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THE LOUISVILLE ASSEMBLY.

By A. M. FRASER, D. D., Staunton, Virginia.

This discussion of the Louisville Assembly is not written from the point of view of an eye witness, but from that of a reader of the printed minutes. That is the correct point of view from which to get a proper estimate, since it is through the printed minutes and not through the intentions of the body that it will ultimately be judged and through which it will influence the Church and history. For lack of space much will have to be omitted that must have lent a peculiar charm to the meeting, the interesting city of Louisville, the historic church of Stuart Robinson, in which the Assembly met, the splendid hospitality of the pastor and congregation, the celebration of the fiftieth anniversary of the organization of our Church, the presence of the Theological Seminary, the phenomenal work among the negroes in the city, and the ideal moderator, himself in his youth a favorite with Dr. Stuart Robinson. The limits of space will also make it necessary to omit allusion to a number of things done by the Assembly and confine attention to the more important ones.

I. This Assembly was distinguished by the unusual number of extremely important subjects it was called upon to handle. Of these, probably none is more important then the complete inauguration of the work of a Permanent Committee on Systematic Beneficence. Our whole system for gathering and administering the funds for the benevolent work of our Church has been changed within the last year. Previously we had nine

Executive Committees conducting nine different but related parts of the work. Each committee did its work independently of the other eight. All appealed to the same constituency for support but each fixed for itself the amount needed for its own work and used its own methods for securing it, subject, of course, to the Assembly's approval. Here was a constant menace of competition and friction. Each committee had its own expenses of operation and each had its own Secretary, in nearly every instance a minister taken from the already too much depleted ranks of the ministry. Yet with all this machinery a very large fraction of the membership of the Church had not been contributing anything at all to any of the causes. The new plan is designed to meet these difficulties and avert these possible dangers. To this end, Executive Committees have been consolidated till we now have only four, where previously we had nine. Instead of having these committees operating independently of each other, we have created a Permanent Committee on Systematic Beneficence, a committee on committees as it were, having a general survey and supervision of all the Executive Committees. This committee is composed of men representing all the Synods, and therefore so distributed over the territory of the Church as to ensure the absence of local or other bias. It will be composed in equal numbers of ministers and business men, that due regard may be had both to the law and traditions of the Church on the one hand, and to the wisest business methods on the other. Instead of having the several Executive Committees operating independently of each other and in constant danger of conflict, each committee must now submit its plans and estimates to the Committee on Systematic Beneficence, and all recommendations for the practical conduct of the work reach the Assembly through that central committee. The plan is to centralize all the work in this committee on Systematic Beneficence, and from this as a head, work down through the Synods and Presbyteries to the local congregations and to every individual. Each Synod and Presbytery is to have its committee on Systematic Beneficence corresponding to the Assembly's Committee as a medium of communication between the Assembly's committee and this lower court, and each con-

gregation is to have a "Canvassing Committee" to wait upon every member of the church to secure a subscription. Still another part of the plan is the "budget system." According to the "budget system," an estimate is made of the amount a local church should contribute to all the causes. Individual members are then asked to subscribe, not to particular causes, as Foreign Missions, Ministerial Relief, etc. (unless the individual insists on doing it in that way), but to a general fund. The church officers then divide up this general fund among the various causes by a fixed scale of percentage. Much latitude is allowed, however, as to the last feature. The Assembly of 1910 decided upon this change. It was cautiously put into effect during the year and the first report of results came before the Louisville Assembly.

Whenever radical changes are made in systems of revenue, anxiety is felt for the consequences. In civil governments such changes affect the whole economy of trade. While it will require at least another year to determine the full effect of the change we have introduced, it is a subject for gratitude to God that the reports to the last Assembly not only do not show any serious disturbance in our finances, but the usual per cent. of increase.

There is however one serious disappointment to many. It was expected as one almost certain result of the consolidation of committees that some of the able ministers now serving as secretaries would be released that they might return to the pastorate which is so sorely in need of them. Then, too, while we admire the ability and thoroughness with which this plan has been wrought out, we must not expect too much of it in practical operation. We must not expect an absolute uniformity—an artificial uniformity—in the organization and working of all our churches. Allowance should be made for local conditions of which the local Session is the best judge and the divinely appointed judge. Church courts as well as individual officers should give heed to the Scripture injunction not to be "lords over God's heritage." We must also be prepared to find at last that the every member canvass will fall far short of an every member contribution. The failure of many to contribute

comes from a want of spirituality and of any sense of responsibility for church work. The healing remedy for this condition is a baptism of the Holy Spirit and a deepening of religious life. New methods of disseminating information and of bringing the appeal to the individual will accomplish much, unquestionably, but we must not expect it to do all. In this connection, it is suggested that the Assembly lost an opportunity to place the whole subject of the "Canvassing Committee" on a more secure and acceptable basis, by not answering more fully the overture from the Presbytery of Orange as to the relations of the Canvassing Committee to the diaconate. It merely stated the law of the Book that a function of the diaconate is "the collection and distribution of the offerings of the people for pious uses under the direction of the Session." Is the Canvassing Committee to be composed of deacons exclusively? If not, does not the personal appeal to individuals for subscriptions approach very nearly to the "collections of offerings for pious uses," and may it not easily (all too easily) pass into that and displace the diaconate? There is need here for a clearer definition of duties and a statement of principles. This is all the more important when we remember that the "Canvassing Committee" originated among Christians who are comparative strangers to the practical working of the Scriptural diaconate. Have we not here an opportunity to exalt this divinely instituted ordinance of the diaconate and enlighten the Church as to its existence and usefulness?

II. The Louisville Assembly contributed its share to the solution of the long-to-be-remembered "North Alabama Case." A statement of the successive steps by which this case came from its origin up to the Assembly is necessary. The Presbytery of North Alabama in Session at Springville, Alabama, October 17th, 1907, adopted a resolution approving the action of the Anti-Saloon League of Alabama in asking the legislature of that State "to submit to a vote of the people of the whole State an amendment to the constitution prohibiting the liquor traffic in this State." In the summer of 1909 the legislature did submit to a vote of the people an amendment to the constitution prohibiting the manufacture of liquors and also the sale of the

same except in certain specified cases. On October 28th, 1909, while the question of adopting or rejecting this amendment was still pending and the vote had not yet been taken, the Presbytery of North Alabama adopted another paper on the subject. In the preamble of that paper it recited its action taken two years before approving the effort to have the legislature submit this amendment and the fact that such an amendment was now before the people. Then followed three resolutions. In the first, it endorsed the amendment and urged its people to vote for it in order that the "prohibition of the liquor traffic" might become "the permanent policy of the State." In the second, it expressed the view that the amendment was "a non-partisan and non-political moral measure" and that by ordering a special election on the subject the legislature had made it a "bare issue of constitutional prohibition without entangling it with any party, factional or personal politics." In the third, it pointed out the blessings expected to flow from the adoption of the amendment. At the next meeting of the Synod of Alabama, the Rev. W. I. Sinnott, a member of the Presbytery of North Alabama and its Stated Clerk and also the Stated Clerk of the Synod of Alabama, complained of the course of his Presbytery in adopting this paper. Because of the excitement in the State, over the amendment, and a divided sentiment in the Synod itself, the complaint was, by the consent of Mr. Sinnott, referred to the General Assembly. It came before the Assembly at Lewisburg, in 1910. There it was referred to the Judicial Committee without reading. Upon the recommendation of the Judicial Committee the Assembly referred it to a commission. By a vote of fourteen to seven (five not voting), the commission decided not to sustain the complaint. In explaining its decision, the commission states that it "did not mean to recede from or compromise the principle of non-intrusion into civil affairs or affairs that concern the commonwealth, but to leave our courts free as to the mode of dealing with a gigantic moral evil, which mode, in this case, was the urging upon our people in the State of Alabama to vote for constitutional prohibition." It declares that, "The Presbytery of North Alabama did not originate, or advise the State to adopt, this mode, but * * * * *

urged upon its constituency to use this means, and did so expressly on moral and non-political grounds." The commission also "condemns the action, language and spirit of the complainant as highly unbecoming in a minister of the gospel." The minority entered its protest in which it "emphatically disclaimed" "all sympathy with the position taken by the complainant which led to the action against which he makes complaint." It expressed thorough appreciation of "the delicate and embarrassing position in which the Presbytery was placed through no fault of its own" and its admiration of "the spirit which actuated that body and which caused it, as we think, to err," but voted to sustain the complaint on the ground that "the Presbytery instead of disavowing the views of the complainant and condemning his manner of expressing them did officially, while sitting as a court of the Presbyterian Church in the United States, recommend the adoption of an amendment to the Constitution of the State of Alabama, and this in direct contradiction, as we hold, of the constitution of said Church, and its steadfast maintenance of this fundamental principle laid down in that instrument."

The Rev. W. I. Sinnott, who was not present to explain and urge his complaint, sent a petition to the next General Assembly at Louisville in 1911 to reopen the case. Overtures from eight Presbyteries to the same effect were presented to the Assembly. Upon the recommendation of the Judicial Committee the Assembly "disallowed" and "denied" the petition "on the ground that the judicial deliverances of the General Assembly of Lewisburg, W. Va., are not reviewable by a subsequent General Assembly, upon petition to rehear the case, decided by the former court."

Profoundly important questions of church law and theory and of personal rights in the Presbyterian Church are involved in these decisions.

1. Are the judicial findings of the General Assembly not reversible? So far as acquittals are concerned there should be no difference of opinion. Even the criminal laws of the Commonwealth give every man an assurance that he shall not be placed in jeopardy a second time for the same offense. But is

the same true of convictions? Let it be admitted that we have long, though not invariably, acted on the theory that all the judicial decisions of the General Assembly are final and cannot be reversed. This has been generally accepted as fundamental This theory is made plausible by the fact that the General Assembly is not only the court of highest resort, but that it is not a continuing court. Each Assembly expires at its adjournment. Upon adjournment the Moderator declares the Assembly "dissolved." The next Assembly is "*another* General Assembly chosen in the same manner." Upon this premise, that the previous Assembly no longer exists, it is argued that a succeeding Assembly cannot reverse the action of a preceding one.

But does not this very "North Alabama Case" startle us with the fallacy of the argument and the menace of the theory? Suppose Mr. Sinnott had been accused of gross immorality, and upon unhappy circumstantial evidence he had been convicted. Suppose evidence had afterwards been discovered that beyond all question proved his innocence. According to this theory there would be no means of doing him justice. The Assembly that found the verdict and passed the sentence had gone out of existence and a subsequent Assembly could not reopen the case. Of course, no one claims that there is any new evidence in this case, but the principle laid down by the last Assembly would have excluded it if there had been. Either new evidence would justify a reopening of a case or it would not. If it would, then the Assembly's theory that the findings of a previous Assembly cannot be reversed falls to the ground. If new evidence does not justify a re-opening, then the liberties of every member of the Presbyterian Church are in danger to that extent. And so in the face of all our theories and our practice we find the Assembly of 1879 cautiously declaring that, "It might be competent for one General Assembly, under such rules as the Constitution provides, to grant a new hearing of a case which has been judicially decided by a previous General Assembly."

Again, if an Assembly's judicial decisions can never be reversed the Assembly becomes a higher authority than the Constitution. Any Assembly, however carelessly its members

may have been chosen, whatever may be the character of the members for good judgment and loyal Presbyterianism, may be supreme and irresponsible and may override the Constitution and leave us no redress. If the Assembly is subject to the Constitution there must be some way of enforcing its subjection. The only way to enforce the supremacy of the Constitution is for the Church, in the exercise of its sovereignty, to elect another Assembly to undo the mischief. The Rev. Dr. S. K. Winn, in an article in the *Presbyterian of the South* some months ago, gave us a most satisfactory refutation of the theory that because an Assembly is dissolved its findings are not reversible. His argument is that the Assembly is the organ of the Church, and what the Assembly does, it is the Church doing through the Assembly, and though the Assembly may expire at its adjournment, the Church does not expire, and it owes it to itself, to truth and to personal rights to correct through a future Assembly what it has done amiss through a past one. That is reproduced here as very sound and salutary and reassuring doctrine.

2. Venturing then to go back of the barrier the Louisville Assembly would erect between us and the Lewisburg Assembly, let us make bold to ask if the action of the Lewisburg Assembly was constitutional. There is hardly any room for question that that Assembly violated the Constitution and infringed the rights of a minister in good standing when it put on record with its approval this language: "The Commission condemns the action, language and spirit of the complainant as highly unbecoming in a minister of the Gospel." It did not "disapprove," it "condemned." That word expresses the result of a judicial finding. Yet, Mr. Sinnott was not on trial. He was not even present. He was merely complaining in writing of what he regarded as an unconstitutional act of a lower court, when lo, the highest court of appeal, the court that for dignity, for poise, for an excellent spirit, for learning, for breadth of view, for remoteness from local and personal prejudices, is regarded among us as a refuge and a shelter against error and injustice in the lower courts, the General Assembly, turns upon the complainant and "condemns" *him*. The General Assembly

had no right to try him except upon his own appeal after trial and conviction in the lower court. "Process against a minister shall be entered before the Presbytery of which he is a member." This is the language of the Book (Par. 196). The Book also says, "Original jurisdiction in relation to ministers of the Gospel pertains exclusively to the Presbytery" (Par. 161). The Assembly is not above the Book but the creature of the Book and its organ. For the Assembly to exercise the right of finding a minister guilty and condemning him when he has never been charged with anything before his Presbytery is sheer usurpation and tyranny. As long as a minister's standing is not impeached in his Presbytery, that Presbytery acts as a shield to him against all ecclesiastical procedure elsewhere. If this right could be made more sacred than the Constitution of the Church makes it, it was made so by the solemn guarantee given to the Synod of Kentucky by our Assembly in 1867, at the time of the union of that Synod with our Church. The Synod demanded a guarantee of this very right as a condition of union with us. Our Assembly gave it as far as it had the authority, and the whole Church tacitly sanctioned it. But not only had the Assembly no original jurisdiction in the case, no charge was "adduced to writing," no indictment was drawn, no notice "served on the accused," no list of witnesses furnished him, no "times, places, and circumstances" are "particularly stated, that the accused may have an opportunity to make his defense." "Doth our law judge any man, before it hear him and know what he doeth?" He is condemned for "action, language and spirit" "highly unbecoming in a minister of the Gospel." There is not a line on record anywhere, in Session, Presbytery, Synod or Assembly to say what that "action, language and spirit" were. The only record is that the complainant complained of an error of judgment in his Presbytery. Mr. Sinnott's posterity (if he has any), taught to revere his memory as a useful man of God (one entrusted with the very responsible duties of Stated Clerk in his Presbytery and Synod), finding in the Assembly's Digest the record of this condemnation will be utterly unable to trace a vestige of explanation in any official records. These words, "Action,

language and spirit highly unbecoming in a minister of the Gospel," are very vague and may suggest all sorts of painful delinquencies. And alas! the very fact that the charges are not printed may suggest that it was an act of kindly consideration on the Assembly's part not to print them, leaving the inquirers to fear the worst. The complainant is condemned for "ACTION, LANGUAGE AND SPIRIT HIGHLY UNBECOMING IN A MINISTER OF THE GOSPEL," but no specifications are given. That is all.

It may be replied in defense of the Assembly that this was not a formal trial and the Assembly was not therefore bound to conform to all the rules laid down in the Book. That would not mend the case, but make it worse. That would be a *condemnation without a trial.* Mr. Sinnott was either tried or not tried. If he was tried, the constitutional guarantees to an accused were not observed. If he was not tried, he was condemned without trial. Which horn of this dilemma do we prefer?

It is just possible that the Assembly found a justification for its course in paragraph 264. "If an appellant is found to manifest a litigious or other unchristian spirit in the prosecution of his appeal, he shall be censured according to the degree of his offense." Concerning which it may be observed: (*a*) That the condemned was not an "appellant" but a "complainant," and while in a general way the rules of appeals and complaints are the same, every "reasonable doubt" ought to have been given the condemned before condemning him. (*b*) The "litigious or other unchristian spirit" must have been shown "*in the prosecution of his appeal*" (or complaint) and not elsewhere. Did Mr. Sinnott act, speak and feel in a way "highly unbecoming in a minister of the Gospel" while prosecuting his complaint, or was it at some other time and place that he then offended? The record sayeth not. (*c*) Supposing paragraph 264 to apply to "complainants" and supposing this complainant, Mr. Sinnott, "manifested a litigious or other unchristian spirit in the prosecution of his" complaint, ought he not to have been formally indicted and tried for that offense and his guilt judicially ascertained before a sentence of condemnation was passed upon him? The Book does not say so.

Does not the whole spirit of the Book imply it? Ought he not at least to have had the benefit of the reasonable doubt on that point?

Another act of the Lewisburg Assembly covered by the mantle of the Louisville Assembly that is of very questionable propriety, both as respects the Constitution and fairness to Mr. Sinnott, was the reference of the complaint to a commission without his consent. The Book says (Par. 94): "The General Assembly may, *with the consent of parties*, commit any case of trial coming before them on appeal to the judgment of a commission. There was no "consent of parties." If it be argued that the paragraph quoted applies to "appeals" and this was a "complaint," it is replied then there was no authority at all to refer a "complaint" to a commission. There is no other clause of the Book authorizing the reference of a judicial case by the Assembly to a commission. If this clause does not justify the action of the Assembly, then there is no justification of it. Ought not Mr. Sinnott to have been given the benefit of any "reasonable doubt" here too? Possibly, if the Assembly has known the commission would reverse the relation of the parties in the case and virtually put Mr. Sinnott on trial and "condemn" him, it might not have referred the case to a commission.

3. Did the Lewisburg Assembly "recede from or compromise the principle of non-intrusion into civil affairs or affairs which concern the Commonwealth," when it declined to sustain the complaint against the Presbytery of North Alabama? The Assembly says it "did not mean to." But the question is not what the Assembly meant to do but what it did. Of course, it is a comfort to know that the Assembly did not deliberately and intentionally renounce "the principle of non-intrusion into civil affairs." That would have been an unspeakable calamity, especially if it be true that the deliverance would not have been "reviewable." But may not one stab a principle to the heart when he does not mean to do it? May not a man stab himself or his friend to the heart when he does not "mean to do so?" May he not more easily inflict a fatal blow on a principle than on a man though his intentions are the best? It is a very

convenient and deceptive justification of a doubtful act to say that we do not intend to compromise our principles, and deliberative bodies are somewhat addicted to it. The real question then is, Did the Presbytery of North Alabama "compromise the principle of non-intrusion into civil affairs" by its action of which Mr. Sinnott complained, and which the Assembly by implication approved and adopted as its own? What was it the Presbytery did? Granting that the Assembly was right in saying that "the Presbytery of North Alabama did not originate, or advise the State to adopt" the prohibition amendment to the constitution (the printed minutes of the Presbytery cast some doubt on the correctness of that statement), it is admitted that Presbytery "urged upon our people in the State of Alabama to vote" for constitutional prohibition. The Presbytery acting in its ecclesiastical capacity urged the people in their civil capacity as voters to vote for an amendment to the State Constitution, and the Assembly approved of that act. It is that which constitutes the compromise of "the principle of non-intrusion into civil affairs." Temperance, abhorrence of the appalling iniquity of the liquor traffic are one thing—a moral question perfectly clear cut. What measures the State shall employ to control it or abolish it, if any, is a question of the civil government. The latter is a political question, too, not in the sense of being the doctrine of any political party, not in the sense of its being "entangled with any party, factional or personal politics," but in the sense of its being a question of State policy. What are the best laws for the State to enact? What should be the permanent policy of the State? It should be noted just here in passing that some Christian men of whose ability, deep piety, and vehement abhorrence of the liquor traffic no question can be raised, are not convinced even from the moral point of view that State-wide prohibition is the best remedy for the evil in every State. Now it is respectfully submitted that when the Presbytery urged its people to vote for a constitutional amendment, that was advice given to the *State*, because the qualified electorate are a part of the government of a State. We have not only the legislative, judicial and executive departments of government; but the voters also,

invested with rights and powers, are a distinct department of the government, lying back of the other three, supplying law and authority to all three—the real sovereignty in our form of government. This comes out conspicuously in the adoption of an amendment to a constitution. The voters are then law makers in a sovereign degree, exercising a function above that of legislators, executives and judges, defining principles for the guidance of all of them. It was this part of the civil constitution the Presbytery sought to control in deciding what were the best regulations for a civic evil. This action our Assembly approved.

To say that the question upon which the Presbytery and the Assembly thus gave advice to the State involved an issue of morality does not break the force of the argument. It was exactly upon that ground that the Northern Church justified those political deliverances which caused our own Church to prefer a separate organization. Upon the same ground it justifies its continuance of the custom of making deliverances upon civil matters. It is always the moral question involved. And the same argument would justify an intrusion into nearly all civil questions, for nearly all questions of State involve questions of morals. The question of the tariff, of the standard of currency, of declaring war, of the laws of labor and commerce all have a distinct ethical feature. The only difference in the case of liquor laws is that the moral issue in them obtrudes itself more forcibly upon public interest.

Is not the proper and only function of the Church so to dwell on the evils of intemperance and the iniquity of the saloon that the saloon keeper and his patrons will be afraid before God, and so to depict the obligations and blessings of the strong, sober life, that they will covet it, and so to do both that the voter, the legislator, the executive and the judiciary will feel their responsibility and their need for divine guidance? Why should the Church come down when it is doing so great a work? Why should it seek the aid of civil laws which at best are but "carnal weapons" when it has weapons that are mighty for the real pulling down of strongholds. The Savannah Assembly sent a petition to the President of the United States to interfere in

behalf of Doctors Morrison and Sheppard, who were undergoing persecution in Africa. The writer was present at most of the subsequent sessions of that body; after the secular arm was invoked, he did not once hear prayer offered in behalf of the troubled missionaries.

There are other questions arising from this notable case. Enough has been said to show that if the acts of an Assembly are not reviewable and reversible, it is high time for the Church to be getting back some of that power it has allowed to slip away from it, and to become settled in the Assembly.

(To be continued.)

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THE LOUISVILLE ASSEMBLY.
(Continued.)

By A. M. Fraser, D. D., Staunton, Va.

So far this review has treated of only two of the acts of the Louisville Assembly, the inauguration of the new scheme of Systematic Beneficence, and the "North Alabama Case." In connection with the latter it ought to have been noted that a strong "protest" against the Assembly's action is found in the Minutes, signed by the Rev. Dr. W. P. McCorkle and others. This protest covers substantially the ground taken in this review.

Proceeding with the study of the minutes we find:

III. The question of the proper mode of selecting commissioners to the General Assembly, which has been needing the attention of the Church for several years, now getting some consideration. It may be accepted as axiomatic that when Presbyteries select commissioners to the Assembly, their choice should be governed by a consideration of the qualifications of the men to take part in the serious business of the Assembly. The qualifications are such as these: sound judgment, knowledge of Church law and practice, aptitude for deliberative and ecclesiastical work, mature experience, acquaintance with the subjects that will probably come before the body, and, of course, representative Christian character. But what in fact is the practice of the Presbyteries? Are they controlled by such considerations? Has it not come to be the rule (with

notable and many exceptions, of course), that commissioners are chosen with a view to courtesy rather than qualifications for the service? In many cases a system of rotation is adopted. The question is asked, "Whose time is it to go?" And the man whose time it is, goes, regardless of the gravity of the questions to come before the Assembly or the adaptation of the men to deal with those particular questions. Or, it may be, an excellent brother, who is capable of doing many things for the Master and doing them surpassingly well, but without capacity for the work of church courts, is sent to the Assembly because he has some friends living in the vicinity of the place where it meets. The meeting of the Assembly in that place gives a good opportunity to provide a free pleasure trip for a beloved and appreciated brother and that decides the matter. Is there not a clearly defined tendency to just this state of affairs? Now, is it wise that it should be so? Is it right? Is it faithful to solemn trusts? Is it safe for the doctrine, the polity, the administrative policies of the Church? Intricate and difficult questions of doctrine, of Church law, and of proper methods are brought before the Assembly. There are questions of the delicate balance of Church honor on the one side and of personal, constitutional rights on the other. Moreover, the Assembly, through its executive committees, controls annually more than a million dollars of trust money and the money is entrusted for the most sacred of all objects. Ought not the magnitude and importance of all this work cause the Presbyteries to deliberate carefully each year and select the men who under the circumstances are most capable of dealing with the questions to be decided? Suppose that a number of Presbyteries at the same time should be influenced by sentiment alone in selecting commissioners, and so an Assembly, charged with the weightiest business, should be largely made up of men without experience or aptitude for handling such subjects, what might we not expect? How easy it is at all times to stampede a deliberative body by an *ad captandum* resolution, or by a wordy but ill-considered speech, if there be no strong ready men at hand to avert the result. If the

State were to employ that sort of careless method in the selection of officials, how disastrous it would be. We don't send a man to the Legislature, or to Congress, for one term only and then pass on the compliment to some one else. We do not treat public office as a favor that we must make "go around" till everybody has had a chance at it. Of course, there is even in the State a clamorous demand sometimes for "rotation in office" and "giving the other man a chance." But the State does not care a straw for the other man's chance. He has no claim on the office. The State wants the work well done. Is the business of the Church less important than that of the State? Neither the methods nor the results in politics are always satisfactory, but in this particular we may learn a useful lesson.

There are two arguments in defense of the loose method of selecting commissioners to the Assembly which ought to be seriously considered. 1. It may be claimed that inexperienced men ought to be sent to the Assembly in order that they may acquire experience, and that each man in Presbytery ought to be sent in turn in order that he may be trained in Assembly work. To this several answers may be made. (a) Why is it thought that a man's going to the Assembly without experience at a future time should be fraught with any worse consequences than his going without experience now? If there is really danger in sending an inexperienced man, why not put off the evil day as far as possible? In that case the emergency may never again arise. It may never be necessary to send me at all if I am not qualified, and so I may never need the experience. (b) Experience is not the only qualification for the office of commissioner to the Assembly, nor even the chief qualification. Aptitude for ecclesiastical business is an important requisite. A most excellent scholar and preacher may have in him no element of a Presbyter and no amount of experience would ever make him one. One or two goings to the Assembly would surely not make him one. On the other hand, men who have the aptitude show it in Presbytery and Synod, and in those courts clearly manifest their capacity for useful-

ness in the Assembly. Moreover, such men get in those lower courts the benefit of all the experience they need, for the kind of business and the methods of business are the same in the lower as in the higher courts. (c) If the Presbytery is a large one and the members are sent in rotation, the probability is that the brother who has been sent to the Assembly to get experience will not be sent again to add to his experience or to use what he has already acquired. For it will be years before his turn will come again, if it ever does come. In one of our large Presbyteries there are only six ministers who have been to the Assembly as often as twice within twenty years, only two have been oftener than twice, and none more than three times. In the same Presbytery there are thirty-seven ministers who have never been at all. Sending these thirty-seven at the rate of two a year, it would take more than eighteen years to send them all. Meanwhile those who have already gone and are supposed to have gained experience must wait at least eighteen years before they can use the experience they have already, or get any more. By the expiration of the eighteen years there will have been quite thirty-seven new men to come into the Presbytery who must also take their turn. Thus the Assembly's usefulness as a school of training will have been frittered away. (d) All this time the Presbytery and the Church will have lost the counsel of men who are in every way fitted to render eminent service. 2. Another argument in defense of rotation is that, without it, the same men will go to the Assembly too frequently, and may virtually resolve themselves into a "ring," or coterie of men wielding a dangerous amount of power in the affairs of the Church and warping all its administration to their peculiar ideas. In answer to this, let us in the first place, hope that the Church is not so poor in capable Presbyters as to be compelled to elect the same men to the Assembly too often. Then, in the second place, let us not forget that the election of commissioners would still be in the hands of the Presbytery. If a commissioner is found making undue use of his power or entering into improper combinations to control the Church,

the Presbytery need not send him again. Even if a few men should be brought into greater prominence and power, it is not objectionable if they use the power aright, and if they do not use it aright the majority can instantly assert itself and dispense with their service.

A touch of sentiment and appreciation may not be out of place in the choosing of commissioners, but that customs should prevail whereby all the vast business of the Church should be sacrificed to sentiment is a danger that needs attention. It is confidently believed that it is necessary for some one to call the attention of the Church to these things. It can be done only by one who has no conceit that he would himself be sent to the Assembly any oftener if his views prevail, or by one who is willing to sacrifice any such conceit that he might have.

At two points the Louisville Assembly touched this subject and suggested these comments:

1. A complaint came up from J. H. Downman and others against the Synod of Virginia. That Synod, in reviewing the records of the Presbytery of Kanawha, took exception to the following standing rule the Presbytery had adopted:

"The minister who is the oldest member of Presbytery, who has been for the longest time absent from the General Assembly as a representative of this Presbytery, shall be the ministerial commissioner to the General Assembly, unless the Presbytery shall by a two-thirds vote determine otherwise."

The Synod of Virginia took exception to this rule, presumably on the ground that it prevented any real election of commissioners. According to this rule, commissioners were to be chosen by the operation of the rule itself and not by the votes of a majority. In this way the wishes of a majority might be defeated. The Assembly sustained the complaint on the ground "that the Presbytery acted within its constitutional rights." The Assembly was probably correct in its decision because a simply majority could rescind the rule at any time, so that the choice of commissioners in the Presbytery of Kanawha is still subject to the consent of the majority. But the standing rule is chiefly interesting as a sign of revolt

against the system of rotation and courtesy. It is true that the remedy does not entirely cure the evil aimed at. It only substitutes a less objectionable form of rotation for a more objectionable one. Still, it is a sign of revolt. 2. The Assembly, upon an overture from the Synod of North Carolina, has sent to the Presbyteries for their "advice," but without any recommendation of its own, an amendment to the Book of Church Order, proposing radical changes in the method of selecting commissioners to the Assembly. According to this amendment, the Synods would elect the commissioners from their several Presbyteries, and the Synods themselves would be composed of representatives elected by their Presbyteries instead of being composed of all the ministers and one elder from every church in their bounds. One object of the proposed change is to reduce our whole system of Church Courts to a more logical unity of plan. Another confessed object is to secure the sending to the Assembly of "men fittest for the work" instead of sending "men who have never been to the Assembly, or who are known to wish to be sent for some personal reason." It is doubtless in order to suggest at this point that one objection to the practical working of this plan might easily be removed. The plan proposes that each Synod shall be composed of five ministers and five ruling elders from each of its constituent Presbyteries, or double that number if the Presbytery consists of more than twenty-four ministerial members. This would be a good plan for a large Synod like the Synod of Virginia, which would then have two hundred members. But it might not be so suitable for a small one like the Synod of Florida or the Synod of Oklahoma, which would have only thirty members. There is a sort of dignity in numbers and a breadth and security attaching to the more numerous assemblage. Why not make the rule more elastic and give to each Synod, with the consent of a majority of its constituent Presbyteries, the right to fix the number of ministers and elders from each Presbytery to sit in the Synod, and even give them the right, if they choose to exercise it, to retain the old plan of letting all the ministers and one ruling

elder from each church sit in Synod? Such an arrangement would work no injustice. The Presbyteries within the Synod would lose none of the rights they now have; it would cause no inequality outside the Synod, since Synods do not vote as units on any question, nor yet in proportion to their membership; and the Presbyterial representation in the Assembly would not be affected by it. This is understood to be the rule in the Northern Church, and it commends itself. Their rule is as follows: "The Synod may be composed at its option, with the consent of a majority of its Presbyteries, either of all the ministers and one elder from each congregation in its district, or of equal delegations of ministers and elders, elected by the Presbyteries, and in a ratio determined in like manner by the Synod and its Presbyteries." 3. In this connection, attention may be called to the Assembly's mode of selecting representatives to the Pan-Presbyterian Council. That Council will meet in Aberdeen, Scotland, in 1913, and our next General Assembly will be called upon to select delegates to it. By what rule shall our Assembly be governed in making its selection? Should it have in view merely the distribution of the courtesy of appointment among worthy ministers and elders as far as possible, or should it have in view the wielding of as much influence and doing as much good in the Council as possible? Our Church has its peculiar place in the great Presbyterian body and its own peculiar testimony to bear. The Council affords a fine opportunity for bearing our testimony. By sending a few capable leaders as often as possible, some one or two of them every time, they would become familiar with the modes of procedure, command attention, and acquire an influence for their Church, and so might make the Council an instrument of real power and usefulness for us.

IV. Akin to this subject is the growing dissatisfaction there has been in the Church with the handling of judicial cases that come before the Assembly on complaint or appeal. If these cases are considered by the full Assembly, it gives them unpleasant publicity, it consumes valuable time, and there is danger that the larger body will not be as careful as it might.

Consequently they are usually referred to a commission for trial. But that method also has its serious objections. The gravity of judicial cases, the importance of guarding all questions of doctrine, morals, personal rights and the honor of the Church involved in them, move the moderator to appoint on these judicial commissions some of the most useful men in the Assembly. The commission must consist of at least twenty-seven men. The sessions of the commission and those of the Assembly are usually held during the same hours. Sometimes there are two such commissions at work at the same time. The result is that sometimes fifty-four of the men whom the Assembly needs most in its deliberations are removed by their attendance upon the meetings of the commissions. That is, if the Moderator has been successful in selecting his men for the commission, and if he has not been successful the case falls into unsuitable hands, which is also very bad. Another unpleasant result is that the commission, instead of feeling perfectly free to give all the thought and time necessary to the judging of the case, feels a continual pressure to get through and return to the Assembly. A commission is often unconsciously hurried in this way.

To meet these difficulties the Assembly, after several years of cautious deliberation, recommends to the Presbyteries for their advice and consent an amendment to its "Rules of Discipline." Without crowding these pages with a quotation of the whole amendment, it may be fairly sketched here. It proposes the establishment of what has been called a "Judicial Tribunal," for the trial of these cases, a commission more or less fixed, distinct from the Assembly, whose members may or may not be members of the Assembly, meeting at the same time that the Assembly does, but with the privilege of protracting its sessions beyond those of the Assembly and reporting to the next Assembly. This commission is to be composed of one minister and one ruling elder from each Synod. The Synods are to nominate their representatives on this Tribunal every four years. The appointees are to be required to attend every meeting of the Assembly, and the Assembly early in its

sessions is to commission and charge them. All judicial cases coming before the Assembly are to be referred to this commission, with or without "consent of parties," except that the Assembly may, if it chooses to do so, reserve to itself all cases involving doctrine.

The ability with which this plan has been wrought out, the relief it offers from a recognized evil, and the far-reaching effect of such a change, demand for it the highest respect and the most careful consideration. If it is to be adopted, every care should be given to the details, to insure its satisfactory operation. In this spirit of appreciation, the following suggestions are made:

1. The amendment contains no provision for filling a vacancy. The Synods are to nominate quadrennially. Suppose that within the four-year period, a member of the commission dies, or resigns, or removes to the bounds of another Synod, or that in any other way, a vacancy should occur. Would the Assembly or the Synod fill the vacancy? Would it not be better for the law to say explicitly how the vacancy should be filled? Now, if instead of the Synod's nominating one minister and one elder, it were empowered to nominate several men and commend them to the Assembly as eligible for appointment, that might be a good solution of the problem. In the same way alternates, who are overlooked in the amendment might be provided for.

2. If each Synod nominates only one minister and one ruling elder, the Assembly has no option as to the appointment. It must accept the men nominated, and the commission ceases to be a commission of the Assembly and becomes a commission of the federated Synods. The fact that the Synods are to pay the traveling expenses of these representatives emphasizes the fact that the commission is the servant of the Synods. The mere formality of the Assembly's "commissioning" and "charging" the Tribunal does not make it in any real sense the organ of the Assembly. The Assembly has no choice as to the personnel of the commission and no choice as to referring the cases to it, except when

doctrine is involved. Now the appeal from the lower court is to the Assembly, and the Assembly should either try the case itself or refer it to a commission that is an organ of its own. This difficulty might also be obviated by allowing the Synods to nominate a number of eligibles.

3. Would it not be better not to require the unconditional attendance of the Tribunal upon all the meetings of the Assembly, but let that attendance depend on whether there is business for it or not? If there are no judicial cases to come before an Assembly, why require the members of the Tribunal to spend time and money in attending? This difficulty might be met by requiring clerks of Synods to notify the State clerk of the Assembly not later than fourteen days before the Assembly meets of all judicial business to come before that body, and by requiring the stated clerk of the Assembly to give due notice to the members of the judicial commission.

4. After all, we cannot escape the conclusion that the proposed judicial tribunal would be "the addition of another court or tribunal to our present series of graded courts." The ad interim committee, which reported the plan, acted in accordance with the Assembly's instructions in making it such. It had been instructed by the Assembly "to prepare and submit a plan for the erection of a *separate tribunal* for the hearing of judicial cases," and it did so. The tribunal is a court, and yet it is neither Session, Presbytery, Synod nor Assembly. It is not the organ of any of these, but represents a federation of Synods. The only connection of the Assembly with the cases referred to the commission is that of passing on the regularity of them and "commissioning" and "charging" the Tribunal. The members of the commission are not members of the Assembly, unless by coincidence. These members are not even chosen by the Assembly. The commission need not report to the Assembly which referred the cases to them, and it is not clear that when a report is submitted the Assembly has any discretion as to accepting and recording the decision. If then it be a court, and not one of the four existing courts, nor the organ of any one of them, it must be "another court." It is not

here contended that the Church has no right to erect "another court." That is the Assembly's own postulate. A new court introduced between any two of the existing courts, or in the line of extension of the graded system to a still higher tribunal, such as a Federal or Ecumenical Council, would be clearly logical. Nor is the writer prepared to affirm that it would be inconsistent with the genius of our system, if the Church were to erect two co-ordinate supreme judicatories, provided the business assigned to each were clearly defined.

5. But why raise all these questions? If the object in view in advocating this judicial tribunal is to save time and to insure more satisfactory treatment of judicial cases, are there not simpler ways of reaching the same results? (a) Suppose that instead of assembling another court to try these cases, the Assembly make up its mind to protract its own sessions long enough to try the cases itself. That would save the Synods the expense of sending twenty-eight additional commissioners to the place of meeting, and it might really be easier for the church entertaining the Assembly to entertain the whole body a few days longer in the homes already provided than to provide additional homes for the twenty-eight members of the Tribunal. (b) Or if that plan does not commend itself, why not let the Assembly appoint a commission from its own membership with the understanding that it is not to sit while the Assembly is in executive session. Some meetings might be held in the recesses of the Assembly and some while popular meetings occupy the body. Some cases are short and could be disposed of with all proper seriousness before the Assembly adjourns. For longer cases, let the commission protract its sessions after adjournment and report to the next Assembly just as the pending amendment provides. That would require some slight changes in the wording of the book. This last plan would require the community to entertain twenty-eight men for a somewhat longer period than it keeps the whole Assembly, but that would be no greater tax than the entertaining of the same number of additional men while the Assembly was in session.

V. The Assembly was asked by the First church of Saint Charles, Missouri, to appoint "an ad interim committee to investigate the question of using fermented or unfermented wine and of leavened or unleavened bread in the observance of the Lord's Supper." The Assembly declined to appoint the committee, on the ground that "the judgment of the Church has already been expressed" and "at the same time leaves the question of the particular kind of bread and wine to be used to the discretion and judgment of the session of each church." It cites Alexander's and Baird's Digests in support of its position. Baird's Digest is not at hand, but Alexander's Digest, covering forty-nine years of our separate Church life, does not seem to sustain this deliverance. By leaving the kind of bread and wine to be used in the Lord's Supper to the discretion of the Session of each church, the Louisville Assembly took a distinct step in advance of any deliverance by a previous Assembly. The farthest any other Assembly had ever gone was to refuse to say that the conscientious use of unfermented grape juice "would necessarily vitiate the validity of the ordinance." (Alexander's Digest, edition of 1911, page 463.) For the Assembly to decline to say that the ordinance is necessarily vitiated by the use of unfermented grape juice falls very far short of granting leave to the Sessions to use their own discretion as to the kind of bread and wine. Moreover, whenever the Assembly has made a deliverance on the subject, it has invariably declared that the "fermented grape juice" or "wine" is "the Scriptural element to be used in the Lord's Supper." Did our Saviour and the apostles then use that element in the sacrament, or did they not? The Assembly says they did. It has consistently said it every time. The Louisville Assembly concurs in that opinion, as shown by its reference to the Digests. There is therefore no question among us now as to what is the Scriptural element to be used. It is "wine," "fermented grape juice." If that be admitted, then by what authority does the Louisville Assembly grant permission to Sessions to substitute a different element for that which the Master ordained and the apostles used? It grants a "dispensation,"

as it were to change Christ's ordinance. The seriousness of the position is appreciated when we remember that many of those who substitute another element for wine, do so on the ground that any use of fermented liquors is unethical, thereby implying that Christ, who used wine in the Supper, was unethical in his conduct. May we not hope that the next Assembly will say emphatically that it does not agree with this deliverance, and it believes that when the mind of the Master is known by his words or his actions, a Session has no discretion in the premises, nor is it within the province of an Assembly to grant it any discretion? It would seem that such an expresson of opinion might be placed on record, and with all possible respect and courtesy toward the Louisville Assembly and the honored men who sat in it.

VI. The multiplication of societies for church work and the organization of such societies into Presbyterial Unions has raised the question of the relation of such unions to our Church law. The question having come before the Louisville Assembly, it declares that "The Session has control of the individual society within the local Church"; that the union "comes under the supervision and control of Presbytery," and that the supervision is to be exercised "indirectly through the Session having control of the local society, and directly through review and control of the unions themselves." This is the most plausible view of the question, and no doubt the one generally entertained. There is another view, however, which deserves to be stated. It is that Presbyterian government places the local society under the "direct" (or immediate) control of the Session alone, while the Assembly's deliverance places it under the joint control of the Session and the Union. Presbyterian law gives the Presbytery only an "indirect" or mediate control of the local society, to be exercised through the Session alone, while the Assembly's deliverance gives the Presbytery control through the Union, as well as through the Session. Whatever may be true of the ecclesiastical status of the proposed "Judicial Tribunal," the Presbyterial Union becomes "another court" and one that is not even composed of Presbyters. It is

true the book declares that the Presbytery has jurisdiction "over what is common to the ministers, Session and churches within a prescribed district," but those are very general terms, and we should be careful not to interpret them into conflict with express provisions or to the subversion of fundamental principles. No part of our Church law has more conclusive support from Scripture than the Sessional control of all the affairs of the local church. The argument for the higher courts is not so strong. So it would seem that the presumption in this case was in favor of an undivided Sessional control.

This is not written in the slightest want of appreciation of the magnificent work and zeal of the women. It is a question of the application of Church law, and it applies as well to societies of men and of young people. The work can be done just as well if the Unions are converted into simple conferences, for information, for comparison of methods, for inspiration, and for association in the support of a common cause, and would be just as safely under church control. The chief practical danger of investing the Union with control of constituent societies lies in the extension of the organization to broader fields—to Synodical and Assembly Unions. The goal of it all is a separate executive committee and a double-headed control of every mission station in the foreign field. The Southern Methodist Church has just abandoned its plan of separate management of woman's work.

It is thought best to put these views on record, but it is done with absolute deference for the Assembly's administrative ruling and an ex animo submission to it.

VII. The Assembly was invited by the General Convention of the Protestant Episcopal Church to appoint representatives to a "World Conference on Faith and Order." This conference is to consider questions of Faith and Order, but is to have no power to legislate. The motive in holding the conference is "the belief that the beginnings of unity are to be found in the clear statement and full consideration of those things in which we differ as well as those in which we agree." It seems that the Roman Catholic Church is also to be invited to take

part in the conference. The Roman Catholic Church believes that the Pope is the successor of Peter, vicar of Christ and the infallible head of the Church, and it believes in transubstantiation. All Protestantism rejects these dogmas. The Episcopal Church has stood immovably for what it calls the "historic episcopate," and our Church has stood just as determinedly for "historic and scriptural Presbytery." The Baptists and others believe that immersion is the only valid form of baptism, but we believe that while immersion does not vitiate the ordinance, it is not the scriptural mode, and we will not practice it. These are specimens of the conflicting beliefs on Faith and Order which the conference is to state with a view to an ultimate harmony and unity. Happily, we are all agreed that "nothing is too hard for God." We also rest easy with the thought that our own representatives in this Conference are safe and sane and sound men, whom we may implicitly trust. Drs. Cecil and Marquess and W. R. Hoyt, Esq., will represent us, and Dr. J. H. Lacy is "alternate to either."

VIII. The irrepressible "Elect Infants' Clause" occupied much of the attention of the Assembly, which recommended to the Presbyteries the following substitute for that clause in Chapter 10, Section 3, of the Confession of Faith: "Infants dying in infancy are regenerated and saved by Christ through the Spirit, who worketh when and where and how he pleaseth. So also are all others who are included in the election of grace and who are incapable of being outwardly called by the ministry of the Word."

At the present time twenty Presbyteries have rejected this amendment and forty-seven have not yet acted. It requires the vote of only twenty-three Presbyteries to defeat it.

IX. Some important questions were referred to ad interim committees.

1. The growth of the Roman Catholic Church in this country, the increasing boldness of its interference in affairs that concern the civil government, its historic attitude toward the State, the insidious methods it employs, its control of the secular press, the weak yielding of secular governments to the

demands of that Church for special consideration, are causing widespread apprehension in this country. In accordance with a resolution to that effect introduced by the Rev. J. C. Painter, the Assembly appointed an ad interim committee to report on the subject, and, if practicable, recommend a course of action. This is the first time the political activity of the Roman Catholic Church has been officially noticed by any of the Protestant Churches. Our own branch of the Church has been distinguished in the past by its loyalty to the principle of the separance of Church and State, but the principle is recognized by Protestantism at large in this country. In this way Protestantism is at a serious disadvantage in meeting the encroachments of Romanism. The question is one of extreme difficulty and delicacy, touching fundamental theories and affecting practical activities of the most far-reaching importance. The Rev. T. C. Johnson, D. D., of Union Seminary, is chairman of the committee and will prepare the report. The work could not have fallen into better hands than his. The special studies in Church History and Government, to which he has devoted his life, his ample knowledge of Rome, his zeal for the principles and traditions of our Church, peculiarly qualify him for his task.

2. The Presbytery of Enoree asked the Assembly to take steps to change the basis upon which Presbyteries are represented in the General Assembly. The law now is that every Presbytery is entitled to send one minister and one ruling elder to the Assembly, and if there are more than twenty-four ministers in the Presbytery, it may send an additional minister and ruling elder. The Presbytery of Enoree seeks to have substituted for that rule the following: "Every Presbytery shall be entitled to send one minister and one ruling elder; but if the number of communicants in its churches and ministers on its roll together be over 4,000, it shall send an additional minister and ruling elder, and in like proportion for every 4,000 communicants and ministers." Instead therefore of making the number of ministers in the Presbytery the basis of addi-

tional representation, this rule would make the sum of communicants and ministers the basis.

It might help us to an intelligent settlement of this question if we knew why the present basis was adopted. Was it from a prelatic idea that there was some special grace and special consequence attaching to the minister? Or was it that the number of ministers was supposed to indicate roughly the relative strength of Presbyteries? Or was it that the ministers were all supposed to be pastors of churches, and it was intended to make the fully organized Church the unit of representation, as the States in our Union and not the population of those States are the basis of representation in the United States Senate? In any case the representation is not fair. The Presbytery of Lexington has more than twice as many ministers as the Presbytery of Norfolk, more than three times as many churches and more than three times as many communicants, and yet they have the same representation in the Assembly.

This subject was referred to an ad interim committee, of which the Rev. J. F. Cannon, D. D., is the chairman. To the same able committee was referred another proposed change in the book that has frequently been before previous Assemblies, by which the term of office of elders and deacons would be limited to a definite term of years.

3. Other ad interim committees were appointed, one to report on the establishment of a Presbyterian University; one to recommend a permanent policy for the Assembly's Home and School, and also to report a plan for the education of the children of missionaries, and one on Marriage and Divorce, previously appointed, was enlarged and continued.

X. The acts of the Assembly that have been discussed in this paper are some of those that commend themselves to the special attention of the Church. Happily, the great mass of the work done is so customary, so well done, so always to be looked for, that no comment is necessary,—the gathering and digesting of reports of the work throughout our bounds; the preparation of useful statistics; receiving recommendations; answer-

ing difficult questions; issuing directions for the conduct and increase of all religious activities; taking order for the paternal control, discipline and upbuilding and for the service of 286,174 communicants; devising ways and means for the evangelization of the home land with its millions of destitute white natives, negroes, Indians, foreigners, in mountain coves, on the plains, in the forests, in city slums, in fields of agriculture, in mines and mills and factories, in the fast filling areas of the frontier; and projecting and guiding the agencies for winning the 25,000,000 heathen for whom we have recognized a specific responsibility! What depths there are in the work of redemption, undisturbed by the little storms that sweep over the surface!