

P. Herbert McIlwaine

THE
ORTHODOX PRESBYTERIAN CHURCH

MINUTES OF THE
FIFTH GENERAL ASSEMBLY

Meeting at
Westminster Theological Seminary
Chestnut Hill, Philadelphia, Pa.
February 9, 1939

and of the

SIXTH GENERAL ASSEMBLY

Meeting at
Westminster Theological Seminary
Chestnut Hill, Philadelphia, Pa.
May 10-12, 1939



Published by
THE ORTHODOX PRESBYTERIAN CHURCH

Minutes of the
of the
Fifth General Assembly
The Presbyterian Church of America

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FIFTH GENERAL ASSEMBLY
of the
PRESBYTERIAN CHURCH OF AMERICA

The devotional service preceding the Fifth General Assembly of The Presbyterian Church of America was opened by the Rev. R. B. Kuiper, Moderator of the Fourth General Assembly, at 11:00 A. M. on February 9, 1939, in the auditorium of Westminster Theological Seminary, Chestnut Hill, Philadelphia, Pennsylvania. After the singing of a hymn, the reading of a Scripture lesson, and prayer, Mr. Kuiper delivered the sermon on the subject, "The Good Fight," based on the text, "I have fought a good fight," II Timothy 4:7.

The Assembly was called to order by Mr. Kuiper and constituted with prayer by the Rev. Lawrence B. Gilmore, Th.D.

The Rev. John H. Skilton, clerk of the Fourth Assembly, called the roll which was as follows:

PRESBYTERY OF NEW JERSEY: *Ministers*—Bruce A. Coie, Edward B. Cooper, Alexander K. Davison, Leslie A. Dunn, Lawrence B. Gilmore, Th.D., Donald C. Graham, Richard W. Gray, Peter Pascoe, James L. Rohrbaugh, Clifford S. Smith, William T. Strong, Bruce H. Wideman, and *Elders* Samuel Iredell, Matthew McCroddan, and I. T. Mullen.

PRESBYTERY OF NEW YORK AND NEW ENGLAND: *Ministers*—Marvin L. Derby, Edward L. Kellogg, Raymond Meiners, John Murray, John C. Rankin, and John H. Skilton.

PRESBYTERY OF OHIO: *Ministers*—Carl Ahlfeldt, Everett C. DeVelde, J. Lyle Shaw, and *Elder* John S. Kleemeier.

PRESBYTERY OF PHILADELPHIA: *Ministers*—John P. Clelland, Calvin K. Cummings, Peter DeRuiter, Franklin S. Dyrness, David Freeman, John P. Galbraith, Robert H. Graham, Gerald A. Heersma, Theodore J. Jansma, Lawrence Jongewaard, R. B. Kuiper, Robert S. Marsden, George W. Marston, Arthur O. Olson, James W. Price, Edwin H. Rian, C. G. Schaufele, Leslie W. Sloat, Ned B. Stonehouse, Th.D., Robert Strong, S.T.D., Cornelius Van Til, Ph.D., Paul Woolley, Edward J. Young, and *Elders* Roy J. Aument, G. Harry Davidson, Harry W. Frazer, Mr. Heilmar, J. H. McClay, William McCorkle, Charles H. Phillips, Howard Reath, Charles A. Richardson, Jr., Lewis W. Roberts, and Murray F. Thompson.

Mr. Kuiper declared a quorum present.

The printed form of the Minutes of the Fourth Assembly was presented by Mr. Skilton and approved by the Assembly.

The docket prepared by Mr. Skilton was presented, and after amendment adopted by the Assembly.

The report of the Committee on Arrangements was presented by the Rev. Cornelius Van Til, Ph.D., and received by the Assembly.

The Rev. John H. Skilton, the Rev. Lawrence B. Gilmore, Th.D., and the Rev. Leslie W. Sloat were nominated for Clerk of the Assembly. At their own request Mr. Skilton and Dr. Gilmore were permitted to withdraw their names. The Rev. Leslie W. Sloat was elected Clerk by acclamation.

The Rev. John C. Rankin, the Rev. Robert Strong, S.T.D., the Rev. Edwin H. Rian, the Rev. Alexander K. Davison, and the Rev. Everett C. DeVelde were nominated for Moderator. At his own request, the Rev. Edwin H. Rian was permitted to withdraw his name. *Ministers* Edward Cooper and Franklin S. Dyrness and *Elders* John S. Kleemeier and Roy J. Aument were appointed tellers. The vote was taken and the tellers reported as follows: Davison 20, Strong 16, Rankin 10, DeVelde 9. There being no majority it was moved and carried that a further vote be taken on the two candidates standing highest. The vote was taken.

While the tellers were making the count, it was moved that an offering be taken to help defray the expenses of printing the minutes of the previous Assembly. The motion was carried and the offering taken.

The tellers reported as follows: Davison 37, Strong 19. Mr. Davison was declared elected. The Rev. Donald C. Graham was appointed a committee of one to escort Mr. Davison to the chair. Mr. Davison was welcomed by Mr. Kuiper and made a brief response.

Paper No. 1 was read, as follows:

January 31, 1939

Rev. John H. Skilton, Clerk of the
Fourth General Assembly of the
Presbyterian Church of America.

Concerning the petition referred to the Presbytery of Philadelphia, the said Presbytery at its regular meeting on January 16, 1939, moved that the petition be sent to the Fifth General Assembly with the recommendation that no action be taken.

Will you therefore present this recommendation to the Fifth General Assembly.

(Signed) C. G. SCHAUFFELE,
Clerk of the Philadelphia Presbytery.

It was moved and carried that the communication be referred to the Sixth General Assembly.

Overture No. 1 was read, as follows :

"By unanimous vote the Presbytery of Ohio of the Presbyterian Church of America, met at the Trinity Presbyterian Chapel in Newport, Ky., on January 31, 1939, hereby overtures the Fifth General Assembly that it adopt the following resolution for the amending of the Form of Government and other parts of our Constitution, sending it down to the Presbyteries in accordance with the Form of Government, Chapter 24, paragraph 1.

"The Fifth General Assembly is resolved and hereby proposes to the Presbyteries of The Presbyterian Church of America that the name of our Church be changed from The Presbyterian Church of America to The Orthodox Presbyterian Church of America; and that the Form of Government and the Book of Discipline be amended wherever the name 'The Presbyterian Church of America' appears, to read 'The Orthodox Presbyterian Church of America.'"

It was moved and carried that the Overture be laid on the table.

At 12:45 P. M. it was moved and carried that the Assembly proceed to consider miscellaneous business until the hour of recess at 1:00 P. M.

It was moved and carried that the committees instructed to report to the Fifth Assembly be instructed to defer their reports until the Sixth Assembly.

The following resolution was presented and adopted :

"RESOLVED that the Committee on Home Missions and Church Extension be and it is hereby authorized to take any and all action and to execute any and all documents and papers which it may deem necessary to protect any interest which the said Committee may now and hereafter acquire, by gift, devise, or otherwise, in any property, real, personal, or mixed, the powers hereby granted to include, (but not by way of limitation) the power to employ counsel and to incorporate the said Committee under the laws of any state if, as and when the Committee concludes that it has sufficient funds to proceed with such incorporation. In the event that the said Committee shall be incorporated, its charter shall include a provision that the members of the incorporated body and/or its board of trustees or its board of directors shall be the members of the Committee on Home Missions and Church Extension, as elected from time to time by the General Assembly; and any charter acquired by the said Committee or any by-laws adopted by it in connection therewith shall be subject to the review of the General Assembly, which reserves to itself the power to direct at any time the dissolution of the said corporation and/or any amendment of the said charter or by-laws.

BE IT FURTHER RESOLVED that said Committee be and it is hereby authorized to sell or exchange any of its property, real, personal, or mixed, and to lease any of its real property, upon such terms, for such consideration, and in such way and manner as it may deem necessary; to execute any and all assignments, transfers, deeds, assurances, or other papers as may be required in connection therewith; and to invest and reinvest any of its funds or any of the proceeds of the sale of any of its property in such investments as it may choose."

The following resolution was presented and adopted:

"RESOLVED that the Committee on Foreign Missions be and it is hereby authorized to take any and all action and to execute any and all documents and papers which it may deem necessary to protect any interest which the said Committee may now or hereafter acquire, by gift, devise, or otherwise, in any property, real, personal, or mixed, the powers hereby granted to include (but not by way of limitation) the power to employ counsel and to incorporate the said Committee under the laws of any state if, as and when the Committee concludes that it has sufficient funds to proceed with such incorporation. In the event that the said Committee shall be incorporated, its charter shall include a provision that the members of the incorporated body and/or its board of trustees or its board of directors shall be the members of the Committee on Foreign Missions, as elected from time to time by the General Assembly; and any charter acquired by the said Committee or any by-laws adopted by it in connection therewith, shall be subject to the review of the General Assembly which reserves to itself the power to direct at any time the dissolution of the said corporation and/or any amendment of the said charter or by-laws.

BE IT FURTHER RESOLVED that said Committee be and it is hereby authorized to sell or exchange any of its property, real, personal, or mixed, and to lease any of its real property, upon such terms, for such consideration and in such way and manner as it may deem necessary; to execute any and all assignments, transfers, deeds, assurances or other papers as may be required in connection therewith; and to invest and reinvest any of its funds or any of the proceeds of the sale of any of its property in such investments as it may choose."

It was moved and carried that there be elected a Committee on Arrangements for the next Assembly, consisting of the Rev. Cornelius Van Til, Ph.D., and the Rev. Leslie W. Sloat.

It was moved and carried that the Assembly take recess until 2:00 P. M. The session was closed after prayer by the Rev. Edward J. Young.

The afternoon session was opened with a devotional service. The Rev. John C. Rankin, Elder Murray F. Thompson, and the Rev. R. B. Kuiper led the Assembly in special prayer for wisdom during the forthcoming deliberations.

The Assembly was called to order and led in prayer by the Moderator.

It was moved and carried that the Rev. James E. Moore, of the Potomac Presbytery of the Presbyterian Church in the United States, be made a corresponding member of the Assembly.

It was moved and carried that this Assembly sit in private session, beginning immediately, and that only persons who are members of the Assembly or ministers or members of The Presbyterian Church of America, be permitted to attend the sessions, so long as they shall remain private.

The report of the Committee on Home Missions and Church Extension relative to the status of the legal suit was presented and received.

**REPORT OF THE COMMITTEE ON HOME MISSIONS AND
CHURCH EXTENSION REGARDING THE LEGAL SUIT**

On June 27, 1938, by final decree of the Court of Common Pleas No. 5 of the City of Philadelphia our Church was enjoined "from using or employing the name of Presbyterian Church of America, or any other name of like import, or that is similar to or a contractive of the name Presbyterian Church in the U. S. A., or the Presbyterian Church in the United States of America, or ever doing any act or thing calculated or designed to mislead the public or the members of the plaintiff Church." In accordance with the action of the Fourth General Assembly the Committee on Home Missions and Church Extension directed its counsel to appeal from the decision of the Court, to the Supreme Court of Pennsylvania. The appeal was entered with the Supreme Court, and execution of the decree was thereby stayed, but, by agreement, action has been postponed until the April session of the Court.

The Committee on Home Missions and Church Extension would recommend that, in view of the following considerations, the appeal be discontinued:

1. Our counsel seems to have little hope of having the decision of the Court of Common Pleas No. 5 reversed by the higher court.
2. The cost of the printing of the record and the brief will be approximately \$800, and this, plus court costs and counsel fees, seems to the Committee to be prohibitive at the present time.
3. The Committee believes that a large majority of the Church does not favor further litigation at this time.

Motion was made to adopt the recommendation contained in the report of the Committee. It was moved and carried that the motion be laid on the table.

It was moved and carried that the Rev. Theodore S. Wray of the Reformed Presbyterian Church of North America, General Synod, be received as a corresponding member.

It was moved and carried that the Assembly proceed by receiving suggestions of names for the Church, that when the time comes for voting the voting be by ballot, that the two names receiving the lowest number of votes be dropped until only four names remain, and then that the one name receiving the lowest number of votes be dropped, until a choice be made.

The following names were suggested: The Orthodox Presbyterian Church, The Evangelical Presbyterian Church, The Presbyterian and Reformed Church of America, The North American Presbyterian Church, The American Presbyterian Church, The Presbyterian Church of Christ, The Protestant Presbyterian Church of America, The Seceding Presbyterian Church (of America), The Free Presbyterian Church of America, The True Presbyterian Church of the World, The American Orthodox Presbyterian Church.

The Assembly heard arguments in favor of each of the suggested names.

It was moved and carried that before further discussion, the first vote be taken. It was moved and carried that the ballots be counted on the basis of the adjective employed, rather than on the basis of the particular form of the geographical designation.

Ministers Richard Gray, F. S. Dyrness, D. Graham and *Elders* G. H. Davidson and H. Reath were appointed tellers.

The vote was taken and the tellers reported as follows: Orthodox 17, Evangelical 16, Presbyterian and Reformed 12, Protestant 9, North American 3, Free 1, others none.

The Moderator ruled that only those having a positive vote would be considered as having a vote, and that therefore those having no vote and those two having the lowest positive vote would be dropped. Appeal was taken from the ruling. The ruling was upheld by the Assembly. All names except Orthodox, Evangelical, Presbyterian and Reformed, and Protestant, were dropped.

Further argument in support of the remaining names was heard. A communication from the Presbytery of California relative to the matter under consideration arrived by special delivery. It was moved and carried that the communication be read. The communication was read, as follows:

918 No. Flower St.
Santa Ana, Calif.
February 6, 1939.

Stated Clerk
Fifth General Assembly
Presbyterian Church of America
Philadelphia, Pennsylvania.

Dear brother,

Through you, I have been authorized to convey to the fathers and brethren of the Fifth General Assembly of the Presbyterian Church of America the unanimous action and sentiments of the Presbytery of California regarding the chief matter to be considered by the Assembly—viz., “to consider the legal suit over the name and the matter of choosing a new name for the denomination.” This action was taken and these sentiments vigorously expressed at a regular meeting of the Presbytery of California held at the Westminster Presbyterian Church of Highland Park, Los Angeles, on February 1, 1939.

We decided against sending up any formal overture, but, on the other hand, feel that our action and desires are worthy of more than ordinary consideration by the Assembly, not only because of what seems to us their inherent worth, but also because a geographical advantage enjoyed by most of those who will be present at the Assembly makes it impossible for us who are doing our best to hold up our great standard away out here to have any other voice than this single communication. Others will be able to get up on the floor of the Assembly not once or even twice, but many times, and argue, refute, and persuade the Commissioners to their way of thinking by their much speaking, but at best our one voice through this letter will be read once and our day in court will be over—just because none of us out here has the hundred dollars or so necessary to transport one or more Commissioners to the Assembly. Other Presbyteries can have 100% representation—we have only this letter,

and even it cannot vote, whereas the nine of us out here who are eligible as Commissioners are absolutely united in this matter. Under the circumstances, then, we would like, first of all, to appeal to the sense of fairness and considerateness of the brethren at the Assembly, asking them especially to remember that we are just as concerned as anyone else, and it is a matter of just as great importance to us as to anyone else, as to what action the Assembly finally takes in regard to the name of our beloved denomination, and since we cannot speak for ourselves in person on the floor of the Assembly for the lack of a few dollars, we beg a weighty and careful consideration or our sentiments and action beyond those ordinarily given by a deliberative body to a mere communication such as this.

In the first place, we are all unalterably opposed to continuing action in court to keep our present name, "The Presbyterian Church of America," as much as we all like that name. It still breaks our hearts every time we think of the hundreds of dollars that have been literally thrown away in the defense thus far. And with several other good names to choose from, it seems a double shame that we did not drop the suit and pick our new name long ago. So if we could vote by proxy, you could register nine emphatically negative votes from the Presbytery of California on the question, "Should the Committee on Home Missions and Church Extension continue the civil suit in defense of the name of the church?"

Now as to our unanimous choice of names. We voted our first choice to be, "The Presbyterian Church of Christ." The more this name is studied open-mindedly and without prejudices, the more advantageous it appears. Obviously, we acknowledge all who have been or shall be regenerated by the Holy Spirit to be the true Church of Christ, and we also acknowledge as part of His visible Body every denomination that is true to the fundamental verities of Scripture. All such, combined, form the visible "Church of Christ" on earth. Our denomination, then, is a church of Christ, but it so happens, by the pure and sovereign grace of God, that we are Presbyterians. So in very truth, we are "*The Presbyterian Church of Christ.*" We could ask no further identification than that, for it is a perfect identification, and to seek any further marks of our orthodoxy would be to concede a point we should *never*, to the end of time, concede—viz., that "Presbyterian" does or *can* mean or even connote anything *more* or *less* than that full-orbed body of our precious Reformed faith and doctrine, as well as the strictly Scriptural form of church government to which we adhere. I might as well say here that if there is one name (except "Bible Presbyterian Church") which every one of us out here would oppose to the very last if we could just attend the Assembly, it is the name "Orthodox Presbyterian Church of America," or any use of the two words together, "Orthodox Presbyterian." We would just as soon see our church named the "Presbyterian Presbyterian Church." It would make just as much sense and would be much more euphonious. In spite of all the fine arguments of our brother DeVelde, we feel it would be a great mistake to adopt such a name. Our cause has always maintained that only those who are truly Presbyterian have any right to use the name, and we are not impractical in refusing to retreat one step from that position, as we would certainly be doing if we adopted any such name as "Orthodox Presbyterian" or "Evangelical Presbyterian" or even "Reformed Presbyterian." We of the Presbytery of California are certainly of one mind in opposing any such name, and plead with the fathers and brethren of the Fifth General Assembly not to adopt anything like it.

In glancing over Brother DeVelde's letter again, I note that every one of the real advantages he claims for the name "Orthodox Presbyterian" is more truly applicable to the name "The Presbyterian Church of Christ." It does away with the possibility of objection on the basis of similarity and confusion; it avoids confusion with other so-called "Evangelical" bodies; it tells exactly what we are and goes quickly to the point, etc. One of the chief advantages we of the Presbytery of California see in the name, "The Presbyterian Church of Christ" is that if or when the time should come that other Presbyterian bodies, as especially the Canadian and Southern churches, face the same crisis that the U. S. A. church faced in 1936, there

would be nothing in our name to hinder local congregations of those other bodies from identifying themselves with us immediately. We feel the same advantage applies to the other two names which we offer as second and third choices. Those names, which we simply present, without argument, are, "The North American Presbyterian Church," and "The American Presbyterian Church."

Perhaps someone else will champion the cause of the name, "The Presbyterian Church of Christ" on the floor of the Assembly. We hope and pray so, but if not, may I again remind you, the time consumed in reading this entire letter to the Assembly will not be as much as that taken by the speech of just one of the many who will present their views personally. So we do trust that this courtesy may be granted us ungrudgingly, remembering that I am not writing as an individual, but as the chosen spokesman for an entire Presbytery—and not the smallest Presbytery in the Church by any means, either. For that reason, if none other, we feel our opinions and actions are due the fullest and most careful consideration by the Assembly.

Needless to say, we are all in much prayer for God's richest blessings of grace and wisdom to be the constant portion of every Commissioner to the Assembly.

Very sincerely,

EDW. L. WADE.

It was moved that the Assembly take another vote. The motion was amended to read that the Assembly take a vote but that no names be dropped from the list in consequence thereof. The amended motion was carried.

The vote was taken and the tellers reported as follows: Protestant 30, Orthodox 16, Presbyterian and Reformed 7, Evangelical 5.

Further discussion was carried on. At 7:00 P. M., it was moved and carried that the Assembly take recess until 7:30 P. M. The session closed with prayer by the Moderator.

The Assembly reconvened and was opened with the singing of a hymn, and with prayer by the Rev. David Freeman, Elder Matthew McCroddan, and the Rev. John Murray.

It was moved and carried that another ballot be taken. The tellers reported the vote as follows: Orthodox 21, Protestant 12, Presbyterian and Reformed 11, Evangelical 7. The Moderator ruled that the name Evangelical be dropped from consideration.

It was moved and carried that the name, The Reformed Presbyterian Church, be placed on the list of suggestions.

Following further debate, another vote was taken. The result was Orthodox 22, Protestant 17, Presbyterian and Reformed 13, Reformed Presbyterian 1. The name Reformed Presbyterian was dropped.

Following further debate another vote was taken. The result was Protestant 23, Orthodox 20, Presbyterian and Reformed 9. The name Presbyterian and Reformed was dropped.

Following further debate it was moved and carried that the final

vote be taken. The ballots were cast and the result declared by the tellers: Orthodox Presbyterian 30, Protestant Presbyterian 22, and one ballot in error for Presbyterian and Reformed. The Moderator declared that the name Orthodox had been adopted.

The following resolution was adopted:

RESOLVED that this Assembly declares the name of this Church changed from "The Presbyterian Church of America" to "The Orthodox Presbyterian Church," effective March 15, 1939.

It was moved and carried that the motion to adopt the recommendation contained in the report of the Committee on Home Missions and Church Extension be taken from the table. The motion to adopt the recommendation was lost.

It was moved and carried that the Assembly direct its counsel to discontinue the appeal before the Supreme Court of Pennsylvania, effective March 15, 1939.

The following resolution was presented and adopted:

RESOLVED that in accordance with the Form of Government Chapter XXIV. ii, this Assembly proposes to the Presbyteries that wherever the name "Presbyterian Church of America" appears in the Form of Government (except in Chapter XIII. iii. 3 and Chapter XV. xii. 3) it be changed to "Orthodox Presbyterian Church."

The following resolution was presented and adopted:

RESOLVED that in accordance with the Form of Government Chapter XXIV. 2, a committee of three be appointed by the Moderator to consider changing the words "Presbyterian Church of America" in Chapter XIII. iii. 3 and Chapter XV. xii. 3 of the Form of Government to the words "Orthodox Presbyterian Church," and report to the next Assembly.

The Moderator appointed the following Committee for this purpose, the Rev. Ned B. Stonehouse, Th.D., the Rev. Robert Strong, S.T.D., and Elder Murray F. Thompson.

A resolution relative to the erection of a legal committee was presented, amended by the Assembly, and adopted as follows:

RESOLVED that the Committee on Home Missions and Church Extension be discharged from its duties relative to the legal suit and that this Assembly erect a legal committee of nine members, at least six of whom shall be ministers, the said Committee to have full power to conduct and defend any and all litigation which may result from the adoption by this Assembly of the name, The Orthodox Presbyterian Church, and to take any appeal or appeals which it may deem necessary in connection with said litigation, to solicit funds for such purposes, to make expenditures as may be required in connection with such litigation, to instruct the Moderator of the Fifth General Assembly to convene the Sixth General Assembly should the Committee deem it necessary in view of such litigation that the Assembly be convened prior to May 10, 1939, and to do any and all acts and execute any and all papers which may be necessary in carrying out its duties in the premises.

It was moved and carried that nominations for this Legal Committee be received. The following persons were nominated: *Ministers* Woolley, Marsden, Sloat, Clelland, DeVelde, Gilmore, and *Elders* McCroddan, Iredell, Frazer. It was moved and carried that nominations be closed. It was moved and carried that the persons nominated be elected by acclamation.

It was moved and carried that the Assembly hereby express to the authorities of Westminster Theological Seminary its sincere gratitude and appreciation for their kindness and hospitality in allowing the Assembly to meet at the Seminary.

It was moved and carried that a Sixth Assembly, chosen in the same manner as the present Assembly, be required to meet at Westminster Theological Seminary, Chestnut Hill, Philadelphia, Pennsylvania, on May 10, 1939, or earlier, at the call of the Moderator of the Fifth Assembly, if this becomes necessary.

The Minutes of the Assembly were read, corrected, and approved.

It was moved and carried that the Sixth General Assembly be requested to make provision in the printing of its Minutes for the inclusion of the Minutes of the Fifth Assembly.

It was moved and carried that the general secretary of the Committee on Home Missions and Church Extension be instructed to notify the ministers and churches of the action of the Assembly relative to the name of the Church.

At 11:55 P. M., it was moved and carried that the Assembly be dissolved.

The Moderator made the following declaration:

"By virtue of the authority delegated to me, by the Church, let this General Assembly be dissolved, and I do hereby dissolve it, and require another General Assembly, chosen in the same manner, to meet at Westminster Theological Seminary, Chestnut Hill, Philadelphia, Pennsylvania, on the tenth day of May, 1939, or earlier, at the call of the Moderator of the Fifth Assembly, if this becomes necessary."

The Moderator led in prayer, and pronounced on those present the Apostolic Benediction.

LESLIE W. SLOAT,
Clerk of Assembly.