

ARTICLE III.

PRESBYTERIAN GOVERNMENT NOT A HIERARCHY,
BUT A COMMONWEALTH.

This article is a republication of the substance of an argument delivered by DR. ROBERT J. BRECKINRIDGE in the Synod of Philadelphia, met at Baltimore, on the 20th October, 1843. He followed it three days after by another argument intended to evince that *Presbyterian ordination is not a charm, but an act of government*, and maintaining the right of ruling elders to lay on hands in the ordination of a minister.

These arguments, of the greatest intrinsic value, and of special interest at the present time to our Church, have long been and are now out of print, and therefore inaccessible to our ministers and elders. The Editors of this REVIEW consider that they will render an important service by presenting them again nearly forty years after their original delivery. With the leave of Providence, the second argument shall appear in our next number.¹

¹To the Rev. Dr. ROBERT J. BRECKINRIDGE

SIR: The undersigned, Elders of the Presbyterian Churches in the city of Baltimore, being exceedingly desirous that a more general knowledge on the questions in reference to Ruling Elders, discussed in Synod at its late meeting in this city, should be diffused amongst the Elders and members of the Presbyterian Church generally, in this country, respectfully request that you will write out your speeches on these questions, delivered in the Synod, and cause them to be printed for circulation.

Such of the undersigned as were present in Synod at the discussion of these agitating questions, beg leave respectfully to tender you their sincere and grateful thanks for your very able and eloquent defence of the rights and privileges of Ruling Elders, which they deem to have been invaded by the late General Assembly.

MAXWELL MCDOWELL, *Elders of the*
W. L. GILL, *1st Presbyterian*
DAVID STUART, *Church.*
DAVID B. PRINCE, *Elder of the 3rd Church.*
JOHN MCKEEN, *Elder of the 4th Church.*
JOHN WILSON,
R. J. CROSS,
ROBERT BROWN, *Elders of the 2d*
JOHN FRANCISCUS, *Church.*
J. HARMAN BROWN,
PETER FENBY

BALTIMORE
November 3, 1843.

ARGUMENT FIRST.

My regret, Moderator, that the gentleman who has just taken his seat (*Kensley Johns, Esq.*) should be found contending against the rights of that class of officers of which he is an ornament, is mixed with admiration of his frank and kind demeanor—contrasting so strongly with the course which leading ministers of the gospel in this body have considered it their duty to pursue. If the advocates of that preposterous dogma, so current amongst us, that by ordination men transmit the essence of the offices they hold, could only prove that in the same manner they may transmit the spirit which actuates them, I, for one, sir, would infinitely prefer to be ordained with the imposition of the hands of a body of ruling elders, like my friend from Delaware, to the most unimpeachable descent through Popery, Prelacy, or New-Schoolism, which can be boasted by any of those who find themselves in positions which should entitle them, as they appear to suppose, to control these questions in this Synod. As to the proposition which the member has read,¹ and which he proposes to offer at a future stage of the business, I am glad to see that it distinctly repudiates the miserable sophistry put into the mouth of the last Assembly, and proclaims the duty of the churches to send up ruling elders, and that of the elders to attend the Presbyteries.² I must say, however, that the notion of a quorum of a church court being established by those gracious promises of our Saviour that he would be present where two or three are gathered in his name, and that if two would agree what they ask shall be done for them, seems to me in the last degree fanciful: or if there be any weight in the argument of the minute, then it is too manifest to need proof, that on this ground *two* officers, whether they be preachers or ruling elders being wholly immaterial, may constitute every church court authorised by Scripture, and therefore the Assembly, and the constitution of the Church are as far wrong, as the persons against whom the member has

¹ See it, p. 614, *Spirit of the XIX. Century*, for November, 1843.

² Compare Chancellor Johns's paper with the Assembly's *Answer, &c.*, p. 201, Minutes of 1843.

levelled his paper. But in truth these divine promises settle the quorum of a prayer meeting, or at most of a church, and have no relation to the present subject.

It is unfortunate that the question before us appears to be so minute. In point of fact, the ultimate principle involved is one of the most important and comprehensive that could be submitted to the people of God. In deciding it, we virtually decide whether our church constitution establishes a government under which the final power and the actual authority are in the hands of the preachers as preachers, or of the body of Christian people to be exercised through officers regularly connected with them; and as we confess that our constitution derives its binding force from its accordance with the word of God, the question at last is, between a divine hierarchy and a divine commonwealth. It is a question whose fearful scope is manifest upon every page of the history of Christianity; and the members of this Synod who have made so great efforts to strangle in the birth this effort to examine it, are unjust to themselves, and inattentive to some of the most portentous indications of the age.

There are many great, general, and precious truths upon which I will not venture to doubt that we are all agreed, and which yet seem to be decisive of the present subject. I cannot therefore omit to state the more obvious of them; and yet I ought not to consider it necessary to prove them, since they are explicitly held forth in our ecclesiastical standards. Such are the propositions, that God has established a kingdom in this world; that this kingdom is wholly distinct from all secular kingdoms, and entirely independent of all civil magistracies; that the visible Church of Jesus Christ is that kingdom, and he, the Lord Jesus, its only Head and King, its sole Lawgiver, its sole Priest, and by his word and Spirit its only infallible Teacher; and that the only safe, certain, and entire rule of faith and practice, is contained in Sacred Scripture. That to this kingdom, thus set up, held forth, and guided, the Lord Jesus Christ has given an outward government and permanent officers, our standards clearly teach (*Conf. Faith*, ch. xxxi. sec. 1); but the immediate application, as well as the great importance of these two principles, require a more particular notice of them.

That church government is in the hands of *assemblies*, congregational, classical, and synodical, and not of church officers individually considered (Form of Gov. ch. viii. sec. 1); that the church is governed by *judicatories*, not by officers acting personally, (*idem* ch. xiii. sec. 1), is the explicit doctrine of our constitution. This principle is fundamental and vital to our entire system, and constitutes one of the most striking characteristics by which Presbyterianism is separated from Prelacy on one hand, and Independency on the other. For our government is not in the hands of individual officers, and therefore is not Prelacy; neither is it in the hands of the whole brotherhood of each separate congregation as an independent body, and therefore it is not Independency: but it is in the hands of *assemblies*, of assemblies, too, which are classical and synodical as well as **as** congregational, and which even when congregational, are delegated and not popular. It is a Christian commonwealth; it is not a hierarchy; it is not an aggregation of many petty democracies. And such is the constant doctrine of the soundest Presbyterian Churches in every age, and of the greatest expounders of our system everywhere. “It is lawful and agreeable to the word of God that the church be governed by *several sorts of assemblies*, which are congregational, classical, and synodical,” is the language of the Westminster Assembly, adopted by the venerable Kirk of Scotland nearly two hundred years ago; language conveying a sentiment held from the first dawn of the Reformation. Four years before the Scottish Kirk approved the “Form of Presbyterian Church Government,” agreed on at Westminster (which it did in 1645), indeed, two years before the Westminster Assembly convened, the General Assembly of 1641, in a formal paper addressed to the Parliament of England, “with universal consent,” as they declare, pleading that “the Prelaticall Hierarchie” might be “put out of the way,” adopted the following remarkable language: “For although the Reformed Kirks do hold without doubting, their Kirk officers, and Kirk government by assemblies higher and lower, in their strong and beautiful subordination, to be *jure divino* and perpetual: yet Prelacie, as it differeth from the office of a pastor, is almost universally acknowledged by the Prelates themselves, and

their adherents, to be but an humane ordinance,” &c.¹ And still earlier, the leading mind in the Church of God during the illustrious era of the second Reformation in Scotland, the Solemn League and Covenant, and the Westminster Assembly—the most brilliant epoch of modern history—had set this whole subject in precisely the light in which I am now endeavoring to present it, as a matter absolutely inherent in the very nature of Presbyterian polity, and distinguishing it precisely from a government by prelates. In a paper drawn up by *Alexander Henderson* in 1640, and submitted by the Scottish Commissioners in London (of whom he was one,) to the “Lords of the Treaty” who were endeavoring to draw closer the bonds of union between Scotland and England, “unity in religion, uniformity of church government, as a special means to conserve peace,” being the general subject of the paper—and the utter hopelessness of unity, uniformity or peace, while Prelacy remained the established, exclusive, intolerant state religion of England, being one of the special points argued in it, that wonderful man uses the following explicit language: “They (the prelates) have left nothing undone which might tend to the overthrow of our Church, not only of late, by the occasion of these troubles whereof they have been the authors, but of old,, from that opposition *which is between episcopal government and the government of the Reformed Churches by assemblies;*” and again, “The Reformed Churches do hold without doubting, their church officers, pastors, doctors, elders, and deacons, *and their church government by assemblies, to be, jure divino, and perpetual,* as is manifest in all their writings.”² It cannot be questioned, sir, that all those churches, strictly called *Reformed*, did once hold with unanimous consent, and that their standards of faith, order, and discipline do still everywhere teach, that the government of the church of God is, *jure divino*, a free commonwealth, a government by assemblies ; and it would be the idlest affectation for me to labor in a body like

¹ See Printed Acts of the General Assembly of the Church of Scotland, 1682, p. 130, Acts of the year 1641.

² See this remarkable paper in *Hetherington's Hist. Westminster Assembly, Appendix I.*, pp. 300—7.

this, to prove that, this being granted, every thing which cannot, both in principle and in practice, be made to accord with this grand truth, is contrary to the revealed will of God and to the general sentiment of the Reformed Churches, and necessarily tends either to the disorganisation of the church or to tyranny in it.

The manner of constituting these assemblies and the officers who compose them, are stated in the clearest manner in our standards. “The ordinary and perpetual officers in the church are Bishops or Pastors; the representatives of the people, usually styled Ruling Elders; and Deacons.” (Form of Government ch. iii. sec. 2). The church session consists of a pastor and ruling elders, (*idem* ch. ix. sec. 1:) a Presbytery of ministers and ruling elders, (*idem* ch. x. section 2:) a Synod of bishops and elders, (*idem* ch. xi. sec. 2:) and the General Assembly of an equal delegation of bishops and elders.” (*Idem* ch. xii. sec. 2.) These are the ordinary assemblies of the Church; these are the officers who compose them; these are the assemblies and these the officers composing them, into whose hands God, has committed the government of his visible Church—according, to our covenanted faith. And with us agree the Reformed Churches in general. The *Second Book of Discipline* of the Scottish Kirk, drawn up by *Andrew Melville*, a man heroic as Knox and learned as Calvin—a system formally adopted by the Scottish Assemblies of 1578 and 1581—deliberately sworn to in the national covenant, and revived and ratified afresh in the memorable Assembly of 1638, and not only confirmed by many acts of other Assemblies, but made the basis of the laws which settled the church-government of Scotland in 1592, 1640, and 1690: this clearest and noblest monument of church order not only fully bears out the statements of our own constitution,¹ but declares, concerning ruling elders and their relations to the Church Courts—which are the special subjects of this discussion—that, “*Their principal office is, to hold assemblies with the pastors and doctors, who are also of their number, for establishing of good order, and execution of discipline.*” (Ch. vii. last section, Duncan’s Coll., p. 77.) And the Scottish Assembly of 1647, in

¹See *Second Book of Discipline*, chs. vi. and vii. passim.

one of the most emphatic public documents ever put forth by a church court, bearing a solemn, and, as the paper asserts on its face, a unanimous testimony “against the dangerous Tenets of Erastianisme and Independencie,” delivers itself, in these words, “6. That Ecclesiastical Government is committed and entrusted by Christ to the Assemblies of the Kirk, made up of the Ministers of the Word and Ruling Elders:” and this, along with seven other heads of doctrine, “the General Assembly doth firmly believe, own, maintain, and commend unto others, as solid, true, orthodoxe, grounded upon the Word of God, consonant to the judgment both of the ancient and the best Reformed Kirks.”¹ And again, say *Henderson* and the Scottish commissioners to London in the paper before cited, “Much is spoken and written for the limitations of bishops; *but what good can their limitation do to the church, if ordination and ecclesiastical jurisdiction shall depend upon them, and shall not be absolutely into the hands of the assemblies of the Church.*”² Now, sir, here is testimony just as conclusive as that on the former point, that ruling elders are by divine right and by inherent necessity a component part of every assembly in a settled church state; that this is the general doctrine of the Reformed Churches as well as of our own constitution; that the right and necessity of this presence of ruling elders in church assemblies, distinguishes Presbyterianism from Erastianism and Independency, as well as from Prelacy, as completely as the existence of the assemblies themselves does; and that the usurpation by bishops of the two grand powers residing in these assemblies, called by *Henderson* the powers “of ordination and ecclesiastical jurisdiction,” must at last place the Church, as such a usurpation always heretofore has placed her, helpless and prostrate at the feet of a hierarchy; just as inevitably as the usurpation of the same powers by the State subjects her to the civil power; or the usurpation of them by the brotherhood in each congregation disorganizes entirely her whole constitution. Sir, these truths are as obvious as their operation is irresistible; and it is incomprehensible to me how any man who is qualified to sit in any assem-

See *Acts of the Scottish Kirk*, pp. 365-7—Anno 1647.
Hetherington ubi supra, p. 305.

bly of our Church, can have a doubt in regard to them. They are truths which are infinitely fruitful as well as transparently clear; and their careful consideration would settle many questions now disputed amongst us, and correct practices neither few nor harmless which may one day become too strong for reason. I will not, however, follow them at present beyond the scope of the question before us.

The exact accordance of these two fundamental truths with Holy Scripture, will not, I presume, be openly questioned here. Not only is the general scope of God's word constantly relied on, but the particular passages are always cited in our own and in all the standards of the Reformed Churches, by which it is judged that every proposition asserted, is divinely sustained: and then it is confessed in the most unqualified terms that where God's word does not bear us out, either by its express language or **or** by its necessary intent, there we have no authority to define any thing or to enforce any thing—except it may be in some circumstances common to the Church and to human actions and societies, and even with regard to these the general rules of the word are always to be observed. (Confession of Faith, ch. i., sec. 6.) It must also be well known that questions of church government, and these questions touching assemblies and ruling elders in particular, have been more largely and elaborately discussed than most others; and that the purest Reformed Churches, and especially those standards from which ours have been chiefly taken, are clear and positive, in asserting the *jus divinum* of Presbyterian government. A *jus divinum* of the same character as that asserted for our system of doctrine; requiring in both cases a simple and faithful adherence on our part, and requiring in neither, harshness or intolerance towards those who differ from us; asserting in both cases the duty of God's people; but denying in neither that his people may be gathered into true churches, though neither their doctrine nor their order may seem to us scriptural in all respects. Such, I venture to believe, is the view of the Presbyterian Church in the United States; and as regards the present aspect of this argument, there are none here, I suppose, who will openly question that if our

standards teach that jurisdiction is in the hands of the Presbytery, they do so on the authority of God's word; if they teach that none but presbyters may be component parts of Presbytery, and that ruling elders are presbyters and therefore are component parts of Presbytery, they teach this also on the same authority. That these standards and those of the Reformed Churches in general do thus teach, I think I have clearly shown; and when it shall be questioned that this teaching is in accordance with divine truth, I will endeavor to make good this ground of our common faith.

It would appear, then, that the case is clearly against the decision of the last General Assembly, that in our Church a Presbytery can be regularly constituted without the presence of ruling elders. And it may be said, with all proper respect, that the circumstances attending the progress of this question through the Assembly, furnish ground for surprise and regret. It seems to have been taken up by the Committee of Bills and Overtures without any order from the house; to have been laid before that committee by a single individual; and to have occupied in its entire consideration only a part of one session of the Assembly. It does not appear that there was difficulty in the Church upon the subject, or any call for sudden action in regard to it. The committee which reported it consisted of two ruling elders and six ministers, and of these six ministers three were from one Synod (New Jersey), and three only were pastors; and in the Assembly itself, which struck this deadly blow at the office of ruling elder, there were above forty more ministers than elders; and this excessive disproportion was aggravated by the fact that an unusual number of the leading ministers of the body were persons not engaged in the regular work of the ministry of the word. Of the eighty-three persons who voted for the minute which passed the Assembly, sixty-three were ministers; of the thirty-five who voted against it eighteen were ministers; demonstrating that unhappy and dangerous prepossession which seems to characterise the feelings and opinions of our ministers upon every question touching the position and rights of the ruling elders, and to threaten the Church with the terrible ca-

larity of the permanent subjugation of these last named officers, and, as must inevitably follow, the overthrow of the freedom of the Church itself.¹

Now, Moderator, what is pretended—what is alleged to justify such a decision, under such circumstances? Let any man read the formal justification of the Assembly,² and, if he is able, pronounce it satisfactory. What, sir! are idle professions of respect an adequate compensation for a fatal decision impeaching the fundamental truths that our church government is one by assemblies, of which ruling elders are a constituent part, and this *jure divino*? Is it true, sir, in point of fact, that according to our constitution, congregations are not required to send delegates to Presbytery? Is it true, that “a Presbytery has no authority, whatever, to compel the attendance of elders?” If these are the real sentiments of the Church, the idea of our possessing any government at all, in the proper sense of that word, is utterly absurd—except so far as that government is for ministers and in the hands of ministers; which can result in nothing but an irresponsible clerical domination. If these are not the sentiments of the Church, let us vindicate at once the sacred principles which we profess to have received from God himself, and uphold in its integrity that noble spiritual commonwealth, in which, being divinely called, we bear offices for whose proper exercise we must account both to posterity and to Christ.

But, it is argued, the constitution itself bears out the decision of the Assembly, and provides that a quorum of a Presbytery may be formed without the presence of ruling elders. The Assembly decided, “that any three ministers of a Presbytery, being regularly convened, are a quorum competent to the transaction of all business.” (Minutes, p. 196.) The constitution of the Church on the other hand declares that “Any three ministers, and as many elders as may be present belonging to the Presbytery, being met at the time and place appointed, shall be a quorum competent to proceed to business.” (Form of Government, ch. x. sec. 7.) The thing to be proved is that these two propositions

¹See *Minutes of the Assembly for 1843*, pp. 196, 190, 170.

²*Idem.* pp. 201-2.

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contain one and the same truth; a thing which never can be proved, while words retain their proper signification, and the great principles of our church polity remain unchanged. And until it is proved, the decision of the Assembly is erroneous and destructive, and it is our manifest duty to labor for its reversal. What is required to be disproved, is the agreement of these two propositions, and of consequence the erroneousness of the one pronounced by the Assembly. This I now proceed to do.

What, sir, is a *quorum*? Gentlemen talk and write, as if it were a fifth court of the Church; or rather a sort of sub-court to every church assembly. If ruling elders are essential to the composition of a Presbytery, and a quorum of a Presbytery is actually and potentially a Presbytery; then by the terms of the proposition, ruling elders are essential to the formation of this quorum. If a quorum of a Presbytery is not a Presbytery, actually constituted and competent to proceed to business, then to assert that it can do all the business of a Presbytery is utterly absurd and self contradictory; or else it is the erection of a new court, which can do all the business of a Presbytery, without being a Presbytery—which is contrary to common sense, to the constitution, and to the Scriptures. And yet, sir, it is upon quibbles and evasions like this, that men having a character in the Church, are content to rest the defence of acts and principles subversive of the order of God's house! It ought to be, and I suppose is, well known to the members of this court, that many law processes take their names from the first or other prominent words in them. Thus we say, *habeas corpus, capias ad satisfaciendum, fieri facias, venditioni exponas, venire facias, &c., &c.*; designating by these terms writs in common use and well understood. Such is the origin of our use of the word *quorum*; the king by his writ appoints certain persons to particular duties or offices, of which persons (*quorum*) he specifies in his warrant certain individuals or a certain number as competent to act, or required to be present. The, rule of common sense, and universal practice, in the absence of any such specific provision, in regard to deliberative bodies at least, necessarily is *lex majoris partis*—the law of the greater number; less than the majority not being, in the eye

of reason, the body itself, and the majority being capable of determining the question, even where all are present. Thus taken, the two provisions determining the composition and the quorum of a Presbytery, put together, read as follows: A Presbytery consists of all the ministers and one ruling elder from each congregation within a particular district; of whom (*quorum*) any three ministers, and as many elders as may be present, shall be competent to proceed to business, (Form of Government, chap. x. sec. 2. and 7;) and the question is, Are any elders at all required to be present? I answer, Yes: 1. Because every instrument of writing is to be so construed as to be consistent with itself; this instrument declares ruling elders to be a component part of all church assemblies; and therefore it cannot here mean to say this assembly is not composed in part of them; for in that case a quorum of Presbytery could be no church assembly at all. 2. Every law must receive such a construction, if such can be fairly given to it, as will make it consistent with fundamental constitutions which the makers of the law recognised as paramount authority, and which they are not to be presumed to violate, unless they plainly do so; but the makers of this provision of our church constitution admit the paramount obligation of the word of God, and admit that by it elders are a component part of all church courts; therefore, as they do not here expressly say they are not, they must not be presumed to mean that they are not: for if they do, they must mean that a quorum is a mere nullity, which is absurd. 3. In construing every instrument, the parts that are doubtful must be explained by the parts that are clear: but it is absolutely plain that by this instrument elders are a component part of all church courts; therefore this doubtful sentence cannot mean that they are not a component part of this particular church court; and if a quorum of Presbytery is not a Presbytery, and so a Church court, there is nothing to argue about. 4. The words about the presence of elders must have some meaning given to them, if there be any meaning they will bear; to say they mean that elders may be members, if present, is idle—for that is already provided for in the second section; to say they mean it is not material

whether they be present or not, is absurd, as is already proved—for other parts of the instrument settle, that, *jure divino*, they are a component part of the body; there is nothing else they can mean except that *some* must be present, but *how many* is immaterial; this therefore is obliged to be the sense of the words—and this is, indeed, their obvious sense. 5. The copulative, and, plainly shows that others besides the three ministers were designed to be present; if three ministers make a quorum, that is clearly expressed in the definition of the General Assembly; but the constitution adds another clause about elders and couples it conjunctively; therefore it must mean more than the Assembly means—and elders must be those meant; or if not, who are the others meant in the clause? 6. This is the more clear when it is considered that the Presbytery, being composed of two classes of persons, different in many important respects, something more than a mere indirection must be necessary to exclude one entire class; and above all where the class thus to be excluded is the very one from which the particular court and the entire denomination derive their name, the very one which is by eminence invested with the right to exercise government and discipline in all church assemblies. 7. It is said *may* be present never can be made to mean must be present; and therefore there must be implied a condition and a discretion: I answer *many* can never be made to mean none; and as for the condition, it applies to the *number* present, not to the *fact* of presence; and as for the implied discretion, I deny it, for it is the duty of Session to send the elder, it is his duty to go, and it is the duty of the Presbytery to make him come and to receive him when he arrives. 8. Suppose the same phraseology were used as to the ministers necessary in making a quorum as is used in regard to the elders, thus, “A Presbytery consists of all the ministers and one ruling elder from each congregation within a particular district, of whom (*quorum*) *as many ministers and as many elders as may be present* shall be competent to proceed to business;” in this case would any human being doubt that both ministers and elders must be present? If not, then it is manifest that the present phraseology requires some elders to be pres-

ent. 9. It is the settled doctrine of our Church, and of all other Reformed Churches, that the right to convene in church assemblies, both stated and *pro re nata*, is divine, inherent, and altogether independent of the civil power;¹ by our constitution, a meeting of Presbytery *pro re nata* cannot be convened unless two elders, and they of different congregations, sign the requisition for it along with two ministers; and these four persons, with the presiding officer, being convened upon their own call, may do the business thus specified, but no other. Now will it be pretended that the power to meet and act *pro re nata* has a different origin or nature from that to meet statedly? that the power to do some special and it may be immaterial business, is more hedged about than the power to do that business and all other business besides? If not, then it follows, that in this provision we have a clear and explicit statement of what our constitution intends by the quorum of Presbytery. 10. I consider all arguments drawn from the possible inconvenience that might result, in extreme cases, from the establishment of the construction here contended for, as being entirely fallacious, beside the question, and unworthy of the subject; and all such as are based on alleged danger from the possible inattention, perverseness, or revolutionary spirit of ruling elders, leading them to defeat or break up meetings of Presbytery, as being insulting to the ruling elders, and disreputable to those who employ them. 11. If it be urged that as the Presbytery is one body in which two classes of members are amalgamated, and vote and act jointly and not by classes, and therefore the presence of any members of the class of elders is not indispensable; I reply, this argument is inconsistent both with the general principles of the constitution, and the express words of the clause under consideration, for if it were true it would prove that a sufficient number of either class might make a quorum, but the words expressly preclude this sense. I answer further, that upon this argument it follows inevitably that ruling elders thus amalgamated must have the right

See *Confession of Faith*, chap. xxxi. passim; *Form of Government*, chap. x. sec. 10; also the *Act of the Kirk of Scotland, adopting the Westminster Confession*, *Duncan's Coll.* pp. 266-7.

to impose hands in ordination with other members, which is denied by those who use this argument, and who thereby show their want of confidence in their own theories. 12. If it be said that inasmuch as in extreme cases the Session may be constituted without the presence of a minister (Form of Government, ch. ix., sec. 4) it follows that in extreme cases a Presbytery may be constituted without elders; I answer, that as the first is by express law, the second must be also, and there is no such law; further, that the existence of clear law for the former, and the total want of it for the latter, is conclusive against it; and further still, that the argument contradicts itself, since it argues from the plenary powers of elders to their total want of all power; from their paramount importance in a parochial presbytery to their utter insignificance in a classical presbytery; from their ability to act without ministers in one assembly to the ability of ministers to act without them in another assembly—all which is absurd.

It is upon such grounds as these, sir, that I am led to conclude that this clause about a quorum affords no pretext whatever for constituting a Presbytery, under our constitution, out of three ordinary ministers of the word, without the presence of ruling elders. How far the exercise of such a power might be justified in a forming or unsettled Church state; or how far it could be successfully maintained in relation to evangelists, who are admitted by all the Reformed Churches to be temporary and extraordinary officers; nay, how far ruling elders alone would be justified in very extraordinary cases, in transcending the boundaries which we have established between parochial and classical assemblies: all these are questions in regard to which there is no necessity for me to express at this time any other opinion than this—that such powers are to be established in a manner very different from inconsistent and strained constructions of an incidental clause in a church constitution. And, sir, I earnestly beseech you to consider how easy it would be to subvert the principle that our Church is governed by assemblies, after subverting that which establishes the composition of those assemblies. Surely it would be a task of small difficulty to find some plea upon which the potential authority of the assemblies themselves

might be irregularly exercised, after succeeding upon one so miserable as the best of those we have yet been favored with, in establishing the monstrous proposition that ecclesiastical jurisdiction is complete in three ministers without charge, without the concurrence of the body of Christ's people, or the presence of their immediate representatives divinely called to the exercise of this very function. Or can it be that it is the want of any adequate impression that the Church of Christ has really a divinely ordained polity, which makes it so difficult to prevent her own ministers from transgressing some of her plainest principles; her own courts from lawing violent hands upon some of her most precious defences, at the same moment they are devolving on secular corporations some of her most sacred obligations? I desire to speak with tenderness and respect; but unless I greatly deceive myself, the issue of these questions involves interests which we cannot handle with too much sobriety.

It has appeared to me, Moderator, that there is a fundamental error pervading most of the reasoning which I have heard and read against the rights of ruling elders, which has great influence in fostering the opinions against which I am now contending. It seems to be supposed that ministers of the word are more essentially and permanently members of our church courts, than ruling elders are; indeed, that they are, somehow, more immediately and sacredly officers of the Church of Christ. Such notions are altogether wrong. These offices are both alike ordained of God; the persons who fill them are equally supposed to be called and qualified from above; the gift of ruling is as real and as distinct a gift of God as that of teaching; and though the teaching elder is entitled to double honor if he both rules and also labors in word and doctrine, the ruling elder is also, by the same divine word, entitled to double honor if he rules well; and by the same law the teaching elder who does not labor in word and doctrine, is entitled for all his ruling to no honor at all, for he has forsaken the most important part of his calling; and the ruling elder who rules ill is bereft also of the blessing, because he has neglected his only calling. Elders, they are alike—presbyters and no more, are they both; to deny which is to deny the express letter

of the word of God;¹ rulers are they both, because they are presbyters; and though one class has the superadded and more honorable function of teaching, as their main work, let them not think that for this reason they are any more rulers than other presbyters; and especially let them not think that they may neglect their work of teaching, as too many do, and strive to make up the omission by engrossing, as their main work, that which is the only work of the ruling elders; and let not this latter class fail of the reward of ruling well, by allowing their office to be despised, their crowns to be taken from them, their double honor to be rendered nugatory. The work of teaching, and the work of ruling require gifts entirely distinct from each other; they are works not only separable, but actually separated in our church—in which our ruling elders have no pretence of a right to be public teachers; and it is as rulers and not as teachers, that the officers of the Church are invested with its government. It is not because our ministers of the word are invested with the right to preach and administer ordinances that they are invested with the power of rule; but it is because they are ordained church rulers as well as church teachers; that they hold and may exercise jurisdiction. Preacher and ruler are the furthest possible from being synonymous words; elder and ruler are strictly synonymous, as the Scriptures every where teach.² Seeing, then, that our ministers of the word exercise spiritual jurisdiction simply and exclusively because they are elders themselves, upon what ground soever the notion may have arisen that they are in any way or to any degree more competent to rule than other elders, it is utterly untenable. And seeing it has been proved already that all church rule is in the hands of assemblies, it follows that preachers,

¹See 1 Tim. v. 17. Also, “*The True Nature of a Gospel Church*,” by the great John Owen, especially chs. iii., iv., vii., viii., in the 20th vol. of his works, edited by Orme; also *Dr. Miller’s Essay on the Ruling Elder*, especially chs. ii., iii., iv., v., vi., vii. ; also the first article in the *Spirit of the XIX Century, for December, 18* , which, there can be, no impropriety in saying, is from the pen of *Prof. Thornwell* of the College of South Carolina.

²Acts xi. 30; xv. 2, 4, 6, 22; xvi. 4; xx. 17, 28; xxi. 18. 1 Tim. v. 17. 1 Pet. v. 1. 2 John i. 3. John i. Rom. xii. 8. 1 Cor. xii 28. 1 Tim. iii. 5, &c.

as such, can have no relation to such assemblies that can give them any power to rule, but must derive that power from the fact that they are elders—presbyters; the very fact upon which ruling elders rest theirs. No man has the, right to rule as minister at large, even though he be both teaching and ruling elder, as all admit; but he must be pastor of such or such a church to give him any power in it; and he must belong to such or such an assembly to give him any power there; his membership, and not his right to preach, being the immediate ground of his power, and his office as elder, not as minister of the word, being the final ground of it.

These distinctions are impregably established by the very nature and distribution of Church power. It is held with a universal consent amongst us that the power of the Church and of all its courts, is merely a ministerial and declarative power; a power to declare the sense of God's word, and to execute it; moreover, that it is a power strictly and exclusively moral, to be exercised only over the souls, the minds, the consciences of men; a power therefore not absolute in us, but in God only, and to be exercised by us, simply as a spiritual trust and upon the authority of Christ, and by no means as an inherent power; and again, that its whole force is spent upon those only who are voluntarily the followers of Christ, and through their own act fellow-citizens with the saints. The light of nature and the word of God alike teach us, that such powers can never be exercised except by officers bearing a double relation to God and to the household of faith: it is by the authority of God, but it is also by the consent of God's people, that every spiritual officer is to be appointed and every act of authority exerted. Every kind of power that can be exercised, is either a joint or a several power. Ecclesiastical power that is several, is defined to be *potestas ordinis*—the power of order; that which is joint, *potestas jurisdictionis*—the power of rule.¹ To the former class, belong all such

¹See *Second Book of Discipline of the Kirk of Scotland*, ch. i., sec. 6, which is full and explicit on this subject; see also *Owen's Gospel Church*, ch. vii., vol. 20, p. 473, works; also the Collections of Steuart of Pardovan, p. 38, B. I. t. ix., sec. 1.

powers as any church officer may exercise personally, singly—and by right of his order—*ex officio*; as that a minister of the word may preach, administer ordinances, &c., or that an elder may counsel, rebuke, &c.; to the latter class belong all powers that can be exercised only in assemblies of the Church, all which are joint and corporate powers, without exception. It follows, inevitably, that to suppose the possession of certain rights which are *several*, that is, rights of order, gives a peculiar, inherent, permanent, and sacred right to the exercise of powers which are *joint*, that is, powers of jurisdiction, is absurd; and that the notion that one sort of *several* power to wit, preaching, gives this right more sacredly or really than another kind, for example, rebuking, is also absurd; but that all the possessors of the *joint* power have an equal and the very same right to its joint exercise, and of course to membership in the assemblies where alone it can be exerted. And it cannot be too, often noted that the *several* exercise of *joint* powers, is Prelacy and not Presbyterianism; for, as Henderson has well said, in the remark already cited from him, if ordination and jurisdiction, both of which are, according to our system and to divine truth, joint powers, depend on bishops, all other limitations can do the Church no good. And what is it, but a tincture of Prelacy, for ministers of the word to claim, if not indeed an exclusive *several* right to the exercise of all joint powers, at least a superior, more permanent, and more sacred right founded upon the peculiar nature of their *several* powers, to exercise even to the exclusion of elders, powers which are purely joint?

Let it be further observed, sir, that it is a total illusion to suppose, as many seem to do, that any church courts—our Presbyteries for example—are radically composed of ministers of the word. Presbyteries are properly composed of parishes, congregations, particular churches, not of ministers of the word. The grand reason assigned for the necessity of Presbyteries is, that “The Church being divided into *many separate congregations, these need mutual counsel and assistance,*” and therefore, the importance and usefulness of a body in which they may act by their ministers and elders. (Form of Government, ch. x.,

sec. 1 and 2.) The keys of the kingdom of heaven are committed into the hand of those who are officers of churches; and all synods and councils, in a settled church state, are assemblies which “it belongeth to the overseers and other rulers of the particular churches to appoint.” (Confession of Faith, ch. xxx. secs. 1—2, and ch. xxxi. sec. 1.) The General Assembly of the Kirk of Scotland, in acts passed during the noblest era of that illustrious Church, has settled this point in the same manner, over and over. In an Act passed December 20, 1638, they say, in terms, “Presbyteries are composed of sundry Parochins.”¹ In an Act passed June 3, 1644, “for the present entrie of the new erected Presbyterie at Biggar,” and which seems to be in the common form, twelve particular churches are named and erected into a Presbytery, and then all the ministers and ruling elders of the said named churches are empowered to meet in Presbytery and exercise the power and jurisdiction belonging to such a body.² And in the important Act approving the Westminster Confession of Faith, passed on the 27th of August, 1647, the Assembly expressing its sense of ch. xxxi. sec. 2, of that Confession as it passed the Synod of Westminster, expressly say, that it is only in churches “not settled or constituted in point of government,” that the civil magistrate may call synods which are even properly composed, or that “*the ministers of Christ without delegation from their churches* may of themselves, and by virtue of their office meet together synodically;” and that “neither of these ought to be done in Kirks constituted and settled;” for, proceeds the Act, the magistrate may always consult, in a settled church, the assemblies “of ministers and ruling elders meeting *upon delegation from their churches;*” and these assemblies “are always free to meet as well *pro re nata*, as at ordinary times, *upon deputation from the churches*, by the intrinsical power received from Christ.”³ I therefore take it, sir, to be indisputable, that, according to our constitution, and according to the general principles of the case as understood by the purest

¹Printed Acts of the Assemblies of the Kirk of Scotland, p. 6.

²*Idem.* p. 217.

³*Idem.* p. 352.

Reformed Church in her purest day, ministers not only do not compose Presbyteries or other church courts, by virtue of their office as ministers; but in a settled Church state they are not in strict right entitled even to appear in them as constituent members, except as they are ministers of the particular churches which make up the Presbytery. Whatever force may be derived from a contrary practice in our Church—allowing ministers as such, to sit in Presbytery—is spent upon the mere fact of that practice; and that far, in the past and existing condition of the church, might appeal to the sound discretion of the Church; but even in this case, every act and record of our Church tolerating such a practice, proceeds on the assumption that such ministers are at least engaged in the cure of souls as their main work.¹ But now, when a claim is set up, as of right, and is enforced by a fatal act of the Assembly, which not only places every minister simply as a minister, and in total disregard of his having forsaken his covenanted calling, in full possession of the amplest powers belonging to a church ruler; when it is alleged, as of divine right, that men of this description are more inherently

¹The reader will observe that there are here four associated but distinct questions: (1) The formation of Presbyteries. (2) The meetings of them without elders. (3) The sitting of ministers in them, who are not pastors or evangelists. (4) The sitting of such ministers who have forsaken their calling. As it is *law*, not *practice*, that I am discussing, and this question of practice is both uncertain and extensive, I leave it, just now, upon the general statements of the speech, which contain the conclusions I have arrived at. The main points here argued, will be found to be borne out by the great mass of the Acts of the Assembly and of all our Synods constituting Presbyteries, which are essentially geographical, making the Presbyteries consist of certain churches and their ministers, or certain ministers and their churches, or a certain district of country, or certain ministers and a certain district; but very rarely, of ministers only; and then against the law and the sense of the Church. The principle of *elective affinity*, was thoroughly a New School principle and was utterly repudiated by the Church. The point of the argument is that Presbyteries are not composed of ministers alone, nor of ministers as such; and a careful examination will show this truth to be deeply imbedded in the acts as well as in the constitution of the church. My view of a loose practice is that the law ought to correct it, not it, subvert the law.

church rulers than those whose sole duty it is to rule, and that they may rule independently of them, and if need be to the exclusion of all participation of authority by them; it is high time to recur to first principles, and to set the whole subject upon its true and scriptural basis. Thus considered, nothing is more clear, than that the rule of the whole Church is lawfully and righteously in the hands of the rulers of the particular churches; and to assert the contrary is to contend for a government which is irresponsible, incompetent, without warrant and without delegation; a kind of government equally repugnant to the light of nature and the word of God.

I will now, sir, advance a step further, and show that the act of the last Assembly is contrary to the clear and well settled construction of the law of the case; that it is directly contradictory of the established construction of our own and of the Scottish Constitutions upon this important subject. The whole matter is *res adjudicata*; and the decision of our last Assembly is as completely aside from the whole current of decisions, as I have shown it to be of fundamental principles. According to the settled law of the Scottish Church, every church court in which ruling elders do not sit, is illegal, and all its acts are null. *Steuart of Pardovan* declares that neither the Constitution of the Church nor the law of the land in Scotland “do authorise any other ecclesiastical judicatory but Assemblies, Synods, Presbyteries, and Kirk Sessions, or their committees, consisting of ministers and ruling elders;” that “*no ecclesiastical judicatory, or committee thereof, can be lawful,*” “*without consisting of both ministers and elders;*” and he expresses a doubt whether the State would recognise or correspond with any bodies not thus composed.¹ The Assembly of 1638, the most memorable except that of 1843, that ever met in Scotland, annulled as utterly illegal no less than six preceding, and, as they called them, “pretended Assemblies;” to wit, those of 1606, 1608, 1610, 1616, 1617, and 1618. Amongst the reasons assigned for this immense stretch of authority, in five out of six cases, one reason is that there were no ruling elders in these Assemblies; in some, none being lawfully commissioned, in others,

¹Collections, p. 68. Book I., Tit. 15, Sec. 29.

none lawfully sent.¹ The Assembly of the following year in an elaborate statement entitled “Causes and Remedie of the by-gone evils of this Kirk,” addressed to the King, assign as the fifth cause of past troubles, the six fore-cited Assemblies, which they pronounce to have been corrupt, null and unlawful—amongst other chief reasons, because they were “called and constitute quite contrary to the order, constitution, and uninterrupted practice of the Church ever since the Reformation, by all which ruling elders did rightly constitute a part of lawful General Assemblies.”² The law as laid down by Pardovan extends even to commissions and committees of the church courts; which differ from each other in this, that the former may examine and conclude, while the latter can only examine and report; and I have discovered a very curious fact strongly illustrative of the subject now before us, in which the Commission of the Scottish Assembly of 1643, in appointing a special commission of itself, had its attention directed to the very principles for which I now contend, and fully recognised them in one of the most interesting acts, and in its issues one of the most important, ever performed' by a church court. It was on the occasion of appointing the Scotch Commissioners to the Westminster Assembly. Baillie, who was one of them, tells us that he moved, in the meeting of the Commission of the Assembly, that some elders should be placed on the Commission about to be sent to Westminster; but, he adds, “I gott not a man to second me; yet the absurditie and danger of such ane omission pressing my mind, I drew up reasons for my judgement, which I communicat to Argyle and Warristone; and when they had lyked the motion, I went so about it, that at the, next meeting it was carried without opposition.”³ These “reasons,” more fortunate and effectual than reasons usually are, have come down to us, and are worthy still to be pondered. The one which is immediately pertinent to my present argument is in these words: “4. The excluding of ruling elders from a Commissione of this nature,

¹Printed Acts of Scottish Assemblies, pp. 8-14; Pardovan, p. 57, Book I., Tit. 15, Sec. 1.

²Printed Acts, p. 75, Assembly of 1639.

³Baillie's Letters and Journals, Vol. II., p. 55, Edinburgh, 1841.

may call in question the validity of the Commissione: may hazard the approbatione of it by the next Generall Assemblie; may give just offence to all ruling elders; may make all the actions of these ministers more unpleasant, and of lesse authoritie with the bodie of any natione.”¹ The result was the recognition of the universality of the principle, that ruling elders must regularly be members of all assemblies whose constituent parts are preaching and ruling elders, and even of all commissions and sub-commissions of them, whether general or special; and three ruling elders, the Earl of Cassilis, Lord John Maitland, and Johnstoun of Waristoun, were united with the ministers Henderson, Douglas, Rutherford, Baillie, and Gillespie, as commissioners on the part of the Kirk of Scotland to the Westminster Assembly. All this is the more remarkable, when we compare the phraseology of the Scottish standards with that of our own, and the construction of the language with the construction adopted by our late Assembly. In the Printed Acts of the Scotch Assemblies, I have before me repeated acts of the successive Assemblies from 1638 to 1649, appointing their standing “Commissione for the public affairs of this Kirk.” These acts name first a large number of ministers, then a large number of ruling elders, who are directed to meet on a day certain at a place fixed, and afterwards “as they shall think good;” and then “gives and grants unto them, *or any fifteen of them, there being twelve ministers present*, full power and commission, etc.”² Here is a case far stronger for the exclusion of elders, who are not even named as a part of the quorum, than can be produced out of our Standards; and yet-of such cases as this, Pardovan asserts that unless elders are present the commission is illegal;³ and Baillie informs us, that in this identical commission of which he was a member, so many ministers, “*and three elders, made a quorum.*”⁴ In regard to the quorum of Presbytery, the case is even more striking; for “to perform any

¹Baillie's Letters and Journals, Vol. II., p. 479.

²Printed Acts' for 1643, p. 209 ; see also pp. 147, 223, 318, 361, 434, etc., for the commissions of other years, where the same phraseology is used.

³Collections, p. 68.

⁴Letters and Journals, Vol. II., p. 97.

classical act of government or ordination, there shall be present, *at least, a major part of the ministers of the whole classis,*” says Pardovan; and yet, says the same authority, this very Presbytery is illegal, unless ruling elders be also present.¹ That is, by the Scottish standards, in the quorum of a Presbytery there must be at least the major part of all the ministers of the body—nothing being said in this relation, of elders; but seeing it is a fundamental principle of the whole system that elders enter into the composition of every court, they are, upon that principle, held to be indispensable here, and are so adjudged to be. But our standards fully recognise and assert the same general principle, and moreover particularly name elders in the special clause about a quorum, as members presumed to be present; and yet our Assembly concludes that they need not be present at all! The State-Church of monarchical Scotland, with rules less manifestly clear for the rights of the especial representatives of the Christian people, declared steadfastly and clearly for those rights, ages ago; while the free Church of republican America, with every general principle and every special enactment of its Constitution strongly and manifestly for those high and important rights, decides, even at a time like this, earnestly, yea, indignantly, against them; nay, a storm is raised against the presumption of vindicating what are stigmatised as Brownist, radical, and revolutionary doctrines, and even many of the elders themselves are amongst the very foremost in destroying their own sacred liberties! Surely these things are calculated to arrest the public attention, and to create a profound anxiety in the minds of all those who know how difficult it is to preserve the purity of free institutions, and to maintain the spiritual liberties of mankind.

This extraordinary decision of our General Assembly, and the violent efforts made to uphold it as just and wise, are the more surprising, when it is remembered that it is contrary to former decisions of our Church. From the earliest period of this Church in America, the Collections of Pardovan have been its rule of discipline, and the general principles therein embodied recognised as essentially our own;² and that work was made the basis of a

¹Compare Book I., Title xiii., Sec. 1, p. 44, with Title xv., Sec. 29, p. 68.

²See Printed Minutes of the Presbyterian Church, p. 519.

portion of our present standards when they were compiled.¹ Although, therefore, it may have been true, in the forming and unsettled state of the Church, and especially amid the difficulties created by a bloody and protracted national struggle for freedom, in which our whole Church embarked with the country as one man, that occasional departures from strict rule were unavoidable, yet these irregularities could do little harm so long as the law remained unaltered and clear against them, and the sentiment of the Church was right, as the places I have cited clearly prove it was, up to the period when our present standards were compiled, fifty-five years ago. Upon the law of those standards, as written, I have already spoken fully. That law, as expounded, presents little or nothing to countenance, and a mass of proof against, the interpretation of the last Assembly. Even the early and monstrous violation of the Constitution by the formation of the Plan of Union of 1801, so far respected reason and truth that no pretension was made that the contemplated arrangements were either regular, constitutional, or permanent. That plan, as it relates to the present question, virtually abolished the office of ruling elder; and if there is one point upon which this Church has pronounced an irreversible judgment, it is that that Plan was utterly null and void from the hour of its inception up to the declaration of that nullity thirty-six years afterwards, by the Assembly of 1837. It is true the controversy which resulted in this decision involved other questions—questions of doctrine, and questions of practice, as well as questions of Church order; and I am ready to admit that in all my efforts—and no man made more—to reform the Church at that period, the question of order was never considered by me the paramount question. But the fact is recorded palpably and beyond denial upon all the proceedings of that period, civil and ecclesiastical, that the controversy was settled mainly on the point of Church order. There were great irregularities and there were great heresies, no doubt, to be removed; but these could not make the Plan of Union unconstitutional—they could only make it improper. But the Assembly of 1837 annulled that Plan as unconstitutional, and then de-

¹*Idem*, p. 535.

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clared the four Synods out of our connexion for the reason that that they were illegally constituted and illegally continued, by and under that void Plan. In what respect, sir? Why, sir, the churches, the Presbyteries, and' the Synods, were declared to be not Presbyterian mainly upon the very point this day involved. They had no ruling elders, and therefore were not Presbyterian. And whoever will carefully study the acts of the Assembly of 1837, its answers to protests, its official letters, the whole current of its proceedings, will find the stress of the whole question laid upon Church order, and the hinge of the whole case, in the question debated before you this day. Upon this ground, more than upon any other, it was triumphantly carried through that great Assembly, through the Church at large, and through the civil tribunals of the country. Sir, I was an actor in all those scenes. I have personal knowledge of what I assert. The records of the Church and of the country, bear me out in what I say. And I now tell you, I tell the Church, I tell posterity, that if the decision of the Assembly of 1843 is law, the decisions of the Assembly of 1837 are not law. If it is law that ministers without charge make a Presbytery, a Synod, and an Assembly—for the decision covers all this—then it was illegal, it was monstrous, to separate four entire Synods from the Church upon the pretence that even ministers with charge cannot, without the presence of ruling elders, constitute church courts which can constitutionally belong to this Church. They might deserve, upon other grounds, to be separated from us; but it could not be true, that for this defect they never were with us, or of us, if this defect is no defect. It is vain to say, the disowned Synods had no elders appointed in any of their churches; the fact is otherwise—there were elders, more or less, in many churches; and as it regards the Presbyteries and Synods, the fact of presence, not the fact of existence, is the sole fact in the case. For my part, sir, I stand by the reform of 1837—by its principles, and by its acts. I pronounce the decision of 1843 a counter revolution; and I unhesitatingly denounce it as at once compromising the character of the Church, subverting the fundamental principles of its polity, pros-

trating the rights of the elders, and endangering the spiritual freedom of the people.¹

Moderator, if I am capable of feeling the force of truth, I have now proved these propositions: that in our Church the government is in the hands, not of a priesthood, nor of the brotherhood, but of assemblies; that these assemblies are composed, regularly, of ministers of the word and of ruling elders, and these two fundamental principles are revealed to us from God; that a quorum of Presbytery, which is nothing more nor less than a Presbytery constituted for business, is to be composed according to the two preceding rules, and that the fair construction of our Constitution can lead us to nothing else; that it is so far from being true that ministers of the word are more sacredly the rulers of the Church, and the organic members of our church courts, by virtue of their office as teachers, than ruling elders are, that the fact is precisely the reverse, and that the ministers are members of any of those courts simply because they are elders themselves, and therefore rulers; that this whole view of the subject is fully established by the acts and decisions both of the Church of Scotland, after

¹It would be perfectly easy to show by citations from nearly every important paper of the Assembly of 1837, and from the elaborate report of the trial at law growing out of the acts of Assembly of 1837-38, that both the Church and the civil tribunals allowed this great controversy to go off mainly on the point of Church order, and that the question of Church order turned essentially upon the illegality of the Plan of Union, and that illegality upon its provisions allowing elders to be superseded entirely or supplanted by committee-men. The length to which this would protract this argument, and the general acquaintance which must exist in regard to matters so recent and so important, induce me to omit the detailed proof. It is also worthy of serious reflection, and is a strong collateral support to my general principles, that the German and the Dutch Reformed Churches in this country, both in principle and practice, adopt the view contended for by me, in this speech. In the former Church it is extremely common for an elder to preside in consistory, the pastor being present. And it is well known that the Classes and Synods erected in England under the advice of the Westminster Assembly, consisted of twice as many elders as ministers, and that no act was valid except a certain number of the former class approved it: a point not embraced in the advice of the Assembly, but submitted to by those holding *jure divino* principles.

which we have copied most, and by those of our own Church from its origin, and especially in recent and memorable transactions. I think, sir, I have also proved that, according to the well settled principles of the whole subject in its widest extent, and according to the clear judgment of the ablest men, and the purest Churches which have handled these great questions, any serious departure from the positions I have established, leads by inevitable necessity to Prelacy or to Independency; and, sir, I could easily show, if it were required, that in all past time, whatever clear thinker or learned man, or gathered Church, has held other opinions and stopped short of Prelacy or Independency, has seriously doubted or wholly denied the *jus divinum* of the office of ruling elder. It is apparent then that some of the most important considerations which can ever be presented upon the subject of Church order, must be carefully weighed before we can render a safe, an intelligent, or a just decision in the matter before us. And if gentlemen can find any pleasure in scoffs at old books, the very outsides of which they confess they never saw until now, and at that patient and minute search into the past, which they are pleased to consider, as its fruits are laid at their feet, a useless display of learning irrelevant to the questions we are to decide; I am so far from presuming to rob them of any part of that gratification, that I can only lament my utter inability to take up knowledge by absorption, to decide intuitively what God has revealed or ought to reveal, to divest myself of all reverence for the judgment of great and good men who have devoted vast powers of thought and investigation to subjects I desire to understand, or to bear as a light and easy thing the responsibility laid upon me by my calling and my vows, to seek for, to cherish, and to maintain truth.

It does appear to me, sir, that principles of the deepest importance are involved in this subject, and that practical consequences of the gravest character would be likely to follow the final confirmation by the Church, of the hasty and ill-considered decision of the Assembly of 1843. The most terrible calamity which can befall any government is to separate it either in feeling or in reality from those who are subject to its authority; as the most obvious proof that any community is already subjugated, is that

that the government is paramount to the state itself. Shall we bring upon ourselves both these disasters? All spiritual authority, from its very nature ought to be, and with us happily is, submitted to only as the voluntary act of those who obey it. The government of the Church of God was made for the Church, not the Church for it; its officers given to the spouse of the Lamb, not placed as lords over her. The church courts are not the Church; but preachers and elders are alike, and are only, a *ministry*—a body of servants given by the ascending Saviour to the body of his redeemed. Shall the ministers of the word become a close corporation, self perpetuated, and in effect irresponsible, connected with the Church only by an undefined dominion over it, not being, if we dare credit the last Assembly, even members of it?¹ Or shall they continue to be helpers of the joy instead of lords over the consciences of God's people, their great and paramount function being to teach the world the religion of Jesus, and their less important office to join with those whose special duty it is to rule, in the gentle and divided authority which the representatives of Christ's people, in Christ's name, exercise over them? Are the ruling elders of our churches to continue the honored and chosen guides of thee particular flocks, the authorised and immediate representatives of the people in the assemblies of the Church, an integral and necessary portion of every assembly to which jurisdiction appertains? Or are they to occupy a position altogether equivocal, accidental, provisional, humiliating, and become an appendage to the ministers; yea, an appendage adding nothing when they are present that did not equally exist when they were absent, and taking nothing when they depart that is essential to be retained? Are our congregations to look for direction to Presbyteries composed of teaching and ruling elders selected by themselves, participating in all their feelings, efforts, and wants, and distinctly acquainted with their whole estate? Or are they to be ruled by three ministers without charge, who, it may be, have forsaken their covenanted calling, and who presume to exercise the powers of government over ministers, elders, and people, with none of whom they hold more than a purely

¹Printed Minutes, p. 175.

nominal relation? Sir, it cannot be denied that these two Church states are immeasurably distant from each other. One is a hierarchy; the other is a Christian commonwealth.

For my part, there is but one course which I can adopt. It does not satisfy my conscience to be told that the construction which is to work this destructive change was adopted by a great majority of the Assembly; that it is approved by the leading men and institutions of the Church; that learned civilians pronounce it correct; that foreign ministers have been consulted and have acceded to it. It does not deter me to be threatened with the pains of an incendiary, and the penalties of a Church disturber. It does not remove from my path one ray of light, nor shake in my heart one firm resolve, to have predicted defeat and threatened ignominy set before me in the most distinct and appalling forms. I have borne much in the service of this Church; I am willing to endure more. I have stood for the truth, when fewer stood by me, than I can count to-day. Make this cause as desperate as you please, as degraded as you can; make the danger to me and to the Church as imminent as the most confident of those against me can desire, or the most timid of those with me can dread; and still I will take the risk and meet the peril. When the army of the king of Babylon beleaguered Jerusalem, the very prophet who in the face of death itself, and with the brand of a traitor upon him for his fidelity, denounced the doom of the wicked city, paid down in the very courts of his prison the price of the field that was in Anathoth, and subscribed the evidence, and called witnesses, and with all precision and formality redeemed the spot, it may be, on which the victorious army of the Chaldeans was encamped; for he knew that houses, and fields, and vineyards, would be possessed again in the land of Israel. Sir, I will take courage from this sublime example. Let this Synod say the Church is not a free commonwealth established of God, but is a hierarchy, which my soul abhors, and I will meekly, I trust, but yet resolutely deny that the Synod utters God's truth. Let the great institutions which rule the Church, and the great men who conspire with them, assert with one accord, that we are a hierarchy, and not a free commonwealth, and I will still lift up my humble voice

against their loud and unanimous cry. Let the General Assembly of the Church, if such be the will of God, angry at us for our sins, adjudge for a hierarchy and against a commonwealth; and while I must respect even the errors of that venerable court, I will set my poor name against its adjudication, and let posterity decide betwixt us. Let the ruling elders themselves, overborne by the clamor or seduced by the caresses of the ministers, prove insensible to their calling and negligent of the sacred trust reposed in them by God and God's blood-bought people; and even this fearful apostasy shall not shake my immovable purpose to defend the spiritual freedom of the Church, while there remains one inch of ground on which I can plant myself. For surely I trust in God that this sudden, amazing, and wide-spread stupor which has seized the officers of the Church and blinded them to the true character of our institutions, and under whose baleful influence a line of conduct and a course of observation so remarkable have been adopted in this Synod and elsewhere, cannot be perpetuated; and that, sooner or later, the Church must return to her ancient landmarks, the distinguishing and vital principles of her polity.

It is therefore, sir, with a profound conviction of its truth, and a deep sense of its timeliness, that I submit to the Synod the following minute, praying God, if such be his will, to grant it favor in your sight:

Whereas it is the explicit doctrine of the Presbyterian Church in the United States of America, that the kingdom of Jesus Christ erected in this world, is his Church (Form of Gov., ch. ii., sec. 1); that the said Church in its earliest and purest form was, and in accordance with Holy Scripture should be, "governed by congregational, presbyterial, and synodical assemblies" (*Idem*, ch. viii., sec. 1); that all these assemblies are regularly and scripturally composed only of the regular and scriptural officers, appointed of Christ to bear rule in his Church, to wit., in the ordinary and settled state of the Church, of preaching and ruling presbyters, commonly called pastors and ruling elders (*Idem*, ch. i., sec. 3 and ch. ii., sec. 2); that every church court or assembly, congregational, presbyterial, or synodical, consists of both sorts of the aforesaid officers (*Idem*, ch. ix., sec. 1; ch. x., sec. 2; ch. xi., sec. 1; ch. xii., sec. 2; and Confession of Faith, ch. xxxi., sec. i); and whereas the General Assembly of 1843 has decided "That any three ministers of a Presbytery, being regularly convened, are a quorum competent to the transaction of

all business” (Printed Minutes, p. 196), although not only the conclusive force of the divine ordination of a Presbytery, composed not of one but of two classes of presbyters, is directly against this decision, but the explicit doctrine of the Church is that the quorum of a Presbytery is not any three ministers,” but “any three ministers, AND *as many elders as may be present,*” etc.. (Idem, ch. x., sec. 7): Now, this Synod believing the principle here involved to be practically the question between an aristocratical hierarchy and a free Christian commonwealth, and judging the word of God and the Constitution of the Church to be against the former and for the latter, we do, therefore, according to the power inherent in this Synod, and so declared to be in our Form of Government (ch. xi. sec. 4), “propose to the General Assembly,” by way of overture, the repeal of Overture No. 20, adopted on the 30th of May, 1843, by yeas and nays 83 to 35, in the last Assembly, as being in its doctrine contrary to Scripture and to the standards of the Church, and in its effects subversive of the office of ruling elder, and of the rights and liberties of the Christian people; and the adoption, in its stead, of a declarative overture, to the effect that, by the Constitution of the Church, no assembly of the Church, whether it be congregational, classical, or synodical, can be regularly, legally, or completely constituted without the presence of ruling elders as members thereof.

ARTICLE IV.

THE RISE AND FALL OF THE CONFEDERATE .GOVERNMENT.

The Rise and Fall of the Confederate Government. By JEFFERSON DAVIS. Prosperum et felix scelus virtus vocatur. D. Appleton & Co., New York: 2 Vol., 8vo. Pp. 707 and 808.

The natural theologian observes that God, In his providence, governs men on a vicarious principle analogous to that on which he redeems them. He who would deliver his fellows, or bestow on them any succor under their dangers and miseries, must usually do it by ensuring for them the burden of those evils. The loftier the sphere of effort to which the leader or philanthropist is called, the more awful does he find this law in its demands upon his heart. The President of the fallen Confederacy has been required, doubtless, to meet this solemn law, in the full force of its bitterness. In addition to the anxieties and fears of the indi-

vidual citizen, and father, and patriot, he was required to bear, during the pendency of the great struggle, the vicarious cares and troubles of the whole people whom he represented. He was obnoxious to his individual portion of the animosities and reproaches of the enemies of his people, and to a large share of the passions directed against them. When his people were overpowered, the malice they has provoked pursues his person, while they received their amnesty. During the long years of oppression and obloquy, the anguish of every patriot has come into his soul, multiplied by the sense of his high responsibility. The bitterest part of this pain has doubtless been from that tendency, so natural to men defeated, and yet so cowardly and unjust, to cast the blame of their calamity on their leader. This long agony Mr. Davis has borne with a dignity, calmness, and courage, which must, in every fair mind, reinforce that respectful sympathy which is felt for him. Now, after years of reflection and careful study, he presents his people and the world, in this history, an account of his stewardship. On every principle of justice, he has a right to be heard by all the civilised world, but especially by the sons of those for whose liberation he toiled and suffered so manfully, if vainly. As head of the Confederate movement, and a head of active, devoted, and influential as to be better informed of the whole struggle than any one else, he is entitled to speak for his cause at the bar of history. The overthrow of that cause will unquestionably be judged in future in its effects on human destiny, as the most momentous secular event in Christendom, since the fall of the first Napoleon in 1815. To every educated man in the world, then, ignorance or misjudgment of this grand catastrophe would be an opprobrium. To the sons of Confederate sires, it would be a shameful disgrace. Their duty to themselves, as well as to the memories of their country, requires them to possess themselves of this plea for the Confederacy, by this farther reason, that the enemies of the cause are so diligent in misrepresenting. The claim which Mr. Davis lifts up, *Audi alteram partem*, amidst this huge torrent and flood of slander and falsehood, by which truth and our fathers' honor are

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