ARTICLE IV.

POWERS OF THE GENERAL ASSEMBLY.

In every well conducted discussion, it must be freely admitted that the abuse of any principle is no argument against its legitimate use. By carefully bearing in mind this axiom, universally admitted in theory at least, much controversy might be avoided.

For instance, that theory of the jurisdiction of ecclesiastical courts proposed in the revised Form of Government, recently so amply discussed in the columns of our church papers, was opposed mainly on the ground that the theory which places original jurisdiction in extraordinary cases within the powers of the higher courts has been subjected to great abuse. The argument mainly directed against this principle, when reduced to its last analysis, seems to be simply this: General Assemblies, in some rare instances, have abused this power—have assumed to exercise original jurisdiction in instances where the circumstances of the case clearly did not justify them in resorting to the exercise of the power; therefore the Assembly does not and should not possess this power. Such an argument would play sad havoc with both civil and ecclesiastical government, if only pushed to its legitimate results. It will readily be admitted that civil rulers have sometimes abused the powers vested in them; then according to this modern ecclesiastical logic, they do not and should not possess these powers.

In the administration of both civil and ecclesiastical law, we occasionally meet with extraordinary cases, which, from their very nature, cannot be provided for by special enactment, and therefore must be decided upon by the application of general principles. The safeguard, therefore, of either political or ecclesiastical constitutions is not to be found or sought for in the fact that they embrace no principles which are liable to abuse, (which, from the nature of the case, is impossible;) but that safeguard must ultimately rest in the intelligence, the moral integrity, and fidelity of those who are professedly governed by them. In po-

litical constitutions, for example, of what avail are the most carefully framed stipulations, unless the moral tone of the masses be elevated to a standard high enough to secure the faithful fulfilment of those stipulations? This, indeed, is one of the great quicksands beneath the foundation of every free government. Nor is the case essentially different in this respect with regard to ecclesiastical constitutions. True, in many respects there is a great difference, but in this an essential agreement.

We have, indeed, a practical illustration at hand, in the fact that one of the main arguments against the Assembly in any instance being possessed of original jurisdiction, is drawn from the alleged abuse of this power as exercised by the St. Louis Assembly in the case of the Louisville Presbytery. This shows, say some, that we should have no change in our Form of Government on this subject. But under what written constitution did the aforesaid Assembly sit and act? Under our present Form of Government, of course. Now what has occurred, we have good reason for believing, may occur again under similar circumstances. Refusing to make a change cannot then be an infallible guarantee against the exercise or even the abuse of the power in certain cases, as shown by the example referred to. Suppose it be clearly shown that men have been put to death without good reason, under the law allowing capital punishment for murder, or even show that similar cases may occur again, we should yet be slow to admit the conclusion that all capital punishment should be abolished. Then, granting that there have been instances where the exercise of this power has not been justified by the circumstances, still this is far from proving that it ought to be wholly denied to the Assembly.

It must be admitted that in shunning one extreme upon subjects of this kind, there is a manifest tendency to drift towards the opposite, giving rise to the familiar maxim that "extremes beget extremes." There seems to be a tendency on the part of our Assembly to appear, as some think, a little over-scrupulous on the question of its own jurisdiction.

At a recent meeting of the General Assembly, this highest court of the Church resolved that it was constitutionally incompe-

tent to divide a Presbytery, even when overtured to do so under circumstances manifestly extraordinary. The facts of the case referred to are something like these: The Synod of Arkansas at the beginning of the late war consisted of four Presbyteries, viz., Arkansas, Ouachita, Indian, and Creek Nation, embracing ₍onstructively a territory of at least one hundred thousand square miles, including the entire State of Arkansas, (except a small portion of the northeastern border) and the Indian Territory. During the war, by deaths and removals, one of these Presbyteries, viz., Creek Nation, became extinct, leaving only three, the smallest number which can constitute a Synod. It therefore became absolutely necessary in order to obtain a quorum that some should be present from each Presbytery. It must be remembered too, that the journeys necessary to reach the places of meeting must be made on horseback, often alone, and over a very rough country. Again nearly all the members of the most remote Presbytery, (Indian,) are brethren now considerably advanced in life, and if possible should be relieved, amid all their burdens, which are neither few nor small, from the absolute necessity of taking such journeys. These circumstances have caused repeated failures to secure a quorum of Synod; and had it not been for the remarkable energy and promptness of the Indian missionaries, would have caused many more. Some of the members, after having left their homes and churches and travelled at their own expense on horseback from one hundred to three hundred miles to reach the place of meeting, have been compelled to return without accomplishing anything, merely for the want of a quorum. In order to remedy this difficulty, and at the same time a similar one with regard to Presbytery, the Presbytery of Arkansas at its last meeting unanimously adopted an overture to Synod to readjust the lines of the Presbyteries of Arkansas and Ouachita, so as to form three instead of two Presbyteries, as now in the State of Arkansas. But when the time for the meeting of Synod came, although an unusually large number of ministers and elders were in attendance, yet they were all from two Presbyteries, and therefore were debarred from transacting any Synodical business. In the mean time, the Oua-

chita Presbytery having adjourned to meet during the sessions of Synod, the overture was introduced and discussed in that body. All seemed anxious to effect the object, all were impressed with the absolute necessity of the case, yet inasmuch as it was the belief of some that nothing could be done by the Assembly on account of the insuperable barrier of jurisdiction, the overture was not officially adopted. All agreed that the Presbytery under the circumstances could not divide itself; no quorum of Synod could be secured; many believed that the General Assembly would refuse; and therefore nothing could be done in an official capacity to meet the difficulty. As a last resort, the commissioners, in their individual capacity, with the approbation of a large majority of their brethren, overtured the Assembly; and the result, as before stated, was a declaration from that body of its inability to perform the act.

What, then, is to be done? The probabilities of securing a quorum of Synod at the next proposed meeting are by no means as favorable as at the last, inasmuch as it meets nearly a hundred miles further from the most remote Presbytery. The difhculty of securing a full meeting of Presbytery during the spring when the streams are swollen, according to the present arrangement of Presbyterial lines, and the nature of the country, is absolutely insuperable. It is sometimes alleged as an objection to our form of church polity, that it is essentially unsuited to a comparatively new country, and is only adapted to an, old country and a state of society where everything has assumed a settled order. Now, we must confess that adopting the principles of modern self-styled "strict constructionists" on the question of jurisdiction, the objection is difficult to answer. When we examine the subject here referred to in the light of history, we find that the General Assembly in our own country has at different times erected nearly twenty Presbyteries, without the intervention of a Synod, and it would certainly be difficult to shew wherein any injury to the best interests of the Church has resulted from the exercise of the power. But here we would no doubt be met with the assertion, that all these were extraordinary cases. In the usual acceptation of the term, we freely ad-

mit that they were; but at the same time contend that the case referred to above belongs to the same category—one perhaps in the history of the Church in our country *sui generis.*

The great danger of our Church at this time, as we conceive, does not arise from the mistakes into which, as we believe, the Northern Presbyterian Church has fallen, at the time of and since the separation, but from the danger of drifting to an opposite extreme. Our chief concern, therefore, should not be (as some seem to think) to avoid the errors which we believe they have committed; for of these we are in no special danger at the present time; but it mostly behoves us to guard carefully the tendency to extremes just the opposite. This is what we have most of all to fear. The tendency of the Northern Church for some years past has apparently been to drift towards some of the essential principles of Popery or spiritual despotism; the great danger of our Church on the contrary is the tendency to approach the essential principles of Independency and virtual Congregationalism, or in other words to verge towards the opposite extreme. We believe that good reasons could be assigned as to why this would reasonably be expected from the nature of the case. But this does not affect the truth of the statement; on the contrary, it only establishes it.

In some respects a singular phenomenon has been presented among the advocates of. Presbyterian Church government in the United States for a few years past upon the question of the jurisdiction of the respective courts, the fountains of ecclesiastical power, and kindred topics. Men trained in the same schools, under the teachings of the same preceptors, seem to have adopted opinions upon this class of topics, influenced apparently more by the locality in which their lots are cast than by any other consideration. The question here arises, Can any adequate reason be given for this? Can any other cause be assigned, besides the prejudices and passions of the hour, to account for the fact that Presbyterians at St. Louis should come to conclusions upon the points before named, so different from those arrived at by Presbyterians at Macon, at Nashville, etc.? We are fully aware of the fact, so patent to the observation and conformable to the

experience of all, that passion and prejudice often wield a mighty influence over the opinions of even partially sanctified men. But apart from this influence of mere circumstances, if we mistake not, there is another solution of the problem.

For years past it has been a favorite analogy with many leading men of the Church in both sections to illustrate the relation between our church courts by that which subsisted between the States and the general government—comparing the Presbytery to the State, and the General Assembly to the central government. And it is not a little singular to notice how the idea has operated in forming opinions of church power, as to its nature and extent, in exact accordance with the views entertained with regard to the nature of the relation of the State to the central government, as a general rule: of course there are exceptions. Those who adopted what was known as the State-rights theory of our civil government, of course believed that the States were the fountains of power, and looked with jealousy upon the jurisdiction of the central government—holding that it could lawfully only exercise such powers as were expressly delegated to it by the States, according to the terms of a written constitution. As a general rule, these, as we believe to some extent under the influence of the analogy above referred to, have contended that the Presbyteries are the fountains of power, that the Assembly derives its powers by delegation from, the Presbyteries where it inherently resides; and have looked with jealousy upon the exercise of power on the part of the Assembly. On the other hand, those who adopted what is known as the old Federal or consolidation theory of our civil government as it formerly existed, of course maintained that the central government was the great source of political power. These as a general rule have regarded the General Assembly as possessed of well nigh unlimited power in church matters, just as they regarded the general government as the great controlling power in civil affairs. This view regards, too, the Presbyteries as merely agents to carry out the injunctions of the Assembly. It will therefore remain a curious inquiry for some one in future to ascertain how far the influence of this analogy, employed primarily for purposes of illus-

tration, has ultimately contributed to the formation of different views on church polity in exact accordance with the views of the nature of civil government prevalent in different sections.

If the view presented above be correct, then the false analogy which induced the St. Louis Assembly, as it appears to us, so nearly to ignore the existence of Presbyteries, and to assume that it was the embodiment of arbitrary power, is really what it behoves us to specially guard against, with this exception, that with us it manifests itself in a form wholly different, owing to the prevalence of different views relative to political relations of States to the general government. The tendency of it in our Church will be to make the General Assembly virtually a mere convention of delegates or deputies to perform certain prescribed acts, with no authority to enforce anything, and whose deliverances will be practically treated as mere advice. Already, if we mistake not, the fruits are beginning to manifest themselves in that growing indifference practically shown towards the acts of the Assembly in many respects.

Another manifestation of the same error is to be found in the opinions prevalent with regard to the relation of the ruling elder to the people. The idea is rapidly gaining ground that the elder derives his authority from the people who elect him; that he is responsible to them for the exercise of it, and that they have the undisputed right to sit in judgment on his official acts. This idea has also originated in the supposed analogy between Presbyterian Church polity and the republican form of civil government. The opinion in modern times throughout our own country has extensively prevailed that a representative of the people, in political bodies, goes there merely to carry out a system of instructions previously given by those who send him. This is to be a mere deputy or delegate, at most, and not a representative. The idea thus originated, under the influence of the analogy before noticed, has been transferred to the relation which the ruling elder bears to those whom he is said to represent. But it is evident there must be an essential difference between political and ecclesiastical assemblies, so far as our Church is concerned. They differ in their very nature and design, the former fre-

quently being legislative bodies, the latter never, so long as they are confined to their proper sphere. We do not even call our church assemblies legislatures, but courts. If any analogy between the two be allowable, it should be confined to the judicial department of civil government alone, and that only while maintained in its efficiency and purity. The true doctrine we believe to be, that the General Assembly within its sphere derives its power and authority not by means of any delegation from Presbyteries, but from the same source that the Presbyteries themselves do, and is responsible in the same way directly to the Lord Jesus Christ as King and Head of the Church. Otherwise we cannot see how the claim to divine authority for its existence is to be made out; and if not, then it should have no place in our church polity at all. The source of power must rest some where. To say that the General Assembly is the agent of the Presbyteries and responsible to them, and then in turn maintain that the Presbyteries are responsible to the Assembly, is only reasoning in a circle, and brings us back to the same point from which we started. The true source of all church power is, we maintain, the Lord Jesus as King of Zion, and it is delegated by him to his Church; and it would be difficult to find the grant wherein he has made any particular court of the Church the fountain of power. In like manner we maintain that the ruling elder does not sit in our Presbyteries, Synods, etc., as a representative, in the modern political sense of the term, deriving his official authority from the people, and responsible to them for the exercise of his power; but he sits there in a judicial capacity, deriving his authority from the King and Head of the Church, and responsible to the same source whence he derives his power, for its exercise.

The idea has become prevalent that our forefathers were pious well-meaning men, but they did not attain to any proper understanding and appreciation of the principles of a pure Presbyterianism, so far as the jurisdiction of church courts, the fountains of ecclesiastical power, etc., are concerned. These have been discovered in comparatively modern times. It is with arguments or rather assertions of this kind we are met, when refer-

ence is made to the higher courts exercising original jurisdiction with regard to matters now held to be exclusively confined to the lower. For example, the Synod of New York and Philadelphia, before, during, and after the schism of those bodies in 1741, habitually examined and licensed probationers, ordained ministers, instituted and dissolved pastoral relations, etc., with many other similar matters now assigned to Presbyteries, and even sessions. And yet if any should venture to suggest that the Synod or Assembly was competent to discharge such duties now without the intervention, of the lower courts, how many would contend that such an admission would be virtually overthrowing the cause of Presbyterianism.

Once more, with regard to the theory of the General Assembly deriving its powers by delegation from the Presbyteries, let us look at it in the light of history. Scotland is often styled the cradle of Presbyterianism, subsequent to the Reformation. The Presbyterian Church in America may be said to have derived its existence, humanly speaking, from the Church of Scotland. Now if we are not greatly mistaken, in the parent Church from which we trace our immediate descent, the General Assembly was the first ecclesiastical court, and Presbyteries were created by the act of the Assembly. Then, according to the theory referred to, whence, we ask, did the General Assembly of Scotland derive its power? Under what authority did it originally act? Not certainly under any authority or powers delegated to it by Presbyteries, for they had no existence as such, until created by the act of the Assembly itself, and the effect cannot exist prior to the cause. Unless, therefore, we take the ground that Presbyterianism is one thing in Scotland and something essentially different in America, we are led to the same conclusion, that the General Assembly is not simply the agent or the creature of the Presbyteries, but in its own sphere a court of the Church deriving its powers from the Lord Jesus Christ as King and Head of the Church.