make application for admission to their bodies, not excepting ministers coming from other Presbyteries, is null and void." (*Minutes of* 1838.)

The case stands thus—that in 1801, the right for satisfaction of Presbytery was affirmed. In 1825 this was reaffirmed. In 1834 there was a resolution which seems to take the opposite ground. This is neutralized by later action. But our Assembly in 1838 didn't touch anything but the *imperative* part of the rule and didn't interfere with the inherent right. This Dr. Stearns called "the New School law," and therefore held that the Joint Committee affirmed neither more nor less than the New School position.

He spoke moreover of the doctrinal article, and mentioned the fact of the 4th article cutting off obnoxious precedents. It had been objected that the revised doctrinal basis is not so good as the one before, but this he did not concede. He bore testimony to the fact that Dr. Patterson had labored faithfully and sincerely to accomplish this union. He was finally disappointed, greatly, grevously, painfully, when that member of the Committee dissented. He had written to Dr. Patterson almost on the very minute he got to his study, telling him how rejoiced he was over the basis and now he felt badly in that he was disappointed. This present basis presented points of advance over last year: (1.) By including the Scriptures directly. He had once taken the liberty ("one too great for *very* young men" as an old Elder said,) to take his stand on this Scripture basis. On the statement of that rule of faith and practice he had voted to acquit Albert Barnes. It was the wisdom of liberal Presbyterians to look well to this point. Therefore he was glad to include this and he should have voted against it, if it had not been there. (2.) As to the Confession of Faith. We had advanced much in the last year. The Philadelphia Convention prepared a doctrinal basis. One article of the basis is known as the Smith amendment. Public opinion had preceded it, for our men went for it instantly there and it was our own amendment.

He spoke of the sub-committee and its complications and how they had for our side determined to have that amendment in any new basis.

Our men were ready to propose to the Old School: [1.] The basis of last year pure and simple, or [2.] the old basis with the Smith amendment, or [3.] the Philadelphia basis with that clause inserted. At first it was feared that this was sticking for too much, but the Committee finally sustained the sub-committee. The temper of the other side became somewhat different and Dr. Gurley said that if they had known what we wanted it could have been easily settled. He then proposed in substance the amendment bearing his name In a private session the two sub-committees arranged it—in order to obviate all objections. He himself proposed the insertion of the word "freely." In all this there was no design of doing other than what should grant to the New School the largest liberty. Dr. Stearns then read the article and commented on the whole of the doctrinal basis, expressing his opinion that it was sincere and entirely satisfactory. One of the committee who dissented last year criticised it carefully but at length all 26 voted for it. Dr. Fowler had led prayer in the general thanksgiving afterwards and there was a sobbing among those strong men over the happiness of the result. He did not think such men and at such a time *could* be hypocritical. The Providence of God made this basis. (3.) The third point of satisfaction is the Smith amendment. (4.) The fourth is the liberty of freely "viewing, stating, illustrating, and explaining" the Confession of Faith. With this in the constitution of the Church, Albert Barnes would never have been tried. Each word was significant—we may preach as we see fit and no one can call us to account. (5.) The fifth point of satisfaction was that of the views being allowed as in the separate bodies. (6.) The tenth article wouldn't be enforced except in extreme cases. He hoped no dissent would be registered. He would like to see the basis adopted without a break.

It had been said "there is no harm in delay"—but here he thought there was. It plays into the hands of the enemy. He longed to see this union. We should then have no difficulty about Old School and New School. What a grand chance to put the right men for once into the right place. What a grand front we should present to the enemy of our souls.

Dr. Patterson said he had hoped it would not be necessary to say more then to register his mere dissent during the vote. Yet he was obliged to have some reference to the first article. This and the 10th were so intimately connected that he could vote for one without the other, but not for both together. Why should we go over the ground again and again? But he must say what he felt might not be so well said hereafter. If the 10th article affirmed, what he could see was the truth, he could vote for it—but it did not. He proposed then the inquiry, why was this article inserted and we compelled to adhere to it? Why settle here what is settled by Church precedents? There must be a peculiar reason. The design must be to affirm a principle for practical use on questions between the two schools. Otherwise it seems impossible to account for it. The practical use is this—and it is the only satisfactory solution—"not for the extreme cases so much as for employment in scrutinizing New School men's opinions." He claimed the right to produce from a member of the O. S. portion of the Joint Committee a statement on this point.

Dr. H. B. Smith here raised the point whether this was allowable. The *Moderator* asked for the name, which *Dr. Patterson* refused. The *Moderator* said he wouldn't rule it out of order but he held it out of courtesy. This was he considered a "joint committee," and as such any man in it on the O. S. was liable to suspicion after this statement should have been read.

Dr. Patterson then gave the *substance* of this statement, and in that connection said the names of three former Moderators of this body [Barnes, Beman, and Duffield?—Reporter] were used as those whose views were to be especially investigated. Dr. Patterson went on to argue that a large part of the Presbyteries would be overwhelmingly O. S., and the result would be disastrous if this principle were allowed. Towards Mason and Dixon's line this would most frequently be the case. He showed that this article makes O. S. the current and N. S. the spurious coin. The true N. S. men here in this Assembly were the only ones who have donbt about the tenth article, as he perceived. Those whose views assimilated to the O. S., he perceived, were not concerned. This tenth article would lose us anyhow, good men whose individual cases he knew. Those who refused to submit to examination would not appeal up when the right was conceded. It will throw out men of distinctively New School views, and keep out men from New England, &c., and so the balance of the Church would be changed. We shall in time become very much like what the O. S. body is to-day. There is no protection where the spirit which dictates this 10th article is abroad. This seemed to him a just view of the result which would come. It would revive and kindle into flame the old controversies. He should have no fears if this did not reveal suspicion of us—but now he did not feel it unchristian to be anxious especially when our brethren so defined the purpose of the article. He then proceeded to state that a Presbytery can examine into rumors and remand an applicant back. This has always been provided and allowed and is in the Constitution. *This* is not the question. Nor is the question about one openly scandalous or unworthy. There is a case on record where a letter was given to one such, and in such a case issue can be taken with the Presbytery which gives the letter. It must be Presbytery against Presbytery appealed to Synod and not Presbytery against the man who applies. But the question is, can there be an examination of a man who has no charge against him? Now the demand is of the broadest kind, even as interpreted in their Church. It covers everything and goes through everything.

The hour for adjournment having arrived, Dr. Patterson said that he would give way with the understanding that at the next session he should have the floor.

This was granted and he took his seat. Whereupon *Dr. Fisher* moved that Dr. Adams be allowed five minutes to explain his views as to the purpose of the 10th article. Passed.

Dr. Adams said he should never cease to regret that brother Patterson hadn't stayed until the close of the late meetings of the Joint Committee—but he himself didn't think he would have preferred as Dr. Patterson did 'Jerusalem above his chief joy.' He did not blame his brother's wish to get home after his long absence. The spirit of the meeting was what *he* looked at, and in that spirit he could not consider that there was any purpose of the character feared. Could any man who feared to have his name made known be the right exponent of the purpose designed? Dr. Adams said he was a New England man. This report was the child of providence. Two years ago he had had no zeal on the subject. He had pitched his first tent like Isaac's herdsmen at Esek, that is "contention," and his next was at Sitnah, that is "hatred," and now the third was at Rehoboth for the Lord had made us "room" in the land. But of late there had been no doubt or difficulty in this matter. We can't go back thirty years. We can't turn back the current. Dr. Beatty, from Albany, writes to him, "Oh that we could have confidence in each other." This we must reach if we would ever make much advance. Dr. Adams called attention to the exegetical report added by O. S. as well as N. S. His honest conviction was that the vast majority of both Assemblies were going to advance together. We were before the world. There is no divided interest, and if we can't have a flexible administration of Presbyterianism he wouldn't go into this thing at all. He should be ashamed to go back to his own church in N. Y., which had last year given $15,000 to Home Missions and Church Erection,—and say they were defeated.

Why can't we act with magnanimity. He was troubled about this parvanimity. Paul's thorn in the flesh was not in his foot or his eye It was in the contact with mean, low, small-minded men who crossed his purposes, and who went nosing around after testimony. He hoped *we* should do better.

Dr. Adams sat down amid intense sensation of the most [illegible] character.

Dr. [illegible]erson at once rose and protested calmly against the personal allusions in the last part of the gentleman's speech. (Applause.)

Dr. Adams disclaimed all such allusions—saying he would sooner take off his right hand and have his tongue cleave to the roof of his mouth, before he would say anything to wound the feelings of his dear brother Patterson. He had alluded wholly to the spirit of the public Press.

[Dr. Adams afterwards disclaimed any intention to allude to the press of our denomination.]

Dr. Nelson was glad to hear him say so. In his part of the house the allusion had certainly been regarded as offensive.

Hon. Wm. E. Dodge moved that we go in at once and settle this whole matter by a vote.

Rev. Geo. Duffield, Jr., with great earnestness and determination opposed such hasty action.

Rev. W. W. Macomber moved to make this subject the business of an evening session.

Dr. Butler hoped not. The clerks and assembly and all were exhausted and excited.

Mr. Macomber did not withdraw the motion.

Dr. Nelson rose to a point of order, a member had the floor. He had yielded. There were no objections. The courtesy of addressing the house was extended to Dr. Adams. Had we the right to take the vote while Dr. Patterson's position was what it was?

The *Moderator* once more was no little confused about parliamentary law. And amid a storm of motions and counter-motions, of substitutes and amendments, Dr. Butler gave in his judgment that no motion was in order. Which prevailed.

Adjourned.

THURSDAY, MAY 28.

This day the Assembly spent at Gettysburgh.

FRIDAY MORNING MAY 29.

Rev. George Duffield, Jr., led the usual morning hour's devotional exercises.

The Moderator called the Assembly to order for business at half-past nine o'clock. He prayed that the proceedings might be characterized by that Christian courtesy which the solemnity of the occasion demanded.

The credentials of Rev. G. F. Stelling, corresponding delegate from the Lutheran General Synod, were presented, and it was ordered that he be heard on Saturday morning.

Debate on Re-union.

The question then recurred on the re-union report.

Rev. Dr. Hickok, chairman of the special committee, re-announced that the committee had not deemed it consistent with honor to recommend a separate vote on the tenth article of the basis of union, as desired.

Dr. R. W. Patterson, having had the floor at the hour of adjournment on Wednesday evening, took a position near the platform, and said: As I have found it difficult to express with clearness the thoughts which I have had in my mind, I have committed to writing a considerable portion of what I have to say this morning. But before proceeding to make my speech I wish to make a few suggestions as briefly as possible. It is apprehended in the minds of some of the brethren that some of us have hesitated in this matter because we were influenced by aversion to some of our Old School brethren, perhaps from personal contact with some of them. I wish to say, in reference to this, that my whole intercourse with my Old School brethren has been of the most kindly character. I should rejoice as much as any member in this Assembly to have the churches re-united to-day, and I am more than ready for a union when I see that the two bodies are sufficiently internally one to promise harmony in the internal relations of the Church. I wish to say one word in regard to my position, as to my being in the minority. I was aware long ago that in this thing I should be in the minority. I had contented myself with a determination not to say anything on this question, but to remain silent. It is hardly conceivable that there should be entire unanimity, and I have learned, sir, from my experience, that it is not well to submit our own judgments and convictions to the judgments and convictions of our brethren, however great may be our confidence in them; that it is often well for a minority, even a small minority to express their convictions in an Assembly. I remember, on one occasion standing up with only one other brother against a nearly universal conviction, in a Convention, the object of which was to draw off our entire Church in the section where my lot was then cast from connection with the General Assembly. I stood alone in protesting against the division, and was sustained by only one other vote in this position. Before the vote was taken a good brother was called upon to pray, and his prayer had a direct personal application. Nevertheless I did what I thought was my duty, and I think that there is no one present here who will not say that I did right in the premises. I am aware that we labor at a great disadvantage in this discussion. There is an immense social pressure brought to bear upon us. I have felt like abstaining altogether from expressing my views and to allow the matter to be carried by the pressure of circumstances and feeling on the occasion. But I beg gentlemen to hear me with patience, because I know the pressure that is brought to bear upon them. It is impossible for a minority, obliged to cover a great deal of ground, and to meet everything that may be said on the other side in some measure of condensation, to bring out clearly to those who differ from us that which we desire to say. I am aware that with my own habits of mind I shall be unable to bring my thoughts clearly before you. I ought to add that the state of my health is such that I cannot command my thoughts to-day as I should like to do.

Mr. Moderator:—In resuming my remarks, this morning, I beg to return my sincere thanks to my brethren of the Assembly, who, on Wednesday, P. M., refused to sacrifice my rights by yielding to a demand for final action on the question before us in defiance of all rule and order. I desire also to correct an erroneous impression. Had I read the extract from the letter to which I referred, I should not have failed, as I seem to have done, to make it plain that the esteemed brother from whose statement I meant to quote, did not intend to speak so much of the committee of which he was a member, as of his Church at large, in giving the reasons why the demand was made that the right of examination should be conceded in the terms of re-union. The words are as follows: "In my opinion, one reason why the right of each Presbytery to examine all applicants for entrance is demanded by so many of our Presbyteries, is that they may exercise this right, should occasion require, to guard against the reception of ministers holding the views referred to as exceptionable in my first answer to your former enquiries, as well as against every other error they may deem inconsistent with 'the system of doctrine taught in the Holy Scriptures.'" There is in this no reflection on the committee on either side. It is simply the judgment of a well-informed, competent witness in regard to a matter of fact. I would say further, in this connection, that so far as I am aware, no man has impugned the sincerity, or honor, or good faith, of either branch of the joint committee. But I have said, and do say, that by some means, there has been a different understanding, on the two sides, in respect to the import on the first and second articles in the Plan, and that of this I have positive proof.

I pass now directly to the question which I was discussing at the hour of adjournment on Wednesday evening.

I. Let me repeat my definition of the question touching the right of examination: (1.) I said first, that it is not the question whether a Presbytery may inquire into rumors respecting the character and conduct of an applicant, which have arisen since his credentials were given, and may remand him back to his Presbytery, if they learn that there is probable cause for trial. Such inquiry and action are provided for in our Book of Discipline, Chap. 11. Sec. 1. (2.) Nor is it the question, whether a minister who was notoriously unworthy before his dismissal, may be refused admission until the case can be disposed of by remonstrating with the Presbytery that has given the letter, or by complaint against the Presbytery to a superior judicatory. This also may be conceded. (3.) But the question is this: Is it true, as a general principle, that a Presbytery has a right to require an applicant bearing regular testimonials from a sister Presbytery, and against whom no specific charges are alleged, to submit to an examination touching his ministerial standing and qualifications, as a condition of his being admitted, on his credentials? In other words, has a Presbytery a right, on mere suspicion, to call in question the sufficiency of a certificate given by another Presbytery in the same ecclesiastical connection, and on that ground, to reject the bearer of such certificate, unless he consents to submit to any scrutiny that distrust or party jealousy may dictate? It is obvious that "the right of examination," alluded to in the tenth article, covers the same ground that is covered by the actual exercise of this alleged right as it is maintained and practiced in the Old School Church, and that covers all that pertains to ministerial standing and qualifications, as appears from the imperative rule of 1837.

(See Digest. p. 116, rule 12.)

II. I say that this alleged right, not only rests on sheer assumption, but stands opposed to the spirit and letter of the constitution, and to all the principles, decisions and precedents fairly applicable in relation to the question. (1.) It has no support in the general principles of any organization, civil or ecclesiastical, that resembles our Church in point of organic unity. It is a doctrine of State rights and independency. It can have no proper place in a system of confederated government, and co-ordinate courts, where the duties and prerogatives of each branch of the government are specially defined by a written constitution. State Legislatures are unlike our Presbyteries from the fact that their members as such, can have no official standing in any other like bodies. The principles of congregationalism, or independency, admit the right of examining ministers in reference to their settlement over particular churches, because there is no system of co-ordinate courts provided for either in the ruling idea, or of the practice of congregationalism, as there is in Presbyterianism. (2.) The alleged right of examination contradicts the best established principles of our system. It is said that our system, like all others, includes the inherent right of self-protection; and that therefore the Presbyteries have a right to receive or exclude applicants, according to their best discretion. I answer that any inherent rights which Presbyteries may have, are subject to the limits of the Constitution and the requirements of our organic unity; just as the inherent rights of States in our civil system are limited by the Constitution and Laws of the United States. Unquestionably, each Presbytery is charged with the duty of protecting itself and the whole Church against unworthy ministers, by exercising its best judgment, according to the Constitution in relation to the reception of ministers from without. But the Constitution defines all the necessary methods of protecting the Presbyteries and the Church from unworthy ministers who are already within. And that protection is to be found alone in the ample provisions that are made for the exercise of all needful discipline by regular judicial forms. There can be no necessity for any protection against our own ministry that cannot be reached in one or another of the following ways: [1.] By sending a minister back to the Presbytery that gave his credentials, in case he has afforded probable ground for accusation since his letter was given; or [2,] by remonstrating with his Presbytery, or even complaining to the Synod, in case a letter has been given to a notoriously unworthy member; or [4,] by the control which each Presbytery has over its own members after they have been received; or [5,] by the due supervision of the superior judicatories. These provisions for the protection of particular Presbyteries or of the whole church are all that Presbyterianism was ever supposed to need, until our Old School brethren wished to fence out the New School men from their Presbyteries, during the controversies that rent the Church in twain. It is said that in our widely extended country, Presbyteries cannot know all the applicants from different and distant sections, *e. g.* from California or Oregon. But they know the standing of the Presbyteries by whom credentials are given, and that is enough. If we cannot trust our Presbyteries on the Pacific coast, or elsewhere, with the other safeguards which our system provides, we had better acknowledge Presbyterianism a failure. The Methodist Church is far more extended than ours. But no minister in that Church is ever re-examined, if he brings proper testimonials. Protection against occasional *inconveniences* is impossible under any system of general law. There will and must be some cases of annoyance. Thus sometimes troublesome men apply to a Presbytery, against whom there is no offence alleged. It might be convenient to reject such without any legal ground. But will it do to act upon such a principle? Besides, in nine cases out of ten such men would pass an examination as well as others. Why not throw out all the troublesome men already *in* each Presbytery without trial? They *must be somewhere* in the Church until they are regularly divested of their office. Similar remarks may be made respecting ministers who have turned aside to secular callings and still act in the Presbyteries. They must be somewhere until the Church shall provide some mode by which they can honorably return to the relation of private members, and the principle of examination would not, in general, guard against the evil. But let us look for a moment directly at the general principles of our system: (1. One principle is this: That each Presbytery is the agent of the whole Church within constitutional limits, for its own district; just as the agents of the United States act for the whole country within their respective districts; and therefore the Church is bound to recognize as valid what each Presbytery does, unless its acts are set aside by superior authority, just as the decisions of all our district courts are valid for all the purposes for which they are rendered. (2.) Another principle is, that every minister in the Church is a minister for the whole Church, and not merely for a single Presbytery. (3.) No minister can be divested of his office without due process of discipline. (4.) No action can be properly taken that shall indirectly have the *effect* of discipline upon a minister, or operate to abridge his liberty as a minister of the whole Church, while [illegible] still in good standing. (5.) If the several [illegible]eries and ministers are to be subject [illegible]titutional authority of co-ordinate and superior judicatories under the general system, they are entitled to a corresponding recognition of rights and privileges, so long as they are guilty of no tangible offence. Now the principle of examination runs athwart all these principles, as might be easily shown. Each Presbytery is bound to recognize the act of its sister Presbytery as much in relation to a judgment upon the good standing of one of its members, as in relation to the deposition of its members. If a Presbytery has a right to *give* a letter, it is the duty of the Presbytery to whom the letter is addressed, to receive it, unless some offence is believed to have been committed since the letter was given; and it certainly involves an abridgment of a minister's liberty in the whole Church, and practically degrades him without a constitutional trial to exclude him from the territory of a Presbytery, within whose bounds he may wish to [illegible], on the ground that that Presbytery judges [illegible]ly of his qualifications from the Presbytery to which he has formerly belonged. No man entering the ministry under such a principle can know that he will not be practically deposed without trial, so far as many portions of the territory covered by the one Church is concerned; and if there be suspicions and jealousies abroad, the possibility of this degradation for whole districts, may become a probability, if not a certainty. And if a man is thus practically degraded by a Presbytery, and returns to the Presbytery from which he came, he is still subject, through the Synod or the General Assembly, to the control of the Presbytery that has rejected him without constitutional trial. Thus the proper balance between his amenability and his privilege is destroyed. This principle grafted upon our system, is certainly a piece of Congregational cloth sewed upon the old garment of Presbyterianism; and the new agreeth not with the old. In Congregationalism pure, if a minister is examined for one parish, and rejected, he may call another council and be installed in the same or a neighboring parish. But the principle in Presbyterianism abridges the minister's liberty without abridging, in any degree, his responsibility, and he must recover his lost rights by a process most injurious to his reputation, or else submit to the wrong. This is inevitable, unless the right is treated practically as a nullity, precisely in those circumstances, that are most unfavorable to just and impartial action, viz.: when jealousies, and suspicion, and prejudice, are abroad in the Church. This we know by sad experience. I know it is said that the Presbyteries are the sources of power in the Church. This, like the doctrine of independent State sovereignty, is a fallacy. The Presbyteries, like the States, are neither the sources nor streams of power; they are just what the constitution terms them, as co-ordinate, and mutually dependent bodies. And as no State has a right to deny citizenship to a citizen of a neighboring State, as some of the Southern States used to do in practice, so no Presbytery has a right to deny a home within its territory, to any duly accredited minister in our Church.

I might say much more in this connection, but I pass to the provision of the constitution itself, bearing directly on this subject. And here my first remark is, that in all the attempts to defend the alleged right of examination, I have never seen nor heard of any direct appeal to the Constitution. *Why not?* Appeals are made to everything else. (The Constitution was ratified in 1821, and amended 1826, 1833.)

Now look at the provisions of the Constitution, for one moment, and you will see why no such appeal is made.

First. As to Licentiates—Form of Government—chap. 14: secs. 9, 10, p. 332,3

[These sections refer to the transfer of candidates and licentiates, at different stages of, or after, their trials, and contain provisions for their reception into another Presbytery "on proper testimonials," simply, from the Presbytery to which they had before belonged.]

Second. Translation of a minister—Form of Government—chap. 16: sec. 3, p. 391. "The Presbytery to which the congregation belongs, having received an authenticated certificate of his release under the hand of the Clerk of that Presbytery shall proceed to instal him," &c. No word of examination here.

Third. As to Jurisdiction and Letters—Discipline—chap. 10: sec. 2, p. 424. "A minister is always to be considered as remaining under the jurisdiction of the Presbytery which dismissed him until he actually becomes a member of another." This is all that bears on the subject in the Constitution and no right of examination can be found here.

We now turn to decisions of the General Assembly.

[The speaker made the following references: (1.) Case of Rev. Geo. Duffield, 1772, Digest, p. 113; (2.) Rule in respect to foreign minister, Digest, p. 119; (3.) Case of Mr. Birch, a foreign minister.]

In regard to this third case he remarked: (a.) The principle had been affirmed only the year before, that even a foreign minister having been accepted by one Presbytery in part, and still on probation, was to be received to the same standing in another Presbytery on his credentials. Did the Assembly of the next year mean to contradict the principle declared in the very rules under which they were acting? Certainly not. (b.) What shall we say then? The language in this case is to be limited by the nature and requirements of the case in hand. Mr. Birch did not bring credentials from a co-ordinate Presbytery. He was, therefore, to be received into the church for the first time, and no previous judgment had been rendered upon his qualifications by our Church. Hence the Assembly said, with such cases in their eye, that there is a discretionary power necessarily lodged in every Presbytery to judge of the qualifications of those whom they receive, (*i. e.* into the ministry of the Church and not merely of the Presbytery,) especially with respect to experimental religion. The Assembly had no occasion to declare a principle broader than the case required; and with the old Presbyterian doctrine in their minds that every minister received from without becomes *ipso facto* a minister of the whole Church, it did not occur to them to guard their language against the misconstruction of some straitened advocate of an opposite doctrine who might interpret their words without proper regard to their connection and circumstances, after the lapse of sixty or seventy years. The idea of examining a man who should bring regular testimonials from a co-ordinate Presbytery, especially in respect to experimental religion, never entered their minds. It is remarkable that neither this case, nor any of the peculiar cases cited in this discussion, to sustain the right of examination were noticed by the protestors who, in the Assembly of 1834, so stoutly contended for the right in question. They knew that those cases were not in point, and that the language used respecting them was to be construed by its connection.

4. Case of Mr. Wells—a Congregational minister received by the Presbytery of Geneva. (Digest, p. 112, No. 4, minutes, 687.) The decision in this case was strong against the principle—not even the Synod could call in question the man's standing once established. It was "valid and final." Could a neighboring Presbytery then go back of the record when the Synod could not do so?

5. Overture for the alteration of the book; in 1821, p. 113. This was done to secure a change so as to establish the right of examination, and the overture was refused in the light of principles previously considered.

6. The next case is that of an extinct Presbytery. (Digest, p. 114–18.) In this case the applicant had a certificate from an extinct Presbytery, "but was supposed to be chargeable with some offence subsequently to the date of the certificate." The certificate did not, therefore, cover the whole case; had there been no offence charged, no question would have been raised; but there being such a charge, and there being no living Presbytery to whom the applicant could be remanded; the question was, must the Presbytery receive him, being charged with misconduct after his letter was given? The Assembly answered: (1.) That it would ordinarily be proper, on general grounds, that such an applicant should be received and tried afterwards for his offence. (2.) They recognized, however, the principle that every Presbytery has the privilege of "judging of the character and situation of those who apply to be admitted into their own body, and unless they are satisfied, to decline receiving the same." And therefore they concluded that the Presbytery might, and in certain circumstances would, be bound to reject such an [illegible]nt, in which case he was to apply for relief to his [illegible]od. But here, as in the case of Mr. Birch, the language used is to be construed in the light of well established principles and of the case in question. It was a principle that had been received and acted upon by Presbyteries from the days of John Knox onward, that a certificate of good standing was to be regarded as satisfactory legal evidence of the good standing and character of a minister—at least up to the time when the certificate was given. Now while it is certainly true that a Presbytery has the privilege of judging of the character and situation of an applicant, that judgment must be conformed to the rules of legal evidence; and according to those rules, the certificate, if in proper form, is valid evidence, with which the Presbytery is bound to be satisfied for ecclesiastical purposes, in relation to the character of the applicant for the time covered by the certificate. But if there are other acts later than the certificate, the Presbytery may exercise in relation to such facts its independent judgment; and if taking the whole case together, and the Presbytery is not satisfied, it may decline receiving the applicant. On this ground the Assembly decided that when any minister dismissed in good standing, by an extinct Presbytery is charged with an offence subsequently to the date of his dismission, the Presbytery may, if they see cause, decline receiving him, which plainly implies that the certificate is legal evidence as far as it goes, although in the case in question it does not cover the whole ground. All that is proved by this case and what is said respecting it, is simply this: That the Presbytery is the proper judge whether the certificate is in due form and should thereon be treated as legal evidence as far as it goes, and also, in respect to the importance of the subsequent facts that may cloud the reputation of the applicant. And this is what we all believe and hold.

7. We come now to the declaration of the Assembly of 1834, a majority of whose members were New School. This declaration was pointedly against the right of examination, which the Old School memorialists desired to have the Assembly affirm. (Digest, p. 116—10.) 8. Next we find the Assembly of 1835, declaring in favor of the alleged right of examination. And it will be borne in mind that the majority of this Assembly of 1835 was strongly Old School. (Digest, p. 116—11.) This then was simply an Old School declaration, as that of the previous year was New School. 9. In 1837, the Old School majority went still further, and not only affirmed the right of examination, but required every Presbytery to exercise it. (Dig. p. 116, 12, 10.) In 1838, after the division, our Assembly, regarding it as unseemly to leave unnoticed a positive rule requiring examination, although they deem it in itself of no binding force, declared it null and void, on the ground that it is the inherent right of Presbyteries to expound and apply constitutional rules touching the qualification of their own members. This we all believe. The Assembly has certainly no right to trammel the Presbyteries on such a subject by an unconstitutional requirement. But it is said that the Assembly of 1838, while declaring the imperative rule null and void, did not repeal the action of 1835, and therefore the action which affirmed the right of examination, is still the law of our Church. But it is obvious that that action was only a declaration and required nothing of the kind, and our Assembly did not deem it necessary to repeal in form every offensive declaration that had been made by Old School majorities in previous Assemblies. The truth is, both parties felt for several years before the division that they were really two churches in one organization; hence, when they were separated, they treated the declarations of each other, as of course, belonging only to the other party. But it should be particularly considered that the declarations both of the New School majority in 1834, and of the Old School majority in 1835, were by no means separate and ordinary decisions which should be regarded as having the force of binding laws. They were simply parts of long answers to memorials on various topics. And accordingly Dr. Baird, in his Digest, does not put them down among the ordinary decisions and precedents of the Church on this subject. Among the resolutions of 1835, and adopted in the same paper with the resolution touching the right of examination, is one declaring it to be the first standing duty of the Presbyterian Church to sustain her boards of mission and education in contradistinction to voluntary societies. And there was another resolution declaring that certain opinions prevailing in the Church (meaning the New School theology,) were condemned "as not distinguishable from Pelagian or Arminian errors." But none of those resolutions were ever formally rescinded by our Assembly. Has our honored presiding officer (Dr. Stearns) come seriously to the conclusion that policy of ecclesiastical boards has always been the policy of the New School Church! and that the New School theology has always been condemned by our Church as not distinguishable from Pelagianism? As well might he conclude that the first resolution in the series which pertains to the right of examination, is the recognized law of our Church on the subject! Why, the act of 1837 repealing the plan of union was not expressly declared null, by our Assembly until the year 1852, in which that act was denounced by an able committee of the Synod of New York and New Jersey, including several honored members of this Assembly, as "a rash and arbitrary act, subversive of the very foundation of sound morals and highly injurious to the cause of evangelical religion." But we are to believe that we recognized that act as our own for some fifteen years after it was perpetrated? Still again, in the Assembly o f1837, after the famous paper of the New School protestors was brought in which contained the doctrinal statements that constituted the celebrated Auburn declaration,

[CONINUED ON THE OUTSIDE PAGES.]