who attend worship with the church, and not a vague but powerful body outside of the church, with the franchise of the kingdom bought for money in its hand, and supreme control over the property and income of the church. This sort of "congregation" is defunct in our law, and will never be raised to life in it again. To speak of gross injustice done to such a body, or any individual unit of it, by reserving the temporal affairs of the church in the hands of its own government, is amazing. Test it by a parallel case. A man contributes to build a Masonic hall, and on the strength of his monied contribution claims he has a purchased right to take part in the regular management of that purely Masonic interest. A man contributes to a public library under the management of a definite, perhaps an incorporated company, because he thinks it a public benefit, and then, instead of being satisfied with the privilege of using the books, claims that he is entitled to be associated in the management. If a man, to secure a public benefit, contributes of his means, no law of essential justice entitles him to more than his ratable share of the benefit. To say it entitles him to intrude himself into the management or supreme control of the interest is incredible. To call the determination to repel such a claim a positive injustice and an actual fraud is intolerable.

So much for the vindication of the first answer of Lexington Presbytery, both on its positive and negative side, the statement of the reasons for it, the refutation of the objections against it. If the control of the finance of every institution is in its own government, it is equally so in the church. If all the lawful movements of all the members of a representative system are regulated by previous law, the call of the people into assembly by the exclusive authority of the government in the church is as lawful as the call of the people of a state by the exclusive authority of its own legislature.

II. Complaint is again made against the answer given to the second question of the memorial. (See foot-note, p. 561.)

The vindication of the Presbytery from this part of the complaint can be now made without any difficulty. The deacon's office is a peculiarly noble one. According to its New Testament idea, transferred to our standards, *it is the arm by which the church of Christ confronts the temporal evils of human life.* They are Christ's officers to take care of his poor, his sick, his widows and his orphans. In view of this function we can understand the peculiar sanctifying power attributed to the good use of the office.[1] No such effect can be ascribed to the most efficient conduct of financial matters. Our standards recognize this as the main purpose and function of the deacon's office. It has never yet been developed; and the day when it is will be a glorious era in the history of the Presbyterian Church. These officers are now regarded almost exclusively as officers of finance. The language of the Book defining this character is somewhat peculiar; it is far from being the most appropriate which could have been used, and is liable to serious misconstruction. It is said, "To the deacons, also, may be properly committed the management of the temporal affairs of the church."[2] This language has been construed to mean that it is really a mere matter of choice to commit the administrative management of the temporalities of the church to the deacons, which might nevertheless be committed to other parties with equal propriety. The language of the Book will certainly bear

[1] 1 Tim. iii. 13.

[2] *Form of Government,* Chap. IV., Sec. IV., Par. 2.

this construction, and that too without straining it. The words "may be" can be easily interpreted as implying an alternative in the grant. But they are also capable of another construction which has the controlling advantage of absolute consistency with the clear constitutional determination of the functions of the diaconate and with the unimpeachable powers of an office appointed by the Holy Ghost. If the deacon's office is divinely ordained to "serve tables," nothing embraced under those terms can be lawfully transferred to any other functionary; and if the language of the Book appears to warrant such a transfer, it is clear that the construction of that language must be brought into consistency with functions conferred by divine authority. The church is empowered in its government to appoint sexton's, clerk's, and similar offices, as essentially incident to some clearly granted power and necessary to carry it out; but such incidental appointments are limited by the grant in the most absolute form. But no such incidental power can possibly warrant the transfer of any function attached to an office by the authority of God. The question now to be settled is whether the deacon is the divinely appointed *financial officer* of the kingdom; and if so, on what ground and with what propriety the words "may be" are used in the standards with reference to his financial functions. To the first member of this two-fold question we now call attention. The language of the Book defining the deacon's office is as follows:[1]

"The duties of this office especially relate to the care of the poor, and to the collection and distribution of the offerings of the people for pious uses under the direction of the session. To the deacons also may be properly committed the management of the temporal affairs of the church."

In interpreting these words in their bearing on the general financial functions of the deacon, let these considerations be deliberately weighed:

1. In the first place, every kingdom that has ever appeared in the world has had its revenue laws and its revenue officers. Milton somewhere speaks of "war moving by its two main sinews, iron and gold." The main strength of every kingdom is its revenue; the chief sinew of its strength is its gold, without which the

[1] *Form of Government*, Chap. IV., Sec. IV., Par. 2.

sinew of iron could not move. The most important of the secondary instruments of its success in the kingdom of Christ is this same revenue. Can it be supposed that this kingdom alone has neither revenue laws nor revenue officers; that it has made no regular provision for the chief instrument of its success? The presumption in the case amounts to proof.

2. In the second place, this presumption is amply supported by the facts in the case. The standards of the church just quoted unequivocally assert the appointment of a financial officer in the New Testament legislation; two parts of his financial work are defined as of clear divine authority—"the care of the poor, and the collection and distribution of offerings for pious uses." A distinction is taken in the standards between funds for "pious uses" and "the temporal affairs of the church," the essential propriety of which is seriously open to question, for the following reasons: *First*, the distinction is not taken in the New Testament Scriptures; *second*, the distinction is repelled by the very nature of the case, for so far as "temporal affairs" mean money and other property consecrated to religious purposes, they are identical with "funds" or "offerings for pious uses," and a distinction taken between them is inept. The money given for a church or a parsonage at home is identical in its spiritual significance with money given to build a church or a school in the foreign field. The money given for the support of a minister at home is identical in its religious character with the money given to send a missionary to the heathen. To say the deacon has a divine commission to collect and distribute the one, and nothing but an appointment by the church to handle the other, is absurd. The inference, therefore, is thoroughly warranted, that the financial officer avowedly under divine appointment for a part of the financial service of the kingdom was also appointed for the whole. To divest the deacon of a part of the financial work of the church on the authority of an arbitrary distinction not taken in the Scriptures is inadmissible.

3. In the third place, the mode in which grants of function and power are made in the New Testament legislation is all-controlling in this question. In human governments, where the funda-

mental constitution of the state is formally drawn up in words, the powers conveyed are definitely specified, the general scope of its offices, with the grants and limitations of each, is expressly defined. The appointments of the Christian system were differently made. There were no formal grants specifying all the positive powers and marking the limitations upon them. A grant was made of one function of an office, under which all the functions of the office were carried. Thus the teaching elder was empowered directly to preach the gospel, but he received no direct commission to teach the law; yet that was carried under the general commission to teach conveyed under the specific command to teach the gospel. This is proved by the positive order to preach the word, which embraced law, gospel, and the historical illustrations and poetical developments of both. The ministry received no positive commission in so many words to administer the sacraments, but, as these are instruments of teaching by symbol, the commission to teach carried this exclusive function to the great teaching office. Ruling elders are appointed to rule by a broad term of rule, under a broad specification of "overseeing" the flock; but while the one function is specified, the function of rule covers all the business of a ruler. In like manner the deacon specifically endowed in the sacred record with the one express financial function of taking "care of the poor" is rightly construed by the standards as equally empowered to "collect and distribute the offerings for pious uses." But this last function is not expressly ordered, although properly construed as carried by the express grant. Why the "temporal affairs" of the church were not assigned to them with equal decision and on the same ground, does not appear. It is possible—and this is the explanation we offer—that the hesitating terms, "may be committed," were applied to the "temporal affairs" of the church because there was no positive investment of the deacon's office with a general financial function in so many words, and it was felt to be best not to decide where the Scriptures had not spoken. But the scriptural mode of granting power by one specification, logically involving all the rest, sets aside this hesitating construction. Perhaps, also, the fact that the "temporal affairs of the church" include some

things indirectly involving the use of church property—such as cleaning, warming and keeping in order—may have contributed to the use of these words, "may be committed." However this explanation may be accepted, we think it is beyond all reasonable question that in the use of these words the church did not intend to convey the idea that it was optional with the church to commit the care of its temporal affairs to any party it might choose to select. The Book does actually refer the temporal affairs, as well as the collection of offerings, to the deacons; and while the mode in which it is done is not free from exception as inconsistent with the scriptural method of granting power, it is sufficient to discount the idea that the deacons may be properly divested of the function at will.

4. This leads directly to the fourth argument bearing on the issue. If the construction that the temporal affairs of the church can be committed to any party at will is sound, it certainly warrants the multiplication of *classes* of financial offices. The appointment of deacons with an admitted partial financial function by the Head of the church warrants the inference that the appointment of other financial officers in his kingdom by another authority might be considered an offensive usurpation of the appointing power. The great fundamental principle of the Presbyterian Church, the Headship of Christ, would evidently be set aside by such a procedure. The church will run no such presumptuous risk as this. The deacon is the recognized financial administrative officer in the kingdom of Christ, so recognized in our standards as determined by the word of God.

5. In the fifth and last place, the general authoritative financial character of the deacon's office is established beyond all doubt by the terms employed to denote the business on account of which the office was appointed. The sixth chapter of Acts tells us that the apostles who had undertaken the management of the arrangements for the relief of the wants of the poor of the gathering church were finally so oppressed by it they resolved to lay it down. They announced the purpose in these words, "It is not reason that we should leave the word of God, and serve tables," and then ordered the election and ordination of the seven first

deacons of the Christian church. The work of these officers was defined in two forms: *first*, by the broad term "serving tables," and *second*, by one particular specification of that service, the daily ministration to the wants of the widows and poor saints of the Christian body. That the specification of this work did not cover all that was embraced in the general term "serving tables," is manifest from the meaning of those terms. The word "table" had two senses: it was used to express the household implement on which the food of the family was spread, just as it is with us. It was also used to express "the table of a money-changer, a broker's bench or counter, at which he sat in the market or public place, as in the outer court of the temple." Hence it came to signify "a broker's office, or bank where money is deposited or loaned out."[1] From this grew the established significance of the phrase "to serve tables," "to take care of monetary affairs." The sense of the broad term used in defining the business which the deacons were appointed to manage renders it impossible to confine its meaning to the special use which was prominent at the time of the appointment. According to the New Testament method of granting power, the specification would have been sufficient to carry the coördinate functions; but this is confirmed and rendered irresistible by the broad terms also employed in defining the work. Beyond all doubt, the deacon is not merely the guardian of Christ's widows and poor, the office through which his church confronts the temporal evils of human life: this is the chief function and glory of the office—the source of the extraordinary sanctifying power that is said to be in it.[1] But in addition to this great capacity, he is the divinely-appointed officer of the Christian kingdom to administer all its financial and business affairs. It is truly a most noble function in both of its branches—the peculiar glory of the Presbyterian system.

This merely administrative character of the deacon's office vindicates the answer of Lexington Presbytery touching their right independent of the session to call a meeting of the people to consider their financial affairs. The deacons may well report

[1] Robinson's N. T. Greek Lex. Bloomfield, *in loco*.

[2] 1 Tim. iii. 13.

the condition of affairs in their hands officially to the session, informally to the people, and advise a legal assembly of the people by the lawful authority. But this is all. The auditor and treasurer of Virginia may well acquaint the Governor with difficulties in the condition of the finances, but they would not be warranted in calling of their own will an extra session of the Legislature or the assembly of the people at the polls. The law puts that out of their power and into the hands of others. The answer of Presbytery to the second question is fully vindicated.

III. The answer to the third question is equally right. (See foot-note, p. 561.)

This answer is in accord with the necessary effects of a representative government. Under such an institution the people limit themselves; they refuse to make themselves a coördinate element of current government, except in the two instances expressly reserved. They put all the powers of ordinary administration into the hands of their representatives. Those representatives, then, hold the abstract and practical legal power to order all the incidents of legal government. But it does not follow that they are never to consult the views of their constituents. In extraordinary cases they must act often under peril of the public interests, without consulting them. In all ordinary cases which really require it, the very law of their representative character requires them to confer with the people. The answer of the Presbytery was based on these principles, and is obviously proper. If the people of a church want to take any steps looking to such changes as those prominent in this affair, their action can be *legalized* only by the regular administration of their own representative government. Acting otherwise they might carry their point, but not in accordance with law. If they consider themselves aggrieved by the dissenting views of their trusted and chosen rulers, the way of redress through the higher courts is always wide open. But reverence for law, and obedience to all who are in authority, is a noble characteristic of people bred under Presbyterian influences. They know that both rulers and people are under subjection to the King in Zion, and wish to act in obedience to him.

IV. The explanatory resolution adopted by the Presbytery

merely reveals the broad foundation on which their interpretation of the law of the church was based. It asserts that the only government in the individual church is the parish presbytery, or session. To admit the people as a coördinate element in the current and ordinary administration of the church is to make the system partly Presbyterian and partly Congregational. It would be as gross an anomaly in itself, and as radical a departure from the principles of a representative government in the church, as for the Constitution of Virginia to put its ordinary legislation partly in the hands of a legislature and partly in the primary assemblies of the people. Both would involve a radical departure from the principles of representative institutions. To make government, and especially a free and popular representative government, synonymous with tyranny, and call it "an oligarchy," because it is a real government and not a sham, and asserts its own distinctive principles, is to abuse the invaluable human privilege of talking nonsense. A true and faithful government in church, or state, or family, or in any place where associated men are bound up together, is the noblest of God's gifts for the welfare of mankind in a world like this. It is the most glorious image of the divine justice and benignity in their manifestations within the earthly sphere of human existence.

C. R. Vaughan.