

DAS BUFFALOER COLLOQUIUM - 1866

A TRANSLATION
FROM THE GERMAN

by

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THE MINUTES OF THE PROCEEDINGS OF THE COLLOQUY HELD IN BUFFALO,
NEW YORK, FROM NOVEMBER TWENTIETH TO DECEMBER FIFTH, 1866

Men in the colloquy from the Missouri Synod:

Professor C.F.W. Walther, Pastor Dr. W. Sihler, Pastor H.C. Schwann, and the men J.C.D. Roemer from St. Louis, MO., J. Keil from Pittsburg, PA., and Joh. C. Theiss from Ultenburg, MO.

Men in the colloquy from the Buffalo Synod:

Pastor H. von Rohr, Pastor Chr. Hochstetter, Pastor P. Brand, and the men Christian Krull from Neuwbergerholz, N.J., Ernst Schorr from Buffalo, N.Y., (taking the place of Friedrich Groth from Cedarburg, WI.), Hans Christiansen from Detroit, MI..

I. ON THE CHURCH

Items, which the Buffalo Synod finds fault with the teachings of the Missouri Synod concerning the church:

1. That in theses 1,2,3,4, of the book Kirche und Amt and in theses 1 and 2 in No. 24 of the 22nd Vol. of "Lutheraner" a real invisible church is taught, as the one holy Christian church of the Apostles' Creed (submitted by Pastor von Rohr).

According to the proceeding discussion, the following final explanation was given: to point 1. Therein we are united, that to the church, of which the Apostles' Creed treats, or to the church in the real sense of the word, only true believers and saints belong, or are true members of the same, but that in this life in this (such) church always also hypocrites or non-Christians are mixed in and that therefore the so-called invisible and visible churches are not two different churches but are only one.

2. That according to thesis 9 of Stimme and 1 in No. 24 of the 22nd Vol. of "Lutheraner" for obtaining of salvation only the communion in this invisible church or the invisible church is necessary (was submitted by Pastor von Rohr).

A final mutual explanation: to point 2. To the second deliberation thereupon it was pointed out that according to the 9th thesis of the book Kirche und Amt it is recognized at the same time, that, "also it is true, that outside of the visible church there is no salvation, if one by the visible church understands not any one particular church but the collection of all the

called." At the same time it was explained, that one must indeed differentiate between the visible and invisible churches, but must not separate them from one another. But one must be persuaded by God's Word that the visible church is none other than the invisible church, only that, when the church is called either visible or invisible, it be looked at as one and the same in different respects.

3. That therefore a true visible church is taught in these theses which is opposed to the church in the figurative sense, the universal catholic church of thesis 6 in the Stimme just as also the figuratively sense visible true evangelical Lutheran church, which evangelical Lutheran church according to thesis 11 is not the one holy Christian Church.

From this the idea of three different churches necessary results:

1. The one holy Christian church of our Apostles' Creed, not visible but an article of faith.
2. The universal, visible, figurative, catholic church, whose particular churches includes all figuratively visible churches with the Lutheran Baptism as their particular churches.
3. The evangelical Lutheran church as the true visible church of God on earth, which however according to thesis 3, No. 24, Vol. XXII, of "Lutheraner" is a church only in the non literal sense (submitted by Pastor von Rohr).

4. That it is falsely asserted in thesis 6 of the Stimme p. 72ff: the Apology teaches this universal catholic church, since nevertheless it understands by the universal catholic church taught by it, none other than the one holy Christian church of the Apostles' Creed (submitted by Pastor von Rohr).

A final mutual explanation: to point 3: Concerning the objections to the 6th thesis of the first part of the book Kirche und Amt the following explanation was given, that one ranks no sects or heterodox assembly, insofar as they are sects and heterodox assembly with the church of the called, or with the catholic church, or among the particular churches, but only so far as in them the means of grace and children of God are present, because therefore the Roman, Reformed, Methodist, etc., assemblies are not particular churches, insofar as they adulterate God's Word and Sacraments, yet they belong to the universal (catholic) church, but only insofar as they have that which makes a church.

4. The occasional explanation of the members of the colloquy on the Missouri side (as demanded by Pastor Hochstetter). When it says, p. 104 of the book Kirche und Amt: also in heterodox, heretical churches the true church is evident, so here, the word "true" is not to be taken as orthodox, but as actual, because the hererodox churches differ from the orthodox, even in this way, that their open confession is mixed with error, that they lack therefore the mark of orthodox churches. Also here it was remarked, that without a confession there is no church of the

called, rather the latter (existence of a church) presupposes the former (confession).

Occassioned by remarks in the debate, Professor Walther gave the following for the minutes:

5. I hereby testify that whoever states the orthodox, visible church is the one holy Christian church, outside of which there is no salvation and no joy, he is a papist.

6. By this visible or orthodox church is to be understood a particular church, as the visible Lutheran church is.

7. To point 4: In view of the teaching, given in thesis 6, of the first part of the book Kirche und Amt of a catholic visible church in the figurative sense, or of the church of all the called, the explanation of the Missouri side was given at the same time, that with this church nothing should be described else other than what other orthodox teachers call the entire Christendom (in opposition to the heathens, Jews, and Turks).

8. It was explained by the side of the members of the colloquy of the Missouri Synod, that according to God's Word not only the assemblies of men are churches in which the teaching of the Gospel is purely proclaimed throughout and in which all Sacraments would be administered without adulteration, but also such assemblies in which, Luther says, Word and Sacrament are neither denied or rejected in any way, but both remain essentially, given also that the true assembly in its public confession by itself would be affiliated and stained with fundamental errors, namely, with errors which could upset the

foundation indirectly, but not directly (for example an error concerning the Lord's Supper).

9. This explanation is not enough for the undersigned, because he has understood, from the explanation given in the course of the entire afternoon, the following: although the Reformed and Roman assemblies, as such, do not belong to the only, holy, Christian church, yet they are in the one, holy, Christian church, and to be sure not only insofar as they are not sects and they have believers in them; but for the sake of the believers, God's Word and Baptism, these are also assemblies and churches even with their false teachers and their disciples. This, namely, that the Reformed and Papists are an assembly or church in the whole or altogether, so also their false teachers and their disciples in them, [this whole thing] the Buffalo Synod has professed as error up to this point and the undersigned, through the up-to-now mentioned reasons, has come to no other conclusion.

The other difference. Yet the following difference emerged yesterday afternoon: The Missouri Synod teaches that the church of the called consists of all departments or churches (particular churches) according to thesis 6, which professes and holds to the preached Word of God and use the holy Sacraments; against that we teach with Nicholus Hunnius in #804 of his Dogmatics, that in the visible church there are at the same time side by side believers and unbelievers, namely, all who confess pure teachings and use the Sacraments, although there are hypocrites among them; therefore, the visible church is called the congregation of the

called, and in addition to the invisible church the congregation of the chosen, although in the same also are found those who believe for a time, and yet fall away again and perish eternally. In short: the Missouri Synod calls all who still have the Word of God essentially, just as the Sacrament of Baptism, the church of the called; the Buffalo Synod calls the church of the called all who profess pure teachings. For the rest the undersigned hopes that an understanding concerning this difference can be reached with God's help, in the course of the Colloquy or even later.

H. v Rohr

10. Pastor Hochstetter's explanation: Beside the already quoted passage 2 Thesselonians 2, the passages Acts 20:30 and 2 Peter 2:1, compel me to believe that false teachers arise in the church and introduce deadly sects in the midst of the church. I cannot concede, that one deal with the Reformed and the Roman Catholic (for example), as with the Turks, who are not the called, which one would have to do according to Pastor von Rohr's explanation. Also I cannot understand how one can consider the rightly administered Baptism of the heretics as valid, if the heretics and sectarians should not have a place in the church. I must also believe, that already before the Reformation of Luther with all the adulterations of the teachings, nevertheless a sect of the church remained, from which the Reformer Luther emerged. Therefore I subcribe to the explanation given by the Missouri Synod under No. 8 without adhering to any difference.

11. Pastor Brand's explanation: All sect-like assemblies

must be called church, as far as they have believers in them and the marks of the church are essentially found in them, and this does not disagree with this, what we of one mind have confessed concerning the church in the course of the colloquy. From 2 Thessalonians 2:5 it is clear that the Antichrist should sit in the church of God; it is clear that that assembly in which the Antichrist sits is called a church by the Bible itself. I can make no objection and I cannot hesitate to call the assembly, in which the Antichrist sits, a church. The same will have to be said, consequently, concerning all sects. Therefore I join myself to the explanation of the Missouri Synod. If the orthodox church should not be understood, among those who profess pure teaching, then, as far as I am concerned, the point of difference between Pastor von Rohr and the Missouri delegation is not clear.

12. The delegate Christian Krull explains: I have always believed that also people who are not assembled bodily in the so-called visible (orthodox) church, but have the Gospel (Bible) somewhere in the world could be happy. I have not up to this point reckoned these people with the church, but I now recognize that they are part of the church, because outside of the church there is no salvation or happiness.

13. The delegate E. Schorr explains: I still today consider the Lutheran church as the best, and if one asked me: "Where can I be happy?", then I would point him to no other church than this church, which has the right confession. In comparison to the Lutheran church, I consider papistic and sectarian assemblies as a

pest house in which only a few survive, and as sects they do not belong to the church; but in so far as assemblies, as the Roman and Reformed are, still have the Word, whether it is only Baptism or something else, therefore I can also call these corrupted assemblies churches, in which a few could become blessed through the still existing Word. I also join myself to the explanation of brother Krull in this, that I consider this as the best particular church, however I recognized thirteen years ago, that one can be happy in the heretical churches through the still existing Word. But that which I heard in the local church up to now came to this, that only in the orthodox church there is salvation and happiness.

14. The explanation of the delegate Hans Christiansen: I declare that since, for example, the Reformed and Romans still have the signs of the church, and outside of the church no salvation or happiness are to be found, so for the sake of the believers, who are intermingled in these corrupted churches, these churches necessarily must also be numbered with the one holy Christian church.

15. Pastor von Rohr wishes to make the following addition to his explanation already given under #9 of the minutes: In sense I want to and can only dispute that the sects are particular churches in the Church, because that way the conception of the church according to the Seventh Article of the Augsburg Confession would be violated and the conception of a union church of all sects would appear to to me lie in that. I understand the teachings and opinion of the Missouri Synod now in this way, that

the sects are in the church as a bear is on a person and as mud and filth cling to a person, but as sects they are not to be considered as a particular church or as a part of the true, holy, Christian church. I am now in agreement with the explanations given to this point by the Missouri Synod.

16. In conclusion, both Pastor Hochstetter and Pastor Brand commented: we understand by the church of the called, the entirety of the baptized who accept the godly call and hold themselves to the Word of God.

17. After that, Pastor von Rohr declared: In reference to the second difference, the Buffalo Synod in its controversy with the Missouri Synod has taken the above mentioned idea of the Church of the called from Nickolas Hunnius, with which I must also remain.

II.

Now let's go over to the objections of the Missouri Synod to the teaching of the Buffalo Synod:

1. In reference to the quoted passage, paragraph 6, volume IX, #11 of "Lutheraner"

"It teaches: 'The Lutheran Church is a visible one, outside of which no one can be happy!' If it's true that the Lutheran Church is visible!....then it's only too certain that no one can be happy outside of the Lutheran Church." (Second Synodletter, p. 24, cf. Inf. I,2) Here Pastor Grabau declares, "The catholic church in the literal sense is a visible [church]."

The delegation of the Buffalo Synod explains:

We reject the disputed statement according to form and expression as ambiguous and incorrect, although we hold the belief, which is indicated in the following statements, to be the belief of the greatest part of the Synod's constituency, according to which they don't want to have this statement understood in the exclusive sense, for example in the Roman sense, which from the heart we abhor, but in the sense that only he can be happy, who has the apostolic faith, through which also the Lutherans are happy.

2. In regard to the quoted passage, paragraph 7, volume IX, #11 of "Lutheraner":

"Dr. Spener urges always in his writings that the pious

life (which to him is a mark of God's Church) would be required before all other things as the church's essence, though the Augsburg Confession requires such not as the essence of the church in Article 7, but as the wealth of the same in Article 8, and considers it as fruits of faith (Second Synodletter, p. 50)."

The delegation of the Buffalo Synod explains:

We assume that the Wittenberg theologians with the term 'church's essence' wanted to describe the holiness, which stands there in the justification and renewal, and over against the pietists they wanted to distinguish the new obedience from the holiness of living, or the righteous fruits of repentance, but not separate [them]. In this sense, the Buffalo Synod declares itself for this statement, by which explanation the delegation of the Missouri Synod side explained they were calmed.

3. In reference to the quoted passage, paragraph 8, volume IX, #11 of "Lutheraner":

"All these," (who are outside of the visible, Lutheran church as true believers) "wherever one finds them, belong to the one visible church and communion of God on earth: even if they sit in the midst of Papists, Calvinists, Turks, heathen, etc. They are also Lutheran." (Informatorium I,2) "In this single, true, visible church is the so-called invisible church, otherwise it is nowhere." (Ibid.) "As now the faith is united with the pure teaching, so the Kingdom of God is

joined with the true visible church; just as all pure teaching which sounds forth anywhere on earth also belongs in it. If word and faith belong in it, then the soul which is happy belongs in it also, and it is connected to it, and will be prepared for the eternal glory. Everyone who is called and believes on the Word of God and lives in a godly way, God counts in the visible Lutheran Church, and everyone who plays the hypocrite and misleads in it, God counts him outside. There is only one church which forever and ever is called and recognized on the basis of the apostles and prophets, that is, on the pure teaching and sacraments (Second Synodletter, p. 25)."--

The delegation of the Buffalo Synod explains:

That they want to have repeated here the explanation given under point one, and they append this explanation: that they considered the visible Lutheran church as a particular church.

4. In regard to the quoted passage, paragraph 9, volume IX, #12 of "Lutheraner":

"Further one should say with our Lord Jesus Christ, that he does not gather his sheep in false churches, but he leads them out to his fold, Jn 10:16. Therefore it is dangerous to speak so much opposite rabbles and sects as this thesis does," (the ninth in the book: Die Stimme unserer Kirche) "because in that way each rabble and sect is strengthened in the wrong comfort of union, as if it

has in it the invisible church as a part of its particular church....In the second place, Scripture does not call an assembly with a false confession a church, by synecdoche, for the sake of the hidden believers in it....That now these" (heterodox assemblies, as the Roman, the Reformed, the Union, etc.) "are still called Christian churches in life, and claim for themselves this name in spite of the disagreement of our symbols, that Prof. Walther called rightly when he said, they have this name comes correctly, they should be so called, when Scripture identifies thus by synecdoche." (Inform., II, 58,59,66)--

The delegates of the Buffalo Synod explain:

"We take up on the already handed-in explanation under number 3 (I) and admit in opposition to the above-stated rebuke in "Informatorium" volume II, p. 58,59,66, that also such assemblies are called and are churches, by whose preachers the teaching is not taught purely, if and insofar as they hold to the existing and recognizable Word of God (Bible), the Apostles' Creed, Baptism, etc., as the mark of pure teaching. From this it is obvious that the concession--also such assemblies are churches whose ministerium is not pure--stands in full agreement with the Seventh Article of the Augsburg Confession and its Apology, wherein pure teaching is explained as the mark of the church."

5. In reference to the quoted statement, paragraph 10, volume IX, #13 of "Lutheraner":

"Grabau rejects unconditionally the teaching as a false teaching of the Union church: 'That the universal, Christian church is the complex or embodiment of all the baptized, of all Christian sects, which still have Word and sacrament essentially, even though false teaching and incorrect sacrament continue. That all these sects correctly bear the name universal, Christian church, for the sake of the invisible church existing in them; for the sake of that, all these sects or particular churches would also have all power given by Christ to his church. That also in all these particular churches God gathers a holy church of the chosen and unconditionally only the membership in the invisible church is necessary for bliss.'" (Informatorium, 2,70)

The delegates of the Buffalo Synod explain:

"We declare that we are compelled by the preceding concession to take back the rebuke, although the Missouri Synod considers the sects or false churches as particular churches of the universal church since, insofar as the sects carry on false teaching, they are explained also by the Missouri Synod to be synagogues of the devil."

6. On the sixth day of the colloquy, Pastor von Rohr submitted the following explanation: "Since Friday afternoon, the 23rd of November, the following differences have presented themselves: Prof. Walther declared that the church of the Apostles' Creed, of the Seventh and Eighth Articles of the

Augsburg Confession, the Apology, and Scripture, when they speak concerning church, namely what the church is, then they, Scripture and symbols, speak only concerning the invisible church (Prof. Walther wants to complete this as follows, namely in the sense that the visible church itself is church, only in the figurative sense of the word, since it is composed of believers and saints); I hold to the up-to-now held teaching of the Buffalo Synod according to the symbols in general and especially according to the statement of the Apology, namely, that Scripture alone speaks concerning the one, holy, visible, and invisible church, as it is and appears on earth, visible, as an assembly around the pure Word and Sacrament with intermingled hypocrites, and invisible, in respect to that which we believe concerning it."

"The second difference: It is maintained otherwise, that the Large Catechism of Luther in the Third Article of our faith depicts the essence of the church only with the words "holy communion." I understand that the Large Catechism and the Seventh Article of the Augsburg Confession also considers the pure preaching of the Gospel and right use of the Sacraments as the essence of the church, not only as a mark, because without Word and sacrament there is no church; therefore Word and sacrament, according to their power and action, must also essentially belong to the conception of the one, holy, Christian church. This is both differences. My wish is, that these differences be formed by the delegates of the Missouri Synod, with their own words, and then a poll be taken whether one wishes to go farther, after they

have been taken down; I want this all the more, since I have understood Prof. Walther, that he to be sure despairs, at the present time, to come to an understanding about this, but he didn't want to pronounce this difference as something that separates the church, for which reason he wished that I would be able to draw it up. I concur with the opinion of Prof. Walther, with the qualification that I don't give up hope for a final agreement by a further friendly exchange of letters and colloquy, but only for now I have little hope, but also I hold that this difference is not something that separates the church."

7. The delegates of Missouri explain: "The difference in the teaching of the church, which has remained today between them and Pastor von Rohr, is in this, that the latter (von Rohr) insists on this, that the literally so-called or the 'one, catholic, general, Christian church' of the Augsburg Confession and the Apology is that one which 'contains bad and good' (which according to the Apology can only be said of the church if one takes it not literally, but large, that is, in a broader sense); furthermore in this, that Pastor von Rohr asserts, the one, holy, Christian church of the Third Article is not (as our church confesses in Luther's Large Catechism) the 'communion in which only saints are' or 'a holy crowd and communion on earth of only saints under one head, Christ,' etc., but the mixed church. Finally, the men named explained that also they consider Word and sacrament as the essence of the church, if by essence all that is understood is that without which the church cannot arise and exist.

8. In reference to the quoted passage, paragraph 11 of the table in volume IX, #13 of "Lutheraner":

"As the Smalcald Article--On the Power and Primacy of the Pope--interprets the passage Mt 18:17, 'Tell it to the church,' it explains thus: 'Christ gives the highest authority to the church, since he says, tell it to the church. Hence it now follows, that in such passages not only Peter, but the entire crowd of the apostles is meant.' Thus the general crowd should not have the highest and final authority but the crowd of the apostles, and, now, those who are in the holy office of the ministry, in the office which controls the confession."(Inform. II, 5.6)--

The delegates of the Buffalo Synod declare:

"Any departure from the Smalcald Articles on this point has an entirely different relationship than should be proven here with the same, and therefore is not quoted correctly in this place. We hold, for that reason, that under the words, 'tell it to the church,' not only those who are in the office of the ministry could be understood."

9. It is quoted according to paragraph 12 of the table of volume IX, #14 of "Lutheraner" out of "Informatorium,"

"Matthew 18:20: 'Where two or three are gathered in my name' etc. 'then' (here) 'our Lord speaks his ubicunque (overall everywhere) of the whole church, and to be sure concerning that (church) which in the arrangement of the

Gospel in Jesus' name, it is understood to be gathered with the orderly office of the ministry, since he, Christ, will be in their midst.' (Inf. I,87) 'Church and teacher of the church are divinely included; where one is, so in the other, it is correlative; as there can be no bride without a groom.' (Second Synodletter, p. 97) 'Christ's name is not our faith, but his Word and his divine rules. The faith brings us together to Christ and his merits, the pure Word and Christ's holy order brings us together in Christ's name...Thus it follows, that the opinion,...is false,...when a person thinks, that Christ, by virtue of faith, is in our midst.' (Ibid, 93)--
That the Buffalo Synod does not hold."

10. The delegates of the Buffalo Synod, Pastors Hochstetter and Brand, in reference to the difference discussed yesterday up to today (see above II,6) between Pastor von Rohr and the delegation of the Missouri Synod, give the following explanation: The Eighth Article of the Augsburg Confession teaches on the question, 'What is the church?': the church, in the literal sense, is the congregation of the saints and those who are truly believers, vere credentium: then it must indeed follow that the church in the literal sense consists not of believers and hypocrites (godless people), but only of saints. Concerning the 'assembly of external signs,' as the Eighth Article says further, hypocrites and evil men can never be separated. But because the Eighth Article teaches expressly that at all times many hypocrites

and evil men are mixed in with the church, admixti sunt and the Apology in the article on the church says: The church is hidden among the crowd of the godless, therefore with that it is plainly taught that the church in the literal sense of the word never comes to pure visibility in this life. We would also do dishonor to the Lord Christ, to say his holy body consists not only of true believers, but also of godless, who are members of the devil. However, the Apology says, to defend and support the definition, when we stated what the church is, that the true church is called in the Scripture the body of Christ and therefore it is simply not possible to speak of it otherwise.

Because the hypocrites and godless cannot be the body of Christ, therefore the Apology distinguishes between the church in the figurative sense, large dicta, as it appears in this life, and that, which is the true, Christian church according to the holy Scriptures, proprie dicta, according to the Eighth Article of the Augustana, "the group of those, who there believe the Gospel of Christ and have the Holy Spirit."

In addition, the Large Catechism, with the explanation of the Third Article, teaches thus: "I believe one, holy, Christian church, the communion of saints," to speak correct German one shouldn't say "the community of saints," (for in a community of external marks, the godless also remain); but rather "a communion of saints, that is, a communion in which nothing but saints are," in qua non nisi sancti versantur. Therefore it follows, that the non-saints or hypocrites and wicked are excluded from the church

in the proper sense; the church, in the proper sense of the word is therefore invisible. Were the hypocrites and godless members of the church, then we would believe, in the Third Article, not a holy, Christian but a holy, Christian, hypocritical, godless church. However in the Third Article of the Apostles' Creed there is no mention concerning the godless, who only have a community of external marks, but it treats of this one, holy church, which has the Holy Spirit, and through the same is called, enlightened, sanctified, and perfected, none of which can be said concerning godless and hypocrites. Therefore, we also do not want to inflict such disgrace on the Christian church; and the passage of the Dresden Catechism, which is explained by several of our synod's members to be weak at times, would also prove to be of value, when question 284 states: "Why do we say, I believe one church?" Answer: Because the true church of Christ is invisible, and no one person looks into the heart, or can know for sure, who among those who find themselves in the visible church assembly, have the true faith in Christ and are thus living limbs of the true church." There the quoted Scripture passages, 2 Tim 2:19 and Jn 10:28, give, besides Eph 5:27 and Heb 12:22ff, sufficient Scripture basis.

It is clear and expressly mentioned in the Dresden Catechism that the genuine believers are found nowhere else than in the visible synod, and since they also are in the visible church alone correctly and they come to the confession of their faith, so it is always only our church, from whose outward existence Word and

Sacrament are never separated. Word and Sacrament are the Means of Grace, to which the orthodox church is always bound, on account of which also they are called Notae Ecclesiae (marks of the church).

While we append an above-mentioned explanation to the one already given earlier to the minutes, we herewith desire to further declare briefly, that everything which is found in Synodletters or is found in other synodical writings of the Buffalo Synod about the teachings of the church, hereafter we wish rectified and explained."

The delegates of the Buffalo Synod--Christian Krull, E. Schorr and Hans Christiansen--agree with this explanation.

11. In view of the passage quoted--paragraph 14 of the table in "Lutheraner," volume IX, #15:

'The communion has the keys not immediately, but mediately in the Word of God and in the holy office of the ministry.' (Inform. II,23) 'If it is said now that this authority of the church is given by Christ to his church on earth, then nothing else is said but that it is instituted in the Gospel and is set up in the church through orderly means by virtue of the Gospel in the form of the office of the bishop or the office of the ministry.' (Ibid, I,85-86)

We the delegation of the Buffalo Synod explain that we profess with the Smalcald Articles that the church has the office of the keys without means (immediate et principaliter, i.e., immediately

and originally), and therefore also each congregation, even though it would be only two or three. Therefore, each local congregation also has the duty to set up the office of the ministry among themselves; we reject the notion, that the congregation receives the office of the keys first through the office of the pastor; we admit that this statement could produce the misunderstanding against which the opposition protests.

The representatives of the Missouri Synod explained that they were satisfied with that.

12. According to a received request, Prof. C.F.W. Walther explained: as he said in "Lutheraner," volume XIII, p. 202: "The question is not whether there are also Lutherans, who, for example in the midst of the papacy, in little assemblies have, confess and use a pure Word and sacrament, by which means the Lutheran church is declared and recognized as an orthodox one; for that is obvious by itself. Rather the question is this, whether also such souls in the sects are blessed, who do not have and who therefore also do not confess, yet they can use, the pure Lutheran teaching and the unadulterated Sacrament of the Altar, by which means the Lutheran church manifests itself as an orthodox one. But through the sure central truths of the Gospel, which even the sects still have, they are received as Christians in a way known by God alone, both by grace and by the saint-making faith"--thus by that he wanted to say, that the ordinary way by which a man is led to glory is this, namely, that all central truth of the Gospel or fundamental article of faith should be preached to him, that

however God according to his wonderful mercy also leads many souls in the sects to glory through the same preached, still-remaining fundamental articles, although in such sects for example the articles of Baptism and the Lord's Supper are perverted, for as Luther writes in his letter concerning the Anabaptists: "We must still confess that the Schwaermer have the Scripture and Word of God in other articles and whoever hears it from them and believes, he will be blessed, although they are unbelieving heretics and blasphemers of Christ." For as the preface to the Formula of Concord clearly explains, namely that those who err out of ignorance among the Sacramentarians, will not be damned. The colloquy delegation of the Buffalo Synod declared itself to be pleased with the explanation of Prof. Walther, especially also for the sake of what he attached to it verbally.

III. ON THE OFFICE OF THE MINISTRY

1. After the misgivings of the Buffalo delegation in reference to the public ministry, and in particular in reference to the doctrine of transference, such as that which the Missouri Synod up to now had held, were discussed and debated, Prof. Walther gave the following for the minutes:

"The holy office of the ministry is that power transferred by God through the congregation as possessors of the priesthood and of all Church authority, to administer the rights of the sacred priesthood in the public office by appointment of the community."

In reference to this seventh thesis of the second part of the book Von Kirche und Amt and the exposition of it, the Missouri delegation gave the following explanations:

Only true believers belong to the church. According to Matthew 16, Christ has given the keys of the kingdom of heaven to the church of the believers, and with it all powers and authorities, which there is in the church, for this reason the apostle in 1 Cor. 3 also says to the believers: "Everything is yours!" In the church of the New Testament is the difference, which took place in the church of the Old Testament there, that only one trunk was raised up, and one family in particular had the priesthood; according to 1 Peter 2, rather the entire church of true believers is of the priestly family and class. During the course therefore of the Old Testament, no act due to the priest,

for example an offering, had validity, if it would be accomplished by a person, who did not belong to the designated, priestly family, but, on the contrary, all believers of the New Testament have the spiritual qualification for every priestly function, since they are no longer children standing under guardians, as the believers of the Old Testament, between whom and slaves there is no difference, but free children of God according to Gal. 4:1. However, in addition to the spiritual priesthood, Christ, by the selection and calling of the holy apostles to the public authority of all priestly functions, has instituted and established the public ministry in his church for all time until the end of days.

Herewith now Christ indeed has not removed the equality of all his believers according to their stand and authority, for they are and remain brothers, spiritual priests and kings; but because Christ, among his Christians, as spiritual priests, ordered and instituted the public office of the ministry, so it is allowed to no private Christian to practice the rights of spiritual priesthood in the public office, but only as his stand and call and the need demand. On the other hand because those who stand in the public office of the ministry only thereby are distinguished from the Christian, that they hold the priestly functions which belong only to Christians in the public office, so they are not special, privileged priests, and do not form a particular priestly class, but are only the serving ones among the priests.

The church is, as the Scripture says, the honor of the house, the public preachers are the housekeepers; the former is the bride of Christ, the latter are its servants, according to 2 Cor. 4:5; Col. 1:24,25. The public office of the ministry, however, is transferred not by the congregation or church, but by God only through the congregation or church, namely by choice and call. The church is not the first and original cause of the same, but only the mediate cause or, as our theologians say, the less principal (minus principalis); much less is the public office of the ministry only a consequence of a moral necessity, but a human church order. The first and principal cause of the same is rather the great God himself, it is of divine institution. Therefore, then, the public preachers, although they are servants and slaves of the congregation, are even more so slaves and servants of God, and their office, although they administer it in the name and place of the church, they perform even more so in the name and place of God and Christ, or they are ambassadors in Christ's place.

Of course, through the call, the church or congregation transfers to the church-servants no other functions, than those which it has itself (naturally without losing these [functions] by that [act of transferring], as the head of the house loses none of his authority when he transfers the rights of housekeeping to a person). But thereby she entrusts to the church-servant to openly administer these functions, which has its basis not in this, that each Christian has the authority to openly carry out the office of

the ministry, but because Christ has given to his church a command and power to call special persons to it, and to empower them by it, so that they alone openly administer this office among the Christians. Therefore the office of the public ministry in no way is or can be called a so-called collective priesthood; for Christians have become priests to be sure through their baptism received or taken in faith, but not public teachers, preachers, vicars, pastors, bishops, etc.

When it is asserted in the book, Von Kirche und Amt, that the office of the public ministry has been established by God alone for the sake of order, then this is said in opposition to this, that God has established a new class distinction through the establishment of the office of the public ministry, as if this was the case under the economy of the commandments of the Old Testament. Among the further things belongs for example, without doubt, the gifts, which Christ gives for the administering of the office of the public ministry, and which can be used for the common profit, and the body of Christ in this way can be built up, etc.

Finally when it says in the book, Von Kirche und Amt, on p. 355: "Christians are not only entitled to the exercise of their priestly rights toward others but also 'called,'" here the calling is not to be taken in the narrow sense of a call of an office, as the public ministers in the church have, but in the general sense of an obligation before God. By the way, here by the priestly functions are understood teaching, admonishing, rebuking with

God's Word, comforting, baptizing, absolving and the like.

N.B. When one distinguishes between office in abstracto and office in concreto, then one understands by the former, the office insofar as one disregards thereby the persons who hold it; by the latter, one understands the office, insofar as persons are entrusted with it.

2. Pastor Von Rohr declared to this: "I am satisfied with this explanation in regard to the origin of the office of the ministry and the up-to-now controversial teaching of transference. The phrase 'church of believers' belongs to the difference concerning visible and invisible churches, and I do not include it with this agreement."

3. The remaining members of the delegation of the Buffalo Synod: Pastor Brand, Pastor Hochstetter, Christian Krull, E. Schorr and H. Christiansen, declare themselves to be fully agreed with above-mentioned attachment, so that the objections, which they had earlier, are no longer raised, and no difference remains any longer between them and the other side.

4. Now the thing objected to by the Missouri Synod in "Lutheraner," Vol. IX, #10, paragraphs 1, 2, 3, was discussed in detail:

"The church has believed since the oldest times, that to the correct administration of the holy sacraments, to the bestowing of the absolution belongs not only the word of institution, but also the correct, godly call and commission."* (In the "Hirtenbrief." Cf. "The Pastoral

Letter of Pastor Grabau" on p. 15.)

* For a proper insight into the size of this error, it is to be compared what Pastor Grabau everywhere considers to to the correct, godly call.

"Supposing also the person in the office might be evil, then the words of the institution are still powerful because of the office, which the Lord still acknowledges." (In the "Hirtenbrief." Cf. "The Pastoral Letter of Pastor Grabau" on p. 15. Cp. pp.45,46. Compare also the second Synodical report of 1848, pp. 11,12.)

"With this we are convinced that a man arbitrarily chosen from the congregation can neither give the absolution nor distribute the body and blood of Christ, but that he gives only bread and wine.... From this one will understand the correct meaning of the fathers in the Smalcald Articles and will not believe that the fathers had stated such arbitrariness, as though each communion or maybe even each group, which falls away from the church and gives itself the honor of the name communion** could choose at will one from their own midst for the spiritual office." (In the "Hirtenbrief." Cf. Pastoral Letter on pp. 15,17.) In the Synodical report Pastor Grabau does not exempt the case of necessity, if it is simply a 'supposed' one, that is, if one believes incorrectly that the case of necessity has happened, and

on account of that administers the sacrament." (See p.12)
** From this statement one sees that Pastor Grabau has denied to a true communion what he above has denied to the call of a communion, and not as one might expect only to a godless band fallen away from God's Word.

After this, Pastor von Rohr delivered the following explanation in reference to the attacked passage in the second Synodical letter, p. 11,12:

"With the pastoral letter, we also maintain that our Lord Jesus Christ only acknowledges his true church and legitimate office of the ministry as his own, as he says: 'Behold, I am with you every day, up to the end of the world,' yet he will not be with hypocrites, shady preachers and mob priests. Therefore, we also correctly maintain that our dear master Christ distributes his body and blood in the Lord's Supper only through the holy, genuine office of the ministry, as in his own, godly order; 1 Cor. 4:1, 10:16. Thus also our symbols confess, Apology, Art. IV., Concerning the church: 'For the sake of the call of the church, such are there, not on behalf of their own person, but rather in place of Christ; as Christ gives evidence, "Whoever hears you, that one hears me," Lk. 10:16. If now similar godless people preach and administer the sacraments, so they do the same in Christ's place,' Ed Baumg., p. 303. Concerning

hypocrites, shady preachers and mob priests, our symbols do not confess this. It is similar in the Apology, p. 202, Rechenb.: 'Scimus, Deum approbare ministerium illud et adesse in ministerio,' that is, 'We know that God confirms such office of the church, he is present and works in the same.' And in the Augsburg Confession, Ed. Baumg., p.110: 'These good things (eternal justification, Holy Ghost, eternal life) can one attain in no other way, than through the office of the ministry and through the handling of the holy sacraments.' The sainted Erdmann Neumeister spoke about this in Tisch des Herrn, p. 263: 'Nowhere do we find a sign, that the Sacrament of the Altar would be administered by other persons, than by the servants of God. I only append the words of Luther here: 'Don't be persuaded by anybody that an individual master of the house may give the sacrament in his house. For I may teach at home, but I am not a public minister with that, I would have to be publicly called. So also Paul speaks on the sacrament in 1 Cor. 11: We should come together and an individual should not do his own supper. Therefore it is not said: The sacrament is done through the Word, for that reason I may do it in my house. For it is not God's order and command, but he wills that the sacrament is done also through the public office. For the sacrament is instituted as an open confession, as Christ says: 'Do

this in remembrance of me.' That is, as St. Paul says, '[You] proclaim and profess Christ's death, etc.' Ibid., p. 265: I add this to it yet: Christ administered the Lord's Supper himself, but he did not baptize himself. From that then it can well be taken that also a layman could do the latter in a case of necessity; but the former belongs especially to those (that they only should also do it), to whom he said: 'As my Father has sent me, so I am sending you.' Ibid., p. 269: 'Question: Do the communicants receive the true Lord's Supper if a layman administers it? Answer: If it does not happen at a time of necessity (as for example on a deserted island, since a layman may properly be chosen and set up as the minister), but a proper priest can be obtained, then both, the ministrant and the communicant, act incorrectly and they do not have the true Lord's Supper. For it is a despising of the holy office of the ministry, which God has instituted, and has entrusted with the housekeeping concerning his secrets.' 'But if it happens not out of contempt of the office of the ministry, nor out of mockery and crime, but out of ignorance and supposed necessity, then we certainly also cannot say that a true Lord's Supper is held; nevertheless it also will not be a hindrance to the communicant for his salvation, etc.' Ibid., p. 271: 'The motley Grotius, in his religion, maintains that the laity could administer

the sacrament, whom then the Arminian Episcopus follows, who grants it indiscriminately not only to themen, but also to the women -- he grants communion to all unmarried women. Titus 3:10.' Ibid., p. 299: 'From what then does the consecration receive its power? Answer: In this deed, the priest (pastor) is nothing more than a servant. However, the power comes from Christ himself and his word.' In this the priest works nothing at all. He only lends out his mouth and hand to the Lord Christ, who works everything. That is no work of a human power. -- The words of Luther are also of value, so that we place them side-by-side: 'Whenever now they ask, "Where is the power, that produces the body of Christ in the Lord's Supper, when we say: This is my body?" I answer thus: "Where is the power that a mountain raises itself and throws itself into the sea, when we say: Raise yourself, and throw yourself into the sea?" Certainly it is not in our speaking, but in the name of God, who joins his name to our speaking.' Likewise: 'Where is the power, that the water goes out from the rock: because Moses did nothing in addition to hitting on it? If the hitting is enough, then we would also make all stones to produce water. But the command of God is there and Moses has no other part than that he may speak the action-word: I hit the rock! -- which I also could probably speak, and and nevertheless no water would follow. For the

command-word is Moses' and not mine. Thus also here, if I would speak in the same way over all breads, "That is Christ's body," certainly nothing would follow from that. But if according to his institution and command we say in the Lord's Supper, "That is my my body," then it is his body, not on account of our speaking or deed-word, but on account of his command--that he commanded us so to do and to speak, and he bound his command and doing to our speaking." In the same way the sainted Bugenhagen writes: Christ can neither be nor remain in this institution by his own words. Therefore, just as he baptizes us, though through the servant, so he also gives us his body and his blood--though through the servant; because this voice: 'Take, eat, this is my body,' is not the servant's, as if just a man's [voice]; therefore, it is certain that Christ himself is present here and gives us his body and blood, and he creates, makes, and works through the word of his institution so that the bread is his body and the cup is his blood. And thus we receive the body of Christ and his blood, indeed visibly by the hand of the servant, yet invisibly from the hand of Christ by the power and working of his institution and his word. Hasn't he himself said: "Where two or three are gathered in my name, there I will be with them"? So indeed he is also there, when we come together at his institution and

command, and he gives us his body and his blood and so maintains the truth of his institution and his word."

Concerning the call and the office in reference to the power and working of the divine Word, our Synod, in the Second Synodletter, p. 11 and 12, in my opinion teaches: that the words in the holy Lord's Supper are efficacious neither through the speaking of a layman nor a preacher, but that our Lord Jesus Christ wanted to work the real presence of his body and blood only then, when such a man speaks these words, whom he has called in an orderly way in the call and office, or in an unusual way in an emergency, as for example in Baptism, where each Christian, man or woman, has the call to perform the baptism which is necessary for salvation.

H. v. Rohr, Pastor

5. With reference to the objections, there followed the explanation of Pastors Hochstetter and Brand to paragraphs 1, 2, 3, Vol. IX, No. 10 of "Lutheraner":

If otherwise the teaching of justification alone through faith in Jesus Christ still exists correctly, then, as Luther says, our faith and sacrament must not stand on the (administering) person, whether he is pious or evil, ordained or unordained, called or sneaked in, the devil or his mother. Therefore, when it is not only taught in Pastor Grabau's "Hirtenbrief," but also repeated in the Second Synodletter, on p. 15, #8: "The church has believed from time immemorial that to the correct handling of the holy sacraments belongs not only the word of institution, but also the

correct divine call." When it is further asserted, also in an alleged case of necessity, which is due to an error, the correctly handled sacrament would nevertheless be no sacrament, then we must resolutely reject such teaching. We know that the person commits a sin, who forces himself uncalled into an office against Heb. 5:4. We also acknowledge that all those participate in the same sin, who listen to such uncalled people against better knowledge and conscience or use their service. We also say that such sacreligious work remains in the whole without blessing. For, "He who knows what is good to do and does it not, he sins," that is, in this case: whoever can have the service of a called servant of Christ and over against that rejects one, because his ears are irritated, for him it is a sin. But the truth of God is not suspended by our sins, and God's Word and the sacrament itself do not become uncertain and impotent, when it is proclaimed and administered, and it always will be. Christ becomes, as Luther says, "For the sake of evil people (that is, in this case, for the sake of deceiving hypocrites) no liar or deceiver to his church, but baptizes it and gives it his body and blood, no matter whose hand it is, by which he does it, and no matter who wants it." "The words which I speak," says the Lord in Jn. 6:63, "are spirit and life." And: "Whoever hears my word and believes him who sent me has eternal life," Jn. 5:24. The Holy Spirit is, as the old fathers teach, inseparable, indivisibilis, from the pure Word and correctly administered sacrament. Therefore, Luther also speaks of the papacy in this way and says, "If one baptizes and keeps the

command of Christ in that, although at the same time he does not have a correct understanding of baptism, then say: the baptism is correct for the sake of Christ's command." However, what is to be understood by Christ's command, that Luther explains concerning the holy Supper with these words: "We hear the order and command, since he says, Do this in remembrance of me, not as if spoken in the person of the pastor, but Christ himself speaking with us." These foundation words of Christ remain in power and efficacy with fanatics and separatists to their own judgment, with simple communicants however also for a blessing. But let us still remember that God the Lord does not also withdraw the power of his creative words at the increase of human evil by one sinful and adulterous assembly and mixture by itself, but also permits children to be brought up even by adulterers. Therefore, Martin Chemnitz, who is in no way to be numbered among the pietistic teachers, but is one of the authors of the Formula of Concord, teaches it with the following: "There is no doubt that God is active through the proclaimed voice of the gospel, by which also these same things may always be proclaimed." And he clearly rejects it, when the Council of Trent makes the truth and efficacy of absolution and the sacraments even partially dependent upon the person of the one doing the absolving. As soon as the Word of God, be it preached or handled as a visible Word in the sacrament, is no longer powerful by itself and is not serving to work the saving faith, then our salvation is bound to a human person, and if ever a doubt exists in reference to the legitimacy

of the call of the pastor, then even with that also the holy Baptism, the holy Supper, and the holy absolution would be doubtful, and thus the certainty of faith would be shaken.

The teaching, that the Word of God has its power and truth by itself, no matter who would also take it into the mouth or would handle it, belongs to the fundamental articles of the Christian faith and we want everything, which is opposed to the same in the Synodical writings, to be corrected with this.

6. After the explanation of both Pastors Hochstetter and Brand to paragraphs 1, 2, and 3, Vol. IX, #10 of "Lutheraner" was read aloud, the delegation of the Buffalo Synod declared itself to be in agreement with the same. In particular, brother E. Schorr declared that the words, which he had drawn up concerning this point, agree totally with this explanation. After that the entire delegation from the side of the Missouri Synod also declared itself to be in agreement with this explanation.

7. After that a poll was taken by the Missouri Synod delegation, in which they passed judgment on the explanation given by Pastor von Rohr in reference to point 4, which judgment resulted in this, that they all had to declare the opinion of Pastor von Rohr is false.

8. In reference to the cited passage, paragraph 4, Vol. IX, No. 10 of "Lutheraner":

God wants to deal with us on earth through the public office of the church, to instruct, absolve, and commune us through the same, etc. Therefore, the church must

have a certain indubitable evidence, that the person in the office is a certified person in the office in the divine order and according to the divine will, so that God would work with us through them. (In the "Hirtenbrief," cf. p. 15) --

the Buffalo delegation declares:

"We do not hold to the 'Hirtenbrief.'"

9. In regard to the passage quoted, paragraph 5, Vol. IX, No. 10 of "Lutheraner":

"God's Law certainly demands obedience in the Third and Fourth Commandments; but the Gospel is the rule of the same, as, that is, with what mind and heart it is to be done; and the persons, to whom it should be rendered, are here called shepherds and teachers.... Lutheran Christians know, if God says: 'Obey your teachers and follow them,' that deals not only with the preaching, but also with all good Christian matters and opportunities, which God's Word brings with it and desires, and to the church of good ruling belong also Christian prosperity in life and work, and honor, love and obedience are demanded according to the Third and Fourth Commandments of God.... Here everywhere the demanded obedience is a matter of conscience; but through the Holy Spirit it is also a willing and happy, faithful recognition of the good in the grace of Jesus Christ." (Second Synodletter, p. 155,56) --

The Buffalo delegation explains:

"We recognize this writing mentioned here as a private writing, and we judge concerning the place mentioned, that Law and Gospel are not properly distinguished in it."

10. On Friday noon, the 30th of November, Pastor von Rohr had to leave the meetings, after he had submitted previously the following writing:

"I intend to travel to Wolcottsville via Bergholz on the three o'clock train for my relaxation because of the continuous mental effort and because of increasing official business, for example, a call meeting in Wolcottsville, and I intend to be back here Monday morning. I wish God's blessing to all the men of the colloquy in today's and tomorrow's session toward the continuation of the peace effort. I will agree, according to duty and conscience, with the final outcome of the agreement. Permit me to give this humble recommendation: couldn't the division concerning the temporary state of peace among the opposing congregations be composed in one of these sessions?"

H. von Rohr, Pastor

IV. ON EXCOMMUNICATION

1. Concerning paragraph 18, Vol. IX, No. 16 of Lutheraner:

"The communion does not have to determine and to command and to decide, that he" (the sinner) "should be considered as such" (as a heathen and publican). (Second Synodletter p. 28). "It is just as erroneous, that the communion in controversial cases has the decision over the use of the binding and loosing keys." (Ibid., p. 16).

The members of the colloquy of the Buffalo Synod declared, that they hold as false the sentence: the congregation does not have to determine or to declare, when a verdict of excommunication is made, since the congregation without doubt strives for a correct judgment by such a verdict, as St. Paul says in 1 Corinthians 5:13: "Put him out from you, whoever is evil." If the opinion of the second sentence should go further, that the preacher alone has ther decision in controversial or doubtful cases, and that however the congregation is subject to such decision, then we hold the sentence also as false. On the other hand, it is also remarked, that also in these cases only that is to be accepted as the voice of the church, which is decided according to the Word of God.

The delegates of Missouri were satisfied.

2. In connection with the preceding the delegates, Pastor

Hochstetter and Brand together with the representatives Christian Krull, E. Schorr, and H. Christiansen, explain in regard to the teaching of the office of the keys what follows:

Luther's Small Catechism teaches: the office of the keys is the peculiar authority of the church, which Christ has given to his church on earth. So also the Smalcald Articles teach: principaliter et immediate, that is, originally and immediately the church has the keys. From that it follows: the congregation by the handling of the office of the keys not only is the object of Seelsorge, but must itself take an active part in it. Now because the public handling of excommunication concerns the conscience of the entire congregation, the church, as Calov says, has not entrusted this to the holy office alone, but exercises it itself by consulting all classes available in the church: "Ecclesia autem non commisit id soli ministerio sacro, sed per se et adscitis omnibus statibus id exequitur." Matthew 18:18, 1 Corinthians 3:21, 4:1, Romans 3:2, 9:4, I Corinthians 5:1.

According to Matthew 18 the steps of admonition must always precede the verdict of excommunication. However, it is not possible that the congregation admonishes without gaining at the same time an inner judgment about the sinner. Hereupon if it should proceed to a verdict of excommunication, then the pastor should "go on with his judgment", as Brochmand says, and the congregation should show the way according to Matthew 18:17, and 1 Corinthians 5:4, which addresses a congregation: "In the name of Jesus Christ let the sinner be given over to Satan. Get rid of

him. Sweep out the leaven." Thus the judgment of excommunication, as Luther says in respect to 1 Corinthians 5, should be made with the allowance of the believing congregation. "Since, then, it concerns souls, the congregation should be both co-judge and wife." (Luther in his writing on the keys). Here also the old principle is correctly cited: "What concerns everyone should be done with the consent of everyone. Quae ad omnes pertinent, cum consensu omnium fieri debent." In obedience to the word of Christ such a decision must happen unanimously each time. The highest judge is and remains always the Word of God. A believing congregation must subject itself to God's Word. Then the decision according to God's Word is to be viewed as the voice of the church.

With the testimony given above by the presently gathered delegates of the Buffalo Synod, those of the Missouri Synod agreed.

3. After the opinion of the present delegation of the Buffalo Synod concerning the quotation, from paragraph 19, Vol. IX, No. 17 of "Lutheraner" had been heard:

"That however it is granted to Christian Church members of all stations in a Christian arrangement", (that word "granted", [gestattet] Grabau has even printed with spaced type, to show, that also this itself, which he wants to yield with this word, is no proper right of the Christians, but a privilege given to them) "to take part in discussions and questions about God's Word, to listen

to it, and to ask questions and to try to settle them by means of God's Word, and consequently to serve as co-discussing witnesses" (thus not as co-judging and deciding assessors of the synod) "of the discussing and synodizing uprightness of the office of the ministry" (the ministers are therefore, properly speaking, alone the "Synodizing") "and with the same to consider something as good, from a Christian perspective, that is certain from Acts 15: 1-21. Therefore the pastoral letter says quite correctly" (this Grabau himself says in addition) "the communion should not speak the judgment (publicly), but should, through a writing to the head of the churches, just appeal to one or more pastors of the church and explain the matter according to the truth (Acts 15); these should then question the accused pastor, etc. For this reason, you should entrust the judgment of the teaching to those, to whom it is due according to Article 28 of the Augsburg Confession." (Second Synodletter, p. 111, 112)"--

They all declared, that they considered the referred to passage in the Second Synodletter, according to which the laity present in the Synods, should only have the privilege to be witnesses of the discussing and synodizing integrity of the office of the ministry, but they have to entrust the judgment [concerning false teaching] to the members of the teaching profession, as false and misleading. From the model of the Apostolic Council at Jerusalem,

Acts 15, according to Johann Gerhard it will be rightly inferred that also the entire congregation with the apostles and presbyters had the deciding voice. Although the predominate practice of the Buffalo Synod conventions in this part would be evangelical, as one might have surmised from the Second Synodletter, yet we still consider it as necessary to bear witness, that we would in no way simply allow the Gloria parendi (the honor of obeying) in the church to the associate judges of the class of the laity, but give to them along with the acts of the Wittenberg Reformation in 1545, the voces decisivas, the deciding voices; for that reason we also applaud Hesshusius and other old teachers in this, namely, that the congregation in all church matters has the highest power in its own boundaries, in particular to judge splits in the teaching, to order the service of a vicar; whereby it is not impossible, that by an oral questioning and a gathering of decisions, as Johann Gerhard says, good order is observed, and this happens, if (1.) First of all the judgments are asked of those, who are specially called into the office to teach, to manage the church and to judge doctrine; (2.) secondly, of the others, although private individuals, only if they are versed in Scripture and hold dear the divine honor and truth. In this connection it was observed, if we would have secured ourselves with this against a possible infringement of the office of the ministry in the church, insofar as the preachers would not be allowed to be masters over the believers, then we also want in this regard to include the protest against the abuse, which the governmental class practiced

in Germany, and against the tyranny, which is practiced in several states of this land at times by the trustees under the apparent cover of the secular laws.

In reference to this exposition, the representatives of the Missouri Synod made known their hearty mutual consent.

V. ON ADIAPHORA

1. Afterward it was treated further the cited passage paragraph 26, Vol. IX, No. 19 of "Lutheraner" which reads as follows:

"They" (the Missouri people) "teach against the Twenty-eighth Article of the Augsburg Confession, the congregation owes obedience to its pastor only then, when and insofar as he preaches to it God's Word, but if he only admonishes, or desires something in churchly things (for example school building) which is not against God's Word, then she can refuse the obedience. But the Twenty-eighth Article teaches: It is proper for the Christian assembly to keep such commands (which are not against God's Word) for the sake of love and peace and to be obedient to bishops and pastors in these cases."
(Second Synodletter p. 14.)"

The pastors Hochstetter and Brand gave the following for the minutes: The explanation of Pastors Hochstetter and Brand, concerning the teaching:

ON THE POWER OF THE OFFICE OF THE MINISTRY IN ADIAPHORA

Concerning this the Augsburg Confession, Article 28, says:
"That power (namely, of the bishop in general) one exercises and carries on only with the teaching and preaching of God's Word."
Those in the office of the ministry have received this power from God himself. And we teach with Luther: "To those persons who are

called to the office of the ministry and the service of the sacraments... and thus carry out the high, godly work of teaching the gospel correctly, etc., whether they are called bishops, vicars, Seelsorgers, or pastors, by God's command obedience is due [to those persons] in all things which the gospel commands or forbids, at the risk of eternal damnation, according to this saying: "Whoever listens to you listens to me." In this godly work the minister stands in Christ's place and commands or forbids not as his own person, but as Christ. But it follows from the Word of the Lord, Luke 10:16, how exactly the power of the office of the ministry of his servants is limited, for which reason the Apology in the exposition of Article 28 of the Augsburg Confession says under Article 7 concerning abuses: "So it is also certain that this word of the Lord Christ: 'Whoever listens to you listens to me', speaks not of human standards, but is directly contrary to that. For the apostles received there not a mandatum cum libera, that is, an entirely free unmeasured command and power, but they have a measured command, namely, to preach not their own word, but God's Word and the gospel....Therefore, this Word cannot be understood concerning [human] statutes." Also the Apology says the saying of Hebrews 13:17 does not give "the bishops their own lordship of lordly power outside of the gospel." Here our symbols without doubt mean God's Word. For 1 Peter 5:1-3, admonishes the oldest: they should feed the flock, but "not as those who rule over the people." (cp. 1 Corinthians 7:35; 11:34) Luther interprets 1 Peter 5:3 with the words: "The ministers are not to

do as the people under them would; for we have our Lord, who is Christ, who rules our souls. The bishops should do nothing but feed...they do not have power to command one word, but should be only slaves and say: 'Your Lord Christ says that; therefore, you should do that,' as also Luke 22:25,26, teaches it. Further we read 2 Corinthians 8:8, that Paul, when he was asking the Corinthians for a contribution for the poor, says: "I am not saying that I am commanding you anything, but because others are so industrious, I also am testing your love, whether it is the right kind." From that it follows that St. Paul, right there where he says, "The rest I will arrange when I come," will not proceed commanding anything, but giving advice and that under agreement of the entire congregation.

In reference to the Twenty-eighth Article, an often misused passage in our Synod: "It is fitting for the Christian assembly to retain such orders for the sake of love and peace and to be obedient to the bishops and clergymen in these cases, etc.," It must be noted above all, 1.) that as Carpzov says, it is spoken "according to the circumstances of that time," according to which also such a thing befits the bishops according to human rights, for they lacked the divine right. For the very same Twenty-eighth Article cites under that, the episcopal office is according to divine right, as preaching the Gospel, etc., and in which the church people must obey them necessarily (neccessario et de jure divino debent praestare obedientiam), by no means by a human order. 2.) The Twenty-eighth Article makes use of the term

"convenit," it is fitting for the sake of love and peace, etc. This term would be much too weak to be considered an obedience, demanded according to a divine right. 3.) It is incorrect to say: "The Word of God changes in the church order; and also in adiaphora, such as obedience is required, which is asserted from God's Word." For adiaphora are just such things, which are neither commanded nor forbidden in God's Word. Therefore no man, neither ministry, nor Synod, can command nor forbid in adiaphora. Because Christ has freed us as from the compulsion and curse of the divine Law, so also from all ceremonial and human laws. Also prayer and supplication, if it leads to church discipline and excommunication, belongs among the passages, concerning which Luther says: "Had they wanted to drive us by force and to make us do it, then we must not obey, nor to agree to it, but rather die; therefore we are able to grant the power to the bishops (preachers), by neither a churchly nor a worldly right, to command something to the churches, if it is still correct and God-pleasing; for nothing evil must happen, that good results from it." We consider Carpzov's words as the correct interpretation of the Twenty-eighth Article in reference to the phrase, "the bishop or clergymen should make rules": However all this does not exclude the common consent of the church, but rather it includes, so that such rules are not made without the approval or against the will of the church (or congregation)."

We must deeply complain, that, not only in the Second but also in the Sixth and Seventh Synodletter, an interpretation is found

of the Twenty-eighth Article of the Augsburg Confession, which is opposed to clear Scripture and confessional teaching in many parts. We are no longer able to admit, that, for the sake of the Fourth Commandment, love and honor is due to the office of the pastor, as if one had to perform, obedience to it [office of the pastor] for the sake of double honor, also in not godly orders. On the contrary the forceful [lordly] powers, with which, for example, an introduction of a Synod building fund, church-property insurance, etc., was handled in our Synod, has been testified to up to now, only all too feebly. According to our already earlier-won knowledge, therefore we want everything which is found against the above-mentioned explanation in the Synod writings to be corrected on our part herewith.

2. The preceeding explanation was read aloud, which Pastors Hochstetter and Brand had drawn up in reference to the power of the office of the bishops, namely in regard to the adiaphora. Pastor von Rohr explained here that he would bring in his belief in regard to this point at a later time in writing. The delegates Chr. Krull, E. Schorr, and H. Christiansen agreed with the explanation of both pastors listed above . Also the Missouri delegation declared itself to be in heartfelt agreement with the above statement.

VI. ON ORDINATION

1. After discussion of paragraphs 27-30, Vol. IX, No. 20, of "Lutheraner," which read as follows:

"Ordination is no adiaphoron (middle thing), because it is an essential part of the rite vocatum esse (orderly call)." (Counter-criticism. Cf. Hirtenbrief, p. 41)

"Ordination itself is no adiaphoron and unessential thing. It belongs to the divinely commanded order and has divine and apostolic command." (Ibid.) "You cannot understand why I maintain that Christ the Lord began Christian ordination, but the apostles commanded it expressly. -- Have you not read Jn. 20 and Mt. 28? Did not the Lord there command the office to his chosen apostles and send them out? Was not this first ordination and command at the same time the institution of the office for all times and lands? ... Indeed he laid his hands on them even for us (not as the command, but) as the example, blessing them with such a command for the office, Lk. 24. He had already called them vocatione immediata (by an immediate call) after he was baptized by John.... But the subsequent command: Go forth, etc., was the absolute authorization to all churchly functions and actions, just as Christian ordination is." (Ibid., p. 59)

"Although the church does not give the office of the

holy ministry to the person, yet God does not give it in any other way, than by selection and ordination of the church; for this is his order. Acts 1:23-26; 2 Tim. 2:2." (Ibid., p. 39) "Therefore, it has pleased the almighty Lord and Master to assure his servant, through a dual church action, of the proper, divine call and to help his church, namely through an orderly choice and through ordination. A cripple can probably stand for a while on one foot; the normal, healthy man however has two feet, on which he is well-grounded, stands and walks." (Ibid., p. 60)

"Unfortunately you make of the confirmatio electi or talis comprobatio, a bare comprobatio seu testificatio vocationis," that is, of the confirmation of elect, a bare confirmation of the election. "What moves you to insert the highly important little word 'bare' here?" -- "The electio (choice) or vocatio of the local congregation is for it juris divini (a divine right) and no testificatio (testimony) is required, also no comprobatio (approval) nor confirmatio (confirmation), but the electus and vocatus, according to God's order, need such comprobatio and confirmatio." (Ibid., p. 61)" - Pastors Hochstetter and Brand and the three delegates Chr. Krull, E. Schorr, and H. Christiansen presented the following as their final agreement on this point: "That they recognized in it (the ordination) a handling which is not a divine institution, and

according to that also doesn't first make the call correct. But yet there are serious reasons for it and it should not lack an orderly way, because it is a public confirmation of the correct call, established according to apostolic use; therefore one should not omit it without necessity, as there the Smalcald Articles say: 'The ordinatio is nothing else (nil nisi) than such a confirmation,' which Chemnitz and the following pure teachers repeated. Baldwin, for example, said, 'The ordination is nothing other than a public and solemn confirmation of a legitimate call, so that it may be obvious to all that this person has not sneaked into the office of the ministry, nor has entered anywhere in the same way as a thief or murderer, but has entered through the right door... It is neither ordered by God, that it could not be omitted, nor does the efficacy of the office depend on the ordination, just as if the Gospel without the same could not be taught as beneficial, but it is a churchly custom, which recommends the servant of the Word and reminds him of certain duties.'

The members of the Missouri Synod delegation agreed with this explanation.

2. Pastor von Rohr submitted the following concerning this and at the same time concerning that which was treated earlier in his absence:

I. Concerning excommunication and the office of the keys I agree with the hitherto existing teaching of the Buffalo Synod, as being according to God's Word and our symbols, just as also with

the exercise or practice according to the pattern of our Saxon and Pommeranian church orders, apart from observing differences in individual cases out of weakness or injustice. Against that I recognize the teaching of the Missouri Synod as entirely new, false, and church-splitting.

a. Because the jurisdiction and the office of the keys is taken from the pastor and is given to the local congregation against the Apology, Art. 14, concerning the potestate ecclesiae (power of the church): "But let them be equal bishops according to the canonica politia (canonical polity), which we also allow in their value: but we speak of correct, Christian bishops and I rather like the old division or distinction, since they said: bishops' authority stands in these two: potestate ordinis and potestate jurisdictionis, that is, in serving the sacraments and spiritual judgment. Thus each Christian bishop has the potestatem ordinis, namely, to preach the Gospel, to administer sacraments. He also has power of one, holy legal authority in the church, that is, might and right, to expel from the Christian congregation those who are found in open depravity, and to take the same, if they repent, in again and to impart to them the absolution," and the Smalcald Articles concerning the authority and jurisdiction of the bishops: "In our Confession and Apology we have recounted in general what is correct to say concerning the authority of churches. For the Gospel commands those that they should represent the churches, that they should preach the Gospel, forgive sins, and administer the sacraments: And beyond this the

jurisdiction is given to them, that one should excommunicate those who are in open vices, and should they amend [their lives], he should release and absolve them," and according to the explanation of Prof. Walther, during the colloquy, that, as the judge speaks the decision and the executioner carries out the sentence, so the congregation is the judge and the pastor executes or carries out the sentence, while he proclaims the excommunication by the order of the congregation!

b. Because Prof. Walther explained in consequence of this teaching, that the excommunication, executed by us in three steps of Christian admonition according to the sentence of the ministry of the church and not of the local congregation, is to be considered the same as papistic excommunication, which Dr. Luther calls a sh--- excommunication, therefore the excommunication practiced by us is also such a one and is a false excommunication, which is not to be respected. Whereby to be sure each excommunication which was executed in our Synod since 1845 is declared as false, and our Synod with that again is declared as a false church, whose excommunicated people it is correct to accept.

Against that Luther says in the exegesis of the prophet Joel, chapter 3: One must first admonish the sinner especially and publicly, before those who stand in the office of the ministry pass the sentence.

II. Concerning adiaphora and authority of the bishops the Buffalo Synod teaches correctly and in accordance with Scripture and the symbols in the Second, Sixth, and Seventh Synodletters.

For the Twenty-eighth Article says in this place: "It is proper for the Christian congregation to have such an order for the sake of love and peace and to be obedient to the bishops and pastors in these cases, and to keep the same insofar as one may annoy the other, so that in the church there is no dissolute or wild character, yet in such a way that the conscience is not burdened, that one considers it as such things which should be necessary for salvation," etc., etc.--not of the papish and other bishops of worldly power and authority, but of bishops and pastors, not that one for the sake of the Fourth Commandment owes them the obedience of subjects, but that one would perform this obedience for the sake of love and peace and not to annoy anyone, and that it proceeds in an orderly way in the church.

III. Concerning ordination the Buffalo Synod, with the Smalcald Articles, Article 6, teaches that choice and laying on of hands, or ordination, belongs to the orderly call (that is, rite vocatus, according to the Fourteenth Article of the Augsburg Confession). And that Cyprian calls this choice and laying on of hands, or ordination (in the wider sense), a divine consecration and apostolic use, and he even adds to this, that this happens according to the command of God. But I willingly add, that according to an exact and narrow, dogmatic foundation, a definite command of God belongs to divine instruction, and that one could satisfy himself to call ordination an apostolic use to confirm the choice.

IV. In reference to our delegates to the Synod paragraph 19,

Vol. IX, No. 17, of "Lutheraner", I declare, that they, as is testified in the Second Synodletter, p. 142, and Fourth Synodletter, p. 16, always have given their opinion in the Synod as co-judge in such ecclesiastical courts, and as is said in the Second Synodletter, p. 142: "And with the same (office of the ministry) something is to be regarded as good out of Christian conviction." There is also a moral distinction between the judgment of teaching by the laity in general outside the ecclesiastical court or synod and council and the official judgments of teaching by the ministerium, as Luther declared, part 3, p. 193, of his Altenburg publication: 1. There is an inner judgment which each Christian must have from enlightenment of the Holy Ghost and 2. there is an external judgment. "The same judgment is due properly to the office of the ministry and we make use of this opinion, when we strengthen the weak and close the mouth of the adversary." Compare Second Synodletter, pp. 14-15, where Luther's words are laid out in full.

V. Finally, I would like to indulge yet in the humble proposition to make peace: The Missouri and Buffalo Synods followed the example of our fathers, the Wittenberg theologians. After they had prevailed for a long time in the German language with Spener about his new, pietistic theories about spiritual priesthood, an invisible church, etc., without putting themselves under excommunication and mutually tolerating each other in the Lutheran church, these men came to the agreement to continue their dispute in the Latin language, so that the untaught Christians

would not be confused by a dispute about abstractions and terminology, i.e., concept and word definitions. A similar thing would be useful for our pastors and would be wholesome for church peace in the remaining differences.

H. von Rohr, Pastor

VI. Motion. That a decision of the delegates on both sides be made public, so that a peaceful stand may be made possible for the two Synods side-by-side, 1. in reference to past, 2. and future cases of church discipline.

H. v. Rohr

In answer to the above motion of Pastor von Rohr it was declared here by the side of the remaining delegates of the Buffalo Synod: The difference in teaching discussed between the representatives of the Buffalo Synod for days makes the feasibility of their motion impossible under present conditions.

The delegates on the side of Missouri declared their agreement here.

3. Professor Walther declared here, that he not only could not stand for Pastor von Rohr's aforementioned explanation as a foundation for the union, but he even protested against this, that the given description of his teaching was a correct [one] concerning excommunication and the office of the keys.

Finally, Dr. Sihler, Mr. Roemer and Mr. Theiss agreed with Professor Walther's explanation.

4. Concerning two questions explicitly set before him by one of the delegates of the Buffalo Synod, Professor Walther gave the

following as an answer for the minutes: Preachers of the Missouri Synod have accepted the ones who left from the Buffalo Synod, because they were persuaded undeniably by God's Word and the churchly confession, that the Buffalo Synod in many basic articles of the Christian faith teaches wrong. Since the Lord says of his sheep, that they hear only his voice, but flee from the strangers (John 10:45), so they recognize it as a large sin, to repel such who have separated themselves from a preacher erroneous in his teachings, and somehow to force that they return to the false teaching one. It came to this, that the Buffalo Synod allowed our preachers, to whom the former members of the same turn themselves, no insight into the process of church discipline which had been introduced against the questionable person. Therefore our preachers had to be satisfied with it, to question an attainable witness, to accept anyone found innocent without anything further, and only to demand from the guilty, that they fulfill an apology and repent for their mishandling, without compelling them, against God's Word, back to their former pastor who taught erroneously. Thus writes the Wittenberg theological faculty therefore in 1656: "In summary, everything should be done decently and in order in the church according to the admonition of the Apostle Paul, 1 Corinthians 14:40, thus namely and in such a manner, that each pastor accepts his parishioners faithfully, the parishioners in exchange listen to his voice and render dutiful following in all tolerable matters... But all this must be understood of duly-appointed churches and the office of the ministry outside of

persecution and similar cases... But since it is clear from your questions...that because of the papistic priests one man here, the other there among different pastors must search for the sacraments with honest preachers; in which cases of necessity then the church is free to hold to another pure teacher and preacher and use his service, no honest preacher is also authorized to kick out of his congregation any blameless men. But he is to accept each one, whether he comes just in the evening or morning, and to administer the sacraments if he is only an honest Christian and truly repents, as our Savior himself says about them: Everyone who comes to me, I do not cast out. John 6:37" (Council of Witt., II, 60f.) Thus Heshusius writes further: "If the case occurs, that other people, [such] as do not belong in our parishes sit either under the antichristian papacy or under false teachers, as Calvinists, Synergists, Majorists, Adiaphorists, Schwenkfeldians, --an individual Christian must watch for these, or be burdened against his conscience by their tyrannical pastors--[and if these people] desire our service and want the sacraments with us: in such and similar cases our ministers are free to impart the Sacraments to every man, who comes from the rising to the setting of the sun (insofar as he does repent correctly and believes the Gospel), by authority of the passages John 16:8, Matthew 7:15, Philipians 2:3, Romans 16:17." (Dedekennus Thesaur., II., 438.) As far as the excommunicated are concerned, this is added further, that the Buffalo Synod up to now in principle did not allow the congregation to be judge over the discharge of the

excommunication, but against the Pommeranian church order they addressed the recognition of the excommunication to the ministerium instead of to the consistory consisting of pastors and laymen, representing the entire congregation, whereby their excommunication could be an illegitimate [one]. Finally the Buffalo Synod denies the Word of God its power without the office of the pastor, so that also once more in these days Pastor von Rohr remarked, Pastor Grabau has now no Lord's Supper, since he has no legitimate office: that holds in it a fundamental error, since according to Scripture and Confession the Word itself is an office of the Spirit, 2 Corinthians 3:8, Formula of Concord, R. 805.--To the question, whether the congregations on the opposing sides of the Missouri Synod are mobs, it was remarked, that a mob or sect according to God's Word is only a heretical community, for the Greek Word ἁρεσις, which Luther translates with mob and sects (1 Corinthians 11:19; Galatians 5:20; 2 Peter 2:1), means in abstracto (i.e. thereby not considering people) a heresy, and the derived ἁρετικὸς (Titus 3:10) a heretical one, who has a destructive error, defends the same stubbornly in spite of all warning against his own conscience, and tries to obtain a following for himself. A separation from the church, which does not have this basis, is according to the Scriptures a schism, a split, or a separatistic assembly. An evil split, however, is the one which is against love and is guilty (1 Corinthians 11:18). A God-pleasing one is if it is not guilty, namely when those, from whom one withdraws, have the guilt, as for example the Reformation

effected a God-pleasing schism. Now since our congregations on opposing sides admit no destructive errors, they are also no crowds or sects according to Scripture, and since their separating was caused by their adversaries through their false teaching and their improper conscience-burdening practice, so also our congregations on opposing sides were up to now no separatistic or schismatic ones in the bad sense. With this answer also the remaining present representatives of the Missouri Synod were agreed.

5. Explanation. The undersigned want to attach their following explanation in the minutes of the colloquy:

1. First, they wish to attach to the protest against the description of the teaching in excommunication given by Professor Walther: that also the undersigned understand the well-known teaching on excommunication in a way other than that described by Pastor von Rohr.

2. Finally they declared: in view of this, that they agree with the explanation of the Missouri delegates given to the record and that these have declared themselves to be in agreement with the declarations of the undersigned as far as they are concerned, ---now, the agreement established between the Missouri Synod and us is complete.

Christian Hochstetter, Pastor

Peter Brand, Pastor

The delegates:

Christian Krull,

Ernst Schorr,

Hans Christiansen

6. The presently gathered representatives of the Missouri

Synod meet the preceding explanation with the explanation of their side, that they also with thanks and praise to the Lord recognize complete unity of teaching with the previously named men as the result of this colloquy and therefore extend the brotherly hand hereby in the sight of the whole church.

THE COLLOQUY

Missouri Synod:

C.F.W. Walther

Dr. W. Sihler

H.C. Schwann

J.C.D. Roemer

Johannes Keil

J.C. Theiss

Buffalo Synod:

H.R.G. von Rohr

Chr. Hochstetter

P. Brand

Ernst Schorr

Hans A. Christiansen

Christian Krull

ADDENDUM

The following explanation of Pastor Doehler was handed in at the beginning of the colloquy and has been published according to his wish and with the consent of the gathered delegates.

Buffalo, November 19, 1866

To the reverend delegates of the Synods of Missouri and Buffalo, gathered at Buffalo.

The undersigned declares hereby that he cannot acknowledge the delegates from the side of the reverend Synod from Buffalo (except for Pastor P. Brand) as his representatives or as representatives of pure teaching, as long as they do not reject and retract the

hitherto existing teaching of the Buffalo Synod, recently drawn up and approved by them in a ministerial meeting at Detroit, concerning adiaphora, and the ungodly practice flowing from that, combined with an unevangelical tyranny and enslaving of conscience applied toward the undersigned.

Respectfully,

A.G. Doehler, Pastor

The undersigned appended the following explanation to the above-mentioned words of Pastor Doehler, that he hereby withdraws his signature from the decision referring to adiaphora, given in Krull's passage, and the same will be corrected according to the explanation given under V. 1.

Christian Hochstetter, Pastor