

For the Christian Observer.

## BOARDS OR COMMITTEES.

BY REV. W. J. KEITH.

Under the heading of "The General Assembly for 1873," in the October number of the *Southern Presbyterian Review*, the Rev. R. K. Smoot has mentioned my name in connection with the discussion, in the Assembly, on the relation between the Executive Committee and the Board of Trustees of the Assembly, he may very innocently have taken the remarks of some other member as having been made by me. The few remarks I made favored very little the establishing of chartered Boards in our branch of the Church.

The only subject that seemed to call forth an animated discussion in the delightful Assembly of 1873, was the relation of the committees to the Board of Trustees of the Assembly. It seems to have been the custom to accord, through courtesy, to the Secretaries of these committees, a seat on the floor of the Assembly. This was due to them, as they had the important benevolent works of the Church, committed to their hands, during the intervals of the meetings of the Assembly. But when the report of their acts and doings came before the Assembly, to be looked into ought not the same courtesy to have been reciprocated by their retiring, and leaving the members to discuss freely and fully every act or request reported by their committees? No member was free to speak, when liable at any time, to be interrupted as being personal or casting reflections on the committees. And then it might be germane to the argument for the members to know that, as soon as they adjourned, these committees were the General Assembly; and that it would be better if they were legally chartered as Boards, and had all the power in their own hands, independent of the Trustees of the Assembly. If the way had been fully opened, I have no doubt the discussion would have elicited more clearly the principles on which our Church was organized.

### **The Trustees and the Committers.**

The discussion, cramped as it was, showed that there was not a distinct understanding of the relation that the committees sustain either to the Assembly or their Trustees. The necessity for a Board of Trustees arose from the fact that the Legislatures of the different States has constantly refused to charter the Assembly, so that it could hold property or transact any business in a legal manner. And while steadily refusing to charter the Assembly or any Synod or our Church, strange to say, they have not hesitated to charter the Conference of the Methodist Church. Whatever reason may be assigned for such an inconsistency, the necessity to have some body that could legally hold property, led the Assembly to apply to the Legislature of North Carolina to charter a Board of Trustees for them. Those trustees are the legal agents of the Assembly, and are subject to their control, under law. And these trustees are the only body in our Church known in law. The legal titles to all property, and all claims in law and equity, must be held and asserted by them. If the Assembly were a commercial body, all of its funds of

every kind would have to pass through the Board of Trustees and their vouchers had, in every pecuniary transaction. This arises from the fact that no other body in our Church is recognized in law. But as the Assembly is a religious body, and the utmost confidence is had in the honesty and integrity of its members, the Church, as well as individuals, are in the habit of sending their donations for distinct uses directly to the committees of the Assembly, to be used for the purposes mentioned by the donors. But funds from legacies, or for permanent endowment, or any others that require a receipt in law, could not be received by them, but must come to them through the Trustees, as directed by the Assembly. This is so plain that every one must see it.

The Trustees, then, are not the Trustees of the committees, but of the Assembly. And it would not be safe for them to hand over any funds for which they have become responsible in law to the committee, without the direction of the Assembly. And the committee have no right to demand anything from them. Many funds coming into the hands of the Trustees, from legacies or otherwise, must of necessity be held over till the meeting of the Assembly, or else they would betray their trust.

### **Committees, or Boards.**

The executive committees are appointed by the Assembly as mere personal agents to do their work during the intervals of the sessions. They have no charter to give them legal existence ; and their appointment is the same as when an individual asks a friend, in whom he has confidence, to transact any particular business for him. All the older ministers will remember the great controversy on the subject of Boards that agitated the Assembly before the Church was divided. Those opposed to Boards contended that their charter gave them an existence independent of the Assembly, and thus in their very bosom was a power superior to their own. Whenever the Assembly met, these Boards were there with the powers of office, and wielding the influence of tens of thousands of dollars, and often some of the members of the committees appointed to examine their reports were those that held commissions under them. They also contended that their expenses would soon eat up a large per cent. of the funds contributed to them. It is well remembered how the keen logic and silvery tones of the lamented Dr. Thornwell would often agitate the Assembly to its centre while wielding these and other arguments against the Boards. And all that could be said in reply was the argument of dignified self-complacency, "We have done well, let well enough alone."

When the South separated from the North, there was but one sentiment in the Southern Church, and that was that the Boards were moral fungi, which not only deformed, but greatly weakened the body ecclesiastic. So when our Assembly was organized, but few indeed were found to advocate Boards; but committees were appointed, the hands of the Assembly, to do specific works of the Church. No one thought of giving them legal powers; but they were to act as moral agents of the Church. Rev. R. K. Smoot "must know" that they cannot legally hold property at "Hangchow or Campinas," or any other place. If they hold property at all, they must do it individually, and not in legal trust. There was a vague impression on the minds of some in the Assembly, that our Church was, as Bro.

Smoot has it, "an incorporated Church," as having in some way or other legal rights as a body. It was this that led to the confusion that existed as to the real powers of the committees. It was asked in the Assembly by whom their treasurer was appointed. The reply was, by the Assembly itself. It was then asked, if he had given bond and security, and if so, to whom? The reply was, to the Assembly. The legal profession that was present at once replied that his bond was not worth the ink that wrote it. And here it might well be asked, why should our Assembly

assume the forms of law when it has not its power? In all pecuniary transactions, it is always far better to conform to the legal rules of business. Why should not the Assembly direct their Trustees to appoint a treasurer, whom they may select, and have him give a *real* bond and security to them? Then, if it ever should become necessary to insert their legal claims, they can easily do so, and may save the Church from great wrong and injustice. This would put the committees in their true relation to the Assembly and their Trustees, responsible to the former morally, and to the latter legally, as was evidently designed by those that organized the Church.

But the most singular discussion that ever occurred in any body came up in the Assembly on the report of the Committee of Publication. They requested that the endowment fund be completed, that they be permitted to purchase a house, and have it fitted up for the publishing business, and that they hold the property and stock in trade, so as to give them credit in the commercial world. And to enable them to do this, they brought with them a charter from the Legislature of Virginia, making themselves a Board to the committee itself and not to the Assembly, and asking that they might accept it. They also presented the legal opinion of some of the most learned jurists of Virginia, assuring the Assembly that this was the way and the only possible way in which the committee could hold property in Virginia, and the only thing that could be done. The request of the committee that the endowment fund should be completed, that they should have a building suited to their publishing business, and that the property and stock in trade should give them credit in the commercial world was so reasonable, that every member was ready to grant it. Indeed, many felt that it was absolutely necessary to their work. But when the charter they proposed came under consideration, the legal profession in the Assembly were utterly confounded. The Hon. M. A. Candler made a lengthy and able speech, showing the absurdity and inconsistency of such legislation. It was in vain that he and others contended that the comity of States and laws of the United States would enable the agent of the Trustees of the Assembly to hold and use property in the State of Virginia for the benefit of the Assembly. It was said again and again that nothing of the kind would be tolerated in Virginia. The men of common sense in the Assembly were at their wit's ends. At almost every corner of the streets, they met sewing machine and life insurance agents of companies chartered in almost every State from New York to California ; and no one ever questioned the legality of their acts. And the question was asked, why not the agent of our Trustees act in Virginia? And still the reply was made, the charter presented was all that possibly could be done in Virginia. So, as if by default, this little, rickety, baby Board was

born. And as it came into the world by accident, the Assembly protested that this was the last one that should ever be born. And now the Committee of Publication sits awhile as a committee then closes its records—opens another set of records as a Board ; and then sits awhile as a Board. The Board reports to the committee, and the committee to the General Assembly. Surely this is having a “third body” come between the Board and the Assembly, to whom it will have to commit its pet for safe keeping. All this rigmarole may very safely be dispensed with by our Trustees investing the Secretary of Publication with all necessary legal powers to act for them as their agent. And if the “Old Dominion” is in her dotage, the laws of the United States will soon bring her to her senses again.

So, then, instead of my saying, better establish Boards than to keep up this constant agitation, I would say *agitate* and keep on *agitating* this subject to the end of time, but never charter Boards in our Church. Even simplify the machinery of the Church more than it is now, and never let the expense of distributing the alms of the Church exceed ten per cent of the amount distributed.

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