

PRESBYTERIANISM.

A

REVIEW

OF THE LEADING MEASURES

OF THE

GENERAL ASSEMBLY OF 1837.

BY A MEMBER OF THE NEW-YORK BAR.

NEW-YORK:

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THEOLOGICAL AND SUNDAY SCHOOL BOOKSELLER

BRICK CHURCH CHAPEL,

Corner of Park Row and Spruce Street, opposite City Hall.

1838.

PRESTYERIANISM.

H. B. W.

OF THE LEADING MAGAZINES

WILLIAM S. DORR, PRINTER,
123 Fulton Street, New-York.

2-379

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THE proceedings of the last General Assembly of the Presbyterian Church, were striking and peculiar. They have excited the joyful admiration of some, as great constitutional measures of reform pruning and perfecting the Church, lopping off the tainted branches, to give strength, and bloom, and freshness to the rest. Others have looked upon them with amazement, as tyrannical and oppressive measures—originating in bigotry and spiritual pride—pursued to their conclusion with the hot haste of a factious determination to triumph, right or wrong, and in their intended operation, disorganizing, destructive, and totally subversive of the constitution. So wide a difference of opinion, among intelligent men, shows that violent party feeling, rather than careful investigation and sound reasoning, have led the mind to its conclusions. The controversy, in this point of view, is a most unfortunate one. It is painful to see the sacred profession degraded by a mere party drill, and its most distinguished members with seeming hostility, quarreling for the mastery, instead of contending, with generous ardor, for the truth.

It is not to be expected that those who have so far mingled in the controversy, and felt its excitements, as to have become party men, will be easily induced to change their views. The pride of opinion, offended self-complacency, blind zeal, and party-spirit, will

continue to control such men. But there is still a large majority of the Presbyterian Church, who though interested in the questions which have arisen, have not been parties in the strife. They seek to know the truth, and they are willing to stand by the right till the right shall finally prevail. They feel, as well they may, that the triumph of this man, or that—the ascendancy of one party or the other, are, in all just estimation, as the smaller dust of the balance compared with the great interests of the Presbyterian church, and the harmonious and easy action of that great system of moral machinery, for evangelizing the world.

So much has been already said and written on the subject, that any thing further would seem to be useless, were it not that all seem to have failed to present at once, a complete, impartial, and unincumbered view of the case. Such a view, it is believed, may still be given with great advantage, if we look to the decision of this controversy alone. But there is a greater and more abiding benefit which may result from a full and fair view of the matter. The dispute has exposed a most lamentable ignorance of the constitution of the Church, and the rights and duties of its members, and of its courts and Councils. The occasion seems to me to be sent by Providence, to agitate the Church—to arouse and sharpen our vigilance—to make us look with a jealous eye to the foundations of our rights and the forms and fastenings of our securities. Bigotry may be forging fetters for us. Intolerance may be preparing to scourge as with scorpions. A negligent disregard to truth, and genuine piety, may be permitting errorists to pour poison into the fountains of church ministration, or stealthily to remove the landmarks of the faith. While men are thus awake, and fearful lest evils and abuses should acquire strength by age, and impunity by prescriptive right, they will the more readily, and the more carefully study the constitution, form of government and discipline, of that admirable system which has come down to us—always substantially the same—through so many generations of pious, intelligent, liberty-loving Presbyterians. It is the hope of extending a clearer view, and a more correct knowledge of that mode of government and discipline, that this unfortunate controversy is here taken up, and made an occasion of calling the attention of candid minds to those every-day principles of Presbyterianism, which ought to be as familiar as household words to the very chil-

dren of the Church, and which, had they been recollected and applied, would have been entirely decisive of the matters in dispute.*

A brief history of the Church, and of the controversy, are necessary to a full view of the case.

Presbyterians were among the first of those who sought, in our country, entire religious freedom. The organization of the Church, in its present form, however, is only coeval with the constitution of the United States. In 1788, there were but one Synod and seventeen Presbyteries in the country. The highest assembly in the Church, was the Synod of New-York and Philadelphia. This was so large, that it was decided to divide it into four Synods, and to form a new judicatory, to be composed of delegates from all the Presbyteries in the United States. This was done in that year, and thus a purely representative body—the highest Council, and the Court of last resort,—was created, and called, The General Assembly of the Presbyterian Church. The powers and duties of all the courts and councils, were at this time prescribed and defined in a written constitution, which, by alterations and amendments, has become the present constitution.

Every body knows how the spirit of our free institutions was the breath of a new life to our country, and how, after the adoption of the federal constitution in 1788, the nation spread onward into the wilderness. So, too, our Church, organized in the republican simplicity and equality of the New Testament, and recognizing and adopting the immutable principles of human rights, grew with the country, and spread onward and around, as the receding forests opened new regions to be christianized. As the Church grew, its Courts and Councils were multiplied. The growth was in the churches, by the

* A long article in the Bib. Repertory, for July, 1837—another in the same journal for April, 1838, published in the Presbyterian for March 24th. The Assembly's justificatory letters.—The Appeal of the Minority.—The proceedings of the Autum Convention.—The opinions of Messrs. Kent, Wood, Hopkins and Clayton, and the pamphlet of the Rev. Mr. Wood, are believed to contain all the points relied upon by the parties. I have carefully examined them, but have not thought it important to take up those points in detail. Many of them on both sides, seem to me to have no force, and to have only embarrassed the question. My object has only been to seek for the truth affirmatively, and to derive it from principles so simple and reasonable, so well established and familiar, as to commend themselves to the understanding of every one, and yet so extensive as to decide all those points.

mere addition of individual members. The multiplication of the judicatories, was by the totally different, but simple process of subdivision. Members were received into the churches by the sessions, and in this manner alone the Church grew. As the members increased, and emigrants settled in neighborhoods, separate churches were formed, and new pastors settled. The Presbyteries were thus enlarged, and parts were organized into new Presbyteries. The Synods, too, became inconveniently large, and parts were formed into separate Synods. Thus, not by the introduction of new elements, but by a continued division of the genuine old Presbyterian judicatories, the little assembly that met in apostolic harmony in 1789, grew into the great and discordant politico-religious multitude of 1837.

While the Church was thus spreading over our vast territory, the State of Connecticut was the hive, from which swarms of emigrants went to the fertile regions of the frontier. Our borders were principally occupied by Congregationalists, in connexion with the General Association of Connecticut, and by Presbyterians, in connexion with the General Assembly. As for their common interest, they banded together against the savage and the wild beast, and joined hands in throwing up their dwellings and fortresses, without disputing about the fashion of either; so, for their common faith and worship, they were willing to make common cause in building up churches, and securing and sustaining the protecting institutions of religion, without regard to the minor points of church government. Each yielded a little, that both might enjoy together, what neither could enjoy alone, the stated ministration of the Gospel. To remove all objections, however, which might arise in any minds, to this noble, evangelizing spirit of charity, the highest Ecclesiastical Councils of the two sects, corresponded on the subject, and in 1801, only eleven years after the formation of the constitution, united in recommending a plan, by which the Congregationalist from Connecticut, and the Presbyterian in the new settlements, might unite in supporting the Gospel. Its object was to prevent alienation, and to promote union and harmony. It enjoined on all the missionaries of both parties, the promotion of mutual forbearance and accommodation between the two sects. It recommended, in case of minister and people belonging to different sects, that all should maintain their respective forms of government

and discipline, and preserve their ecclesiastical connexion, settling their difficulties, between minister and people, by a sort of arbitration, or council, composed of half of each sect, unless all could agree to submit to the forms of the sect to which the minister should belong. In case of a mixture of Presbyterians and Congregationalists, in the same settlement, it recommended their uniting in one church, administering discipline by a committee from the communicants, with a right of appeal to the Presbytery or the Church, as the accused should be of one or the other sect. This was the "Plan of Union," and by its operation, the churches were rapidly extended. The stated ministrations of the Gospel, brought forth its appropriate fruits, and the plan of union remained undisturbed till 1837, a period of thirty-six years, during which time the "new settlements" of 1801, had become the populous cities—the rich and flourishing counties and states of 1837.

During the last few years, various causes have operated in each General Assembly, to produce discord and contention. A large party, of great respectability, have been desirous of carrying certain measures, but being in the minority, have been, of course, defeated. They have not concealed their chagrin, and, finally, they attempted a system of party organization. They called a Convention, to concert measures by which a majority might be secured in the Assembly of 1837, or failing in that, a secession produced. Their avowed purpose was to carry their measures, or "*dissolve the union*" of the Presbyterian church. The Convention met a few days previous to the meeting of the Assembly of 1837, and determined on their course. Unexpectedly, however, when the Assembly met, the disunionists* found themselves in the majority. They suddenly changed their course—entered, without sufficient deliberation, upon ill-digested measures, and immediately proceeded to secure their conquest, by acts of nullification and exclusion—and, by imposing new tests, to prevent the popular voice from ever putting them again in the minority.

* The majority being changeable, the terms "majority" and "minority" are extremely inconvenient, as descriptive of the parties. The terms Old School and New School, being also liable to objection, as conveying no idea of the distinction between the parties, I have preferred the terms "disunionists" for the majority, on the leading measures in 1837, and "unionists" for the other party.

It had been observed, that a large part of the representatives from the Presbyteries in western New-York, and the Western Reserve, had usually voted against the wishes of the disunionists, and those regions were the "new settlements" of 1801, where the Plan of Union was designed to operate. The leading disunionists thought this furnished the means of getting rid of a troublesome minority—and, on their suggestion, the Assembly passed resolutions, without notice, abrogating the Plan of Union—excluding from the Church the Synods of the Western Reserve, Utica, Geneva, and Genessee—binding the clerk to enrol no commissioners to the next Assembly, who should come from those regions; and denying to the representatives from new Presbyteries the right to sit in the Assembly, till after much of its important business be transacted, and even then, except by permission, on submitting to new tests. These acts were the more easily accomplished, inasmuch as the reading clerk, (whose whole duty it is to *read correctly*), in reading the roll to take the questions, omitted, intentionally, the names of a large number of the unionists, who were actual, sitting members of the Assembly, and the moderator, and the Assembly, decided it was out of order for them to ask for the enjoyment of their privilege of voting.

Are these proceedings valid and binding on the Churches? What is their force and operation?

It is contended by the one party, that they are valid in their whole extent, and that by their fair construction and operation, they shut out from the Presbyterian Church, all the Courts and Councils, Synods, Presbyteries, Sessions and Churches—all the professing Christians, clergy and laity—men, women, and children, within the boundaries of the Synods of Utica, Geneva, Genessee, and the Western Reserve, amounting to about 500 ministers, and about 60,000 private Christians. The other party as confidently contends that the proceedings are all unconstitutional and void, and that the integrity of the Presbyterian Church is unimpaired, and its constituency undiminished.

It seems to me, that the measures themselves, and the discussions upon them in the Assembly, on both sides, betray a singular misapprehension of the extent and operations of the Plan of Union, as well as of the constitution and law of the Church. If the heat of controversy had not driven from the minds of all, the simplest principles of our organization, and closed their eyes to the most obvious construc-

tions, it is difficult to perceive how so many immaterial questions could have been raised, and so earnestly debated, and the whole subject embarrassed by so many unimportant considerations.

Let us bring together some of those principles. The Presbyterian Church, in the United States, consists of all those individuals, (and their baptized children,) who have made a profession of religion, and have been received into covenant communion with any of the particular churches, into which, for the sake of convenience, the general Church is divided. They are made members of the church by declaring their assent to our Confession of Faith, and entering into its covenant obligations. The Session is the sole judge of their fitness, and by its decision and reception, right or wrong, constitutes them members of the Church. The Church consists of nothing but members, and these are of two classes, clergymen and laymen. Clergymen are made such by the licensure and ordination of the Presbytery, or by the reception of the Presbytery, if previously ordained. The Presbytery is the sole judge of the matter, and its decision, right or wrong, makes one a Presbyterian Bishop. An individual, once in the Church, or the Ministry, no matter how improperly or unworthily, must remain there until excluded by regular trial and sentence. Let his present or previous character or conduct be what it may—a sinner, an infidel, a heretic, a blasphemer, or even a Congregationalist from Connecticut, once received into the Church, is a Presbyterian, and entitled to all the rights and privileges of those who have always lived after the strictest sect of our religion. He forfeits nothing by *nonuser* or *misuser* of his rights till after conviction. The constitution prescribes no mode of admission to a church or a judicatory, and no mode of forming either the one or the other. The whole is left entirely to the discretion of the church, and the judicatory respectively. They are absolute: so that if a church admit a member, or a Presbytery license, ordain, or receive a minister, or organize or acknowledge a church; if a Synod erect or divide a Presbytery; if the Assembly erect new Synods, there is no power to gainsay it. From the very nature of the case, the act must be forever valid, however ill advised and censurable it may be.

The connexion between the Church and its members, can be dissolved in only two ways, viz:—a letter of dismission, with recom-

mendation to another church, and excommunication or declaring them out of ecclesiastical connexion.

For the purposes of advice, management, and discipline, the Church has established by her own creation, judicatories or courts and councils. They are, the Church Session, the Presbytery, the Synod, the General Assembly; each having the powers and duties given to it by the constitution, and no others.

The Session consists of the pastor and ruling elders of a particular church. The lay members are chosen by the church. It is charged with the religious care and discipline of the members of that church. Before it, all trials of lay members of the church must first take place, and by it all censure upon them must be inflicted.

The Presbytery consists of all the ministers, and one elder delegated annually from each congregation, in a certain district, embracing at least three *ministers*. The lay members are chosen by the Sessions. Before this court all trials of ministers must first take place, and by it all censure upon them be inflicted.

The Synod is a convention of all the ministers and one elder from each congregation in a certain district, embracing at least three Presbyteries. The lay delegates are chosen by the Sessions. This is a mere Appellate Court and supervisory Council.

The General Assembly is the highest Court and Council of the Church, and consists of an equal delegation of ministers and elders from each Presbytery. One minister and one elder from each Presbytery, of not more than twenty-four ministers—two ministers and two elders from each Presbytery of more than twenty-four, and not more than forty-eight ministers, and so on. The representation being always made to depend upon the number of *ministers* and *not of churches*. All its members are equal in power and rank. They are styled commissioners, and are appointed yearly by the Presbyteries at their last meeting before the session of the Assembly. The Assembly has no continued existence from year to year. It is succession, not continuance. Every year there is a meeting of another Assembly, not another meeting of the Assembly. At the end of a session it is dissolved, not adjourned.

These bodies are all *Councils*. It is their right and their duty, within the circuit of their jurisdiction, to give their advice and recommendation in all matters relating to the good order of the Church, in

faith and practice. They are all *Courts*. The Church Session and the Presbytery alone have original jurisdiction. The Synods and the Assembly are merely courts of review—appellate courts. They have none of them *legislative powers*. “All church power,” says the constitution, “is only ministerial and declarative. The Holy Scriptures are the only rule of faith and manners. No church judicatory ought to pretend to make laws. The right of judging upon laws already made must be lodged with fallible men, and Synods and Councils may err, yet there is more danger from the *usurped claim of making laws*.” I am thus particular on this point, because the “usurped claim of making laws,” was actually set up, and these proceedings justified as legislative acts. These bodies, too, as to their existence and action, are entirely *independent of each other*. The destruction or dissolution of one, in no way affects the other. If the Assembly, or a synod, or a presbytery, or a session, should in any manner become extinct, all the other judicatories would be unimpaired. *So one judicatory has no power over another*. The higher judicatory has power over the past proceedings and decisions of the lower ones, in certain cases, to review and censure, affirm or reverse, the proceeding or decision, but over the judicatory itself there is no power. The Assembly, or a Synod, has no more power to destroy a Session or a Presbytery, than a Session or a Presbytery has to destroy a Synod or the Assembly; and the Assembly can no more destroy a Synod than it can a Session. Neither has one judicatory the right *to try or condemn another judicatory*. They may censure their conduct. Their whole power is over their records and proceedings. This is in the nature of things. You may try and punish individuals, but you cannot try and punish conventions and assemblies; the idea is ridiculous and absurd. Neither can a member of a judicatory, as such, be tried or censured. It is as a member of the Church, or as a Minister of the Gospel, and in no other capacity or character that he is liable to trial and punishment.

The great principles of American liberty are the foundation principles of religious liberty and Presbyterian right in our church constitution. The constitutional and legal safeguards of the church member are modeled after those of the citizen. “God alone,” says the constitution, “is Lord of the conscience, and hath left it free from the doctrine and commandments of men, in matters of faith and worship.” “The rights of private judgment in all matters that

respect religion, are universal and unalienable." The Fathers of the Church in 1783, "do solemnly and publicly declare, that they ever have, and still do, renounce and abhor the principles of intolerance." It is better that ninety-nine guilty persons should escape, than that one innocent one should suffer. Every man is held to be innocent till he is regularly proved to be guilty. It is better that the tares and the wheat should grow together, than that the wheat should be rooted up. These principles are written in letters of light in our code of laws, and to administer them in the fulness of their spirit, our system of discipline has been framed.

The accused, in all cases, is first *to be tried by those who know his daily walk and conversation*—who are allied to him by the ties that bind the individuals of a neighborhood together. If a layman, his own Church Session—if a clergyman, his own Presbytery are his judges; justice is brought to his door; he is tried at home. Thence the cause may be carried by appeal to the Presbytery, the Synod, the Assembly, bodies increasing in numbers, and more and more remote from the scene of the controversy, till it reaches a tribunal selected from all parts of the country, bringing to its final decision the impartiality of strangers.

No one can be arraigned, or tried, without some *responsible accuser* unless "common fame, permanent and gaining ground, general and widely spread," "*specifying some particular sin*," "so loudly proclaims the scandal, that it is necessary for the honor of religion, to investigate the charge." The accused must be cited to appear, furnished with a copy of the charge, and the names of the witnesses, and allowed abundant time to prepare for trial. He must be tried by his peers and his neighbors—on the testimony of witnesses—examined separately—in his presence—under oath; nor can he in any manner be deprived of his right, (by appeal) *to be tried twice, if a clergyman, and thrice, if a layman, before sentence*. And in every stage of the proceedings, the accused is protected and fortified in a manner which characterizes few civil systems. The watchfulness and jealousy of power, and prejudice, and influence, is beyond all praise as a security for freedom.

The *only punishments* known to the church constitution, are admonition, rebuke, suspension, or exclusion from the church privileges, till repentance, and excommunication—and in the case of a Minister,

suspension and deposition from his office of Bishop. "The highest punishment to which their authority extends," says the constitution, "is to exclude the contumacious and impenitent from the Church." Declaring one out of the Church is always a judicial sentence. From the nature of the church connexion too, from the character of the confession, and the terms of the covenant, exclusion from the Church, or excommunication, can be nothing but punishment, and it is the severest punishment known to the code of any Protestant Church. These, from their nature, can be inflicted upon individuals alone, not upon conventions or bodies of men.

These punishments or censures *must be inflicted with solemnity*. The delinquent must have sentence passed upon him *in the presence* of the Church, or congregation, or judicatory, to which he belongs. The sentence must always state the name of the party, the specific offence for which he is sentenced, and that he has been convicted by sufficient proof, or is guilty by his own confession.

On satisfactory evidence of penitence, the guilty one is to be restored to all his privileges, and on no other grounds can he be ever restored or re-admitted to the Church.

These are the most common every-day principles of Presbyterianism, incorporated into its code by those jealous sticklers for the security of religious freedom, who laid deep and strong the foundations of our church polity, and never lost sight of by those who in later times extended and carried up the noble superstructure. Tested by them, what becomes of the resolutions cutting off large portions of the Church? Construe them as we will, view them in any light, is it not true that they violate every one of these principles, and seem to have been passed in utter derision of all our constitutional rights and safe-guards? The General Assembly, a mere appellate Court,—sitting in Philadelphia—has inflicted the highest ecclesiastical penalty on 60,000 laymen and 500 clergymen—residing in other states—many hundred miles distant—without notice—without accuser—without accusation—without citation—without proof or pretence of trial—without sentence—without naming an individual—or specifying an offence—and with the express admission, that an unknown, indefinite portion of them, were "strictly Presbyterian in doctrine and in order," and were guilty of nothing.

I cannot believe that many of those who voted for these resolu-

tions understood them as equivalent to a sentence of excommunication, yet clearly they can have no other force. To excommunicate, is to exclude from the Church, to put out of the covenant communion—to sever and destroy, instead of to transfer and change ecclesiastical connexion, which is but another phrase for connexion with the Church. There is no way, except excommunication, by which a member can be put out of the Church, unless it be by dismissal with recommendation to another Church. Are these dismissed to another Church? What Church? Are these recommended? They are cut off with obloquy—against their consent—because of “gross disorders”—to reform the church—to purify the church—to secure truth and righteousness—because they are lax in doctrine, and are the advocates of error. These charges are not contained in their sentence, but they are the grounds of complaint as put forth in speeches, letters, and periodicals, to affect the public mind. This is the construction given to these resolutions, by those who were most zealous in procuring their passage, and clearly *if they have not this operation, they have none at all*. In any just view of the case, it was excommunication, without form and without cause, of all the members of the Church, in certain districts of country—a territorial exclusion—a cutting off by metes and bounds—a Presbyterian instead of a Papal interdict. Without distinction of age, or sex, or condition, those who have been baptized into the Presbyterian Church; those who have taken the vows of God upon themselves in that Church, and have ever since sat at its tables; from the large and devoted churches in the towns and villages, to the poor and solitary Christian family in their log house, beyond the mountains, all have been swept from the Church. No matter what was their faith or their works. Character and conduct have nothing to do with it. They live in the Western Reserve, the reprobates! They worship God, to be sure, with a pure heart, fervently, attend upon all his ordinances, and in Christian life are blameless, but their lot has been cast in Western New-York! away with them! What evil had they done? What repentance shall restore them? Shall they repent of the whole of Western New York, or each man repent of his own hamlet?—Nor is it any the less excommunication, nor any the less injurious, because they are told that on application, and satisfactory evidence, they can be restored to the Church. It makes the injustice and inju-

ry more glaring. Call up the scene. Can we not seem to see that Presbyterian father, Dr. Richards, of the Presbytery of Cayuga, apply in the decline of years for admission into the Presbyterian church! He comes from another denomination! (What denomination?) He asks to be taken into the Church, and to be allowed to pass as a Presbyterian Minister! He asks as a favor what has been for a long life his dearest right. Hear the youngsters whom he baptized, and taught, catechise him! Hear them "require of him in the form of the book, a full assent to the questions which are directed to be asked of candidates for licensure and ordination!" If they are satisfied, they give him a certificate that he is a Presbyterian—(any where except in the Western Reserve, and Western New-York.) If they are not, they kindly inform him that the Congregationalists will probably accept of him! If this be not insult, and injury, and injustice, what is it?

It seems to me, that the mere stating of the case shows that these resolutions can by no possibility have any validity as resolutions of exclusion. Let us examine them, however, more particularly. They are as follows :

"But as the Plan of Union adopted for the new settlements in 1801, was originally an unconstitutional act on the part of that Assembly—these important standing rules having never been submitted to the Presbyteries; and as they were totally destitute of authority as proceeding from the General Association of Connecticut, which is invested with no power to legislate in such cases, and especially to enact laws to regulate churches not within her limits; and as much confusion and irregularity have arisen from this unnatural and unconstitutional system of union; therefore it is

"Resolved, That the act of the Assembly of 1801, entitled a Plan of Union, &c. be, and the same is, hereby abrogated.

"Resolved, That by the operation of the abrogation of the Plan of Union of 1801, the Synod of the Western Reserve is, and it is hereby declared to be, no longer a part of the Presbyterian church in the United States.

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

"1. That in consequence of the abrogation, by this Assembly, of the Plan of Union of 1801, between it and the General Association of Connecticut, as utterly unconstitutional, and therefore null and void from the beginning, the Synods of Utica, Geneva, and Genessee, which were formed and attached to this body, under

and in execution of such Plan of Union, be, and they are hereby declared to be, out of the ecclesiastical connection of the Presbyterian church in the United States of America, and not in form or fact an integral portion of said church.

"2. That the solicitude of this Assembly on the whole subject, and its urgency for the immediate decision of it, are greatly increased by reason of the gross disorders which are ascertained to have prevailed in those Synods, (as well as that of the Western Reserve, against which a declarative resolution, similar to the first of these, has been passed during our present session;) it being made clear to us, that even the Plan of Union itself was never consistently carried into effect by those professing to act under it.

"3. That the General Assembly has no intention, by these resolutions, (or that passed in the case of the Synod of the Western Reserve) to affect in any way the ministerial standing of any member of either of said Synods; nor to disturb the pastoral relation in any church: nor to interfere with the duties or relations of private Christians in their respective congregations; but only to declare and determine, according to the truth and necessity of the case, and by virtue of the full authority existing in it for that purpose, the relation of all said Synods, and all their constituent parts to this body—and to the Presbyterian church in these United States.

"4. That inasmuch as there are reported to be several churches and ministers, if not one or two Presbyteries, now in connexion with one or more of said Synods, which are strictly Presbyterian in doctrine and order: Be it therefore further resolved, that all such churches and ministers as wish to unite with us, are hereby directed to apply for admission into those Presbyteries, belonging to our connection, which are most convenient to their respective locations; and that any such Presbyteries as aforesaid, being strictly Presbyterian in doctrine and order, and now in connexion with either of said Synods, as may desire to unite with us, are hereby directed to make application, with a full statement of their respective cases, to the next General Assembly, which will take proper order thereon."

These resolutions, it will be seen, are all made to depend upon the unconstitutional character of the Plan of Union. If the Plan of Union was constitutional, the resolutions fall of course to the ground. It is important, then, to inquire into its nature, and the consequences of its abrogation. Much of the confusion and difficulty seems to have arisen from false notions of that Plan. Both parties seem to have acted on suppositions entirely erroneous, having treated it as a plan for uniting the Presbyterian and Congregational Churches—for introducing into the bosom of the Presbyterian Church all the Congregationalists in the new settlements, without their submitting to our tests,

adopting our standards, submitting to our discipline, or acknowledging our jurisdiction. It is often spoken of as a plan for uniting the two churches: one of the resolutions calls it the Plan of Union between the General Assembly and the General Association!*

The Plan was plainly never so intended, and could never have any such operation. Its object, its intention, and operation, are clearly expressed in it, and can be ascertained only from its own language. Let us look carefully at it, in a spirit of candor. It is as follows:

THE PLAN OF UNION.

From the Assembly's Digest, page 297.

A Plan of Union between Presbyterians and Congregationalists, in the new settlements, adopted in 1801.

"Regulations adopted by the General Assembly of the Presbyterian church in America, and by the General Association of the State of Connecticut, (provided said Association agree to them) with a view to prevent alienation, and promote union and harmony, in those new settlements which are composed of inhabitants from these bodies.

"1. It is strictly enjoined on all their missionaries to the new settlements, to endeavor, by all proper means, to promote mutual forbearance and accommodation between those inhabitants of the new settlements who hold the Presbyterian, and those who hold the Congregational form of church government.

"2. If in the new settlements, any church of the Congregational order shall settle a minister of the Presbyterian order, that church may, if they choose, still conduct their discipline according to Congregational principles, settling their difficulties among themselves, or by a council mutually agreed upon for that purpose: But if any difficulty shall exist between the minister and the church, or any member of it, it shall be referred to the presbytery to which the minister shall belong, provided both parties agree to it; if not, to a council consisting of an equal number of Presbyterians and Congregationalists, agreed upon by both parties.

"3. If a Presbyterian church shall settle a minister of Congregational principles, that church may still conduct their discipline according to Presbyterian principles; excepting that if a difficulty arise between him and his church, or any member of it, the cause shall be tried by the Association to which the said minister shall be-

*The Plan of Union between the General Assembly and the General Association, is another Plan of Union, formed not in 1801, but in 1792—and it has never been abrogated.—Ass. Dig. 292.

long, provided both parties agree to it ; otherwise by a council, one half Congregationalists and the other half Presbyterians, mutually agreed on by the parties.

"4. If any congregation consist partly of those who hold the Congregational form of discipline, and partly of those who hold the Presbyterian form ; we recommend to both parties that this be no obstruction to their uniting in one Church and settling a Minister ;— and that in this case, the Church choose a standing committee from the communicants of said Church, whose business it shall be to call to account every member of the church who shall conduct himself inconsistently with the laws of Christianity, and to give judgment on such conduct ; and if the person condemned by their judgment be a Presbyterian, he shall have liberty to appeal to the Presbytery ; if a Congregationalist, he shall have liberty to appeal to the body of the male communicants of the Church : in the former case, the determination of the Presbytery shall be final, unless the Church consent to a further appeal to the Synod, or to the General Assembly ; and in the latter case, if the party condemned shall wish for a trial by a mutual council, the cause shall be referred to such council. And provided the said standing committee of any church shall depute one of themselves to attend the Presbytery, he may have the same right to sit and act in the Presbytery, as a ruling elder of the Presbyterian Church."

It is a plan solely for "new settlements." It cannot, by any fair construction of its letter, be held to operate in old settlements, and its spirit and object confine it to new settlements. It sprang from the occasion. It was a missionary plan—a pioneer plan. It was to follow the woodman with his axe, and make provision for the few and far-off, but mixed settlers in the wilderness. Utica and Buffalo, Geneva and Rochester, are in no sense new settlements, whatever they were thirty-five years ago.

It was confined to new settlements composed of *inhabitants in connection with the General Assembly and the General Association of Connecticut*—"new settlements composed of inhabitants from those bodies." It did not embrace Congregationalists from the rest of New England. Congregationalists from Massachusetts were no more embraced in it than Quakers from Rhode Island. Congregationalists connected with the Connecticut Association, and Presbyterians connected with the General Assembly, were alone the subjects of the Plan ; and it is presumed that the General Association does not now claim any jurisdiction in those settlements. The Plan of Union has therefore, by its own limitation, ceased to have any legitimate opera-

tion in the greater portion of the Western Reserve and Western New-York. They are no longer "new settlements." They are no longer "composed of inhabitants from those bodies."

Its intention and object were to prevent alienation, and promote union and harmony between the individuals of the two sects. It was not to make them one sect or one church: no candid examination can find any such tendency in the Plan. This sufficiently appears from its not containing any provision for the united mass belonging to one sect or the other. To accomplish its intention and object, *the first feature of the Plan* is a strict injunction to their missionaries, (it was missionary ground) "to endeavor by all proper means to promote mutual forbearance and accommodation between Presbyterians and Congregationalists"—not to proselyte them to one sect or the other. They only enjoined their own missionaries, whom they had clearly a right to enjoin; but they did not enjoin them to abandon their faith or form of government. They did not even recommend it. Each was to have charity for the other, and not to inquire who was baptized by Paul or Apollos. Any one the least acquainted with new settlements knows how they are made up of various sects, each too feeble to do any thing alone, and how the little foxes of sectarian peculiarity spoil the vines, that, under the cultivation of mutual forbearance, might bear fruit for the household of God. On the frontiers, none could support the Gospel in their own way, and the faithful suffered. Missionaries were sent; but unless there was "union and harmony," and "mutual forbearance," there could be no pastors—no stated ordinances. There might be meteors to make them more sensible of the night of their destitution, but there could be no stars to give a serene and steady, though feeble light, to guide them and their wandering children. The harvests were wide and scattered, and the laborers few, and nothing was more likely to occur, than that a Presbyterian minister should be called to a Congregational Church, and *vice versa*; and the *second feature of the Plan* is a provision for that contingency. *It recommends, that all should maintain their appropriate forms of government and discipline, and preserve unimpaired their ecclesiastical connexion* and that difficulties between minister and people be arranged by a sort of arbitration or Council, half of each sect, unless both parties could agree that the matter be decided according to the forms of the sect to which the Minister belonged. And the

third feature of the Plan is a *recommendation* to both parties of a mixed settlement, that their different views of church government be no obstruction to their uniting in one Church and settling a minister—the internal discipline to be administered by a standing committee, from the communicants, with the right of appeal to the Presbytery or the church, as the accused party should be a Presbyterian or a Congregationalist, the standing committee (if they choose) being represented by one of their members in the Presbytery.

This is the whole of the famous Plan of Union. Is it not amazing that grave divines should, on the one side, have set this up as such a bugbear to fright the church from its propriety, and on the other have seemingly considered its existence as of the last importance? Can any one be serious in asserting that its existence has destroyed the peace and purity of the Presbyterian Church? It does not provide for the admission of any one to the Church, or to the Ministry, or to any connexion with the Presbyterian Church in any manner, much less in contravention of its constitution. The Presbyterian minister, by the express provision of the Plan, is still a Presbyterian minister, and the Congregational Church is still Congregational. Private Christians and pastors, clergy and laity, are undisturbed in their respective creeds, forms of government, and ecclesiastical connexion. The question whether one be a minister or member of the Presbyterian Church cannot, in any way, depend upon the Plan of Union, or be affected or influenced by it. The Presbyterian Bishop becomes such by the laying on of hands of the Presbytery, or by being received into the Presbytery, and not by any Plan of Union. Congregationalists were no more made Presbyterians, than Presbyterians were made Congregationalists. The Congregationalists were not brought under the jurisdiction of the Assembly, nor the Presbyterians under the Association. And as it does not affect the membership or ecclesiastical connection of clergy or laity, so it does not pretend to affect the name or character or connection of Presbyteries, or Synods, or the General Assembly. In short, neither its existence nor its abrogation affect the Presbyterian Church at all. As plain as truth can be, this is the conclusion of the whole matter. It was simply a united recommendation of the Assembly and the Association, to the Christians in the new settlements—to the scattered and feeble few of both sects in the far-off woods, to unite their little strength in sup-

porting the Gospel—to pursue a course of charitable forbearance and concerted action, whereby the ministrations of public worship might be sustained by the united efforts and contributions of Presbyterians and Congregationalists. It was essentially a missionary plan—an evangelizing scheme, and entirely within the power of the Assembly to recommend. (What may they not recommend ?) The Assembly of 1801 was as competent to make it as the Assembly of 1837 to unmake it ; and both were entirely competent to do so. *It was not in any sense a contract.* Neither the Assembly, nor the Association, nor the two sects, nor any individuals or bodies of men, thereby agreed to do, or to omit to do any act, or to exercise or to waive any right. *It was not a standing rule, or a constitutional rule,* to be submitted to the Presbyteries. It is an abuse of language to call it either the one or the other. It was no rule at all. It prescribed nothing, commanded nothing, required nothing. It asked for no obedience, contemplated no responsibility, inflicted no punishment. It neither restrained nor constrained any man or body of men. How idle then, on the one hand, to contend that it could not be made by one Assembly, and on the other, that it could not be rescinded by a succeeding Assembly ! It was clearly, in any just view of the nature of the Plan itself, liable to be abandoned or rescinded, at pleasure.

It was subject to be rescinded also for a higher reason. The General Assembly has no perpetuity of mind or body. Each Assembly is independent of another. In all matters of advice, recommendation, and general action,—as a Council,—one Assembly has no constitutional right to bind another Assembly. What one Assembly can do, another can undo, with the exception of judicial decisions. One Assembly cannot reverse the judicial decision of another Assembly ; but it is its clear right to decide a precisely similar case in a directly opposite manner. It is one of the first and fundamental principles of Presbyterianism, in the constitution of the General Assembly, that the intelligence, and wisdom, and piety of the Church, for the time being, are to be brought together in council every year, by representatives, recently chosen, fresh from the people, constituting a *new Assembly, having not only the right, but bound in duty to exercise their own judgment, in all matters brought under their cognizance.*

The Assembly, then, had abundant power to abrogate the Plan of Union, and by their resolution passed on the 23d May, 1837, it was abrogated. It was *thereby* abrogated. It was *then* abrogated. It existed till that time, and no longer. And the only consequence that could follow from rescinding the Plan would be, that from that day, there would be no longer any Plan of Union between Presbyterians and Congregationalists, in the new settlements, in the support of the Gospel. Each sect must stand alone, and bear its own burdens. Whether its operation brought any one into the Church or not, its abrogation could turn no one out of the Church: members are not thus turned out of the Church. Then its abrogation would draw after it no such consequences as the disunionists supposed, and by their resolutions of exclusion declared. It could by no possibility have a retroactive effect, or an expulsive effect.

But what effect do the resolutions *declare* to have followed from this abrogation? It will not be denied that they can have no operation, except such as is fully and clearly expressed in them. If those who framed them have not expressed their intentions, they have not done what they intended. If they have passed nugatory or absurd resolutions, it is too late to give them force and effect by construction, and to eke them out by after-thoughts. Speeches, in or out of the Assembly, cannot be referred to, to explain or extend them. Penal decrees must be construed *strictly*. I cannot help thinking that their meaning, their construction, (supposing them valid) has been misunderstood.

They declare that the four "*Synods*" are "no longer a part," "an integral portion" of the Presbyterian Church. Part of the Church! A portion of the Church! Is any Synod a part of the Church? A Synod is not a part of the Church. It is a local court of the Church, created by the Church, for the convenience and protection of a part of the Church. If a Synod be dissolved, or destroyed, or merged, the Church is entire. It loses none of its parts. The Church is composed of members, and nothing else. It is not composed of Assemblies, and Synods, and Presbyteries, and Sessions, but of individuals. Could anything be more nonsensical than to say that the Supreme Court of the State of New-York is not a part, an integral portion of the United States of America? And yet the cases are precisely

similar. If, by any means, there should be neither Assembly, nor Synod, nor Presbytery, in the whole Church, still the Church would be as perfect and complete, and as large as ever—none of its parts would be gone, and it would be entirely competent to create and organize anew all its judicatories. Here lies the great fallacy of these resolutions: they seem to consider a Synod, and those individuals who sit in it, and all those who live within the circuit of its jurisdiction, as the same idea. It can have been nothing but this confusion of ideas, and the sweeping, uncertain, and indistinct character of these resolutions, that blinded the eyes of many who voted for them. It is plain, that if the resolutions do not operate upon individuals, as such, they cannot affect any one's membership or standing in the Church, or "relation to it." If, however, they had clearly pointed out individuals, it is believed, that not twenty members of the Assembly could have been found to vote for them. If they had named the four hundred Presbyterian ministers, and thirty-five thousand communicants, of Presbyterian churches—"strictly Presbyterian in doctrine and in order"—who believes they would have been passed? Had they been drawn, Resolved, That James Jackson and Sarah his wife, Rachel Jackson, James Smith, Rev. Charles Jones, James Richards, D. D. (and so on, naming men, women and children, clergy and laity) are no longer members of the Presbyterian Church, would ten persons have voted for them? Was there a man in the Assembly who would have proposed such a resolution? If they had been even more general, and said that all the communicants in the Western Reserve, and Western New-York, are no longer members of the Church, who would not have been shocked? Or if they had been less extensive, and had not swept cities and counties, but had been confined to a single individual, and he the humblest in the Church—if they had said that Charles Smith of Cleveland, or James Johnson of Geneseo, is no longer a member of the Presbyterian Church, would it not have made the Assembly a hissing and a by-word? Can any one contend that the Assembly, by its mere resolution, can cut off all the Church Sessions? or at a blow sweep out of the Church all the Presbyteries, even if they were specifically named? Can they do it, then, indirectly, by cutting off a Synod, as such, in general terms? Yet all these cases are but various ways of stating the asserted operation of these resolutions!

What is a Synod? "A convention of all the ministers, and one ruling elder from each congregation, in a certain district." If, then, cutting off a Synod should cut off all its members, it would only cut off all the ministers, and one ruling elder from each congregation — The Churches would still be untouched. But *the resolutions can have no certain operation upon the members of the Synods*, because the members of the Synod cannot be known till it meet. The Synod of this year is not composed of the same members as the Synod of last year. When the resolutions were passed, the Churches had not appointed their lay delegates to the Synods. Ministers, too, have been dismissed; others have died; new ones have been settled since last year. What ministers, then, are cut off? Which elder from each congregation? No man can be affected, unless he can be identified. The community must be put on their guard in some way, if not by as specific a description as we give of a runaway apprentice, or pilfering servant. *The resolutions are clearly void, for uncertainty.* How can you exclude a man from the Church, without naming him, or describing him, or marking him, but simply by indicating the district of country in which he may reside, or a Convention in which he may have been entitled to a seat? But *a Synod has no members in the sense of integral parts or portions.* It is a Convention as perfect and complete in all its parts as a Synod, when only a quorum is present, as when all who have a right to seats are there. Those alone are the Synod who take their seats, as members, a quorum being present. There is no Synod, in any constitutional sense of the term Synod, except when in session, when it is a "Convention;" and the Assembly surely must be held to use terms peculiar to the Church, in their constitutional sense. How more than idle, then, to contend that the Assembly, by these resolutions cutting off four *Synods*, have cut off all the members of those Synods—all those over whom those Synods have jurisdiction—all the *pastors, members* and *sessions* of all the Churches in those regions—and that all this wholesale and retail cutting off, is done by cutting off four *Synods*—almost realizing the fancy of the Roman tyrant, who wished the people of Rome had but one neck, that by one blow he might cut them all off together!

Before leaving this branch of the subject, let me advert to another feature in our constitution, which must be familiar to all, though it

seems to have been overlooked, and has a most important bearing upon this matter. The presbyteries are not, in any manner, represented in, connected with, or dependent upon the synods; nor are the synods represented in, connected with, or dependent upon the Assembly. The representation is peculiar. It is the churches that are represented in the session; the sessions are represented in the presbytery, and in the synod; and it is the presbyteries, and nothing else, that are represented in the Assembly. By a strange blunder on both sides, the synods are spoken of as *composed of presbyteries*, the presbyteries as composed of churches, and the Assembly as composed of synods. Nothing could be more erroneous. All our judicatories are independent of each other, and no one is a part of another; but most especially are the synods wholly disconnected, on the one hand, with the presbyteries, and on the other, with the Assembly. It was by overlooking this simple truth, that the "Reading Clerk," with the approbation of the Moderator, was allowed to expel the representatives from eight *presbyteries* from their seats, because a *synod* was cut off from the Church. If all the synods in the Church were cut off, still the churches, the sessions, the presbyteries, the Assembly, would all remain undiminished.

But are the four Synods cut off or excluded from the Church, *even in their synodical capacity*? Certainly not. Exclusion, excision, expulsion from the Church, cannot in any sense be predicated of a synod, as such, for the reason before stated, that synods are not in the Church, nor parts of the Church, nor attached to the Church; they are the instruments, the agents, the Courts of the Church—the creations of the Church. It is therefore an abuse of language to talk of excluding synods from the Church. They may be abolished, or destroyed, or dissolved, by competent authority. But even this is not done by these resolutions. The resolutions do not say so. It is not even pretended—so that if the Assembly have power to dissolve or abolish a synod, they clearly have not done so by these resolutions.

But *Assembly has no constitutional power to abolish or dissolve a Synod*. There is nothing in the constitution which *seems* like such a power. The utmost power, there delegated to the Assembly, is "to *erect new synods*." A moment's reflection will satisfy any candid mind, that such a power ought not to exist. If the Assembly might destroy or abolish one of the synods, they might abolish them all, and

thus entirely change the Constitution of the Church, depriving all Presbyterians of their high intermediate Court, between the Presbytery and the Assembly.

On the plainest principles of Presbyterian organization, and on the face of these resolutions themselves, they are thus shown to be clearly nugatory and inoperative. Are they not also inconsistent with themselves and contradictory? They declare that the Plan of Union was "void from the beginning," and no rights could accrue under it. They declare that, by their act of abrogation in 1837, the synods became "no longer" parts of the Church. They declare that the Assembly is urged to their course by reason of "gross disorders" which have prevailed in those synods,* "the Plan of Union never having been consistently carried into effect!" Notwithstanding the "much confusion and irregularity which have arisen from this unnatural union"—notwithstanding the "gross disorders" which have prevailed, and urged the Assembly to pass an act, whereby these Synods are excluded from the Church, still "the Assembly had no intention by these resolutions to *affect in any way* the ministerial standing of any member of said Synods, nor to disturb the pastoral relation of any Church, nor to interfere with the duties or relations of private Christians in their respective congregations!" And inasmuch as many of these Churches, Ministers and Presbyteries, so excluded, "are strictly Presbyterian in doctrine and in order," and are by these resolutions declared to be not Presbyterian at all, which is true, inasmuch as the synods were attached to this body (a synod attached to the General Assembly!) in execution of the Plan of Union, which was never carried into effect, and by reason of its nullity, they were not thereby attached to this body, and never were in the Presbyterian church, and, of course, are not within our jurisdiction, and are now, by our authority and by these resolutions, first excluded from it, therefore "they are hereby *directed* to apply," &c. Can any thing be more ridiculous than these ill-digested and bungling resolutions!

* It is not pretended that these "gross disorders" have prevailed in the synods themselves, or have been committed by members of the synods, but that they have been committed, in that section of country, by certain strolling preachers and their fanatical followers!

But it will be urged, as it was urged, on the floor of the Assembly, and has been often reiterated since, that this reasoning is all fallacious, inasmuch as these individuals never were in the church, and the synods and presbyteries never were judicatories of the church, and had in truth no connection with it, and that the Assembly only declared what was before true. But is this so? The Assembly is precluded from taking this ground, under these resolutions, because they expressly declare that it is by the operation of the Assembly's own act, passed in 1837, that these synods are "no longer" in the church. Their plain assertion is, that up to that time, the synods were in the church, and were then excluded by the Assembly, by virtue of its authority, exercised, to be sure, because the plan was unconstitutional. They call them Synods and Presbyteries. Of what Church are they Synods and Presbyteries? Furthermore, the resolutions expressly state that an unknown, indefinite number of the Churches and Ministers and Presbyteries, thereby excluded, "were strictly presbyterian in doctrine and in order." With what show of fairness can the Assembly then contend that they were not in the church?

But were these synods, synods of the Presbyterian Church? Those who have followed me thus far, will not fail to see that, if the Plan of Union were not void, (as it clearly was not) these resolutions must fall to the ground, in whatever light they may be viewed. I propose, however, now to proceed entirely on the supposition (for the sake of the argument,) that the plan was utterly null and void, and to show that these synods and the presbyteries in the same region, even on that supposition, have all along been and still are regular judicatories of the Presbyterian Church.

I have before stated that the Church was first organized on its present plan in 1788, when there were but one synod and seventeen presbyteries, and the whole Church was under their jurisdiction. It will not be denied that those, who formed the constitution, were the Presbyterian Church, and that the four Synods and the Assembly, then formed, were regular judicatories of the Church. It is no less true, that all subsequent judicatories, including the synods of Western Reserve, Utica, Geneva and Genesee, have been formed by regular constitutional subdivision of the primitive judicatories and their derivatives. All subsequent churches, too, must have been formed, in the

first instance, of members originally united to those primitive churches or their derivatives. Let us trace them. In 1788, was formed the Synod of New York and New Jersey, one of the primitive synods. From the churches within its jurisdiction and from other churches, members emigrated. The settlements of Southern and Eastern New York were formed and filled with churches, and new presbyteries were formed by the Synod. The Synod became inconveniently numerous, and in 1803, the General Assembly erected the Synod of Albany, extending over that region occupied by the presbyteries of Albany, Oneida and Columbia. By this new Synod—the Synod of Albany—new Presbyteries were formed, and in 1812, the Synod of Albany was divided by the General Assembly, and the new Synod of Geneva was formed. By the same process the other Synods and Presbyteries were formed as the settlements filled up and the Church increased. By the constitution, it belongs to the Synods “to erect new presbyteries, and to unite and divide those which were before erected.” To make a new presbytery, then, it is only necessary for the synod to decree that all the ministers and one ruling elder from each congregation, in a certain district, embracing three *ministers*, shall be a presbytery, and it is a presbytery. To the General Assembly belongs “the power of erecting new synods when it may be judged necessary.” If, then, the Assembly decree that the ministers and one elder from each church, in a district containing at least *three presbyteries*, be a synod, it is a synod. The power, in both cases, is absolute and independent, and without appeal. The act, itself, of creating or erecting the presbytery or synod, makes a presbytery or synod. There is no disputing it. No reasoning and no state of facts, can make it any less than a presbytery or a synod.—It is conceded, on all hands, that some presbyteries have been too lax in admitting clergymen into their bodies, as members, and have, in some instances, admitted them without the requisite formalities. This cannot be too much censured. The Synods should see to it, but let them do it regularly. It clearly, however, could not destroy the Presbyteries. Two instances are before me, which, by a singular coincidence, have occurred in the Synod of Geneva, and in which that Synod has erred in over-much zeal to correct the acts of some of the presbyteries under its jurisdiction. One of the presbyteries had hastily, and on slight evidence, admitted a member of the Presbytery. The Synod of Geneva, in 1815,

censured the Presbytery, and ordered it to reconsider its decision. The General Assembly in reviewing the decision of the Synod, asserts, in the clearest manner, the settled principles of Presbyterianism, that "the right of deciding on his admission belonged to the Presbytery itself, and that, having admitted him, no matter how improvidently, their decision was valid and final. The individual became a member in full standing, and the Presbytery, even if it should reconsider, could not reverse its own decision, or in any way sever the member so admitted, except by regular process." Again, two years later, the same Synod censured the improper restoration of a deposed minister by another Presbytery, and ordered the presbytery to rescind their vote of restoration. The Presbytery appealed to the Assembly. The Assembly *confirmed the censure*, because the party was improperly restored, but *reversed the order to rescind* "because the Assembly judge, that a Minister of the Gospel, whenever restored by presbyterial authority, cannot be deprived of his office except by a new process and conviction."—Neither can it be doubted that there has existed a highly culpable laxity in some of the presbyteries, in relation to the representation in their bodies, and that *many of their acts*, were investigation practicable, might be set aside as irregular, but the irregularity, evidently, could not destroy the presbyteries. If there be, in the same district, any number of Congregational Churches, or churches of any other sect, who claim to send and do send their committee-men to the Presbytery or the Synod, it cannot destroy the one or the other. The Presbyterians are still the Presbytery and the Synod. Perhaps, the committee-men and Congregationalists have never *actually* voted, in these judicatories, and if they have, and their votes should be held to nullify the *acts* of the judicatories, in passing which they voted, it could not destroy or dissolve the judicatories themselves. But no principle is better settled than that the mere taking illegal votes does not vitiate the result. In almost all our political elections, illegal votes are taken in great numbers, and if such elections were held to be void, our political fabric would long since have passed away. And the acts of the last Assembly, *including these resolutions*, on its own principles must all be void, for the commissioners from the Western Reserve, during most of the Session, and from Western New-York, during the whole Session, were allowed to vote! and, on the same principle, all previous

assemblies were without authority and their acts void. The established principle, however, and the only one, founded in common sense, is, that a vote, or an election, may be set aside, if it were in fact *carried* by illegal votes. It is not only necessary to show that illegal votes were actually taken, and even that more illegal votes were taken than legal ones, but it must be shown *on which side they were, and clearly made out, that the result would have been otherwise without them.* This single principle disposes of all the difficulty and nullification growing out of the fact, that committee-men and delegates from Congregational Churches have been allowed to sit and vote in some of the judicatories. Such instances, it is believed, have almost always occurred in the judicatories. *Especially in the Assembly, from the earliest periods, have the delegates from the Congregational Associations in New-England, and from other Churches, been allowed to vote.* This, it seems to me, was always *inexpedient*, in all the judicatories. But under "the power," given to the Assembly by the constitution, "of corresponding with foreign Churches on such terms as may be agreed on by the Assembly and the corresponding body," it seems clear, that the General Assembly had constitutionally the power to do as they have done in that behalf, in their own body and in the Plan of Union, and nothing is clearer than that it has not destroyed all past Assemblies.*

It is, on all these grounds, obviously impossible that these Synods and Presbyteries should not be legally, technically, and strictly speaking, Synods and Presbyteries ; constituted, as they have been, by the only competent authority, in the only constitutional manner, and having never been dissolved.

* It may not be generally known to what extent Union, founded on catholic liberality, has been a favorite policy of the Church, pursued under the power "to correspond." The Plan of Union, between the Assembly and the Association of Connecticut, was adopted, by the Assembly, in 1792—That, with the Dutch Reformed and with the Associate Reformed, in 1798—That, now in controversy, in 1801—That, with the Northern Associated Presbytery, in 1802—That, with the Convention of Vermont, in 1803—That, with the Middle Association, in 1808—That, with the Association of New Hampshire, in 1810—That, with the Association of Massachusetts, in 1811—Another with the Associate Reformed, was proposed in 1819. Nine Plans of Union, most of them the work of two, and some, of three General Assemblies—and most, if not all, passed with entire unanimity.

Nor is the consideration of slight importance, that all these Presbyteries and Synods, have in every possible manner, from year to year, and every year since their formation, been recognized as regular judicatories of the Church, by the powers *authorized to create them*—by their co-ordinate and superior judicatories—by the Assemblies, Sessions, Churches and individuals of the whole Presbyterian Church in the United States. Their decisions, judicial and advisory, have been submitted to, appealed from, reviewed and respected, throughout the Church. Their representatives have been always received and respected, and allowed to sit and act without question.—Their clergy have always been published as presbyterians. The bodies themselves have always been, by every Assembly, declared over and over again, to be presbyterian, and without any exception, *including the Assembly of 1837*, all Assemblies, have reviewed their records—received their reports—enrolled their commissioners—recorded their votes—made them prominent members of their prominent committees, and published them to the Church and to the world, in their reports of the state of religion, as regular judicatories of the Presbyterian Church. This long and continued and repeated recognition and approval, would certainly cure any irregularities in the constitution of these bodies, and furnish conclusive evidence of their genuine presbyterian character, if all evidence of their actual formation were wanting. But when it comes in as the consequence and in aid of actual formation, in the only constitutional manner, it renders the presbyterian character of these bodies perfectly impregnable. It is then idle to contend that they are not and have not always been regular Courts and Councils of the Church, even if there have been some irregularities in admitting some of the members of some churches and presbyteries. It is surprising that a fallacy so palpable could have misled intelligent men for a moment.

So, too, the ministers, if the Presbyteries have admitted them, no matter on what grounds, are regular Presbyterian Bishops, no matter how unworthy they may be to fill the sacred office. So, too, the lay members of the churches, if they have been admitted by the Session, as has been before said, are presbyterians, and nothing but actual process can make them any thing less than presbyterians, except by their own consent. They are respectively entitled to use the sacred office, and sit at the tables of the Lord, even if their characters should

be as bad as that of Judas was, when he was last numbered with the Apostles, and dipped with the Saviour in the dish. It is then clear, that in no construction can these resolutions affect the Synods, or their members, as such.

Neither can they affect the presbyteries or the Assembly. *The presbyteries are not named or alluded to in the resolutions.* They are not parts of synods, nor represented in the synods. They have no conceivable connection with the synods, and therefore cannot be cut off under the name synods. Synods are not parts of the Assembly, nor represented in the Assembly, nor in any manner connected with the Assembly. Cutting off *Synods*, then, would not cut off any part of the Assembly. Besides, it is the presbyteries, as they exist before the choosing of Commissioners, that are entitled to be represented. After the appointment is once made, and the commission signed, no subsequent events can affect the right of the Commissioner to his seat. The annihilation of his Presbytery—the excommunication of every individual within the circuit of its jurisdiction could not affect his rights or impair any of his powers. How, then, can it in any sense be true, that cutting off the four Synods, by the fact itself, expelled from the Assembly, then sitting, all the Commissioners from presbyteries within the bounds of those Synods? Yet those gentlemen were virtually expelled—they were denied the right to vote, although, it is admitted, their commissions were regular, had been presented and filed, their names enrolled, and themselves recognized in the fullest manner, as members, during the whole session up to that time. They were spoken of, on both sides, as “members from those *Synods*,” and “Commissioners of those *Synods*,” (which they were not in any sense,) and thus in their haste, (for every thing seems to have been done without reflection, though not without disputation,) they were supposed to be cut off with the Synods.

The Assembly is composed of delegates from all the presbyteries. The Constitution has prescribed the evidence of their appointment. The form and substance of it are set down in so many words. It is their commission, signed by the Moderator and Clerk of the Presbytery. It contains no statement of the Synod to whose jurisdiction the Commissioner or his Presbytery is subject. It is the only evidence, and every man producing that evidence is entitled to sit and to deliberate, and vote in the Assembly of which he is a member.

There is no power known to the Church that can delay or hinder him in the exercise of this right, till the Assembly be dissolved. *The Assembly itself has no power to expel, or silence, or exclude a member.* It cannot directly or indirectly restrain or constrain him in defending or asserting the rights of his constituents or of the Church. Neither has the Assembly any right or power to go beyond the commission, *and inquire into the election or qualifications of the Commissioner.* A great mistake on this subject seems to prevail.* It has probably arisen from the fact, that all our political legislatures have the right to decide upon the elections and qualifications of their members. They have it by express grant of the Constitution in all cases, *and they always admit to seats all who produce the usual evidence of appointment, and try the right afterwards;* while the Church Constitution contains no such grant of power, even by the most indirect implication. Plainly such a power could not exist, for the mode of appointment or election is no where established in the Constitution, or by law. Each Presbytery has its own way, which it may change at pleasure. It may elect by open vote, or by ballot. It may appoint by resolution, by rotation, by nomination of the Moderator, or by lot. There is no means of contesting an election or appointment, or of supplying a vacancy. The Presbyteries are not in session. The Assembly sits but a few days, and its session must end before a trial or new election could be had.

To obviate all questions, the commission itself, by constitutional provision, asserts the appointment and the qualifications of the Commissioner, and, bearing that commission, he must be entitled to his seat, unless the Moderator and the Clerk of the Presbytery certify to palpable lies. There is no room for mistake—they cannot be deceived—the appointment is made in their presence—the qualification is known to them. There can be no dispute or contest; there can be no Commissioner but the one with the commission. Can the Clerk or the Committee on Commissions, or the Assembly, ask the Commissioner what synod has jurisdiction over him, and make that the test? Can they officially know what Synod has jurisdiction over him? Can they make “gross disorders” a test? Shall they take his word for it? or the word of any one else? or shall they examine

* Biblical Repertory for April, 1838.

all the records of the Assemblies to see if the synods were properly created, and all the records of the synods to see if the presbyteries were properly created, and all the records of the presbyteries to see if the appointments were made in due form, and if the commission be signed by the actual officers, and call witnesses to prove the signatures genuine? If one is to be thus tried, all must be thus tried. Who shall be judged first, and who shall be his judges?

These principles are of the plainest truth, and to me it is passing strange that every Commissioner in the Assembly did not perceive that, in destroying the incontestable character of the commission, they destroyed the only evidence of their own appointment, and were teaching "bloody instructions, which being taught, might return to plague the inventors."

In any view of the case, then, the constituency of the General Assembly remains the same, and that great judicatory of the church is itself untouched and unimpaired by these resolutions.

If an Assembly has not the right to exclude its own members, nor to decide upon their election and qualifications, how can it be possible that one Assembly shall have that power over the members of a succeeding Assembly, and of presbyteries and synods. *This is the claim here.* Can they dictate to the Church forever? Are they alone the people, and shall all knowledge die with them? Is the Clerk of one Assembly to be the sole judge of the rights of another Assembly, while he himself is a member of neither, but is a ministerial officer ---a hired servant of the sitting Assembly, and bound, in all things, to do its bidding, without presuming to exercise discretion or judgment in the matter? These questions are asked, because, after the minority had been cut down to a handful, the Assembly of 1837 resolved, that no Commissioner from a newly formed Presbytery shall be permitted to take his seat in any future Assembly, nor shall he be reported by the Committee on Commissions, until the Presbytery shall have been reported by the Synod, and recognized by the Assembly, and that if it shall appear, to the satisfaction of the Assembly, that any new Presbytery has been formed for the purpose of unduly increasing the representation, the General Assembly shall, by a vote of the majority, refuse to receive their delegates. And they also required and received from the Clerks of their own body, formal promises, as officers of that body, that in completing the roll of the next

and subsequent assemblies, they would carry out "*the reform*" of 1837, that is, would omit the names of Commissioners from new presbyteries, and from presbyteries under the jurisdiction of the four excluded Synods! Is not this a gross violation of the Constitution, and an attempt, on the part of a majority of one Assembly, to dictate to and instruct successive Assemblies, and compel them to violate the Constitution? By the Constitution, *every* Presbytery shall be entitled to be represented. The Assembly of 1837 says it shall be so no longer. Future Assemblies shall not permit delegates from certain Presbyteries to take their seats; shall not allow their Committees to report in their favor; shall refuse utterly to receive them by a vote of the majority! The Constitution says, the Clerk's continuance shall be "during pleasure," and that his duty shall be "to record the transactions," "preserve the records," and "grant extracts from them." He has no other duty. The Assembly of 1837 enacts, that their Clerk shall be the Clerk of the next Assembly—that the Commissioners shall hold by *his pleasure*—that his first duty shall be to carry out reforms—to disfranchise portions of the Church—to perform all the duties "*implied* by the action of the Assembly of 1837," for the purification of the Church whatever may be the pleasure of future Assemblies! The case needs only to be thus stated, in the simplest manner, to show how utterly impossible it is that these last resolutions can have any validity. As new standing rules they can have no imaginable force, inasmuch as they die with the Assembly that passed them. They are not the rules of the succeeding Assembly, till it adopts them. One Assembly cannot make standing rules for another Assembly. The "General Rules" were only recommended by the Assembly of 1821, and were never considered as *binding*, without being submitted to the Presbyteries.

It has been contended that, by the virtual expulsion of the Commissioners from the Western Reserve, the last Assembly was destroyed, and that from and after that time, it was incompetent to act constitutionally, and in fact and in law, ceased to be the General Assembly of the Presbyterian Church.

It is also contended, that should a portion of the next Assembly refuse to allow the Commissioners from the Presbyteries within the bounds of the excluded Synods to take their seats as members, that portion cannot be the General Assembly; and that the other Commis-

sioners, sitting with open doors, acknowledging the rights of all the delegates, enrolling all, and inviting all to seats, will be the true General Assembly.

These two points are of very grave importance, and deserve a very candid and careful investigation. Much more depends upon them than the mere triumph of party. By the act incorporating the "Trustees of the General Assembly of the Presbyterian Church in the United States of America," all the property of the Church is vested in that corporation, and "the General Assembly" as often as they sit in Pennsylvania, may change one third of the trustees (the whole number being eighteen) in such manner as to the General Assembly shall seem proper, and "in cases where special instructions for the management and disposal of the property of the Church, shall be given by "the General Assembly," it shall be the duty of the said corporation to act according to said instructions." Six of the trustees are a sufficient number to transact business. It will be seen then at a glance, that it is of no little importance to know what body is this "General Assembly." There can be but one true General Assembly, and that one has the sole legal right to direct as to the management and disposal of the property of the Church. A proceeding in the nature of a *quo warranto*, familiar to every lawyer, will easily settle the question who are the trustees of the General Assembly, and that corporation being "able and capable in law to sue in any Court in all manner of suits, of whatsoever nature kind and form they may be," will find no difficulty in invoking the aid of the established courts of justice. Before the foundation is laid for such a course of litigation it will be well for all parties to pause, till they are sure of the grounds on which they proceed.

The Assembly of 1837 filed the commissions and enrolled the names of all, who appeared as members. It allowed them to sit during the whole session. It was their own fault, if they left their seats. The Commissioners from the Presbyteries in the Western Reserve alone, were in only one or two instances denied the right to vote.—This was done by the Moderator, and their names were omitted by the Reading Clerk, in calling the yeas and nays, by the tacit consent of the Assembly. They asked the Moderator if they had the right to vote; he said they had not. They demanded the right, he refused it, and they submitted without an appeal to the house. The act of

the Reading Clerk and the Moderator, thus sanctioned by the tacit consent of the Assembly, for all moral and honest purposes, bound the Assembly, but, in a legal sense, it was not the act of the Assembly. It was their duty to remain and vote till expelled by force or by a legal act of the Assembly. In all usual votes they are of course presumed to have voted. It was only in calling the yeas and nays, and in balloting, that they were omitted. I shall not stop to inquire whether this intentional neglect and virtual exclusion vitiated the elections and votes from which they were excluded. In the worst view, it could do no more than that. It could not destroy the Assembly and render void its regular votes. The course pursued by some of the unionists, apparently with the view of nullifying the Assembly, so far from producing that effect, deprived them of the power of producing it, and no thanks to either party, and fortunately for both, the Assembly retained its constitutional existence, till its formal dissolution. It was the General Assembly to the end, and "another General Assembly *chosen in the same manner*," is to meet in the 7th Presbyterian Church, in Philadelphia, on the 3d Thursday of May, 1838, at 11 o'clock, A. M.

What will constitute the General Assembly of 1838 ?

It must be chosen in the same manner as the last, that is, it must be chosen by all the Presbyteries, which choose to be represented. "The General Assembly shall represent in one body *all* the particular churches of this denomination." "It shall be denominated the *General Assembly*." "The General Assembly shall consist of an equal delegation of Bishops and Elders from *each Presbytery*." The delegates or Commissioners are appointed by all the Presbyteries "to consult, vote and determine, *on all things* that may come before that body." They are all equal in power and right—all are appointed in the same manner, and bring the same evidence of it. If any have superiority, whence do they derive it? If any have the right to silence or to exclude, who are they? Who is wiser, holier, better than the others? are they Bishops? or Elders? Do they come from Philadelphia? or Baltimore? or Richmond? How many may they exclude? Fourteen? or 56? or all but their infallible selves? Shall those who are first at the place of meeting exclude all others? Shall the first fourteen shut the doors upon all others, and be the Assembly?—There is no possible means of organizing the Assembly ex-

cept on the footing of entire equality, with open doors and free votes. A moment's reflection, will satisfy any candid mind, that this must be so. It is not necessary that they should all be present, but none must be excluded who bring the proper evidence of their appointment. No number, less than all the members present, can be the Assembly. In a deliberative Assembly the importance of any one man cannot be measured. In a vote, all men count alike, each is but one; but in deliberation one may be a host—he may wield the whole—his zeal, his influence, his eloquence, his powers are beyond estimation. This idea cannot be better illustrated than by the last Assembly. Measures that were carried by large majorities would not have been carried at all—would not have been proposed, even, if a half dozen men, who might be named, had been absent from the Assembly.

If some are excluded, it is not a judicatory of the *whole* Church—a Council of the whole Church—it does not “represent in one body all the particular Churches”—it is not “the bond of union, peace, correspondence and mutual confidence among *all* our Churches”—it has no right to “superintend the concerns of the whole Church”—it is not the “General Assembly,” but a partial Assembly, a body alien to our system, totally unknown to our constitution, and destitute of power and authority. The point really seems too plain for argument, on principle, and the positive enactment of the constitution seems to be equally conclusive—“Any fourteen or *more* of these Commissioners, one half of whom shall be ministers, being met, on the day and at the place appointed, shall be a quorum for the transaction of business.” Any number, “being met,” are necessary to form a quorum. Fourteen are not a quorum, if there be more there. No business can be transacted unless there be a quorum. It is not the General Assembly till there is a quorum competent to transact business; and there cannot constitutionally be a quorum for the transaction of business, if any of “fourteen or more, being met,” are excluded or debarred from their participation in the transaction of business. On any other construction, there might be a dozen quorums of the General Assembly competent to transact business, which is absurd. These principles are so universally received and acted on in all the transactions of public affairs, that it is believed that the whole history of deliberative bodies, no matter with what factious zeal or unprincipled party-spirit they may have been characterized, does not furnish

an instance, in which it was ever before pretended, that a part of a body of directors, trustees, managers, representatives, of any sort could exclude their associates, and legally exercise the authority of the whole, except such were the express terms of their association. It is plain to see that if any fourteen are a quorum, they have all the power, that more may have, to exclude, and if fourteen unionists should succeed in first entering the place of meeting, they have but to lock the doors and be the General Assembly, fully competent "to plague the inventors" of this new principle of organization—to commend the poisoned chalice to the lips of those who filled it, and "to excommunicate the orthodox." My life on it, none will contend that this power exists in any part, except their own part.

It is, however, understood that the exclusion is to be made by the Clerk, who is to "take the responsibility" of making up a partial roll, a *false list*, because the last Assembly made him promise that he would do so, by plainly intimating that they would "exclude" him from the office and pay of clerk if he did not promise. I will not say, that the Clerk is not bound by his promise, because a bad promise is better broken than kept—nor because of the duress. I will not say a word in relation to the dignity and self-respect that would submit to be thus required to promise, threatened into subserviency, or awed into obsequious obedience—or that having promised would, after one moment's due reflection, consent to retain office, and enter upon the duties of clerk to a body, while he was under a direct pledge to do the bidding of another body. These are matters that gentlemen must settle as best suits their own feelings and notions of propriety. It need only be said, that any such procedure on the part of the Clerk is in direct violation of his duty to make out a list of all who present commissions, and his neglect cannot in any manner deprive a Commissioner of his right, or delay him in its exercise. When the Commissioner has done all that he is required to do, his powers are complete. The omission of the Clerk to write his name on the list, whether intentionally or by mistake, is an immaterial omission. His right is perfect by handing his commission to the Clerk. His name is enrolled as soon as the Clerk has his commission and knows his name. The commissions themselves are as perfect a roll of the members as a mere list of names would be, although not quite as convenient. The idea that the Clerk and Moderator are clothed with all

power and authority, and that the Commissioners and the Assembly, as such, live and move and have their being by the permission of these their servants, seems to me too absurd to be seriously entertained.

If it should be thus determined, however, to exclude some of the Commissioners, can there then be no General Assembly? Certainly, nothing can be more clear than that any fourteen or more of the Commissioners, being met, will constitute the General Assembly, if no one be excluded or denied his right—if the doors are open at all—if all are invited and allowed to sit and “consult, vote and determine on all things that may come before that body”—if all are admitted to equality of power, of rank, and of right. It cannot make any difference that the Moderator and the Clerk of the last Assembly, with the minutes of that body, and with any number, more or less, of the Commissioners, choose to claim superiority—to occupy another room, or another part of a room—refuse to cooperate, and persist in demanding exclusive right and supreme command. The minutes of the last Assembly are in no possible contingency necessary or important to the next Assembly. Nor is the Moderator—If he be absent, “another member, appointed for the purpose, shall hold the chair till a new moderator be chosen.” He is, of course, absent if he neglect to appear with the true General Assembly. Nor is the Clerk,—He is not the clerk of the next Assembly unless he be so chosen. It is the duty of each Assembly to choose its clerk. “Every judicatory *shall choose* a clerk.” He holds “during pleasure,” and the choice of another always determines the pleasure. Neither are the remaining Commissioners necessary, if they choose to be absent—if, voluntarily, they are not “met” with the General Assembly. Members not actually voting, are rightfully considered as voting with the majority.—So those who are absent from their seats, without compulsion, are for the time being legally and equitably bound by the acts of those who are at their posts. It is their own fault if they do not come, or coming do not “consult, vote and determine,” as they should do. They cannot, by voluntary absence, destroy the constitutional power and existence of the General Assembly. And let it not be forgotten, that the unionists do not pretend that they are exclusively the General Assembly—that they are the sole Commissioners. It is not a question whether the Commissioners from within the jurisdiction of the four Synods can or will be the General Assembly, but whether a part

of the Commissioners, or the whole are the Assembly. They set up no pretensions to exclusiveness. They claim no extraordinary powers in themselves—no preference to others—no precedence—no peculiar rights or privileges. They admit the right of all—acknowledge their appointment—are satisfied with their commissions—have provided them with seats—have invited them to come in and “consult, vote, and determine on all things that may come before them,” as by their commissions they are required to do.

The two parties are nearly equal in numbers. It is impossible to foretell which will be the larger body. The one party is composed of exclusives. They shut out the others—perhaps the majority—and organize separately. The other party shut out no one, and attempt no separate organization. They are willing that the others should come in and outvote them, if they can. Is it not clear which would be the General Assembly? Suppose that at the commencement of a Congress of the United States, the Clerk of the preceding House should exclude from the Representative Chamber all the members except those from New England, and then they should elect a Speaker, and proceed to organize themselves as the House, does any one suppose that it would therefore be the House of Representatives? If all the other members, however, as they would do, should proceed to organize themselves by the choice of a Speaker and Clerk, inviting and allowing the others to be present if they chose, is it not equally clear that they would be the only true House of Representatives, competent to perform all its duties, either at that place or any other to which it might choose to adjourn. If such a state of things could ever occur, no two intelligent minds would differ as to the right of the case. Yet the case is parallel with the one under consideration.*

Having closed what I intended to say upon these proceedings in detail, the reader's attention is invited to a few closing remarks of a more general nature.

It is presumed that all candid minds will admit, that there had been

* Before the reader condemns any of the grounds taken in these pages, I beg him to try them by the constitution—*actually to examine and see*, if these things are so. It seems to me that *usage and practice* and *common consent* have been in many minds taken for *constitutional enactment*. It is, however, plain that the written constitution of the church must control its organization and government.

serious violations of order in the Presbyterian Church, which called loudly for correction; and that probably irregularities were most abundant in the region of the four Synods. But irregularities are not confined to western New-York or Ohio. The enemy hath sown tares in every field. There are "violations of the constitution" every where—"injustice and injury" every where—"practical independence of our laws" every where—every where "departures from our standards"—every where "Pastors without Churches and Churches without Pastors." And even in the West, the salt has not all lost its savor. There are untold numbers, supposed to be about 35,000, who are "strictly Presbyterian in doctrine and in order," even there. It is not strange, therefore, that many should think that so much wheat would have been saved, notwithstanding the tares—that 35,000 righteous found there might have saved even those regions, or at least have received for themselves, some slight warning, if no angel were sent to hurry them away. A careful constitutional corrective is needed *every where*, to bring the Church back to its primitive constitutional organization and ministration. The greatest of all abuses is an attempt to correct abuses in a violent, illegal, arbitrary and unconstitutional manner.—In the case before us, what possible abuses can so endanger the peace and purity of the Presbyterian Church as the arrogance and usurpation of the General Assembly. It has arrogated to itself all the powers of the Church. It has usurped the power of making laws—a power not existing in any Church Judicatory. It has usurped all the powers delegated by the constitution to any other judicatory and officer of the Church—the powers of the Church Sessions, to exclude from the Church—the powers of the Presbyteries, to remove and judge and censure Ministers—the powers of the Synods, to redress whatever has been done by the Presbyteries contrary to order, and to erect and unite and divide Presbyteries. On its own motion, it abolishes the tribunals of the Church, and destroys all our constitutional safeguards, leaving large portions of the Church, which are strictly Presbyterian, totally destitute of every right and privilege, and power of discipline. Being only an appellate court and an advisory council, it claims to unite in itself, and to exercise in a summary manner, all supreme, original, legislative, judicial and executive power, at the same instant, by the same simple resolution. It claims the right to do what it pleases with the Church, its members, and its judicato-

ries. It claims all wisdom and power—past, present and to come. What past Assemblies have done is swept away. Future Assemblies are stripped of their power and freedom, and fettered and tied. The Assembly of 1837 claims the right to impress its understanding, its measures, and its management, on the Church, through all time!—And all these claims are set up on principle. “The constitution,” says their champion, “is not a donation of powers; it is a limitation of them. The General Assembly does not derive its powers from the constitution: it has the right to do anything, in the discharge of its duties as a supreme judicatory and supervisory body of the Church, which the constitution does not forbid!” If this doctrine were sound, how speedily would it dispose of the objection to the Plan of Union, on the ground of want of authority in the General Assembly. But this doctrine seems to me to be utterly destitute of foundation in truth. The constitution does not, in terms, forbid anything to the Assembly. Is it true, then, that that body may do its pleasure with us? One almost seems to hear the bones of the sturdy old primitive Presbyterians rattle in their graves, at the mere statement of a proposition which annihilates the freedom of the Church. If it could be true, I for one would say, the sooner the better, let the Assembly declare itself a perpetual college of cardinals—give the Bishops of some metropolitan towns power over their brethren, and finally establish absolute power and infallible judgment in some one of them, that with the absolutism of despotic power, we might have the simplicity and efficiency of an actual and acknowledged despotism. It was not till the Church had been corrupted for ages and ages by the love of power and selfish aggrandizement, that the Bishops and Councils of the Church of Rome arrogated to themselves half the powers now set up for a few Ministers of the hitherto free Presbyterian Church. It must have been in the confidence of some right to rule the whole of God’s heritage in their own way, that they gave as a reason for omitting all forms and modes of justice, a reason which only shows the value of those modes and forms. “To have done it by personal process would have been impossible; and if possible, tedious, agitating and troublesome.” It will be tedious and troublesome to try you; we will therefore punish you without trial! Open trials will agitate and arouse the people; we will therefore cut you off without delay, at a blow! It will be impossible to convict you; we will not,

therefore, give you a chance to prove your innocence ! Need it be said, that it is no part of our system that there should be such a great Central Power in the Church, thus dispensing with law, thus overshadowing and absorbing all powers, and disregarding all the rights of Presbyterians—need it be said, that it is totally at war with our whole system ; and that unless the members of the Presbyterian Church have changed their character and forgotten their rights, they will, with one accord, put down this assumption of power. Till they do so, there cannot be any thing like peace in the Church. When you attempt to drive Presbyterians with the lash, or crush them with the heel, you may cry peace ! peace ! “ till the crack of doom,” but there will be no peace.

I do not mean to say, that it is intended to destroy the freedom of the Church : I do not say that there is, as yet, a party who seek to establish arbitrary power. The first foundations of spiritual despotism are always laid by those who would not knowingly or willingly have done so, had they for a moment foreseen the consequences. I do not mean to say that, as yet, a professed regard for the best interests of the Church has been made a rampart, from behind which, party animosity, private pique, and personal malignity, hurl their poisoned shafts at those who could not otherwise be successfully attacked. I am not ignorant that high tempered zeal, in honest pursuit of reform, almost always seems to be governed by personal considerations, and to be seeking its own ends. But I do not hesitate to say, that in the history of the few Assemblies last past, there is much to alarm all well-wishers of the Presbyterian Church. Let all look to it. It is every man's business. The footsteps of spiritual power, in its path to supremacy, have always been substantially alike. Its subjugation of the human mind has always been begun in the same purity of purpose, and by similar imperceptible degrees has it gone on to its terrible mastery. It is in looking back upon its progress that we seem to see where it has paused and collected its strength to three-fold the cords of its dominion, and add new scorpions to the scourge of its vengeance. We see it, first, in its laudable and affectionate attempts to secure purity and steadiness of faith, to maintain regularity and order in ministration—and we wish it God speed. We have no fears till it is too late, of the next measures, the formal trials of books—nor of the personal at-

tack upon the author—nor of the regular trial for abstract speculative opinions—nor of the condemnation and disgrace of an individual who differs from the many—nor of the wholesale condemnation of all who sympathise with him—nor of the doing a little wrong to do a great right, and setting aside tedious and troublesome forms, and breaking down the obstacles to speedy decisions—nor of confounding the innocent with the guilty, if they are found together—nor of condemning all unheard, if they will not plead guilty. If we can bear all this, we have given up the principle, and why should we be startled at the introduction of the rack as a competent witness, and the stake as a valuable coadjutor in the work of reform? Why not hear without shuddering, as they come up from the dank, unvisited dungeon, the moans of inquisitorial torment, and the shrieks that rise to heaven from the holiday bonfires of an *auto da fe*? Has not this always been so? Is it not the natural tendency? We know it cannot come to such a pass in this country—religious freedom is too dear to us, but is it not to prevent all these things that the Presbyterian system has been devised? And shall we not rise up against the first manifestations of unjustifiable power, and resist its earliest demands?

It is not my purpose to point out a detailed course of conduct for the one party or the other, in the coming crisis of these difficulties. There are, however, certain principles of action, which cannot fail to produce the happiest results, and which cannot be too often or too strongly recommended to both parties. The Church is distracted—disgraced—polluted. Who has made it more like a den of thieves than a house of prayer? Who? Let every one ask, not to upbraid others, but to prepare himself for the question when the Head of the Church shall be on the judgment seat, and “the books shall be opened”—“Lord is it I?”—It can be no one’s duty to sustain what is wrong. Perseverance in error, cannot make it right. The end, even reform in the Church, cannot justify means made up of injustice and injury to the innocent. There is a more excellent way.

“Let brotherly love continue.” Let all extend the same charity to others which they ask for themselves. Let all believe that both parties are wrong—have made great mistakes, and sincerely desire the good of the Church. Let all determine to promote union

and harmony. Let every schismatic be frowned into silence—every railer, every accuser of his brethren, left to stand alone.—Let every advocate for absolute power and infallibility—every fanatic, bigot and ultraist, be shunned. Let all honestly endeavor to make the General Assembly “*the bond of union,*” “*the bond of peace,*” “*the bond of correspondence,*” “*the bond of mutual confidence among all the Churches.*” In affectionate superintendence of the whole Church, let it lift up, not the hand of power, but the voice of “warning and bearing testimony”—“bearing testimony against error in doctrine, and immorality in practice in Churches, Presbyteries, and Synods”—reproving departures from our standards—warning the delinquent, that by the constitutional action of the Sessions and the Presbyteries, they must be dealt with according to Gospel rules—conjuring all those Churches and Presbyteries that are numbered with us, to see to it, that their organization be Presbyterian, and their action, in honest conformity to the Constitution, form of government and discipline, which, if not by an oath, by an equally solemn act of approval, they are bound to sustain and enforce. If there be any who claim to be with us, who are not of us, who have not assumed our obligations, and dislike our system, let them, in the spirit of peace and good will, be entreated to seek their own place and their own people, and not, under a mask, in the guise of friendship, pursue a course which, whatever their own consciences may say, must seem to others to deserve the indignant reprobation of honorable minds, as dishonest and treacherous. Give up passion, and prejudice, and pride of opinion, and party-spirit, and believe that truth and right alone are important. Depend upon it, it is not worth a moment’s consideration which party, as such, shall triumph to-day or to-morrow—in this Assembly or that. Temporary triumphs—carrying this or that measure—passing this or that resolution—will not prevent the ultimate triumph of truth. Let all remember, that when the excitements of the contest shall have subsided, and the truth shall shine, as it one day will do, with its own undimmed and uncolored lustre, whoever shall be found to have sought party purposes instead of the good of the Church, will regret, with bitterness and shame, that they have been the champions of disorder and disunion, and that their names must for ever stand connected with the progress of schism in

the Church, wrangling in her Councils, and injustice in her Courts ! Let all act upon these principles, and strive to build up what discord has broken down ; and He who has protected his Church in six troubles, will not abandon her in the seventh. She will again be as she was in days past—in her beautiful garments, with the candle of the Lord shining upon her.