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## True Loyalty and the Independence of the Church

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TRUE LOYALTY

AND THE

Independence of the Church.

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Saint Louis:

P. M. PINCKARD, PRINTER, NOS. 78 AND 80 PINE STREET.

1865.



THE ROYALTY

of the

TRUE LOYALTY

AND THE

Independence of the Church.

CONTENTS.

- I.—GENERAL ROSECRANS' ORDER CONCERNING RELIGIOUS ASSEMBLAGES.
- II.—THE SYNOD OF MISSOURI OBEYS THE ORDER, AND EXCLUDES REV. R. P. FARRIS AND RULING ELDER S. S. WATSON.
- III.—THE "COMPLAINT" OF MESSRS. WATSON AND FARRIS TO THE GENERAL ASSEMBLY.
- IV.—HOW THE ASSEMBLY DISPOSED OF THE COMPLAINT.
- V.—PROTEST OF DR. S. R. WILSON AND OTHERS.
- VI.—REMARKS ON THE CASE.

*God and Our Country—Civil and Religious Freedom Stand or Fall Together—Fidelity to Jesus Christ as the alone King in Zion, is the best Defense of Constitutional Liberty.*

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Major General W. S. Rosecrans, Commanding the "Department of the Missouri," issued, March 8, 1864, Special Orders, No. 62, regulating the organization and proceedings of religious *proceedings*.

In October, 1864, the Synod of Missouri, *i. e.*, nineteen members out of one hundred and seventy, complied with said Order, and met in St. Louis.

Rev. R. P. Farris, of the Presbytery of St. Louis, and Ruling Elder S. S. Watson, of the St. Charles Church, in the same Presbytery, attempted, without regard to the Military Order, to take their seats as members of Synod.

Synod, in obedience to the Order, excluded Messrs. Watson and Farris.

Synod deliberately refused to make any minutes of their action; and, therefore, the Session of the St. Charles Church put the whole matter upon their records, as follows:

EXTRACT FROM THE RECORDS OF THE SESSION OF  
ST. CHARLES CHURCH.

ST. CHARLES MO., October 22, 1864.

Session met in the study, and was opened with prayer. \* \*

Elder S. S. Watson, appointed to represent this Church in the recent meeting of the Synod of Missouri, at St. Louis, made a report.

Bro. Watson's fidelity was approved, and his report accepted and ordered to be spread upon the Records of Session.

Elders Johns and Alderson were appointed a committee to pre-

pare a complaint to the next General Assembly against the Synod of Missouri, in regard to the matters embraced in Elder Watson's report.

It was resolved that, whereas the Records of the Synod of Missouri contain no mention of the proceedings of which this session feel it their duty to complain, therefore, the Session will meet in St. Louis on the 16th day of February, 1865, for the purpose of taking sworn testimony in regard to these proceedings.

It was also resolved that the Moderator of Synod be notified of the time and place of the Session's meeting in St. Louis, and of the Session's intention to spread the testimony which shall then be taken upon the Records, which are to form a part of our complaint.

Elder Watson's report is as follows:

"TO THE SESSION OF THE CHURCH OF ST. CHARLES :

"*Dear Brethren*—I am aware that it has not been customary for the Representative of Session in the Courts of the Church to make any formal report, but the extraordinary proceedings of the Synod of Missouri, at its late meeting in St. Louis, render it proper that I should communicate to you the following facts:

"Having been duly elected to represent the St. Charles Church in the Synod of Missouri, I was in attendance on Thursday, October 13, 1864, when the Synod met.

"The last Moderator present constituted the Synod in the usual manner.

"When the roll was being made up, I gave my name as the Representative of the St. Charles Church; but not having exhibited a certificate that I had taken an oath of allegiance, as required by a certain military order, the Synod refused to enroll my name among its members. Synod did not question my being an acting, ruling Elder, and duly elected to represent this Church; but refused to receive me on the sole ground that I was not qualified, according to said military order, to sit in Synod.

"I was not allowed by the Synod to take any part in the proceedings of the body. When I arose to address the Synod, I

was peremptorily called to order; in short, I was treated precisely as if I had been only a spectator, having no rights in the judicatory. The Rev. Mr. Farris, pastor of this Church, was treated in the same way, and for the same reason.

"On Friday, the second day of the session, when it appeared that no mention had been made on the minutes of the rejection of Mr. Farris and myself, the attention of the Synod was called to the omission by an Elder—a sitting member—who requested that a true record be made. This was not done; and yet, after debate upon the subject, it was agreed that the names of both Mr. Farris and myself should be entered on the roll as having taken our seats the previous day; and this was evidently done to prevent difficulty with the higher Court when the Records of Synod should come under review.

"I will further state that I refused to exhibit any certificate of my having taken an oath of allegiance, because I could not, with a good conscience, practically admit that any civil or military power whatever has any right to prescribe the qualifications of members of Courts in the Church of Jesus Christ, or to require of them qualifications other than, or in addition to, those which the Church itself, in its standards, makes necessary and deems sufficient.

"I have, as you know, taken the oath of allegiance, both as a citizen and as a magistrate; in fact, I had with me, at the time, a certificate of having taken such oath to qualify me to discharge the duty of County Judge. You also know that, from the beginning of our troubles, I have been a decided Union man, and that I reported myself for military duty and stood guard.

"I cannot believe that the military authorities, even under their own order, would have taken any exception to my sitting in the Synod.

"SAMUEL S. WATSON."

The Committee to prepare a Complaint reported the following, and were directed to lodge a copy of it with the Moderator of the Synod of Missouri:

*COMPLAINT of the Session of the First Presbyterian Church of St. Charles, Missouri, to the General Assembly, and against the Synod of Missouri.*

The Session of the First Presbyterian Church of St. Charles, Missouri, respectfully submit to the General Assembly of the Presbyterian Church in the United States of America the following facts, as the ground of a complaint against the Synod of Missouri:

“Mr. S. S. Watson, a Ruling Elder in the Church of St. Charles, and often representing said Church in the Presbytery of St. Louis and the Synod of Missouri, and well known to the members of both bodies, was, by Session duly elected to represent said Church in the Synod of Missouri, which was to meet in St. Louis, October 12, 1864.

“Mr. Watson attended said meeting of Synod, and was present at its organization on the 13th of October, (an organization not having been effected on the 12th, because a quorum was not present,) and reported himself as the Representative of the St. Charles Church.

“An Assistant Provost-Marshal was present, to whom the Clerk of Synod furnished a list of such members of Synod as reported themselves as ministers in attendance or representatives of the churches.

“In open Synod, those who claimed to be members of the Body were required, as a condition of sitting in Synod, to show a certificate of having taken a prescribed oath of allegiance, or to take such an oath then and there.

“Mr. Watson neither exhibited a certificate nor took any oath. Although he had taken the oath of allegiance, both as a citizen and as a Judge, in the County Court, and held it to be the duty of every citizen to avow his allegiance, yet he could not, as a matter of conscience and duty to Christ, as sole Head of the Church, admit the right of any civil or military authority of exacting an oath as a condition and qualification to sit in a Church Court.

“Synod, on the ground that he had, as they thought, neither shown his certificate nor taken the oath required by the military authorities, refused to allow him to sit and act as a member of the Body. The members of Synod and Moderator, by the cry of “order,” when he attempted to speak, prevented him exercising his rights as a member of the Body, and ignored his presence as a representative of this Church. When he demanded to be informed whether he was to consider himself as a member of Synod, the Moderator decided he was not—from which decision no appeal was taken, so that it stood to him as the decision of the Body.

“Synod, though requested to make a record of his rejection as a representative of the Church, did not do so; and it was argued in Synod that it was not necessary to make such record. The minutes of Synod contain no trace whatever of anything that was done in this case. On the contrary, the records are made directly to falsify the facts; for, after discussion, and on the last day of the session, October 14, the Clerk was directed to insert Mr. Watson’s name on the records in the place where it would have been inserted if he had been received when he first applied, to wit: October 13; and this was done, not by a motion, which would have been a matter of record, but by consent of the Body, apparently for the very purpose of avoiding a record, and thus, not only was he denied his seat, but also the evidence of such denial was prevented from appearing on record. For the truth of this whole statement, the Session refer your venerable Body to the evidence taken before the Session of this Church, and make the records of said Session a part of this complaint.

“In view of these facts, this Session complains—

*FIRST, of the refusal of Synod to receive Mr. Watson as the Representative of this Church; and they rest this Complaint on the following grounds:*

“(1.) Because Synod had no right to require any conditions or qualifications for a seat in Synod other than those laid down

in the standards of the Church, and were bound to receive all who had these qualifications.

"(2.) Because Synod had no right or power to enforce martial law, even if they had been ordered or required to do so (which your complainants do not believe)—and, at any rate, they should have made a representation to the Commanding General of the difficulties in which his order involved them, and asked for such a modification of it as would leave them free to act according to the established Constitution of the Church.

"(3.) Because if this precedent is permitted to pass unrebuked, it will become a rule in the judicatories of our Church in Missouri, and must work incalculable injury to the interests of religion in this State.

"SECOND. The Session complain that the records of Synod are not—as the *Form of Government*, chap. xi, ¶ vi requires—a full and fair record of its proceedings, and are, therefore, deserving of grave censure :

(1.) Because they deprive the aggrieved party directly of one mode of redress, viz: by general review and control, and indirectly of all redress as, *prima facie*, nothing appears about which he could either appeal or complain.

(2.) Because the duty of making the record was distinctly brought before Synod and was not heeded.

(3.) Because the records are made to falsify the facts, by inserting the name of Mr. Watson as a member of the Body at the very time that he was denied all the rights of a member.

"In view of all this wrong, your complainants ask such a deliverance by your venerable Body as will maintain the rights of Christ as alone King in His Church, and secure to the churches under your care their right to be represented.

"They also ask you to decide if this unlawful rejection of members of Synod, does not so far vitiate the whole proceedings of Synod as to render them null and void.

"JOHN J. JOHNS,

B. A. ALDERSON,

"Committee."

After the adoption of the foregoing report of the "Committee to prepare a complaint," a copy of said complaint with the following letter prefixed, was forwarded as directed by session :

ST. CHARLES, October 22, 1864.

"REV. THOMAS COLE, MODERATOR OF THE SYNOD OF MISSOURI :

"*Rev. and Dear Sir :* The Session of the First Presbyterian Church of Saint Charles hereby give you, in writing, the constitutional notice of its intention to make the following complaint to the General Assembly of the Presbyterian Church of the United States of America against the Synod of Missouri, and request you to endorse on it the date of its reception by you, and to sign it officially, as the Moderator of Synod, and to have it placed in the hands of the Clerk of the General Assembly, before the close of the second day of its next session in May, 1865.

"JOHN JAY JOHNS,

*"Clerk of Session.*

By permission of Session the following record is made :

"REV. THOS. COLE, MODERATOR OF THE SYNOD OF MISSOURI :

"*Dear Sir :* I hereby recall the "notice of my intention to complain to the next General Assembly, against the Synod of Missouri," mailed to you a few days since, and substitute therefor the below-written "notice."

"I also hereby inform you that the Session of the Presbyterian Church of Saint Charles will meet in St. Louis on a day, and at a place of which you will be duly notified, for the purpose of taking sworn testimony in relation to the proceedings of Synod, at its recent meeting in St. Louis, which are not, but should be, matters of record, and of which you are notified of my intention to complain.

"You are likewise hereby informed that such sworn testimony shall be spread upon the records of the Session of St. Charles' Church, and that I shall make said records a part of my complaint.

"Also, I request that you will certify me of the reception of this note, and the notice of my intention to complain.

Respectfully,

R. P. FARRIS,

"Of the Presbytery of St. Louis."

St. CHARLES, Mo., October 22, 1864.

REV. THOS. COLE, MODERATOR OF THE SYNOD OF MISSOURI :

"Dear Sir: Notice is hereby given of my intention to complain to the next General Assembly against the Synod of Missouri, for excluding me from the enjoyment of my rights and privileges as a member of said Synod in the manner following, to-wit:

"I. The Synod of Missouri, of the Presbyterian Church in the United States of America, met, agreeably to appointment, in the Second Presbyterian Church of St. Louis, Mo., on Thursday forenoon, the 13th day of October, 1864, and was opened with prayer by the Rev. Allen Gallaher, the last Moderator present.

"After the prayer, the Moderator stated that, in obedience to a certain military order, an Assistant Provost-Marshal was in the house for the purpose of advising those assembled of said order, and to enforce its direction.

"Thereupon, the Assistant Provost-Marshal, a lieutenant in the United States Army, announced the purpose of his presence and read the following:

"HEADQUARTERS DEPARTMENT OF THE MISSOURI,

"OFFICE OF PROVOST-MARSHAL GENERAL,

"ST. LOUIS, March 8, 1864.

"Special Orders, }  
No. 62. }

"I.....While it is the determination of the General commanding this Department that due protection shall be given, within its limits, to all religious convocations which may assemble to promote the cause of religion and morality, whether

convening as Conventions, Synods, Ministeria, Assemblies, Conferences, Councils, or under any other name or title, the interests of the country, at the present time, require that no such assemblages of persons, whose proceedings would be disloyal and tend to foment discord and encourage rebellion, should be permitted. It is right and proper, therefore, that all members of such assemblages should give satisfactory evidence to the public of their loyalty to the Government of the United States, that their patriotism may be known, and that they may be distinguished from those who seek its overthrow.

"II.....It is, therefore, deemed expedient and hereby ordered, as a condition precedent to such privilege of assemblage and protection, that each and every person attending such Convention, Synod, Ministerium, Assembly, Conference, Council, or by whatever name it may be called, and participating in the proceedings thereof, shall take and subscribe to an oath of allegiance, and file the same in the office of the Assistant Provost-Marshal of the locality in which the assemblage is held.

"III.....It is hereby made the duty of all such assemblages to ascertain, before proceeding to organize and transact business, those who have taken, subscribed and filed the required oath, and permit only such to participate in their proceedings; and in case any such assemblage shall neglect or refuse so to do, or shall knowingly permit any one who has failed to comply with the requirements of this order to participate in its proceedings, it will be deemed a military offense for which its members may be held amenable, and any Provost Marshal present shall immediately order the assemblage to disperse, and prevent the continuance of the proceedings.

"IV....The form of the oath of allegiance to be taken, subscribed and filed as aforesaid, shall be in these words :

**"OATH OF ALLEGIANCE."**

"I, \_\_\_\_\_, of \_\_\_\_\_ county, State of \_\_\_\_\_, do hereby solemnly swear that I will bear true allegiance to the United States, and support and sustain the Constitution and

laws thereof; that I will maintain the National Sovereignty paramount to that of all State, county or Confederate powers; that I will discourage, discountenance and forever oppose secession, rebellion and the disintegration of the Federal Union; that I will disclaim and denounce all faith and fellowship with the so-called Confederate armies; and pledge my honor, my property and my life, to the sacred performance of this, my solemn oath of allegiance to the Government of the United States of America.

“Subscribed and sworn to before me this——day of——  
1864, at———

“Witnesses,——of———

“VI.....District Provost-Marshals will give their immediate and special attention to the enforcement of this order in their respective districts, and enjoin upon each Assistant Provost-Marshal the duty of attending all such assemblages which may be held in his locality, advise those assembled of this order, and enforce its direction; and they will also report immediately to these headquarters all cases of neglect or refusal, giving a full description of the character of the assemblage, the names of those present, and an account of its proceedings.

“By command of Major-General Rosecrans,

“J. P. SANDERSON,

“*Provost Marshal General.*

“The Temporary Clerk then proceeded to make a roll of the members in attendance; but placed upon said roll the name of no minister or ruling elder, until said minister or elder either submitted to the Assistant Provost-Marshal a certificate that he had already taken and subscribed an oath of allegiance and filed the same in the office of an Assistant Provost-Marshal, or did then and there take and subscribe to the oath of allegiance specified in the above-written “Special Order, No. 62,” and administered by the Assistant Provost-Marshal present, the said lieutenant in the United States army.

"Having inspected the certificates which were submitted, and administered the oath to such as presented themselves, the Assistant Provost-Marshal was leaving the room; but, on my requesting him to remain for the purpose of witnessing what I might say and do, he reseated himself.

"Immediately addressing the Moderator, I said: 'Moderator, I report my presence as a member of this Synod. I am a member of the Presbytery of St. Louis, in good and regular standing, I believe, and therefore eligible as a member of this body. I claim my rights. I am aware that, by a military order, which has been read and enforced here to-day, it is made your duty *"to ascertain, before proceeding to organize and transact business,* those who have taken, subscribed and filed the required oath, and permit only such to participate in your proceedings, etc.'" Nevertheless, I claim my constitutional rights. I do not wish to appear contumacious, or to run a tilt with the military authorities, but simply to test a principle.

"I am sorry to see that I differ from so many of my brethren here, and it is painful for me to take the position I now occupy; but I believe that a vital principle is involved in this matter, and, for that principle, I feel it my duty to contend, even though I suffer for it. Brethren, *my* business is with you; *your* business is both with me and the military authorities. I claim my rights as a member of this Body.'

"Then a Ruling Elder, Chas. D. Drake, Esq., in obedience to the aforesaid military order, paragraph 3, inquired whether I had qualified myself, in accordance with said military order, for participating in the proceedings of Synod. In reply, I said, 'It accords with my design, already expressed, not to answer Mr. Drake's question except by reasserting that I am a minister in good and regular standing, a member of the Presbytery of St. Louis, and, therefore, fully qualified as a member of the Synod of Missouri; and, as such, I insist on my rights.'

"Thereupon Mr. Drake offered a resolution to the effect that the Rev. Robert P. Farris, of the Presbytery of St. Louis, be

not allowed to sit as a member of this Synod; seconded, by Rev. Sam'l Pettigrew, United States Chaplain.

"During the discussion of this resolution, Mr. Drake remarked, 'Martial law has been proclaimed by the Chief Executive of the Government over the whole country. It is, therefore, the law of land, and everybody, every where, under all circumstances, is amenable to it. It is, to me, the law of God.' However, after further debate, Mr. Drake, with the consent of the second, withdrew his motion. But it was soon renewed, in substance, by the Rev. John Leighton, Presbytery of Palmyra; and, pending discussion, Synod took recess till 2½ o'clock, P. M.

"Immediately after Synod rose for recess, and, as I believe, before any member had left the room, I declared, loud enough for all to hear, (1) That I had already three times taken the oath of allegiance. (2) That my affidavit of this fact was already on file in the office of the Provost-Marshal General in St. Louis. (3) Having had occasion to appeal to President Lincoln for redress of grievance, suffered at the hands of the military authorities, he endorsed my loyalty by specially ordering my immediate and unconditional release.

"This declaration was made, as I then substantially stated, that the brethren might be satisfied of my loyalty, and of my willingness to subscribe to an oath of allegiance under other circumstances; and, being so satisfied, they might credit the ungenerousness of the position I had assumed, and direct their minds without bias to the great principle at stake.

"After recess, Synod met; and forthwith Mr. Drake moved that the Synod proceed to the election of Moderator, and nominated Rev. Thos. Cole. On the instant, I reminded the Synod that the before-mentioned military order, paragraph 3, commanded them to decide upon the qualification of applicants *before proceeding to organize and transact business*, and, therefore, I insisted that, just at this point, before the election of Moderator, they should respond to my application.

"Mr. Drake then expressed the determination to ignore me and my application, and all that had been said in regard to it,

and, in justification of this determination, declared that John Smith had no right to come in from the street and claim to be a member of the Synod, and Synod could not listen to his assertion of such a right; and further, that he, Mr. Drake, wished to prevent the General Assembly from being harassed and mixed up with the troubles of the Church in this State.

“The Synod tacitly concurred in Mr. Drake’s remarks by immediately, on his motion, electing a Moderator.

“Again, without delay, Mr. Drake moved that Synod proceed to elect a Stated Clerk. Whereupon I attempted to make a remark against said motion, by way of remonstrance, but before I could utter three words, Rev. McCook, a member of Synod, vociferated that I should not be allowed to speak, and added that he did not wish to be sent to the Gratiot Street Military Prison. The Moderator also announced that he would conduct the business of Synod in accordance with the aforesaid military order.

“I made repeated attempts to speak—once for the purpose of demanding that the Synod’s refusal to admit and hear me be put on the records—but each effort was frustrated by the Moderator’s most positive refusal to hear me, accompanied by gestures of emphatic denial; whereupon I left the house.

“Of all this I complain, on the ground that it is contrary to the constitution of the church.

“II. I shall also complain that the records of said meeting of Synod are :

(a) *Defective*—in that no minute was made of the proceedings above narrated.

(b) *Not conformable to fact*—in that, after I was excluded on Thursday, the Clerk, did on the succeeding day, and with the knowledge and consent of Synod, place my name on the roll among the names of those who participated in the transactions of Thursday, thus making it appear that Synod admitted me as a member on said Thursday, which is not true.

“Of all this I shall complain on the ground

"(a) That it is contrary to the Constitution of the Church. See *Form of Government, chap. xi, par. vi.*

"(b) Injurious to the interests of religion, and calculated to degrade christian and ministerial character."

St. Louis, Mo., February 16, 1865.

Pursuant to resolution, of which due notice had been given to the Moderator of the Synod of Missouri, session met in the Sixteenth Street Presbyterian Church, St. Louis, Feb. 16, 1865, at ten o'clock, A. M., and was opened with prayer.

Present: R. P. Farris, Moderator, and Ruling Elders S. S. Watson and B. A. Alderson. Absent: Ruling Elder J. J. Johns.

The following persons had been notified of this meeting and summoned to appear as witnesses, viz: Rev. Thos. Cole, Col. E. A. More, Mr. J. J. Gill, Mr. W. W. Greene, Rev. S. A. Mutchmore, Rev. H. C. McCook, and Rev. Dr. S. J. P. Anderson. Of these there were present, Messrs Cole, McCook, Gill and Anderson.

Mr. John J. Gill was called and sworn, and testified as follows:

Q. Where do you live?

A. St. Louis.

Q. Are you an officer of the Church?

A. I am a Ruling Elder in the Central Presbyterian Church.

Q. Were you present at the meeting of the Synod of Missouri, October 12, 13, 14, A. D., 1864?

A. I was there on the 13th of October, in the Second Presbyterian Church.

Q. Was it a full meeting?

A. It seemed to me to be very small.

Q. Was there more than a quorum?

A. As I understood, there was a bare quorum; Synod was delayed twice by the absence of one member.

Q. Were you there as a spectator or as a member?

A. As a member.

Q. Did you comply with General Rosecranz' Order, No. 62 ?

A. I believe I did.

Q. Did you exhibit the required certificate, or take the prescribed oath ?

A. I exhibited this certificate to the Moderator. (See paper marked A, inserted at the close of the testimony.)

Q. After the opening prayer, what announcement was made by the Moderator ?

A. I was not present.

Q. When Synod rose for recess, and before the members separated, what did Mr. Farris say ?

A. I do not remember.

Q. When Synod met, after recess, what took place ?

A. Mr. Farris insisted to know whether he would be recognized as a member.

Q. What reply was made ?

A. Mr. Chas. Drake said that the proper mode of treating these gentlemen (or Mr. Farris) was as if some one, probably John Smith, was to come in from the street and claim to be a member of Synod ; in that case the Moderator would not recognize him, and, of course, there would be no record. Mr. Drake further stated that the design was to embroil the Synod with the Assembly, and he did not intend this should be done.

Q. Did Mr. Farris then attempt to speak, and with what result ?

A. I recollect that Mr. Farris was silenced ; he made several attempts during the day to address the Moderator, and was silenced.

A. Was any record made of these proceedings ?

A. I was not present on the following day.

Q. Do you know Mr. S. S. Watson ?

A. Yes, sir ; he is an Elder in the St. Charles Church.

Q. Was there an Assistant Provost-Marshal in attendance at the opening of Synod ?

A. I was not present at the opening of Synod, but I saw him there when I came in.

Q. Was he there officially?

A. I understood so; I saw him act officially.

Q. Were any persons enrolled as members of Synod and allowed to sit as such, save those who either exhibited the required certificate or took the prescribed oath?

A. I can not answer that question, as I was not there at the opening.

Q. Did Synod allow Mr. Watson to sit and act as a member?

A. No, sir.

Q. Why not?

A. Because he declined to give information as to his compliance with General Rosecrans' Order, No. 62.

Q. Did he attempt to participate in the proceedings of Synod, and with what success?

A. He did; he was stopped.

Q. Who stopped him?

A. The Moderator. But some one expressed the opinion that the Provost-Marshal had passed Mr. Watson, saying, "I pass that man over there," pointing in the direction of Mr. Watson. The question was then asked of the previous Moderator, if he knew anything about it. He said that he had heard something of the sort. He was asked if that had been addressed to him as Moderator, so that the Synod could have official information of it. He replied that he could not say. Then the Acting Moderator, in view of what had been said, and upon the supposition that Mr. Watson had complied with the Order, "62," decided to recognize him. An appeal was taken from this decision; the ayes and noes were asked for, but not taken. Before the vote was taken on the appeal, the Moderator applied to Mr. Watson to know how he (Mr. Watson) himself regarded the matter. Mr. Watson's answer not being satisfactory, the Moderator reversed his decision, and refused to recognize Mr. Watson.

Q. Was an appeal taken from, or any objection made to, this last decision?

A. No appeal was taken; no objection was made that I heard.

Q. Was Synod requested to make a record of the objection of Mr. Watson?

A. I can not say.

The foregoing was read to the witness, and was approved and signed by him.

JOHN J. GILL.

Rev. Henry C. McCook being qualified, testified as follows:

Q. Where do you reside, and what is your occupation?

A. I reside in St. Louis, and am a minister of the gospel.

Q. Were you present at the Synod of Missouri last October 12th, 13th and 14th?

A. I was.

Q. Was it a full meeting?

A. I have never attended before, but presume it was a small meeting, inasmuch as once or twice the proceedings were delayed by the absence of one or two members.

Q. Did you participate as a member?

A. I did.

Q. Did you comply with the Rosecrans Order, No. 62?

A. I did.

Q. Did you exhibit the certificate or take the oath?

A. I had taken the oath in the Provost-Marshal's office a day or two before, and I stated in Synod that I had complied with the military requirements, and had then the oath in my pocket.

Q. Was an Assistant Provost-Marshal in attendance at the opening of Synod?

A. Yes.

Q. Was he a member of Synod?

A. No.,

Q. Was he a citizen or a soldier?

A. Soldier.

Q. Was he in uniform??

A. Yes, sir; without arms.

Q. Was he here of his own motion, or in obedience to military order?

A. Evidently in obedience to military order; he said as much.

Q. After the opening prayer, what announcement was made by the Moderator?

A. That a Provost-Marshal was present and had certain instructions; and then the Moderator bowed to the Provost-Marshal as a signal for him to proceed.

Q. What followed?

A. The Provost-Marshal read Order, No. 62, and his written instructions.

Q. In what way did he execute his order?

A. He stated that all who had a certificate of having taken the oath should exhibit it, and to those who had not he would administer the oath.

Q. Were any persons enrolled as members of Synod, and allowed to sit as such, save those who exhibited the required certificate or took the prescribed oath?

A. Yes. Quartermaster-General More did neither; but was allowed to sit because he was an army officer. I do not think that any one was allowed to sit without the assent of the Provost-Marshal given in some way.

Q. When the Provost-Marshal was leaving the room was he requested to remain, and by whom?

A. I believe Mr. Farris requested him to remain, as he, Mr. Farris, wished to lay a matter before Synod.

Q. Was Mr. Farris a member of the Presbytery of St. Louis?

A. I do not know.

Q. What did Mr. Farris then say?

A. Addressing the Moderator, he said that he had no desire to be captious, or to show any disregard to the military authority; but a great principle was involved in the matter, which he believed was worth suffering for, and which he desired to test; and then laid claim to his seat as a member of Synod.

Q. What reply was made, and by whom?

A. I think Mr. Drake asked, through the Moderator, whether

the brother had complied with the requirements of the military authority.

Q. What was Mr. Farris' answer?

A. Mr. Farris declined to answer, except that he was a member of the Presbytery of St. Louis, and claimed, therefore, his seat and rights as a member of Synod.

Q. What resolution was then offered, and by whom?

A. My impression is that Mr. Drake offered a resolution that Mr. Farris be not admitted.

Q. By whom was this motion seconded?

A. I do not recollect.

Q. During the discussion of this resolution, what did Mr. Drake say in regard to martial law?

A. He said that the country was under martial law, but I can not remember anything else.

Q. Did Mr. Drake withdraw his resolution?

A. I do not remember.

Q. Was it renewed, and by whom?

A. I do not remember that.

Q. When Synod rose for recess, and before any member had left the room, did Mr. Farris say anything—what was it—in what tone, and, as alleged by himself, for what purpose?

A. Mr. Farris stated that he had several times taken the oath of allegiance; and he declared that he made this statement in order that Synod might understand his motion.

Q. What did Mr. Drake say about ignoring the whole matter?

A. He said that these persons had no more right in Synod than John Smith, or any outside person from the street, and he did not intend to have the Synod embroiled with the Assembly, which he thought was the design.

Q. Did Synod concur in Mr. Drake's remark?

A. I remember that there was no recognition of Mr. Farris' right, and the matter was passed over quietly.

Q. Was any record made of the facts in regard to which you are now testifying?

A. I never heard of any. The question of making such a

record was discussed, and it was decided that none should be made.

Q. Was Mr. Farris' name afterwards placed upon the roll?

A. It was.

Q. When was it placed upon the roll?

A. After Mr. Farris had left, on the second day of the session.

Q. Where was his name enrolled?

A. Just as that of any other member. The understanding was that Mr. Farris was a member of Synod; but on account of overshadowing military authority he could not be allowed to take his seat.

Q. Did Mr. S. S. Watson attempt to participate in the proceedings of Synod, and with what success?

A. He was called to order by myself; the Moderator decided he was not out of order; *i. e.*, Mr. Watson had a right to sit, but not to participate.

Q. Why was Mr. Watson not allowed to participate in the proceedings of Synod?

A. Because the military authorities forbade him so to do, and forbade the Synod to allow him to act.

The foregoing was read to the witness and was approved by

(Signed) HENRY C. McCOOK.

Rev. H. C. McCook was recalled and testified as follows:

Rev. Dr. T. L. Janeway and Rev. Dr. R. W. Landis being present, were invited to sit as corresponding members, their advice being desired on this question. Some one objected on the ground that, in accordance with the military order, they were not qualified to participate in the proceedings of Synod. Dr. Landis did take a seat, but declined to speak.

The above was read to the witness, and was approved by him.

(Signed) HENRY C. McCOOK.

Rev. Thos. Cole was sworn, and testified as follows:

Q. Where is your residence?

A. St. Louis.

Q. What is your occupation?

- A. Minister, without charge?
- Q. Did you attend the meeting of the Synod of Missouri last October?
- A. Yes.
- Q. Was it a full meeting?
- A. It was a bare quorum.
- Q. Were you a member?
- A. I was a member.
- Q. Did you comply with Rosecrans' Order 62?
- A. Yes.
- Q. Did you exhibit the required certificate, or take the prescribed oath?
- A. I exhibited the certificate.
- Q. Where, when, and to whom did you exhibit the certificate?
- A. In Synod, October 13, 1864, to the Moderator?
- Q. After the opening prayer, what announcement was made by the Moderator?
- A. That there was then an opportunity to furnish the evidence required by military authority, of qualification to sit as members of Synod.
- Q. What followed?
- A. I showed my certificate.
- Q. Was there an Assistant Provost Marshal in attendance at the opening of Synod?
- A. Yes; Lieutenant Brownell.
- Q. Was he there officially?
- A. Yes; and read the Special Order by which he was acting
- Q. What was the number of the Order he was commanded to enforce?
- A. No. 62.
- Q. Was Mr. Farris present, and did he report himself as a member of Synod?
- A. I think so.
- Q. Was his name put upon the roll as a member?
- A. No.
- Q. Why?

A. He was not qualified, according to Order 62, to take part in the discussions of the meeting.

Q. On his attempting to take part, was he allowed?

A. No.

Q. In what manner was he prevented?

A. By calls of order, emanating from the members and the Moderator; and I, as Moderator, announced to Mr. Farris that we were allowed by General Rosecrans to meet, and were in honor bound to carry out what we had sworn to, and that I would conduct the proceedings in accordance with General Rosecrans' Order.

Q. Were you the Moderator of Synod?

A. Yes.

Q. Do you know Mr. S. S. Watson, and what is he?

A. Yes. He is an Elder in the St. Charles Church.

Q. Was he at Synod last October?

A. He was present at Synod.

Q. Did he show a certificate or take the oath?

A. Neither.

Q. Did Synod allow him to sit and act as a member?

A. I think not, sir.

Q. Why not?

A. For want of the evidence of his qualification, in accordance with General Rosecrans' Order; and, while Mr. Watson did, on invitation, give certain information, in his possession as a director of Westminster College, in regard to that Institution, he was not allowed, as a member of Synod, to take part in the discussion.

Q. Did Mr. Watson attempt to participate in the proceedings of Synod, and with what success?

A. I think he did once or twice attempt to participate, but was reminded that he was not qualified according to Order 62.

Q. Was Synod requested to make a record of the rejection of Mr. Watson?

A. I do not know.

Q. When Mr. Watson asked whether he was to consider him-

self a member of Synod, who replied, and what was the answer ?

A. I decided, as Moderator, that Messrs. Watson and Farris were members of Synod, but, under the military Order 62, we could not allow them to participate.

Q. Was there any appeal from this decision ?

A. I think not.

Q. Did you reverse this decision ?

A. I did not reverse this decision.

Q. (By Mr. Watson.) Did I not state to Synod that in refusing to take General Rosecrans' oath, it was from no want of respect for the civil or military authorities, but because I could not take an oath, prescribed by either of them, to qualify me to sit in a Court of Jesus Christ ?

A. You did.

Q. (By the same.) Did I not state that I had already taken the oath several times as a citizen ?

A. You did.

The foregoing was read to the witness and approved by him.

(Signed)

THOMAS COLE.

Rev. S. J. P. Anderson, D. D., was called and sworn, and testified as follows :

I am pastor of the Central Presbyterian Church, St. Louis, and a member of the Presbytery of St. Louis.

Having been for more than ten years Stated Clerk, and having charge of the Records of Synod, I was anxious to be present at its sessions, commencing Oct. 13, 1864.

On the morning of that day, I called on the Assistant Provost-Marshal General ; informed him that I was prepared to exhibit to him evidence of having taken the oath required by the Convention, but that I was not willing to present that evidence as a qualification for membership in a Court of Jesus Christ ; that while I acknowledged my duty as a citizen, I did not wish to compromise the rights of Christ as the King and Head of the Church. I therefore asked that he would examine my evidence of having taken the oath. He replied that he would not examine it, but that there would be an officer detailed to attend

to that matter in Synod. I then asked if it would be sufficient for me to exhibit my certificates to that officer in private. He replied that it must be done in open Synod. I explained to him the ground of my difficulty. He said he understood it perfectly, but did not sympathize with it.

I then attended Synod, and announced to that Body that I did not intend to take my seat in it, but was there ready to answer any questions or to give any information as a permanent officer of that Body. Having long been in the habit of recording the proceedings of the Body, I learned to pay especial attention to them. I kept notes at the time of the proceedings of the body; I am, therefore, able so state very definitely what was done.

In the organization, Rev. Allen Gallaher was Moderator, and Rev. John Leighton temporary Clerk. There were present from the Presbytery of St. Louis, Rev. Messrs. Cole, Paige, Pettigrew, Vanderlippe, McCook and Maxwell, and Elders Greene, Drake, More and Gill.

From the Presbytery of Palmyra, Rev. Messrs. Leighton, Steed and Gallaher. Rev. Mr. Poage, of the same Presbytery, arrived in the afternoon of the last day of the meeting. Elder McAfee, of the same Presbytery, came at the same time with Mr. Poage.

From the Presbytery of Wyaconda, Elder Wayland, M. D.

From the Presbytery of Potosi, Rev. Mr. Spencer.

From the Presbytery of Missouri, Rev. Mr. Mutchmore.

Elder Kerr, of the same Presbytery, qualified himself, but did not afterward appear in Synod.

After prayer, the officers of Synod being in their seats, a Deputy Provost-Marshal, at the Clerk's table, read the military Orders regulating religious bodies.

On the call of the Moderator, members of Synod then exhibited their certificates of having taken the prescribed oath, except two or three, who advanced to the Clerk's table, at the call of the Moderator, and took the oath prescribed.

As the Deputy Provost-Marshal was leaving the room, Rev. Mr. Farris requested him to remain, and used nearly these

words, to wit: "Moderator, I have no disposition to be contumacious nor raise any unnecessary difficulty, but there is a principle involved that is important, and, if need be, is worth suffering for. I am a minister in good standing in the Presbytery of St. Louis; I claim a seat in this Body."

The Moderator said: Have you qualified by taking the oath required by the military? Mr. Farris replied: "I decline to answer that question."

Mr. S. S. Watson, an Elder from St. Charles, announced that he took the same ground.

The Provost-Marshal then turned to Mr. Farris and said, "I parole you to appear when called for," and soon after left the room.

Mr. C. D. Drake moved that Rev. R. P. Farris be denied a seat. Rev. Mr. Mutchmore opposed Mr. Drake's motion, contending that Mr. Farris had a right to a seat. Mr. Drake urged that there was no alternative—obeying the military law (martial law being in existence) was obeying God.

Rev. Mr. Cole maintained that Farris was a permanent member and was entitled to a seat, but could and should be denied by the Synod any participation in the proceedings of the Body. To this sentiment Rev. John Leighton assented. Mr. Drake then withdrew his motion.

Rev. John Leighton then moved that he is not eligible to the privileges of membership. The Moderator then dissolved the Synod by leaving the chair, there being no quorum left. Recess until half-past two o'clock, P. M.

Cole was elected Moderator, Maxwell temporary Clerk. Rev. James A. Paige was appointed stated Clerk, on Drake's motion. Rev. Mr. Farris then arose to make some remarks in reference to his own case, and was called to order by the Rev. Mr. McCook, who said, "that man must not, or shall not, speak in this place; I have no wish to go to Gratiot Street Prison." Rev. Mr. Farris then stated he would have to leave, as it was nearly time for the cars to start, and left the room.

Mr. S. S. Watson then asked if Mr. Farris' rejection was to

be recorded in the minutes. *His* right to be heard was denied, and he was called to order by Messrs. McCook and Drake. Gen. E. A. More contended that the Moderator should merely report to the military any one acting without the required certificate. He had not presented any certificate, and would not. Synod had no right to require proof of loyalty.

Mr. Drake said that no mention should be made of Messrs. Farris' and Watson's demand of a seat and of their rejection, any more than if John Smith would come in from the street and claim to speak and vote. That fact would not be recorded; he would simply be refused by the Moderator, as had been done in the case of Messrs. Farris and Watson. He said, moreover, that the making a record would embroil the Synod with the General Assembly, and he did not mean this should be done. The Moderator must simply refuse to hear them, and let nothing be said about it on the records.

Rev. Mr. Mutchmore refused to enforce any military Order. He said the military should attend to their own business.

Mr. Watson then pressed the question if he were a member.

Mr. McCook thought Mr. Watson's question should be answered.

Mr. Pettigrew said Watson had no right to a seat. Watson demanded that the answer be recorded. The Moderator then decided that Watson had a right to a seat. Pettigrew appealed to the Synod. Elder Greene called for the ayes and noes, only one member voting in the affirmative. The Moderator then reversed his decision.

On Friday morning, Elder Greene asked for a record of the rejection of Watson and Farris.

Drake again opposed any record. Mutchmore advocated a record of facts. Paige said he was not afraid of a record of what had been done.

Mr. Steed protested against the rejection of persons ecclesiastically qualified.

Rev. Mr. Leighton admitted that Synod had made a grave mistake in executing military Orders, thus excluding members

who had, ecclesiastically, a right to sit. Messrs. Mutchmore and McCook concurred in that opinion.

The Moderator then decided that the names of Messrs. Farris and Watson should be recorded on the roll of yesterday as admitted. Mr. Watson then asserted his right to a seat and a share in the proceedings of the Body.

Mr. Steed wished the Synod to put itself right by correcting its mistake in rejecting these members. Mr. McCook then apologized to Mr. Watson for calling him to order. Mr. Drake explained that he meant nothing personally offensive to Mr. Watson in what he had done. Mr. Drake then moved the insertion of the names of Farris and Watson in the records of yesterday. Steed said Synod ought to discriminate between the rights of God and Cæsar.

Mutchmore said he would rather have Synod dispersed than yield to the execution of the Order.

Leighton advocated the handing over those who claimed seats without certificates to the military.

Mr. Paige objected to Drake's motion as retrospective; but proposed to insert these names in the record of yesterday without remark.

Mr. Leighton said that the difficulty was not with the records, but with the facts. A storm was brewing, and Synod might suffer from the Superior Court.

Mr. Drake's motion was then withdrawn, and the names of Messrs Farris and Watson were inserted as received at the time of the organization.

Mr. Leighton then moved that Synod confess the wrong of yesterday in rejecting Messrs. Farris and Watson. The motion was withdrawn. Rev. Mr. Steed proposed the reversion of the Moderator's decision of yesterday rejecting Messrs. Farris and Watson. Mr. Drake urged Mr. Steed to withdraw his motion.

Mr. Paige concurred, assuring Mr. Steed that if ever he should be assaulted for what the Synod had done, he (Paige) would protect him. Mr. Steed then withdrew his motion. General More said that, from conversations had with Gen. Rosecrans,

he was well assured that that officer would modify the order, if requested to do so by the Synod. Mr. Drake said, "we have nothing to do with that," and moved to adjourn. The minutes of Synod were then read, but contained no allusion to any oath having been taken in Synod, or any rejection because of the want of one. Minutes were approved, and Synod adjourned.

In answer to questions by the court—when Mr. Kerr and Dr. Wayland were asked by the Moderator whether they had taken the prescribed oath, they replied that they had taken the oath, but did not bring their certificates with them. Mr. Kerr stated that the clerk of the court, who had administered the oath to him, was sitting by his side and would certify to the fact. This statement was not deemed sufficient, and it was demanded that the oath should be taken in open court. The two brethren complied with the requisition and took the oath in Synod.

The foregoing was read to the witness, and was approved by him and signed.

S. J. P. ANDERSON.

Session having no further business, adjourned.

Closed with prayer.

J. J. JOHNS,

*Clerk.*

#### HOW THE ASSEMBLY DISPOSED OF THE CASE.

Our complaints were referred to the Judicial Committee, consisting of:

*Ministers*—W. H. Green, D. D., D. Elliott, D. D., R. Dilworth, D. D., S. F. Cobb, C. W. Cooper, A. Swaney, S. Johnston.

*Elders*—H. H. Leavitt, R. McKnight, M. Sears, E. A. More, D. G. Alexander.

The following is the Committee's report:

VII. Complaint of the Session of the First Presbyterian Church of St. Charles, Mo., against the Synod of Missouri.

VIII. Complaint of Rev. Robt. P. Farris, against the same.

The Committee find that, in the matter complained of, there

was no action of the Synod, as such, but only a decision of the Moderator affecting the complainants, from which they made no appeal to the body of the Synod, and, consequently, they have no just ground of complaint. The Committee, therefore, recommend that the complaints be dismissed, and that the complainants have leave to withdraw their papers." Report adopted

In regard to this report, we have only to say:

1. *That it is untrue.* Inasmuch as the Synod shamelessly refused to make any record of the proceedings in our case, the Judicial Committee had no information before them, save the "sworn testimony." In said "sworn testimony," the Rev. Thos. Cole, who was the Moderator of Synod, testifies as follows:

"Q. Did he (Mr. Watson) show a certificate, or take the oath?

A. Neither.

Q. Did synod allow him to sit and act as a member?

A. I think not.

Q. Why not?

A. For want of the evidence of his qualification in accordance with Gen. Rosecrans' Order."

2. The report condemns us for not having done what was impossible. How could we "*appeal* from the Moderator to the body of the Synod," when the Moderator would not suffer us *to address him at all*, and did not, or would not, regard us as present "any more than if John Smith had come in from the street."

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## PROTEST

Was entered before the Assembly, as follows:

The undersigned would respectfully protest against the decision of the General Assembly, in adopting the above report.

I. Because the decision of the Moderator of the Synod, being acquiesced in by the silence of the members, became thereby the

decision of the body itself, for which they are strictly responsible.

II. Because the decision against which complaint is made was a decision refusing even to recognize the complainants as members of the Synod, and denying that they had any more right to appear there or demand seats in the body than John Smith who might step into the house from the street and make a similar demand. As one of the complainants affirms, in his statement of grounds and reasons of complaint, it was declared by a member, that Synod could not listen to the assertion of his right. And, when he (complainant) attempted to make a remark, by way of remonstrance against the Synod proceeding to organize the election of a Moderator and Stated Clerk without first admitting him to a seat, he was called to order and required to be silent, both by the Moderator and the members. How was it possible then for the complainants to take an appeal under such action both of the Moderator and members of the Synod? Plainly they could not, and it was the design of bringing the matter before the Assembly to obtain redress of this grievous injustice.

III. Because the Moderator had put it out of his power to entertain an appeal, or conduct the business of the Synod agreeably to the government and order of the Presbyterian Church, by declaring it to be his intention to conduct the business of the Synod in accordance with the following military order, to-wit: [See this order on page 9.]

Acting under this order, as the rule of procedure, it is obvious that the complainants could not have taken an appeal from the decision of the Moderator, nor the Moderator have entertained it, nor the Synod have voted on it, much less have sustained it, without violating in the very act, the military order aforesaid, and so bringing themselves, all and severally, into collision with the military power. That this was the view of Synod itself is put beyond all question by the remark which was made by one of the members of Synod, when demanding that Mr. Farris should not be allowed to speak—  
*t hat he did not wish to be sent to Gratiot Street Military Prison."*

Whether the Moderator and members of Synod *ought* to have refused a member of the Synod his seat in obedience to this military order is neither affirmed or denied in this protest. This is one of the questions which the complainants desired to bring before the Assembly, that they might judge concerning it, and decide it agreeably to the Scriptures and the Constitution of the Church. But the fact that the Synod did so decide is clear from the testimony on record; and upon this the complainants ground their appeal to this body, and ask of them relief from its injustice and oppression. And, in our judgement, the Assembly ought to have considered the questions involved, and given so clear and unequivocal a deliverance in the premises as would have satisfied the whole Church, that it is their purpose to maintain the freedom of Christ's commonwealth, and to protect the Ministers and Elders of the Church in the enjoyment and exercise of their constitutional rights.

IV. Because the Assembly has, by this decision, contravened the principles upon which the Church depended in large measure for its defense in the case of the Commissioners from the excinded Synods and Presbyteries. When a member of the Assembly (Rev. Dr. Mason) presented the commissions of the delegates from those Presbyteries, and asked that they be enrolled, the Moderator (Dr. Elliott) ruled them out of order, and when Dr. Mason appealed to the house the Moderator declared the appeal out of order at that time. When, therefore, one of the Commissioners himself demanded that his name should be enrolled, the Moderator refused to recognize the person (Rev. Mr. Squires) who made the claim, and said to him, "We do not know you, sir! Upon this the Commissioners withdrew, just as Messrs. Watson and Farris did, when having demanded to have their names enrolled as members of the Synod, the Moderator refused to recognize them, and ordered them to be silent. And, as in the case of the Assembly, the silence of the whole body was taken as sustaining the decision of the presiding officer, so also must it be in this case of the Synod of Missouri and its presiding officer.

V. Because the Assembly, by refusing to entertain these complaints, has inflicted upon these parties a grievous censure for not doing what they could not do, without violating the order of Gen. Rosecrans, which order the Synod had sworn to carry out, and in enforcing which the Moderator required the complainants to be silent.

VI. Because there were other acts of the Synod against which the parties complain to the General Assembly, to-wit:

*That the records of Synod in the matter are defective and not conformable to fact.* Even if there had been no just cause for complaint on the ground of the first allegation, yet this could not render the second ground alleged invalid. And of both the allegations of the complainants the Assembly were alone competent to judge as to their truth and justice, after a full and candid hearing of the testimony and the parties. It was, therefore, incompetent for the Committee to decide the case, and the Assembly to endorse that decision, and thus summarily throw the case out of court, leaving the complainants no possible means of redress.

For these reasons we are constrained to record our solemn protest against this action of the Assembly, as in a high degree unjust, injurious, and fraught with danger in its influence upon the lower courts.

(Signed,)

SAM'L R. WILSON,  
ROBERT MORRISON,  
RUTHERFORD DOUGLASS,  
WM. SCOTT HARBISON,  
ANDREW PHILIPS,  
K. C. FRIES.

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We, the complainants in this case, contend for the right, not for ourselves; for TRUTH, not for victory. We are not insensible to the fact that we oppose ourselves to a tremen-

dous popular pressure. We are fully aware that we confront prejudice of the most unyielding and even bitterly personal character. We well remember at least one remarkably vindictive newspaper article (which we have not as yet chosen to notice), the whole design of which was to keep this case out of the Assembly, or to prejudge it, by the most barefaced misrepresentation of facts, by slanderous insinuations in regard to the loyalty of one of us and the independent action of the other, and by the deliberately false assertion that we both are dishonest in our purpose. But, while self respect will not allow us to assume the attitude of defiance, we nevertheless say to you, frankly and sincerely, that we cannot take the time and have not the inclination to make ourselves presentable, but that this case is submitted to you entirely on its own merits. All that we have to say about ourselves is, that we are

“ \* \* \* \* Plain blunt men  
That love our friend \* \* \* \*  
\* \* \* We have neither wit, nor words, nor worth,  
Action, nor utterance, nor the power of speech,  
To stir men's blood; we only speak right on :  
We tell you that which you yourselves do know;  
Show you sweet Caesar's wounds, poor, poor, dumb mouths,  
And bid them speak for us.”

Truth is our Sovereign. To her both you and we have solemnly sworn allegiance and consecrated our all. Mighty to prevail, she does not need, nay—especially in the courts of Christ, and upon questions involving His honor—she despises the sycophancy of the demagogue and the sharp practice of the pettifogger. She demands our adherence simply for her own sake, and at the sacrifice of our prejudices, and preferences, and even of our life. It is her prerogative to command; our duty is to obey; and it is at the peril of ourselves and others, and to the detriment of all that is worth any thing on earth, if, yielding to any influence, whether of flattery or fear, favoritism or policy, we either go beyond or come short of her behests.

The complainants are not criminals, and therefore we do not crave mercy. We do not allege that we have been personally

wronged, and therefore we do not ask justice by the redress of personal grievance. We do not *appeal*, we *complain*; *i. e.*, we have purposely kept in view the distinction which our book makes between *appeal* and *complaint*, and address you, not because our names happen to be connected with this case, but because we, as members of the Synod of Missouri, have the right, and as members of the Church, feel it to be our duty to tell you of certain *unconstitutional* doings of that judicatory. By referring to the preceding pages you will see that, scrupulously ignoring all personal grounds, we base our complaint on the fact that the Constitution of the Church has been violated. We believe that an enormous wrong has been done, not to us, but to the Church. We believe that an attempt has been made (unwittingly) to sap the foundation of her purity and her peace. We are convinced that, though with the purest motives, and with the sincerest desire to do nothing but duty, the hand of the regicide has been lifted against Jesus, the alone King in Zion. This is the wrong—in comparison with which, it matters not how greatly we, or any individual, may be outraged—this is the wrong, which we, as rulers in the commonwealth of Israel, have felt bound to bring to your notice.

#### THE FACTS IN THE CASE.

The Synod of Missouri met in St. Louis on the 13th of October, 1864. The last Moderator present offered the opening prayer, and then announced that an Assistant Provost-Marshal was present for the purpose of enforcing a certain military order regulating religious assemblages; and, sure enough, at the Clerk's table, stood an officer of the army, clad in uniform. He read both the instructions, in obedience to which he had come there, and the order which he had been commanded to enforce. That order is known as "Special Order, No. 62." First. It prescribes a qualification for membership, *viz.*: The taking of a monstrous oath, embodied in the order. Second. It commands religious bodies to ascertain, before organizing and proceeding to business, who are thus qualified; and threatens that if they shall allow any

one not thus qualified to participate in their proceedings, they shall be dispersed and suffer other punishment for their military offense.

The military man then proceeded to qualify persons for sitting as members of the Synod of Missouri. This he did, by administering the oath to such as presented themselves, and by inspecting the certificates of others, stating that those named therein had already taken the oath; but no certificates were accepted, save those issued by a military man or Provost-Marshal.

Do you wonder that an esteemed brother, one of our most useful and widely-known pastors, who witnessed this scene, has repeatedly declared that those days in the Synod of Missouri were the saddest he ever spent? In the wise and good Providence of God, we have had familiar acquaintance with trouble during these sad times. We have been "in perils by my own countrymen and in perils among false brethren;" the scurrilous pen and the slanderous tongue have assailed us; unprincipled, malicious cowards have hung upon our steps and struck at us in the dark; armed soldiery have paraded us like a felon through the streets of our native city; military poltroons have consigned us, without charge or jury, or testimony, or any sort of trial, to a military prison, and banished us from church and family; and, besides all this, six times in the last six years has the grave opened to receive our most precious dead—but never, never, have we felt such wretched, hopeless sorrow as when we saw that army officer in the house of God, commanding a court of Christ, controlling its organization, and dictating to the servants of the Most High God the terms on which they would be allowed to attend to their Master's business. "*We were confounded when we heard the reproach*"—the insult of that military order; "*shame covered our faces, because strangers had come into the sanctuaries of the Lord's house.*" Jer. li. 51.

When the Provost-Marshal got through inspecting certificates and administering the oath, he took his hat and was leaving the room, but, at the request of Mr. Farris, he tarried to witness what that gentleman was about to say and do. Then, address-

ing the Moderator, Mr. F. said: "Moderator, I report my presence as a member of this Synod. I am a member of the Presbytery of St. Louis—in good and regular standing, I believe—and therefore eligible as a member of this Body. I claim my rights. I am aware that, by a military order which has been read and enforced here to-day, it is made your duty 'to ascertain, *before proceeding to organize and transact business*, those who have taken, subscribed, and filed the required oath, and permit only such to participate in your proceedings,' etc., nevertheless, I claim my constitutional right. I do not wish to appear contumacious, or to run a tilt with the military authorities, but simply to test a principle. I am sorry to see that I differ from so many of my brethren here, and it is painful for me to take the position I now occupy. But I believe that a vital principle is involved in this matter, and for that principle I feel it my duty to contend, even though I suffer for it. Brethren, *my* business is with you; *your* business is with me and with the military authorities. I claim my rights as a member of this Body." The question was put to Mr. F. by a member of Synod, "Have you complied with General Rosecrans' order?" Mr. F. declined to answer, except by re-asserting, "I am a minister in good and regular standing in the Presbytery of St. Louis, and, therefore, fully qualified as a member of the Synod of Missouri, and as such, I insist on my rights." Hereupon, it was moved and seconded "that the Rev. Robert P. Farris, of the Presbytery of St. Louis, be not allowed to sit as a member of this Synod." During the discussion of this resolution, the Provost-Marshal arrested Mr. F., and put him on parole to appear when called for. So that a minister of your Church is, to-day, a prisoner on parole, to be punished by martial law, for the crime of going to Synod without having been qualified by a military man to discharge the duties of Christ.

But there was another part of the Rosecrans' Order—that infamous Order, "62"—which we were specially determined to test, for the purpose of demonstrating the peril of religious liberty, so that the Church might be aroused to vigilance and

resistance. The third section of this Order, which has since been modified in its terms, but not in its essential wickedness, made it the duty of Synod to find out before organizing or proceeding to business, who had taken and filed the oath, and to permit only such to participate, under pain of dispersion. Now, Mr. F, as a member of one of the component Presbyteries of Synod reported, as in duty bound, his presence at the meeting, and claimed, as he had a right to claim, his seat in that Body. Also, Ruling Elder S. S. Watson, regularly appointed to represent the St. Charles Church, was present, as was his duty, and claimed a seat in Synod, as was clearly his right (Form of Govt., chap. xi. 12) This duty and right would not have been questioned in ordinary times. Indeed, it is admitted that, even in these times, we would have been received without a whisper of opposition, had it not been for the Rosecrans' Order. Mr. Watson neither exhibited the required certificate nor took the prescribed oath. Mr. Farris merely declined to say whether he had complied with the military command. Wherefore, the Synod, because they could not ascertain whether we had been qualified by the Commanding General, refused to admit us. It is evident, nay it is confessed, that we were rejected in violation of the law of the Church, but in obedience to military order.

These are the facts; they are not *our* grievances, they are yours—the grievances of the whole Church. For, suppose that these things had taken place in New York, for instance; suppose that Dr. Spring and an Elder from his Church, having our “unfortunate scruples,” and deeming themselves already sufficiently qualified by Jesus Christ to sit in Synod, should decline to comply with an order like this; suppose that Synod, in obedience to said Order, should refuse to admit them, and that the Provost-Marshal should arrest Dr. Spring for his military offense, what then! We doubt not that the whole Church would be aroused to condemn the Synod, and to demand of the President, as Commander in Chief, the release of Dr. Spring and the revocation of the Order. It is the genius of our Presbyterian **Republicanism** that when one member suffers, all

the members suffer. So that, though the complainants are an obscure village preacher, and the session of a little Church away on the border, yet the whole Presbyterian Communion is vitally concerned, and brings this serious charge against the Synod of Missouri.

#### THE RECORDS OF SYNOD

make no mention of these proceedings. They say not a word about any military order, or the presence and acts of a military officer; not a word about our application to be received; not a word about our rejection; not a word about our attempts to appeal or dissent; not a word about the remarks and resolutions which our application elicited. Why this silence? Because, as the witnesses testify, brethren did not wish or intend that the General Assembly should be embroiled with the Synod. Ah! such considerateness is wonderful, unparalleled! History records nothing like it. The Supreme Court of the United States would soon clear its docket, if the inferior tribunals would only imitate, in this respect, the Synod of Missouri. The ends of justice might not always be secured, but it is very plain that those grave, black-gowned judges would be saved a deal of trouble, if the lower courts were to assume concurrent, final jurisdiction. Really the Church ought to appreciate the considerateness of the Synod of Missouri!!! The design of this silence was not to avoid troubling the Assembly, but to screen the Synod from censure. With a Pharisaic zeal in displaying their loyalty, they tithed mint and rue *and all manner of HERBS*, but heartlessly ignore those *weightier matters*—"judgment and the love of God." Coveting the despicable position of "pious police," they have resolved that the complainants should be deprived of all means of redress; and hence their deliberate violation of the law (Form of Government, chap. xi, § 6), which requires the Synod "to keep full and fair records of its proceedings, and to submit them annually to the inspection of the General Assembly." It is easy to see that the Synod, by refusing to make the required record, aimed to deprive us of the benefit of the Assembly's review and control, and, at

the same time, assumed the power of final adjudication, which is the exclusive prerogative of that supreme court. If these things go unrebuked, if the doors of our highest judicatory can be closed against the humblest member of the Church, if the authority of the Assembly can be usurped by any lower court, surely no individual in the Church is secure against most grievous wrong, Presbyterian economy receives a fatal blow, the peace and efficiency of our beloved Zion are gone.

But this is not all: would it were! We complain of these records, not only that they are defective, but also that they are false. Our names are on the roll of the first day of the meeting. It would appear, therefore, both that we took our seats on that day and that we participated in the proceedings of Synod, just as did the other persons whose names are there recorded. If we were on the floor of Congress, we should be strongly tempted to characterize that record in language which it would be exceedingly improper to use there—or any where. Our names were inserted, *not at the organization*, but after long discussion, and because some one suggested that, as we are permanent members of the Synod, they could not refuse to enroll us. But is the name of every minister and elder belonging to the Synod on that roll? Why not? Are not they also permanent members? Take those records, turn to the minutes of the meeting held last October, and at beginning of those minutes you will find a list of members. Is it a list of all the members (about 170) who compose Synod? No. It purports to be a list of those who participated in that meeting. So it would be interpreted by every body. Our names are there; and for all you know to the contrary from the minutes themselves, we were admitted to our seats, and we engaged in the transactions of Synod, just as freely as the Moderator, or elder Drake. **THAT RECORD IS FALSE.** We were *not* there. *The Synod would not allow us to be there.*

True, we were in the room and applied for admission, but, by the stubborn determination of Synod, we were not participants, any more than was Dr. Anderson, for instance, who is a permanent member, and was in the room all the time, but who

declined to take his seat, and whose name does not appear on that roll.

We do not anathematize brethren for differing from us in their convictions of duty under the Rosecrans order. But, for their own sake, for the sake of ministerial and christian character, for the sake of the good name of religion, we are both sorry and indignant that they did not fearlessly follow their convictions rather than make this record, which is purposely and mischievously false, and of the essence of that crime which sends men to the penitentiary.

#### THE SWORN TESTIMONY

which we lay before you was resorted to because of the defective and false records. It was our only resource, in order to apprise you of these facts. Circumstances delayed our taking it until four months after the meeting of Synod, when, very naturally, many of the minor details of what transpired had been forgotten by the witnesses.

No conference was held with any witness, in order to refresh his memory, or to glean from him what he could testify. No intimation was given of what we designed to prove, beyond the summons, in general terms, to meet the session of the St. Charles Church, and testify to the proceedings of Synod. Further, all the witnesses, except one, took part in the meeting, and at least two of them were fully resolved to enforce the military order. We call your attention to what these brethren have, without prompting, solemnly sworn to, and we are confident that it entirely substantiates what we complain of, viz.: That, though fully qualified, we were, in obedience to military command, but in violation of the Constitution of the Church, excluded from the Synod of Missouri, and that this proceeding has been purposely, and, as we think, unrighteously concealed by a record at once defective and untrue.

It is not necessary to weary you with a protracted examination of this testimony. Suffice it to say that two facts are proved: First, that the Synod excluded us, notwithstanding the law of

the Church which gave us the right to be there. This law of the Church, and the right which it guarantees, were clearly brought to view at the outset. For, in reporting to Synod, Mr. Farris first called the attention of the brethren to General Rosecans' order, which made it their duty to ascertain whether Mr. F. was qualified as General R. commanded, and then, without saying whether he had or had not taken the oath prescribed by General R., he claimed his seat, on the ground of his being a member of the Presbytery of St. Louis. And when the question was asked whether he had complied with the military requirements, he declined to answer, except to reiterate that he was a member of one of the component Presbyteries, and was therefore entitled to a seat in Synod. This reasoning was held to be valid. Mr. F.'s right, on the ground stated, was not questioned at all. On the contrary, it was fully acknowledged, but deliberately trampled upon in the motion which was immediately made and seconded, that "the Rev. Robert P. Farris, of the Presbytery of St. Louis, be not admitted to Synod." Neither was Mr. Watson's ecclesiastical qualification questioned. Not a hint was muttered that the St. Charles Church had no right to be represented in Synod; not a syllable of doubt was expressed whether Mr. Watson had been duly appointed.

The second fact established by the testimony, is that *we were excluded, in obedience to military authority*. This is sworn to by all the witnesses. As already stated, our application for admission was met with the question, "Have you complied with General Rosecans' order?" and upon our declining to answer further than to allege our qualification in conformity with the law of the Church, it was moved that we be not received. And when Rev. Mr. Mutchmore opposed this motion, contending that we had the right to sit, and declaring that he would not enforce the military order, Mr. Drake urged that there was no alternative—obeying the military law was obeying God, and therefore we had no more right in Synod than John Smith or any outside person from the street. Moreover, when, after this, we attempted to speak, we were instantly silenced by a brother

who cried out excitedly "that man shall not talk here—I do not wish to be sent to the military prison." The name of that brother is not DANIEL. (See Daniel, chap. vi.)

Rev. McCook testifies that "the understanding was that Mr. Farris was a member of Synod, but, *on account of overshadowing military authority*, he could not be allowed to take his seat." The same gentleman also testifies very explicitly that Mr. Watson was not allowed to participate in the proceedings of Synod, "because the military forbade him so to do, and forbade the Synod to allow him to act."

Likewise, on this point, Rev. Thos. Cole, Moderator of Synod, testifies as follows:

"Q. Was Mr. Farris' name put upon the roll as a member?

A. No.

Q. Why?

A. He was not qualified according to Order "62," to take part in the discussions of the meeting.

Q. Did Synod allow Mr. Watson to sit and act as a member?

A. I think not, sir.

Q. Why not?

A. For want of the evidence of his qualification, in accordance with Gen. Rosecrans' Order; and while Mr. Watson did, on invitation, give certain information in his possession as a Director of Westminster College, in regard to that institution, he was not allowed, as a member of Synod, to take part in the discussion.

Q. Did Mr. Watson attempt to participate in the proceedings of Synod, and with what success?

A. I think he did once or twice attempt to participate, but was reminded that he was not qualified according to Order "62."

Another witness declares, that Rev. Mr. Leighton and others admitted that "Synod had made a grave mistake in executing military orders, thus excluding members who had, ecclesiastically, a right to sit." Mr. Leighton also said, "the difficulty was not with the records, but with the facts. A storm was brewing, and Synod might suffer from the Superior Court."

Therefore, THIS IS THE QUESTION BEFORE THE CHURCHES.

Is the Synod of Missouri justifiable in obeying military (or any other) authority, so as to deprive members of their constitutional rights? It is plainly a conflict between the Constitution of the Church and military law. Which shall we obey? What shall we do? Shall we maintain and defend our own fundamental law, or shall we suffer it to be overruled and set aside by military power? The point which we desired the Assembly to adjudicate was well stated in the Synod by Chas. D. Drake, Esq., who said, "martial law has been proclaimed over the whole country by the Chief Executive of the government. It is, therefore, the law of the land, and everybody, everywhere, under all circumstances, is amenable to it. *It is to me the law of God.*"

This is a straightforward, manly, brave declaration. Notwithstanding its false premises and its terrible conclusion, we began to feel an admiring respect for him who uttered it. The man whose great concern is to be faithful in his lot, and whose ruling passion is to do his duty at any cost and all hazards, is the sublimest character in the world. But alas! our rising respect was quickly smothered, and pity took its place, when that gentleman, having suddenly caught sight of the Assembly in the distance, changed his tone and his tactics, and withdrew his motion that we should be denied our seats. He said that he did not wish to have the Assembly embroiled with the Synod. How kind! how considerate! The fact is, he feared lest that venerable court might decide that, in this case, martial law is *not* the law of God. Indeed, he had no confidence in his own logic. His manly declaration was simply "*sound*," mixed, we are afraid, with some "*fury*," and certainly "*signifying nothing*." For, in less than a week from the time he made these remarks in Synod, he and others published an electoral address, in which, assuming that his party could not, under any possible circumstances, get the vote of even a repentant and pardoned rebel, he urges his political friends to be on the watch for amnestied rebels, and, *by virtue of an ordinance of the State Convention*, not

to allow them to vote. Asserting (in his peculiar way) that it is "a total mistake, or, more probably, a wilfully wrong assumption" to claim that those who have taken the amnesty oath authorized by the President's proclamation have thereby regained the privilege of voting in Missouri, he argues thus: "The qualifications of a voter in Missouri, or any other State, are defined *by the law of the State, and no act of the President, or any other branch of the National Government, or all of them together, can make a man a qualified voter here who is excluded from the ballot box by our own fundamental law.*" That is to say, when a military order, issued under the President's Proclamation of martial law, will help Mr. Drake to keep certain men out of the Synod of Missouri, he exclaims with devout patriotism, "martial law is the law of God to me, the fundamental law of the Church to the contrary notwithstanding." But, when the President proclaims pardon to penitent rebels and restores to them their forfeited rights, then Mr. Drake pleads the fundamental law of the State, in order to deprive these very men of their rights and keep them away from the polls, and thus secure victory to his political party. The law of the State becomes the law of God to him—martial law to the contrary notwithstanding. The President may interfere with a church court by prescribing the qualifications of its members, but he can not interfere with State politics (and the political prospects of Mr. Drake) by prescribing the qualifications of voters. Ah! human nature will not bear close inspection. There's a good deal of "shoddy" in it. Even great and wise men sometimes get the boot on the other leg.

#### IS MARTIAL LAW THE LAW OF GOD?

If so, the Synod of Missouri is entirely justifiable, and the Church must decide against the complainants. We ourselves most earnestly demand it. We will not, because we can not, submit to any other decision. We suffer no man to go beyond us in reverence for LAW. Both in the Church and in the State

we most heartily adopt Rutherford's memorable motto, *Lex Rex*, and count no sacrifice too great in adhering to and defending the simple but eternal truth, "THE LAW IS KING."

But what is martial law? Does anybody know? Yes, we in Missouri know; we have had four years' experience of it. But even we can not tell what it is, except that it is the notion, good or bad; the whim, knavish or honest, drunken or sober; the arbitrary will of a man, one of our fellow citizens, who happens to have a military title and wears shoulder-straps. We could give you thousands of instances in which such men have illustrated and confirmed the doctrine of total depravity; wielding their limitless and irresponsible power, *con amore*, fearing not God nor regarding man, and, under the guise of patriotism and with the plea of military necessity, committing every known crime, as Gen. Ewing expressed it—"stealing themselves rich in the name of liberty;" confiscating houses, furniture, land and stock; ruthlessly "gobbling up" spinning wheels and churns; extorting money at the point of the bayonet and the muzzle of the pistol; imprisoning old men, boys and maidens; cursing and ravishing women, and murdering unarmed men in cold blood. You can not fail to see the aptness of Blackstone's definition, "martial law is no law at all." It is anarchic licentiousness in its purest, most devilish form; brazen faced, brutal contempt of the just restraints of law, morality and decorum. Can this be the law of God? In the nature of the case, in the light of the providence which distinguishes our civil status, in a government like ours, are we in conscience bound, for Christ's sake, to acquiesce in this reign of terror? Can we not protest against it, or in any way resist it, without staining our souls with sin in the sight of God, and rendering ourselves criminal before the law of the land?

We admit and appreciate the necessities of the case; but remember *martial law* is one thing—*military law* is another. The latter is by no means the arbitrary will of the commanding officer. It is a *congressional enactment* of "rules for the government and regulation of the land and naval forces." It is, there-

fore, an enactment in accordance with and subservient to the Federal Constitution. It is constitutional legislation, designed to secure the greatest possible effectiveness in the army and navy; but, at the same time, it recognizes the CITIZEN in the *soldier* or *sailor*, and while prescribing his duty in the latter character, guards his rights in the former. Now, the extension of this military law over citizens who are not in the service, is martial law—the only martial law which a free people can or a loyal people ought to tolerate. To require the obedience of civilians to those “rules,” which the constitution have ordained primarily “for the government and regulation of the land and naval forces,” is admissible and right. No true man would say aught against it. This is to be done, however, only where hostilities are going on, or where justice is obstructed in its ordinary civil channels, never abrogating, but always vindicating, the authority of civil law by inflicting such punishment as it recognizes, and affording the protection which it guarantees, but which punishment and protection the courts are, for the time being, unable to inflict or afford. But that martial law, under which we in Missouri have so long groaned, which murders old men in their beds at midnight; shoots down unarmed civilians in the highway; burns dwellings and barns; forces entrance into houses and plunders their contents; levies tax for the crime of having an opinion; arrests, imprisons, banishes men without charge or trial; closes churches and turns them into stables—silences the preacher, or prescribes what he may preach, and how he must pray—controls Church courts and qualifies their members!—what is this but, in effect, the repeal of the civil law, denying its authority, defying its threatening, and despising its sacred promises of protection! It has done more harm to the cause of constitutional liberty than if armed enemies had passed over and devastated the land from Maine to California. And while it would not be difficult to prove that this despotism—this savageism—has been resorted to, under pretence of *military necessity*, at the instance and to gratify the hate and further the schemes of unprincipled demagogues and other

bad men, it is certainly beyond contradiction that there is no necessity for it in our part of the State. The courts have been uninterrupted, pickpockets, and burglars, and horse thieves have been arrested as usual, privileged with full and impartial trial, and punished only upon conviction. But preachers, and honest, intelligent men, who have dared to think for themselves, and have been so foolish as to plead the fundamental law of the land as the charter of their rights, have been brutally arrested, denied trial, kept ignorant of the charges against them, confined for months in loathsome bastiles, robbed of their means, driven into exile, or released under enormous bonds and blasphemous, black, unconstitutional oaths. We ask again, whether, *in the light of the Providence which has cast our civil lot*, it is our christian duty to submit uncomplainingly to every outrage perpetrated by such lawlessness? We think not. If we are fit to be free men—if we would be true to our country and to our “blessed and only Potentate,” we must at least protest. Was Paul disloyal and a stirrer up of sedition because he would not submit to lawlessness, but boldly pleaded, “I am a Roman citizen—I appeal to Cæsar?” Even so, *God has made us citizens in a Republic*, not the vassals of an Arab Chief, or the subjects of an absolute monarch. And what does this providence mean? It means that *we have, and must have, no king but law!* In the ordering of Providence, the constitution which the people have ordained is “the higher power.” To it “every soul must be subject.” **IT IS THE LAW OF GOD TO US.** If we resist it, *we resist God.* On it our best earthly hopes depend, and under its protecting care we have boasted that the Church is independent, and have praised God that by the guardian authority of our own law, which he has constituted the “higher power” over us, the Gospel of Jesus might be furthered among us as among no other people, without let or hinderance. Surely we cannot despise this providence! It is not chance, it is a providence! You can trace it, as under the noon-day sun, in all our history—and in no history more clearly than in that of Presbyterianism. It means something; it confers precious privileges; it also im-

plies solemn duty; and those privileges cannot be preserved, except by the faithful, brave discharge of that duty. What is that duty? Unquestionably, that every soul obey the law as obeying God; not only so, but, that it may be well with us in the land which the Lord our God has given us, and that we may secure the permanence of our institutions and the prosperity of our country, and especially, as we would glorify God in the free course of His Gospel we must not, so far as we can rightfully resist, allow any infraction of the law.

Is it by the authority of God that the law claims and compels our obedience? By the same authority the law is bound to protect us. That providence which has vested sovereignty in the people and made us our own legislators, clearly gives us the right and imposes on us the obligation to insist on this protection. We can never surrender, in whole or in part, the guardian care that God himself exercises over us through our fundamental law, which constantly declares the entire independence of the Church and untrammelled freedom in the exercise of religion. And now, because the martial law which reigns in Missouri, and has invaded the Presbyteries and Synod in that State, is not only without warrant in the circumstances, but is also a palpable violation of the supreme law of the land, we have felt it our duty, as office-bearers in the Church, and for the sake of the Church, not to submit to it; and we are supported both by the constitution of our country and by the constitution of our Church, in our complaint, that the Synod of Missouri has committed a monstrous wrong, by obeying that martial law, alleging that it is the law of God.

#### MILITARY LAW SUBORDINATE TO CIVIL LAW.

The judgemnt just expressed is given with all the more confidence because it is the echo of what has been said by our most eminent generals and statesmen. For example, MAJOR-GENERAL POPE, Commanding Mil. Div. of the Missouri, in a recent remarkable letter to the Governor of Missouri, characterizes "Provost-Marshals, Provost Guards and Military Supervision

as altogether anomalous and Anti-American," and warns us that, "as a logical result of the continuance of this system, we may expect finally to see Missouri under the complete dominion of the military. There will be scarce a square yard of the State that will not enjoy the felicity of some military functionary. They will come to perform the duties of all the civil magistrates, to be the final judges of all things. Into every province of civil law, and even of domestic life, these military officials will, in time, most assuredly intrude and become the final arbiters of both morals and manners. What will become of the citizen under this extraordinary state of government?" GEN. POPE tartly rebukes us for refusing to act for ourselves, and for surrendering our manhood and civil privileges. He says: "if it were not sad and humiliating, it would be ludicrous to see citizens the most distinguished in position and intelligence, appealing for justice and protection to a Provost-Marshal, and invoking his decision of grave questions affecting life, liberty and property. What a spectacle is thus presented! What a commentary upon the capacity of this people for self-government, upon their love of liberty and their determination to maintain it! He says, further: "This seeming neglect of the duty and privilege of American citizens, a duty by the strict performance of which alone can we maintain our freedom and our free institutions, is to be attributed mainly, I think, if not wholly, to an alarming and fatal tendency among the people which I have been astonished and dismayed to notice elsewhere and in more favored regions, *to surrender to the military the execution of the laws, and thus to abandon all safeguards against tyranny and oppression, and to pass unconsciously into a condition of acquiescence in the complete dominion of the military authority. ONCE LET THE AMERICAN PEOPLE ABANDON THEMSELVES TO THIS PRACTICE, WHICH INDULGENCE CONFIRMS INTO HABIT, AND THEIR LIBERTIES ARE GONE FROM THEM FOREVER.* It is hardly necessary to say that, under free institutions, *the military is subordinate to the civil power, and that the LIFE OF A FREE GOVERNMENT depends upon maintaining this relation.*"

These sentiments are remarkable as coming from a military man, particularly in these times when the army is omnipotent; when soldiers, privates and officers, forget that their titles, buttons and gold lace are the badges of *service*, not the insignia of *rule*, and seem even to be ashamed of their higher character as citizens; to despise civil restraints and authorities, and to look with haughty disdain upon mere civilians, who, too often, not only supinely accept, but eagerly covet, such contempt. GEN. POPE's sentiments are statesmanlike. They awaken the old, proud memories, and excite the old, exultant heart-throbs of the AMERICAN CITIZEN. They remind us of our noble lineage, and shame us that we have not the spirit of our Fathers, who, among the causes which impelled separation from the mother country, among the utterly intolerable grievances inflicted by the King of Great Britain, declared, "he has affected to render the military independent of and superior to the civil power." (Dec. of Independence.)

In the same strain WASHINGTON gave us his farewell warning that "overgrown military establishments, which, under any form of government, are inauspicious to liberty, are to be regarded as particularly hostile to republican liberty." And he advised us that "towards the preservation of your government it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts."

JEFFERSON pronounced it as one of "the essential principles of our government—the supremacy of the civil over the military authority."

MADISON pledged himself, on the one hand, to check military growth and power as essentially inimical to the liberties of Republics, and, on the other hand, "to support the Constitution which, as well in its LIMITATIONS as in its *authorities*, is the cement of the Union." A sentence of profounder political wisdom was never uttered. It is enough of itself to make any man immortal. It is the highest and best lesson which the public

servant and the private citizen can learn. "The cement of the Union is the Constitution, in its LIMITATIONS as well as in its authorities."

And the Constitution which, both in its limitations and authorities, is the law of God to every one of us, from the President to the scavenger, is nervously apprehensive of the danger of military power, and guards its own supremacy by most significant and far-sighted provisions. Thus, *e. g.* it vests congress with the power "to raise and support armies;" but, inasmuch as it was feared that this power might be abused so as to endanger the liberties of the country, and yet in order to be prepared for emergencies, it is provided that no appropriation of money for that use shall be for a longer term than two years."

This vital principle—that the military is subordinate to the civil authority—is illustrated by not a few examples in our political history. When Washington, as Commander-in-Chief, felt the need of extraordinary power, he asked Congress to clothe him with it, thereby confessing that he could not exercise it by virtue of his office. Congress complied with his request, but specified very particularly what he would be allowed to do and for how long a time; and, with a jealous care for the high prerogatives of citizens, forbade him to try disaffected civilians by court-martial, but ordered him "to return to the States of which such persons were citizens their names and the nature of their offenses together with the witness to prove them." Again, when Bollmand and Swartwout, in New Orleans, were arrested and imprisoned under martial law, proclaimed by Gen. Wilkinson, they were released by the United States Court, on the ground that their arrest under martial law, by order of Wilkinson, was unlawful and unconstitutional. Again, when Gen. Jackson, at New Orleans, arrested and court-martialed Louallier for violating martial law, the latter was discharged by the court (army officers) on the ground that martial law gave them no power to try a citizen; and President Madison rebuked General Jackson in emphatic terms for having arrested Louallier, and for imprisoning Judge Hall, who had issued the

writ of *habeas corpus* in the case. Indeed, Jackson himself, within a few days, paid the greatest deference to the majesty of the civil law, by promptly handing over \$1,000, the fine assessed by Judge Hall for contempt. Twenty-seven years afterwards, Congress, in consideration of Jackson's services, refunded the money, but stoutly refused to justify his conduct, although those who introduced the bill were especially desirous that Congress should declare that Jackson had done right. In the report of the Committee to whom the matter was referred we read as follows: "Your Committee do not think that the military commander has any rights or duties paramount to the Constitution from which he derived his commission. If such officers do possess powers above the Constitution and the law of the land, of the extent and application of which they and they alone may judge, and if the Constitution and law cannot protect the citizen against the exercise of such extraordinary, undefined and undefinable powers, then is our frame of government a solemn mockery, then are our bills and declarations of rights idle and unmeaning forms, and the boasted liberty of an American citizen is but an empty sound. \* \* \* This doctrine of *necessity*, which at one time is said to abrogate the Constitution and all law, and at another to justify the invasion of a *part* of freemen's privileges that the *rest* may be preserved, has long been known as the *tyrant's plea*. It is not tolerated in England, no matter what may be the distemper of the times; and while it is palpably incompatible with the principles of American freedom, it is also directly met and expressly denied by Constitutional provisions. The country may, in consideration of great services, and upon atonement made, excuse the individual who has violated these principles; but whenever they yield submissively to the invasion of these rights—*whenever they are prepared to admit the tyrant's plea, they are fit only to be the tyrant's slaves.*"

By such general considerations in regard to the relative authority of civil and military law the complainants justify themselves for not obeying martial law, and condemn the Synod for acknowledging it to be the law of God.

Disloyalty—the refusal to “be subject unto the higher power”—is sin. But, since in our government, *LEX REX*, since the civil law, the Constitution, is the higher power, and since sin is the *transgression* of law as well as the *want of conformity* unto it, we honestly believe that the sin, in this case, lies at the door of the Synod.

Pursue this train of reflection a little further, bring these general considerations to bear directly on the point before us, and the question arises

**HOW FAR MAY MARTIAL LAW INTERFERE WITH THE FREE EXERCISE OF RELIGION?**

*Not at all.* For since, as we have just seen, military law is subordinate to civil law, so that the former has neither authority nor existence except by the sovereign, creative enactment of the latter, it follows that when, in the necessities of war, this military law is extended over citizens (and thus becomes the only martial law that can be properly so called), then it can wield no more power than it is invested with by its civil creator, and it must wield that power in accordance with the behests of the Constitution. Most certainly it can not do what the Constitution itself can not do. The stream can not rise higher than the fountain. If the United States Constitution, which is the *SUPREME* law, the measure of obligation and the limit both of authority and responsibility, not only does not meddle with the Church, but most emphatically declares both that the Church is beyond its jurisdiction and that it shall not be interfered with, then certainly military authority, the creature and servant of the civil power, can not put the least hindrance in the way of the free exercise of religion.

Chancellor *KENT* says: “The free exercise and enjoyment of religious profession and worship may be considered as one of the *absolute* rights of individuals recognized in our American Constitutions, and secured to them by law. Civil and religious liberty generally go hand in hand, and the suppression of either of them, for any length of time, will terminate the existence of the other.” He calls this an “*absolute* right.” What are

absolute rights? Those which "belong to individuals in a single, unconnected state (*i. e.* as individuals), and do not "arise from the civil and domestic relations." "These absolute rights," he continues, "have been justly considered and frequently declared by the people of this country to be *natural, inherent and inalienable.*" JEFFERSON, on his first accession to the Presidency, avowed that it is one of the fundamental, vital purposes of the government to maintain "the freedom of religion;" and, at his second inauguration, he used this language; "In matters of religion I have considered that its free exercise is placed by the Constitution INDEPENDENT of the powers of the general government. I have, therefore, on no occasion ventured to prescribe the religious exercises suited to it, but have left them, as the Constitution found them, under the direction and discipline of the Church or State authorities acknowledged by the several religious societies." And JAMES MADISON pledged himself, under his oath of office, "*to avoid the slightest interference with the rights of conscience or the functions of religion, so WISELY EXEMPTED FROM CIVIL JURISDICTION.*"

Indeed, our Federal Constitution is singularly scrupulous in its refusal to tamper with religious freedom. Unequivocally and with vigilant explicitness, it declares that it has not, that it can not have, that it will not have, anything to do with religion, except to prevent interference with it. For example, it ordains "that no religious test shall ever be required as a qualification to any office or public trust." Why was this prohibition made a part of our fundamental law? Because the people were determined to guard against the evils of the union of Church and State, thoroughly convinced of the corrupting influence of such union both upon religion and upon government. We pause here to remark that no little ignorant zeal is now-a-days displayed in objecting to the Constitution because it makes no mention of religion (further than to say it shall not be disturbed), and contains no recognition of the existence and providence of God. In reply to this objection, JAMES BAYARD, that clear headed expositor of the Constitution, whose work is most

heartily endorsed by Chief Justice Marshall, Judge Story, Chancellor Kent, and other distinguished jurists, says, that it would have been unreasonable, if not improper, to introduce religion into the Constitution, chiefly because the Constitution was intended for *civil* purposes, and religion could not be regularly mentioned because it made no part of the agreement between the parties. They were about to surrender a portion of their *civil* rights for the security of the remainder; but each retained his religious freedom entire and untouched, as a matter between himself and his God, with which government could not interfere." \* \* \* And he adds, "the purity of religion is best preserved by keeping it separate from government."— Again: the first amendment declares that "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof." In regard to this Mr. Bayard says: "The imposition of any "religious test" had already been prohibited by the Constitution, and nothing in it could be construed to invest the government with a right to interfere in matters of religion. But such was the solicitude of the people on this point, such their sense of the evils of a national religious establishment, and their determination to preserve the utmost freedom of conscience, that it was deemed proper thus to deprive Congress of all pretence for ever attempting to legislate upon this subject." In the next place let us look at the military order which has given occasion for our complaint.

THE ROSECRANS' ORDER, NO. "62."

It was conceived in sin and shapen in iniquity. Hetherington (Hist. Westmin. Assem.) remarks that "the first distinct intimation of the peril in which civil liberty was placed by the arbitrary proceedings of the sovereign and the prelates in religious affairs was founded on the opinion of civil judges, who, in their interpretation of law, were the subverters of the constitution, and the destroyers of both civil and religious liberty." Even so, in these times (and in this case) those who, above all others, ought to practice as well as preach brotherly love, and who, by

every high and holy consideration, should be the most importunate advocates and the most resolute defenders of religious liberty, are the very men who have clamorously entreated that the yoke should be put on them (for the sake of having it on their brethren), and have persistently invoked reluctant military authority to play the despot and throttle an independent Church. General Rosecrans wrote thus: "Loyal church members, both lay and clerical, called my attention to the fact that many assemblies and teachers of religion, of various denominations, were to convene during the spring and summer, in which would doubtless be many persons openly and avowedly hostile to the National and State Government; that in one, most of them would be open enemies of the Union. They also prayed me to take such measures as that those assemblages should not be used to concoct treason or injure the national cause." This explanation, like most of what has emanated from the pen of the same military gentleman, is, both for its plausibility and its lameness, eminently worthy the disciple of Dens and Liguori. A strict Romanist in profession and a Jesuit in his instincts, General Rosecrans, like a true son of his Church, could not have shuddered when he found in the report of these villifying informers a pretext for hampering our hated American heresy—the independence of the Church—entire religious freedom. (See Dec. Council Trent, and the recent Encyclical of Pius IX.) We do not wonder that he pursued this course. On the contrary, if we entertained his religious tenets and had the power (and we would leave no stone unturned to put our Church in possession of the power), we would not let you meet in Church courts—nay, would not let you live in this country. We would have every day a St. Bartholomew's day, and "rack," and "dungeon," and "thumb-screw" should be household words, until the Pope should be our temporal Prince and Lord of our conscience. Presbyterians! Protestants! all history warns you that when once the religious denominations of this country deliberately identify themselves with State affairs and rely upon the fostering aid of the civil power, then Romanism will most assuredly outstrip you

all in the race for government favor, and lord it over you with government influence. Beware!

Instead of laying his hand on Church courts, General R. ought to have turned these accusers of their brethren out of his office, with the assurance that when they could be manly enough to give him the names of those whom they accused, and appear to substantiate the charges, he would see that the guilty be adequately punished. This was the spirit of an order issued by General Schofield, the predecessor of General R. This, however, did not seem to occur to General R., and certainly it did not suit the purposes of the informers. They had ecclesiastical axes to grind. With some it was a favorable opportunity to secure, under the merciful auspices of martial law, the territory and Churches of the Southern Methodists. Others, safely screened behind the military, could spurt their venom on those whose honesty and fidelity to high trusts had made them obnoxious. Hence, we have this infamous order—infamous as a whole—infamous in all its parts—infamous in its letter—infamous in its spirit. In the first place, beginning with a miserable whine about the General's determination to give due *protection* to religious assemblies, convened to promote the cause of religion and morality (a protection that was not needed, not asked for, and the offer of which was impertinently gratuitous, seeing that the civil authority, our rightful and pledged protector, was unobstructed), he "Order" apologizes for itself by assuming that our Synods and Presbyteries *could* assemble for any purpose save "to promote the cause of religion, and that their proceedings could be disloyal and tend to foment discord and encourage rebellion." Those who know anything of church law—which forbids us to handle anything but what is ecclesiastical—readily see that this assumption is mere verbiage, but it conceals bayonets. And what magnifies the insult and iniquity of the "Order" is, that it is leveled against the strict constructionists of our Church Constitution, who have always been resolved that our courts should attend to nothing but ecclesiastical matters.

In the second place, see how this devoted friend of religious liberty "protects" religious convocations. "It is, therefore, deemed expedient and is hereby ordered. (See Par. 2d, pp. 10). That is to say, if the late Assembly had been called to meet in St. Louis, its members could not have convened, and the Moderator could not have ventured to sit in his chair, without having first taken, subscribed, and filed in the Provost-Marshal's Office, in that city, an oath of allegiance. To be sure they all might have gone there and organized a *political* meeting, with the Moderator as Chairman and the Clerks as Secretaries, and freely, and even bitterly discussed political measures and men, not only without being required to take an oath and without any other hindrance, but also with a pledge from Gen. Rosecrans himself, and over his own signature, that they should not be in any way molested. If, however, they should have seen fit to stop political discussion, and to organize themselves as the General Assembly of the Presbyterian Church, for the purpose of attending to strictly ecclesiastical business, that very moment this "Order" would have confronted them, and stayed their proceedings until they should obey its command. Brethren of the Assembly! would you have obeyed that command? If not, you would have been adjudged guilty of a military offense, and placed under arrest as one of us is to-day. Such is the "protection" which the Church in Missouri enjoys under martial law; the same sort of "protection" which Paul and Silas enjoyed at Philippi, when their feet were made fast in the stocks in the inner prison. Our Lord Jesus Christ and his Church have not sufficiently qualified His servants for His work; a Major-General must supply the deficiency.

In the third place, this "Order," as it stood last October, made it "the duty of the assemblage, before organizing and proceeding to business, to ascertain whether those who claimed to be members were, not ecclesiastically qualified, but whether they had taken the oath; and should the Body neglect to ascertain this fact, or to allow any one not *militarily* qualified to participate in its proceedings, said Body should be dispersed,

and its members held guilty of a military offense. In other words, the Synod, in addition to their high honor as office-bearers in the Church of Christ, and "as a condition precedent thereto," were forcibly enlisted as United States policemen. Recently, however, on the representation of some of the brethren that this requirement savored somewhat of despotism, it was graciously modified so as to relieve religious assemblages from police duty. The following is the modification:

"It is hereby made the duty of all such assemblages to submit the roll of the members of their organization to the Provost-Marshal of the district in which the assemblage has convened before proceeding to the transaction of business. The Provost-Marshal to whom the roll is submitted will, thereupon, proceed to ascertain from the records of his office whether any of the members of said assemblage have failed to take and subscribe to the oath prescribed by said Special Order, No. 62, and any person found to have so failed will be by him at once forbidden to participate in the business of the Assembly until such time as he has complied with the requirements of said Order; and should any person so forbidden meet with or attempt in any manner to participate in the doings of said Assembly, he will be immediately arrested and sent to this office, with a statement of the facts in his case."

It appears from this that the name of the animal was changed from skunk to polecat, but its odor remained the same. This modification still puts Church Courts under military order, commanding them to submit their roll to a Provost-Marshal; and when he shall have revised it, and not till then, shall they dare "to proceed to the transaction of business."

Still another insuperable objection to this "Order" is found in the oath which it prescribes. This oath is the very same (slightly abbreviated) which is administered to rebels who have been in arms against the government, but wish to return to their allegiance; so that the Church is not only outraged, but insulted. Further, the oath is an abjuration of that view of the nature of our civil government, as regards paramount sovereignty, which

is held by the vast majority of the people and by our profoundest statesmen, and requires us to adopt, in its stead, a precisely opposite opinion, which, in our judgement, is in direct conflict with what the administration of the oath is intended to accomplish, and must inevitably sap the foundations of popular government and constitutional liberty. According to the wisest expositions of our political system, he who subscribes that oath solemnly swears that he is disloyal, and binds himself to overturn the work of our republican fathers.

But again, the spirit as well as the letter of the "Order" merits the most unqualified reprobation. Be ye the judges whether it was designed to hamper religion and curtail ecclesiastical privilege. This is its actual effect; and no representation of its inevitable and impious operation, no remonstrance, no petition, at all availed to relieve the Church of Christ from this assault upon her sacred, heaven-given immunities. In the first place, this "Order" originated in the ignoble purpose to fetter and crush a sister denomination. In the next place, certain persons in the Presbytery of St. Louis, finding this instrument made ready to their hand and exactly adapted to their design, greedily employed it to disable their brethren in the exercise of ecclesiastical functions, or compel them to trample upon the fundamental law of the Church, and secularize Zion into an appendage of State. Two of these gentlemen went so far as absolutely to importune a hesitating Provost-Marshal to send a Deputy to enforce this order in Presbytery; and secured from him the promise that should any member move to lay a certain motion on the table, said member should be arrested.

Again, some of our ministers against whom this "Order" was specially directed, endeavoring to persuade themselves that it was not designed as an interference with religion, but only as a check upon disloyalty, promptly came forward to give every proof of their loyalty, and yet in such a way as not to violate their conscience in regard to the independence, and rights, and purity of the Church. They went to the Provost-Marshal General and fully explained their conscientious scruples, but

received only this answer: "Gentlemen, I understand your scruples, but I have no sympathy with them." They exhibited to him the oaths they had already taken as citizens—oaths which had been exacted and accepted as satisfactory evidence of loyalty—or they offered then and there to take the oath as administered by himself; but he dismissed them, declaring that such evidence of their loyalty must be exhibited, or such oath must be taken in open Synod, and in the presence of a military officer detailed for that purpose. Moreover, let us again refer you to the fact that during the *political canvass* of last summer, Gen. Rosecrans publicly announced his determination to afford every protection to all who might see fit to advocate the election of General McClellan. He declared that he would severely punish the slightest interference with the freedom of political discussion. And we heard candidates and others indulging in the old-time freedom of speech, abusing, roundly abusing, the men and measures of the administration, and no one dared to hinder them. But this same Commanding General—this terrible lover of religious freedom—while he not only suffers *politicians* to go awling through the land, but vouchsafes his protection when they make fierce appeals to partisan passion, must, forsooth, in order to conserve the public peace and safety, turn his batteries on the servants of Christ, and forbid them, unless qualified by himself, to do their Master's duty.

And still again, if further evidence is required of the impious operation of this "Order," what transpired in our own case is proof positive that a more direct or fiercer or more fatal blow could not be aimed at the liberties of the Church. On the morning of the day on which Synod met, we went to the office of the Provost-Marshal General, and told him we would not comply with the "Order." Did this convince him of our disloyalty, and induce him to arrest us as a person dangerous to the peace of the State? No. Thence we went to the place appointed for the meeting of Synod. An Assistant Provost-Marshal was present. Did he arrest us while we sat a quiet spectator of his opening ceremonies? No. When we walked

up to him and requested him to remain a few moments, did he regard us as disloyal, and place us under arrest? No. We were not molested at all, until we stood upon the floor of Synod and said, "Moderator, I am a member of this court."

Brethren, what say you to these things? You have not believed us when, for three years, we have been sounding the alarm. You have said, "Pshaw! these brethren are pestilent fellows; they are rebels; disloyal; rebel sympathizers; they want to make trouble; they ought to be punished and disabled; it is no concern of ours; the Church is in no danger." Will you believe us now? What say you to these facts? Has religious freedom been unwarrantably and directly interfered with? Has the independence of the Church been imperiled? Bear in mind, too, that the facts just narrated are not isolated. They form only a short chapter of a fearful history covering four years. I say it without fear of successful contradiction, the hostility of the military has been aimed against the Church and the ministry. Thus: In the Assembly at Columbus, Dr. McPheeters kindly, but manfully, opposed a paper which he believed to be detrimental to the interests of religion. When this fact reached the Provost-Marshal in St. Louis, he exclaimed, "I'll arrest McPheeters as soon as he gets back." Here began the troubles of that noble brother. A succeeding Provost-Marshal issued an order banishing McPheeters and family. Mr. Lincoln was appealed to and promptly commanded the order to be suspended. But Provost-Marshal Dick, in St. Louis, committed the military crime of disregarding the President's command, and did *not* suspend the order, but merely modified it. And what do you think the modification was? Why, that Dr. McPheeters need not go into exile, *but he must not exercise his ministerial functions within the State of Missouri.* In other words, McPheeters the *citizen*, could remain in the State without any danger to its peace; but McPheeters the *preacher* must not baptize an infant, or administer the Lord's Supper, or go with words of counsel and comfort to the sick and dying of his flock, or call upon men to repent and love Jesus, lest the great State of Missouri be upheaved and convulsed, the

civil government rendered inoperative, and the military arm paralyzed. There was a power behind the throne that secured this infamous modification for infernal purposes. And we doubt not, it was the same power which procured the arrest of Rev. Messrs. Parks and Madeira, of the Presbytery of St. Louis, on the very day on which that Body was to meet to consider the affairs of Dr. McPheeters and his Church—so that his opponents might be in the majority, and tear from a congregation their chosen pastor. And, what adds to the iniquity of this outrage upon ecclesiastical prerogative, is the fact that though McPheeters challenged and courted trial, no one would arraign him. The civil courts prosecuted their business as usual, and ordinary scoundrels received just punishment. The Presbytery was in existence, and could meet at any time, and under circumstances the most favorable to secure the condemnation of that brother; and certainly military commissions, courts-martial and drum-head courts have been “thick as leaves in Vallambrosa’s vale.” Is it not strange, therefore, that this man, who, by an extraordinary stretch of clemency, was permitted to live (but not to preach) in Missouri, was not arraigned before one or all of these courts and condemned under the forms of law? Is it not passing strange that superpatriotic men, who were so sure of McPheeters’ disloyalty, and so free in saying so, both in the Presbytery, and in the community, and in the newspapers, did not boldly bring charges against him and fearlessly come forward with proof? Why have they not done this? Why have they not pursued this course, which ordinary humanity, though it have not a spark of sympathy for the miserable wretch, demands in behalf of even the most cold-blooded murderer? Ah! McPheeters’ crime was unique. No courts could take cognizance of it. It was beyond their jurisdiction. It was FIDELITY TO CHRIST AND THE CHURCH. His loyalty as a citizen could not be impeached. His worst enemies have acknowledged that he promptly and in good faith took the oath of allegiance and conscientiously kept it. But because he was determined to magnify Christ as king in Zion, and resolutely refused to prosti-

tute the Church, therefore he must be silenced and severed from his people, and irresponsible, despotic military power was invoked to do this foul deed.

Another case: An aged Methodist minister in our town—a godly man, pre-eminently a prudent man—so prudent that he positively refused to converse on the exciting topics of the day, and would not look at a newspaper, in order that he might plead ignorance when those topics were introduced—was arraigned before one Brigadier-General Merrill. During the interview, Merrill said to him, “The fact that you are a minister of the M. E. Church South, is of itself enough to condemn you;” and he sentenced him to be imprisoned during the war.

Another instance: The Presiding Elder of the district in which we live, a man laborious in his work and universally respected, was very careful to give no offence, and took the oath three times. Merrill had him arrested, refused to make any charge against him, declined to look at the certificates of his having taken the oath, would not receive any testimony in his favor, but told him to leave the State in six hours, and thank his God that he was not hung. This brother is at home again, having been unconditionally discharged, and has since learned that there were no charges against him, but, like three other preachers who were sent off with him, he was supposed to be a man of influence.

Again: A colonel in our military department actually compiled a prayer, and sought to compel ministers to use it, as the condition on which *he would allow* them to preach. We might multiply such instances almost indefinitely, but let these suffice.

Brethren, in view of such facts, we ask again, “Do you believe us now?” Is the Church in no danger? Is Christ secure on His throne? Or will you persist in hooting at us and rejoicing in our troubles, impugning our motives, questioning our loyalty, denouncing our conduct, and mocking our “unfortunate scruples.” If so, all we have to say is, “*God is our judge.*”

#### CIVIL INTERFERENCE.

But a still darker shade is stealing across the gloomy picture

at which we have been looking. We have shown you, by facts, that the independence of the Church has been ruthlessly assailed by the military. If, however, interference from that quarter subjected us merely to inconvenience—if it did not set a most dangerous precedent and involve vital principle, we would submit without a murmur, inasmuch as military rule is temporary. But the fundamental law for the government of a great State is a far different thing from the "orders" of a military man who is only temporarily in command. And what do you say to the following: (Secs. IX and XIV, Art. I, New Constitution.)

"Nor, after the expiration of sixty days after this Constitution takes effect, shall any person be competent as a bishop, priest, deacon, minister, elder, or other clergyman of any religious persuasion, sect or denomination, to teach, or preach, or solemnize marriages, unless such person shall have first taken, subscribed and filed said oath."

"Whoever shall, after the time above limited, exercise any of the functions above specified, without having taken, subscribed, and filed said oath of loyalty, shall, on conviction thereof, be punished by fine, not less than five hundred dollars, or by imprisonment in the county jail not less than six months, or by both such fine and imprisonment."

This is a part of the New Constitution of Missouri, and in the framing of which Presbyterian elders (we blush to say it) had a very conspicuous part. A recent mass meeting of the partisans of the very men who enacted this Constitution—some of them members of the convention—a meeting composed of Germans and Americans, of Infidels and Catholics, and Protestants, thus denounced it:

**Resolved, 4. THAT THE NEW CONSTITUTION QUALIFIES THE RIGHTS OF CONSCIENCE, WHICH NO HUMAN AUTHORITY CAN QUALIFY, AND ESTABLISHES THE INTERFERENCE OF CIVIL JURISDICTION WITH THE FREEDOM OF RELIGION.**

**9. THAT IT PRETENDS TO REVIVE THE TIMES OF THE STAR CHAMBER AND INQUISITION, CLAIMING CRIMINALITY FOR THE INTENT NOT MANDATED BY ANY OVERT ACT.**

10. THAT IT IS BLASPHEMOUS UNDER THE PRÉTEXT OF RELIGION ; TYRANNICAL UNDER THE CLOAK OF LIBERTY ; AND REACTIONARY UNDER THE PLEA OF PROGRESS.

Brethren, what say you to it? We wish your advice. You and your people are scarcely less concerned in this matter than we and our churches. A beginning has been made, and what assurance have you that you will not be the next to be directly assailed by this outrage? Tell us then, in the Master's name, what Ministers of the Gospel in Missouri must do? Shall we take the oath in order to prosecute the work? Or shall we leave the State? Or shall we venture to obey Christ's command to preach the gospel, and pay *not less than* \$500 fine and go to the county jail for *not less than* six months? The fourth and fifth chapters of the Acts of the Apostles throw a very clear light on this point. Let it be decided in the light of that scripture; for it seems that, before our day, men have been "commanded not to speak at all, nor preach in the name of Jesus. But Peter and John answered and said unto them: whether it be right in the sight of God to hearken unto you more than unto God, judge ye. For we can not but speak the things which we have seen and heard." And then, invoking God's protecting care, "Now, Lord, behold their threatenings; and grant unto Thy servants; that with all boldness they may speak Thy word;" \* \* \* \* \* "they were all filled with the Holy Ghost, and they spake the word of God with boldness." And when, for having violated the command of their Rulers, the Apostles were again arrested and imprisoned, God brought them out of prison and renewed to them *His command*—"Go, stand and speak in the Temple to the people all the words of this life." They went and stood and spoke; and when arraigned again before the council, who demanded of them, "Did not we straightly command you that ye should not teach in this name? \* \* \* \* \* Then Peter and the other Apostles answered and said: "WE OUGHT TO OBEY GOD RATHER THAN MEN." Brethren this Scripture illustrates the principle involved in the case before you. In our day, as in the Apostles'

time, we who labor under the same commission, and by the same authority, and for the upbuilding of the same Kingdom, which is *not of this world*, have reason to groan before God "of a truth against Thy holy child Jesus, whom *Thou hast ANNOINTED*, both Herod (the civil Ruler), and Pontius Pilate (the Military Governor), with the Gentiles and (even) the people of Israel, are gathered together."

We have come to the core of the matter. Let it be distinctly understood that we do not object merely to a certain military order, or to the substance or wording of a certain prescribed oath, or to the provisions of a certain civil enactment. No. We wish to say, most emphatically, that we object to all military orders, to all oaths, all civil enactments, by which the free exercise of religion is or may be restrained. If there is any validity of argument in what has been said, not only is our specific complaint sustained, but the conclusion is irresistible that the Church can not be interfered with at all.

Lamentation has been made over our "unfortunate scruples." We glory in our "infirmities." The best argument to prove that our scruples are founded in error is the plausible analogy that the civil or military authority may, as a sanitary precaution, prevent the assembling of Synods and Presbyteries, so as to keep the small pox from spreading. This is unanswerable! The municipal authorities may prevent us from building a pig-stye at our front door, to the annoyance of our neighbors; because, in the nature of a pig-stye, it is bound to be a nuisance in that locality. Even so, it is right to forbid the assembling of preachers and elders when the small pox is raging; not, however, because they are preachers and elders, but because they are *men*, and therefore, by their physical constitution, they may take and spread the dreadful disease. And such a prohibition would, in right, extend to *political* as well as *religious* assemblages; because human nature, whether clerically attired or surmounted by the slouched hat of the demagogue, is liable to disease. But a Synod, a Presbytery, a preacher, an elder, as such, can not take the small pox; neither can they be disloyal

to anybody but King Jesus. The Church is not political, and it can not become so without ceasing to be the Church. In its nature, as our blessed Lord constantly declared—by the commission to the heralds of the cross to “teach all nations,” whether monarchies, or republics, or despotisms—in the light of the example of the Apostles, as they executed this commission, and by the Constitution of the Church which we have solemnly sworn to abide by and maintain—the Church is not an appendage of State; it is independent of the State; it is not, and can not be, in any sense political. Is the act of *eating and drinking* a political act? Is it loyal or disloyal, republican, democratic, “union,” “copperhead,” or “secesh?” Even so, for the same reason, *i. e.*, in the nature of the case, by the *Constitution* which the Head of the Church has given to His ministry; and His spiritual commonwealth, the Church and ecclesiastical functions must be politically *indifferent*; can not be either “loyal” or “disloyal.”

In reply to this it will be urged that a minister may introduce politics into the pulpit, as many have done; and Church courts may make political deliverances, as many of them have done, and, therefore, interference, by the civil or military authorities, *with ministerial and ecclesiastical functions*, is justifiable. Not at all; for danger to the peace of the State is to be apprehended, not from the exercise of these ministerial and ecclesiastical functions, but from the neglect or disregard of them. *Ne sutor supra crepidam.* Let the cobbler stick to his last; and let the preacher and the servants of the Church stick to their commission, which is neither to uphold nor to overthrow the State, but to bring “glory to God, in the Church, by Jesus Christ” in the salvation of souls. If, however, they go outside of their commission, if the preacher transform his pulpit into a “stump,” and degrade himself into a demagogue, and if the Church court resolve itself into a political caucus, then the mildest that can be said of them is that they are faithless to souls and apostate to the Son of God, and should receive the severest censures of an outraged Church. And if, in departing from the discharge of

their appropriate duty, and in their recreancy to Christ, they offend against the law, they must, of course, like all other civilian wrong-doers, be dealt with by the secular power. But surely such instances of apostasy furnish no warrant for hampering the free exercise of religion or obstructing ecclesiastical functions. As well might the State forbid a father, whose oldest son had turned out a counterfeit and thief, to give meat and bread to his remaining children. Meat and bread have no tendency to make counterfeiters and thieves. Neither is it the tendency of religion or ecclesiastical proceedings to make "traitors" or to concoct "rebellion." The tendency of religion is to induce "peace and joy in the Holy Ghost;" and Church courts CAN NOT, (*by the terms of their life, by the very law of their being,*) CAN NOT handle or conclude anything save what is ecclesiastical. And hebeé, as it would be absurd and cruel to forbid that parent, whose first born had become a criminal, to provide food for his other children; so to interfere with the Church (a kingdom not of this world) is tyrannical in the extreme, because the evil to be guarded against, does not necessitate the enslavement of God's people and the dethronement of King Jesus. These military orders, these test oaths, these civil enactments, which impose new qualifications for the work of the ministry and membership in Church courts, and which control ecclesiastical proceedings, are certainly uncalled for, inasmuch as we preach, not "in corners," but from the "house-tops," and our religious assemblages" are held with *open doors*, so that U. S. detectives, which are as plenty, and loathsome, and insatiable as Pharaoh's lice, have the fullest opportunities to scan our "countenance," to fathom our "sympathies," and to report our "words;" and if, whether in the pulpit or out of it, whether in the Church court or out of it, we be offenders, or have committed anything worthy of death, then (like *truly* "loyal" American citizens) we refuse not to die.

[The only shadow of excuse for such interference is when the Church unchurches herself, *i. e.*, when, breaking away from her solemn vows and trampling under foot the fundamental law

which constitutes her independent existence and guarantees her impregnable security, she merges herself into a province of Cæsar, annexes Christ's Kingdom to an earthly realm, volunteers political support, prescribes government policy and makes secular deliverances. Intervention from one side authorizes and demands intervention from the other. It is a sort of bargain. "I'll tickle you, and you'll tickle me." But what the Church volunteers the State soon learns to demand; and in return for what the Church shamelessly surrenders, she soon cringingly asks the interposition of the State. Thus, in 1861 contrary to the advice of Attorney-General Bates (who is one of our own elders), but in ready compliance with the counsel of S. P. Chase (who is not a Presbyterian, but an abolitionist), the Assembly delivered itself on the "Union, the laws and freedom." Since then the "Star Spangled Banner" has supplanted the *cross*, and the "American Eagle" has superseded the *Lamb of God* in many a pulpit. Our Assembly and many Synods and Presbyteries have been rabidly fierce in their "loyal" utterances, and more heartily concerned about "the state of the country" than about *the state of the Church*; and meanwhile the "government" (?) taking advantage of this blind zeal, has DARED to silence, imprison and banish ministers of the gospel, seize churches, dictate the services of the sanctuary, disperse congregations, and control the organization and proceedings of "religious assemblages;" and yet, as if this unrighteous interference were both lukewarm and tardy, some crazy people "whose teeth are as swords and their jaw-teeth as knives," are still clamoring, in the language of Rev. Dr. R. L. STANTON, "it is time for the government to look after the Churches."]

## SUMMARY.

The principal points to which your attention has been directed are—

(1). That the irresponsible, brutal despotism which has raged in Missouri, and of which the *Rosecrans' Order* is an emanation, is a violation of the supreme authority of the land—that "higher power" unto which every soul must be subject—and, therefore,

it is not "the law of God," and the Synod of Missouri did wrong to comply with it.

(2). Even martial-law, properly so called, *i. e.*, the extension over civilians of those rules which Congress has enacted for the government of the military, is subordinate to the civil law, and certainly cannot exercise an authority which its civil creator not only has no power to impart, but most emphatically disclaims. Wherefore, again, the *Rosecrans' Order* is not "the law of God," but a most unwarrantable usurpation, and the Synod did wrong to obey it.

(3). The *Order* itself is (a) an insult to the Church, by assuming that the proceedings of Synod "would be disloyal and tend to foment discord and encourage rebellion." (b) Dethrones Christ, by imposing additional qualifications upon His servants and for His work. (c) It forces Church courts to do police duty, or (by its last modification) makes their organization and proceedings to depend on and to be conformed to the pleasure of a military official. (d) It prescribes an oath which no man in his senses, no loyal, christian citizen would take. Therefore the Synod did wrong.

(4). The Federal Constitution—which is the SUPREME law, "the higher power," the "law of God" to us—recognizes and guarantees the ENTIRE INDEPENDENCE OF THE CHURCH. "The exercise of religion," says Madison, "is wisely exempt from civil jurisdiction." Therefore it is not disloyal to resist any infringement of religious liberty, either by the civil power, or by its creature—military authority. On the contrary, he who asks or even consents to such infringement, is DISLOYAL both to Christ and the country.

(5). In the nature of the case, by our own ecclesiastical constitution (which is founded upon the word of God), the Church is not, and cannot be, either loyal or disloyal. Therefore, the Synod did violent wrong in asserting the contrary by their unconstitutional action.

## CONCLUSION.

Thus, in the fear of God, and of none else, we have discharged what seemed our bounden duty. Though the "Rosencrans Order" has been recently revoked, yet a fearful precedent has been set, which, thus far, has called forth no general remonstrance, but has rather been supinely and, in many quarters, cordially acquiesced in. That "order" may be re-enacted at some future day in New York, or Pittsburg, or Philadelphia. The sword has been sheathed, but a ghastly wound has been inflicted upon the Church, the body of Christ; it is unhealed; it is made deeper and wider by the New Constitution of the State of Missouri, and, judging by the tone of the religious press, and by the singular disposition of our "complaint" by the late Assembly, we fear that God's people "love to have it so," or, at least, that they are by no means awake to the peril which threatens the crown-rights of Christ. We well understand that, by most of you, this unconcern has been persisted in, and this apathy indulged, under the mistaken notion that such interference with religion was necessary in "putting down the rebellion" and "saving the life of the nation." We have long been convinced that "loyalty" has been the bugbear by which many good and true men have been unnecessarily frightened. With ill-defined, exceedingly hazy views of "loyalty," they have been afraid to act or speak, or so much as to breathe even, in behalf of the purity of the Church, lest their course might be construed into "disloyalty" to the "government." On this account we desired to test the matter in the Synod of Missouri, and before the General Assembly. Excluded from the latter Body, we now lay before you a line of argument on this very point. We trust that some minds have been relieved in this matter. We are satisfied that our course is sustained, not only by the word of God and the fundamental law of our Church, but also by the Constitution of our country; and hence, TRUE LOYALTY and the INDEPENDENCE OF THE CHURCH are not only *compatible*, but utterly *INSEPARABLE*.

In this connection, we commend to you the following, from

Chevalier BUNSEN's work on "*The Dangers of Religious Liberty*:"

"Civil liberty has never displayed any vigor except where it has rested on self-government in the lower spheres of common life; and this has never been possible except where freedom of conscience exists." "Religious liberty has never yet led to political revolution, but its suppression often has."

"Intolerance and persecution have neither brought blessings to governments nor peoples, but they have been the greatest curse to Protestant governments, because in this case they have involved an intrinsic self-contradiction."

Seeing then that religious freedom is the strongest bulwark of civil liberty, it follows that he who is truest to the independence of the Church is the fastest friend of his country. He does not need to be commiserated on account of his "unfortunate scruples;" much less does he deserve to be denounced as *disloyal*, *pestilent* and *seditious*; on the contrary, he has "the obvious merit of resisting oppression, a conduct that is always respectable, as it always indicates a sense of right and courage." It is urged, however, that it is no time when "the life of the nation is in peril," to stickle about such matters. We demur. Then is the very time. Great principles are most in danger in the midst of popular upheavals. Great principles, too, are born and established in times of convulsion. And hence Justice Curtis, of Boston, formerly on the U. S. Supreme Bench, and a Republican in politics, has deliberately declared that now, rather than when all is quiet, Americans should be on the alert, sleeplessly, vigilant for their liberties; and that he does not deserve to be a citizen, and is unworthy the name of freeman, who refuses to assert and maintain his rights.

Let it also be borne in mind, especially by those who have frowned upon us, under the impression that our course was calculated to hinder the Government in its efforts to suppress the rebellion—that President Lincoln, during one of the gloomiest periods of the war, promptly suspended the military order against Dr. McPheeters, and some time afterwards, in his St. Louis letter, expressed surprise that his command had not been

obeyed, and said that "*the Government could not undertake to run the Churches.*"

Moreover, we appeal to history. We have been true to Presbyterianism. The principle for which we contend stands out boldly in all the story of God's people, and nowhere more conspicuously than in the history of the Presbyterians of Scotland, Ireland and our own country. Scotland, the great witness-bearer in modern times for civil and religious liberty, planted herself firmly on the vital doctrine of the headship of the Lord Jesus Christ. As early as 1571, Erskine, addressing the regent of the kingdom, says: "There is a spiritual jurisdiction and power which God has given under his kirk, and to them that bear office therein; and there is a temporal jurisdiction and power given of God to kings and civil magistrates. Both the powers are of God, and most agree to the fortifying one of the other, if they be right used. But when the corruption of man enters in, confounding the offices, usurping to himself what he pleases, nothing regarding the good order appointed of God, then confusion follows in all estates. The kirk of God should fortify all lawful power and authority that pertains to the civil magistrate, because it is the ordinance of God. But if he pass the bounds of his office, and enter within the sanctuary of the Lord, meddling with such things as appertain to the ministers of God's kirk, then the servants of God should withstand his unjust enterprise, for so they are commanded of God." In the maintenance and defense of these truths our fathers had "the most absurd charges of DISLOYALTY urged against them in virulent pamphlets." "A Presbytery, which had met for the purpose of forming a new congregation, were arrested and indicted for a riot while they were sitting peaceably engaged in the discharge of their duties;" the BLACK OATH and fines were imposed, estates were forfeited, the prisons were filled, disfranchisement was suffered, clergy and laity driven into exile, and many put to death. (So true it is that history repeats itself—there is nothing new under the sun.) "The struggle was continued during four reigns, and deluged Scotland with the blood of her

martyred heroes. \* \* These persecutions were mainly instrumental in bringing to this country many of the worthy fathers and founders of our Zion. Of these some were ignominiously transported as felons for their attachment to the cause of God. They were prayerful and holy men. Their crime, in the eye of their oppressors, was, that they would not violate the dictates of conscience, and sin against the law of their God. Others fled, because they saw no prospect in their own country that the ark of the Lord would enjoy a safe resting place, and they sought a region in which they might worship God in peace; while others still, attracted by the prospects which the colonies held forth to them, left the homes of their ancestors, and sought an asylum in the companionship of those who had borne a good testimony and endured much hardness for their Lord and Savior." (See Dr. Blackwood's Introduction to Webster's History Presbyterian Church.)

The people, whom such providences of God brought to this country, and from whom we are proud to claim ecclesiastical descent, and whose blood runs in the veins of multitudes among us, have bequeathed to us, in unambiguous terms, the principles for which our Presbyterian fathers contended so long and suffered and sacrificed so much. The alterations made in the standards of our Church, on this very point, are significant. They remind us of that long, determined, successful struggle, with all its suffering and sacrifice, and imperatively demand our slumberless guardianship that we preserve and transmit the inestimable heritage.

*Confession of Faith as originally adopted by the Church of Scotland.—Chapter xxiii, Sec. iii.—The civil magistrate may not assume to himself the administration of the word and sacraments, or the power of the keys of the kingdom of heaven; yet he hath authority, and it is his duty to take order, that unity and peace be preserved in the Church; that the truth of God be kept pure and entire; that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented*

*Confession of Faith, as altered and adopted by the Presbyterian Church in the United States.—Chapter xxiii, Sec. iii.—Civil magistrates may not assume to themselves the administration of the word and sacraments; or the power of the keys of the kingdom of heaven; or, in the least, interfere in matters of faith. Yet, as nursing fathers, it is the duty of civil magistrates, to protect the Church of our Common Lord, without giving the preference to any denomination of Christians above the rest, in such a*