VI.

REMARKS

ON

THE ACT

OF THE

GENERAL ASSEMBLY OF 1837,

Declaring four Synods to be "neither in form nor in fact, an integral portion of the Presbyterian Church of these United States:"

SUBMITTED

FOR

THE CONSIDERATION OF SOUTHERN PRESBYTERIANS;

BY

A PRESBYTERIAN OF VIRGINIA.

RICHMOND:

WM. MACFARLANE, PRINTER.

1837.

REMARKS, &c.

"*If the foundations be destroyed, what can the righteous do.*"—DAVID.

While discussion and religious controversy are confined to subjects that involve no fundamental doctrines of Revelation, and no radical principles of Ecclesiastical order, neither ministers nor private members of the church are under a moral obligation to take part in such discussion and controversy. But far different is the case, when those great truths are impugned, which form the foundation of the system of revealed religion, or those first principles attacked, which are the basis of ecclesiastical order, and the security of ministerial rights and religious liberty. There is, *then*, an imperious obligation on every minister and member of the church, to range himself on the side of truth and order, and to resist the aggressions of innovators and disorganizers to the utmost of his powers. To be neutral then, is base cowardice—is *treason* against the cause of truth and of religious freedom. This position in the abstract, no one will gainsay or attempt to refute.

Under the conviction that the act of the last General Assembly, declaring 500 Presbyterian ministers without impeachment or trial "*not to be an integral portion of the Presbyterian church* of these United States," is subversive of the fundamental principle of Presbyterianism, and does go to establish a precedent which will render the rights of ministers and the religious liberties of the people utterly insecure; the writer feels it to be a solemn duty to submit the remarks contained in the following pages, to the consideration of the Presbyterian public of the south. He asks no favor in behalf of this pamphlet, beyond what *the reasoning* it contains may gain for it with candid and independent minds. The love of sound Presbyterianism, if he knows his own heart, is the motive that has influenced him to write.

He has no design to speak disrespectfully of the majority of the last Assembly. There were those in that majority for whom he has a most profound respect, as well as an ardent fraternal affection. Policy and temporal interest would impel him to give his individual sanction, however little worth, to the doings of the late Assembly. The position which he now takes, he is aware, will be unpopular with those with whom he has hitherto sympathised and acted in his ecclesiastical connections. But attachment, early, long attachment to Presbyterianism, and a sense of duty in this case, furnish a stronger impulse, than the considerations just noticed.

To present the Act of the Assembly, by which it cut off the four synods, in a proper light before the public, it seems necessary to notice *the incipient steps* which led to that act. It must be obvious to any unbiassed spectator of the doings of the late Convention, that *the substance* of the act of excision, or something equivalent to it, was determined on *before* the precise thing to be done, and *the reasons* for doing it were clearly ascertained. Dr. Junkin desired that the convention, as a body, would utterly refuse to take their seats in the assembly, unless the synod of the Western Reserve should be first excluded. Dr. Blythe hoped, "that if the orthodox were a minority in the assembly, they would *rise in a body, leave the house, and go on with the business of the church!*" Division, nothing *less* than division was the original design in calling the convention, and the master thought that swayed the master spirits of that conclave of *constitutional* reformers. "*Carthago delenda est*," was the motto. A division by fair means if it can be made, but a *division* by *any* means that will effect it. There is no want of charity in this charge, in regard to some that were members of the convention. Dr. Junkin urged that body in view of the contingency, that the majority of the assembly should not carry out the *reform* which the convention proposed, that it "at once bring in its ultimatum" *(et pessimum*, he might have added,) "and say—we are *determined* as one man, that unless this reform is immediately effected, WE *will cut* YOU *off!!* WE are the Presbyterian church; YOU are not, but are undermining its foundations." The unconstitutionality of the Plan of Union, and the application of the principle involved in its repeal had not yet been discovered, and if the discovery were still to be made, at this day, it is very doubtful whether the church would not have been divided by the violent and revolutionary measures proposed as above.

Dr. Junkin, says, "that convention never would have been called, *but for* THE PURPOSE of laying IT'S *hand* to SEPARATE the Pelagians from the sound part of the church! Indeed! the convention called for "the purpose of laying ITS hand" to separate ministers accused of heresy from the Presbyterian church. This is a hand utterly unknown to our book of Discipline. True Presbyterians may say in common parlance, to that "*irresponsible*" and "*voluntary association*," the convention—"*hands* OFF!" But that body, when it came into the general assembly, was true to the purpose for which it was called, and had determined on the substance of the assembly's act *before* the precise manner of its accomplishment was ascertained. Hence, the effort for an amicable division, and the resolutions offered to cite certain judicatories charged by common fame, with heresy and disorder. We see a decided and controling purpose formed by the members of the

convention, struggling after the means of its execution in the assembly without being able, for a season, to ascertain and lay hold of those means.

The next thing that deserves notice, in regard to the assembly's act, is, that *the reasons on which this purpose of division was founded, and which rendered it irreversible, were entirely abandoned in the act by which this purpose was executed.* The reasons for division and other measures of reform proposed in the convention, were *errors* in doctrine, and *irregularities* in discipline. Much of the time of the convention was occupied in hearing ex-parte and irresponsible statements respecting the heresies and irregularities said to be prevalent in certain portions of the church. Private conversations were repeated—rumor with her thousand tongues was admitted as a competent witness—hear-say testimony was given, and what, probably in private circles, would be termed *gossip*, was dealt out abundantly, as irrefragable evidence that an alarming crisis had arrived in the affairs of the presbyterian church. (Subsequent events have proved that it was an alarming crisis—*alarming to the friends of sound presbyterianism and of religious liberty!* But the convention and the majority of the last assembly, are *the authors* of *the crisis*, and responsible for its tremendous results on the interests of presbyterianism in this country.) The above is a *kind* of testimony in regard to offending judicatories, or offending individuals in the presbyterian church, that is wholly unknown to our book of Discipline. It is a prominent feature in the *new* REFORMED *discipline* which is now to be introduced, and the approval of which is now referred to the tribunal of the presbyterian public. These rumors and reports of heresies and ecclesiastical disorders, together with the avowal that the exigencies of the case would justify *revolutionary* measures, were the reasons on which the inflexible purpose of separation was formed and cherished in the convention, and brought into the general assembly for execution. And yet, all these reasons are wholly abandoned in the act of the assembly, by which the four synods were cut off, though it is manifest that they influenced and led the minds of the majority to that act. The abandonment of these reasons in the final act of the assembly, may be accounted for in two ways.—1. These reasons had already subserved one grand end which the witnesses who gave their testimony in the convention had in view—viz: They created *panic* in the minds of members of that body from a distance, who were not so well informed in regard to these heresies and corruptions as those nearer the localities where they are said to exist, and thus brought men who entered the convention with no such purpose, to take their stand for division. The testimony had performed an important service in securing this result, and might, therefore, be dis-

pensed with, if it would not fit on exactly to the final act of separation.—2. If the act of the assembly, in cutting off those synods, had been urged on the ground of doctrinal error and irregularity in discipline, then the *tedious formality* of a trial and of *legal testimony* would have been necessary, and the golden opportunity of securing an everlasting majority of THE PARTY in future assemblies, would have been lost. Hence the determination to cut "the Gordian knot," and to found the act of excinding certain portions of the presbyterian church, on the simple declaration, it is said, of a *fact*—that fact is, that the excinded synods "*are not in form, or in fact, an integral portion of said church.*" Now, is it not most remarkable, that men who have claimed to be contending for DOCTRINAL *purity* for years, and who have called and attended the convention "*for the purpose* of laying a hand to separate the Pelagians from the sound part of the church," should at last have effected a separation, which on its very face, has no reference whatever to doctrinal error! And how does it happen, that all the members of the convention, are just as well satisfied with the excision of the four synods, as though "the hand" had taken "by the throat" every Pelagian in the presbyterian church, and thrust him without its limits? Were these synods proved to be Pelagian or heretical in any way? No. *Why* then does *their exclusion* from the presbyterian church *satisfy* men who have been agonizing for years over *the heresies* that abound in our church?

The act of the assembly has no reference to heresy or *disciplinable* irregularities in those synods. Why then are champions of *doctrinal purity* and *order* SATISFIED with this act? It is not intended to *impute* motives, but the reader will judge for himself, whether the separation effected by that act was not sought for *other reasons*, than considerations of *doctrinal* purity. If Dr. Junkin's speech may be taken as testimony, the *heretical* VOTES in the assembly, on the subject of missions and other matters *of opinion* given by members from the bounds of those synods, and NOT *their doctrinal errors*, was one reason why the Doctor himself, the very "Magnus Apollo" of the doctrinal purity band, was *satisfied* with the act that relieved the general assembly from these troublesome VOTERS! This is not gratuitous insinuation. The writer is prepared to prove, that a certain clerical gentleman, whose theory on the nature of sin *was known* to be nearly allied to that of Drs. Fitch and Taylor of New Haven, was taken into close fellowship with *the doctrinal purity* party, just as soon as it was known *what way he would* VOTE on the subject of domestic missions.

If it be said, as it is by those who advocate the assemb'y's act, that these bodies are not charged with heresy, and were not tried for such an offence, and that no *blame* is thrown upon them, then it

remains for the public to decide *how* the excision of the four synods could *satisfy* men who seem to regard themselves as the *special* guardians of the purity of presbyterian doctrines. These synods, as far as the language of the assembly's act of excision is concerned, are not even *blamed* with heresy, and it is a notorious fact, that there was *no legal evidence* before the house, that these bodies were heretical, and yet the fiercest spirit of heresy-hunting, sits down in a calm satisfaction as soon as the four synods are cut off, blessing God, that the great achievement after which it has been panting for years, is measurably accomplished. Till this can be otherwise explained, common sense will come to one or the other of these conclusions—either that the four synods were cut off on *suspicion of heresy*, though the ostensible reason was their *unconstitutionality*, or that the separation occasioned by their excision was desired on a different ground from that of doctrinal error.

The unconstitutionality of the "plan of union," and the principle that the abrogation of an unconstitutional law, renders null and void all that has grown out of it, is the plea—the *only* plea for the assembly's act of excision. It would have been more consistent, as will be seen in the sequel, for the assembly to have founded its act on the plea of an exigency, justifying *revolutionary* measures, or the reason embodied in the French motto, "*car tel est notre plaisir*," than on the plea contained in the act itself. Let us examine this plea. Now, though the writer is not about to enter a formal discussion of the constitutionality of the plan of union, yet he will suggest a few considerations to show that its *un*constitutionality is *not* so obvious as to justify a meagre majority of one assembly to abrogate it and declare all that has grown up under it, null and void from the beginning. The general assembly has the power to conduct the business of missions. This has *always* been the opinion of the writer. Under this general power, then, is included all the specific powers, which, in particular circumstances, may be necessary to effect the general object, viz: the propagation of the gospel in new and destitute settlements. Now does not the plan of union partake very much of the nature of a *missionary enterprise*, projected by the general assembly itself? The very first article in the plan of union, reads as follows:—"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 forms of church government."

In carrying out the details of this missionary plan (an ECCLESIASTICAL ORGANIZATION, let it be remembered,) the assembly of 1801 judged, it necessary to the accomplishment of the greatest

amount of good, that there should be some mutual forbearance and accommodation between congregationalists and presbyterians in the new settlements, and that churches not strictly or wholly presbyterian, should have a lay representation in the presbyteries; that is, the committee men should by *concession* have the rights of a ruling elder in those bodies, and that the pastoral relation might be constituted between a congregational minister and a presbyterian church, and between a presbyterian minister and a congregational church, just as our presbyteries *now* indulge their ministers that become foreign missionaries by permitting them to minister to churches that are not presbyterian, and yet retain their standing as members of presbytery. The framers and adopters of this plan of union, very naturally regarded the constitution of the presbyterian church as intended in its spirit, rather to promote "charity, truth and holiness," than to be a Procrustean bed or a bundle of rigid, legal formalities, like the laws of the Medes and Persians, that would permit no discretionary power even for the attainment of the most important religious interests. The assembly of 1801, then in exercising a discretionary power in judging of the terms on which the mixed churches of the new settlements should be represented in the lower judicatories, acted on precisely the same principle on which an individual church and session act in receiving a ruling elder, who takes an exception to some article in the Confession of Faith, or a presbytery in receiving a member who makes a similar exception. The letter of the book requires both the elder and the minister to adopt the Confession of Faith *in toto*. And yet every church and every presbytery exercise a discretionary power in judging whether the exceptions taken by the elder or minister be sufficiently important to prevent their reception. The assembly of 1801, very naturally supposed, that for wise and benevolent purposes, it might exercise an analogous discretionary power in judging on what terms lay delegates from mixed churches should be admitted to sit and vote in presbyteries, provided these bodies gave their assent, and admitted such representatives. The presbyteries *gave their consent*, and admitted the committee men as ruling elders. Now it is legitimately questionable, whether *the consent of the bodies immediately* to be *affected* by this kind of lay representation did not make it *constitutional*, especially when the other presbyteries throughout the whole bounds of the church made no objections, but maintained a silence equivalent to consent—a silence which in civil matters *is* LEGAL consent.

Again.—The constitution of the presbyterian church was altered and sent down to the presbyteries for re-adoption or for ratification in 1821. No objection was then made to the plan of union, as being inconsistent with the constitution. Nay, all the presbyte-

ries of the four ejected synods, then in existence, *voted* for the adoption of the constitution as then amended? Can it be possible that these presbyteries considered the plan of union unconstitutional, and voted for the adoption of an instrument which they knew might afterwards be wielded for *their own ecclesiastical* DECAPITATION! Did these presbyteries understand that the amended constitution which they adopted, conferred on the general assembly, the power to *reverse* its own decision in regard to the plan of union, and declare all that had grown up under it null and void from the beginning? No. Were not these presbyteries *parties* in the adoption of the constitution? Yes. Who ever heard then of a case either in civil or ecclesiastical governments, where one of the parties to the adoption of a State or church constitution turned round afterwards, and under the authority of that very constitution so adopted, DECLARED *the other party not to be an integral portion of the State or the church!*

These and other considerations which might be adduced, show that the plan of union is not so palpably unconstitutional as to justify the small and accidental majority of one assembly in abrogating it, and declaring all its results null and void from the beginning. Ecclesiastical history presents no act of a church judicatory, out of the pale of the papacy, of parallel *precipitancy* and *assumption of responsibility* with the act of the last assembly, by which this plan was abrogated. *Courtesy* to five hundred ministers and sixty thousand church members, a decent respect for the opinion of the religious public, common benevolence, and especially the christianity of the New Testament, it would seem, might have dictated to the last assembly, to go no further in this matter, than to refer it as a question affecting the constitution to the tribunals of the presbyteries (those "*fountains of all power*" in our church,) for final adjudication.

But admitting the plan of union to be unconstitutional, the question still remains to be decided, whether the general assembly has the power to *reverse its own decisions*, and render *null and void* all that has resulted from them. The assembly had the power to decide that no more churches should be formed on the plan of union. This would be a simple repeal of that plan. But this is quite a different thing from *reversing* a former decision, and *nullifying* all that has resulted from it. The question then is, can a civil or ecclesiastical court of precisely *the same grade, or powers*, reverse its own decision without any new testimony, or any alteration in the facts on which such decision was made? This question admits of but one answer—No. If we admit that any court of the same powers can do so, then all confidence in the decisions of such a court is necessarily destroyed. If the general assembly can do so, then its decisions can never inspire suffi-

cient confidence to lead to any practical result. But it is said that the assembly is a legislative body. Very well. Can its legislation involving *constitutional* matters be of any force, till it is sanctioned by the presbyteries?—No. Then if the presbyteries* have by their silence virtually approved the plan of union as constitutional, is it competent for the assembly, not only to declare the plan unconstitutional, but to nullify all that has grown out of it *without* consulting the presbyteries? The presbyteries *have* virtually approved the plan of union as constitutional, by the ratification of the amended constitution in 1821, and by more than *thirty years* of profound silence on this subject. The legislative act then, of the last assembly abrogating this plan, is legislation *affecting the constitution*, and of no force, till ratified by the presbyteries. In proof, that the general assembly has not the power to *reverse* its own decisions, a case will now be quoted from the Digest. On pages 324 and 325, there is a report of a committee adopted by the general assembly in relation to the censure which the synod of Geneva passed upon the presbytery of Geneva for improperly admitting the Rev. Shipley Wells, a constituent member of said presbytery:—After stating what they considered the synod competent to do in the case, the committee further say—"but it is equally clear, that the right of admitting Mr. Wells a constituent member of the presbytery of Geneva, belonged to the presbytery itself; and that having admitted him, *no matter how improvidently*, their decision was *valid* and FINAL. The individual admitted, became a member in full standing: nor could the presbytery though it should re-consider, REVERSE *its own decision* or IN ANY WAY *sever the member so admitted* from their body EXCEPT BY A REGULAR PROCESS." This is in point! This is genuine presbyterian jurisprudence, as understood and acted upon *before* it became necessary to *do something* to secure a majority of a particular party in all future assemblies. Let us take this obvious and just principle contained in the decision of the assembly above cited, and apply it to the case of the *reception* of the synods of Geneva, Utica, Genesee and the Western Reserve, by the general assembly. The general assembly "*has the right of deciding on the fitness of admitting*" said synods as constituent ecclesiastical bodies of the general assembly of the presbyterian church in these United States. "And *having* admitted" these

* The Old School party a few years since, contended vehemently for the doctrine, that the presbyteries were "the fountains of all power"—that the general assembly was "the mere creature of the presbyteries." The writer believed them to be right then in these positions, and he believes so still. Now the assembly of 1801, "the mere creature of the presbyteries," that is *their agent* formed the plan of union without constitutional power to do so. But the presbyteries who are the *principal* in this case *sanctioned* that plan by their silence.

synods, "*no matter how improvidently*" (that is, with committee-men, permitted to sit and vote as elders in the presbyteries of which they were composed,) "the decision was *valid* and FINAL!" The synods "admitted became" ecclesiastical bodies "in full standing;" nor could the general assembly, "though it should re-consider, REVERSE *its own decision* or *in* ANY WAY *sever*" *the synods "so admitted from its body*, EXCEPT BY A REGULAR PROCESS!" Now let it be carefully noted, that the act of the late assembly cutting off these four synods, "so admitted," is not merely a legislative act, repealing or abrogating the plan of union, but is *a direct* REVERSAL *of its own former acts of admitting these synods*. If *this* is *presbyterianism*, then the case we have quoted from the Digest, *is not*. The principles involved in these two cases, are as *diametrically opposite*, as they can be. Whether the assembly of 1816, whose decision is contained in the language above cited, or the assembly of 1837, whose doings are now under consideration, acted on the great and fundamental principle of presbyterianism, is a matter easily decided by a mere tyro, in the science of ecclesiastical polity. The act of the last assembly, severing the four synods from that body WITHOUT A REGULAR PROCESS, ("*no matter how improvidently they may have been admitted*,") is not only against the plain stipulations of the constitution, but directly at war with the *general principle* established by the decision of the assembly of 1816, in the case already referred to, viz:—that the decisions of ecclesiastical bodies, admitting constituent members, no matter how improvidently, are VALID and FINAL, and that the only way to retrace an improvident step of this kind, is *not* to REVERSE the former decision, but to sever the member so admitted from their body BY A REGULAR PROCESS.

But suppose it be admitted that the plan of union is unconstitutional—that the general assembly had full power, not only to repeal it, but to declare null and void all that grew out of it—what then? Why, it still remains to be seen, whether or not, THE PRINCIPLE *on which the four synods were cut off, could be actually* APPLIED TO THEM. The principle is, that the repeal or abrogation of an unconstitutional law, necessarily renders null and void all that grew out of the operations of that law. This principle is applied to the plan of union, and to all that has resulted from it. *The thing*, however, which the last assembly TOOK FOR GRANTED, is, *that the four ejected synods, grew out of the plan of union!* The public will call for *the proof* of that assumption before they will be convinced of the constitutionality or justice of the act of excision. We might object to the rigid principles of civil law, as a rule of conduct, to a court of the church of Christ, composed of men who are presumed to have consciences and piety, and who meet and act in an ecclesiastical capacity, rather to

promote the great interests of "charity, truth and holiness," than to exact from christian brethren, what the letter of law may award. But the principle, that the abrogation or repeal of an unconstitutional law, necessarily renders null and void all that has grown out of it, is strenuously urged. The last assembly has "appealed unto Cæsar, and unto Cæsar it shall go."

Let us then examine this unconstitutional law,—the plan of union,—and see what its provisions are, that we may know what must *necessarily grow out of it*, and what must *necessarily be rendered null and void* by the abrogation of this plan. The following are the provisions of the plan of union. * * —"2nd. 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 difficulty 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.

3rd. 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 arises between him and his church, or any member of it, the cause shall be tried by the association to which said minister shall belong, 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 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 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." These are *all* the provisions of the plan of union. Now let us see what can *possibly*, not what must *necessarily* grow out of this plan—for we are willing to rest the argument on the most liberal construction of *the results* of the plan of union. All then, that can possibly grow out of it, are the following things:

I. *The pastoral relation* can be formed between a presbyterian minister and a congregational church, and certain rules above mentioned in the plan of union, respecting discipline, can be established.

II. *The pastoral relation* can be formed between a congregational minister, and a presbyterian church, and certain other rules in respect to the management of church affairs mentioned in the plan of union, can be established.

III. A church consisting partly of presbyterians and partly of congregationalists, *can have a standing committee* to conduct its discipline, from whose decisions there are certain rules for appeal. And when said committee shall depute one of their number to attend the presbytery, *he may have the same right to sit and act in the presbytery, as a ruling elder in the presbyterian church.* Now will the reader believe it, that these are the things, as a matter of fact, and the ONLY things that CAN grow out of the plan of union? Search its provisions thoroughly, and see where there is any clause providing for the *constituting* or *forming* of *presbyteries or synods!* There is not the remotest hint, in the whole plan, touching this subject. The only provision that can in any way affect the ecclesiastical bodies of our church, is the right which a committee-man, who is deputed to attend the presbytery, has to sit and act as a ruling elder. And mark the language of the plan of union in this particular. "And, provided, the said standing committee of any church shall depute one of themselves *to attend the presbytery.*" The plan of union here, most obviously *assumes* the formation and existence of the presbytery *wholly irrespective* of its provisions, and under laws and conditions, that are entirely separate from that plan. There is not a hint in the plan, how presbyteries and synods are to be constituted, *in consequence* of its provisions.* As we have now seen the things, and the ONLY things that *can* grow out of the plan of union, let us take the rigid legal principle contended for by the last

* We do beg a candid public to judge whether this one provision of the plan of union, couched in such remarkable language—"*provided* said committee shall depute," &c. as though it were discretionary with a mixed church, whether or not it should so depute one of its committee. We do ask the public, whether this provision justifies the assertion that the plan "FORMS their *judicatories.*"

assembly and apply it, and see *what* will be rendered null and void by the repeal of that plan.

I. The repeal or abrogation of the plan of union *dissolves the pastoral relation* between a presbyterian minister and a congregational church, and that between a congregational minister and presbyterian church; and by doing this, it *inclusively* annuls the rules adopted for the adjustment of difficulties between such ministers and their churches, or any members of them.

II. It separates a church consisting partly of presbyterians and partly of congregationalists, and renders null and void those rules of compromise relating to its discipline.

III. It *annihilates the standing committee*, and *excludes* its delegate to the presbytery from sitting and acting in that body as a ruling elder. Reader, does the repeal or abrogation of the plan of union, legitimately do any thing more? Admitting the very letter of the famous legal principle—that the repeal of an unconstitutional law necessarily renders null and void, all that has resulted from its operation—does the repeal or abrogation of the plan of union render null and void, *aught*, beyond the items just specified? How *can* the abrogation annul *more* than has grown up under the constitutional law abrogated? Look at the plan of union again. Scrutinize its every provision. Does it ever allude to *any terms modified by* ITS PROVISIONS on which presbyteries and synods *shall be constituted* and *received* into the general assembly? Not at all. Both the language and the provisions of that plan, take for granted, the existence of presbyteries and synods, wholly independent of the plan itself, or of any thing that may grow out of it. The *very nature* of the plan of union, shows, that so far from contemplating the constituting or forming of presbyteries or synods, its only provision touching such bodies can take no effect, till a presbytery has *first been organized!*

How can the standing committee "depute one of themselves *to attend the presbytery*" BEFORE a presbytery is organised? The peculiar feature of this plan which seems to have been wholly overlooked by the last assembly, is this, that *there must be a presbytery in existence* BEFORE the only provision which it contains respecting such a body could have any effect. If presbyteries then in the bounds of the four excinded synods, were originally formed of unconstitutional elements, that is, of committee-men, instead of ruling elders, let it be distinctly remembered that this did not grow out of the plan of union legitimately, and that, that plan is *not chargeable* with it. For the plan itself clearly *assumes as granted*, that the presbyteries and synods where it operates, have been formed, just as any other presbyteries and synods were formed; that is, according to our book of discipline, by the action of the general assembly, constituting and receiving the synods, and approving the books of these

synods which record their doings in constituting presbyteries. *These acts* of the general assembly are as utterly irrespective of the plan of union, as if no such plan ever existed. What! The ecclesiastical acts that constitute synods and receive them into the general assembly, GROW OUT *of the plan of union!* This inference from the provisions of the plan itself is preposterous!! It is a plan which contains rules for the regulation of certain churches within the geographical limits of certain presbyteries and synods, which presbyteries and synods the plan itself presumes, have been constituted and received into the general assembly, in precisely the same way as any other presbyteries and synods that belong to that body. How was the presbytery of Cayuga formed? By the plan of union, or by the book of discipline, and form of church government of the general assembly? How was the synod of Geneva formed? By the plan of union? or by the general assembly *dividing* the old synod of Albany, and constituting TWO NEW SYNODS? to one of which it gave the name of the synod of Geneva, and to the other, the name of the synod of Albany. The synod of the Western Reserve, was constituted by an act of the general assembly, dividing the synod of Pittsburgh, and setting off a portion of its members as the synod of the Western Reserve. The records of these acts in the minutes of the general assembly, will show that there was no reference whatever to the plan of union.

Let us now recur to the rigid legal principle—that the repeal or abrogation of an unconstitutional law, renders null and void all that has grown out of it—and let us see, whether or not, admitting this principle in its utmost extent, the abrogation of the plan of union *will touch the ecclesiastical existence* of the four synods, or the presbyteries of which they are composed. If there is nothing in the plan of union *prescribing the conditions* on which these ecclesiastical judicatories may be constituted—if the synods in question were constituted by an act of the assembly, precisely the same in form, as the act by which any other synods were organized—and of this, we have documentary proof—if these synods formed presbyteries, just as any other synods form them, that is, by dividing existing presbyteries which were originally constituted "of all the ministers and one ruling elder from each congregation within a given district"—and if the general assembly received these synods, reviewed and approved their books which recorded the organization of these presbyteries, then as ecclesiastical bodies *they* ARE CONSTITUTIONAL. The admission of committee-men by the plan of union, to sit in the presbyteries as ruling elders, is only an irregularity or abuse for which the general assembly, and *it alone*, is to blame. Even if these synods or presbyteries themselves were wholly responsible for this abuse, the general assem-

bly could not cut them off, or "sever them from its body in *any other way*," than by that "regular process," prescribed in the book of discipline for all disciplinable irregularities. To declare the four synods then "out of the ecclesiastical connection of the presbyterian church of these United States, and not in form, or in fact, an integral part of said church" under the plea of the repeal of the plan of union, and the consequent abrogation of all that grew out of it, is just as palpable a violation of the constitution of our church, and as much of an outrage on the rights of those thus ejected, as if no such plan of union had ever existed; or, as if the assembly in the same summary manner had cut off the synods of Virginia and North Carolina, because it might be reported on the floor of a convention, that the churches within the bounds of these synods, had many members in them that had never been constitutionally admitted, by appearing before the session as our book prescribes, or that they neglected discipline so grossly, that members in full standing, died of intemperance. What now shall we say of the talismanic principle, that the repeal of an unconstitutional law renders null and void all that has grown up under it? Why, simply that this principle *has no application whatever* to the excision of the four synods. We have shown that the abrogation of the plan of union will dissolve pastoral relations of the kind provided for in our book---that by doing this, it will annul certain anomolous rules of discipline resulting from these pastoral relations, and it will prevent the committee-men from sitting and acting as ruling elders in the presbyteries. But after the abrogation of the plan of union, and these effects of the abrogation just noticed, there will still be *presbyterian churches*, *church sessions*, *presbyteries* and *synods* in the territorial limits where the plan has operated, constituted and existing in the same regular and legal form as any other similar bodies in our connection. "By what authority" are they to be declared to be out of the presbyterian connection? "Or who gave the last" assembly "this authority?" Just separate from the presbyteries composing the four synods *all* that has grown out of the plan, and will not every one of those presbyteries still be composed "of all the ministers, and one ruling elder from each congregation within a given district?" If it will, then these are the conditions ACCORDING TO OUR BOOK which make a presbytery *constitutional*. Now we deny that there was the shadow of legal testimony before the last assembly, to prove that *after* rendering null and void *all* that had grown out of the plan of union, any presbytery within the bounds of the four synods, would no longer contain the elements which the book requires to make it a constitutional body. It might have been *probable*, that some presbyteries would have no lay members left which our book recognizes as one of the elements of a presbytery; that is, ruling

elders---but we repeat it, this was not at all *in evidence* before the house---*it was not proved.* And as this was *not* proved before the last assembly, we have a perfect right to the presumption, that these presbyteries still have the constitutional elements required by our book. If so, then, of course, each one of the four synods, *after* the abrogation of the plan of union, is still---"a convention of bishops and elders within a larger district" (than that of a presbytery,) "including at least three presbyteries." *These* are the requisites which *according to our book*, make a synod. And if such a body has been received by an act of the general assembly, as each of the four synods have been, then it is a synod still—and then are these four synods CONSTITUTIONAL bodies, freed now from irregularities by the assembly repealing *its own* unconstitutional plan by which it *imposed* the committee-men on the presbyteries of which they are composed. Yes, these synods *are* in connection with, and an integral portion of, the presbyterian church of these United States, ten thousand such declarations as that of the last assembly, to the contrary notwithstanding!! What an astonishing and gratuitous assumption then was it that simply *by the abrogation of the plan of union*, these synods were neither "in form nor in fact an integral portion of the presbyterian church!"

Now, there is but one possible way in which the abrogation of the plan of union could ever *indirectly* affect the existence of any synod constituted by the general assembly. If by excluding congregational or mixed churches and committee-men from the given district of presbyteries, there should be found any presbytery or presbyteries that did not then consist of the constitutional elements; that is, of presbyterian congregations and ruling elders, of course, such bodies would no longer be presbyteries. And if the number of presbyteries composing a synod, should be so reduced by this process, that there would not still remain *three* within the given district of that synod, then it would cease to be a synod. But would that put the *presbyteries* with their churches, that still remained, *out of* the general assembly of the presbyterian church of these United States? Or would it do any thing more than merely put them *out of their ecclesiastical capacity* AS A SYNOD?

A *very different thing* from that of being "neither in form nor in fact, an integral portion of said church!" These remaining presbyteries would still belong to the general assembly. The assembly has no right, either from the constitution of the church, or from the authority of the Great Head of the church, to relinquish its control over these presbyteries; it is responsible to God for its watch and care over them still, and is bound authoritatively to *direct*, (not to tell them "if they WISH!") that they join themselves to the nearest existing synod. Till it is *proved*, that the presbyteries composing the synod, were originally formed of unconstitutional ele-

ments, a reduction of the number of presbyteries below what is requisite to form a synod by the abrogation of the plan of union, and a reduction by death, emigration, or any casualty, are precisely the same in effect; that is, in both cases, they dissolve the synod, and leave the remaining presbyteries under the authority of the general assembly, to be *directed* by it, to join the nearest existing synod. And in neither case, can any thing more than this be *legally* done. If the presbyteries that remain after the reduction by the abrogation of the plan of union, be not *proved* to have been *originally* formed of unconstitutional elements, it is as manifestly unjust to put those presbyteries *out of the church*, though it be on the plea of the abrogation, as it would be to put out those presbyteries that remained after the reduction by death, emigration, or any casualty. The presbyteries in the former case, for aught that has appeared in proof to the contrary, have been formed and now exist in the same manner as the presbyteries supposed in the latter case; that is, both have been formed *according to our book*. Why, then, in the former case, declare them *to be out of the church*, when in the latter, they would be recognized as in connection with it still, and would be *directed* to join the nearest existing synod? On what principle of justice, or with what semblance of right could this be done?

We now proceed a step further, and deny that the last assembly had any evidence, that the application of the principle involved in the repeal of the plan of union, would justify it even in *dissolving* the four excinded synods. In order to declare those synods to be *merely dissolved*, it would have been indispensably necessary for the assembly to have had before it statistical and documentary evidence of the proportion of unconstitutional elements in the presbyteries composing these synods, which elements were to be removed by the repeal of the plan of union. Without this, how could the assembly know the *extent* to which the reduction would take place? If it was not known how many unconstitutional elements were *in* the constituent parts of those synods *in consequence* of the plan of union, how could it be known how many unconstitutional elements would be *removed* by the repeal of that plan? Was there any examination had by the last assembly on this point? Was there any evidence in regard to it legitimately before the house? The records of the formation, or rather, the *present statistics* of the presbyteries composing those synods, could alone decide this matter. Were they examined by the last assembly? Not at all. On what ground then did the assembly *know* that the abrogation of the plan of union, and the nullification of all that grew out of it, would so reduce the number of presbyteries as to justify even the *dissolution* of the four synods? The public are in great need of *light* on this point!

If, then, the last assembly had proceeded no further than to declare these synods to be dissolved, and to direct the remaining elements to join the nearest synod, it would, in that case, have applied the great legal principle involved in the repeal of the plan of union, *beyond the limits* where there was any legal testimony, that it was at all applicable. What now shall we say of making the application of that principle, the plea for declaring four synods embracing five hundred ministers, *to be* NO PART *of the presbyterian church?* But it is said, that all these synods have been formed SINCE the plan of union went into operation, and that this is *the evidence*; that the synods *grew out* of that plan, are unconstitutional, and are, therefore, swept away *necessarily* by the abrogation of that plan. Let us examine the point of the reasoning, or the evidence in this case. "All these synods have been formed *since* the plan of union went into operation." Well, what does this prove? anything? No. This fact *of itself*, does not certainly prove anything in regard to the *constitutionality* of those synods. Surely it will not be maintained, that the *mere* fact, that a synod has been formed *since* the plan of union has been adopted, proves, that said synod is composed of unconstitutional elements. For then the synods of Ohio and of Tennessee, and others, would come under the same condemnation. They have been constituted *since* the plan of union went into operation. There is no argument or evidence then, in the *mere* fact of a synod being constituted, *since* the adoption of that plan. In what then does the argument or evidence lie? When it is said, that these four synods have been formed *since* the plan of union was adopted, and have, therefore, grown out of it, and are unconstitutional; one of two things must be meant, either, that the plan of union operated to make a sufficient number of *presbyterian* congregations with *presbyterian* ministers settled over them to form a sufficient number of constitutional presbyteries to constitute the four synods—or, that the plan of union operated to form presbyteries destitute of the constitutional elements; that is, destitute of presbyterian congregations and of ruling elders within the given districts occupied by the presbyteries composing the four synods. Now, if the plan operated in the first of these ways, viz. to make a sufficient number of *presbyterian* congregations with *presbyterian* ministers settled over them to form presbyteries according to our book, and of these to form synods according to our book; then, surely, such bodies are not to be declared to be *out of* the presbyterian church, *because* the operations of the plan of union were *the incipient steps* by which they became PRESBYTERIAN bodies. We never refer to the process by which a man is ultimately led to adopt our Confession of Faith, and become a presbyterian minister, in order to judge whether he is *in* or *out* of the presbyterian

church! Or if the plan of union has operated in the last way, viz. to make congregational churches and committee-men, the original churches and the original lay-members of which the presbyteries were formed, and that the synods were constituted of such presbyteries—then we say, that this is a fact—*a historical fact* susceptible of proof! and ought, assuredly, to have appeared fully in evidence before the last assembly, to justify the excision of the four synods. This fact, *clearly proven*, ought to have been the very corner stone on which the act of the assembly rested. Is it so? Was it proven? We are told that the enormous length of time, of thirty-six hours, was allowed for discussion before the act of excision was passed! How much time was appropriated by the assembly, to the examination of the statistical and documentary evidence that went to prove *how far* the four synods had *grown out* of the plan of union? Let the astounded spectators from other denominations and from the world, who witnessed the passage of that act in the last assembly, answer! But then the great plea is, that the presbyteries composing these synods, did actually admit committee-men, to sit and act as ruling elders. Well, all that this can prove in the case, is, that presbyteries which, we have seen, must be assumed to have been formed originally *according to the book*, did at some period *subsequent* to their formation, admit committee-men to sit and act as ruling elders. This, then, is an irregularity; but it does not, in the least, alter *the original elements* of which the presbyteries were formed. It may render unconstitutional the acts in which these committee-men took part, but it cannot *vitiate the original constitutionality* of these bodies. Suppose the good orthodox presbyteries formed according to the book, and composing a certain synod, after existing some years, should, under *the express legislation and sanction* of the general assembly, admit a lay delegation from some methodist churches within their bounds, to sit and act as ruling elders. Would that vitiate the original constitutionality of those presbyteries? Would the general assembly have the right *without* a regular process, *without* trial or testimony in the case, to declare the synod composed of those presbyteries to be out of the presbyterian church? Now, as the provision of the plan of union, securing to the committee-man a seat in the presbytery, takes it for granted, that the presbytery must be formed (and of course, formed by our book, and without reference to that plan,) *before* the committee-man can be admitted, is the admission of the committee-man, should it be at the first meeting after the organization of the presbytery, a *greater* irregularity than would be the admission of lay delegates from methodist churches, as in the case just supposed? Then, if this irregularity would not justify the assembly in declaring a synod to be out of the presbyterian church *without* a regular process, why should the irregulari-

ty of admitting committee-men, which is no greater, justify such a declaration? What is the amount then of the argument in favor of the excision of the four synods founded on the mere fact, that they were all formed *since* the plan of union was adopted? Just nothing at all! That fact, in itself, does not furnish a particle of evidence in respect to the original elements of which the presbyteries composing these synods were constituted. Some ask, whether these synods with "all their constituent parts" would ever have been formed, had it not been for the plan of union. We ask such to *prove* that they would *not* have been! and we deny that any such thing *was proved* on the floor of the last assembly. Others seem to think that the very fact of a committee-man being in a presbytery or a synod, is *the thing* that vitiates the constitutionality of such a body. But there is positive proof, that the last assembly did not think that the mere circumstance of committee-men sitting and acting in the presbyteries which compose a synod, would be a sufficient ground to declare that synod to be out of the presbyterian church, else must the synod of Albany *inevitably* have been cut off. But for *some reason* best known to the majority of the last assembly, that synod was retained as a constitutional body. Yes, will the public believe it, the synod of Albany was constituted SINCE the plan of union was adopted, and the presbyteries composing that synod, have at this day, committee-men sitting and acting as ruling elders! What are we to think now of the principle on which the assembly professed to act in cutting off the four synods, viz. that all those synods have been formed *since* the plan of union was adopted, and were, THEREFORE, unconstitutional? Why, that if *this* had been the *real reason* for cutting off those synods, the synod of Albany must also have been cut off. The truth, however, may as well be told. The majority of the synod of Albany, were known to be of "*the party*" which constituted the majority of the last assembly! *This* materially altered the case with regard to that synod, though it was formed *since* the plan of union, and at the same time with the synod of Geneva, and has *now* committee-men in its presbyteries. Of the last assembly's *impartiality* in retaining that synod, the public will judge! But it is said, that there are but *few* committee-men in the synod of Albany. Ah! then it is the *quantity* of the thing, not the QUALITY, that renders an ecclesiastical body, synod or presbytery, *unconstitutional*. If this be so, then where does our form of government prescribe the maximum number of committee-men in a presbytery or synod, *beyond* which an additional one will render the body unconstitutional? Now, the plea of *mere numbers*, were we to admit it in the case of the synod of Albany, will not help the matter. Because it is notorious, that the last assembly neither inquired into, nor ascertained with *any* accuracy, the proportion of

the committee-men in each and all the presbyteries composing the four excinded synods. We see then, that the last assembly has deprived itself of the plea, that the four synods were formed *since* the plan of union was adopted, grew out of it, and are, therefore, unconstitutional, because by *retaining* the synod of Albany against which the entire force of this plea lies, the assembly has shown that it had *other reasons beside this plea* for the act of excision.

But we now go still further, and affirm that this plea will not justify the assembly's act in cutting off the four synods, even if we admit it in its utmost extent. Suppose it had been proved that these synods by an *abuse* of the plan of union were formed unconstitutionally. Would this justify the assembly in doing anything more than to *dissolve* these bodies, and that, too, not on the ground of the abrogation of the plan of union, but on the ground that former assemblies acted unconstitutionally in creating these synods without ascertaining that they contained the elements required by our book. Surely to prove (though no such thing *has been proved*) that these synods were formed unconstitutionally, is not equivalent to proving that "ALL *their constituent parts*," are neither in form nor in fact, an integral portion of the presbyterian church. Is it equivalent to proving that there are no presbyteries or presbyterian ministers "strictly presbyterian in doctrine and order" within the bounds of these synods? There *are* such presbyteries and ministers within the bounds of the four synods. There *are* a number of ministers amongst the *ejected* five hundred, who have been ordained in regular constitutional presbyteries, and have been dismissed in an orderly manner to join the presbyteries composing these four synods, and have *never* ministered to any other than *regular presbyterian* churches. Now let common sense, we mean *presbyterian* common sense, tell us how the above plea, which at best could only lead to the *dissolution* of these synods, can justify the assembly in declaring *these ministers* to be neither in form nor in fact, an *integral portion of the presbyterian ministry* of the general assembly! Yet, *this* is what the act of the assembly declares. But it is said that ministers are connected with the general assembly of the presbyterian church, through their presbyteries and synods. This is true, in general, and yet, if a man can be a presbyterian minister no longer than he happens to belong to a presbytery or synod still existing constitutionally, then it is certain, that we have no provision for the transfer of ministers in case a presbytery or synod, by emigration or death, or any casualty is reduced below the constitutional number. The remaining ministers must come into an existing presbytery or synod as the case may be, just as if they had never had any previous connection with the presbyterian church. But this is not the fact, as every presbyterian knows. The position then. that ministers are connected with the general

assembly as *presbyterian* ministers *only*, by belonging at all times to an existing regular presbytery, amounts to this,—that the tenure of ministerial office in our church depends on the simple fact, that the incumbent shall belong to a presbytery, that cannot be declared to be unconstitutional, or be dissolved by *any* concurrence of circumstances. Because, as soon as it is declared to be unconstitutional or dissolved, he is no longer in form or in fact, a presbyterian minister! Will ministers enter or remain in a church, that will place the tenure of their holy office, on so precarious a ground as this? If this be the true principle of presbyterian church government, to what purpose is it, that our book of discipline provides for the excision of ministers, *only by regular process?* What guaranty of ministerial rights does that provision contain? It seems that there is *another way* by which ministers may be as effectually severed from the body of the general assembly of the presbyterian church, as though they were *convicted "by regular process,"* of the grossest immorality. That is, if the general assembly commits a blunder, and organizes the synod to which their presbytery belongs unconstitutionally, then when the assembly corrects *its own mistake*, by declaring said synod unconstitutional, these presbyterian ministers are said to go out of the church *necessarily* under such a declaration! This is *precisely what* the last assembly has done with the presbyterian ministers of the presbytery of Cayuga, and of some others!! Is this right? Is it sound presbyterianism, or *common justice?* Will presbyterians sanction such an act in the highest judicatory of our church? If they will, then the public ought to know that one feature of presbyterianism is, that some of its ministers, can be as effectually severed from the body ecclesiastical, *without regular process*, and by the general assembly *correcting its own mistakes*, as by the rules of discipline laid down in our form of government! Yes, the last assembly have in the face of the world proclaimed, that they have "*full authority*" (mark the expression!) "to declare and determine the relation of said synods and *all their constituent parts* to that body, and to the presbyterian church in these United States!" Some of the "constituent parts of said synods" are presbyteries, whose formation has been as constitutional, (as will be hereafter *proved*,) as any presbyteries in our connection,—whose ministers have adopted the Confession of Faith, and Form of Government, and have never been accused of, or tried for any offence against doctrine or order, and yet the assembly has "*full authority to declare and* DETERMINE the relation" of THESE *presbyteries and ministers*—the "constituent parts of said synods"—to the general assembly!!! What does this mean? The word "relation," here means, the standing of these presbyteries and ministers, as IN or OUT of the presbyterian church. The real meaning,

then, is this—the general assembly has "FULL AUTHORITY" *without regular process, evidence or trial*, to declare presbyterian ministers to be out of the church!!! What more or less than this can it mean, when the above "full authority" is asserted, not merely to declare and *determine* the constitutionality and consequent relation of *said synods* to the general assembly, but of "ALL *their constituent parts*"—these constituent parts being presbyteries against whose formation as constitutional, there was no other evidence, than the fact, that they were formed *since* the plan of union was adopted, and ministers against whose adoption of the Confession of Faith, there was no proof, nor shadow of proof, and whose doctrinal soundness, was not a matter in discussion! Such presbyteries and ministers the assembly avows before the world, it has "full authority" to declare and determine to be out of the presbyterian church!! Now, the great question to be decided by presbyterians, both clerical and lay, is this—shall this extraordinary assumption of authority—"FULL *authority*," to declare presbyteries and presbyterian ministers *to be out of the church* WITHOUT *process or trial*, be sustained? If it be sustained, then "the foundations" of ministerial rights, and of the religious liberties of the people will be "destroyed," and there will be nothing left for the friends of constitutional order to do, but to "weep between the porch and the altar." The glory of presbyterianism will then have departed, and the noble spirit of religious liberty, which animated the body ecclesiastical, will have fled to make way for "seven other spirits," which have been "walking through dry places seeking rest and finding none," since the days of the memorable reformation. "And they will enter in, and dwell there," and "the last state of" the general assembly, "shall be worse than the first."

But it is said, that these presbyterian ministers, however regularly inducted into their office, have *forfeited* their standing, by connecting themselves with unconstitutional presbyteries. Indeed! to prove this, it must first be proven, that these ministers *knew before* they joined these bodies, that they were unconstitutional and were *so regarded* by the competent authority to decide this matter—namely, the general assembly itself. Then, if presbyterian ministers attach themselves to such bodies, they do it on the same principle on which they act in joining a separate denomination. But, did Dr. Richards, when he took his dismission from the presbytery of Newark, to join the presbytery of Cayuga, *know* that the latter was an unconstitutional presbytery, or belonged to an unconstitutional synod? No such thing could, in the nature of the case, be known. The general assembly, "by virtue of *the full authority* existing in it" to do so, had said on its own minutes, that the presbytery of Cayuga, and the synod to which it belonged, were in connection with said assembly, in good

and regular standing. Who was Dr. Richards, that he should set up his individual judgment against the authoritative judgment of the general assembly expressed in many successive years? So of other presbyterian ministers. And now, that venerable patriarch of the presbyterian church and those other ministers, are declared to be "neither in form nor in fact, an integral portion" of the presbyterian church of these United States! Why? Because they *knowingly* joined themselves to unconstitutional presbyteries or synods? No. But, because, on the legislation and good faith of the assembly, they went and joined presbyteries and synods, which that highest judicatory of the church had pronounced by its records for many years, to be regular constitutional bodies. Suppose they were unconstitutional—they were so, *solely* by the fault of the general assembly itself. And is this the way that a court of *Jesus Christ* remedies its own mistakes or faults, by telling the presbyterian minister whom it, and *it alone*, has led into a connection with an unconstitutional body? "Sir, by connecting yourself with such a body, you have FORFEITED your rights as a presbyterian minister—you are *not* "in form or in fact an integral portion of "the presbyterian ministry!!" "The tender mercies" of such a declaration, are *not very apparent!* If this be a specimen of the *fraternal charities* of CHRIST's household as exemplified by presbyterianism, "the foolishness of ignorant men," will not be readily "put to silence" by such an exemplification.

A few reflections on this act of the last general assembly naturally suggest themselves in conclusion.—1. In estimating the true character of this act, by which the four synods were cut off, it is indispensably necessary not to *confound it* with the question of the *constitutionality* of the plan of union, nor with *the act* abrogating the said plan. The act declaring "said synods and all their constituent parts" to be neither in form nor in fact an integral portion of the presbyterian church of these United States, is *entirely different* from the act which simply repeals or abrogates the plan of union. The abrogation of the plan of union necessarily affected nothing but the churches formed on that plan. It could not *necessarily* and of *course* annul any thing but what had properly arisen under the provisions of said plan. What has thus legitimately grown out of the plan we have already seen. But the act of the assembly, cutting off the four synods, is founded exclusively on the assumption that the plan of union is unconstitutional, that it *necessarily* led to those *previous acts* of the general assembly by which the four ejected synods were originally constituted (for this is the only intelligible construction of the phrase that these synods "*grew out*" of said plan;) and that now the act abrogating the plan of union *necessarily* annihilates

these synods. But was it proved to the last assembly that these synods, and *especially* "ALL *their constituent parts*," had necessarily grown out of the plan of union? No! We have proven, from a careful investigation of the provisions of that plan, that these bodies *could not legitimately* grow out of it—that it makes *no* regulations—proposes *no* terms on which presbyteries and synods are to be *constituted;* that it merely stipulates that the committee-man deputed *to attend the presbytery* shall sit and act as a ruling elder—taking it for granted that the presbytery must be first organized, irrespective of this plan, *before* this stipulation can take effect. There was no evidence before the last assembly that the presbyteries composing the four synods were *not so* organized—to say that the plan of union was evidence itself that they were not so constituted, is to take for granted the very thing that we have proved is not so, viz: that the plan of union itself *makes provision for the original organization of presbyteries and synods*, instead of making provision merely for a lay representation of a particular kind in those bodies, *after* they have been *constitutionally* organized. Then, let it be carefully noticed, if these synods were unconstitutional, it was by an *abuse* of the plan of union, for which the presbyteries and synods were not responsible, because they could not constitute themselves. The responsibility lies with the power that constituted these synods with unconstitutional elements—that is, with the general assembly itself, if it constituted these synods originally of committee-men, as the lay delegates instead of ruling elders did it, by *mistaking* the provisions of the plan of union, as said plan made no provision for committee-men, to constitute the original lay elements of any presbytery or synod. Can the general assembly, then, remedy this mistake by an act founded on the *mere abrogation of the plan of union?* And will such an act annihilate these synods as an integral portion of the presbyterian church?—No. The only way to remedy such a mistake would be for the assembly to *reverse* the decisions of former assemblies constituting these synods *on the fact in evidence before the house*, that said synods *did not originally possess the constitutional elements* prescribed in our form of government. Why, then, did the last assembly found its act of excision on the plea that the plan of union was unconstitutional, that these synods had grown out of that plan, and therefore the repeal of the plan rendered null and void the organization of said synods, instead of founding it on the plea that the *former acts* of the assembly, constituting these synods, were null and void, because these synods had not the constitutional elements to form such bodies according to our book? Because by the former plea, the gratuitous assumption that these synods, and all their constitu-

ent parts, were *originally* organized unconstitutionally, *seems to be* a legitimate inference, from the premises, that the plan of union is unconstitutional, and that these synods grew out of that plan. But had the act of excision been founded on the plea of *the unconstitutionality of the acts of former assemblies*, by which these bodies were organized, then a troublesome and tedious process of proof would have been necessary. For, in order to prove those acts of former assemblies to be unconstitutional, two sources of evidence must be consulted.—1. The records containing those acts. If there be any thing *defective* or *informal* in those acts of former assemblies, constituting the four synods, the records will show it. If those acts were performed (as it is taken for granted they were) *in consequence* of the provisions of the plan of union, the record of course will disclose this fact. Turn, then, to page 41 of the Assembly's Digest, and you will find the act of the assembly of 1812, dividing the synod of Albany and *constituting the synod of Geneva* to be an act *in form*, as constitutional as the act which at the *same time* constituted the synod of Albany, or the act constituting any other synod within the bounds of the general assembly. This is true, as far as *the records can testify*, of all the acts by which the other ejected synods were constituted. Nothing could have been gained for the act of excision, from this source of evidence, if that act had been founded on the unconstitutionality of the former acts of the assembly organizing these synods. The late assembly, then, would have had to go to the second source of evidence, viz: the records and statistical accounts of the churches and presbyteries, of which these synods were originally constituted, in order to prove from these that the four synods, at the time of their organization, had not the constitutional elements prescribed by our book, and *therefore* the acts of former assemblies organizing these bodies were unconstitutional. But this latter process, it was foreseen by the majority of the last assembly, would create a delay *fatal* to the darling object of securing a *permanent* ascendency of "*the party*" in the general assembly! But, till the acts of former assemblies, organizing and receiving these synods into our connection, be *proved* from one or the other of the above mentioned sources of evidence to be unconstitutional, and therefore null and void, all discriminating presbyterians will clearly see that the act of excision founded on the *sheer assumption* that these synods *grew out* of the unconstitutional plan of union, and are *therefore* unconstitutional, and neither in form nor in fact an integral portion of the presbyterian church, is an act unconstitutional itself, and null and void from the beginning! What then is the true character of the act of the last assembly in cutting off the four synods? It is not

an act founded on any proper testimony as to the unconstitutionality of *former acts of the assembly*, BY *which* these bodies were organized and received into our connection, nor does it declare those specific acts of former assemblies null and void. No—will the public believe it? it is an act founded *solely* on THE SHEER INFERENCE of the majority AS TO WHAT GREW OUT of the plan of union!!! This inference the presbytery of Cayuga have solemnly averred, that they can amply prove to be *not true* in regard to themselves, and to one of the four ejected synods. If this single fact only can be proved, in what light will it present the last assembly before the American public? What presbyterian can refrain from blushing and tears, to see the collected wisdom and piety of our church, in the capacity of its *highest* judicatory, founding the tremendous act, by which it cut off from our communion 500 ministers and 60,000 church members, on THE GRATUITOUS INFERENCE of a small majority, as to what grew out of a plan, which plan the assembly itself originated, and for *all* whose consequences the assembly itself, and *it alone*, was accountable!!

II. The second reflection suggested by this act of the assembly is, that *it was done comparatively in the dark*—it is an act characterised by *a great want of discrimination*. There seems to have been but one statistical fact, in relation to the four synods, very prominently before the last assembly—that was, that in the synod of the Western Reserve, or in some portion of it, the great majority of the churches were congregational in their form of government, or were of a mixed character. But why did not the assembly render equally prominent the fact, that in the presbytery of Rochester there are 22 regular presbyterian churches, and *but five* that were formed on the plan of union? If it was so important to startle the house with a display of the disproportion of congregational to presbyterian churches in the synod of the Western Reserve, why not allay the panic a little, as a matter of *sheer justice*, by stating that the preponderance of presbyterian over congregational churches in the presbytery of Rochester was *still* GREATER? How many members of the last assembly, who voted for the excision of the four synods, *knew*, *on proper evidence*, the relative proportion of congregational and presbyterian churches in each presbytery composing those synods? On this subject there will be *more light* before the next assembly meets. But it was enough for the majority to hear the talismanic phrase—"the repeal of an unconstitutional law necessarily abrogates all that has grown up under it."!

To show the applicability of this famous principle in civil legislation, to the act of the assembly, cutting off the four synods,

reference is had to the case of Callender, who was fined and imprisoned under the operation of "the sedition law," and who, when that law was decided to be unconstitutional, was released and his fine refunded to him. This is a most unfortunate reference, as we shall now see.—If the case of Callender is to furnish a good illustration of the principle on which the last assembly professed to found their act of excision, it ought to be shown that Jefferson, "with the advice of one of the ablest cabinets ever known in this or perhaps any other country," released Callender and refunded his fine *without proper evidence* that the said Callender had been actually fined and imprisoned *under* "the sedition law." This would be parallel with the act of the last assembly cutting off four synods, and "all their constituent parts," on the plea that they grew out of the unconstitutional plan of union, when the assembly had no legal evidence before it that *this was the fact.*

Or suppose that Jefferson and his able cabinet, having the fact proved before them that Callender had been fined and imprisoned under the sedition law, in order to release him and refund his fine, had made the sweeping declaration that all persons fined and imprisoned SINCE the enactment of the sedition law, though for aught the president and his cabinet had in evidence before them, these persons were fined and imprisoned under *other existing constitutional laws*, were, *ipso facto*, *by* the release of Callender, also released and their fines to be refunded! This would be parallel with the act of the assembly, which, in order to get rid of the congregational or mixed churches and the committee-men, that the plan of union placed in the presbyteries composing those synods, declared out of the church, all the presbyterian churches and the presbyteries which had been formed *according to the letter of our existing constitutional* laws relating thereto, and when the presumption in law in the absence of legal testimony to the contrary was, that *they had been* so *formed!!* In order to get rid of *five* churches, with their committee-men, which the unconstitutional plan of union placed in the presbytery of Rochester, the last assembly cut off *twenty-two* churches with their ministers and elders which *the constitution of the presbyterian church* placed in that presbytery, and was pledged to protect there!! Does the release of Callender present the indiscriminate sweep of a principle like this? Just let it be remembered, then, that *there was proof* that Callender was actually fined and imprisoned *under the sedition law*, and let it not be forgotten that we have shown in the preceding pages, that there *was not a shadow of proof* before the last assembly that the presbyteries, the constituent parts of the four synods, *were originally formed on*

the plan of union, which constituent parts the assembly declare to be out of the church, simply by *the abrogation* of the plan of union, just as Callender was released from prison by *the repeal* of the sedition law.—Reader, where is the parallel between his case and the act of the last assembly?

But, in the act of excision, there is some show of testimony and a little discrimination. Let us see in what a regular *presbyterian form* it appears in the language of the record.—"Inasmuch as there are REPORTED! to be several churches and ministers, IF NOT! one or two presbyteries, now in connection 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" (What! strictly presbyterian in doctrine and order, and *out of the church!* and must "WISH to unite with us"!) "are hereby directed," &c. Well really! has it come to this, that the highest judicatory of the presbyterian church in the solemn matters of its discipline and control over churches and presbyteries, act on REPORT!!! "Inasmuch as there are REPORTED to be." Is this the *kind* of testimony by which "*the relation*" of churches and presbyteries to the body of the general assembly is to be decided? If *report* furnish a foundation for the *authoritative action* of the general assembly, *directing* such churches and ministers "to apply for admission into those presbyteries which are most convenient to their respective localities," then of course REPORT is all that is necessary for the *authoritative action* of the assembly in cutting off those churches and ministers who are "REPORTED" as not of the right stamp!!! And will men, who love presbyterianism, sanction this? We do not say it with any invidious purpose, but simply state it as a fact, that the only ecclesiastical tribunal known to us which founds its action on REPORT, *is* "THE HOLY INQUISITION" *of Spain!!!* Facts will abundantly show that REPORT is *the kind of evidence* on which the last assembly, in part at least, founded its action.

III. The plea on which the act of excision is founded, *is used disingenuously.* If it be true that the plan of union is unconstitutional, and that the repeal of that plan necessarily renders null and void all that grew out of it, and if presbyteries grew out of it, and the act takes it for granted that they did, then all that these presbyteries have done, in their presbyterial capacity, is also null and void. But these presbyteries have licensed and ordained ministers and dismissed them to join other presbyteries, and these ministers have joined other presbyteries, and are *now* members in full standing, not by examination and adoption of the Confession of Faith in the presbyteries to which they now belong, but by

their certificates of dismission from presbyteries that grew out of the plan of union, and are therefore unconstitutional. Are they *presbyterian* ministers according to the plea on which the act of excision is founded? By no means! Why then did not the last assembly order all such ministers to be examined, and to be re-ordained by the presbyteries to which they now belong? If they had "*christian* ordination," as the abundant charity of the late assembly admits that they had, they assuredly had not *presbyterian* ordination, unless a certificate of dismission from an unconstitutional and irregular body, calling itself a presbytery, would confer such ordination, for that certificate is all the evidence which the presbyteries to which these ministers now belong have of their ordination. Why did not the assembly, in the true spirit of consistent reform, declare these ministers to be out of the church, and their administration of ordinances invalid? This is but the *legitimate* application of the principle involved in the plea of the act of excision. But the last assembly had no purpose to be subserved by carrying out this principle so far, and that is the reason why it was not so carried out; just as the assembly had no *particular purpose* to answer by declaring the synod of Albany to be out of the presbyterian church, though that synod was formed *since* the plan of union was adopted, and has *now* committee-men in its presbyteries. Is it ingenuous and characteristic of open hearted christian honesty to use a plea in this manner? We are told, too, that the reason why "*reports*" of gross heresy and disorder, prevalent in the four synods, were permitted to be detailed on the floor of the late assembly, was this, that it simply constituted an *additional motive* for the repeal of a plan already unconstitutional, and that might on that ground alone be repealed. But is it right—is it *presbyterianism*, for a judicatory of the church to permit reports, into the foundation and truth of which that judicatory has not at all inquired, to be an *additional motive* to any act, legislative or other, which may be passed in the body? Reports of heresy and disorder which, for aught the last assembly knew to the contrary, might be the veriest calumnies on the ministers and churches to which they related, *admitted* by the highest judicatory of the church as an ADDITIONAL *motive* for the performance of an act that had all the effect of excommunication, on more than 500 Presbyterian ministers and 60,000 church members!!! Will presbyterians be blind to so gross and palpable a violation of the constitution of our church as this?—(See Digest, page 323.) It deserves to be particularly noticed, that the *dire exigencies* of the church (of the Old School party?) was also a part of the plea for the act of excision. These phrases—"*urgency of the case*"—"*exigency of the*

church"—"*crisis*"—of glorious vagueness and uncertainty had the effect, together with the reports of heresy and gross disorder, to create that salutary *presbyterian* PANIC, which of itself would secure THE VOTES of many for *any measure* of reform. This effect was probably anticipated when those phrases were used.

IV. It is manifest that the majority of the last assembly felt that the act, of cutting off the four synods, NEEDED *to be defended or vindicated. Hence* the Pastoral letter to the churches under the care of the general assembly, and also the letter œcumenical got up at the close of the assembly. These letters are most *strikingly* pervaded with a spirit that is struggling hard to conciliate public sentiment in favor of the assembly's act of excision. It is something like the spirit manifested by the boy passing the grave yard at night, when he protests in loud and overstrained familiar tones of voice that he is *not afraid*, it being so *palpably ridiculous* to believe in ghost stories. The majority are *so sure* that they have the constitution and the cause of truth and order on their side, that they have to tell the churches of our own and of other denominations by long, affectionate, and labored epistles, that *such is actually their own conviction!* The "strictly presbyterian" presses are also plying their power to have public sentiment sustain the act of the late assembly—Public addresses are made by pastors and others, some of which are afterwards published with the same view. Yet if the majority of the last assembly are *so sure* that neither *the constitutionality* nor *the moral rectitude* of the act of excision is questionable, why this eagerness to conciliate public sentiment in its favor! Time *was* when the general assembly had no fears of the estimate which the church or the world might make of its doings, and when it felt itself under no necessity of FORESTALLING public opinion in behalf of any of its acts. "ILIUM FUIT."! One of the advocates of the act of cutting off the four synods, endeavors to soothe the public with the singular declaration—"It did no person any injury." What! is it no injury for a man, in an honest preference of presbyterianism, to join the presbyterian church, become, in a regular and constitutional way, a presbyterian minister, then be led by the *general assembly's* plan of union to join a presbytery which the assembly afterwards, by the abrogation of *its own* plan, declares to be out of the presbyterian church, and thus be completely disfranchised of his *rights* and *privileges* as a presbyterian minister? But it is said that he can come back, and is invited to come back, and "join our body in an *orderly* manner." As a presbyterian minister, who has never been tried or proved to be *disorderly*, he must regard it both as an *insult* and an *injury* to receive such an invitation;—for it bears on its face the impli-

cation that he is *not now* connected with the general assembly in an orderly manner, though he had adopted the Confession of Faith and Form of Government, and has been regulated by the same, and has acted on the good faith of the highest judicatory of the church, which formed the plan of union. Let the venerable Dr. Richards testify whether the act of the last assembly has done any injury to any body. Let him tell the public how *he* feels to receive an invitation "to join *our body in an* ORDERLY *manner.*"*!!* Let him tell the public whether he feels the force of the following reasoning—"If there was any ground of offence, it was merely because we could not consent *to call* them presbyterians of our order; but this arose from the fact" (indeed! is it a fact?) "that they had shown by a long course of conduct that they could not consent *to be* presbyterians of our order." By what "long course of conduct" has Dr Richards shown that HE "could not consent to be" a presbyterian minister of the very same order as that of the advocate, whose language this is? The use of such a phrase, applied to him and to other ministers in the presbytery of Cayuga, looks very much like doing an *injury* to SOME *body!*— We wonder the more that the above phrase should have come from the pen of a venerable man, whom we know to possess a kind, generous, *great* soul. It grieves the writer to notice any thing objectionable from the pen of this beloved father. But there is one more sentence in his plea that must not be overlooked. He goes on to say, "As to the unconstitutional act" (the plan of union) "from which the whole misapprehension arose, we were willing to bear our full proportion of the blame." Well, now, this really looks like a very creditable generosity. But, pray, *to whom* does the other portion or proportion of the blame attach? Who proposed the plan of union? *The General Assembly itself.*— Who acted on it as of constitutional authority? *The General Assembly did for* 36 *years.* Would the four ejected synods ever have been led into the irregularity of receiving committee-men, instead of ruling elders into their presbyteries, if the general assembly had not *imposed* them upon the presbyteries by *its own* plan of union? No, most manifestly, they would not. Then we leave it for some ecclesiastico-mathematician to find out the proportion of blame that attaches to any one else, *but to the General Assembly itself.* The problem will probably come under some *new* category of UNKNOWN QUANTITIES. Now, an act of an ecclesiastical judicatory that *needs* to be advocated in this way, certainly *deserves* to be *inquired into* by the church and the public generally.

Finally. The act of the last assembly, to say the least of it, has *the appearance* of an ALARMING ASSUMPTION OF POWER!

The language of the last assembly, in reference to the act declaring the four synods to be out of the ecclesiastical connection of the presbyterian church, is, that the assembly did "*declare* and DETERMINE *the relation* of said synods, and all their constituent parts to that body, according to the truth and necessity of the case, *and by virtue of* THE FULL AUTHORITY *existing in it for that purpose.*"!!! What is meant by "the truth and necessity of the case," is what we have proved to be *the* GROUNDLESS INFERENCE *of the majority*, that the said synods, and all their constituent parts, were "formed and attached to that body under and in execution of the plan of union." 'The full authority," here claimed, is this, that the general assembly has all competent power, when *the majority shall make an inference utterly unsupported by evidence*, against the constitutionality of certain synods, to *declare* and DETERMINE *the relation* of said synods, and all their constituent parts, to that body, *without investigation* or REGULAR PROCESS against said synods, or any *legal proof* of ecclesiastical disorders in them, meriting discipline. In other words, the assembly has "full authority," WITHOUT *any of the forms laid down in our book of Discipline*, to declare and determine that synods, which have been constituted and received by the assembly itself, and regarded by it for years as in good standing, are no longer in form or in fact an integral portion of that body!!! We are fairly entitled to construe this claim of authority in this way, because, precisely in this way, the last assembly *applied it practically* in cutting off the four synods. Now, is this an authority conferred on the general assembly by the constitution? After synods are constituted and received by the assembly, as the four ejected ones actually were, where is the clause in the constitution conferring on the assembly "full authority," WITHOUT *investigation, process or trial*, to declare such synods to be out of the ecclesiastical connection of the presbyterian church of these United States?!! Till chapter and section of the Book is quoted, in which the grant of this authority is contained, the act of the last assembly which purports to be done "by virtue of the full authority" residing in it for the purpose, will wear the appearance of A MONSTROUS ASSUMPTION OF POWER! Nor will it satisfy discriminating men to be told that the four synods never were IN the presbyterian church, and therefore the assembly had full authority to declare this to be the fact. But this is NOT the fact—The records of the assembly would be legal evidence in civil court to prove that these synods were in the presbyterian church. What is meant, then, by the declaration, that they *never were* in our connection, is this: they never OUGHT to have been in our connection. But *this* is the

very thing that ought to have been proved before the last assembly, and which was taken for granted without investigation, not to say in the absence of all legal testimony. If it had been proved that the four synods, and all their constituent parts, had been formed on the plan of union, and were unconstitutional, then it would do to say that they never ought to have been in our connection. But, so far from this being proved before the last assembly, some of the most responsible men in the presbyterian church, Dr Richards amongst these, pledged themselves to prove that some of "the constituent parts" of said synods were *not* formed on the plan of union, and have no more to do with it than if said plan had never existed. Still, the last assembly claimed "the full authority to declare and DETERMINE *the relation*" of the presbytery of Cayuga, and of one or two more "to that body"—that is, to declare and determine that said presbyteries were "out of the ecclesiastical connection of the presbyterian church of these United States"! though, for aught that the assembly knew to the contrary, and as now *can be proved*, these presbyteries were originally formed in strict accordance with the constitution of our church, and have never been accused, nor tried, for any disciplinable offence against presbyterian doctrine or order. Now, if this is not an *assumption of power*, and an *exercise of authority*, wholly unknown to the constitution, and utterly subversive of ecclesiastical rights and religious liberty, it *is something* so much like it, that the republican presbyterians of America will regard it with apprehension and abhorrence! Will the presbyteries of the south, that have hitherto been the conservatives who have kept our church from being torn asunder by the conflict of parties, now sanction such an assumption of power, and such an exercise of authority as this, by a party majority of the last assembly? Is it possible, in view of the whole aspect of this affair, that the justly praised moderation of Virginia will sustain the late assembly's act of excision! Will the prospect of safety from abolition excitement in future assemblies, and the thought that there is, PERHAPS, *some* heresy and disorder removed by the cutting off of the four synods, reconcile the presbyterian public of the south to such a proceeding in the highest judicatory of our church? Will the successors of those Fathers of old Hanover Presbytery, whose memorials on the rights of conscience to the legislature of this state, were the foundation of religious liberty in Virginia, sustain the act of the last assembly, and permit it to become a precedent to be pledged against their own ecclesiastical rights, and very existence, whenever a majority may make *an inference* that shall constitute "the truth and NECESSITY of the case," calling for the exercise of "the full autho-

rity to declare and determine" THEIR "relation," also, "to the presbyterian church"?!! Will those who survive Davies, and Smith, and Turner, and Hoge, and Rice, and Speece, abandon the elevated catholic ground on which those great and noble souls stood while here on earth?! These questions are not put as mere matters of declamation. They suggest themselves legitimately in view of the argumeuts, by which we think it has been proven, that the act cutting off the four synods, is WHOLLY UNCONSTITUTIONAL. If such be the character of the late assembly's act, it is vain, in this age of liberty, to attempt to prevent it from undergoing public scrutiny and public disapprobation. The spirit of genuine presbyterian freedom is not so far extinct, that men are to be overawed into a silent acquiescence in this act by the authority of the great names that voted for it, nor by the hue and cry raised against those who dissent from it, as being "no presbyterians," or as being "new schoolmen," "Congregationalists," *Pelagians!*—There is *no* argument in all this. And he is unworthy a place in the presbyterian church, and especially in its ministry, who would shrink from duty under the terrors which the accumulation of such epithets on his name is intended to inspire. There is principle, vital principle, involved in the act of the last assembly. For, if it be so, that the last assembly had "full authority" to declare and determine that the four synods, and "all their constituent parts," were out of the connection of the presbyterian church, on the plea that they had grown out of the plan of union, when the assembly never attempted even to *investigate* the fact, whether these synods, and all their constituent parts, had been actually formed on that plan or not, and had *no legal proof* that they had been so formed, then it has "full authority" to declare and determine the synod of Virginia, and all its constituent parts, to be out of the presbyterian church, whenever it chooses to assume, *without investigation or proof*, that a certain principle applies to said synod. Such an assumption is quite conceivable. Suppose some future assembly shall say—"Whereas, our constitution clearly requires credible evidence of piety in our ministers, elders and church members; and, whereas, no man, nor body of men, can, or do exhibit such evidence of piety while living in open sin: and, whereas, *the holding of slaves* is a flagrant sin and great scandal to the church of God; and, whereas, all the synods south of the Potomac *were constituted* and received into this body in the practice of this sin, and with the implied avowal that they intended to practice it—THEREFORE, *be it resolved*, that said synods being organized and received in violation of the constitution, are hereby declared to be out of the ecclesiastical connection of the presbyterian church of these United States—the as-

sembly declare, and determine, this to be the relation of said synods, and all their constituent parts, to this body, *according to the truth and necessity of the case, and by virtue of the* FULL AUTHORITY *residing in it for this purpose*"! Would it do for the southern delegates, who voted with the majority of the last assembly, to remonstrate, in a future assembly, and say—"You constituted and admitted our synods, *knowing* the existence of slavery throughout their bounds." The future majority of the assembly may say—"So were the four northern synods that were cut off in 1837, constituted and received by the assembly, *knowing* that the plan of union would secure seats to committee-men in their presbyteries, but *you voted* that it was unconstitutional to organize and receive the four northern synods, and that therefore they must be cut off. So we say that it was unconstitutional to organize and receive into our connection synods guilty, at the very time, of the then present and prospective *sin* of slavery, and, therefore, said synods, and all their constituent parts, must be cut off." But our southern delegates might say—"You have *not proved*, that slavery is a sin, or if it is, that *all* the constituent parts of said synods are guilty of it." The majority of the future assembly might reply—"neither did the assembly of 1837, of which you were members, prove that *all* the constituent parts of the four synods were formed on the plan of union, and yet that assembly had full authority to declare and determine the said four synods, and all their constituent parts, to be out of the presbyterian church!" Suppose the southern delegates in that future assembly should insist on being tried, and having a hearing before the house. "Oh no," replies the assembly, "you were unconstitutionally formed and admitted into this body, we have no right to try your synods, for *they never were really in our connection*."!! "Our sentence of exclusion does you *no injury*, it simply declares the fact, that you are not presbyterians of OUR order." Suppose, again, that the southern delegates to that future assembly urge the consideration, that the synods south of the Potomac have been a long time recognized on the records of the assembly, as constitutional bodies in good standing. "Ah!" replies the future party majority, "the plan of union, on whose repeal the four northern synods were cut off, had stood 36 years, but the assembly of 1837 argued that, because an unconstitutional act had stood a long time, that was no reason why it should remain *still longer*."!! This is a perfectly fair specimen of *the way* in which the precedent or principle involved, in the act of the last assembly, *may be* used. God grant that it may not so be used, and that the case, just supposed, become not *a matter of literal history before ten years!!!*

Nor will it do in justification of the act of excision to say, that it would have been impossible for the assembly to have appointed committees, who could have gone and inquired into the condition of the ejected synods. This plea is made, however, and the question is asked—"how could the assembly have accomplished a regular investigation of this matter?" Yes, this question is put as though it contained an *irrefragable argument* in favor of the summary action of the last assembly. Now, the whole argument it contains can be answered by simply saying, that when the *constitutionality* and *moral* RECTITUDE of an ecclesiastical act is concerned, we have nothing to do with the embarrassment that may be met in the regular performance of that act. The principle, that embarrasments in prospect of constitutional discipline, will justify UNconstitutional action in any case, is radically unsound, and subversive of rights in the church which correspond to those in the state that are secured inviolably to the meanest subject of the government!!

If the act of the last assembly be sustained by a majority of the presbyterian church, then, indeed, it will be found to be a *divisive measure*, such as the majority of that assembly themselves never contemplated. It will truly divide the presbyterian church. This seems to have been the consummation so devoutly wished for by the majority, that they could not agree with the proposal of the minority to wait for this subject to be referred to the presbyteries as possessing the only power by which the church could be *constitutionally* divided. But that act of the last assembly will not divide the church by the lines which encircle the four ejected synods, nor by the vague boundaries of the old and new schools. It will divide it by that limit which separates the spirit of *arbitrary, unconstitutional*, discipline and *domination*, from the spirit of *constitutional order and ecclesiastical freedom*—the spirit of those who have struggled and bled to secure the rights of conscience and religious liberty to MAN! We do not mean to accuse the majority of the last assembly of being arbitrary and wishing for ecclesiastical domination. We only say that the above is the *kind* of division which their act, if persisted in, will inevitably produce. It will not be a division on the subject of of doctrine or order, of new and old school. These distinctions will be lost in the rush and rallying of all who bear the presbyterian name round the respective standards of the constitutional and ANTI-constitutional parties!! If the majority of Presbyterians sanction the act of the last assembly, and carry out the measures which that act contemplates, then the presbyterian church will be rent, not by casting out 500 ministers and 60,000 church members, but by the secession or separation, in some way, of multi-

tudes of other ministers and church members, *who have heretofore sympathised and gone with the old school party!!* What will be the issue of *such* a division on the great interests of religion in our country, no one at present is competent to predict.—If there be any hope for our beloved. and now really TORN and *bleeding* Zion, it is founded, under God, on the kind but determined stand which ministers and elders shall speedily take in favor of the CONSTITUTION and discipline of the presbyterian church, as understood and administered PREVIOUSLY TO THE YEAR 1837!! We believe that there is hope for the presbyterian church—the *whole* presbyterian church. We know that those brethren, who composed the majority of the last assembly, have both conscience and piety—that they are capable of feeling the power of cogent reasoning, and of calm and tender remonstrance. We know that some of them were misled by the statement of things *as facts*, which will turn out, on examination, to be of the character of the report respecting Dr Woods' letter, *approving* the assembly's act of excision! We know that when the din of party rage, and the heat of ecclesiastical conflict to which they were subjected in the convention and the late assembly, shall have passed away, the hour of unperturbed reflection may come, and penitence be felt, and "fruits meet for repentance" be brought forth by those brethren. Let every minister and elder in our church take his stand kindly yet firmly, not simply in resistance to the act of the last assembly, nor in sympathy with heretics and radicals in church policy, if there be such among the four ejected synods, but with the direct and grand aim of restoring to the presbyterian church the reign of constitutional order and regular discipline. Neutrality now is *criminal*. We owe it in loyalty to the King of Zion—we owe it to the church in which we have been born and educated, and which we love and cherish—we owe it to the cause of the *religious liberty* OF MAN, to take our stand on the broad ground of christian charity and eternal justice, which we think has been invaded by the act of the last assembly, and to defend the constitution, and secure discipline BY "REGULAR PROCESS" from the summary violations of a party majority.—This stand we ought to take, and then leave the issues of our struggle with that God in whose hands is the keeping of those mighty, immortal interests embodied in his church here on earth. For one, the writer would rather go down to the grave in a despised minority of the church, with the delightful consciousness that, unawed by the influence of names, or the authority of numbers, and with the Confession of Faith, conscience, and the bible on his side, he had done what he honestly believed to be right in resisting the dangerous precedent involved in the last assembly's

act, than to enjoy all the short lived honors that shall be awarded to successful partizan leaders in that kingdom which, its Founder says, "*is not of this world.*"!