





THE

BIBLICAL REPERTORY

AND

PRINCETON REVIEW

FOR THE YEAR

1840.

VOL. XII.

PHILADELPHIA :

M. B. HOPE—EDUCATION ROOMS, NO. 29 SANSOM STREET.

J. BOGART, PRINTER—PRINCETON.



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THE
PRINCETON REVIEW.

JANUARY 1840.

No. I.

Joseph H. Coates.

ART. I.—*The Signs of the Times: a Series of Discourses delivered in the Second Presbyterian Church, Philadelphia.* By Cornelius C. Cuyler, D.D., Pastor of the Church. Philadelphia: William S. Martien. 1839. pp. 319. 12mo.

WE have already expressed our favourable opinion of these excellent Discourses. We now recur to them again, that we may make the subject discussed in the fourth lecture, entitled "God's frowns against Covetousness," the foundation of some remarks that seem to us adapted to the existing state of things. We have nothing to say in the way of objection to the views presented by Dr. Cuyler. His leading position is, that the pecuniary distress which pervades our country is a judgment upon the people for their covetousness. But in maintaining this position, he avoids the presumption of those who, "taking upon themselves the mystery of things, as if they were God's spies," pronounce with all confidence upon the final cause of every dispensation of providence, and invade, with unhallowed tread, even the sacred privacy of domestic sorrow, that they may make every individual calamity the occasion of impeachment against the character of the sufferer. His interpretations of divine providence are suffi-

ciently guarded against this pharisaical presumption, and we surrender ourselves with pleasure and profit to his guidance, while he gathers up the indications of passing events, and intimates the duties to which they give rise. But it has seemed to us that it might be useful to give a fuller exposition of those duties than was consistent with the brevity to which Dr. Cuyler was limited.

The great lines of our duty are indeed unalterable; they remain the same through all ages and under all circumstances. The law of rectitude is as immutable as its author. But though its substantial demands upon us are unchanging, never relaxing their hold, or altering their character; yet these demands, when traced out to their ultimate consequences, must always have respect to the particular circumstances in which we are placed. Though the law be the same, it will define and prescribe different duties to different men, because of their dissimilar position. The widow's two mites were as full a discharge of duty, with her restricted means, as had been a much larger amount had she been rich. The apostle Paul recognises this dependency of our duty at a particular time, upon the circumstances in which we are placed, when in writing to the Corinthians, he recommends a certain course as "good for the present distress."

Similar emergencies have been always occurring (or those that are closely analogous), in which the "times" (as they are technically called), have prescribed their specific or concomitant duties: such, for example, as times of prosperity, which call for acts of special thanksgiving—or, times of adversity, which enjoin the duty of humiliation, seasons of anxiety and distress, in which the whole community sympathize; they are occasions on which all, and especially the teachers of morals and religion should be vigilant—should examine their distinctive character, inspect their meaning, and enforce the lessons which they are intended to inculcate.

The intelligent reader will doubtlessly concur in the remark, that, under the providence of God, we have fallen upon times so marked as to call upon us specially to note and turn them to profitable account. None who are at all conversant with what is occurrent from day to day, need to be convinced that it is emphatically a time of present distress.

Without venturing to inquire into the causes of the present distress, lest it should lead us on to debateable and delicate ground, we may consider the providential lessons which it ought to inculcate.

We use the term providential by design, and from deliberate choice. For, however the men of the world may account for the times, by ascribing them to the folly, or imprudence, or covetousness, or dishonesty of ill-directed human agency, yet the providence of God is not less concerned in works such as these than it is in those where the second causes or operators are wholly invisible. The sparrow may fall to the ground by the shot of the sportsman, or be caught in the net of the fowler, or die of natural disease; but in either case, the occurrence comes alike within the cognizance of its Creator; and so it may be the rigorous policy of government, it may be the fanatical spirit of speculation, an excessive importation of foreign products, or extravagant living, which has given the times their menacing aspect. "The present distress" may legitimately be ascribed to one of these causes, or to a combination of them all; yet, the evil in its origin and progress, has not escaped the notice of God, nor been permitted without a design to impart some important instruction.

As to how long "the present distress" will continue, and by what measures or expedients it could be most speedily and effectually allayed, we do not offer an opinion. It does not fall within our province, in the prosecution of our present theme. It is a knotty problem, which we are willing to leave to the solution of those who are better versed than ourselves in the laws of political economy. In the mean time, however, there are certain duties incumbent upon those who feel its pressure, which are in some respects prescribed, or rather enforced, with peculiar energy, by the times; some of which we propose to mention. And, first, it is peculiarly important in the present distress, that the disciples of Christ "maintain a conscience void of offence"—a duty which is of course obligatory at all times and in every condition; but we refer to it now, and give it the precedence in this enunciation, on account of the multiplied temptations in the times to neglect it; and we speak with a more particular reference to a conscientious respect for the mercantile virtues of integrity in keeping our word—honesty in fulfilling our engagements, and discharging our obligations, so far as it is in our power. It is a monition which ought to be impressed with great earnestness upon those especially who are so associated in business as to have its responsibilities, moral as well as pecuniary, in some sense divided. The fact is as common as it is reprehensible, for persons of

great excellence as individuals, when they have become united with others in some corporate capacity, to lose, or to act as if they had lost, their nice sense of honour and integrity; and hence they will often lend their names and their influence to certain measures as members of an incorporation, which they would highly reprobate as private men. The injustice and dishonour of the acts, they cannot deny; "but what are these among so many;" as if the guilt of any wrong doing were as susceptible of being mathematically divided among the authors, as are its pecuniary profits or loss; and, without deeming it proper to quote particular cases of delinquency, yet there is much reason to fear that these remarks are capable of a very extensive application.

It argues a strange perversion of truth, and great obliquity of moral discernment, and yet this merging of personal responsibility in a corporate is a lamentable fact with which the history of both the past and the present has made us too familiar. Thus the act of violence and blood-shedding, which suspends an individual murderer upon the gallows, becomes a deed of glory, and is applauded, when perpetrated by a nation—when hundreds of thousands are left mangled and weltering in their blood upon the field of battle, and whole hecatombs are the victims instead of a single one. "I am called a robber because I have only one small vessel. You are styled a conqueror because you command fleets and armies." For one man to set the government of his country at defiance and lift his hand in rebellion is treason, and the misguided creature will share in the elevation of Haman. But we have seen the same thing in our day done by a state; the decision of the highest court of the nation treated with contempt, the government brow-beaten, and bearded, and insulted, with perfect impunity; and instead of relenting upon any after reflection, or being called to account, it has been rather regarded as high-minded and chivalrous, something worthy of a lofty spirit, and indicative of an independence of character, which all in similar circumstances are hereby invited to imitate.

Thus, as one has shrewdly remarked, "treason is never successful." For whenever the authors are enabled to prevail and to triumph over the state, their crime loses its original attributes, and is called by another name. Such practically, has been the sentiment of states and nations, and sorry we are to add, that quite too often do we see the same Machiavellian morality developed more or less in common

life. When even honourable and Christian men become combined under the protecting seal of a body corporate, too often do they seem to lose their sensibility, and what is worse, their conscience.

But the temptations of the times in this respect too, are strong to men in their private capacity; and many are wont to take occasion from the prevailing sympathy for those who are truly embarrassed, to procure that indulgence for themselves which they neither need nor deserve. While others fail to comply with their engagements from necessity, these do the same thing from choice. They have the means of doing it in hand, but they fear they may want them in future, or they wish to use them for advantageous speculation upon the distresses of others. Thus, their love of gain predominates over their sense of right, and they withhold what is due, and which they could easily pay, because they can do it with impunity, under cover of "the present distress." The grace which is shown to the distressed in reality, they challenge for themselves, since they are able to conceal their own solvency so effectually that none can discover how little right they have to ask indulgence.

The disciples of Christ then are admonished by "the times," to aim at maintaining a good conscience, by the strictest integrity in their dealings with one another, and with society at large. Nor is it to be doubted, that much of the prevailing distress would be abated, and much more prevented, would every member of society do as well in this respect as he can—would comply with those sound commercial maxims of Solomon: "Withhold not good from them to whom it is due, when it is in the power of thine hand to do it. Say not unto thy neighbour, Go, and come again, and to-morrow I will give; when thou hast it by thee."

But another duty which would seem to be peculiarly needful for the times, is that we endeavour to be cheerful.

A duty more easily prescribed than obeyed. There is a time, moreover, of such peculiar and uncontrolable distress, that the cheerful look is only hypocritical, and gives a lie to the corroding sadness of the heart. There are griefs, by which the soul is so afflicted sometimes, that all attempts at consolation only seem to mock its anguish, and we are made to desist by the sage reflection of Solomon, that "as he that taketh away a garment in cold weather, and as vinegar upon nitre, so is he that singeth songs to a heavy heart."

“ There is a grief that cannot feel,
There is a wound that will not heal.”

There is an anguish of soul which nothing but time, and the special grace of God, can mitigate, and which is deaf to the voice of human consolation; and for every such sufferer there is balm only in Gilead, and a physician no where else but there. And how far we are capable of successfully concealing our grief under the pressure of our earthly trials, and when disappointed, afflicted, and alarmed, to command that cheerfulness of countenance which is the natural index of a “ merry heart,” we do not assert. It involves a question in physical science as well as in morals which at present is better waived than agitated. Yet that much may be done, by faithful and unremitting effort, none will deny who have made the experiment. While, therefore, we should guard against that thoughtlessness and levity which are unseemly at any time, and which betray a vacant mind, as well as an unfeeling heart; let us also watch with equal assiduity against despondency and gloom.

If there is much to make us sad in these times of distress, there is much more, if properly appreciated, to make us cheerful. We have mercies unnumbered, personal and relative, domestic, civil, and religious, which need not be detailed, but which demand the warmest thanksgiving. Think of other nations—think of Russia, of Spain, of Ireland, South America, and France—and who is not thankful that he belongs to none of them? Above all, think of seven hundred millions now groping in Pagan darkness; and have we no cause to be cheerful!

The portentous cloud now lowering over us—like that which led Israel through the desert—has an illumined side, as well as a dark one. Even an intelligent heathen has written for our monition, that “ there is no real life but a cheerful life.” And a wiser than this heathen,—that a cheerful, or “ a merry heart doeth good like a medicine.” So far then, as we can mingle in society, and meet our friends and neighbours with a cheerful look, and an encouraging word—we shall do much to allay the present distress. If the gloom of a melancholy face is infectious; so is the smile of a joyous and cheerful one, not less easily imparted to others. “As iron sharpeneth iron; so a man sharpeneth the countenance of his friend.”

As the requisite help, for a duty so confessedly arduous, we must regard the present distress as providential, or, as having been permitted to occur with some special design.

In what acceptation a divine supervision is recognised, has been already explained. Not in any such sense, of course, that it would be just to ascribe our distress to the immediate agency of God; nor in any such sense as to exculpate the instruments, so far as in conduct or motive they are worthy of blame: but that we look beyond these subordinate causes, to that retributive government, which has selected this channel for dispensing its judgment on account of our sins; and that has admonished us of the nature of our transgression, by the very character of our chastisement. As the most high rebuked the iniquity of Ashdod, by casting down and dismembering their Dagon; so has God touched the idol of our nation and made it to tremble.

That very thing which we have loved most, and followed hardest after, has become our chief tormentor; the same fountain that has sent forth such copious streams of sweet water, is now sending the bitter. Our great facilities for gain, and our temporary success, became the lure to extravagance in expenditure; and we were forming habits of luxury, as inconsistent with republican simplicity, as they were prejudicial to our morals, and offensive to God. The effect of such a species of prosperity was precisely what it has ever been, without the special help of God to counteract it. It was the same as upon Corinth and Rome and Jerusalem. It was a proportionate increase of crime in all those destructive forms in which it wrought the ruin of them. Where the grace of God abounded in giving us temporal success, the sins of the people abounded the more. Nor is there a chapter in our national annals so replete with "lamentations, and mourning, and woe," as that which comprises the period commencing with this so called prosperity. It will stand, if we do not greatly misjudge, as the epoch of a revival of national crime.

Where, in all our history, do we see so densely chronicled a series of so much undisguised, wide-extended knavery and swindling—of so much deadly violence, and assassination,—of so many mobs and riotous assemblings—so much taking of the law out of the hands of the regular ministers of justice? Where has there been so much of political juggling: and of the sacrifice of personal honour, and principle, and conscience, at the shrine of a party? So much flagrant violation of rights

—religious, social, and civil? So many awful conflagrations by the agency of incendiaries?

But we forbear—though much more might be added, for what has been enumerated is but the beginning of our sorrows. But the assertion is made from deliberate examination, and the strongest persuasion that the coincidence is real. Our increase in crime has kept pace with our advancement in wealth.

Our indigenous evil doers are sufficiently numerous. But our country has been made the Botany Bay, and the Poor House of other nations, who have been sending the *canaille* of their streets—hospitals and prisons—till the number of imported thieves, highway robbers, counterfeiters, and murderers, is terrific. We lately met a person high in office in one of our large cities, who expressed his apprehensions from this source in the most emphatic manner. His post of observation is one from which he has the best opportunity of knowing the truth: and “we are all,” said he, “in imminent danger. We are every one exposed, like Mobile and other places, to be burned at midnight, to be robbed in this awful manner of our property, if not our life, by the agency of felons, no small part of whom are of foreign birth, and who for the chance of a few shillings of plunder, will consume half the city.”

This respectable witness does not testify alone: “Any one who attends our criminal courts,” says another intelligent observer, “cannot fail to be impressed with the fact, that the number of native American citizens accused of depredations upon property is comparatively limited. Of the foreigners who commit crimes in our cities, the English are the most accomplished and scientific. Most of the burglaries and extensive night larcenies of stores, &c. are effected by them; many of whom are exiles on account of crimes at home.

“But the mass of petty depredations committed upon property among us, within the last few years, has been perpetrated by Germans. For, while the voluntary German emigrants, who have adopted this country, are among our best citizens, there have been recent emigrations hither of a very different character. Ignorant, besotted, destitute, they wander about the streets of our cities, begging, pilfering, and even forcing their way into the houses of our citizens, and extending their depredations to offences of a bolder charac-

ter. Hundreds of these wretches have been convicted by our courts, many of whom are unable to understand a word of our language." Nor is this to be received on the authority merely of our own assertion; the confessions of the convicts themselves prove it. Many of the worst crimes in our country have been committed by these transported convicts. Kobler, the murderer of Zellerbach, now under sentence of death in Pennsylvania, is, according to his own statement, a convict from Germany.

Nor need we here repeat, what our readers have probably read, on the testimony of our Consul at Leipsic and Hesse Cassel, that "not only paupers, but even criminals are transported from the interior of this country, in order to be embarked for the United States." It is further stated, "that a Mr. De Stein, formerly an officer in the service of the Duke of Saxe Gotha, has lately made propositions to the smaller States of Saxony, for transporting their criminals to the United States, at \$75 per head; which offer has been accepted by them. The first transport of criminals, who, for the greater part, have been condemned to hard labour for life, (among them are two notorious robbers, Pfeiel and Albracht,) would leave Gotha on the 15th of October, and it is intended by and by to empty all the workhouses and jails of the country in this manner. There is little doubt that several other states will imitate the nefarious practice."

"It is also attested, that it has of late become a general practice in the towns and boroughs of Germany to get rid of their paupers and vicious members, by collecting the means for effecting their passage to the United States among the inhabitants, and by supplying them from the public funds."

Such details as these, are not furnished with any invidious motive, or from a wish to vindicate our national character at the expense of others; but the facts which we have stated are either not known, or not sufficiently appreciated, as adding an item of fearful magnitude to the amount of our national crime.

In the midst of all these things, the church of Christ has been asleep, or has mingled too much in the idolatries of others. Too many of her members have been as busily engaged in amassing wealth to consume upon their lusts; and have become as rich, and as proud, and luxurious, and hard-hearted as others. And is it not high time for God to interpose, if he would find faith on the earth? And shall he not visit us for these things? Shall not his soul be avenged on such

a nation as this? And is it cause for surprise, that a people so laden with iniquity should have come into their "present distress?" Is it not a marvel rather that they have not been overtaken sooner, and made to suffer more?

Would we then do a duty which the times imperatively enjoin, let us recognise the providential hand of God in this calamity. The rod will not rest on our lot any longer than it is needful for our welfare. So soon as we have been brought to say in true contrition—"I have done iniquity; I will do no more"—he will unveil the sun of prosperity, just so far as we are able to bear it. Let us see in this distress the chastening of a Father, who still loves our nation, if not for their own, at least for their fathers' sakes. He has a glorious agency for us to sustain in carrying forward his purposes of grace in the earth.

And when we call to mind, not our ill deserts only, but his severe dealings with others, we are constrained to adopt the prophet's expostulation with the murmuring Jews, and ask—"Hath he smitten him as he smote those that smote him? Or is he slain according to the slaughter of them that are slain by him? In measure, when it shooteth forth, thou wilt debate with it; he stayeth his rough wind in the day of the east wind. By this, therefore, shall the iniquity of Jacob be purged."

Another important duty which the times prescribe to every lover of order and law, is to do all in his power to suppress undue popular excitement—to exert his influence in favour of subordination to lawful authority.

The materials of which a community like ours is composed, contains a goodly proportion of explosive ingredients, which are easily ignited. Amidst the collisions of parties and the conflicting interests of the different classes of society, there is constant danger of eliciting the sparks which will set them on fire. To rouse the populace, and throw them into a tumult, as every one knows, is exceedingly easy, no matter what the cause, whether imaginary or real, just or unjust. Among them all, we know there are few who ever reflect or form opinions for themselves; they are accustomed to follow the commands of their leader, whose nod is a plenary commission for them to undertake, without investigation, whatever he may wish to have accomplished; to commit, if he please, excesses of the most atrocious description. How much has occurred within the observation of the reader, it is needless to mention. We do not deny, what is so palpable

to all, that the evils with which our land is afflicted are to be traced to certain well defined sources. It is as true in our day as it was in Solomon's, that, "as the bird by wandering, as the swallow by flying, so the curse causeless shall not come." Nor will any dispute, that the agency of many in procuring the present distress, has been criminal and inexcusable. That in numberless examples, the honest and industrious are the victims of oppression and fraud; that they are made to suffer most severely in many cases who deserve it least. "It is a lamentation, and shall be for a lamentation." Every friend of virtue, honour, morals, and religion, must express the same opinion with regard to the evil, yet the surest method of redress, is not always to be learned from those who are most forward to suggest it. Least of all is the counsel which the times demand, to be sought in the tumultuous and excited popular assembly; nor to be gleaned from the anonymous paragraphs of an irresponsible press, which is uttering opinions as multifarious as the tongues of Babel. On the other hand, it should be the aim of the sober and judicious of all political parties, and of every order of society, from the lowest upward, to repress all undue excitement, and correct erroneous opinions that are emanating from such misjudging and contradictory oracles. And while the minds of many are chafed and embittered by losses and disappointments, and harassed by claims which they are unable to meet, how important that they be preserved from resorting to any expedients for relief of their trouble which would only make it greater. That right is better waived, (for the present at least,) which, by reason of the disorders of the times, is not secured to us by the regular operation of law. And no man that sitteth down first and counteth the cost, will ever forsake the constitutional tribunals of justice, and appeal for redress to the equity of a mob.

Above all, would we discharge the most important duties prescribed by the present distress, we shall use it to commend our holy religion.

In the midst of so many evils which are suited to disturb the spirits, and harrow the soul with anxiety, how important that we point to the rest and tranquillity which they enjoy who have taken refuge with David, "in the secret place of the Most High, and who abide under the shadow of the Almighty." For, "though the earth be removed, and though the mountains be carried into the midst of the sea,"

they are not disquieted. "For, in the time of trouble, he shall hide them in his pavilion; in the secret of his tabernacle shall he hide them; he shall set them up upon a rock."

While disastrous occurrences, from day to day, are reminding us of that familiar and yet so little heeded monition, "that riches certainly make to themselves wings; they fly away, as an eagle toward heaven;" let us not neglect to impress the moral of every such event, as it is furnished in the words of personified Wisdom: "Lay not up for yourselves treasures upon earth, where moth and rust doth corrupt, and where thieves break through and steal; but lay up for yourselves treasures in heaven, where neither moth nor rust doth corrupt, and where thieves do not break through nor steal;" and, "take no thought, (that is, no undue thought, no excessive, anxious, idolatrous, or atheistic thought,) saying, what shall we eat? or, what shall we drink? or, wherewithal shall we be clothed? for after all these things do the Gentiles seek:"—the mere worldlings, the disbelievers in Providence—the men whose sole dependence is upon themselves, without regard to God's providential blessing. "But seek ye first the kingdom of God, and his righteousness; and all these things shall be added unto you."

We are well aware that there is no necessary nor perceptible connexion between the sorrow of the world, for temporal calamities, and a godly sorrow for sin; and yet the gracious Dispenser of spiritual influences is often pleased, in answering prayer, to make the former instrumental in preparing the heart for the latter. Thus, the afflictions of Israel, in the days of Joel, by the desolation of their fields, led them to fasting and humiliation, and a subsequent blessing. The happy reformation of Judah, in the time of Hezekiah, was cotemporaneous with their perils from the army of Sennacherib.

The distress of the times was great in Scotland in 1625, and onwards; when the spirit of God came down upon the labours of Dickson, and Livingston, and Welsh, and Forbes, and Rutherford, and others, and converts were multiplied like the drops of the morning. It was a day of rebuke and blasphemy in Ireland, in the former part of the seventeenth century, when the church enjoyed a refreshing from the Lord, which has been recorded as "one of the largest manifestations of the Spirit since the days of the Apostles." "When it was sweet (as ecclesiastical history reports) for Christians to come thirty and forty miles to the solemn

communions which they had; and there continue from the time they came until they returned, without wearying or making use of sleep; yea, but little of either meat or drink, and, as some of them professed, they did not feel the need thereof, but went away more fresh and vigorous—their souls so filled with the love of God.” Nor will it be forgotten that it was during the public distress of 1837, that the Lord was pleased to visit one of our cities, containing 6000 or 7000 inhabitants; when, in the progress of the work, it was confidently believed that more than one in six who were not already professors of religion, became the subjects of grace.

How far these public afflictions, which, it need hardly be observed, are not confined to our country, but which in varied forms, more or less affect the whole earth; how far they are, as some suppose, the beginning of that “distress of nations with perplexity,” which are to be the harbingers of “the Saviour’s coming with power and great glory,” to regenerate the world, we do not undertake to decide. That the times in which we live are portentous as well as peculiar, is the opinion, not of many religious observers merely, but of the most sagacious among the men of the world. “The very politician, purely in the way of cause and effect, anticipates a wide wasting war of principles, and a series of political convulsions, upon a scale of appalling magnitude; and, with his anticipations, the devout student of prophecy, deriving his expectations from a higher source, fully and unreservedly concurs.”

That the state of blessedness denoted in the scriptures, by “the coming of the Lord,” is to be preceded by a season of unparalleled judgments, is a sentiment in which the expounders of prophecy are generally agreed; however they may differ with regard to the nature, the time, and manner of his advent: whether it is to be a coming in person, or only in spirit—to be pre-millennial according to some, or after the millennium, as is contended by others—they all concur in the opinion that a prolonged day of “tribulation” is to go before it.

From the prophecy of Daniel it is evident, that “the kingdom which the God of heaven shall set up will break in pieces and consume all other kingdoms. And without recurring to those great political disasters in both Europe and Asia, in which these words have been progressively receiving their fulfilment they clearly import that every hinderance to

their accomplishment shall be taken out of the way. That every thing in individuals or in governments—in business or in pleasure—in men's possessions or employments—which is opposed to the religion of Christ, shall be destroyed. And that the temporal prosperity of men has invariably made them sensual, and proud, and irreligious, would lead us to presume that a prelude to our recovery, would be the removal of this temptation; would be the taking away of our earthly dependencies, in order that we may put our trust in him; the breaking of our pitchers, that we may be led to the fountain.

The time has certainly arrived, when both the church and the world are watching with painful anxiety the signs of the times. "Men's hearts are failing them for fear, and for looking after those things which are coming on the earth." May we not unhappily mistake the mind of the Spirit as revealed in the word, to which we should take heed as to a light shining in a dark place.

And while we see, in the agitations and corruption, internal feuds, and "distress of the nations," the tokens of revolution and decay, let us, like Abraham, look for a city which hath foundations, whose builder and maker is God.

ART. II.—*Letters on the Sacrament of the Lord's Supper:*

By Samuel Bayard, Esq. a Ruling Elder in the Presbyterian Congregation at Princeton, New Jersey. Second edition. 18mo. pp. 219. W. S. Martien, Philadelphia.

IT is now seventeen years since the first edition of this useful little work was published, and it now appears in a new dress, somewhat abridged, greatly corrected, and almost entirely freed from a few superficial blemishes which attracted notice in the original impression. Apart from the intrinsic importance of the subject, the volume derives peculiar interest from the fact that it comes from the pen of a layman, of a son of the Huguenots, and of "an old disciple;" for the venerable author is now in his seventy-third year. The cause of religion is greatly strengthened when it receives the public aid of men who have spent their lives in secular pursuits; as a striking example of which we need only name the *Practical View* of Mr. Wilberforce; with

whom, we may say in passing, the venerable author of the work before us was on terms of personal intimacy.

These Letters do not undertake to discuss the vexed questions concerning the Lord's Supper which have occupied controvertists. They are eminently practical, being intended chiefly to remove from the minds of timid and desponding converts, particularly young believers, those undue scruples, and that unscriptural trepidation, which have kept thousands from the Lord's Table. This is a good work, and has been performed in a manner altogether agreeable to what we suppose is the mind of the Spirit in the Scriptures. In connexion with this, the young communicant is in a perspicuous and interesting manner led into the knowledge of what this blessed ordinance signifies and communicates. There is in every page a character of gentleness and Christian benevolence, which renders it as fit to soothe the mind of the hesitating, as any similar manual with which we are acquainted. The author has gleaned from many rich fields, and spread before us the testimonies of a great number of the best theological writers, especially of French divines, whose works are not accessible to most readers. It is but just to add, that, as certain parts of the Letters, as they first appeared, were not approved by some judicious critics, these have been entirely omitted, with the exception of what relates to the unpardonable sin; on which subject the author holds an opinion which we do not feel called upon at present to review. In some minor points, in the exposition of particular passages, and in the estimate of authors cited, we cannot always agree with the venerable author.* At the same time, we believe no Christian professor, whether young or old, could read this book with a proper disposition of mind, without great edification, if not delight: and we think it might well take the place of several more unwieldy volumes which we have seen in the hands of young communicants.

The occasion thus afforded, allows us to subjoin some remarks upon a few points which are interesting chiefly to such as are called to administer the ordinance. To ministers of the gospel, this as well as other rites owes its due celebration, as well as its chief corruptions. The Sacrament of the Lord's Supper, as the most solemn rite of the Church, has not failed in any age to awaken a degree of awe

* We can by no means subscribe, for example, to the statement which makes Dr. MacKnight one of the "ablest commentators on the epistles."

which does not attach itself to any other part of external worship; and, where superstition is avoided, there is every thing in such reverence to promote edification. Yet the tendency is strong, in all minds, to introduce human inventions, under the pretext of supplying what is deficient in the divine institution. As celebrated by the first Christians, this sacrament was exceedingly simple, bearing very much the appearance of a common meal. But for this, we can scarcely see how any room should have been given for the abuses of the Corinthian Church. The constant endeavour to make it more striking, despoiled it by degrees of almost every trait of its original. The bread became a divine sacrifice; the table was changed into an altar; the minister became a priest; and the cup was altogether withheld from the laity. Instead of a broken loaf, there was a vessel of wafers, and instead of sitting at a table of Christian fellowship, the communicants were made to kneel before the "breaden God."

At the time of the Reformation, the return to the original model was different as to extent in different churches. Among all the Reformed, however, the principle was maintained, that as far as possible the simplicity of the divine prescription should be adhered to. Here there was room for some diversity of judgment, and accordingly we find that even among Calvinistic churches, there was never a perfect uniformity. Still it was only a difference in apprehending the scriptural example; for all agreed that no one had any right to add to what was prescribed. In the Scottish church, and so far as we learn, from the very beginning of the Reformation, the method has obtained of gathering around a table, and in successive companies, where all could not communicate at once. This was regarded as very important, and Mr. Baillie, one of the Scottish members of the Westminster Assembly, in his letter, speaks with much displeasure of the mode of celebration used by the Independents, who remained in their ordinary seats, while the elements were carried to them by the deacons. If any were disposed, however, to stickle for literal observance, it might be questioned whether the former were not as real a deviation as the latter; since it is as certain that in the first institution, all communicated at one and the same time, as that all communicated at one and the same table. In the Presbyterian churches of France, it should seem that communicants came to the table in succession, and the men and women separately. For, in the Acts

of the Synod of Lyons in 1563, it is recorded, that "a gentleman troubles the church, and wills that his wife come immediately after him unto the Lord's Table, *before any of the men.*" It was a very serious question among the Huguenots, whether any but a minister should give the cup to the communicants; so great was their dread of innovation. Thus, we find the following opinion in the Acts of the Synod above mentioned:

"The brethren of Geneva being demanded, whether pastors at the Lord's Table should only distribute the bread and wine unto the people, do give this answer: That it were certainly best, if it might be conveniently done at all times; but it seems for the present impossible, and for the future wholly impracticable. For in case God should multiply the number of his people, of believers and churches, and there being so great a scarcity of pastors, we see no inconveniency in it, that deacons and elders, being the arms and hands of the pastor, after that he hath consecrated the sacramental elements, and distributed the bread and cup to them that are nearest to him, may come in to his relief and assistance, and distribute them also unto those who are more remote from him."

Yet four years afterwards, the Synod of Verteuil determined "that none but ministers, if possible, shall give the cup." And the 12th chapter of the Discipline expressly declares: "The churches shall be informed, that it belongeth only to ministers to give the cup." Even after this, uniformity was not secured, as appears from the injunction of the Synod of St. Maixant, in 1609: "All pastors are enjoined to abstain from any new or private methods of their own, as of reading the words of institution, between the ordinary long prayer and that appointed particularly for this sacrament, which ought indeed to be read after; nor shall they, whilst reading the words of institution, uncover the bread and wine; nor shall they bring the people up in ranks unto the table, there to sit or stand, whereas they should cause the faithful to pass one after another up unto it; nor shall the exhortations or thanksgivings be made till that the elements have been distributed among the communicants of every table; nor shall the cup be given by the faithful one unto another, it being contrary to the express letter of a canon of our Discipline, which ordaineth pastors, if possible, or if they cannot, the elders to assist the pastor, tired by the multitude of communicants in populous churches,

to deliver it." And, in 1612, the Synod of Privas declared as follows: "This Assembly having maturely pondered whatever was said by both parties, doth confirm the sentence given by the national Synod of Maixant, which allowed elders and deacons, in case of necessity, to deliver the cup, but without speaking—founding this, their decree, upon the example and practice of our Lord Jesus, who only himself spake at his last supper, but yet permitted his apostles to distribute among themselves the bread and the cup." We give these statements, simply to shew the extreme jealousy with which the early Calvinists guarded the simplicity of this sacred rite.

The Scottish Presbyterians, and their descendants in America, have, as we cannot but think, fallen into a serious error, in adding to the length and the number of the services connected with the Lord's Supper. Not only is there an undue protraction of the exercises on the Sabbath, but it has been customary to set apart a day for fasting, in preparation for the ordinance, and a day of thanksgiving after it. Against these appendages, the late Dr. Mason wrote very ably; arguing that they have no warrant in the book of God; that they are contrary to the judgment of almost the whole Christian church; and that they are attended with great and serious evils.* He maintains, that they establish a term of religious communion which has no scriptural sanction; that they are almost impracticable, without the aid of other pastors; that they banish both the principle and practice of scriptural fasting and thanksgiving; and that they create a pernicious distinction between the sacraments. And he dwells particularly on the point, that the multiplicity of our week-day services is incompatible with such a frequency of communion as is our indispensable duty. "Had it not been for them," says Dr. Mason, "communions would have been much more frequent, both in the church of Scotland and the denominations which have sprung from it." We may add, that the argument has a wider application than to merely week-day services: all services which render the celebration of the Lord's Supper protracted or wearisome, and all instructions and ceremonies which invest it with an unscriptural mystery or awfulness, have a necessary tendency to infrequent communion. Instead of being an attractive and delightful ordinance, it thus becomes fearful and repulsive.

* *Mason on Frequent Communion*

We agree with Mr. Bayard, in lamenting the dangerous misconception of the passage in the eleventh chapter of first Corinthians, and in commending the interpretation of Doddridge which he cites in his ninth Letter. Let this passage be well understood, agreeably to its intention, and no believer, not even the most timid, can find in the whole Bible a single sentence which represents the eucharist as a fearful or tremendous rite. Alas! how many are the instances in which we have known ingenuous and humble Christians to shrink from this feast of love, with feelings not unlike those with which the heathen regard their mysterious rites! Whatever encourages this temper, in the same degree indisposes ministers and people to frequency of communion. Yet ecclesiastical history affords the strongest presumption that the Lord's Supper was celebrated every Lord's day; and that on the first day of the week, the disciples came together to break bread.—Acts, xx. 7. In the first two centuries, it was usual to communicate at least once a week; this continued in the Greek church till the seventh century, and such as neglected three weeks together were excommunicated. As the power of religion decreased, and especially as superstitious horrors began to brood over the sacramental table, now a tremendous altar, the love for this ordinance decreased,* until at length, (as in some churches in America) the Lord's Supper was celebrated only once a year. "And truly, this custom," we may say with Calvin, "which enjoins communicating once every year, is a most evident contrivance of the devil, by whose instrumentality soever it may have been determined."† "It ought to have been," says he again, "far otherwise. Every week, at least, the table of the Lord should have been spread for Christian assemblies; and the promises declared, by which, in partaking of it, we might be spiritually fed." Before we leave this subject, it may be useful to add, from authorities cited by Dr. Mason, that the constitution of the Dutch church, of 1581, appointed this sacrament to be celebrated every other month. The Discipline of the Reformed church of France, after noticing the actual practice to be that of a quarterly communion, recommends a greater frequency, due reverence being maintained, in order that believers, treading in the footsteps

* See Mason on Frequent Communion.—Lett. iii. Also, the following citations, introduced by him, viz:—Erskine's Theol. Dissertations, p. 262; Plin. Epist. lib. 10, ep. 97, p. 724. ed. Veenhusii; Just. Martyr, Apol. 2da. opp. p. 98, D. Paris, 1636. Also, Bingham, Book xv. c. ii.

† Inst. l. iv. c. 17.

of the primitive church, may be exercised, and may increase in faith by the frequent use of the sacraments. "The church of Scotland, at her first reformation, insisted upon *four* communions in the year;* and there is every probability that they would have gone farther, but from an opinion that the people, just emerging from the darkness and bondage of popery, were unable to bear it. This conjecture is founded upon what actually took place at the modelling of that plan of doctrine, worship, &c. by the Westminster Assembly, which united in one evangelical communion the churches of England, Scotland, and Ireland. The directory for public worship, prescribes the frequent celebration of the Lord's Supper: nay, it supposes that it should be so frequent as to supersede the necessity even of a *previous intimation*. 'Where this sacrament cannot with convenience be *frequently* administered, it is requisite that public warning be given the Sabbath day before the administration thereof.' *How* often should it be administered, to render this warning needless? Let this question be pondered by those who think semi-annual communions sufficient; yet that very directory have we adopted, and affect to admire."†

Frequent communion, as already suggested, is rendered less easy in proportion as the services are long or burdensome. There are few Presbyterian churches in which injustice is not done to the feebler members of the flock, whose bodily strength is well nigh exhausted by the time the communion, properly so called, has begun. It is not assuming more than is reasonable, to say that the most solemn and affecting of all our religious observances should not be appended to the very longest service which ever takes place in our churches. Yet we know it to be customary with many pastors, not merely to abridge nothing of the foregoing exercises, but to preach their longest sermons, and make their longest prayers, before a celebration, which, as conducted in some places, itself occupies several hours.

It is to be feared, that many persons regard the Lord's Supper less as a solemn commemoration, than as an awful covenant; a right of which the chief solemnity lies in a vow or oath of new obedience. The error receives confirmation from an abuse of the expressions: "This is my blood of the New Testament."—Matt. xxvi 28; Mark, xiv. 24. "This cup is the New Testament in my blood."—Luke,

* 1st Book of Discipline, Art. xiii.

† Mason's Works, vol. iv. p. 301.

xxii. 20. The new covenant here mentioned is the covenant of grace, which is sealed with the blood of Christ, and not any additional compact constituted by this ordinance. On this subject, we may quote from Mr. Bayard :

“By theologians, this sacrament is generally styled a *sign*, or *seal* of the *covenant* between God and the heliever. ‘On our part,’ says Bishop Gibson, ‘it is pleading before God the merits and efficacy of Christ’s death for the pardon of our past sins, and for grace to avoid them for the time to come; and on God’s part, it is a conveying and *sealing* of those benefits to every penitent and faithful receiver.’* ‘The Lord’s Supper,’ says Mr. Willison,† ‘is called a *seal* of the *covenant* of grace, because, like a *sealed* charter, it confirms and assures to us the certainty of the covenant, and all its promised blessings—that God, in and through Christ, is willing to be a God to us, and to take us for his people’

“Perhaps it may more correctly be viewed as a *permanent memorial* of the *ratification* of that *new alliance*, (as it is uniformly called in the French translation of the New Testament,) between God and man, to which the apostle Paul refers in his epistle to the Hebrews, as having been promised by God to the Jews, at the advent of the Messiah. ‘This is the *covenant*, (the *alliance* or *agreement*,) I will make with them, after those days, saith the Lord. I will put my laws into their hearts; and in their minds I will write them, and their sins and iniquities will I remember no more.’—*Heb.* x. 16. Such is the *substance* of the *new covenant*, (or *alliance*,) of which the apostle has given merely an epitome, and which you will find more fully stated by the prophet Jeremiah, (chapter xxxi. 31–35.) Of this new covenant, the Lord’s Supper may properly be considered as a *token*, or *memorial*.

“Thus when God made a covenant with Noah, that he would no more deluge the earth with water, he appointed the *rainbow* as a ‘*token*,’ or memorial, of this agreement; so that whenever afterwards beheld, it might remind Noah and his posterity, of the Creator’s promise.’—*Gen.* viii. 8–18. So also when God instituted the rite of circumcision, he declared to Abraham that it should be a *token* (or memorial) of *his covenant*, that he should be ‘the father of many na-

* See Gibson on the Sacrament, &c. p. 26.

† See Young Communicant’s Catechism, p. 21.

tions; that he would be a God to him, and to his seed after him; and that he would give them the land of Canaan for an everlasting possession.'—*Gen. xvii. 1–9.*”

In connexion with this sacrament, there doubtless may be, and in true believers usually is, a renewed dedication of themselves to God; but to make this the chief end of the ordinance, is to displace the principal thing. This view of the subject has been favoured by the etymological and historical associations of the term *sacrament*, a word not used in scripture, and in the employment of which we should be careful not to bring along with it any of its secular appendages. If among the Romans the word *sacramentum* signified the formal deposit of money in pledge with the pontifex, in a civil process, which sum was forfeited by the losing party; or, again, the oath which the soldier took to be faithful to his standards; there is no reason why these heathen ceremonies should in the slightest degree modify our notions of a Christian rite. Yet we have heard formal discourses founded on this very misapprehension.

The two states of mind produced by these two considerations are not congenial. If we are engrossed with the remembrance of Christ's death, we shall be less likely to feel that peculiar sense of legal obligation which some have brought into connexion with this ordinance. Accordingly, we have not seldom been present at the administration of this sacrament, in which the secondary view of the transaction has entirely superseded that which is primary. The preaching, the prayers, and the exhortations, were exclusively directed to awaken a sense of mere duty, to rouse Christians to exertion, and to exact of them a sacramental vow of the most awful kind. Every thing was merged in this oath of dedication. The awe-stricken participants, instead of weeping over the emblems of divine love, were trembling under the covenant of works; and the cross, if erected at all, was seen amidst the fire and lightning of Sinai. The death of Christ, if mentioned, was produced in aid of the legal impression. Of his substitution and atonement, there was scarcely one syllable. We have distinctly in remembrance the place and the occasion, where the ordinance was thus conducted by an eminent and popular clergyman, who has since seceded from our church; and we could only say, “This is not to eat the Lord's Supper.”

This error falls in very well with the heterodox teaching of the new divinity on all those points which concern the

propitiation of Christ. If there is no proper sacrifice, no substitution of Christ in the sinner's place, no imputation of the sinner's guilt, no endurance of the sinner's punishment; if atonement is a mere rectoral transaction, declarative of God's hatred at sin in general; if it secures the salvation of none in particular, but merely removes the obstacle out of the way of all; then indeed the death of Christ assumes a new aspect, very unlike that in which the church catholic has always regarded it; to "show forth the Lord's death," having none of its former significancy, must become something else; and accordingly becomes a showing forth of our own submission to God. Again, it is a part of the same system of error, to change the mode of applying to the mercy of God. Having removed the great object of faith, it removes faith itself, at least from the high place which it had occupied. When the expiatory death of Jesus, was the one great object set forth in the eucharist, the belief of this, with consequent affections, was the great act of the soul, in partaking. But let the absolute mercy of God, without satisfaction of justice, be the cardinal truth involved in redemption, and the soul, shrinking in dread, will resort to that mere unconditional submission to divine sovereignty, which has come in the place of precious faith. No wonder, therefore, that in certain pulpits, and certain revivals, and certain sacraments, the perpetual cry has resounded, "Submit to God;" and that we have so seldom heard the invitation, "Believe in the Lord Jesus Christ." At such a communion, celebrated among the very ruins of the old covenant, the contrite believer will be ready to exclaim, "They have taken away my Lord, and I know not where they have laid him." Upon this subject, we take the liberty of adducing the remarks of Dr. Russell, of Dundee, a sound and evangelical theologian:

"The covenant of God, it is evident from the passages I have just referred to, consists of free promises, ratified by the work of the Redeemer. In this ordinance, we are called to commemorate that glorious work, with devout and thankful hearts, and in the sure and certain hope, that not one good word of all that the Lord hath spoken shall fail to be fulfilled. Not the most distant hint of any thing like a vow or oath being the nature of this observance, is given in the word of God. It is true, that our religious services include the solemn dedication of ourselves, and of all that we have, to God, and in the observance of the Lord's Supper, there is

much that is fitted to cherish this spirit; but this is not the same thing as is meant by a vow in its common acceptation. In every act of worship, Christians express their resolution or purpose to be the devoted subjects of the Saviour, and not merely at the Lord's table. Here, no doubt, they ought, in a particular manner, to feel the power of those motives which urge believers to cleave with firm purpose of heart to the Lord; but different ways of expressing their fixed resolution in the strength of divine grace, to abide by him, are adapted to different persons, which, setting aside every other consideration, forbids us to insist on any one as particularly enjoined.

“No doubt, too, the public confession of the truth which is there made, must aggravate our guilt, if we afterwards deny it, or cease to be influenced by it, so that it may be said to lay us under great obligations. But so, in a measure, does our observance of every other divine appointment, all of which are connected with the death of Christ. There is much evidence, to prove that the confining a sense of obligation so much to one institution, has the effect of inducing comparative, and often great indifference as to others. The gospel of Christ, and in particular his death, furnishes the most powerful motives to obedience, and in vain do we think of adding to them. It is not by formal engagements at the table of the Lord, that we can increase the importance of any duty, nor ought such things ever to give us peace, under a sense of guilt, or cause confidence in our steadfastness. If they do, we shall find, to our cost, that they are a false foundation.”

There were few points for which our forefathers contended more earnestly than for the scriptural simplicity of ordinances. Having beheld the dreadful consequences flowing from innovations apparently harmless, and even edifying, but unauthorized by the inspired record, they denounced every appendage to the sacraments, however slightly or solemn, which was not expressed or implied in the original institution. They knew that the rill of unauthorized invention, would soon swell into a mighty river of superstition. Thus, after our fathers, we reject, in Baptism, the exorcism, the salting of the mouth, the sign of the cross, the touching of nose and ears with the priest's spittle, and the oil of catechumens; all which are ordained by the Council of Trent. Thus, also, in the Lord's Supper, we reject the manifold dresses—amict, alb, cincture, sudarium, and chasuble; the

manifold vessels—cruets, patens, chalice, purifier, and corporal; the genuflections, and crossings; the mummings and elevations; and the whole array of pantomime connected with the mass. And this we do, in order to return as nearly as possible to the simplicity of our Lord's institution, and thus to keep our mind undisturbed by any thoughts, however solemn, which do not pertain to the ordinance. In this we cannot be too cautious, for such is the frailty and perverseness of human nature, that while we reject one sort of ceremony we may be busy in bringing in another. It is not enough to warrant the introduction of a new form, that it is decorous, impressive, or even awful. The ever returning challenge from the throne of God is, "Who hath required this at your hands?" We are perpetually engaged in a vain endeavour to improve upon God's prescriptions. They are too bald, too unimpressive; but unless we abide by what is ordained, we cannot well stop short of a cumbrous and superstitious ceremonial. And we cannot go one step towards making a sacrament what it is not, without, in proportion, impairing what it is.

It is upon these principles, that we found an objection to some innovations in the manner of conducting the services connected with the Lord's Supper. The supplementary rites to which we allude are not indecorous in themselves; nay, it is this very seemliness which constitutes the plea for their admission, and which, in many cases, places a new and dazzling object before the eye of the communicant, in the glitter of which the real light of the divine emblems is sometimes lost. Small and insignificant as these matters may appear to some, they are precisely those in which the purity of gospel ordinances has in every age begun to be corrupted: until the accessory has come to be regarded as the principal. Thus the fierce disputes arose about the use of leaven in the sacramental bread; a controversy which some are attempting to rekindle in our western states. Thus there are good men who would think there was no sacrament unless they received it kneeling, and others as good, who could scarcely partake unless at a literal table; and there may be those whose devotions might be disturbed by the absence of that Scottish *numisma*, known in some parts of the church under the denomination of a *token*; while we have known communicants in whose esteem all the significant and commemorative part of the sacrament seemed to fade away, in comparison with the fearful rising in the face of the great

congregation, and assuming the vows pronounced from the pulpit for their acceptance. Whatever they might say, it was this which, in their minds, was the sacrament. This was the solemn act of engagement to be the Lord's, to which the timid looked forward with an apprehension which scarcely left room for any of the legitimate exercises of tender love and faith.

Having alluded to this custom, it may be necessary for us to add some explanation, as the ceremony is one absolutely unknown to our Scottish fathers, inconsistent with the principles of Presbyterianism, and prevalent only in those portions of our church which are near the borders of New England, or which have been settled by Congregationalists, or subjected to a ministry and measures derived from the eastern states. For the sake of those who are not familiar with this addition to the services of the Lord's table, we will state the case as follows: In the religious societies of New England, it has been common to admit persons to the communion of the church, by causing them to accede to a solemn covenant in the presence of the whole congregation. And this suits well with the Congregational theory, according to which the church, or body of believers, already bound together in covenant, receive into communion in a like covenant, all who are added to the church; and do this, not representatively as is the manner of Presbyterians, but immediately, in their primary capacity. For, in all Independent societies, it is the church proper, or associated believers, and not the church representative, or session, who perform acts of government. The manner is this, or something like this: At some convenient moment, prior to the administration of the ordinance, all those who are now to join the communion of the church, are called out and take their stand in the sight of the congregation, just before the pulpit or desk. The minister reads to them a confession of faith, and a covenant, and receives their public declaration of assent to both. These creeds and covenants of course differ in different churches, and sometimes it is found convenient, as in New Haven, to alter the creed, to suit new discoveries. The solemnity, as we have witnessed it, is certainly imposing. On the minds of those chiefly concerned, it must needs produce an impression lasting as life, in comparison with which the subsequent ordinance loses its force, and which is in our judgment injurious in the direct ratio of its solemnity. It is this public covenanting which fills with alarm the soul of the person pro-

pounded. It is this which leads him to regard the solemn oath of allegiance as the very kernel of the ordinance.

It is not enough to tell us, that this is very solemn; deeply affecting the minds both of those who engage in it, and of all bystanders. This we freely admit; but most earnestly do we protest against the principle that we may add to God's ordinances any thing and every thing which is of imposing character; or that we may argue directly from the awfulness or tenderness of an observance, to its value and allowableness; or, still further, that we may introduce a new element into a divine institution, not in harmony with the substantive parts of the ordinance. It was this fallacy which filled our churches with new measures, and which erected what was barbarously called "the anxious-seat" almost into a sacrament. It was this which filled the popish churches with pictures, incense, processions, and all the pageant of the mass. This public covenanting is undoubtedly solemn; it would be more signally so if it were accompanied with sackcloth, ashes, tapers, and the weeping of penitents; or if, as in the ancient church, the *poenitentes* were not allowed to enter beyond a certain line. But are these things, for this reason, to be admitted? It is solemn, but is it commanded? Is it implied in the command? Is it one of those things necessary to the performance of the command? Is it conducive to the spirit of the ordinance? The history of the church abounds in fearful proofs of a disposition to despise simple rites, especially the two sacraments; so that they have been overladen and overwhelmed with solemn additions, besides having five others added to their number. It is but a step from this to expect a blessing *ex opere operato*. Nothing can be more unwarranted than to make the simple, but precious sacrament of the Lord's Supper an instrument for mere effect. It is this which has turned the communion table into an altar, and retained the crucifix in many churches of protestant Germany.

Not less is our objection to the prominency thus given to the idea of a vow, or a covenant, as necessarily belonging to the Lord's Supper. The Covenant of Grace is indeed represented most affectingly in this ordinance, in faith of the accomplishment of its promises. But so little is made of this in our day, that we believe there could be found churches in New England and the parts adjacent, where the word *covenant* is never used in a religious sense of any but this church covenant. It is, to our apprehension, a derogation from the

remembrance of Christ, to change it into an oath of fidelity. It is a memorial, and an emblem, a feast and a communion; but it is never represented in scripture under the special notion of a binding compact, or an awful vow. "Instead of ensnaring or entangling ourselves," says Dr. Russell, "with oaths or formal vows, let us contemplate the cross and character of Christ. Here there is all that is moving in love, affecting in condescension, and engaging in mercy—united with all that can impress us with a sense of the baseness and desert of sin: and in contemplating and celebrating the love of God in the gift of his Son, the unutterable condescension of the Saviour, we shall be powerfully constrained by the innumerable mercies of the everlasting covenant, to present ourselves unto God as a living sacrifice, and to live to Him who for us groaned and died."

There is a plain exception, when unbaptized persons apply for admission into the church. It is proper that they should make a public profession of their faith, in the presence of the congregation; inasmuch as this very profession is an indispensable prerequisite to their being baptized, should immediately precede it, and must therefore take place in the church. But when our Directory, in a chapter expressly allotted to the reception of church members, enjoins this public profession in the case of baptism, and yet makes no similar provision for the other sacrament, the conclusion is unavoidable, that the church never contemplated any such covenant. Indeed, as has been already suggested, it is a rite which has crept into our congregations from New England, and carries with it the supposition of a church covenant; an idea which, however familiar and precious to the minds of Congregationalists, is foreign to our habits of thought.

In addition to the imposing solemnity of such a ceremony, its advocates have sometimes pleaded, that there should be some act of receiving the believer into full communion, and that this is a natural and proper way of establishing his connexion with the church. This is undeniably true of churches on the Independent plan. The body of communicants is the only legitimate acting body; to be consistent, they ought to examine and receive; and the proceeding of which we treat is well fitted to represent and propagate their theory. But why should we, without any acquiescence in this theory, adopt the measures which are built on it? We are Presbyterians: we hold it to be expedient and agreeable to scripture, and the practice of the primitive Christians, that the govern-

ment of each church should be conducted by a bench of elders, who are the representative church.* This body, called the Church Session, and consisting of the pastor and ruling elders, is charged with maintaining the spiritual government of the congregation; and have power, in particular, *to receive members into the church.*† The church itself has delegated this authority. If it be inquired, whether it is not further necessary that there should be a public setting forth of this new connexion, we reply, that it is highly proper that the names of all communicants should be read to the congregation, but that the actual participation in the sacrament is the most solemn and the only needful act declarative of full connexion with the church. This is true even in the case of those who have not been baptized in infancy; but children born within the pale of the visible church, and dedicated to God in baptism, are already under the inspection and government of the church; and when they come to years of discretion, if they be free from scandal, appear sober and steady, and to have sufficient knowledge to discern the Lord's body, ought to be informed, that it is their duty and their privilege to come to the Lord's Supper. Nor do we admit any rite similar to confirmation, between baptism and the Lord's Supper, to qualify one who has been already examined by the session. Let us not, even in seeming, yield to the notion, that it is the part of the communicants, as a body, to receive members into the church, when this power is by an express declaration attributed to the church-session. Having once introduced the accidents of Independency, we shall be the less averse to the substance.

There is another part of this modern ceremony which we regard as evil. It is the rehearsing of a creed, or articles of faith, and the exaction of assent to this from the candidate, in the presence of the congregation. This also has come to us from Independent churches. Now, we do not object to this in those communions where it is necessary or usual, but it is not congenial to our habits. A public profession of faith, is not the object of our strictures, but the manner in which this is effected. Among the Independents, every church is at liberty, of course, to make its own creed, with any number of articles, from one to a thousand. It is natural and proper that those who are added to the original covenanting church should express their adherence to the same formulary. But

* Form of Gov. chap. viii. § 1.

† Form of Gov. chap ix. § 1. 6.

the same ceremonial becomes preposterous when dragged into the midst of our Presbyterian institutions. Our church has its constitution and confession of faith, solemnly adopted, ratified, and published; it recognises no other uninspired creed. There is no ecclesiastical function more delicate or more momentous than that of constructing a creed. Independency may, if it choose, leave this at the mercy of particular churches; but every principle of our own system must revolt against such a license. In point of fact, there have been hundreds of such creeds, varying with every change of theological latitude, and every wind of doctrine. These mutilated articles have often been printed, and, with the obligations assumed in a public profession of faith, have been incorporated in what is sometimes called the church manual. These creeds have not always contained heresy, but the truth may be sacrificed by omission; and the *suppressio veri* is not less fatal than the *suggestio falsi*. The question has been much agitated of late, how these abridged creeds may be regulated. Such a question could not have arisen in the Reformed churches of Holland or France, or in the Kirk of Scotland; it has come to us from New England. Presbyterianism flourished several centuries without either abridged creeds or congregational covenants. Instead of casting about for means of regulation, the search should be, in our opinion, for means of suppression. We should as soon think of regulating a wen or other offensive excrescence. If, indeed, the highest judicatory of the church should send down to the presbyteries a brief formulary, as an aid for the instruction and examination of candidates, we should think it a regular, even if not an expedient act; but for hundreds of hasty creeds, like Sibylline leaves, to fly through our country, various in their hues as the foliage of autumn, and, in a majority of cases, grossly defective, is an abuse which defeats one of the great ends of having any creed whatever. There is a striking tendency in all such creeds to become more and more meager. The rule for admitting church members seems to be, to remove out of sight all those truths which stain the pride of man, and in their place to introduce new doctrines of a legal kind; sometimes using impressive ceremonies for this purpose: in a word, to make the creed short, and the pomp long.

Chas. L. Lodge.

ART. III.—*A Discourse on the Latest Form of Infidelity, delivered at the request of the Association of the Alumni of the Cambridge Theological School, on the 19th of July, 1839, with notes.* By Andrews Norton. Cambridge. Published by John Owen, 1839. pp. 64.

A Letter to Mr. Andrews Norton, occasioned by his Discourse before the Association of the Alumni of the Cambridge Theological School, on the 19th of July, 1839. By an Alumnus of that School. Boston. James Munroe & Company, 1839. pp. 160.

OUR readers are probably aware that the Unitarian clergymen of Boston and its vicinity, priding themselves in the name of liberal Christians, have never professed to agree entirely among themselves in their doctrinal views. Of late, however, a portion of their number have advanced sentiments which, in the apprehension of the rest, exceed even the limits of the most liberal Christianity. Hence this Discourse on the Latest Form of Infidelity. The pamphlets before us, do not enable us to ascertain precisely what this new form of infidelity is, nor how far it is embraced by the Boston clergy. We know, indeed, that it has its origin in German philosophy, and that the Rev. Mr. Emerson delivered an address before the same Association which listened to Mr. Norton's Discourse, which was a rhapsodical oration in favour of pantheism. We know also that that oration called forth an earnest remonstrance and disclaimer from some of the friends and officers of the Cambridge school of theology. The public papers moreover informed us that Mr. Emerson delivered, with some applause, a series of popular lectures on the new philosophy, to the good people of Boston. We are, however, ignorant both as to the number of those who embrace this new philosophy, and as to the extent to which they carry it. It may be inferred from Mr. Norton's Discourse, that he considered his opponents as denying either the possibility of a miracle, or the truth of the New Testament history in reference to the miracles of Christ. Why else should he make the truth of the evangelical history, and the absolute necessity of a belief in miracles, in order to faith in Christianity, the burden of his discourse? "The latest form of infidelity," he says, "is distinguished by assuming a Christian name, while it strikes directly at the

root of faith in Christianity, and indirectly of all religion, by denying the miracles attesting the divine mission of Christ.”* On another page, he says, “Christianity claims to reveal facts, a knowledge of which is essential to the moral and spiritual regeneration of men, and to offer, in attestation of those facts, the only satisfactory proof, the authority of God, evidenced by miraculous displays of his power.”† Again: “If it were not for the abuse of language that has prevailed, it would be idle to say, in denying the miracles of Christianity, the truth of Christianity is denied. It has been vaguely alleged, that the internal evidences of our religion are sufficient, and that the miraculous proof is not wanted; but this can be said by no one who understands what Christianity is, and what its internal evidences are.”‡

These quotations are sufficient to exhibit the two prominent doctrines of the Discourse, viz: that miracles are the only satisfactory evidence of a divine revelation; and that the denial of the miracles of Christianity, is a denial of Christianity itself. These doctrines are not necessarily connected. For, although it is certain that if the former is true, the latter must be true also; it does not follow that if the former is false, the latter must be false. It may be incorrect, as it doubtless is, to make miracles the only satisfactory proof of Christianity, and yet it may be perfectly correct to say that a denial of the miracles of Christ, is a denial of the gospel, not because the only sufficient proof of the truth of the gospel is denied, but because the miraculous character of the gospel enters into its very essence. The advent, the person, the resurrection of Christ, were all miraculous. He cannot be believed upon, without believing a miracle. Revelation is itself a miracle. All the words of Christ suppose the truth of his miracles. They can, therefore, no more be separated from his religion than the warp and woof can be separated, and yet the cloth remain entire. The apostle expressly teaches us, that if the resurrection of Christ be denied, the whole gospel is denied. While, therefore, we dissent from Mr. Norton as to his first proposition, we fully agree with him as to the second.

The obvious objection to the doctrine, that miracles are the only adequate proof of divine revelation, is that the great majority of Christians, who are incapable of examining the

* Discourse, p. 11.

† Discourse, p. 18.

‡ Discourse, p. 21.

evidence on which the miracles rest, are thus left without any sufficient ground of faith. This objection does not escape Mr. Norton's attention. His answer is the same as that given by Catholic priests and high churchmen, every where, viz.—they must believe on trust, or as he prefers to express it, on the testimony of those who are competent to examine the evidence in question. As they are forced to believe a thousand things, without personal examination, on the testimony of others, he thinks it not unreasonable that they should receive their religion on the same terms. If they believe that the earth turns round because astronomers tell them so, why may they not believe that the gospel is true because learned men vouch for the fact? It is hardly necessary to remark, that every Christian knows that such is not the foundation of his faith; he has firmer ground on which to rest the destiny of his soul. He does not believe Grotius or Paley; he believes God himself, speaking in his word. The evidence of the truth is in the truth itself. The proposition, that the whole is greater than a part, is believed for its own sake. And to higher intellects, truths at which we arrive by a laborious process, appear in their own light, as axioms appear to us. So also with regard to morals. There are some propositions which every human being sees to be true, the moment they are announced. There are others which must be proved to him. And the higher the moral cultivation, or purity of the soul, is carried, the wider is the range of this moral intuition. So also with regard to religious truth. That God is a spirit, infinite, eternal, and unchangeable, in his being, wisdom, power, holiness, justice, goodness, and truth; that he is not a Jupiter, or a Moloch, is believed with an intimate conviction which no argument nor external evidence can possibly produce. It is believed for its own sake. It cannot be understood or perceived in its own nature without the persuasion of its truth rising in the mind. No man believes that malignity is wrong on external authority; and no man believes that God is good, because it can be logically demonstrated. The ground of faith in moral truth, from the nature of the case, is the perception of the nature of the truth believed. It is seen and felt to be true. That one man does not see a proposition in morals to be true, can have no effect upon him who does perceive it. And the only way to produce conviction in the mind of him who doubts or disbelieves, is to remove the darkness which prevents the perception of the

truth to be believed. If seen in its true nature, it is believed; just as beauty is believed as soon as seen. "Faith is no work of reason, and therefore cannot be overthrown by it, since believing no more arises from arguments than tasting or seeing."*

It is very true, that the great majority of men have no such perception of the peculiar truths of the gospel as produces this unwavering faith. The only belief that they have rests on tradition, or prejudice, or, in the learned few, on the external evidences of the gospel. The reason of this fact, however, is not that the doctrines in question do not contain the evidence of their own truth, but that the minds of the majority of men are not in a state to perceive it. What is the reason that savages do not perceive many things to be wrong, the moral turpitude of which is to us a matter of intuition? The reason lies in the state of their minds. So, also, the "natural man receiveth not the things of the Spirit of God; for they are foolishness unto him: neither can he know them; for they are spiritually discerned. But he that is spiritual, discerneth all things." The spiritual man, then, (that is, the man under the influence of the Spirit of God,) discerns the excellence of the things of the Spirit; and he receives them because he does discern them. He sees the excellence of the divine character; the glory of God as it shines in the face of Jesus Christ; the perfection of the divine law; the accordance of the declarations of God with his own experience; the suitableness of the plan of salvation to his necessities, and to the perfections of God. He feels the power which attends these truths in his own soul, and his faith, therefore, rests not on the wisdom of man, but on the power of God. It must be remembered, that the Bible is a whole. The believer sees these doctrines every where, and he therefore believes the whole. One portion of scripture supposes and confirms another. The authority of the ancient prophets, of Christ, and of the apostles, is one and indivisible. As the prophets testified of Christ, so he testified of them. As Christ testified to the apostles, so did they testify of him. The object of the believer's faith, therefore, is the whole Bible. He sees every where the same God, the same law, the same Saviour, the same plan of redemption. He

* Der Glaube ist kein Werk der Vernunft, kann also auch keinen Angriffen derselben unterliegen, weil Glauben so wenig durch Gründe geschieht, als Schmecken und Sehen.

believes the whole, because it is one glorious system of effulgent truth.

As this is the doctrine of the Bible on this subject, so it is also the doctrine of the church. Were it our present object to establish this point, the correctness of the above statement could be easily proved. We cannot forbear, however, to quote the following beautiful passage from the Westminster Confession: "We may be moved and induced," says that venerable symbol, "by the testimony of the church, to an high and reverend esteem for the Holy Scripture; and the heavenliness of the matter, the efficacy of the doctrine, the majesty of the style, the consent of all the parts, the scope of the whole, (which is to give all glory to God,) the full discovery which it makes of the only way of man's salvation, the many other incomparable excellencies, and the entire perfection thereof, are arguments whereby it doth abundantly evidence itself to be the word of God; yet, notwithstanding, our full persuasion and assurance of the infallible truth and divine authority thereof, is from the inward work of the Holy Spirit, bearing witness by and with the truth in our hearts."

Owen wrote a treatise on this subject, which bears the impress of his sound and vigorous understanding, as well as of his intimate acquaintance with the nature of true religion.* In his *Treatise on the Reason of Faith*, he says: "The formal reason of faith, divine and supernatural, whereby we believe the scriptures to be the word of God, in the way of duty, as it is required of us, is the authority and veracity of God alone, evidencing themselves unto our minds and consciences, in and by the scripture itself. And herein consisteth that divine testimony of the Holy Spirit, which, as it is a testimony, gives our assent unto the scripture, the general nature of faith, and, as it is a divine testimony, gives it the especial nature of faith divine and supernatural.

"This divine testimony given unto the divine original of the sacred scriptures, in and by itself, wherein our faith is ultimately resolved, is evidenced and made known, as by the character of the infinite perfections of the divine nature which are in and upon it; so by the authority, power, and efficacy, over and upon the souls and consciences of men, and the satisfactory excellence of the truths contained therein, wherewith it is accompanied."

* See his work on *The Divine Authority, Self-evidencing Light and Power of the Scriptures*, with an answer to that inquiry, *How we know the Scriptures to be the word of God?*

This view of the ground of faith is confirmed by the experience and testimony of the people of God in all ages.

It is a monstrous idea, that the thousands of illiterate saints who have entered eternity in the full assurance of hope, had no better foundation for their faith than the testimony of the learned to the truth of the Bible. Let the advocates of such an opinion ask the pious believer, why he believes the word of God, and they will find he can give some better reason for the hope that is in him than the faith or testimony of others. Let them try the resources of their philosophy, empirical or transcendental, on a faith founded on the testimony of the Holy Spirit by and with the truth; let them try the effect of demonstrating that such and such doctrines cannot be true; they will assuredly meet with the simple answer, "One thing I know, whereas I was blind now I see."

It is by no means intended to undervalue the importance of the external evidences of a divine revelation, whether derived from miracles, prophecy, or any other source, but simply to protest against the extreme doctrine of Mr. Norton's Discourse: that such evidence is the only proof of a divine revelation, and that all who cannot examine such evidence for themselves must take their religion upon trust. The refutation of this doctrine occupies much the larger portion of the Letter of the Alumnus of the Cambridge Theological School, the title of which is placed at the head of this article. The argument of the Alumnus, as far as it is a refutation, is perfectly successful. With his own doctrine, we are as little satisfied as with that of Mr. Norton. "The truths of Christianity," he tells us, "have always been addressed to the intuitive perceptions of the common mind."* He quotes, with much commendation, the following passage from Prof. Park, of Andover: "The argument from miracles is not the kind of proof to which the majority of cordial believers in the Bible are, at the present day, most attached. They have neither the time nor the ability to form an estimate of the historical evidence that favours or opposes the actual occurrence of miracles. They know the Bible to be true, because they feel it to be so. The excellence of its morality, like a magnet, attracts their souls; and sophistry, which they cannot refute, will not weaken their faith, resulting as it does, from the ACCORDANCE OF THEIR HIGHER NATURE WITH THE SPIRIT OF THE BIBLE." This language, as coming from

* Letters, &c. p. 116.

Professor Park, if it be any thing more than a specimen of the affectation of expressing a familiar truth in a philosophical form, is something far worse. If this "higher nature" of man, which thus accords with the spirit of the Bible, is his renewed nature—his nature purified and enlightened by the Holy Spirit—then we have a solemn truth disguised and dandified in order to curry favour with the world. But if this "higher nature" be the nature of man, in any of its aspects, as it exists before regeneration, then is the language of Professor Park, a treasonable betrayal of the scriptural truth. The doctrines of depravity, and of the necessity of divine influence, are virtually denied. That which is born of the flesh, is flesh; unless a man be born of the Spirit, he cannot see the kingdom of God; the carnal mind is enmity against God; the natural man receiveth not the things of the Spirit of God, for they are foolishness unto him; we preach Christ crucified, unto the Jews a stumbling block, and the Greeks foolishness, but unto them which are called (and to them only) Christ the power of God, and the wisdom of God. To assert, therefore, the accordance of the higher nature of unrenewed men with the spirit of the Bible, is to contradict one of the primary doctrines of the word of God. It contradicts, moreover, universal experience. Does the character of God, as a being of inflexible justice and perfect holiness; do the doctrines of Christ crucified, of the corruption of man, of the necessity of regeneration by the power of the Holy Ghost, and of eternal retribution, commend themselves to the hearts of unrenewed men? Are they not, on the contrary, rejected and blasphemed by those who delight to talk of the accordance of their higher nature with the spirit of the Bible?

If the passage on which we are commenting, refers to nothing more than the accordance between the ethics of the Bible and the moral sense of men, and between its general representations of God and human reason, it is still more objectionable. It supposes that all that is peculiar to the gospel, all that distinguishes it from a system of natural religion, may be left out of view, and yet its spirit, its essential part, remain. Is the spirit of a system which makes Christ a mere man, which denies the apostacy of our race, which rejects the doctrines of atonement and regeneration, the spirit of the Bible? Then, indeed, has offence of the cross ceased.

In every view, therefore, which we are able to take of this language of Professor Park, it excites the strongest feelings

of disapprobation. If he believes what all evangelical Christians have ever believed on this subject, why use language, to express that belief, which those who deny the essential doctrines of the gospel seize upon with avidity, as expressing their own views? On the other hand, if he does not agree with evangelical Christians on these points, why does he call himself by their name? Why does he march under their banner? We sincerely believe that the cause of Christ is in more danger from the treason of friends than from the open opposition of foes. While the infidels of Germany, and the Unitarians of this country, are employing Christian language, to convey anti-christian doctrines, professing Christians are using the language of an infidel philosophy in treating of the mysteries of God. Whether this results from mere vanity or from secret unbelief, the result is the same. The truth is burried or betrayed. Statements are made of Christian doctrine in a form which those who deny the doctrine readily adopt. Thus common ground is obtained, on which friends and foes of the gospel can stand side by side, in seeming concord. The distinction between truth and error is done away, and Christians and infidels come to speak the same language. A more effective devise than this, to destroy the power of the gospel, cannot be conceived. The new philosophy promises to be an universal solvent, reducing all forms of opinion into vague formulas, into which every man may insinuate what sense he pleases. We should not have thought it right to make these remarks on a single ambiguous sentence, quoted from Professor Park, were it not for two reasons. The first is, that this disposition to hide the truth in the mists of philosophical language, is making rapid progress among us; and the second is, that it is peculiarly characteristic, as it strikes us, of that gentleman's writings.

While, therefore, we dissent from Mr. Norton's doctrine, that miracles are the only adequate proof of a divine revelation, and that those who cannot examine that proof for themselves, must believe upon the testimony of others, we dissent no less earnestly from the doctrine of his opponent, that Christianity is addressed to the intuitive perceptions of the common mind; that it is embraced because of the accordance of its spirit with the higher nature of man. We believe the external evidence of the Bible to be perfectly conclusive; we believe its internal evidence, (that is, its majesty, its purity, its consistency, its manifold perfections,) to be no less satisfactory; but we believe also, that the ultimate founda-

tion of the Christian's faith, is the testimony of the Holy Spirit, by and with the truth in our hearts.

Though the author of the Letter to Mr. Norton devotes most of his attention to the refutation of the doctrine above stated, respecting miracles, the feature of the Discourse which seems to have given him and his friends the greatest umbrage, is its denunciatory character; that is, its venturing to assert, that those who deny the miracles of Christianity are infidels. This, it appears, was considered singularly out of taste, and incongruous, seeing the Discourse was delivered before an association of liberal theologians. Its members, it is said, "agree in the rejection of many articles of faith which have usually been held sacred in the church; a traditional theology has taken no strong hold of their minds; they deem the simple truths of Christianity more important than the mysteries that have been combined with them; but the principle of their union has never been made to consist in any speculative belief; no test has been required as a condition of fellowship; the mere suggestion of such a course would be met only with a smile of derision." The Association "is composed of the alumni of a theological school, which has always claimed the favour of the community, on account of its freedom from an exclusive spirit; its confidence in the safety and utility of thorough inquiry in all matters of faith; its attachment to the principles of liberal theology; and its renunciation of the desire to impose articles of belief on the minds of its pupils."* That the exclusive principle should be adopted in a discourse before such an audience was not to be expected. By this principle, is meant, "the assumption of the right for an individual, or for any body of individuals, to make their own private opinions the measure of what is fundamental in the Christian faith. As liberal Christians," it is said, "we have long protested against this principle, as contrary to the very essence of protestanism. It was not because our exclusive brethren made a belief in the trinity a test of allegiance to Christ, that we accused them of inconsistency with the liberty of the gospel; but because they presumed to erect any standard whatever, according to which the faith of individuals should be made to conform to the judgment of others. It was not any special application of the principle that we objected to; but the principle itself; and, assuredly, the exercise of this principle does not change its character, by reason of the source from which it proceeds."†

* Letter, &c. pp. 5 & 6.

† Letter, &c. pp. 23 & 24.

This strikes us as very good declamation, but very poor reasoning. There may be just complaint about the application of the exclusive principle; but to complain of the principle, is certainly very unreasonable. The author of this Letter is just as exclusive as Mr. Norton, and Mr. Norton as the Trinitarians. They draw the line of exclusion at different places; but all must draw it some where. An infidel is a man who denies the truth of the Christian religion. That religion is certainly something. Different men may have different views of what it consists of, or what is essential to it. But all must regard it as embracing some doctrines, or it would cease to be a religion; and, consequently, they must regard those who reject those doctrines as infidels, whether they say so or not. This Alumnus would hardly call Mahomedans Christians, though they reckon Abraham and Christ among the prophets, and believe in God and the immortality of the soul. Would he then call him a Christian who denies the divine mission of Christ, the being of an intelligent God, and the existence of the soul after death, merely because he lives in a Christian country, and assumes the Christian name? This would be to make liberality ridiculous. Yet such claimants of the Christian name are beginning to abound. Mr. Norton, therefore, is not to be blamed, even as "a liberal theologian," for the adoption of the exclusive principle. He may have drawn the line in an inconvenient place; he may have violated the code of Unitarian etiquette, in making a belief in miracles essential to a belief in Christianity, and thus justly exposed himself to the charge of a breach of privilege; but he can hardly be blamed for making the belief of something necessary to entitle a man to the name of a Christian. We have no doubt, his real offence was in drawing the line of exclusion in such a manner as to cast out of the pale of even liberal Christianity, some who were not disposed to be thus publicly disowned. This is, indeed, distinctly stated. "Your declaration," says the author of the Letter, to Mr. Norton, "that a certain kind of evidence, in your view, establishes the truth of Christianity, and that he who rests his faith on any other is an infidel, notwithstanding his earnest and open professions to the contrary. You thus, in fact, denied the name of Christian to not a few individuals in your audience, although you avoid discussing the grounds by which their opinions are supported. For it is perfectly well known, that many of our most eminent clergymen—I will not refrain from speaking of them

as they deserve on account of my personal sympathy with their views—repose their belief on a different foundation from that which you approve as the only tenable one.”* It is plain, therefore, that the offensive exclusiveness of Mr. Norton’s Discourse consisted in denying the Christian name to those who deny the miracles of Christ.

It appears to us, however, that the writer of this letter does Mr. Norton great injustice. He accuses him of confounding “two propositions which are essentially distinct:—a belief in a divine revelation, and a belief in the miracles alleged in its support. You utterly confound,” it is said, “the divine origin of Christianity, and a certain class the proofs of its divine origin.”—p. 34. Mr. Norton does not confound these two things; nor does he, as represented by this writer, pronounce all those to be infidels whose faith rests on any other foundation than miracles. He declares those to be infidels who deny the miracles of the New Testament, but this is a very different affair. Many who feel the force of other kinds of evidence much more than that of miracles, and whose faith, therefore, does not rest on that foundation, admit their truth. Mr. Norton’s doctrine is, that the miraculous accounts contained in the New Testament are so interwoven with all the other portions of the history, and enter so essentially into the nature of the whole system of Christianity, that they cannot be denied without denying what is essential to the Christian religion. There is no confusion here of the thing to be proved, and the proof itself. It is true, he teaches that miracles are the only proof of a divine revelation. But this is only one of his reasons for maintaining that the rejection of the miracles of Christianity, is a rejection of Christianity itself. We believe this latter proposition, though we do not believe the former. We believe that miracles are essential to Christianity, though we do not believe that they are the only sufficient proof of its divine origin.

* Letter, &c. p. 25. On a previous page, however, complaint is made against Mr. Norton, for proposing to speak of prevailing opinions, and then opposing “the doctrine of the impossibility of miracles” which, the writer says, “is not known to have an advocate among our theologians.” And on page 32, he says, though many excellent Christians doubt “whether Jesus Christ performed the miracles ascribed to him in the New Testament,” he “cannot avoid the conclusion, that the miracles related in the gospels, were actually wrought by Jesus.” The author, therefore, though he belongs to the class whose faith does not rest on miracles, neither denies their possibility nor their actual occurrence.

The Alumnus, moreover, censures Mr. Norton severely, for calling Spinoza an atheist and pantheist. The propriety of this censure depends on the sense given to the terms employed. An atheist is one who denies the existence of God. But what is God? If the term be so extended as to include even a blind *vis formativa* operative through the universe, then there never was an atheist. But if the term is used in its true scriptural sense; if it designates an intelligent and moral being, distinct from his creatures, whose essence is not their essence, whose acts are not their acts, and especially whose consciousness is not their consciousness, then Spinoza was an atheist. He acknowledges no such being. The universe was God; or rather all creatures were but the phenomena of the only really existing being. It may, indeed, seem incongruous to call a man an atheist, of whom it may with equal truth be said, that he believed in nothing but God. But in the sense stated above, which is a correct and acknowledged sense of the term, Spinoza was an atheist.

"We come now," says the Alumnus, "to a still more extraordinary mistake, which arose probably from the habit, too prevalent among us, of grouping together theologians who have scarcely any thing in common, but the language in which they write. You class Schleiermacher with the modern German school, whose disciples are called Rationalists or Naturalists."—p. 133. This he says is as whimsical a mistake as if a foreigner were to describe the celebrated Dr. Beecher as one of the most noted of the Unitarian school, in New England. This mistake is not quite as whimsical as the author supposes. The term Rationalist is, indeed, commonly employed to designate those who, making reason the source as well as the standard of religious truth, deny all divine revelation. Have the pietists, says Röhr, the superintendent of Weimar, yet to learn that we admit no other revelation in Christ than such as occurred in Socrates or Plato? Of such rationalists, who are in Germany just what the deists were in England, Schleiermacher, and all the transcendental school, were the determined and contemptuous opponent. In another sense, however, the term rationalist is applicable, and is in fact applied, to the transcendentalists of the highest grade. Under the head of the *Mystisch-spekulativer Rationalismus*, Tholuck includes the gnosticism of the first centuries, the pantheists of the middle ages, and of modern Germany.* To this class of mystical rationalists,

* Tholuck's *Glaubwürdigkeit der evangel. Geschich.* &c. Ch. 1.

Schleiermacher undoubtedly belonged. As, however, the term is generally applied to the deistical opposers of a supernatural revelation, with whom he was ever in controversy, it certainly produces confusion to call Schleiermacher himself a rationalist. As to the question, whether he was a pantheist, as it is a matter about which his learned contemporaries in his own country are at variance, we may well stand in doubt. Few unbiassed readers of his *Reden über die Religion*, however, could regard him in any other light when those discourses were written. They are, to be sure, a rhapsody, full of genius and feeling, but still a rhapsody, in which the meaning is a very secondary concern; which the reader is not expected to understand, but simply to feel. Such a book may betray a man's sentiments, but is hardly fit to be cited in any doctrinal controversy. Schleiermacher was a very extraordinary man. Though he placed far too little stress on historical Christianity, (i. e. on the religion of Christ, considered as objective revelation, recorded in the New Testament,) yet as he made Christ the centre of his mystical system, exalting him as the perfect manifestation of God, he exerted an extraordinary influence in breaking down the authority of those deistical rationalists, who were accustomed to speak of Christ as altogether such an one as themselves. He was once a Moravian, and there is reason to believe, that the interior life of his soul existed, after all, more under the form thus originally impressed upon it, than under the influence of his subsequent speculations. It was no uncommon thing for him to call upon his family to join with him in singing some devout Moravian hymn of praise to Christ; and though his preaching was of a philosophical cast, yet the hymns which he assigned were commonly expressive, in a high degree, of devotional feeling and correct sentiment.* Such a worshipper of Christ ought not to be confounded with such heartless deists as Paulus, Wegscheider, and Röhr.

The *Alumnus* makes another objection to Mr. Norton's discourse, the justice of which we admit. It does not fulfil the expectations which the annunciation of his subject excites. It is not a discourse on the latest form of infidelity; it is a mere consideration of one subordinate feature of that form, viz: the denial of the miracles of the New Testament.

* It was his habit to have these hymns printed on slips of paper and distributed to the people at the door of his church.

And this feature is by no means characteristic of the system, as this denial was as formally made by Paulus as it is now by Strauss, men who have scarcely any other opinion in common. Mr. Norton's discourse gives us little insight into the form which infidelity has recently assumed in Germany, and still less into the nature of the opinions which have begun to prevail in his own neighborhood. According to the *Alumnus*, it is better adapted to mislead than to inform the reader, as far as this latter point is concerned. "You announce," says he to Mr. Norton, "as the theme of your discourse, 'the characteristics of the times, and some of those opinions now prevalent, which are at war with a belief in Christianity.' This, certainly, was a judicious opening, and I only speak the sentiments of your whole audience, when I say that it was heard with universal pleasure. It at once brought up a subject of the highest importance, of no small difficulty, and of singular interest to our community at the present moment. It gave promise that you would discuss the character and tendency of opinions now prevalent in the midst of us; that you would meet some of the objections which have been advanced to popular theological ideas; that you would come directly to the great questions that are at issue between different portions of the audience which you addressed. But, instead of this mode of proceeding, you adopted one which could not have been expected from your statement of the subject, and which I conceive to have been singularly irrelevant to the demands of your audience, and the nature of the occasion. Instead of meeting, face to face, the opinions which have found favour with many of the theologians in this country, which are publicly maintained from the pulpit and the press, in our own immediate community, which form the cardinal points on which speculation is divided among us, you appear studiously to avoid all mention of them; no one could infer from your remarks, that any novel ideas had been broached in our theological world, excepting such as can be traced back to the sceptical reasonings of Spinoza and Hume, and a comparatively small class of the modern theologians of Germany."* He then denies that the writings of Spinoza, Hume, or of the German rationalists, (in the limited sense of that term,) were exerting any influence among the theologians of Boston, and that the speculations which really prevailed, had a very different origin.

* *Letters, &c.* pp. 17 & 18.

It is clear, from all this, that a serious and wide breach has occurred between different classes of the Unitarian divines in New England, but the real character of the novel ideas cannot be learned either from Mr. Norton's Discourse or from the Letter of the Alumnus. It is, indeed, sufficiently plain, from the manner in which the latter speaks of pantheistic writers, that the new philosophy is the source of the difficulty. Speaking of the system of Spinoza, which he admits to be pantheistic, in a philosophical sense, inasmuch as it denies "real, substantial existence to finite objects," he says, "no one who understands the subject, will accuse this doctrine of an irreligious tendency. It is religious even to mysticism; on that account, as well as for certain philosophical objections it labors under, [the Bible, it seems, has nothing to do with the question,] I cannot adopt it as a theory of the universe; but, I trust, I shall never cease to venerate the holy and exalted spirit of its author, who, in the meek simplicity of his life, the transparent beauty of his character, and the pure devotion with which he wooed truth, even as a bride, stands almost 'alone, unapproached,' among men."—p. 126. Such language, in reference to a system which denies the existence of a personal God, the individuality of the human soul, which necessarily obliterates all distinction between right and wrong, betrays a singular perversion of ideas, and an entire renunciation of all scriptural views of the nature of religion. To call that obscure and mystic sentiment religion, which arises from the contemplation of the incomprehensible and infinite, is to change Christianity for Buddhism. The result, in fact, to which the philosophy of the nineteenth century has brought its votaries.

In another place, however, he says of the leading school in modern German theology, "that the impression of the powerful genius of Schleiermacher is every where visible in its character; but it includes no servile disciples; it combines men of free minds, who respect each others efforts, whatever may be their individual conclusions; and the central point at which they meet is the acknowledgment of the divine character of Christ, the divine origin of his religion, and its adaptation to the world, when presented in a form corresponding with its inherent spirit, and with the scientific culture of the present age. There are few persons who would venture to charge such a school with the promulgation of infidelity; there are many, I doubt not, who will welcome its principles, as soon as they are understood, as the vital,

profound, and ennobling theology, which they have earnestly sought for, but hitherto sought in vain."—p. 146.

It is difficult to know how this paragraph is to be understood. If restricted to a few of the personal friends and pupils of Schleiermacher, such as Lücke, Ullmann, Twesten, and a few others, the description has some semblance of truth. But, in this case, it is no longer the "leading school of modern German theology" that the writer is describing. And if extended to the really dominant school, the description is as foreign from the truth as can well be imagined.

We have so recently exhibited, at considerable length, the nature of the prevalent system of German theology and philosophy,* that we may well be excused from entering again at large upon the subject. As, however, it is a subject of constantly increasing interest, it may not be amiss to give a few additional proofs of the true character of the latest form of infidelity. In doing this, we shall avail ourselves of the authority of such men as Leo, Hengstenberg, and Tholuck, men of the highest rank in their own country for talents, learning, and integrity. We shall let them describe this new form of philosophy, which is turning the heads of our American scholars, inflating some and dementing others; and we shall leave it to our transcendental countrymen, if they see cause, to accuse these German scholars and Christians of ignorance and misrepresentation.

It is well known to all who have paid the least attention to the subject, that the prevalent system of philosophy in German is that of Hegel; and that this system has, to a remarkable degree, diffused itself among all classes of educated men. It is not confined to recluse professors or speculative theologians, but finds its warmest advocates among statesmen and men of the world. It has its poets, its popular as well as its scientific journals. It is, in short, the form in which the German mind now exists and exhibits itself to surrounding nations, just as much as Deism or Atheism was characteristic of France during the reign of terror. That a system thus widely diffused should present different phases might be naturally anticipated. But it is still one system, called by one name, and, despite of occasional recriminations among its advocates, recognised by themselves as one whole. The general characteristic of this school is pantheism. This, as has been said, is "the public secret of Germany;" and "we

* *Biblical Repertory and Princeton Review*, January, 1839.

must," says Hengstenberg, "designedly close our own eyes on all that occurs around us, if we would deny the truth of this assertion."* And on the following page, he says, that though there are a few of the followers of Hegel who endeavour to reconcile his principles with Christianity, yet they are spoken of with contempt by their associates, who, as a body, are "with the clearest consciousness, and as consequently as possible devoted to pantheism." They are, moreover, he adds, hailed as brothers by the advocates of popular pantheism, who denounce, under the name of pietism, at once Christianity, Judaism and Deism. This was written four years ago, a long period in the history of modern philosophy, and since that time, the character of the school has developed itself with constantly increasing clearness.

In allusion to the French Chamber of Deputies, this school is divided into two parts, the right and the left. The former teach the principles of the philosophy in an abstruse form, as a philosophy; the other gives them a more popular and intelligible form. This latter division again, is divided into the centre left and extreme left. The one preserving some decorum and regard to public morals in their statements; and the other recklessly carrying out their principles to the extreme of licentiousness. To the extreme left belong the class which is designated the "Young Germany," of which Heine is one of the most prominent leaders. This class profess themselves the true disciples of the extreme right; the extreme right acknowledge their fellowship with the centre left, and the centre left with the extreme left. The respectable portion of the party of course express themselves with disapprobation of the coarseness of some of their associates, but they speak of them only as the unworthy advocates of the truth. Thus says Hengstenberg, "Prof. Vischer, one of the most gifted of the party, expresses himself with an energy against the 'young Germans,' which shows that his better feelings are not yet obliterated, and yet acknowledges their principles with a decision and plainness which prove how deep those principles enter into the very essence of the system, so that the better portion of the party cannot, with any consistency, reject them. In the Halle Jahrbuch, p. 1118, he speaks of the Rehabilitationists† as the 'unworthy

* Kirchen-Zeitung, January 1836, p. 19.

† The name assumed by those who plead for the rehabilitation of the flesh, i. e. for the restoration of the sensual part of our nature to its rights, of which Christianity has so long deprived it.

prophets of what, in its properly understood principle, is perfectly true and good.' He says, 'It is well, if in opposition to the morality of Kant and Schiller, the rights of our sensual nature should, from time to time, be boldly asserted.' He complains, p. 507, of the pedantry of his country, where the want of chastity is placed on a level with drunkenness, gluttony or theft, and so expresses himself that every one sees that he considers incontinence a virtue under certain circumstances, and conjugal fidelity a sin."* Though this dominant party, therefore, has its divisions, its outwardly decent, and its openly indecent members, it is one school, and is liable to the general charges which have been brought against it as a whole.

It may well be supposed that a system so repugnant to every principle of true religion and sound morals, could not be openly advocated, without exciting the most decided opposition. This opposition has come from various quarters; from professed philosophers and theologians, and from popular writers, who have attacked the system in a manner adapted to the common mind. Professor Leo, of Halle, has adopted this latter method of assault. He is one of the most distinguished historians of Germany; and, until within a few years, himself belonged to the general class of Rationalists. His *History of the Jews* was written in accordance with the infidel opinions which he then entertained. Having, however, become a Christian, he has publicly expressed his sorrow for having given to the history just mentioned, the character which it now bears, and has, with great boldness and vigour, attacked the writings of the leading German school in theology. This step has excited a virulent controversy, and produced an excitement, particularly at Halle, such as has not not been known for many years. Hengstenberg says, that Leo has not been sustained in this conflict, by the friends of truth, as he had a right to expect. "One principal reason," he adds, "of this reserve, is no doubt, in many cases, the reckless vulgarity of many of his opponents. When they see what Leo has had to sustain, they tremble and exclaim, *vestigia me terrent!* A decorous controversy with opponents who have something to lose, they do not dread, but they are unwilling to allow themselves to be covered with filth."† Hengstenberg, however, is not the man to desert the truth or its advocates, let what will hap-

* Preface to *Kirchen-Zeitung*, for 1839. p. 30.

† *Kirchen-Zeitung*, p. 21.

pen. He stands like a rock, despite the violent assault of open enemies and the coolness of timid friends, the firmest and the most efficient defender of Christianity in Germany.

Leo entitled his book against the latest form of infidelity, "Hegeligen;" that is, Hegelians of the left, in allusion to the division of the school into a right and left side. It is presumed, he gave it this title because it was intended to be a popular work, designed to exhibit the principles of the school in a manner suited to the apprehensions of the ordinary class of educated people. It was, therefore, directed, not against that division of the school which wrapped up its doctrines in the impenetrable folds of philosophical language, but against that division which have spoken somewhat more intelligibly.

With regard to the charges which Leo brings against this school, Hengstenberg says, "No one at all familiar with the literature of the day, needs evidence of their truth. Instead of doubting, he may rather wonder that an abomination advocated for years past, should now first, as though it were something new, be thus vehemently assaulted, and that the charges should be directed against comparatively few and unimportant writers." This latter circumstance, he adds, however, is accounted for, as Leo professed to confine himself to the productions of the year preceding the publication of his own book.

Leo's first charge is this: "This party denies the existence of a personal God. They understand by God, an unconscious [power which pervades all persons, and which arrives to self-consciousness only in the personality of men. That is, this party teaches atheism without reserve." With regard to this charge, Hengstenberg remarks: "Whoever has read Strauss's *Life of Jesus*, and Vatke's *Biblical Theology*, where pantheism, which every Christian must regard as only one form of atheism, is clearly avowed, cannot ask whether the party in general hold these doctrines, but simply whether the particular persons mentioned by Leo, belong, as to this point, to the party. About this, who can doubt, when he hears Professor Michelet say, beside many other things of like import, 'God is the eternal movement of the universal principle, constantly manifesting itself in individual existences, and which has no true objective existence but in these individuals, which pass away again into the infinite.' [In other words, God is but the name given to the ceaseless flow of being.] When he hears him denouncing as

unworthy of the name, 'the theistical Hegelians, who believe in a personal God in another world?'"—p. 22. "Professor Vischer," adds Hengstenberg, "is so far from being ashamed of pantheism, that he glories in his shame, and represents it as the greatest honour of his friend Strauss, that he has 'logically carried out the principle of the immanence of God in the world.' That the Professors Gans and Benary agree with him and with Strauss, not only in general, but in this particular point, Michelet, 'certain of their assent,' has openly declared. According to Dr. Kühne, Hegel's God 'is not Jehovah,' he is, 'the ever streaming immanence of spirit in matter.' To this representation, Dr. Meyen agrees, and says, 'I make no secret, that I belong to the extreme left of Hegel's school. I agree with Strauss perfectly, and consider him (seine Tendenz) as in perfect harmony with Hegel.' Another writer, the anonymous author of the book 'Leo vor Gericht,' ridicules the charge of atheism as though it were a trifle. He represents the public as saying to the charge, 'What does it mean? Mr. Professor Leo is beyond our comprehension: Wodan, heathenism, Hegel's God, atheism! ha! ha! ha!'"

That Tholuck looks on the doctrine of Strauss, with whom these other writers profess agreement, and who is an avowed disciple of Hegel, in the same light, is clear from his language in his *Anzeiger*, for May 1836, "Strauss," he says, "is a man who knows no other God than him who, in the human race, is constantly becoming man. He knows no Christ but the Jewish Rabbi, who made his confession of sin to John the Baptist; and no heaven but that which speculative philosophy reveals for our enjoyment on the little planet we now inhabit."

Nothing, however, can be plainer than Strauss's own language: "As man, considered as a mere finite spirit, and restricted to himself, has no reality; so God, considered as an infinite spirit, restricting himself to his infinity, has no reality. The infinite spirit has reality only so far as he unites himself to finite spirits, (or manifests himself in them,) and the finite spirit has reality only so far as he sinks himself in the infinite."* How does this differ, except in the jargon of terms, from *le peuple-dieu*, of Anacharsis Clootz, the worthy forerunner of these modern atheists?†

* *Leben Jesu*, p. 730.

† "Je prêchai hautement," said Clootz, in the French Convention, "qu'il n'y a pas d'autre Dieu que la nature, d'autre souverain que le genre humain, le peuple-dieu." Thiers *Histoire de la Revolution Fran.* Vol. V. p. 197.

“If,” says another writer in Hengstenberg’s Journal, “man-kind is the incarnate Godhead, and, beside this incarnate divine spirit, there is no God, then we have a most perfect atheism, which removes us from Christianity far beyond the limits of Mohammedanism, the heathenism of the Indians and Chinese, or of our pagan ancestors.” “Hegel, and his school maintain, that God is not an individual person, as opposed to other individuals, since individuality is of necessity exclusive, limited and finite. Since God is a trinity, where-in the outwardness of number is merged in substantial unity, so God is a universal person; because the comprehension of individuals in unity is universality. This is what is meant by the expression: ‘God is personality itself.’ The simple question, whether they believe in the God whom Christians are bound to honour and love,” continues this writers, “is here complicated with an obscure definition of the trinity, which no man can think removes the mystery of the subject, by saying *Die Ausserlichkeit der Zahl zu einer substantiellen Einheit umgebogen ist* (the outwardness of number is merged in substantial unity.) The charge of denying the true God remains in full force, this justification of themselves to the contrary notwithstanding.” And on the following page, he adds, “that this school, to be honest, when asked, ‘Do you deny God and Christianity? ought to answer, Certainly, what you Christians of the old school call God and Christianity; we would teach you a better doctrine.’”*

We have seen how that portion of this dominant school, which retain some respect for themselves, and for the opinion of others, veil their God-denying doctrines in philosophical formulas unintelligible to the common people, and mysterious and mystical to themselves. Stripped of its verbiage, the doctrine is, that men are God; there is no other God than the ever-flowing race of man; or that the universal principle arrives to self-consciousness only in the human race, and therefore the highest state of God is man. The extreme left of the school trouble themselves but little with words without meaning. They speak out boldly, so that all the world may understand. “We are free,” says Heine, “and need no thundering tyrant. We are of age, and need no fatherly care. We are not the hand-work of any great mechanic. Theism is a religion for slaves, for children, for Genevese, for watch-makers.”

* *Kirchen-Zeitung*, February, 1839.

2. "Leo," says Hengstenberg, "charges this party with denying the incarnation of God in Christ, and with turning the gospel into a mythology. If the previous charge is substantiated, this requires no special proof. If the existence of God, in the Christian sense of the terms, be denied, we must cease to speak of an incarnation in the Christian sense of the word. The doctrine of the immanence of God in the world, says Professor Vischer, (*Halle Jahrbuch*, s. 1102,) forbids us to honour 'God in the letter, or in single events, or individuals.' It regards, 'as a breach in the concatenation of the universe, that an individual should be the Absolute.' According to this view, there is no other incarnation than that which Professor Michelet, in harmony with the Chinese philosophers, teaches, that 'God must constantly appear here on earth in a form which affects our senses, (als sinnlicher,) though constantly changing that form, (als ein sich aufgehender und aufgehobener,) and in this statement, if I mistake not, the whole school will recognise the eternal incarnation of God.' The Absolute attains consciousness in a series of individuals, no one of which fully represents him, but each has significance only as a member of the whole. This incarnation of God is eternal, but all individuals are perishing and transitory; the Absolute constantly fashions for itself new individuals, and rejects the former as soon as they have answered their end. These form 'the Golgotha of the Absolute Spirit;' they surround, like bloodless ghosts, the throne of the monster that devours his own children; that, void of love, strides through ages, trampling and destroying all that lies in his way." Such is the awful language in which Hengstenberg describes the God of the Hegelians.

The incarnation of God, then, according to this school, did not occur in Christ, but is constantly occurring in the endless succession of the human race. Mankind is the Christ of the new system, and all the gospel teaches of the Son of God is true only as it is understood of mankind. Strauss teaches this doctrine with a clearness very unusual in a philosopher. "The key," says he, "of the whole doctrine of Christ, is that the predicates which the church have affirmed of Christ, as an individual, belong to an Idea, to a real, not to a Kantian unreal idea. In an individual, in one God-man, the attributes and functions which the church attribute to Christ, are incompatible and contradictory; in the idea of the race they all unite. Mankind is the union of the two natures, the incarnate God, the infinite revealed in the finite,

and the finite conscious of its infinity. The race is the child of the visible mother and of the invisible Father, of the Spirit and of nature; it is the true worker of miracles, in so far as in course of its history, it constantly attains more complete mastery over nature, which sinks into the powerless material of human activity. It is sinless, so far as the course of its development is blameless; impurity cleaves only to the individual, but in the race, and its history, it is removed. The race dies, rises again, and ascends to heaven, in so far as by the negation of its natural element (*Natürlichkeit*) a higher spiritual life is produced, and as by the negation of its finitude as a personal, national, worldly spirit, its unity with the infinite spirit of heaven is manifested. By faith in this Christ, is man justified before God; that is, by the awakening the idea of the nature of man in him, especially as the negation of the natural element, which is itself a negation of the spirit, and thus a negation of a negation, is the only way to true spiritual life for man, the individual becomes a partaker of the theanthropical life of the race. This alone is the real import of the doctrine of Christ; that it appears connected with the person and history of an individual, has only the subjective ground, that his personality and fate were the occasion of awakening this general truth in the consciousness of men, and that at that period the culture of the world, and indeed the culture of the mass at all periods, allowed of their contemplating the Idea of the race, only in the concrete form of an individual.”*

Tholuck, whose charity for philosophical aberrations is very wide, remarks on this passage, “As the incarnation of God occurred not in an individual, but comes to pass only in the constant progress of the race, so the individual, as a mere item of the race, has fulfilled his destiny at the close of his earthly course, and the race alone is immortal. It is not *we* that enter a future world, the future world goes forward in this, the more the spirit becomes aware of its infinitude, and by the power of reason, gains the mastery over nature. This ideal perfection is to be attained, not in heaven, but in the perfection of our political and social relations. This system therefore comes to the same result with the materialism of the Encyclopedists, who mourned over mankind for having sacrificed the real pleasures of time for the visionary pleasures of eternity, and the protracted enjoyments of life,

* Strauss's *Leben Jesu*, Th. ii. s. 734, quoted by Tholuck, in his *Glaubwürdigkeit*, &c. p. 19.

for the momentary happiness of a peaceful death. It agrees moreover, despite of its intellectual pretensions, with the wishes of the materialistical spirit of the age, which sets as the highest end of man, not the blessings promised by the church, but according to the "Young Germans," the refined pleasures of life, and according to politicians, the perfection of the state."

It is strange that men holding such views should trouble themselves at all with the gospel. As this system, however, has arisen in a Christian country, there was but one of two things to do, either to say that real Christianity means just what this system teaches, or to explode the whole evangelical history. Some have taken the one course, and some the other, while some unite both. That is, they reject the gospel history as a history; they represent it as a mere mythology; but as the ancient philosophers made the mythology of the Greeks and Romans, a series of allegories containing important truths, so do these modern philosophers represent the gospels as a mere collection of fables, destitute in almost every case of any foundation in fact, but still expressive of the hidden mysteries of their system. It is by a mytho-symbolical interpretation of this history that the truth must be sought. The life of Jesus by Strauss is a laborious compilation of all the critical objections against the New Testament history, which he first thus endeavoured to overturn, and then to account for and explain as a Christian mythology. "Had this book," says Hengstenberg, "been published in England, it would have been forgotten in a couple of months."* In Germany it has produced a sensation almost without a parallel. It has become the rallying ground of all the enemies of Christianity open and secret, and the number of its advocates and secret abettors is therefore exceedingly great. The author, says Tholuck, "has uttered the sentence which so few dared to utter; 'The evangelical history is a fable.' He has uttered it at a time when the deniers of the truth were filled with spleen at the prospect of a constantly increasing faith in the gospel. With what joy then must this hypocritical and timid generation hail a leader who gives himself to the sweat and dust of the battle, while they hide behind the bushes, and rub their hands, and smile in each other's faces."†

3. Leo's third charge against this party is that they deny the immortality of the soul. "This point also needs no fur-

* Kirchen-Zeitung, Jan. 1, 1836. p. 35.

† Glaubwürdigkeit, p. 34.

ther proof," says Hengstenberg, "since the former have been proved. With the personality of God falls of course that of man, which is the necessary condition of an existence hereafter. To a pantheist, 'the subject which would assert its individual personality, is evil itself' (Michelet). It is regarded as godless even to cherish the desire of immortality. According to the doctrine of the eternal incarnation of God, it must appear an intolerable assumption for an individual to lay claim to that which belongs only to the race; he must freely and gladly cast himself beneath the wheels of the idol car that he may make room for other incarnations of the Spirit, better adapted to the advancing age. The proofs, however, of this particular charge are peculiarly abundant. Hegel himself, who ought not to be represented as so different from the Hegelingen, since the difference between them is merely formal and not essential, involved himself in the logical denial of the immortality of the soul. This has been fully proved with regard to him and Dr. Marheineke in a previous article in this journal (that is, the *Kirchen-Zeitung*). It has also been demonstrated by Weise in the work: *Die philosophische Geheimlehre von der Unsterblichkeit*, as far as Hegel is concerned; and with Weise, Becker has more recently signified his agreement. If this happens in the green tree, what will become of the dry?

"Richter came out with such a violent polemic against the doctrine of immortality, that the party had to disavow him, for fear of the public indignation. When, however, they thought it could be done unnoticed or without danger, they acknowledged the same doctrine. Michelet endeavours most earnestly to free Hegel's system from the charge of countenancing the doctrine of the immortality of the soul, as from a reproach. He speaks out clear and plain his own views in words which, according to him, Hegel himself had spoken, 'Thought alone is eternal, and not the body and what is connected with its individuality,' that is, the whole personality which, according to this system, depends entirely on the body (*Leiblichkeit*). . . . Ruge (*Hall. Jahrb.* s. 1011) ridicules the scruples of theologians as to whether 'Philosophy can make out the immortality of the human soul; whether philosophy has any ethics; whether it can justify the gross doctrines of hell, of wailing and gnashing the teeth, &c.' 'Such vulgar craving,' he says, 'is beginning to mix itself with purely philosophical and spiritual concerns, and threatens to merge philosophy in its troubled element. The more

this dogmatical confusion arrogates to itself; the more this senseless justification of the wretched errors of orthodoxy dishonours the free science of philosophy, the more necessary will it be to cast out this dung-heap of nonsense to the common mind (in *das gemeine Bewusstseyn*).' Meyen at first puts on the air as though he would acknowledge the doctrine of the immortality of the soul. 'The Hegelians,' he says, 'do indeed reject the sensual conceptions of immortality, but they admit the doctrine as presented by Marheineke in his *Theology*.' The dishonest ambiguity of this sentence will not escape notice. Dr. Marheineke denies the continued personal existence of the soul after death, and attributes the belief of such a doctrine to selfishness. 'Whoever,' continues Meyen, 'is so conversant, as Hegel, with what is eternal in connection with spirit, must admit the eternity of the spirit.' Here again is intentional ambiguity. The question concerning the continued personal existence of the soul is silently changed for the question about the eternity of spirit. A veil is thrown over the fact that Hegel, while he admitted the latter, denied the former, as Michelet and others have sufficiently shown. These preliminary remarks, transparent as they are, were only intended to prevent his being quoted in proof of the disbelief of immortality in the school to which he belongs. He immediately comes out plainly with his own views and those of his party, yet so as still to leave a door open behind him, 'What though a Hegelian,' says he, 'did not believe in the immortality of the soul in a Christian sense—let it be noticed that the words are here so placed, that the uninformed should infer that the school, as a whole, and its above mentioned leaders, do believe in immortality in a Christian sense—what then? If I resign myself to this, am I thereby a different person, or is the world for me different? I would seek to acknowledge God in his works as before, and I would live as morally as ever.' At last, however, it becomes too hot for him, even in these thin clothes, and he casts them off, having assumed them only for the sake of his brothers in Hegel, who happen to be in office. 'Grass,' says he, 'is already growing on the grave of Daub, is he therefore dead for his friends and for the world? his works, and hence also his spirit, live. Many winter storms have already swept over the graves of Hegel and of Göthe, but does not their spirit still live among us? It is, as Christ said, where two of you are met together, there

am I in the midst of you.* Thus each continues to live according to his works. The citizen in the remembrance of his family; he who has distinguished himself in the kingdom of the spirit, still lives in that kingdom, and hence he who has worked for eternity is immortal.' ”

4. “Leo finally,” says Hengstenberg, “accuses this school of wishing to pass themselves for Christians, by means of disguising their ungodly and abominable doctrines under a repulsive and unintelligible phraseology. This is a heavy charge. Honesty and candour have ever been the ornament of our national character. They have ever been regarded as the innate virtues of a German. Whoever undermines them is a disgrace to his country. Yet who can say the charge is not well founded? Several proofs of its truth have been given in what has already been said. A statement, however, by Professor Vischer, in his character of Dr. Strauss (Hall. Jahrb. s. 111), is worthy of special attention. ‘How firm his (Strauss’s) conviction as to the main point even then was, is shown in a highly interesting correspondence between him and one of his friends, communicated to me through the kindness of the latter, and which now lies before me. It is

* To this passage Hengstenberg has the following note. “We frequently meet, in the writings of this school, with similar shameful profanations of the scriptures, which are seldom quoted without some mutilation, which is characteristic of the relation of the party to the word of God. These writers delight to transfer to Hegel what the scriptures say of Christ. According to Bayrholder (Halle Jahrb. s. 343), Hegel ‘is the absolute centre, around which the present revolves.’ His first disciples are compared with the apostles. ‘Hinrichs is the rock of terminology, the strength and the support of the school.’ (Jahrb. s. 672). Leo, who has left the party, is compared with Judas, and even designated as ‘the fallen angel of speculation,’ (Hegel’s doctrine concerning the State). The school, as a whole, is a copy of the church of Christ. According to Bayrholder, (Hegelinge s. 29) it should no longer be called a school, but ‘the congregation of the idea,’ or ‘the spiritual kingdom of the idea.’ Ruge applies the passage, ‘The kingdom of heaven suffereth violence, and the violent take it by force,’ to the popular exhibition of Hegel’s philosophy by Erdmann. The most shameful of these perversions, however, relate to the passages concerning the sin against the Holy Ghost. Whoever comes out boldly against the spirit of Hegel, or of his disciples, or of the time, or of hell, is declared guilty of the sin against the Holy Spirit, or rather the Spirit, (for the word *holy* they commonly leave out, it savours too much of morality; when it is inserted, it is only for the sake of the allusion). ‘The writings,’ says Meyen, ‘in which Leo has presented his new opinions, blaspheme the Spirit—and hence God himself.’ To which we answer: Yes, your spirit and your God we wish to blaspheme, for blasphemy of him is the praise of the God of heaven and of his Spirit. . . .” We can hardly express the admiration which we feel for Hengstenberg. No one who does not know how much alone and aloft he stands, and how much he has had to endure for his uncompromising opposition to the enemies of God and religion, can appreciate the noble firmness and vigour of his character.

touching to observe with what cheerful confidence in the saving power of the truth, he endeavours to remove the anxiety and scruples of his friend, who felt pained by the chasm which his scientific convictions had made between him and his congregation; how clearly he shows that it is no dishonesty to speak the language of the imagination (*der Vorstellung*), to introduce unobserved into the figures which alone float before the believer, the thoughts of the knower (*des Wissenden*).⁷ Here the zeal and skill with which Dr. Strauss teaches his friend how to lie, and instructs him how to steal from the congregation what they regard as the most precious treasure (and what, for that very reason, it will be found impossible to rob them of), are represented as a great merit, and the reader is exhorted to allow himself to be affected by this proof of his amiableness, and in the warmth of his sympathy to press his hand, and exclaim, O how good you are! We, however, cannot regard such conduct without the deepest moral abhorrence. The school endeavour to justify this course, from the relation which Hegel has established between conception and thought, (*Vorstellung* und Begriff*). But this justification is completely worthless. It is not one whit better than the theories by which the robbers in Spain justify their vocation. Evil is not better, but on the contrary worse, and the more to be condemned when it is brought in *formam artis*. The relation assumed by Hegel between conception and thought, would allow at most of a formal accommodation. That yours is of that nature, you cannot assert. If the difference between your thought (*Begriff*) and our conception (*Vorstellung*) is merely formal, why do you rave with such hatred against us? why do you say that 'pietism is a disease which corrupts the very life of the spirit?' (*Vischer*, p. 526.) How can the question be about a mere formal difference? Our Conception and your Thought are just as far apart as heaven and hell. We confess God the Father the maker of heaven and earth, and Je-

* This translation of the words *Vorstellung* and *Begriff* is no doubt inadequate. The technical terms of a system do not admit of adequate translation, because the sense assigned to them in the system is arbitrary. The only method that can be pursued in such cases, is to give their nearest corresponding words the same arbitrary signification. Hegel calls that form of truth which is the object of absolute knowledge, a pure thought, *Begriff*; and that form in which it is the object of faith or feeling, *Vorstellung*. Or, the exercises of feeling, desire, will, &c., considered as objects of attention, are *Vorstellungen*, these it is the office of philosophy, by the process of thinking, to turn into thoughts, *Begriffe*. And hence he says, *Vorstellungen* can be regarded as the metaphors of *Begriffe*. See his *Encyclopädie*, p. 5.

sus Christ his only begotten Son; you deny both the Father and the Son, and confess Antichrist, yea, would yourselves be his members. . . . ”

Hengstenberg afterwards remarks that it is almost incredible to what an extent this deception and hypocrisy is carried. This course of conduct, however, though very characteristic of this modern school, is an old devise. The Rationalists, to go no further back, were accustomed to speak of the Lamb of God, of the blood of Christ, &c. with the avowed purpose that the people should attach to these expressions their scriptural sense, while they employed them in a very different one. How strange too it sounds to hear this Alumnus of Cambridge speaking of “the divine character of Christ,” of “the cross of Christ as the hope of the world” and “of the anointing of the Holy Ghost.” This community, we trust, is not prepared to have such solemn words made play things of. Let philosophers and errorists, who deny the truths of the Bible, find words for themselves, and not profane the words of God by making them a vehicle for the denial of his truth. One of the most monstrous examples of this perversion of scriptural language occurs in a passage quoted above from Strauss. He too will have it that man is justified by faith in Christ, because as God is incarnate in the race, the race is Christ, and by faith in the race, or by coming to a proper apprehension of his own nature, man reaches his highest state of perfection. Mr. Bancroft in his history talks of men being justified by faith, meaning thereby, that they are justified by their principles. And the Oxford divines teach that we are justified by faith, since the thirty nine articles say so, but then it is by the faith of the church.*

* It should be here stated that Dr. Strauss, at the close of his *Life of Jesus*, as first printed, had freely admitted the incompatibility of his views with the exercise of the ministry in the Christian church. This admission, in the last edition, he has suppressed; and in his letter to the authorities of Zurich when appointed a professor of theology in the university of that city, he says, he should not consider it a difficult matter to quiet the apprehensions of those who feared that he would labour to overthrow the Christian religion, that he would endeavour to sustain “the fundamental truths of Christianity,” and only try to free it “from human additions.” When it is considered that he regards as human additions almost every thing that the people of Zurich hold to be fundamental truths, there can be but one opinion of the dishonesty of this statement. The reputation for candour which he had gained by his first admission, has been lost entirely by these subsequent proceedings. Our readers are aware that the attempt to force Strauss on the people as a professor led to one of the most remarkable revolutions of our times. The people rose en masse and overthrew the government.

“With this last charge, Leo,” says Hengstenberg, “entered upon the department of morals; and we could wish that he had dwelt longer on this part of the subject. It would then have been shown, how this party are labouring to destroy all that Rationalism has left of religion and morality. What their ethics are, may be readily inferred from their religion. Where there is no personal God, there is no law, which men need fear to violate, as the expression of his will. If the distinction between God and man is removed, if man is set in the place of God, then nothing is more natural than that men should without reserve, and upon principle, give themselves up to all their inclinations and lusts. To suppress these desires, is to hinder the development of God; if they do not become God as developed, they do become the nascent God; if not good in themselves, they are relatively good, as transition-points in the progress of development. It is not sin, that is sinful; but only impenitence, that is, cleaving to the relative good, which is vulgarly called evil, as though it were the absolute good. These painful results of the doctrine of this school, are every where, with the most logical consequence, avowed and brought to light. Ruge, in a passage already quoted, attributes the question, whether philosophy has any ethics, to ‘vulgar craving,’ (*gemeinen Bedürftigkeit*), as much as the question, whether it can vindicate the gross doctrine of hell, &c.; and insists that this whole ‘dung heap should be cast out into the mire of the common mind.’ In connection with Leo, and the editor, (Hengstenberg himself,) Menzel is designated as ‘the incarnation of protestant Jesuitism, (Meyen. p. 5), because he has appeared in defence of morality, now completely antiquated, against the young Germany. On every side, efforts are made to represent him, before the whole nation, as a marked man, on account of his conflict with that which the spirit of the pit in our day says to the common man. ‘Upon Wolfgang Menzel,’ says Meyen, ‘judgment is already executed; he lies like a scurvy old dog on the foul straw which Herr von Cotta has in compassion left him, and can seldom muster courage to yelp; that all is over with his pitiful morality, which has gone to its rest.’* The principles

* Wolfgang Menzel was the editor of a periodical, called the *Morgen-Blatt*, belonging to von Cotta, one of the principal booksellers of Germany. In that Journal, Menzel attacked, with great manliness and effect, the libertine principles of Heine, Gutzkow, and other writers of the extreme left of the pantheistic school.

of the 'Young Germany' have been advanced in the Literary Magazine of Berlin, with shameless effrontery, and the infamous advocates of those principles defended, and the sottish prudery of 'the grey heads of the age,' who were disgusted at their song: 'We lead a merry life,' has been turned into ridicule." Hengstenberg, then, introduces the passage from Professor Vischer, quoted on a previous page, in which, while he condemns these young Germans as unworthy prophets, defends their principles.

This pantheistic school, therefore, is as subversive of all morality as it is of all religion. It does not admit the idea of sin. As there is no God, there is no law, and no transgression. Every thing actual, is necessary. The progress of the race, the ever nascent God, goes on by eternal undeviating laws, and all that occurs, in fact, is the action of the only God of which this system knows.* We do not think it right to stain our pages with the indecent ravings of those writers who, availing themselves of the principles of the decent portion of the school, have applied them to the service of sin. It is enough to show the nature of the system, that the pantheist "does not believe in the continued existence of the individual, in the reality of his freedom, in the deadly nature of sin, and its opposition to God. Individuals are to him but the phantasmagoria of the spirit. Liberty is but the subtle moment of determination. Sin is what a man, with his measure of knowledge and power, cannot avoid: remorse is, therefore, a forbidden emotion in his system."†

The most offensive aspect of this whole system is, that in deifying men, it defies the worst passions of our nature. "This," says a writer in Hengstenberg's Journal, "is the true, positive blasphemy of God,—this veiled blasphemy—this diabolism of the deceitful angel of light—this speaking of reckless words, with which the man of sin sets himself in the temple of God, showing himself that he is God. The atheist cannot blaspheme with such power as this; his blasphemy is negative; he simply says there is no God. It is only out of pantheism that a blasphemy can proceed, so wild, of such inspired mockery, so devoutly godless, so desperate in its love of the world; a blasphemy at once so seductive,

* Die Geschichte is der werdende Gott, und dies Werden Gottes geschieht nach ewigen Gesetzen; nirgends ein Sprung, überall nur Entwicklung. Hengstenberg, in the Kirchen-Zeitung, January, 1836.

† Kirchen-Zeitung, 1836, p. 571.

and so offensive, that it may well call for the destruction of the world.”*

As an illustration, at once, of the confidence and character of these modern pantheists, we shall give one more passage from Strauss, the most prominent and, perhaps, most respected writer of the school: “This disposition is not a secret of the philosophers only; as an obscure instinct, it has become the universal spirit of the age. It is acknowledged, that we no longer know how to build churches. But on the other hand, from an impulse which, as a miasma, has spread, especially over all Germany, monuments to great men and lofty spirits arise on every side. There is much that is ridiculous mixed with this feeling; but it has its serious aspect, and is assuredly a sign of the times. The Evangelical Church Journal (Hengstenberg’s,) has taken the right view of the matter, when it pronounces accursed, as a new idolatry, the honour paid to the man on the pillar in the Place Vendome, and to him of the Weimar Olympus. In fact, they are Gods, before whom the God of the Church Journal may well tremble; or, in other words, a heathenism which endangers its Christianity. If Heine has compared the accounts of O’Meara, Antommarchi, and Las Cases, with Matthew, Mark, and Luke, will not some one soon discover in Bettina’s Letters,† a new gospel of John? A new paganism, or it may be, a new catholicism, has come over protestant Germany. Men are no longer satisfied with one incarnation of God: they desire, after the manner of the Indians, a series of repeated avatars. They wish to surround the solitary Jesus with a new circle of saints, only these must not be taken from the church alone; but, as in the private chapel of the Emperor Alexander Severus, the statue of Orpheus stood beside those of Christ and of Abraham, so the tendency of the age is to honour the revelation of God in all the spirits which have wrought, with life and creative power, on mankind. The only worship—we may deplore it, or we may praise it, deny it we cannot—the only worship which remains for the cultivated classes of this age, from the religious declension of the last, is the worship of genius.”‡

* Kirchen-Zeitung, 1836, p. 571.

† An enthusiastic girl, who wrote a series of letters to Goethe, filled with a sort of raving Platonic love.

‡ Vergänglichliches und Bleibendes in Christenthum. Selbst-gespräche Von Dr. Strauss. In der Zeitschrift: Der Freihafen, Gallerie von Unterhaltungsbildern aus den Kreisen der Literatur, Gesellschaft und Wissenschaft. Mit Beiträgen von Carus, Gans, König, Mises, Barnhagen von Ense, dem Fürsten von Pück-

Such, then, is this latest form of infidelity. It knows no intelligent or conscious God but man; it admits no incarnation, but the eternal incarnation of the universal spirit in the human race; the personality of men ceases with their present existence, they are but momentary manifestations of the infinite and unending, their is neither sin nor holiness; neither heaven nor hell. Such are the results in which the proud philosophy of the nineteenth century has brought its followers. We have not drawn this picture. We have purposely presented it as drawn by men, with regard to whose opportunities and competency there can be no room for cavil. It might be supposed, that a system so shocking as this, which destroys all religion and all morality, could be adopted by none but the insane or the abandoned; that it might be left as St. Simonianism, Owenism, or Mormonism, to die of its own viciousness. This supposition, however, overlooks the real nature of the system. We have presented it in its offensive nakedness. It is not thus that it addresses itself to the uninitiated or the timid. What is more offensive than Romanism, when stripped of its disguises, yet what more seductive in its bearing, for the vast majority of men? There is every thing to facilitate the progress of this new philosophy. It has a side for all classes of men. For the contemplative and the sentimentally devout, it has its mysticism, its vagueness, its vastness. It allows them to call wonder, a sense of the sublime or of the beautiful, religion. For the poet, too, it has its enchantments, as it gives consciousness and life to every thing, and makes all things expressive of one infinite, endless mind. For the proud, no Circe ever mingled half so intoxicating a cup. Ye shall be as God, said the archtempter of our race: ye are God, is what he now whispers into willing ears. For the vain and frivolous, it has charms scarcely to be resisted. It gives them easy greatness. They have only to talk of the I, and the not I, (or, as they prefer to have it, the me and the not me) and they are beyond the depth of all ordinary men. And even then, they are, according to the system, far greater than they can possibly think themselves to be. For the sensual, it is a perfect heaven. It legitimates and dignifies all enjoyments. It makes self-indulgence religion. It forbids all remorse and

ler, Rosenkranz, Strauss, Theodor Mundt, Kühne u. A. Drittes Heft. The names of the contributors to this Journal, may give some idea of its character. Here we have Gans, Rosenkranz, Strauss, prominent Hegelian philosophers or theologians, and the libertine prince of Pückler.

all fear. That a system so manifold as this, which has a chamber of imagery for every imagination, should find advocates and friends on every hand, is not a matter of surprise. There is still another circumstance which must be taken into consideration in accounting for the rapid progress of this new philosophy, and in speculating on its prospects. It has, in some of its principles, a certain resemblance to the truth. The God of the Bible is not the God of the deist, of the rationalist, or of the worldling, a God afar off, who has no oversight or direction of his creatures. The world is not a machine wound up and left to itself. The wonders of vegetable and animal life are not the result of the properties of matter acting blindly and without guidance. The God of the Bible is an every where present, and ever active God, in whom we live and move and have our being; it is his Spirit that causes the grass to grow; it is he that fashions the curious mechanism of our bodies, who numbers the hairs of our heads, and directs all our goings. All the changes in nature are produced by his power, so that every thing we see, is in truth a manifestation of God. But then the Bible does not merge God in the world or the world in God. Though every where present in the world, God is not the world; but a Being of infinite intelligence, power, excellence and blessedness, guiding and controlling his creatures, whose acts and consciousness are their own and not his. The chasm which divides the pantheistic from the scriptural view of God, is bottomless, and the difference in the effects of the two views is infinite; it is all the difference between infinite good and infinite evil. If there is any thing impressed clearly on the Bible, it is the personality of God; it is the ease and confidence with which his people can say *Thou*, in calling on his name; it is that he ever says *I* of himself, and *you*, when addressing his creatures.

It is doubtless in a good degree owing to the deceptive show of truth in this new system—to its pretending to bring back, if we may reverently so speak, God to the world from which deists and rationalists had so long banished him, that we are to attribute the hold which it has taken of many of the better sort of minds; and it is to this that it owes its most alarming aspect; since those errors are always the most dangerous which can put on the nearest resemblance to truth. A conflict, therefore, is anticipated by the Christians of Germany with this new form of infidelity, far more lasting and deadly than any that has yet afflicted the church in that coun-

try. If rationalism, so unattractive, so lifeless, made such inroads upon the church, "What," say they, "may be expected from pantheism, a system so full of life, of feeling, of mysticism, of poetry, whose disciples can, with a deceptive show, boast that they are religious, that they are introducing a new, beautiful and universal religion, and give themselves out as a new sort of Christians;" nay, who pretend at times to be real Christians, who say they believe in the trinity, in the incarnation, redemption, resurrection, and all other doctrines of the Bible, that is, they express some philosophical enigma under these terms; or at times speak of Christianity with affected respect, as good for the people in their present state, professing with Cousin that "philosophy is patient, happy in seeing the great bulk of mankind in the arms of Christianity, she offers, with modest kindness, to assist her in ascending to a yet loftier elevation."*

Strange therefore as it may seem, when we look at this system in its true character, it undoubtedly has already prevailed to a great extent in Germany; and is making some progress in France, England, and our own country. Its true nature is disguised in obscure philosophical language, which many use without understanding, until it comes at last to the expression of their real opinions. We have evidence enough that this pantheistic philosophy has set its cloven foot in America. First we had a set of young men captivated by the genius and mysticism of Coleridge, republishing works through which were scattered intimations more or less plain of the denial of a personal God. This was the first step. In the writings of Coleridge the general tone and impression was theistical. He was an Englishman; he had received too many of his modes of thinking and of expression from the Bible, to allow of his being a pantheist except when musing. Next we had the writing of Cousin, a man of a different cast, with none of Coleridge's solemnity or reverence. A Frenchman, on whose mind the Bible had left no strong impress. Vain and presumptuous, and yet timid; intimating more than he durst utter. As he has given the world nothing in the form of a system, it is only by these occasional intimations, that his readers can judge how far he adopts the ideas of the German school, whence all his opinions are borrowed. These intimations, however, are sufficiently frequent and sufficiently clear to make it plain that he is a denier of God and

* Cousin's Introduction to Hist. of Phil. p. 57.

of the gospel. This has been clearly proved in the article in this Review already referred to.* He uses almost the very language of the Hegelians in expressing his views of the nature of God. "God exists as an idea," says the Hegelians;† "these ideas," i. e. of the infinite, finite, and the relation between them, "are God himself," says Cousin.‡ According to the Hegelians, God arrives to consciousness in man; and so Cousin teaches "God returns to himself in the consciousness of man." The German school teaches that every thing that exists is God in a certain stage of development; so also Cousin, "God is space and number, essence and life, indivisibility and totality, principle, end and centre, at the summit of being and at its lowest degree, infinite and finite together, triple in a word, that is to say, at the same time God, nature and humanity. In fact, if God is not every thing he is nothing."§ Surely there can be but one opinion among Christians, about a system which admits of no God but the universe, which allows no intelligence or consciousness to the infinite Spirit, but that to which he attains in the human soul, which makes man the highest state of God. And we should think there could be, among the sane, but one opinion of the men who, dressed in gowns and bands, and ministering at God's altars, are endeavouring to introduce these blasphemous doctrines into our schools, colleges and churches. "Ancient chronicles relate," says Leo, "that there were watchtowers and castles for which no firm foundation could be obtained, until, (by the direction of the practitioners of the black art) a child was built up in the walls. They made a little chamber in the foundation, placed within it a table with sugar and play things, and while the poor, unconscious little victim was rejoicing over its toys, the grim masons built up the wall. This is a fable; or, if true, belongs to a pagan age, and every nerve within us trembles, when we think of this abomination of heathenism. But are not those, who cut the people loose from the more than thousand years old foundation of their morality and faith, by teaching the rising generation that there is no personal God; that the history of his only begotten Son is a cunningly devised fable, which does indeed, if properly understood, give a good philosophical sense; that all subjective consciousness and feeling end with death; that the greatest abominations that ever occurred

* Princeton Review, January, 1839.

† Elements of Psychology, p. 400.

‡ Marheineke's Dogmatik, § 174.

§ Ibid, p. 399.

were necessary, and thus reasonable, and a conscious and wilful opposition to God is alone evil; are not these men the most cruel of masons, who immure the children of Germany in the walls of the tower of heathen ideas, in the bastions and watchtowers of the devil, enticing them within with the sugar toys of their vain philosophy, that they may perish in the horrors of unsatisfied hunger and thirst after the word of the Lord?''*

Shocking as this whole system is, we doubt not it will, to a certain extent, prevail even among us; and God may bring good out of the evil. "There are two people," says Hengstenberg, "in the womb of this age, and only two. They will become constantly more firmly and decidedly opposed, the one to the other. Unbelief will more and more exclude what it still has of faith; and faith, what it has of unbelief. Unspeakable good will hence arise. 'And the Lord said unto Gideon, By the three hundred men that lapped, will I save you, and deliver the Midianites into thy hand; and let all the other people go, every man unto his own place.' Had the spirit of the times continued to make concessions, concessions would have been constantly made to it. But, now, since every concession only renders it more importunate, those who are not ready to give up every thing, will more and more resist, and demand back again what they have already yielded. They began by giving up the first chapter in Genesis, as mythological, which even well meaning theologians, as Seiler and Muntinghe, thought of little consequence. Soon, for the supposed greater honour of the New Testament, they gave up the whole Old Testament history, as mythological. Scarcely was this point reached, when they felt themselves under the necessity of giving up the first chapter of Matthew and Luke, with the sincere assurance that these scruples about the early history of Jesus, did not at all endanger the remaining portions of his life. Soon, however, beside the beginning, they gave up the end, the account of the ascension of Christ, as fabulous. Even here there was no rest. It was not long before the first three gospels were yielded to the enemy. They then retired on the gospel of John, and loudly boasted that there they were safe, not without some secret misgivings, however, that they lived only by the forbearance of the foe. He has already appeared, and availed himself of the same weapons which had

* Conclusion of his Hegelingen.

already gained so many victories, and the gospel of John is now no better off than the rest. Now, at last, a stand must be taken; a choice must be made; either men must give up every thing, or they must ascend to the point whence they first set out, and through the very same stations through which they descended. To this they will not be able, at once, to make up their minds; they will at first believe that they can escape at a cheaper rate; but let them twist and turn as they may, let them use what arts they please, the matter can have no other issue."* This has a special reference to the state of opinion in Germany. But it is not without its application to us. There are those in our country, even among the orthodox, who talk of a mythology of the Hebrews; and others among the Unitarians, who give up not only the miracles of the Old Testament, but those of the New. All such must either go on or go back. Professor Norton cannot give up the first chapters of Matthew as fabulous, and call him an infidel who gives up the remainder. This new philosophy will break up the old divisions. It will carry some on to atheism, and drive others back to the unmutated Bible.

This is not the only effect which this new leaven may be expected to produce. As in Germany it has operated to the destruction of Rationalism, so here it may serve to bring Socinianism and Taylorism into contempt. Even some Unitarian ministers of Boston, we are told, have already discovered that "the religion of the day seemed too cold, too lifeless, too mechanical, for many of their flock."† "There are many, I doubt not," says this same authority, "who will welcome its principles, (i. e. the principles 'of the leading school in modern German theology,') as soon as they are understood, as the vital, profound, and ennobling theology, which they have earnestly sought for, but hitherto sought in vain."‡ If this is so, then farewell to Socinianism, and farewell to Taylorism. If only for consistency's sake, those

* Kirchen-Zeitung, January, 1836. We commend the above passage to the special consideration of Professor Norton.

† Letter to Mr. Norton, p. 12.

‡ Ibid. p. 149. The above passage must not be understood as referring to the principles of the school, described in the preceding pages. The Alumnus seems to think, that the little set of Schleiermacher's pupils constitute the leading school in Germany. In this, we think, he is greatly mistaken; but we do not wish to be understood to represent him as endorsing the doctrines of the Hegelians. He says he is no pantheist, though he thinks pantheism very religious.

who, with this Alumnus, find in the transcendentalism of Schleiermacher the true philosophy, must feel or affect the contempt which he felt for the Rationalists and Pelagians. The ground on which they stand, however, is too narrow to afford them a footing. Schleiermacher gave up almost every thing, except the incarnation of God in Christ. This was the centre of his system. Those whom he brought off from Rationalism, have almost all gone on, with the Hegelians, to Atheism, or turned back to the Bible. And so it will be here. Indeed, the man who can see no harm in pantheism, who thinks it a most religious system, and venerates its advocates, as is the case with this Alumnus, has but one step to take, and he is himself in the abyss. We should not, therefore, be surprised to see, [in the providence of God, this new philosophy, which is in itself infinitely worse than Socinianism or Deism, made the means of breaking up those deadening forms of error, and while it leads many to destruction, of driving others back to the fountain of life.

Though, for the reasons stated above, we think it not unlikely that this system will make a certain degree of progress in our country, we have no fear of its ever prevailing, either here or in England, as it does in Germany. Apart from the power of true religion, which is our only real safe guard against the most extravagant forms of error, there are two obstacles to the prevalence of these doctrines among Englishmen, or their descendants. They do not suit our national character. A sanity of intellect, an incapacity to see wonders in nonsense, is the leading trait of the English mind. The Germans can believe any thing. Animal magnetism is for them, as one of the exact sciences. What suits the Germans, therefore, does not suit us. Hence almost all those who, in England or in this country, have professed transcendentalism, like puss in boots, have made them ridiculous. If it was not for its profaneness, what could be more ludicrous than Mr. Emerson's Address? He tells us, that religious sentiment is myrrh, and storax, and chlorine, and rosemary; that the time is coming when the law of gravitation and purity of heart will be seen to be identical, that man has an infinite soul, &c. How much, too, does Dr. Henry look, in Cousin's philosophy, like a man in clothes a *great deal* too large for him. It will not do. Such men were never made for transcendentalists. This is not meant in disparagement of those gentlemen. It is a real compliment to them, though not exactly to their wisdom. Coleridge is the only

Englishman whom we know any thing about, who took the system naturally. To him it was truth; he was a mystic; he had faith in what he said, for his words were to him the symbols of his own thoughts. It is not so with others. They repeat a difficult lesson by rote, striving hard all the while not to forget.

The Germans keep their philosophy for suitable occasions. They do not bring it into mathematics or history. With us, however, it is far too fine a thing to be kept locked up. If transcendental at all, we must be so always. Marheineke, the first almost in rank of Hegel's scholars, has written a history of the German Reformation, which is a perfect masterpiece; perfectly simple, graphic, and natural. From this history, the reader could not tell whether he was a Wolfian, Kantian, or Hegelian; he would be apt to think he was a Christian, who loved Luther and the gospel. Compare this with Carlyle's History of the French Revolution, which is almost as transcendental as Hegel's *Encyklopädie*. Carlyle is a man of genius, yet his exotic philosophy makes him, as a writer, absurd.

It is not however only or chiefly on this want of adaptation of the German mysticism to the sane English mind, that we would rely to counteract the new philosophy; it is the influence of the Bible on all our modes of thinking. We believe in God the Father, the maker of heaven and earth. We must have a God who can hear prayer. In Germany, the educated classes, little in the habit of attending church, have for generations felt comparatively little of the power of the Bible. There was no settled idea of a personal God, such as is visible in every page of the scriptures, engraven on their hearts. They were therefore prepared for speculations which destroyed his very nature, and were content with a blind instinctive power, productive of all changes, and struggling at last into intelligence in the human race. Such a God may do for a people who have been first steeped in infidelity for generations; but not for those who have been taught, with their first lisplings, to say, Our Father who art in heaven. The grand danger is, that this deadly poison will be introduced under false labels; that this atheism, enveloped in the scarcely intelligent formulas of the new philosophy, may be regarded as profound wisdom, and thus pass from mouth to mouth without being understood, until it becomes familiar and accredited. This process is going on before our eyes. It is not to be believed that Dr. Henry, for example, has the

least idea of Cousin's philosophy, which he is forever recommending. Had he any insight into its nature, he would part with his right hand rather than be accessory to its propagation.* We feel it to be a solemn duty to warn our readers, and in our measure, the public, against this German atheism, which the spirit of darkness is employing ministers of the gospel to smuggle in among us under false pretences. No one will deny that the Hegelian doctrines, as exhibited above, is atheism in its worst form; and all who will read the works of Cousin, may soon satisfy themselves that his system, as far as he has a system, is, as to the main point, identical with that of Hegel.

Rev. Dr. Cousin's

ART. IV.—*The Revocation of the Edict of Nantes, and its Consequences to the Protestant Churches of France and Italy; containing Memoirs of some of the Sufferers in the Persecution attending that event.* Philadelphia: Presbyterian Board of Publication. William S. Martien, Publishing Agent. 1839. 18mo. pp. 216.

THE public seal of the National Synod of the Reformed Churches in France, as adopted in the year 1583, presented, as its device, a burning bush, with the motto, FLAGROR NON CONSUMOR; a just emblem of Christ's universal church, and of this branch of it in particular. In addition to the interest which every sound Presbyterian naturally feels in the progress of Reformed opinions, and the eventful history of their defenders, we are particularly attracted to the annals of the Huguenots, from the fact that some of the most distinguished families in America are descended from this persecuted race. For piety, refinement of manners, and improvement of mind, they have been surpassed by no one class of citizens; and the

* Another Doctor in New York, according to the public papers, recently declared in an address, that Kant and Cousin were the two greatest philosophers of the age. This simple sentence betrays a world of ignorance. Kant may indeed be spoken of in such terms, because he did destroy one system, and introduce another, which had its day. But Cousin has neither pulled down, nor built up. He has merely transfused into French a weak dilution of German doctrines. He may be a man of learning and talents; this we have no disposition to deny, but to call him one of the two greatest philosophers of the age, only shows how a man or a system may be trumpeted into notoriety, by those who know not whercof they affirm.

remark has often been made, that Divine Providence has signally favoured them with worldly prosperity.

The persecutions which ensued upon the revocation of the edict of Nantes, destroying churches and scattering thousands of exiles, produced such confusion and waste among the manuscript documents of the French churches, that it would now be impossible to gather even the fragments of their history, if it had not been the pious care of devout men in other countries to undertake the task of collection. To none of these compilers do we owe so much as to the Reverend John Quick, of London, a learned and pious minister, who lived during the latter half of the seventeenth century. About the year 1670, Mr. Quick, who had lived at Middleburg in Holland, and there met with many of the pious French refugees, discovered some collections of the manuscript acts of the National Synods, and was filled with a desire to save them from oblivion. More than a hundred and fifty of the exiled clergy afterwards came to London, and Mr. Quick was indefatigable in searching for records. Most of these confessors expressed their fear that the Minutes were irrecoverably lost. After great and anxious inquiry, however, Mr. Quick found in the hands of Mr. Foren, one of the refugees, a copy of these acts. It was extensive, filling nearly a ream of paper, and was tolerably well written, but had been damaged and defaced by moisture, so that the patient antiquary declares that it sometimes took him five hours to decipher as many lines. The manuscript was worthy of such pains, as it had been duly collated with the original, and bore the attestations of many good men. After this, he alighted upon five folios belonging to the consistory of the French church in London, by means of which he corrected the errors and supplied the *lacunae* of the other. From year to year other manuscripts came into his hands, and among these a folio containing the acts of the first twenty-four synods, and originals of the acts of two synods. The toil of arranging, deciphering, copying, translating, and digesting these papers, was immense: "but my labour," says he, "was a pleasure to me." The result was a work in two folio volumes, comprising more than twelve hundred pages.*

* The title is as follows: *Synodicon in Gallia Reformata*: or the Acts, Decisions, Decrees and Canons of those famous National Councils of the Reformed Churches in France. Being, I. A most faithful and impartial History of the Rise, Growth, Perfection, and Decay of the Reformation in that Kingdom, with its fatal *Catastrophe*, upon the Revocation of the Edict of *Nants*, in the

The size of the book, and the dry and tedious particularity of the annals, have served to keep it too much out of sight, and we take pleasure in gleaning from it some facts which strike us as promising benefit and entertainment.

The origin of the name Huguenot or Hugonot is involved in some obscurity. We have met with no more plausible account of it than that which is adopted by M. Laval, in his History of the Reformation in France. According to this, it was a contemptuous appellation given to the Protestants at the city of Tours, where they were very numerous. "Every city in France," says M. Laval, "had a peculiar word to denominate a bugbear, or a hobgoblin, and other such nonsensical monsters with which old women used to frighten children and simpletons. Now at Tours, they had their King Hugo, who, they say, used every night to ride through the uninhabited places within and without the walls, and to push and carry off those he met in his way. And as the Reformed used to resort to those places to pray to God, and hear the holy word in the night-time, daring not to do it in the day, for fear of being persecuted, they were called Hugonots, after the name of Hugo. M. de Beze, who lived at that very time, and who was at the conference of Poissy in 1561, agrees with M. de Thou about that etymology; from that time to this day the Reformed have been known in France under the name of Hugonots."*

Our desultory notices do not require us to dwell on the introduction of Reformed opinions into France, by means of Calvin and his brethren. In no kingdom of Europe did the gospel make a more triumphant entrance. The bible was translated by Olivetan, uncle of Calvin, and fifty of the psalms were put into French metre by Clement Marot; the remainder appearing afterwards in a version by Beza. Louis Goudimel set these sacred songs to melodies which are sung to this

year 1685. II. The Confession of Faith and Discipline of those Churches. III. A Collection of Specches, Letters, Sacred Politics, Cases of Conscience, and Controversies in Divinity, determined and resolved by those grave Assemblies. IV. Many excellent Expedients for preventing and healing Schisms in the Churches, and for re-uniting the dismembered Body of divided Protestants. V. The Laws, Government, and Maintenance of their Colleges, Universities and Ministers, together with the Exercise of Discipline upon delinquent Ministers and Church-Members. VI. A Record of very many illustrious Events of Divine Providence relating to those Churches. The whole collected and composed out of original Manuscript Acts of those renowned Synods. A work never before extant in any Language. In two Volumes. By *John Quick*, Minister of the Gospel in London. London, 1692.

* But compare Maclean's note at Moshcim, vi. 372.

day, several of them being contained in our American collections.* The effect of psalmody in promoting the Reformation was striking. The psalms were sung not only in churches but in families, and no gentleman of the Reformed faith would sit down at his table without singing God's praise. It was made a part of the morning and evening worship. Their popularity made entrance for religion even at court; and king Henry II. wavered long before he would condemn them. Each of the courtiers selected a favourite psalm. That of the king was the forty-second: *Ainsi qu'on oyt le cerf bruire*: which he used as a hunting-song. The queen chose the thirty-eighth, which she sang to a lively air. Antony, king of Navarre, the father of Henry IV. adapted the thirty-fifth to a tune called the Poitou dance. Even Papists used to sing them, as Goudimel's melodies were easy and agreeable. Ten thousand copies, set to music, were dispersed through the country.† Multitudes were wont to meet in the Pres-aux-Cleres, a noted promenade, and sing the psalms in concert. Even the king and queen of Navarre with many lords and gentlemen were sometimes found there, engaged in this entertainment.‡ The cardinal of Lorraine is said to have got the odes of Horace and Catullus translated and set to music, in order to supplant these dangerous sacred hymns.

The success of the word preached was wonderful. Indeed, to use our modern phraseology, the progress of the Reformation in France was by a succession of glorious revivals. The priests complained that their altars were forsaken. There was no city where the Reformed religion was not planted. Men of every profession, not excepting ecclesiastics, embraced the gospel in opposition to all their temporal interests, and in spite of the greatest persecutions.

If the Reformed National Church of France should be measured with reference to its National Synods, the period of its existence would be only a century: but it existed both before and after these limits. During this period there were holden twenty-nine national synods, and the following schedule will be useful to show when and where they met.

- | | | | |
|--------------|-----------|-----------|-------|
| 1. at Paris, | | May 25, | 1559. |
| 2. Poitiers, | | March 20, | 1560. |

* It is truly delightful to find some of these very airs reproduced, after so long a time, and valued by our first musicians. See *Chants Crétiens, Hastings's, Manhattan Collection*, and Mason's *Modern Psalmist*.

† Bayle's Dict. Art. *Marot*.

‡ Quick's Synodicon, i. page v.

3.	Orleans,	April 25,	1562.
4.	Lyons,	Aug. 10,	1563.
5.	Second at Paris,	Oct. 21,	1565.
6.	Verteuil,	Sept. 1,	1567.
7.	Rochelle,	April 2,	1571.
8.	Nismes,	May 8,	1572.
9.	St. Foy,	Feb. 2,	1575.
10.	Figeac,	Aug. 2,	1579.
11.	Second at Rochelle,	June 28,	1581.
12.	Vitré,	May 26,	1583.
13.	Montauban,	June 15,	1594.
14.	Saumur,	May 13,	1596.
15.	Montpellier,	May 26,	1598.
16.	Gergeau,	May 9,	1601.
17.	Gap,	May 18,	1603.
18.	Third at Rochelle,	March 1,	1607.
19.	St. Maixant,	May 26,	1609.
20.	Privas,	May 23,	1612.
21.	Tonneins,	May 2,	1614.
22.	Second at Vitré,	May 18,	1617.
23.	Alez,	Oct. 1,	1620.
24.	Charenton,	Sept. 1.	1623.
25.	Castres,	Sept. 15.	1626.
26.	Second at Charenton,		1631.
27.	Alençon,	May 27,	1637.
28.	Third at Charenton,		1644.
29.	Loudun,	Nov. 10,	1659.

Upon a slight inspection of this table, it will appear, that the meetings of the National Synod did not actually take place much oftener than once in four years. They were intended indeed to be annual, and at the end of its sessions each Synod made arrangements for its next meeting. But in consequence of the civil wars, and the opposition of the court, long intervals occurred, and between the last two Synods no less than fifteen years elapsed.*

This first National Synod was held in troublous times, amidst strong persecutions, and at the very doors of the court. It is memorable for the Confession of Faith, and Discipline, which were there adopted. "This," says Quick, "was the Confession which was owned in their first National Synod held at Paris, in the year 1559, and presented unto

* In the following pages the word Synod is to be understood of the National Synod, except where restricted by some other term.

Francis the Second, king of France, first at Amboise, in behalf of all the professors of the Reformed religion in that kingdom; afterwards, to Charles the Ninth, at the Conference of Poissy. It was a second time presented to the said king, and at length published by the pastors of the French churches, with a preface to all other evangelical pastors, in the year 1566. It was also most solemnly signed and ratified in the National Synod held the first time at Rochelle, 1571, the year before the Bartholomean massacre, by Jane queen of Navarre, Henry prince of Bearne, Henry de Bourbon Prince of Condé, Louis count of Nassau, and Sir Gaspard de Coligni Lord High Admiral of France.”

In regard to the church polity of the French Protestants, it is the less necessary for us to enlarge, as it was substantially the same with our own. The Huguenots were Presbyterians. Their Consistories were the same with our Church Sessions; their Colloquies were Presbyteries; and their National Synod was like our General Assembly. As this, however, is a point of great interest, we may be allowed to mention some of the peculiarities of their system.

The Consistory was made up of the minister, elders, and deacons. In places where the discipline had not been established, the elders were elected by the people and minister, in established churches by the Consistory. They met regularly once a week, and oftener if there was necessity. In order that church-officers might be familiar with their constitution, the Discipline of the Church was read in every Consistory, at least every time the Lord's Supper was administered, and each elder and deacon was bound to have a copy for his private study.

The Colloquy was a Classis or Presbytery. Colloquies were required to meet twice a year, and if convenient, four times. They were opened with a sermon, as is our own custom.

The Provincial Synod was like our own, and was composed of one minister and one or two elders from each church. These brethren travelled at the common expense of their churches; and those churches which refused to pay their deputies' charges, were, after two or three admonitions, deprived of their ministry. Such was the strictness of that presbyterial rule, which some among us have ignorantly represented as a mere recommendatory supervision. If a minister came to the synod without his elder, or an elder without his minister, any instructions which he brought were

void, unless in case of inevitable necessity. "In those cases," says Laval, "if the church sent its instructions, they were received, if they were signed by a minister and an elder; on the other hand, if there were no lawful excuse for absence, they were subject to the censures of the Colloquy or Synod, even to suspension of the sacrament, according as the Colloquy or Synod thought fit. The Provincial Synods judged sovereignly in the cases brought before them, except of things wherein all the churches of France were interested, as the depositions of a minister, controversies (either concerning doctrine or discipline), &c. For in these cases, there was an appeal to the National Synod."* The elders who were deputed to Synods or Colloquies, had deliberative votes on all points of discipline, but not of doctrine, the judgment of which was reserved entirely to the ministers and professors of divinity. Whatever was decreed by Provincial Synods, as a rule of church government, required the sanction of the National Synod, in order to make it valid. In case of difference between the Synods of any two provinces, they were to choose a third to reconcile them. No deputy was allowed to depart without leave, or without a copy of the Synodical decrees. The Provincial Synods met twice a year.†

The National Synod, as has been said, was directed to meet once a year; this was seldom possible, and there are but four instances in which it was held for two years in succession. The third canon of the chapter, relating to this judicatory, serves at once to show its constitution, and to afford a glimpse of the suffering to which the Huguenots were exposed. "Forasmuch as at this time it is very difficult and dangerous to assemble the National Synod in a great number of ministers and elders, it is thought good for the present, and till such difficulties can be removed, that the brethren assembled in every Provincial Synod, shall choose out only two ministers and elders, who are persons of great experience in church affairs, to be sent in the name of the whole province." Until the year 1614, there was a show of ecclesiastical independence preserved; but the National Synod of this year seems to have found it necessary to obtain the royal license. In 1623, Louis XIII. declared his purpose that no National Synod should ever be held, except in the presence of a lord commissioner. The same was extended to Collo-

* Laval, vol. iv. page xxi.

† Discipline, chapter viii.

quies and Provincial Synods, till at length, not even a Consistory could meet but in the presence of a Romish commissioner.*

Since it has seemed good to some who call themselves Presbyterians, to abridge as much as possible the powers of church judicatories, and since, in order to this, they have been rash enough to cite the case of the Church of France, as exhibiting a milder form of Presbyterianism; we shall furnish, for their further use, an article of unquestionable authenticity, viz: the clause of submission of the provinces to the National Synod; and this we do, not as vindicating the particular practice, but as destroying all arguments founded on the ecclesiastical mildness of the French churches. This clause was inserted in all letters of commission from the provinces, and was as follows: "We promise before God, to submit ourselves unto all that shall be concluded and resolved on in your holy assembly, and to obey and perform it to the best of our power; being well persuaded, that God presideth in the midst of you, and guideth you by his Holy Spirit into all truth and equity, by the rule of his word, for the weal and benefit of his church, and the glory of his great name; which also we beg of him most ardently in our daily prayers."†

"The National Synod," says Laval, "had power definitively to decide all ecclesiastical affairs. It was to confirm or repeal the sentences of suspension, excommunication, or deposition, pronounced by the Consistories, Colloquies, and Provincial Synods, against ministers, elders, or deacons."

The following sketch may suffice to refresh the reader's memory as to the succession of events. The Reformed Church of France may be said to have been settled upon a Calvinistic and Presbyterian basis at the last Synod of Paris in 1559, being the year in which Henry the Second died. Francis the Second was governed by the Duke of Guise, a declared enemy of the Huguenots. During the minority of Charles the Ninth, Catharine of Medicis pretended for a while to hold the balance between the two great parties, and encouraged the Conference at Poissy in 1561, with this view. She soon changed her plans, and endeavoured, by no less than three wars, to exterminate the Protestants. In 1572 the massacre of St. Bartholomew's took place; the history of which might well fill a volume. Upon the assassination of the

* Laval iv. page xxv.

* Quick, vol. i. page xli.

feeble Henry the Third, the great Prince of Navarre, Henry the Fourth, ascended the throne. In 1593 he apostatized, and in 1598 issued the Edict of Nantes, which secured to the reformed church the rights of worship, and as a pledge made over to them a number of fortified towns. Then followed the brightest season in their existence. The edict of Nantes established the Protestants, not merely as a church, but as a political party; and this, while it added to their power, awakened the hatred of the court. The bigotry of Louis XIII., the treachery of his favourites, and the craft of Richelieu prevailed so far as to excite the Protestants to a war in which several of their cautionary towns were stormed. Rochelle, the most important, remained longest in their hands, but fell at length, after a desperate defence, in 1629. From this time the Huguenots may be said to have been disarmed. This was not enough for the Jesuits or for Louis XIV., as both Richelieu and Mazarin promised liberty of worship to the Protestants. When this profligate monarch passed from voluptuousness to bigotry, he was persuaded by Louvois, Tellier, Maintenon, and la Chaise, to persecute the Huguenots for the good of their souls. In 1681 were instituted the famous Dragonades; in 1685 the edict of Nantes was revoked. Then ensued a ruthless persecution. Sixteen hundred churches were torn down, thousands of Protestants were put to death, and half a million fled from the country. It is to these events that the little volume before us relates. Many betook themselves to the mountains of the Cevennes, where, under the name of Camisards, they maintained a guerilla warfare for twenty years against their diabolical foes. These persecutions were repeated in 1698, 1715, 1724, and 1744, and at each successive assault many were driven to expatriate themselves. Nevertheless, their number, about the middle of the eighteenth century, has been reckoned at two millions. From the year 1762, the Protestants were not openly persecuted. In 1787 Louis XVI. granted them an edict of toleration. Since the revolution, they have, for the most part, been protected by law. Yet even as late as 1816 they were subjected to violent persecution in the country about Nismes.

Highly respectable as is the Protestant population of France, it is, when compared with that of the sixteenth century, no more than the shaking of an olive-tree, or the gleanings-grapes when the vintage is done. No persecutions stayed their progress; indeed never was the famous saying

of Tertullian more verified, that "the blood of the Christians is the seed of the church." It was reported at the Synod of Rochelle in 1571, that the Reformed could number about two thousand one hundred and twenty churches, some of which contained more than ten thousand members. Many of these churches had two pastors, and some of them no less than five; as was the case at Orleans. When the Conference of Poissy was held, there were three hundred and five pastors in the single province of Normandy. M. Languet, in a letter of Jan. 23, 1562, asserts that there were assemblies in Paris of forty thousand people, in which three ministers preached at the same time and place.* Yet in 1603, we find the number of pastors, licentiates, and churches, in thirteen provinces, exclusive of Normandy, to be only four hundred and forty.† And in 1637 the number of pastors was six hundred and twenty six.‡ These were divided among sixteen synods, comprising more than sixty presbyteries.

The great progress of the Reformed opinions in the age following the Reformation, owes something in France, as in Scotland, to the conversion of many persons of high rank. Margaret of Valois, sister of the king of France, deserves to be numbered among the confessors; and many noblemen and some princes of the blood, shared in the same honour. From first to last, the Huguenots had the support of many persons of quality. At the third Synod, held at Vertenil in 1562, it is remarkable that both the moderator and the principal scribe were noblemen. Antoine de Chandieu, the former of these, was lord of la Roche, and pastor of a church in Paris. At this time, he was but twenty-three years old; "a youth," says Thuanus, "in whom noble birth, beauty of countenance, learning, eloquence, and singular modesty, vied with one another."§ "A gentleman," adds Quick, "of eminent piety and gravity. He was desired by the king of Navarre to be his pastor, and upon his death removed to Geneva, where he was called to the pastoral office. He never took any wages for his work in the ministry. He wrote himself *Sadeel*, which is the Hebrew of *Chandieu*, the field of God."|| Chandieu was the author of several valuable works. In looking over the minutes of the Synod of St. Maixant, in 1609, we observe that out of fifty-four deputies no less than fifteen were noblemen; two of these being pastors.¶ The great

* Quick, vol. i. p. lix. Laval, vol. i. 623.

† Quick, ii. 387.

‡ Quick, i. 22.

† Quick, i. 253.

§ Thuan. lib. xxix. p. 94.

¶ Quick, i. 310.

Andrew Rivet had a brother who was a nobleman, as well as a pastor, (Lord Champvernon.)* It would be easy to fill pages with the titles of great laymen who were of high rank. Let it suffice to name Condé, Sully, de Mornay, and Coligni; and to add that the marshals Turenne and Gassion were both bred Huguenots. This last fact is mentioned in the address of the third Synod of Charenton to the king.†

But the French Churches found it better to trust in the Lord than to put confidence in princes; their great prosperity was owing, under God, to several causes on which we shall dwell for a short time: these were the purity of their doctrines, the scriptural form of their polity, their faithful discipline, the learning and piety of their clergy, and the spirit of martyrdom which above all things else characterized their body.

As it regards doctrine, they were always Calvinistic, and in their best days, and during the whole time when they had national synods, Calvinists of the stricter sort. Their articles speak for them; and as articles may become a dead letter, their doctrinal decrees, and especially their acts of discipline, set the matter out of question. Errors did indeed creep in, towards the last, but errors such as were less dangerous than many which have prevailed in the Church of Scotland, and even in the churches of America. For who will compare the heterodoxy of Saumur with that of New Haven? So far as the documents of the church go, there is no proof of a general defection.

The Confession of Faith, which grew out of the sketch presented by the first Synod, was strictly Calvinistic; and as new forms of error arose, new guards were erected by additional determinations. At every meeting of the National Synod, the Confession was read over, and not merely subscribed, but sworn to, by each deputy, who entered into a solemn engagement never to depart from it, and moreover protested that this was the doctrine taught in all their churches.‡ That unity of doctrine prevailed in the former part of the seventeenth century, may appear from the letter of the National Synod of Castres, to the clergy of Geneva, in 1626; in which they say: "In this assembly there was found but one heart and one soul to maintain the Confession of Faith, and the Discipline of our churches."§

* Quick, ii. 288.

† Ibid. 433. Univ. History, vol. xxi. p. 314.

‡ Quick, i. 228, 429, 443; ii. 38, 39.

§ Ibid. 247.

When measures were taken towards the calling of the Synod of Dort, the French churches contributed all that the government left in their power. They commissioned four clergymen, Rivet, du Moulin, Chamier, and Chauve, (of whom three were as great theologians as then lived,) to assist at the Synod; but upon arriving at Geneva, on their way, these deputies received notice that the king had forbidden their proceeding.* The National Synod of Alez, in 1629, "after invocation of the name of God, decreed that the articles of the said National Council, held at Dort, should be read in full synod, which, being read accordingly, and every article pondered most attentively, they were all received and approved by a common unanimous consent, as agreeing with the word of God, and the Confession of Faith in these our churches; that they were framed with singular prudence and purity; that they were very meet and proper to detect the Arminian errors, and to confound them. For which reason all the pastors and elders deputed unto this assembly have sworn and protested, jointly and severally, that they consent unto this doctrine, and that they will defend it with the utmost of their power, even to their last breath."† In the next synod, however, they received condign castigation from the king, for daring to "oblige all pastors by their corporal oath to approve a doctrine defined by a foreign state." They, therefore, so altered the oath, which had incorporated the Dort articles into their canons, as to omit all reference to that council, but at the same time re-asserting the same doctrines.‡

The errors of Piscator attracted the notice of the French Churches. This theologian denied the imputation of Christ's active righteousness.§ In opposition to this, the National Synod of Rochelle in 1607, declare their belief "that the whole obedience of Christ, both in his life and death, is imputed to us, for the full remission of our sins and acceptance unto eternal life." This was merely a re-assertion of their decree of 1603. And in 1612 the National Synod of Privas sent down to the churches a formula to be subscribed by all Pro-

* Quick, ii. 14.

† Ibid. 38.

‡ Ibid. 95, ff.—see also p. 347.

§ Our readers will see into what hands the history of theological opinions has fallen in our day, when they examine a most laborious dissertation by the Rev. W. Landis, upon "the Views of the Reformers on the Obedience of Christ." In order to prove that the early Calvinists did not hold the doctrine of the imputation of Christ's active obedience, he cites Piscator as one of his witnesses; the very man who was censured for this very error. American Biblical Repository for 1838, p. 431.

posants, avowing the belief, "that our Lord Jesus Christ was obedient to the moral and ceremonial law, not only for our good, but also in our stead, and that his whole obedience yielded by him thereunto is imputed to us; and that our justification consists not only in the forgiveness of sins, but also in the imputation of his active righteousness."*

As late as the year 1645, when the last National Synod but one was held, that judicatory, meeting for the third time at Charenton, animadverted on the error of Placaeus or de la Place; the position of this professor being that the whole nature of original sin consists only in that corruption which is hereditary to all Adam's posterity, and resides originally in all men, but that the first sin of Adam is not imputed. What was the declaration of the French church concerning an error which has passed unnoticed in many a presbyterial examination in America? "This Synod condemneth the said doctrine as far as it restraineth the nature of original sin to the sole hereditary corruption of Adam's posterity, to the excluding of the imputation of that first sin by which he fell, and interdicteth, on pain of church-censures, all pastors, professors and others, who shall treat of this question, to depart from the common-received opinion of the Protestant churches, *who* (over and besides that corruption) *have all acknowledged the imputation of Adam's first sin unto his posterity.*"† On the twofold question of imputation, then, the Reformed churches of France may well compare with our own or any other.

The greatest fountain of erroneous opinions was the university of Saumur. The doctors of this seminary, led by John Cameron, endeavoured to mitigate the doctrine of predestination. Cameron, however, stopped far short of Moses Amyraud, a learned and subtle man of the same school. The Salmurensian divines, according to du Moulin, taught the following errors, over and above those of Cameron: "that the distinct knowledge of Jesus Christ is not necessary to salvation;" "that Jesus Christ died equally and alike for all men;" "that God hath taken away from men their natural impotency to believe and convert themselves to him;" and "that the efficaciousness of the regenerating Spirit is a variable suasion."‡ The character of Andrew Rivet for orthodoxy is such as to need no attestation. Now it speaks volumes in behalf of the purity of the French churches that he was

* Quick, i. 227, 265, 348.

† Quick, ii. 473.

‡ Ibid. 410.

the man chosen to defend their doctrines. His book against Amyraud and Testard, was, in 1636, recommended, among other names, by those of Polyander, Wallaeus, Thysius and Triglandius, of Leyden; Bogermann, of Franeker; and Altingius and Gomar, of Groningen.* The Saumur errors were explicitly and vehemently condemned, not only by the third Synod of Charenton in 1645, but by that of Loudun in 1659, the last National Synod which the French churches were allowed to hold. They went so far as to require that all candidates, on being received into the ministry, should "protest with hands uplifted unto heaven, calling God to witness upon their souls, that they do reject all errors rejected by the decrees of their National Synods of Alanson and Charenton about the doctrines of predestination and of grace."† Thus to the very last of their National Synods, the Reformed churches of France continued firm in avowing a confession such as in no particular varies from our own.

As a means for keeping their churches in a state of complete defence against error, the French National Synod used great care in directing and employing the best writers in their communion; and in denouncing erroneous books, and procuring their refutation. Out of many instances, a few may be adduced. As early as 1583, we find order taken respecting a French Translation of a Harmony of Confessions, by Salnar or Salnart.‡ In 1612 M. Chamier presented his controversial writings to the Synod, and received their thanks. He was directed to print three volumes, and was presented with two thousand livres to pay the cost.§ The provinces were exhorted to collect the history of their martyrs for publication.|| In 1614 the Synod approved the works of Andrew Rivet, and paid him six hundred livres.¶ He was ordered further to digest such facts as should be sent to him in respect to a history of the French church.** In 1620 they applauded Mr. Jean Paul Perrin of Nyons, for his history of the Waldenses and Albigenses.†† The same subject was, three years after, assigned to Mr. du Tilloy;‡‡ and after his death they took measures for the publication of what he had written.§§ So after the death of the great Chamier, they gave a sum of money to his son.||| The once famous Saumaise, or Salmasius, now chiefly known as the victim of

* Quick, ii. 404, ff.

§ Ibid. 354, 494.

** Ibid. 480.

§§ Ibid. 175.

† Ibid. 555.

|| Ibid. 368.

†† Quick, ii. 41.

||| Ibid. 207.

‡ Quick, i. 151.

¶ Ibid. 417.

‡‡ Ibid. 84.

Milton's satire, was in 1631 requested by the second Synod of Charenton to write against the annals of Baronius.* And in 1645 we find encouragement given to M. Bernardin, in a labour of the same kind.† In 1681 persons were commissioned to complete the great work of Chamier; and the well known Dailé was directed to print his works.‡ These particulars will serve to show how important it was thought by these sagacious men to keep a vigilant eye to their theological literature.

It was thus they sought to promote doctrinal knowledge and purity of opinion, and they do not seem to have neglected any of the other means for the same end. Regular and careful catechizing was particularly enjoined, as was the stated exposition of the scriptures in public.§ At their presbyterial meetings, the ministers were directed by a canon to maintain propositions from the word of God, in turn, and in 1609, the Synod distributed fourteen heads in theology among as many provincial synods, to be studied and discussed by ministers within the bounds of the latter.||

To secure an able ministry, the French churches fostered their universities with parental solicitude, placing their greatest men in the theological chairs. There were six of these schools, the most distinguished of which were those of Saumur and Montauban:¶ and we cannot but bless God, that to the latter of these has, within a few years, been granted the labours of two such men as Adolphe Monod and de Félice. On the reception of theological students to the ministry, there was a rigorous examination of their life, manners, talents and acquirements. The candidate had texts assigned to him, upon which he was, within twenty-four hours, to prepare two discourses, one in French and the other in Latin; and he was moreover to submit, in Latin, a confession of his faith.**

Not less notable was their case respecting ministerial faithfulness. It was their solemn judgment "that a minister being employed in the church, may not ordinarily exercise any other calling, or receive wages for it," and the exception relates to cases of persecution, "when he cannot exercise his calling in the church, and cannot be maintained by it."††

* Quick, ii. 287.

† Ibid. 489.

‡ Ibid. i. p. xxxviii. 328.

** Ibid. xvii. 229, 313. Laval, iv. p. xxvii.

† Ibid. 481.

§ Ibid. i. p. xfx. ii, 453.

¶ Ibid. p. cxvii.

†† Ibid. i. p. xx. 27.

Law and Medicine are specifically forbidden.† A minister might at the same time be professor in divinity or Hebrew, but it was thought “not seemly for him to profess the Greek also, because the most of his employment will be taken up in the exposition of pagan and profane authors.”* In the case of Blondel, it was thought necessary by the third Synod of Charenton, to pass a special act, authorizing this celebrated author to continue his learned labours at Paris, without having a pastoral charge.† In the early part of the seventeenth century, some flagrant violations of these canons occurred, in connexion with which we find on the records of the Synod of Tonneins, a long and able letter from the churches of Geneva, containing the following admonitions, which are not inappropriate in our own day:

“We conceive that there is no such difficulty in the matter, but that ministers may be kept within the inviolable bounds of their most holy calling, and yet be useful unto the public without glorying in those little arts of subtilties and surprisals, which abutt at no other mark than temporal and carnal profit. Besides that ’tis a very rare thing to find a man capable of both the one and other calling, there is this grand mischief in it; that flesh and blood seeing in the holy ministry nothing but what is mean and humble, despicable and painful, difficult and dangerous, and contrariwise meeting in the management of secular affairs with food and fuel enough for pride, ambition, and covetousness, (the ground of all envies and jealousies) and with the means and helps to carry on designs of self-advancement and domination, as tricks, craft, and dissimulation; it will be almost impossible to hinder the spread of this contagion, which creeps insensibly into the greatest wits, and seizeth upon them at unawares, and not as an unaffected and approved vice.”

“No man going to war entangles himself with the world, that so he may the better please his Captain that hath listed him. That commination is very dreadful, *The priest shall be as the people*; and that lamentation exceedingly dreadful, *All this evil is from the prophets, and the stones of the sanctuary are lying at the four corners of the streets*. Let us, most dear and honoured brethren, give up and resign ourselves to the conduct of true wisdom, speaking to us from the word of God, which is *to forsake our own*.”* So far as these counsels ruled, they could not fail to clothe the ministerial of-

* Quick, 27, 136.

† Ibid. ii. 57.

‡ Ibid. 483.

§ Ibid. 443.

fice with great sanctity. The pastors were truly the leaders of the flock. Even in the day of battle, they encouraged the people, as did the ancient priests. Among other anecdotes of the age, it is stated that M. d' Amours, who was chaplain to Henry the Fourth before his apostacy, was so much a man of prayer, that "the very papists in the army, and the greatest lords and commanders in it, were melted by him in that duty, and would call upon the king, before they went to fight, that the minister who prayed yesterday might pray again."*

The discipline of the French churches has been alluded to. True, this discipline became less strict in their latter period, as has been the case with other Reformed churches. "O," exclaims Quick, "O that the generation which succeeded the first Reformers had not laxed the reins! How happy might they have been! In the morning of the Reformation, they were fair as the morn, clear as the sun, and terrible as an army with banners. The greatest princes of France submitted their necks to this golden yoke of Christ. A National Synod was formidable to the most daring sinner. Their discipline, duly and prudently managed, preserved the purity of doctrine, worship, and morals, among them."† In explanation of these remarks, the reader should be reminded, that the consistories of Rochelle and Pons, respectively, exercised discipline upon the king of Navarre and the prince of Condé.‡ And the good old historian will not allow even this charge of relaxation to pass unqualified; for he carries his enthusiasm so far as to add, concerning the discipline, "As to their ministers, in the worst times, it was strictly exercised upon them. If any of them proved scandalous in doctrine, or in conversation, they were not spared; the church and house of God was soon rid of them. Their Colloquies and Synods threw away the unsavory salt unto the dunghill, and it was very rare if the deposed and ejected ministers did not take up for good and all in the dunghill of the Romish Synagogue. There hath been a great complaint of much looseness among their members. Certainly they had, and still have (1690) as holy and gracious souls in communion with them as any churches of Christ under heaven, and a vast number of most zealous and faithful martyrs, far more in number and quality of sufferers for the gospel, than in any one of the Reformed Christian nations in Europe." "Those Galileans, whose blood Pilate mingled with their sacrifices were not the worst

* Quick, 183.

† Ibid. p. xvi.

‡ Laval, iv. p. xviii. Quick, p. clxiii.

of the Galileans; nor those Jews, upon whom the tower of Siloam fell and crushed to pieces, were they the greatest sinners in Jerusalem. Should we thus argue, we should offend against the generation of the righteous, who, from the infancy of the world to this very day, from their youth upward until now, have been perpetually afflicted; they have passed out of one furnace into another; oftentimes from lesser into sorer and greater fiery trials.”*

The spirit of the French Churches was a spirit of martyrdom. The structure was set up amidst blood, and after a succession of outrages was at length razed by a murderous persecution. If any are scandalized by the repeated civil wars which were waged by and against the Huguenots, they should remember that the Protestants of France were not a handful of trembling converts, but a great portion of a mighty people, comprising princes, nobles, gentlemen, and not the least part of the wealth, learning and valour of France. They durst not, in such circumstances, yield the ark of God without a blow, and the doctrine of non-resistance to tyrants had not been received. After the massacre of Vassy, in 1562, when men, women, and children, to the number of sixty, were put to the sword, while engaged in public worship, the king of Navarre complained to Beza that the Protestants went armed to church, and so invited opposition. “Sire,” said Beza, “it is most true that it behooves the church of God, in whose name I speak, to endure, rather than to give blows; for she serves unto Christ, under the cross, and yields her neck to the persecutors. But may it please your Majesty to remember, that *she is an anvil that hath already broken many hammers.*”† It was stated in 1581, as an incontestable fact, that there had been slain by the sword, or in massacres for religion, from the church of Caen above 15,000; from that of Alençon, 5,000; from Paris, 13,000; from Rheims, 12,000; from Troyes, 12,000; from Sens, 9,000; from Orleans, 8,000; from Poitiers, 12,000.‡ The tragedy of St. Bartholomew’s day, 1572, is too dreadful for rehearsal here. It is before the mind’s eye of every Protestant. Suffice it to recall one or two facts. More than ten thousand persons were destroyed within a fortnight, in Paris alone. When the admiral Coligni was mortally stabbed, the duke of Guise, desiring to see the face of his great enemy, wiped the blood away with his handkerchief, and cried, “Now I know him; it is him-

* Quick, page lviii.

† Laval, ii. 33.

‡ Quick, page lviii.

self!" and then spurned with his foot that venerable face, which when living had been the terror of all the murderers of France. That head was enhalmed, and sent to Rome. When the general massacre had begun, Charles took a carabine and fired from his window at those who were struggling in the river. When the city was made noisome by corpses, the same Catholic king repeated the words of a heathen emperor: "there is no more grateful odour than that of an enemy's carcase." The court ladies came down to gloat upon the dead bodies which were spread in the paved court. Secret orders had been sent to the provinces; the number of the slain is variously given; by papists as 30,000, by others as 100,000. These orgies were called the Parisian Matins, in allusion to the Sicilian Vespers, of 1281.*

The downfall of the Huguenots was accomplished by a series of persecutions which lasted at least fifteen years. The court first assailed them with vexatious lawsuits, and sought to extirpate them as heretics. They proceeded to deprive them of all civil and military offices, and even of the master-ships of trades. They harassed them by missionaries, who overran the kingdom, entered churches to ridicule or silence the pastors, and invaded the family circle and forced away their little ones. In 1681 it was enacted that the children of the Reformed, "were, at seven years of age, capable of reason and discernment in an affair of such importance as that of their salvation." Even infants were unmercifully beaten and bruised, in order that they might be made Roman Catholics. But a principal means of destruction was aimed at the ministers. After incurring various disabilities from year to year, they were at length absolutely silenced, and many of them brought to the scaffold. Then followed the *Récantation* and the *Dragonades*. Soldiers were quartered upon the Reformed, churches were pulled down, and the people were summoned, by the police of their respective towns, to abjure their faith. Upon their refusal, they were given over to the soldiery, who seized every passage, and reduced the places to the condition of sacked towns. The details of murder may be read in Laval, in Quick, or in the little book before us; they are too extensive and too dreadful to be dwelt on here.†

It has not fallen within our plan to say much of the great theologians of France, and time would fail us to give a com-

* Laval, iii. lib. v.

† Laval, book viii. Quick, cxxxviii., cli.

plete list even of their names. Yet it would be unjust to this distinguished church if we were not to say, that for erudition, eloquence, argumentative skill, and piety, the Reformed theologians of France were second to none in the world. The form of their theology was derived from Calvin. Viret is named, and one of his letters recorded, in the minutes of the Church. Theodore Beza was moderator of the Synod of Rochelle in 1571. These men and their coevals lived in days of peril, and some jeopardized their lives unto the death in the high places of the field. Pierre Merlin, a learned commentator, and chaplain to Coligni, escaped in a singular manner from the great massacre. When the alarm was given he leaped out of a window, and hid himself in a hay-loft, where a hen came and laid an egg for three days successively, by which he was sustained until he could fly unobserved. Six years after this he was moderator of the Synod of St. Foy, and five years later presided in that of Vitré.* No French protestant was more relied upon by his party than Daniel Chamier. "He was," says Bayle, "no less a minister of state to his party, than a minister of the church." He was said to have drawn up the edict of Nantes. The historian of that edict says, "he was one of those *fools of the Synod* (a court nickname) whom the king did not love, one of those untractable men who cannot be prevailed with; one of those stiff persons who are proof against fear and hope, the strongest engines of the court." His *Panstratia*, in four volumes folio, was the great polemical arsenal of the next generation. It was edited by Benedict Turretine and abridged by Frederick Spanheim.† Like ancient armour, it is too unwieldy for our day. The manner of his death serves to characterize the times, and will remind our reader of the arrow directed to Philip's eye, as well as the adage of the Prince of Orange, *Every bullet hath its billet*. For Chamier was killed at the siege of Montauban by a cannon ball marked with the letter C, as being the hundredth discharge on that day.‡ Bochart, Daillé, Blondel, and Rivet, are names which perpetually recur in these church records, and which the church will not willingly let die. As long as Rivet lived, and even when he was in another country, he was employed by the French Synod as the ablest and most accurate defender of contested points. His dying scenes (as we have them in Middleton) are almost without a parallel, unless in the dissolution of the protomartyr Stephen.

* Quick, i. 125.

† Buddeus, Isagage, p. 372.

‡ Quick.

There were some distinguished Scotsmen among the French clergy. Such were Welsh, Primrose, and Cameron. John Welsh was the son-in-law of John Knox, and was long settled as a pastor at St. Jean d' Angely. It is he whom Rutherford calls "that heavenly, prophetic and apostolic man of God;" adding that he had it from witnesses of his life, that he often gave a third of his hours to prayer. During his last illness, he was so overcome with heavenly joy, that he was overheard to say, "Lord, hold thy hand, it is enough; thy servant is a clay vessel and can hold no more."* Primrose and Cameron were professors, the one at Saumur, the other at Bordeaux. It was with direct reference to them that Louis XIII. signified his will that no foreign minister should be settled in France. As to John Cameron, he was an errorist, though not in so great a degree as might be hastily inferred from the tenets of his followers at Saumur. He was held to be, and his works prove it, one of the greatest theologians of his day. The misfortune was that he affected novelty, and especially to be as unlike the School of Geneva as possible. He loved to think and dispute rather than to write. The Theses Salmureinses, which still circulate among us, evince his acumen, ingenuity, and dialectic address. Amyraud and Capellus were propagators of his doctrines touching universal grace. It was said that the former carried matters so far as to copy a certain motion of his head and his Scotch accent, so that Louis XIII. observed the foreign pronunciation.

But we must reserve biographical sketches for future occasions. We have, in part, been induced to dwell at such length on the French churches, by their having been, to serve to purpose, claimed again and again, as a looser sort of Presbyterians; in other words, as tending to Congregationalism. No such tendency can be discovered, and we challenge the proof. That like ourselves, they were sometimes visited by brethren of this persuasion, appears from the following record, in 1645: "Upon report made by certain Deputies of the maritime Provinces, that there do arrive unto them from other countries, some persons, going by the name of *Independents*, and so called, for that they teach that every particular church should of right be governed by its own laws, without any dependency or subordination unto any person whatsoever in ecclesiastical matters, and without being obliged to own or

* Fleming's Fulfilling of the Scriptures. Quick, i. 324. Laval, vi. 877. Quick, i. 314, 413; ii. 95, 101, 260, 430, 508.

acknowledge the authority of Colloquies or Synods in matters of discipline and order, and that they settle their dwellings in this kingdom, a thing of great and dangerous consequence, if not in time carefully prevented: Now this assembly, fearing lest the contagion of their poison should diffuse itself insensibly, and bring with it a world of disorders and confusions upon us; and judging the said sect of *Independents* not only prejudicial to the church of God, (because as much as in it lieth, it doth usher in confusion, and openeth a door to all kinds of singularities, irregularities, and extravagances, and barreth the use of those means, which would most effectually prevent them,) but also is very dangerous unto the civil state; for in case it should prevail and gain ground among us, it would form as many religions as there be parishes and distinct particular assemblies among us:"* therefore, &c. &c. This is strong language; too strong, we are persuaded, to be subscribed by any Presbyterian even of our harsh communion, but very decisive as to the historical question, in reference to which alone we cite it. There were many points of French Presbyterianism which are not agreeable to our views, chiefly those which were caused by the political relations of the Huguenot party. But the history of these churches is so rich in suggestions respecting polity, discipline, and doctrine, that we feel surprised at the neglect into which it has been allowed to fall.

Samuel Miller, Jun.

ART. V.—*Report of the Presbyterian Church Case: the Commonwealth of Pennsylvania, at the suggestion of James Todd and others, vs. Ashbel Green and others.* By Samuel Miller, Jun., a Member of the Philadelphia Bar. Philadelphia: William S. Martien, 8vo. pp. 596.†

THE parties that so lately convulsed the Presbyterian church in the United States now form two distinct and inde-

* Quick, ii. 467.

† In publishing the following article, the conductors of the Princeton Review have been led to depart from their usual rule of publishing nothing which does not express in all respects their own opinions. This article, which they have received from a member of the Bar, embraces the discussion of legal questions, in relation to some of which there exists much diversity of opinion; and were it possible so to modify it as to make it express entirely the views of the conductors of this work, it would not be just to the author thus to destroy the entireness of his argument and mar the ingenuity and force of his reasoning.

pendent religious societies. Whatever may be the issue of their controversy in the civil courts, to which it has been referred for judgment, the separation is complete, and, unless a voluntary re-union should take place, must be final. The knowledge of this fact has no doubt had a most happy influence in quieting the excitement and soothing the ardent feelings, which the ecclesiastical perhaps more than the civil controversy had aroused; and which the anticipation of further strife in the deliberative assemblies of the church, as much as actual collision, warmed and animated. A calm has settled over the scene of recent agitation: whether the subsidence of the troubled waves is decisive of peace among the elements, or promises but a respite, certainly to human sight, the crisis seems to have passed;—the storm has spent its violence, though it may yet again ruffle the waters. The season of repose should not go by unimproved. Though but the commencement of long continued and unbroken peace, we may with great profit look back upon the momentous struggle, review our own conduct therein, and examine well the ground on which we now stand. Thus the lesson of experience may be impressed more deeply, and we may be the better able to bear an enlightened testimony, before all the world, of the principles which we hold, and the consistency of our conduct with those principles. And if the day of trial has not yet finally passed away, much more need have we of all the lessons of experience; much more important is it that we should understand fully our present position; that we should estimate aright its exigencies, and our own strength.

Of the different questions involved in this controversy, that which its introduction into the civil court has perhaps rendered the most prominent and engrossing, regards the *legal* rights of the respective parties. No duty is more plainly inculcated in the word of God than that of obedience to civil authority—to the public laws under which we live; and some have invoked that sanction from the belief that the legal question is of paramount importance; as if the party against which the courts of justice should determine must be considered as violators of the law. But this arises from a mistaken view of the subject. Our condemnation at a civil bar would not necessarily have proved us contemners of the law, or even unwillingly obedient to its mandate. Had the highest tribunal, before which the case could be brought, decided against us, any resistance to the execution of its decree

would have been a clear violation of the divine command. But if that portion of the Presbyterian church to which we belong had thought a division absolutely essential to the maintenance of sound doctrine and good order, yet aware that the law did not permit them to separate themselves, without the forfeiture of certain civil rights, which must remain in the possession of the opposite party; no one can for a moment doubt that we might properly have effected the division, if, at the same time, we had renounced the rights mentioned. And so, if we had persisted in the exercise and enjoyment of certain rights after the separation, from a conviction that we were still entitled to them, or from a reasonable doubt as to the party in which the title was really vested, all that the most rigid interpretation of the Bible command could have required, would have been implicit obedience to the decision of any competent and supreme tribunal, adjudicating the case when properly presented for its judgment. The importance of the legal question, then, so far as the Presbyterian church is interested in the immediate result of the present controversy, may be measured by the value of the *civil rights* involved; and no one can hesitate to pronounce it of very small moment, when compared with the purely ecclesiastical questions that are joined with it in the issue. We by no means intend, however, to undervalue the character of the legal controversy, even as to its immediate results. Thus considered, it is well worthy of serious attention and study. And when we take into view the magnitude and probable future importance of the great principles of jurisprudence which it involves, and the weight of authority which an established legal precedent may carry with it to all later times;—a rule to be reverentially obeyed, though sometimes the reason of it do not manifestly appear, or though it may seem to be against reason;—we cannot but feel that on the decision of the law in this case most momentous interests are staked.

To the review of the whole case, as brought before the Supreme Court of Pennsylvania, and as exhibited in this report—its facts, its principles, its history—we propose devoting a few pages. The subject is extensive, but we will endeavour to bring its leading points within as narrow a compass as possible. Our main object is to give a concise view of the civil rights, duties, and liabilities of ecclesiastical associations, under the laws of Pennsylvania, as illustrated by the recent events in our church. Most of the doctrines,

however, which we shall seek to establish, are by no means peculiar, as will be plainly seen, to the state of Pennsylvania, or in their application to Presbyterians. In all parts of the Union, the same great principles of religious liberty and civil obligation are recognised as applicable alike to every ecclesiastical denomination. Certainly, such investigations may more worthily occupy our attention, than the unsatisfying and fruitless inquiries at present so engrossing in many minds: "What will those who have separated from us do next? Will they continue to contest at the bar of that tribunal before which we have already been arraigned; or will they renew it before another civil court?" Instead of spending our time in auguring about the future, let us look well to the ground on which we stand, and carefully estimate the duties thence arising.

At the very threshold of the subject, we are met by the inquiry, whether any civil court has the power, under the constitution of the United States and Pennsylvania, to review the ecclesiastical acts and proceedings of regularly organised church assemblies, and pronounce them void; whether, for example, after such an assembly has adjudicated a question of church membership, its judgment may be set aside, or treated as a nullity, for any purpose, by a court of law; or must be referred to and taken as conclusive whenever the same question arises in a civil case. Some strenuously contend, that if such a power exists, our religious liberties are but a name; our boasted rights of conscience, a mockery. We maintain, that if it did not exist, as it most clearly does, our liberty would very soon run into licentiousness of a most dangerous and disorganising character. The first article of the Amendment of the Constitution of the United States contains the only provision in that instrument at all applicable to the subject, and is not so comprehensive as the third section of the Declaration of Rights, which forms a part of the Constitution of Pennsylvania, and is in these words:

"That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishments or modes of worship."—
ARTICLE IX. *Sect. 3.*

This contains all that is to be found in the article first mentioned, and a great deal more: to it, therefore, our attention may be confined. In nearly all the states similar constitutional provisions have been framed, and there is scarcely one of them in which every principle of law that may hereafter be laid down, and applied to the case in hand, does not prevail with the full force here asserted.

We maintain that a civil court may set aside ecclesiastical acts and decisions; that is, declare them void and inoperative, whenever they contravene the established law of the ecclesiastical association which passed them, so far as those acts interfere with *civil rights*. This doctrine we shall endeavour to illustrate and enforce, in the application of it to the details of a particular case; that of the exclusion of one or more members of a religious society from its communion; the case that most frequently comes before a court of justice, and the consideration of which will throw most light upon our whole subject.

The constitution of every voluntary association, is to be regarded as a contract by which the members bind themselves; and in the absence of any special law of the land relating thereto, those who have assented to its provisions are governed in all the relations which it creates by the general law of contracts. There can be no difference in this respect between ecclesiastical associations and others—partnerships, trades-unions, or temperance societies—unless such difference is expressly established by some positive enactment. Men unite and form associations of various kinds, governed, too, according to their respective natures by very different codes. Some of these are formed voluntarily; some by compulsion. Now we may illustrate the law of union to which the former are subject, by the consideration of that which binds together the latter. Whatever may have been the origin of civil society—whether it originated in the consent of its first members or not; certainly after a government is once regularly constituted, no man who lives within its limits can outlaw himself, be independent of the community in which he moves, connected with others by none of its ties, bound by no obligation which its laws have created. He may, indeed, forsake the country over which that government extends, and thus be freed from its requirements; but only to bring himself under new social obligations in another land, or to dwell in the wilderness apart from all society. Numerous instances of compulsory associations subordinate to this

great one—civil society—might be mentioned. The militia systems of several of the states, and of the United States, may be referred to for examples. And there is no reason why laws should not be enacted, providing for many more such associations. In each of these several cases any member withdrawing himself, is or might be made liable, not merely to punishment, but also to process compelling his return and submission to the requirements of the law. There are also some instances of associations quite voluntary in their commencement, which the law makes compulsory as to their continuance. As one of these, we may mention the relation of husband and wife. But to whatever extent the legislature might go in compelling the formation of societies, certainly at one point its course would be arrested by the above quoted constitutional provision; it has no right to enact any law intended to force people into association for purposes of religion: to force them to remain together when already thus associated; or to force them to contribute to the maintenance of any church establishment. And, as no such law can be enacted, so it seems that under the Constitution, none can be construed to effect any of these results. All ecclesiastical societies then must be purely voluntary: both their creation and continuance must depend solely upon the will of the parties. But except that they are excluded from legislative action, and from the operation of civil law, so far as the connection of the parts is concerned, by the express words of a paramount authority, they are, as to the point here considered like all other voluntary associations. The latter, so long as no positive enactment controls them, in matters in respect to which the former are placed beyond control, differ from these in no wise as to civil rights and liabilities. Such bodies cannot any of them, as the law now stands, be held together by compulsion. To take the case of a partnership—though partners expressly agree that their connexion shall continue for a fixed length of time, each may at any moment withdraw from his companions, and no power can prevent. True, his liability as a partner may not cease, though of this there would seem to be some doubt; and most certainly damages could, in certain supposable cases, be recovered by the other partners; but first they must show, that they have suffered a positive civil injury by the breach of contract.

The further consideration of this doctrine is, however, unnecessary, because the constitutions of all ecclesiastical socie-

ties in this country, recognise, as indeed do those of almost all voluntary associations, the right of members to withdraw from their communion at pleasure. This leads us to remark that the rights and privileges belonging to such associations, or rather to the members of which they are composed, are of two distinct kinds; those which depend entirely for their existence on the existence of the body, as, for example, the right of deliberating and voting on matters which in no way involve the disposition or management of property, which may be styled personal rights; and those that might, or certainly would survive the dissolution of the body, and may be transferred from one to another, all which may pass under the denomination of *rights of property*. Both these classes of rights depend on contract or agreement, but the former on a contract without any legal consideration, for which reason they cannot be enforced by process of law. Any member may be wrongfully deprived of them by exclusion, partial or complete, from the society, without the power of redress. He might have withdrawn from the rest whenever he saw fit: why may not they withdraw from him? for into their withdrawing, the exclusion resolves itself, when not accompanied with personal violence; which is a distinct cause of action where it is chargeable—and even then solely so far as the rights depending on the union are concerned. Of course, when they withdraw, they necessarily carry with them all those rights that cannot survive the existence of the society.

The case of the rights of property, that may belong to the members of a voluntary association is very different. We speak of the rights of the members; for the body cannot, as such, have any rights. Corporations are expressly endowed by law with a peculiar capacity in this respect—the capacity of natural persons. Other societies cannot hold property, cannot sue or be sued. What are familiarly called their rights, technically speaking, are only the aggregated rights of the members. They have, indeed, a certain kind of legal existence. The law recognises them as exercising certain powers, though capable of possessing no rights; or, perhaps, more properly, as instruments or machines, through the medium of which power is transmitted. But as they are not the creatures of the law, it has not the same jurisdiction over them that it has over corporations, which are its creatures. The latter, by wrongful acts, may forfeit their privileges, and by legal process be annihilated. Their existence depends

on certain fixed rules, the violation of which may be their destruction. On the other hand, the existence of a voluntary association depends solely on the will of its members: so long as that remains unchanged the body endures. Still the law may take from its members the civil rights exercised through its instrumentality; may confer them all upon another body, declaring the attribute of legal succession to be in the latter. This, however, would not deprive the other of any particle of its capacity: the machine would remain the same.

Suppose an individual were to withdraw from an ecclesiastical society, taking with him the whole of its funds—funds in which he had only an equal interest with each other member—could any one doubt whether a court of justice would compel him to make restitution of all, at least excepting his own share? Would the objection that such an exercise of power might prevent persons withdrawing themselves, though they could not conscientiously remain, avail anything to the delinquent? Well, suppose one member of the same society is excluded by the rest: in other words, that they withdraw from him, and that they take with them the whole of the funds—his share as well as theirs. Cannot the law now compel restitution to him? It is contended by some that this is a very different case from the former. But wherein does it differ? We had a right to exclude him from our communion; no one can call that in question. But did the right to exclude him comprehend the right to take from him his *property*, or to retain that portion of it which he had confided to your keeping? Yes, it is replied, for he had agreed that his title to this property should depend on the continuance of his membership. But was it not a condition of this agreement, that he should not be excluded unless by a certain prescribed process? Yes, it was. Was that process adopted in his case? No; yet he was legally excluded, for no court of justice has the power to force us to take him back: that would be an interference with our rights of conscience. But though the specific performance of your contract, in all its parts, cannot be enforced, may not a civil court make you pay him damages for the loss he has sustained, or restore the civil rights themselves, of which he has been deprived, where that is possible? But it may be said, no court has a right to determine whether we adopted the prescribed method of process or not: this is a question which no such tribunal can pretend to adjudicate. Why so? Be-

cause it is impossible for it rightly to expound ecclesiastical laws: the church itself is alone competent to that task; and, besides, the contract provided that every question of this sort should be decided by the church: no other tribunal was mentioned. But can a civil court refuse to consider a case, proper in every other respect for its consideration, because it is a very difficult one; because the judges feel incompetent to the undertaking? Such a refusal would be a new thing under the sun. Courts of justice have sometimes been compelled to search into all the mysteries of religious creeds, into the remotest regions of theological lore, in order to settle questions of *civil right*: they have done it without daring to shrink from the task. If it was expressly agreed that the decision of the church should, in all such cases, be final and conclusive, that is a valid plea; without such express agreement, the objection evidently can avail nothing. But a court's having the power to award damages or restitution to the excluded member, might often prevent our separating from him: we might be induced to do violence to our consciences, rather than lose a portion of our funds. We supposed him to offer the same plea in the case first mentioned: its absurdity is too manifest to need exposure. Suppose a company of persons to associate together, agreeing to be governed, in their intercourse and dealings with each other, by fixed rules, which, among other things, provide for the expulsion of members for certain offences, by a prescribed process; that they all contribute to a fund, for building a place of meeting; and that then one portion expel the rest contrary to the mutual agreement, but retain in their possession the whole fund. Will any one contend, that the law cannot interfere to redress the grievance, simply because the house, when built, was to be a church, and the company were associated together for the worship of God?

The principles which govern the cases thus presented must rule every question that arises in regard to those rights of property which belong to the members of ecclesiastical bodies. We will apply them to one that may present difficulties to some minds. The right to vote in the election of trustees, whether incorporated or unincorporated, who are to manage church funds, is clearly a right of the kind just mentioned. A person who is unconstitutionally excluded from the church, and in consequence thereof, from participation in the choice of trustees, may undoubtedly recover damages, or even the actual enjoyment of the privilege in question. But

his right of suffrage, it is said, cannot be restored, unless he be also forced back into the communion from which he has been expelled. This is not exactly true. If the civil authority decrees restitution of his privilege, he must indeed be allowed to vote in the election of trustees, but is restored to membership for no other purpose. In such case, however, the other members, if they cannot remain joint tenants with him of a mere civil right, must either proceed to expel him in a constitutional manner, or, if that be not possible, must pay him his price for voluntary secession, or relinquish altogether the right in dispute. At most they will have to settle only a question between conscience and worldly interest.

Suppose several members excluded from an ecclesiastical or other voluntary association. Each one that feels himself injured may appeal to the laws of the land for redress. But there is another case to be considered. If these members alone, or together with those opposed to their exclusion, who are willing to co-operate with them, are sufficient in number, according to the law of the society, to meet and exercise all its functions; if circumstances admit of their meeting, and they do so meet, claiming to be themselves the true association and vested with all its rights, the laws must decide in which of the two parts the succession is really preserved; and this will depend upon the question, which is formed in accordance with the original contract? Both cannot be so formed. And to the one decreed the rightful body, or to its legal representative, will be adjudged all the civil rights appertaining to the original association, or damages in lieu thereof. If neither body be constituted according to agreement, of course the one in possession has the best right, and the law will not deprive it of any portion of that right at the suit of the other.

In all cases, then, in which it is alleged that one or more persons, forming part of a voluntary society, have broken the contract of association, or, in other words, have violated its conventional law, and that damage has thereby accrued to *civil rights*, the question whether a civil injury has been sustained is a proper one for a court of justice to determine. The decision, too, must depend on that of the question whether a valid contract has been broken; to decide which it is necessary to examine into the constitution and rules of the society, and by them to measure the acts complained of, whether performed by persons in their individual capacity, or by a quorum of the body when regularly convened and

organized. The acts and proceedings of ecclesiastical assemblies are, therefore, subject to examination and review in a court of law, and, if they have violated the mutual compact, must, whenever so examined, be pronounced utterly void, though *only* as regards the *civil rights* immediately involved in the suit.

Some have seemed to suppose that the fact of a charter being granted to a voluntary association, incorporating a body of trustees, distinct from the association itself, whether appointed by it or not, makes an essential difference in its legal liability. This is a mistake. The grant only adds to the number of its civil rights the corporate privileges bestowed, and to the list of remedies for a violation of the conventional law of the society sundry forms of proceeding against it through the medium of the corporation. The trustees in such cases stand in the same relation to the society, as if the latter had itself created their office. An incorporated body of trustees is a more convenient instrument, than one of equal number unincorporated, and through the former the association may be reached by a writ of *quo warranto*, to which the other would not be liable.

We shall now endeavour to apply the rules above explained to the Presbyterian church, and so far as they are applicable to the particular case before us.

“The radical principles of Presbyterian church government and discipline”—to adopt the language of a note to Chap. XII. of the form of government, are, “That the several different congregations of believers, taken collectively, constitute one church of Christ, called emphatically *the church*;—that a larger part of *the church*, or a representation of it, should govern a smaller, or determine matters of controversy which arise therein;—that, in like manner, a representation of the whole should govern and determine in regard to every part and to all the parts united, that is, that *a majority shall govern*: and consequently that appeals may be carried from lower to higher judicatories, till they be finally decided by the collected wisdom and united voice of *the whole church*.” This theory of government may be illustrated more fully by tracing the natural progress of a Presbyterian church, from its origin in a new settlement, to the formation of a judicatory corresponding in rank to the present General Assembly. The sketch will be found to agree in all important particulars with the history of the actual rise and progress of the Presbyterian church in the United States.

We may picture to ourselves, in the first place, a single congregation, formed of scanty and scarcely homogeneous materials, and while struggling into life bearing hardly any well defined organic shape. The whole church being as yet but a single worshipping assembly, the governing majority of the church is the majority of the session,—the only ecclesiastical court in existence;—the pastor presiding over the representatives of his flock. In this condition of things the principles of church government, if the embryo organization be perfect, is the same as ever afterwards, operating however through a machinery less complicated than that of regularly connected congregational, presbyterial, synodical and general assemblies. Then other congregations of a similar kind spring up, shoots diverging from the parent trunk first planted, or as if from seeds scattered by birds of passage in the soil. As soon as these several congregations are sufficiently organized, and confirmed in their strength, for the concert, which, from the first, may have existed between them, or their pastors, to grow into regular ecclesiastical deliberation and action, a presbytery is the result;—a body consisting of all the ministers, and one ruling elder from each congregation—the former sitting in their own right, as a distinct estate, and the latter as the representatives of the people. Now the governing majority of the church is the majority of the presbytery, to which of course appeals lie from the several subordinate judicatories—the sessions. But in process of time this presbytery becomes too large for frequent meeting, and the convenient despatch of its business, and therefore is divided into two or more parts, each becoming a perfectly organized and distinct court. Now the decision of no one of these parts is the decision of a majority of the whole church; there must therefore be some new body created in which the whole may be represented. This new body is the Synod, formed after the model of the presbytery, from which appeals lie to its judgment. So, also, is created a still larger judicatory—a General Assembly—when the exigencies of the church require its establishment; as before, in the case of the Synod, the object being to obtain, in a convenient manner, the sense of the majority of the whole body ecclesiastical. This General Assembly, according to the present constitution of the Presbyterian church in the United States, is the highest judicatory, representing in one body all the particular churches of the denomination, not directly, but as representatives of the presbyteries, themselves being represen-

tative bodies. This, however, differs from both them and the synods, in that the clergy as well as the laity appear there only by representation. Here then we have the organization complete, and still the decision of the majority is alone final.

According to the constitution of the church in this country, a church session consists of the pastor or pastors and ruling elders of a particular congregation; a presbytery of all the ministers, and one ruling elder from each congregation within a certain district, which district must contain at least three ministers; a synod of all the ministers and one ruling elder from each congregation within a larger district, including at least three presbyteries; and the highest judicatory—the General Assembly—of an equal delegation of ministers and elders from each presbytery, in a certain fixed proportion.

Such are the outlines of the structure of this church, and the general principles of its form of government. We have as yet said nothing, and shall have occasion to say but little hereafter, in regard to the character and extent of the particular powers vested by its constitution in the several judicatories. We come now to consider the nature of the *civil rights* which, under or by virtue of the contract of association, may belong to them respectively, or rather to their ultimate constituents; for, as already explained, to a General Assembly, a synod, a presbytery or a session, as such, no such rights can properly be said to belong: the law does not recognise any capacity in these bodies to enjoy civil rights;—but solely the capacity of their members. The only civil rights that can appertain to the members of the whole Presbyterian church, by virtue of membership, seem to be the right of appointing trustees, both incorporated and unincorporated, and managing, through them, the temporal concerns of the church, in the manner prescribed by the constitution; and the right of each to receive any personal advantage, profit, or emolument, to which membership, or any office depending thereon, may entitle him. The members of a single synod, presbytery, or session, may also have rights of the same kind, distinct from those which they enjoy as constituents of the whole church, and depending only on membership in the inferior body. Thus to synods and presbyteries, charters incorporating trustees, similar to those of the General Assembly, have sometimes been granted. Particular individuals may also be entitled to peculiar rights. A member may have contributed funds under such conditions as entitle him to some extraor-

dinary share in the management of them; to some profit arising from them, or to a certain or contingent reversionary estate. If any of these might be destroyed or injuriously affected by an ecclesiastical act, which is conclusive so far as the authority of the church extends, the question for a court of justice to determine, when the case is presented to it for adjudication, is simply whether the act complained of has violated the contract of association;—whether it was unconstitutional. If decided to be so, it must evidently be pronounced void as regards its operation upon *civil* rights. The very process employed by the party aggrieved must recognise its nullity. He cannot bring suit of any kind against the body itself: its legal representatives are alone responsible to the law; and his suit against them must be founded in the supposition, that, in attempting to carry out a void act, they have proceeded without any authority at all.

Here occurs the inquiry, can a civil court review the judgments of all the judicatories of the Presbyterian church, differing from each other in rank, and connected together in the regular subordination of the inferior to the superior, or only the judgment of the highest and supreme assembly? If the act of a subordinate judicatory operate directly and solely upon civil rights, enjoyed by virtue of membership in that body alone, it is evident that such act may be reviewed in a court of justice; but, as regards church authority, it is conclusive: it cannot be examined into by a higher judicatory. For example, if a presbytery deprive one of its members of a stipend, to which he is entitled, not as a member of the church generally, but by virtue of a special agreement between the members of that presbytery, an appeal cannot be taken to the synod, which has no jurisdiction in the case. The only object of successive appeals is to obtain the judgment of the whole church, in regard to matters in which the whole is interested. Where but a portion is interested, a majority of that portion must finally decide. But if the deprivation of civil, is merely the consequence of a deprivation of ecclesiastical right, as if a presbytery exclude a person from church membership, whereby he loses whatever depends thereupon, the decision of the inferior judicatory is not conclusive; and until the judgment of the whole church, represented in its supreme assembly, has been taken, the exclusion or deprivation is incomplete. But until the act complained of is complete, no cause of action accrues—that, according to the constitution, is the ecclesiastical contract.

This leads us to remark, that when a civil court reviews an ecclesiastical proceeding, two questions arise:—First, had the church assembly the right to do the thing complained of at all, in any manner? and, if so, then, secondly, could it be done in the manner pursued? Another principle should be recollected;—the court is to decide merely whether the contract of association has been violated, and therefore cannot look into matters confided by that contract entirely to the judgment of the church. Suppose, then, a session or a presbytery excludes a member from the church: if he feels aggrieved he must appeal to the presbytery, or the synod, or, finally to the General Assembly. Suppose the Assembly confirm the decision: this act is conclusive as to his ecclesiastical privileges. But, if still unwilling to yield the civil rights dependent on these, he must refer the dispute to a court of justice. The court will inquire, does the presbyterian constitution provide for expulsion on account of the offence here alleged? Yes, it may be said; but he is not guilty. That may be true; but this fact the court cannot decide. Your agreement provides a tribunal for the decision of it, which has already passed judgment thereupon. But the synod did not proceed constitutionally to try the fact. That matter the court cannot examine into: your agreement provides that the General Assembly shall have exclusive cognizance of it, and the Assembly has exercised the power thus granted. Well, but the Assembly confirmed the decision without a hearing. If so, in this *it* violated the agreement. Here at last the court has jurisdiction, and it will decide the case, no matter what the difficulty of the investigation, or the incompetency of the judge may be. Whether the constitution give any right at all to expel, is of course to be decided by the same court in the outset.

We have thus endeavoured to establish and illustrate certain principles which we consider incontrovertible, and which seem to lie at the foundation of our subject. We have also attempted to give a general outline of the structure of Presbyterian church government. Next we enter upon the consideration of the church case, in form, still pending in the supreme court of Pennsylvania, though, in fact, conclusively decided. It will be understood that in reviewing its history, in commenting on the ecclesiastical proceedings in which it originated, we shall speak only of their *legal operation* and *effect*. With questions of church policy, or of Christian conduct in this case, we *here* have nothing to

do. We review it as a *law case*. That branch of the subject which we have chosen is sufficiently extensive to fill all the space which we can conveniently devote to it. The prominent facts of the case are so well known to our readers that we shall but briefly state them as we go along. In the year 1801, the General Assembly adopted what is called "*A plan of union between Presbyterians and Congregationalists in the new settlements.*" The preamble, if we may so call it, of the act, is in these words:"—

"The report of the committee appointed to consider and digest a plan of government for the churches in the new settlements, was taken up and considered; and after mature deliberation on the same, approved as follows:"

"Regulations adopted by the General Assembly of the Presbyterian Church in America, and by the General Association of the State of Connecticut, (provided said Association agree to them,) with a view to prevent alienation, and promote union and harmony, in those new settlements which are composed of inhabitants from these bodies."

Thus the act is denominated "a plan of union," "a plan of government," and "regulations to prevent alienation and promote union and harmony;" but we cannot understand its real character without examining its several provisions. The object to be accomplished by it evidently was the building up of churches, and the spread of the preached gospel, in a region thinly populated, where immigrants of the two denominations mentioned—denominations agreeing in doctrine, though differing in respect to ecclesiastical government—were settling coterminously, but not in sufficient numbers for either to establish and support separate churches, and maintain its own ministry. The first section enjoins mutual forbearance and accommodation between the two denominations. The second provides that a Presbyterian minister may preach to a Congregational church, and that difficulties between them shall be referred to his presbytery, provided both parties agree; if not, to a council, consisting partly of each denomination. The third, that a Presbyterian church may settle a Congregational minister, and that difficulties between them shall be tried by his Association, if both agree to it; otherwise by a council, as provided in the former case. The fourth runs thus:

"If any congregation consist partly of those who hold the Congregational form of discipline, and partly of those who hold the Presbyterian form; we recommend to both parties

that this be no objection to their uniting in one church and settling a minister: and that in this case, the church choose a standing committee from the communicants of said church, whose business it shall be to call to account every member of the church, who shall conduct himself inconsistently with the laws of Christianity, and to give judgment on such conduct: and if the person condemned by their judgment, be a Presbyterian, he shall have liberty to appeal to the Presbytery; if a Congregationalist, he shall have liberty to appeal to the body of the male communicants of the church. In the former case, the determination of the Presbytery shall be final, unless the church consent to a further appeal to the Synod, or to the General Assembly; and, in the latter case, if the party condemned shall wish for a trial by a mutual council, the cause shall be referred to such council. And provided the said standing committee of any church, shall depute one of themselves to attend the Presbytery, he may have the same right to sit and act in the Presbytery, as a ruling elder of the Presbyterian church."

Now we take for granted, what is almost self-evident, that the agreement in point of doctrine between these two denominations matters nothing, so far as the legal question is concerned, however much influence it might have in settling a question of ecclesiastical policy, since they differ essentially in their principles of church government. The agreement would have been no less valid in law, if made with Roman Catholics, than it was when made with Congregationalists. Peculiarity of government is a feature to be regarded no less than peculiarity of faith, in determining a church's identity. The law can take cognizance of either only as they enter into the terms of a contract affecting civil rights. "A particular church," says the Form of Government, "consists of a number of professing Christians, with their offspring, voluntarily associated together, for divine worship and godly living, agreeably to the Holy Scriptures; and submitting to a certain form of government."—*Ch. ii. sec. 4.* And again: "*It is absolutely necessary that the government of the church be exercised under some certain and definite form.*"—*Ch. viii. sec. 1.* By the contract of association, then, doctrine and government are placed upon the same footing as those things which are necessary, not indeed to salvation, but to the individuality of the very subject of contract—the Presbyterian church. No court, therefore,

can make a difference between the two as to their relative importance.

We shall not pretend to enumerate all the evils which this plan of union introduced into the administration of our ecclesiastical government, much less the evils of another kind which followed in their train. The former have been detailed at some length in previous pages of the Repertory. (*See vol. ix.—1837—pp. 419, 420, 426, 427.*) At present we desire to direct the reader's attention to one point—the provisions contained in the plan for allowing Congregationalists, while remaining such, and Congregational assemblies, to participate in the administration of Presbyterian government. It is not disputed, we believe, that the third section of the act authorizes a Congregational minister, as pastor of a Presbyterian church, though still adhering to Congregational principles, and belonging to an association, to act as moderator of the session of that church, so that by his casting vote he may influence the choice of delegates to the presbytery or Synod. Some have attempted to deny that the fourth section, above quoted, authorizes the standing committee of a mixed church, composed of unordained men, to depute one of their number to sit and act in the presbytery as a ruling elder; contending that the last clause of the section provides only for the case of appeal previously mentioned, from the standing committee to the presbytery; that it allows a committee-man to sit and act as a ruling elder at no other time than while such appeal is pending. That the clause provides for the constant representation of the standing committees of mixed churches in presbytery, a very few remarks will suffice to demonstrate. It is evident that every mixed church was to be connected with some presbytery, else to what judicatory could the appeal provided for lie? As the reader well knows presbyteries are set off not by geographical metes and bounds, but by the designation of the churches of which they are to be composed. The appeal would lie to the presbytery of the pastor, it may be urged. But suppose the pastor a Congregationalist, what appellate court would have jurisdiction? Our construction of the act affords the the only plausible solution of the difficulty. Again, the last clause is by no means so restricted in its application as some would pretend. It authorizes a committee-man, say they, to sit and act as a ruling elder—only while an appeal from the committee deputing him is under trial. But it is an established principle of Presbyterian government, that “mem-

bers of judicatories appealed from, cannot be allowed to vote in the superior judicatory, on any question connected with the appeal;" and "that after all the parties shall have been fully heard, and all the information gained by the members of the superior judicatory, from those of the inferior, which shall be deemed requisite, the original parties, and all the members of the inferior judicatory shall withdraw."—(*Book of Discipline*, Ch. vii. sect. iii. § 9, 12.) Now, if *acting* means, or necessarily includes voting, the clause, according to the construction which we repudiate, may be fairly paraphrased thus: he (the committee-man deputed) may have the *same right* to sit and act in the presbytery as a ruling elder; that is, the right to sit and act when an elder could not; or, he may have the *same right* to sit and act as an elder; that is, no right at all. If it be said, that acting means only giving the information spoken of in the passage above quoted, and otherwise performing the part which properly belongs to members of the inferior judicatory, during the hearing of an appeal, we ask why the Assembly departed herein from another principle of the constitution, viz: that the appellate tribunal shall hear, not merely a representative of the lower court, but any of its members, in explanation of the grounds of their decision, or of their dissent from it"—(ib. § 8.)—explanations very important, and which a representative of the whole body could not possibly make? And why is it not rather provided, that such delegate shall sit and act "as a member of a judicatory appealed from," instead of "as a ruling elder of the Presbyterian church." Though the effect of either form of words might be the same, the use of the latter seems plainly to indicate that the peculiar idea which it conveys, was uppermost in the minds of those who framed the act. Is it said that all the members of the inferior body were to be permitted to give information and explain their reasons, but that the person specially deputed was to sit and act as the elder specially delegated by a session? But such elder performs no duty pending the appeal, which each member of the session may not perform. He is specially appointed, because the presbytery is to transact other business beside what pertains to the appeal. According to this idea, the provision would be at best useless. And, after all, there is not the least reason for such a restriction of the sense as is thus contended for, unless in the principle, that an instrument shall be construed according to the powers of the person who executes it, and its meaning mea-

sured thereby; that he shall be supposed to have intended granting only what he might lawfully grant. This might be a strong reason in favour of a presbytery against a party claiming admission under the plan, if, indeed, in such a case any reason were needed. But here we wish to arrive at an understanding of the real, not the constructive, intention of the Assembly, to determine whether that was not in accordance with the subsequent operation of the plan, as exhibited in some of the evils complained of. Indeed the practice under the act—and what that was we shall show hereafter—is of itself a ground of argument in favour of the most liberal construction. In the case of *Weckerly v. Geyer*, 11 *Serg. & Rawle's (Penn.) Rep.* 38, Chief Justice Tilghman said, “that on points not clearly expressed in the charter,” (incorporating a church,) “the understanding of the congregation, *evidenced by their practice*, was a circumstance entitled to some consideration.” We may here notice the fact, that on the floor of the Assembly, in 1837, the excluded commissioners, and their friends, boldly appealed to the act of 1801, as a justification; nay, more, an express sanction of the irregularities complained of.

If the plan of union was intended to provide for a mixture of Congregational with Presbyterian forms of government, it was clearly unconstitutional. The constitution asserts, in one of the passages already quoted, that *a certain and definite form is absolutely necessary*, and then goes on to provide such a form, thereby excluding all others. And the Assembly cannot amend or alter this instrument without the approbation of at least a majority of the presbyteries. Being unconstitutional, then, the plan was, according to the plainest rules of construction, utterly void. But it is urged that the assent of the presbyteries thereto is to be inferred from their silence in regard to it, and so called acquiescence, for thirty-six years. If, however, the act was void in its commencement, there was nothing on which consent could afterwards operate. Is it meant that the practice or custom resulting from or following the adoption of the plan was acquiesced in until it acquired the force of a constitutional rule? That usage can annul the express words of any constitution is a doctrine so monstrous, that if our argument depended on its refutation, we should hardly think it worthy of serious thought; but it is enough for our purpose that no one can pretend that usage may alter a constitution which provides a different mode of effecting alterations, to the exclusion of all

other modes. "Before any overtures or regulations proposed by the Assembly to be established as constitutional rules, shall be obligatory on the churches, it shall be necessary to transmit them to all the presbyteries, and to receive the returns of at least a majority of them, *in writing*, approving thereof." *Form of Gov. ch. xii. sect. 6.* This must decide the case, unless there be force in the objection, that the provision of one mode of amendment does not exclude all others; and that the plan has been ratified, not as a proposition coming from the Assembly, but, when already founded on custom, by the independent action of the presbyteries. Will any one contend that the states of our Union can, without the intervention of Congress, amend the constitution of the United States? They certainly cannot, unless by revolution. Yet there can be no reason for this, excepting that a method by which they can do it is not provided, or that the mention of two modes of making amendments is an exclusion of all others. The constitution of our church provides one method and only one.

Furthermore; the implied approbation of the presbyteries cannot effect what their express approval, in writing, could not; and we deny that they have the power to make such essential changes in the principles of Presbyterian church government, as we have endeavoured to show that the plan of union contemplated. This argument has the greater force the more narrow the limits assigned to the powers of our judicatories. Above all, those who admit that the Assembly had a right to abrogate the plan, must allow that it had not acquired the force of constitutional law: if it had, the consent of the presbyteries would have been necessary to its abrogation.

It is urged that the re-adoption of the constitution, as amended in 1821, was a formal adoption of the plan of union and all its fruits, because no objection to it appears to have been made at that time. If, however, the presbyteries had not the power, which we have just said they lack, there is an end of this pretence. The argument above used, founded on the constitutional provision in regard to amendments, seems also conclusive here. And, before silence can be construed into consent, it must be shown that the question was fairly put. Now it is notorious that the very existence of the plan had been forgotten, and that its fruits were little dreamed of, by a large part of the church, in 1821. Besides, the constitution of that year does positively annul the act of

1801. Like its predecessor it declares, as already shown, that a *certain* and *definite* form of church government is *absolutely necessary*, and afterwards prescribes a form. A provision utterly inconsistent with that act, and repugnant to it, must have equal force with an express abrogation thereof. But look at the principle contended for in itself. It leads necessarily to the absurd position, that every law enacted under a constitution, however repugnant thereto, acquires validity from the circumstance of that constitution being amended and re-adopted, without particular mention being made of such law, although, more repugnant, it may be, to the new instrument than to the old. This is certainly a principle which our legislators have yet to learn.

But it matters very little to our argument, whether the plan of union introduced irregularities into the Presbyterian structure, or not—whether it was unconstitutional, and therefore void, or not. That gross irregularities did exist in the four excised synods, and other portions of the church, has been conclusively established. The proof is found in the testimony of Mr. Squier (*Miller's Rep.* 71, 72);* in statements and admissions made by the new school on the floor of the Assembly in 1837; in other statements coming directly from the most authentic sources, and in the fact, that no serious attempt has yet been made to disprove the allegations of the old school as to this point. The evidence is exhibited at greater length than is consistent with our present limits, in the *Repertory* for July, 1837, (Vol. IX.) pp. 427, n. 429, 430, 431, 434, 455, 465, 471, 472, 473. We shall content ourselves with briefly enumerating the chief of these irregularities. In church sessions regularly connected with presbyteries, and represented therein, Congregational pastors presided. Mixed churches, formed after the model exhibited in the plan of union, and governed by unordained committee-men, the standing committee being composed sometimes of a select number, and sometimes of the whole body of male communicants, sent lay delegates to the presbyteries, who were received and allowed to sit and act, in all respects, and in all cases, as ruling elders. Even many churches purely Congregational were thus continually represented in presbytery; and the synods were constituted of the same materials. In 1837 was ascertained the astounding fact, that of one hun-

* Judge Rogers excluded all the testimony on this point offered by the defendants, on the ground of impertinence.

dred and thirty-nine churches, connected with the synod of the Western Reserve, about one hundred and nine were either mixed, or purely Congregational; and that two-fifths of those connected with the synods of Utica, Geneva, and Genesee were of the same character. As commissioners were annually sent to the General Assembly from the presbyteries belonging to these synods, of course that body was composed in part of the representatives of Congregationalists, and, in some cases, even those representatives were mere laymen. Not the least remarkable feature of this whole system was the concealment practised, which kept other portions of the church so long ignorant of these irregularities. In the reports sent up, year by year, to the Assembly, little if any trace of Congregationalism was to be found. All the churches connected with the presbyteries, and therein treated as Presbyterian, were so called in the reports. Even the laymen that appeared in the Assembly brought with them and presented, in many, perhaps most instances, the commission of regularly ordained elders. Such, in character at least, if not in extent, were some of the abuses complained of and substantiated in 1837. Their real extent is perhaps of little consequence in a legal point of view, though important as a guide to ecclesiastical policy; and of still less consequence is it whether the plan of union did or did not lie at the foundation of these evils.

If it did authorize them, it was unconstitutional and void, and Congregationalism plainly entered without law. Still more palpable is the latter fact, if the plan is conceded to have given no such authority.

The fact then appears to be, that certain members of the Presbyterian church, without any authority whatever, and in direct violation of their constitutional agreement, associated with themselves a large number of Congregationalists, whom they admitted to full communion in all their ecclesiastical rights, without, however, requiring of them an adherence to the principles of Presbyterian government. That not merely one, or two, or twenty, or a hundred were thus brought in, but that a regular system was adopted for the admission of an indefinite number; and that under this system presbyteries and synods were formed on an entirely new plan, constituted and governed in a manner utterly inconsistent with Presbyterianism. Let us suppose this change to have been effected suddenly, as in the space of a month, or in the period intervening between two consecutive sessions of

the General Assembly. What would have been the position of these synods and presbyteries, and their members? Clearly, they would have been no longer part of the Presbyterian church: they must have been considered to have exercised the right which every member enjoys, of separating therefrom, of relinquishing all their interest therein. This separation may take place without the member declaring any intention to withdraw—indeed, though he declares that he has no such intention. Though he claims his old rights, and no formal ecclesiastical act has determined his membership, he must submit to the adjudication of his claim by a reasonable construction of his own acts. This has been expressly decided in the Pennsylvania case already referred to—*Weckerly v. Geyer*, 11 *Serg. & Rawle's Rep.* 35. The defendant in error, Geyer, once clearly entitled to a vote, as a communicant of an incorporated church, had, with certain other members of the same, formed a distinct society for certain purposes, though all claimed still to adhere to the old body, and they had not been formally disfranchised according to the church regulations. At a corporate election, held more than three years subsequently, Geyer claimed a vote, but the inspectors and judges refused to allow it, exercising their own discretion in deciding on his right. He commenced an action against them for this refusal, and on a writ of error the case was brought before the supreme court, then consisting of Chief Justice Tilghman, and Judges Gibson* and Duncan, whose opinion was delivered by the chief justice. He says, "It is certain that a man may separate himself from a religious congregation at pleasure. And he may declare his intention so openly and unequivocally, that there can be no doubt of it. And this is often done. It frequently happens that men change their religious opinions and principles, and declare that they can no longer, with a good conscience, remain members of the church to which they belong. Now suppose this should be the case with one of the members of the *Lutheran church*; would not the inspectors have a right, and would it not be their duty to take notice of it, and refuse the vote of such person if he offered it? To be a *member of the church* is a necessary qualification, and how can he be a member who has disavowed his membership? So, whether he disavowed it or not, he would lose his membership if he united himself to another church, whose articles of faith

* The present Chief Justice.

differed substantially from the *Lutheran*. As to a disfranchisement, by a proceeding under the church regulations, it will be found in reference to these regulations, that they apply only to cases of delinquency, and not to a voluntary separation. So that the district court certainly went too far, in saying, that a man could not lose his membership, or at least that the inspectors could not take notice of it, unless he had been proceeded against, and disfranchised according to the church regulations."

Now the position of the four excised synods, and their presbyteries, according to the supposition above made, would have been very similar to that of Geyer, and must have been governed by the rules of law laid down in the opinion quoted. They were at liberty to separate from the church, which they might have done, plainly declaring their intention so to do: or they might have done certain acts, without really intending to separate, which, nevertheless, the law would have adjudged equivalent to a separation. As one of such acts, the learned judge mentions, uniting with another church whose articles of faith are substantially different. Is it said that these judicatories did not join another church? We answer, they did the same thing—united with members of another, and formed ecclesiastical bodies of an anomalous character—neither Presbyterian nor Congregational—but differing substantially from both in their articles of faith; for Presbyterian government is as much a matter of faith as Presbyterian doctrine. He who does not believe in the divine appointment of the order of ruling elders, rejects an important article of our faith. Or even if the judge intended difference in doctrine merely, as distinguished from difference in government and discipline, he was but giving an example. A departure in doctrine infers separation, only because it is a violation of the mutual contract; and a violation of one substantial part thereof is no more inconsistent with membership, than the violation of another substantial part. If, then, as supposed, the changes in the structure of these bodies had been effected, during the period between the meetings of the Assembly of 1836 and that of 1837, and to the latter Assembly, commissioners had been sent from the presbyteries connected with the four synods, the clerks of the body might, in the exercise of a sound discretion, and without any formal act of exclusion or excision, have refused to receive their commissions, or to call their names; and their refusal would have been as effectual in law, and, if sus-

tained by the body, as effectual in fact, as a sentence of expulsion. Nor would it have made any difference that some of the presbyteries were, as regarded their own organization, purely Presbyterian: their voluntary connexion with synods of the kind mentioned, or their neglect to separate from them, and disavow their measures, would have destroyed their own rights.

Here, then, occurs the question, whether the members of these anomalous bodies, have in their gradual formation, and by the so called recognition of them, acquired any new rights. All our arguments on this head will apply with peculiar force to the question, whether the Congregationalists admitted can claim any vested rights at all, as against the church at large; for we do not deny that they may have acquired such, as against the members of the inferior judicatories, with which they were immediately connected—congregational, presbyterial, and synodical rights: that matter these gentlemen must settle among themselves. The excised or disowned presbyteries had undoubtedly been represented in the Assembly, many of them for a long series of years: it is, however, a great mistake to claim for all their members—Congregationalists among the rest—a prescription dating from 1801. We had no evidence in 1837, nor has any since been given, that thirty-six years had passed over any of the relations which had grown up between the two denominations. Be this, however, as it may, will prescription avail any thing here? All the rights of the members, as such, of a voluntary association, must arise from contract: so, originally, they accrued; and each individual afterwards joining the body, enters into the contract as a new party. Now consent, on both sides, is of the very essence of a contract: the consent, therefore, express or implied, of the whole church, must be proved, or those who at one time had no rights of membership, cannot now claim by prescription, which in this case can mean nothing more than consent implied from lapse of time and other circumstances. But even if a clear majority, or nearly the whole, of the church had expressly and formally contracted with the members of these anomalous judicatories, the new contract would have been a violation of the original one, and any individuals who chose to dissent therefrom, and were sufficiently numerous for ecclesiastical organization, would have been declared the true Presbyterian church, and entitled to all its immunities. Especially could not an Assembly representing this

mixed association, justly claim the franchise granted in 1799, by the legislature of Pennsylvania, to "the ministers and elders forming the General Assembly of the Presbyterian Church," as against any other body in possession; even though such body was composed exclusively of persons who had expressly assented to the admission of Congregationalists; for they could show no title to the appellation of "The General Assembly of the Presbyterian Church." Some, indeed, have urged, in opposition to this view of the case, that in 1799, Congregationalists were actually to be found sitting and voting in the General Assembly. This may be true; but they did not claim seats as the representatives of any part of the Presbyterian church, or by virtue of any vested rights. They were admitted merely in token of courtesy and good feeling. At any rate they took nothing by the charter, for it was granted to the *ministers* and *elders* only of the body.

But consent cannot be implied, until a knowledge of the facts sufficient for rational acquiescence is conclusively proved. Was the anomalous character of the four synods and their presbyteries notorious, or at least well known to those whose acquiescence was to be so effectual? If in the case above cited from 11 Serg. & Rawle's Reports, it had been proved by Geyer that he had been permitted to vote frequently, after his connexion with the other body, that his continued right had thus been recognized; and if then it had been shown, on the other hand, that the formation of the new society had been kept secret until just before the election at which his vote was refused, would such proof of recognition have availed him any thing? The evidence that a large part of the church remained until a very late period in utter ignorance of the irregularities complained of, is conclusive. We have before spoken of the deception practised by the four synods. Their reports did not show the prevalence of Congregationalism; so far from this, they almost uniformly represented it, where it existed, as true Presbyterianism. Is it said that the plan of union adopted by the Assembly, whether constitutionally or not, was sufficient notice? A void act can have no effect whatever. No person is bound to be aware of its existence: of course, it cannot be construed as even notice. Besides, some of the most grievous of the irregularities enumerated cannot be shown to have had any connexion with the plan. The most important ingredient of consent was, therefore, entirely wanting.

We are told, that many of the excinded presbyteries were in existence in 1821, when a new constitution was formed; that to this they were parties, and therefore stand on the same footing as do all other presbyteries. Now, it is not true that a new constitution was framed in 1821. The old instrument was revised and amended: that was all. And one thing is too plain to be disputed, that neither by the device of framing a new constitution—a new contract—nor by any device whatever, could others than Presbyterians be lawfully admitted to the benefits of the charter of 1799, granted, as it was, to the Presbyterian church as then constituted, and to none else. It will be recollected, that the franchise bestowed by this charter, is the particular right now in dispute before the Supreme Court of Pennsylvania. The constitution of that state has lately been amended, just as the constitution of our church was in 1821. The old constitution of Pennsylvania made a residence of two years necessary to citizenship; the new one requires only one year's residence. But suppose that when the latter was presented to the citizens for their approbation, a man having resided only one day in the state, by some fraud or accident had been allowed to vote, would this at once have established his right to citizenship? The idea is utterly preposterous. Much less could a particular state's having allowed foreigners to be represented in a convention called to pass upon amendments to the constitution of the United States—and the case of such foreigners is just the case of the Congregationalists wrongfully admitted—that is making them good citizens of our Union, without the aid of any naturalization law.

If then, supposing the irregularities mentioned to have been suddenly introduced into the excinded bodies, they must have ceased to belong to the church, and if lapse of time, and the so called recognition of them by the rest of the body ecclesiastical, under the circumstances of the present case, could have had no restorative virtue, it is clear that, in 1837, they actually could not lay just claim to any Presbyterian rights whatever, by virtue of membership in the church at large. Though these rights may not have been lost in the course of a single month or year, still, as the lapse of time supplied no defect, they had clearly passed away. And the proof of this which has been exhibited bears with peculiar force, as already said, on the case of the Congregational portion of those bodies. Here we may remark, that as it has been shown that if the

plan of union, or the practice under it had acquired the force of constitutional law, the Assembly had no power to abrogate it, without the consent of the presbyteries, so now it appears that if the doctrine of vested rights under consideration, be tenable, the evil of Congregationalism was fastened forever against us; that even with the consent of the presbyteries it could not in any way be removed. It is said, we might have tried all whom we believed Congregationalists, and on promise that they were such, expelled them by a judicial sentence? No member may be expelled from a voluntary association, unless for an offence made so by the terms of his contract, that is, assent to the Presbyterian constitution: if there was any valid contract, either express or implied, made with them, it recognised them as Congregationalists, and provided expressly for their continuing such. Congregationalism, therefore, in them, was neither heresy or schism: for what could they have been tried.

But suppose the Presbyterian portions of the excised presbyteries to have been still entitled to all their ecclesiastical rights, it being admitted, as we think no one can hesitate to admit, that the Congregational portions never had acquired any rights as members of the church at large. Here may be applied another established principle to work their exclusion, under certain conditions. It is well settled—Mr. Wood in his argument established the doctrine conclusively—that a lawful Assembly could not be in session unless every person entitled to a vote had full liberty to participate in the proceedings; and that if any were denied this right, they might, if sufficient in number to form a quorum, assemble as best they could, giving all the others ample opportunity to join with them, and would be adjudged the true body. Now the case would be the same, if instead of a number of votes being unlawfully excluded, they were only not allowed to have their just proportionate influence; as if twenty votes were counted as nineteen. The Assembly organized on such a principle would be unlawful. And again, if persons not entitled to votes were admitted, and their votes counted, this, having the effect just mentioned—that of diminishing the value of the legal votes—would make the body an unlawful one. But the whole Presbyterian church, resolved into its ultimate constituents, is to be regarded as one large assembly, and when one portion of it, viz. the Presbyterians belonging to the excluded presbyteries, endeavoured to force into that assembly a large number of illegal voters, we were justifiable

in separating from them, and forming a lawful body, not indeed to their exclusion—we shall hereafter show that we have excluded none of them—but giving all clearly entitled an opportunity to act with us. Of course they could not be allowed to enter in among us, after the new organization, still bringing with them their Congregational friends; and places for these they have never yet ceased to demand. Of course it matters nothing that we happened to be in the majority and they in the minority; that we happened to have possession of the funds. These circumstances only give us our rights in the first instance, without our being put to the trouble of a suit. In this matter too we might act by representation in the General Assembly, as well as in person, as members of the body at large. And as the representatives from the excised presbyteries were chosen by bodies composed in part of Congregationalists, the only way in which the influence of these last could be annulled, was by refusing, through our own representation, to unite with them, while at the same time acknowledging the right of the purely Presbyterian portions of those presbyteries, if sufficient, according to the constitution, for presbyterial organization, to send commissioners. If the commissioners from any pure presbytery had through mistake or design been thus excluded, they might justly have considered themselves aggrieved. But throughout this controversy no claim has been exhibited on the part of any such presbytery; the excised bodies, composed as they are of the most heterogeneous materials, have shown a determination to hang together, have preferred all their claims as the claims of the whole association. Such claims certainly cannot for one moment be admitted.

Now under every view of the case which we have yet taken, evidence as to the constitution of the four synods and the inferior judicatories within their bounds, was clearly admissible, and plainly essential to the case; and Judge Rogers' decision (*Miller's Rep.* 184) as plainly wrong. These views, however, were not fully presented, if presented at all, at the trial, and under an aspect of the case, which was then exhibited, his decision was undoubtedly right. But if it had been contended that even without the excising acts the excluded bodies had no Presbyterian rights, or at least that their commissioners were not entitled to seats, then the question would have arisen, why they had not any such right or title. And the plaintiffs having shown, as they did, a *prima facie* right, it would have been necessary for the defendants

to show the actual constitution of those bodies, as the only possible justification of their course.

But, at any rate, the Assembly had a right to dissolve the four synods. The history of its proceedings is full of instances of such dissolutions: we need give only one example. This we take from the Minutes of 1834, p. 37.

“The report on Overture No. 8, and the petitions for the erection of a new synod, was taken up and adopted, and is as follows, viz. *Resolved*,

“1. That the synod of the Chesapeake be, and the same is hereby dissolved.

“2. That the presbytery of East Hanover be, and the same is hereby restored to the synod of Virginia.

“3. That the presbyteries of Baltimore and the District of Columbia be, and the same are hereby restored to the synod of Philadelphia.

“4. That the second presbytery of Philadelphia, and the presbyteries of Wilmington and Lewes be, and the same are hereby erected into a new synod, to be called the synod of Delaware, &c.”

It seems to be admitted that the Assembly may dissolve a synod, but it is contended, that all the parts must be specifically attached to other synods. Suppose, however, that it is impossible to do the latter, will this necessarily defeat the right to do the former? We contend, however, that if we regard the acts of 1837 as mere acts of dissolution, they did effect substantially both the objects mentioned. Here we still maintain, as under the last head, that no Congregationalist had the shadow of a right. Well take the case of the synod of the Western Reserve, where Congregationalism chiefly flourished. Suppose the Assembly had determined to dissolve it: this difficulty was presented: We know, said the members of that body, that all, or nearly all the presbyteries connected with the synod, are composed in part of Congregationalists, who have no manner of presbyterial right. We know not whether any of them, when purged of this foreign matter, will possess the capacity for separate existence, according to our constitution; and even if they have, the history of the past admonishes us that we cannot depend on them to effect the necessary expurgation. If we unite them as they are to other synods, we may be considered as acquiescing in the claims of these Congregationalists. What is to be done? If we cannot dissolve them now, when can we? Is there no remedy whatever? This we can do without af-

fecting any man's valid rights. We will tell the regular members of all those bodies which are not purely Presbyterian, and which of course cannot be allowed to participate in the government of the church, so long as Congregationalists are mixed up with them, that they must apply for admission to "those presbyteries belonging to our connexion which are most convenient to their respective locations," an arrangement that will secure a strictly constitutional disposition of these various parts, if they are scrupulously careful to carry out the plainly expressed will of the Assembly. And any irregularities that may occur we can correct hereafter: they cannot be as great as those which now exist. As to any presbyteries that may be purely Presbyterian, or that can make themselves so, let them appoint commissioners and apply to the next Assembly, which will receive them, and annex them to the proper synods, on proof of their purity. It is singular that the former provision should appear unwarranted to those who have so strenuously contended for the principle of "elective affinity:" if applied and carried out in the most unhappy manner possible, its worst effect would be but the legitimate consequence of that doctrine. If the latter provision had seemed unconstitutional and destructive of right, any pure presbytery might have complained of it, might have appointed commissioners to the next Assembly, and claimed an immediate representation therein. But, as before remarked, this was not done. The presbyteries of the four synods chose to come in a body, the impure—we are speaking of purity in church order—as well as the pure, the Congregationalist as well as the Presbyterian: they were all to be received, or none.

The Assembly has a clear right to dissolve synods, which can in no way be affected by the obligation, supposing it to exist, to establish new connexions for the dissolved parts. The decree of dissolution must take effect, but of course any subsequent neglect would be a substantial ground of complaint. Here, however, the dissolved bodies, if we may so consider them, instead of claiming the rights consequent on attachment to new synods, choose to nullify a decree which the Assembly had an undoubted right to make and enforce. We may here observe that if the acts of 1837 were to be regarded merely as acts of dissolution, and if such was the operation claimed for them, Judge Rogers was clearly right in excluding testimony offered to prove the composition of the four synods, for the reasons which he gave.

Now, let us look at those acts and measure them by the doctrines already laid down. Our opponents admit that the plan of union might lawfully be abrogated. If, as we have endeavoured to show, it was void, no abrogation was necessary, though a declarative act was proper as notice of the views entertained respecting it. The reasons given for the act passed* were, as we think has been already proved, conclusive of the plan's entire nullity. We would here remark, however, that reasons thus spread out upon the face of an act may be utterly futile, and the act nevertheless be valid. It is plain that if a deliberative body adopts a measure clearly within its prescribed powers, the fact that none of the members thought it so, or that they based its legality on a wrong foundation, cannot destroy its force. This principle should be remembered and applied throughout the inquiry.

On Thursday morning, June the 1st, 1837, the Assembly passed the following resolution:

“*Resolved*, That by the operation of the abrogation of the Plan of Union of 1801, the Synod of the Western Reserve is, and is hereby declared to be no longer a part of the Presbyterian Church in the United States of America.”

And on Monday afternoon, June 5th, it was resolved:

“1. That in consequence of the abrogation, by this Assembly, of the Plan of Union of 1801, between it and the General Association of Connecticut, as utterly unconstitutional, and therefore null and void from the beginning, the Synods of Utica, Geneva, and Genesee, which were formed and attached to this body under and in execution of said ‘Plan of Union,’ be, and are hereby declared to be out of the ecclesiastical connexion of the Presbyterian Church of the United States of America, and that they are not in form nor in fact an integral portion of said church.

“2. That the solicitude of this Assembly on the whole subject, and its urgency for the immediate decision of it, are greatly increased by reason of the gross disorders which are

* It is in these words: “But as the ‘plan of union’ adopted for the new settlements in 1801, was originally an unconstitutional act on the part of that Assembly—these important standing rules having never been submitted to the Presbyteries—and as they were totally destitute of authority as proceeding from the General Association of Connecticut, which is invested with no power to legislate in such cases, and especially to enact laws to regulate churches not within her limits; and as much confusion and irregularity have arisen from this unnatural and unconstitutional system of union, therefore, it is resolved that the Act of the Assembly of 1801, entitled a ‘Plan of Union,’ be, and the same is hereby abrogated.” See Digest, pp. 297-299.

ascertained to have prevailed in those synods, (as well as that of the Western Reserve, against which a declarative resolution, similar to the first of these, has been passed during our present session,) it being made clear to us, that even the Plan of Union itself was never consistently carried into effect by those professing to act under it.

“3. That the General Assembly has no intention, by these resolutions, or by that passed in the case of the Synod of the Western Reserve, to affect in any way the ministerial standing of any members of either of said synods: nor to disturb the pastoral relation in any church; nor to interfere with the duties or relations of the private Christians in their respective congregations; but only to declare and determine according to the truth and necessity of the case, and by virtue of the full authority existing in it for that purpose, the relation of all said synods, and all their constituent parts, to this body, and to the Presbyterian Church in the United States.

“4. That inasmuch as there are reported to be several churches and ministers, if not one or two presbyteries, now in connexion with one or more of said synods, which are strictly Presbyterian in doctrine and order, be it, therefore, further resolved, that all such churches and ministers as wish to unite with us, are hereby directed to apply for admission unto those presbyteries belonging to our connexion which are most convenient to their respective locations, and that any such presbytery as aforesaid, being strictly Presbyterian in doctrine and order, and now in connexion with either of said synods, as may desire to unite with us, are hereby directed to make application, with a full statement of their cases, to the next General Assembly, which will take proper order thereon.”

If, as we think, it has been already proved, that the excised bodies—we use the word excised merely as a convenient term of description, without intending by it to characterise the acts of 1837—that these bodies had no Presbyterian rights; that they were to be regarded as no part of the church: a formal act of exclusion was unnecessary, though, as just now remarked in regard to the plan of union, a declarative act was proper, as notice of the Assembly's views. The same thing is otherwise evident, if there be force in our argument, that though the strictly Presbyterian portions of those bodies still retained certain rights, they were attempting to create an unlawful assembly, and we were justifiable in separating from them in order to effect a legal organiza-

tion. In either case, if the resolutions had produced only the physical result of excluding the commissioners not entitled to seats from the floor, and the effect of notice to all the church of the exclusion, every thing would have been done that was essential or of much importance.

But suppose it granted, that the excision was wrongful, unless we depend entirely on the acts of 1837, and can show that they were merely such a dissolution of the synods as we have described, would not any court construe them, if that construction were necessary to their validity, as decrees of dissolution? The rules of law allow great latitude of interpretation in order to give reasonable force to statutes and other instruments. It has been said that these resolutions are bungling and incongruous. This, if it be true, does not necessarily render them ineffectual. Such a rule would nullify half the legislation in the United States. A large proportion of the time of all our courts is spent in endeavours to extract sense out of ill-contrived and worse penned statutes, and to reconcile obstinate inconsistencies therein. The principles of construction to be applied here are familiar to every lawyer. It must be made upon the entire instrument, one part being construed by another, that the whole may, if possible, stand. *Ex antecedentibus et consequentibus fit optima interpretatio. Verba debent intelligi cum effectu, ut res magis valeat quam pereat.* The business of the judge is to reconcile incongruities, not to hunt after and exaggerate them. Another principle, not less undoubted, is, that instruments are, if possible, to be construed according to the powers of the person or body executing them, and that if their actual operation extend not beyond these powers, the effect produced shall decide their character, rather than the intention, real or supposed, of the party. If, for example, the actual effect of the acts under consideration, could only be such as might have been lawfully produced by dissolving the bodies, a court will construe them mere decrees of dissolution.

The act relative to the Western Reserve Synod is, therefore, to be taken in connexion with the other four, and interpreted by them. It has been contended, that declaring a synod no part of the church, can effect nothing more than the destruction or dissolution of that body, and does not, in any way, influence the ecclesiastical relations of its presbyteries, or their members. If this be true, no one can pretend that the so called acts of excision did more than dissolve the four

synods, for language by far the strongest that is used, to infer a complete separation of all the parts, is contained in the first two resolutions, which make mention of the synods only. But we are willing to admit that those resolutions, taken alone, could hardly be construed otherwise than as a clear declaration, that both the bodies so mentioned, and all their constituent parts, were no longer integral portions of the Presbyterian church. Afterwards, however, come provisions intended to apply to all four of the synods, which plainly modify the operation of the others, and, as we have said, make the actual effect of the whole only what might have lawfully been produced, according to the views above presented, by decrees of dissolution.

But it is said that the Assembly, at an earlier period of its session, (*See Min.* 1837. p. 429.) had passed an act rendering it "imperative on presbyteries to examine all who make application for admission into their bodies, at least on experimental religion, didactic and polemic theology, and church government." Mr. Wood particularly dwelt on this point, contending that all those members of the dissolved or excluded bodies that applied to others for admission, must be first examined and found strictly Presbyterian, and under pretence of their not coming up to the standard might be rejected. Now it is clear that such examinations were peculiarly proper in this case, when Congregationalists, who had no shadow of right, might claim admission. But such an order of the Assembly could not change the nature of the subsequent acts, and destroy their virtue. Even if it was unconstitutional, no one could complain of injury to his civil rights therefrom, until he had actually suffered wrong by its operation. Each act was to be judged by itself, and every evil that might arise be referred to its immediate cause. It is preposterous to contend, that though the Assembly had a right to make the decree of dissolution, in itself considered, it was unconstitutional, because its operation might in some way be connected with the operation of an unconstitutional act or order.

But how did the dissolution of the four synods affect the rights of the commissioners actually on the floor, and work their exclusion? We answer, that the very same state of things which made a peculiar arrangement in regard to the future connexion of the dissolved parts necessary, made their appointment irregular. Their constituents were many of them Congregationalists, who had no right of representation. If the commissioners of any presbyteries pure in doctrine

and order were excluded, the fact is not known to us. All of them chose to make their cause common, and depend, not on individual cases of wrong, of which with much greater plausibility they might have complained, but on the allegation of injury inflicted upon the four synods and their constituent presbyteries collectively. Here we are considering the case as it was actually brought before the supreme court of Pennsylvania. It may be remarked, however, that if at any stage of its proceedings, the Assembly excluded commissioners rightfully entitled to seats, it became an unlawful assembly; and if those wrongfully excluded, being sufficient by themselves or with others who chose to join them, to form a quorum, had met, they would have been declared to hold the true succession. If however they had united with some having no title, this would have made their body also unlawful: both assemblies, in that case, would have been in the same predicament; and, as before remarked, both being unlawful, the one in possession would not have been disturbed at the suit of the other.

But the Assembly did not adopt similar measures in regard to all the synods that were chargeable with the same disorders. By no means; there were questions of expediency, of church policy, to be regarded, as well as questions of strict law. A remedy fully adequate in one case, may effect nothing in another that is more difficult, or, perhaps, desperate. But if the synods of New-Jersey and Albany were, in fact, no part of the church, did not the circumstance of their commissioners' sitting make it an unlawful assembly? Certainly it did; but the evil was not so great as before, when all the commissioners from the four synods, afterwards excluded, were sitting; and, besides, no lawful body was organized, which could take advantage of the irregularity. But will the irregularity ever cease? Will those two synods ever belong of right to the body ecclesiastical? This question involves the power of the Assembly to form coalitions between our church and other Presbyterian bodies—as, for example, the union with the synod of the Associate Reformed church in 1821. This, in an ecclesiastical point of view, was a measure of undoubted propriety: the body admitted conformed substantially, nay, almost completely, to our standards. As a matter of comity, it was to be regarded as a coalition; as a matter of law, involving question of the Assembly's rights and powers, as the erection of a new synod from entirely new materials. Can the Assembly do this?

Suppose the synod of Philadelphia should, to-day, by an unanimous vote, declare itself thereby separated from the Presbyterian Church, its members herein exercising an undoubted right, and to-morrow should come back asking readmission: could the prayer be granted? We think it could; and if so the union with the Associate Reformed church was constitutional: there is no material difference between the two cases. And the synods of Albany and New Jersey, after compliance with the directions of the Assembly, stand precisely in the same position; and if the power to receive them exist, the reception of their commissioners is a sufficient act of admission.

If, in 1837, the excluded commissioners had united, immediately after their exclusion, and formed an Assembly in the best way they could, refusing admission to none entitled to seats, they might have appointed trustees, and commenced an action of *quo warranto*, as they did afterwards; and then the sole question to be tried would have been the lawfulness of the excision. So, any individuals of their number might have commenced actions, as did Mr. Squier, Judge Brown and Mr. Hay, in 1838, against the clerk, and moderator, and such other persons as it appeared might be joined with these, or against any of them, for preventing their exercising some civil right—as that of voting for trustees. Thus too the same question would have been raised. As before mentioned, a voluntary association can be reached only through its agents or trustees—those who carry, or seek to carry, its resolutions into effect.

In 1838 a new Assembly met, and the excluded presbyteries sent up commissioners as had been their wont. We shall here endeavour to ascertain the true character of this body, particularly whether its several sessions have any organic connexion with each other. In this respect it is certainly anomalous. While the form prescribed by the constitution, and always adopted in practice, for putting an end to each meeting, appears to be that of a dissolution, there are many considerations which, taken by themselves, would seem to countenance the idea of its being a perpetual or always existing body. The church is governed by Congregational, Presbyterial, and Synodical assemblies, the object of erecting the superior courts being, as already explained, simply that no question may be finally decided, unless “by the collected wisdom and united voice of the whole church.” Now, reasoning *a priori* it might be supposed that all the different

assemblies were alike in respect to the connexion between their successive meetings, since, so far as any settled principle is concerned, their respective powers are of the same general nature, only exercised within spheres differing in extent. The presbytery is, without doubt, a perpetual body, and so is the synod. All the constitutional provisions in regard to them, taken together, establish this point most conclusively. Both meet on their own adjournments—the former as required by the constitution, the latter according to general usage; and where the law is doubtful, such a custom is conclusive. Reasoning from analogy we might be led to suppose that the General Assembly was like the others in this respect; but there are evident points of difference. The members of the latter are all appointed for one meeting only, and with the close of that their commissions expire. The same is the case with only a part of the members of the synod and presbytery, viz. the ruling elders. The Form of Government provides, that

“Each session of the Assembly shall be opened and closed with prayer. And the whole business of the Assembly being finished, and the vote taken for dissolving the present Assembly, the moderator shall say from the chair,—‘By virtue of the authority delegated to me by the church, let this General Assembly be dissolved, and I do hereby dissolve it, and require another General Assembly, chosen in the same manner, to meet at _____ on the _____ day of A.D. _____’—after which he shall pray and return thanks and pronounce on those present the apostolic benediction.”
Chap. xii. sect. 8.

A dissolution of a parliamentary body does certainly destroy its existence. But we think it very evident, from several provisions in the Form of Government and Book of Discipline, that the framers of them intended that the Assembly should have, or considered it as having, some striking characteristics of a perpetual body. Without an express constitutional law, one Assembly, if all subsequent ones were quite distinct from it, could not, having commenced a proceeding, impose upon another the duty of completing it. Any business which the former had entered upon, but not finished, could not be taken up by the latter at the point where it was left, and merely concluded. On a dissolution of parliament, such bills as are only begun and not perfected must be abandoned; and, if resumed at all at a subsequent session, must be resumed as entirely new ones; whereas after

an adjournment, "all things continue in the same state as at the time of the adjournment made, and may be proceeded on without any fresh commencement."* The state of an impeachment, indeed, is not affected by a dissolution, and appeals and writs of error remain, and are to be proceeded in as they stood at the last session. The latter rules, however, depend on the peculiar constitution and office of the house of lords. It seems that the proceedings in an impeachment, under the constitution of the United States, must be commenced and perfected during the life of a single congress. Now, if the constitution of our church expressly directed that one Assembly should perfect any particular business which another might have entered into, but not completed, that would not necessarily make a difference in the relation between the two; but its recognising, without any positive direction, this overlaying authority certainly is evidence of some weight, that those who formed it held the doctrine which we impute to them. As instances of such recognition we may mention the rule already quoted in regard to amendments of the constitution, and the last paragraph of section sixth, chapter seventh, of the Book of Discipline.

The Form of Government, chapter twentieth, provides that "Every judicatory shall choose a clerk to record their transactions, whose continuance shall be during pleasure." But the power of an officer appointed to continue during pleasure cannot usually survive the existence of the appointing body: without, however, directing that the clerk shall always act until he is superseded by the choice of another, the constitution evidently contemplates this arrangement, and recognises the fact that the clerk of the Assembly constantly exists. This appears not only from the duties allotted to him in the twentieth chapter, of which we have just quoted a part, but still more evidently from the provision that no commissioner shall deliberate or vote, until his name shall have been enrolled *by the clerk*. So, too, the moderator is recognised as a perpetual officer. It may be said that the rule expressly directing him to preside in the next meeting, until a new moderator shall be chosen, makes against this position; that, however, is evidently intended merely as a sort of proviso to another rule, with which in one section it is found immediately connected, viz. that "The moderator of the synod, and of the General Assembly, shall be chosen at each meet-

* 1 Blackstone's Comm. 186.

ing." But the moderator of every judicatory is expressly "empowered, on any extraordinary emergency, to convene the judicatory, by his circular letter, before the ordinary time of meeting." *Form of Gov. ch. xix. sect. 2.* This provision shows that he is considered as remaining in office until actually deposed or superseded.

At least, the constitution leaves this matter doubtful, and that is enough for our purpose. We have before referred to the case of *Weckerly v. Geyer*, for the doctrine there established, that *on points not clearly expressed in the instrument*, the understanding of the Assembly, evidenced by their practice, is to be taken into consideration; of course, in the absence of other collateral evidence to the contrary, it must be taken as conclusive. The doctrine is there applied to a charter of incorporation: it certainly loses no force in our application of it. Let it be understood that we do not here attribute to practice the power of making law, but only of interpreting doubtful language. Now the practice of the Assembly has certainly sanctioned the idea of there being a sort of connexion subsisting between the different sessions, especially as to standing rules. It has made them not only for the organization, but for the subsequent proceedings of each meeting, and these have uniformly been treated as of some authority, until formally set aside. In 1791 it adopted such rules for the induction of new moderators, as it had, in 1789, general ones "for regulating the proceedings of the Assembly." And these general rules, from time to time altered and amended as occasion required, seem to have governed the body, without being annually re-adopted, and without objection, until a few years ago, when, as one of the witnesses at the trial said, it was determined to adopt rules at the commencement of each session, but with a proviso, that the old ones should be considered as remaining in force until the new were framed. It appears also that the Assembly has frequently taken up the unfinished business of the last year, and carried it through from the point where it was left, to completion. Certainly these anomalous features of the Assembly seem to favour the idea that one may lay down rules for the proceedings of its successor which shall have a peculiar force.

But suppose that each Assembly is entirely independent of every other, we deny that it follows as a consequence, that one cannot provide authoritatively for the organization of its successor. Such a doctrine seems directly at variance with

the best established principles of parliamentary law. This body itself appears to have construed its powers in a different manner. In 1826, when the provisions to which we shall refer directly, were made, it was resolved "that so soon as the alteration proposed in the 7th item above enumerated, shall appear to have been constitutionally adopted by the presbyteries, the following *rules of the Assembly shall be in force.*" *Min.* 1826, p. 40. *Miller's Rep.* 156. At least—and this is all sufficient for our argument—custom makes such rules authoritative; not a part of the constitution, for then the Assembly could not, of itself, alter them; but of binding efficacy, until repealed by actual vote, or superseded by an express enactment. When once sanctioned by custom they necessarily acquire the force of law, if only for the reason, that the disregard of them evidently places the body in a far worse position than if no rules had ever been adopted, and may be a source of great injustice. But beyond all question—and even this covers the whole ground in dispute—when an Assembly has commenced its organization in the usual manner, as provided for by standing rules, this virtual recognition of them is as potent as a formal act of adoption: they become acknowledged orders of the new house. Indeed the mere constitutional provisions on this subject utterly condemn the course pursued by the new school in 1838. These latter we shall now first exhibit at length.

"Any fourteen or more of these commissioners, one half of whom shall be ministers, being met on the day, and at the place appointed, shall be a quorum for the transaction of business." *Form of Gov. Ch. xii. Sect. 3.*

"The General Assembly shall meet at least once in every year. On the day appointed for that purpose, the moderator of the last Assembly, if present, or, in case of his absence, some other minister, shall open the meeting with a sermon, and preside until a new moderator be chosen. No commissioner shall have a right to deliberate or vote in the Assembly, until his name shall have been enrolled by the clerk, and his commission examined, and filed among the papers of the Assembly." *Id. Sect. 7.*

The mediate clause of this section is substantially repeated in another chapter.

"The moderator of the presbytery shall be chosen from year to year, or at every meeting of the presbytery, as the presbytery may think best. The moderator of the synod, and of the General Assembly, shall be chosen at each meeting of

those judicatories: and the moderator, or, in case of his absence, another member appointed for the purpose, shall open the next meeting with a sermon, and shall hold the chair till a new moderator be chosen."

These seem to be all the constitutional rules in regard to the organization. No commissioner is to deliberate or vote, until his commission shall have been examined and filed, and his name enrolled, unless in the appointment of a presiding officer and clerk, when this may be absolutely necessary. The word "appointed," used in the last section quoted, perhaps of doubtful import in itself, would seem, from the construction put upon it by the Assembly, in its second "general rule for judicatories," to complete a nomination made before the meeting of the body, which that rule accordingly makes.

"If a quorum be assembled at the hour appointed, and the moderator be absent, the last moderator present shall be requested to take his place without delay." *Append. to Const.*

Still it is evident that emergency may arise requiring an appointment by the members present, as also in the case of the clerk. It seems clear, however, that the constitution contemplates the old clerk's acting until another is elected. The *choosing* of a new moderator is certainly an act in which none but commissioners entitled to vote can participate. The Assembly's present rules on the subject of the organization, except the one just recited, were adopted in 1826, and, as amended in 1829, may be stated as follows.

1. The permanent and stated clerks shall be a standing *committee of commissions*; and the commissioners to future Assemblies shall hand their commissions to said committee, in the room in which the Assembly shall hold its sessions, on the morning of the day on which the Assembly opens, previous to 11 o'clock; and all commissions which may be presented during the sessions of the Assembly, shall be examined by said committee and reported to the Assembly. The person presenting each commission shall state whether the principal or alternate is present.

2. Immediately after each Assembly shall be constituted with prayer, the committee of commissions shall report the names of all whose commissions shall appear to be regular and constitutional, and the persons whose names shall be thus reported, shall immediately take their seats and proceed to business.

3. The first act of the Assembly, when thus ready for business, shall be the appointment of a *committee of elections*, whose duty it shall be to examine all informal and unconstitutional commissions, and report on the same as soon as practicable. *Min.* 1836, p. 40. *Min.* 1839, p. 384. *Miller's Rep.* 156.

We may remark, that in the argument of the case before the supreme court, the counsel for the relators seem to have admitted the binding force of these rules: their endeavour was to show, first, that they had been substantially complied with by the gentlemen of the new school; and, secondly, that such an extreme emergency would have warranted a much greater departure from them than was chargeable in this case, or even a total disregard of their provisions.

The clerks are in the habit of meeting, as a committee of commissions, not only on the morning of the day appointed for the meeting of the Assembly, but also on the previous afternoon. So they met on the 16th and 17th of May, 1838. About one hundred and twenty commissions were received at their first sitting, on Wednesday afternoon, the most of them, if not all, from old school members. The next morning near a hundred more were received, and those belonging to the commissioners from the excluded presbyteries were presented, and a formal demand made that the names taken therefrom should be enrolled. This the clerks refused to do, referring the case to the Assembly for decision. Were they right in thus refusing? A most preposterous doctrine was contended for by the counsel for the relators—that the clerks should have received the commissions, and put their names on the list of doubtful cases, to be referred to the committee of elections: such a list they are accustomed to make, though the rules do not require it. Suppose a delegate from a Jewish synagogue had presented a commission, were they bound to receive it? Certainly not. The reception was, in each case, so far as the authority of the clerks went, a decision that the member came from a rightful constituency. That decision was all that was necessary to give the rejected commissioners a title to enrolment: their commissions were regular and constitutional. The office of the committee was not ministerial, but judicial: they were to exercise their own discretion, and if they did this conscientiously, were responsible to no human authority for the course taken. These commissioners might have commenced an action against them for the refusal. The court would have asked, first, whether

the committee were wrong in their judgment; and, if so, next, whether they acted maliciously. A judicial officer is accountable for his judgment only when malice is proved. For this doctrine we refer again to *Weckerly v. Geyer*. A mere ministerial officer, it seems, is responsible for the consequences of attempting to execute or carry into effect a void act, though not chargeable with malicious intent.

Let us suppose that these commissioners were rightfully entitled to their seats; that they had come from an undoubted constituency, with commissions perfectly regular and constitutional; that the committee had rejected them, and referred them to the Assembly itself. If they had waited patiently for the decision of the latter, and it also had been against their claim, then they might have organized an assembly, composed of themselves and such others as chose to join them, no one having a right to sit being excluded, and they certainly would have been pronounced the true General Assembly of the Presbyterian church, even though from the circumstances of the case, they had not been able to effect the organization in a perfectly regular manner. The proceeding, indeed, would have been a revolution; but as revolutions in states are often sanctioned by the laws of nature and of God, so revolutions in these subordinate societies may be adjudged rightful by the laws of the land. Its legality, however, would have depended on the exclusion of the commissioners by a vote of the body, or by the actual violence of at least all the others, excepting a smaller number than is necessary to constitute a quorum. The mere misconduct of a moderator or clerk, of a few, or even a majority of the members, would not have been a sufficient reason for such a revolution. If an officer does not perform his duty, the evil is to be remedied by his deposition. If a quorum of a deliberative assembly remains sitting in an orderly manner, the disorder of other members cannot affect its rights: as regards the title of the quorum to be considered the true body, the others would be adjudged absent. So, the best evidence that could be produced of how the body would have voted, plainly would not be equivalent to an actual vote. There may perhaps be circumstances under which neither a vote, or actual violence of the kind described, would be required to justify the new organization. The rule seems to be that absolute necessity alone is a sufficient justification; that the revolutionary members must have been excluded beyond all possibility of obtaining admission. The course which we have pointed out

was undoubtedly that which the gentlemen of the new school *intended* to pursue. What course they *actually took* we shall see directly.

The commissioners of each party assembled in convention, before the meeting of the judicatory, to devise measures such as the emergency seemed to require. The old school convention was held in the Seventh Presbyterian Church, and the new school in the First Church—Mr. Barnes's. The notice calling the latter was general, inviting all the commissioners to attend. It is said to have been attended by some who afterwards remained with the old school body;* certainly, however, but few such, if any, took part in the proceedings. Of course, the acts passed by either convention, were the acts of those only who took part. The new school commissioners passed certain resolutions respecting a pacific adjustment of the difficulty, which they communicated as a proposal to the other meeting—in their own words (*Pastoral letter, new school, 1838, Min. 663, Miller's Rep. 191*),—“to a large number of commissioners to the Assembly met in another place.” But before this proposal was sent, it was resolved,

“That should a portion of the commissioners to the next General Assembly attempt to organize the Assembly, without admitting to their seats commissioners from all the presbyteries recognized in the organization of the General Assembly of 1837, it will then be the duty of the commissioners present to organize the General Assembly of 1838, in all respects according to the constitution, and to transact all other necessary business consequent upon such organization.”—*Ib.*

The commissioners present in the new school convention, then resolved to organize the Assembly for themselves, if a certain other portion of the commissioners, evidently those of the old school—should attempt what was considered by the former an unlawful organization. This resolution plainly contemplated some action on the part, not merely of a moderator or clerk, but of the whole old school body: and also the counter-action of the whole new school as a distinct mass. Dr. Hill says, in his testimony, (*Miller's Rep. 212*), “I may state here, that I had opposed *the separate organization*.” He had opposed it, probably in the new school convention,

* See Dr. Patton's testimony.—*Miller's Rep. 56.*

certainly when some or all of his brethren were deliberating upon the subject; and he gives this as a reason why he voted on none of the questions and identified himself with neither party. Does not this mean, that he knew a *separate organization* was to be attempted—had been resolved upon?

The evidence given at the trial in regard to the events connected with the organization of the two rival Assemblies, in the Seventh Presbyterian Church, May the 17th, 1838, was to some extent contradictory, though not more so than might have been expected, the nature of those events being taken into account. In making out a general and brief statement of them we shall endeavour to weigh the evidence impartially, preferring, in cases of doubt, to take the testimony of the new school witnesses. One thing, however, should be remembered, both in estimating the comparative credibility of the witnesses, and probabilities in regard to facts. The old school had been formally apprized, while sitting in convention, of the intentions of the other party, not only by the resolution above quoted, but also by verbal communication, and had deliberated on the course which they ought to pursue in the emergency. It had been strongly recommended, by influential members, that should the proceedings be interrupted by the new school, and an attempt to organization be made and persisted in by them, after their being called to order by the moderator, the old school members should remain during the interruption *sitting* and *silent*. This course had been opposed: the subsequent events seem to show that, though the opposition of some continued, by far the greater part settled down in the conviction that that would be a better course, and acted accordingly. The facts we have stated appear from Dr. Nott's deposition, the chief part of which was rejected by Judge Rogers, as incompetent or irrelevant. At least the old school were likely to be more calm and collected than their brethren of the new, who, after receiving the minutest instructions that counsel could furnish, must have felt that they had a new, a difficult, and a hazardous part to perform. Several of the witnesses testified that Mr. Cleveland showed signs of great agitation; and Dr. Hill informs us, (*Miller's Rep.* 212,) that he expected a riot would ensue.

After the constituting prayer had been offered by Dr. Elliot, the moderator of the preceding year, Dr. Patton rose and addressing him by his official title, stated that he wished to offer certain resolutions which he held in his hand. The mode-

rator told him he was out of order, as the first business was the report of the clerks upon the roll. Dr. Patton replied, that his resolutions related to the formation of the roll, and that he would present them without comment. Being still declared out of order, he appealed from the decision: but his appeal also was pronounced out of order, and he took his seat. The clerks then reported the roll which they had made out, and also four or five informal commissions which had been received, the names of those to whom they belonged not having been enrolled, on account of their informality. Their report being completed, Dr. Elliott announced, "that the persons whose names had been thus reported, were to be considered members of the house, and that if any other commissioners were present, from presbyteries in connexion with the Presbyterian church, who were not enrolled, and had not had an opportunity of presenting their commissions, they would now have an opportunity of doing so, and of being enrolled."* Dr. Mason immediately rose and stated, that he held in his hand certain commissions which had been presented to the clerks, and by them rejected, and moved that the roll should be completed, by adding the names of the commissioners from presbyteries within bounds of the synods of Utica, Geneva, Genesee, and the Western Reserve. The moderator asked him, whether they were from presbyteries connected with the church at the close of the Assembly of 1837. He repeated his former designation of them. The moderator then told him he was out of order, or out of order at that time—both phrases plainly signifying the same thing. Dr. Mason appealed. His appeal was declared out of order; upon which he also seems to have resumed his seat. Next Mr. Squier rose, and addressing the moderator, stated that his commission had been rejected, and demanded his seat and the enrolment of his name. The moderator asked from what presbytery he came, and learning that he was from that of Geneva, within the bounds of the synod of Geneva, replied, "We do not know you, sir." This silenced

* The quotation is from Dr. Elliott's own testimony.—*Miller's Rep.* 197, 198. Dr. Patton says, the announcement was, "that if there were any commissioners whose names had not been reported, then was the time for them to present their commissions."—*Id.* 52. The weight of testimony is in favour of Dr. Elliott's statement. It is evident, too, that the commissions he called for were to be presented to the clerks for examination, according to the rules: those, therefore, which had been already rejected by the clerks were not such as he intended. Dr. Mason did not propose that the clerks should examine them, but *moved* that the names should be added to the roll. He himself says the moderator called for commissions that had not been presented.—*Id.* 88.

Mr. Squier: or his subsequent remarks, if he made any, were not heard: for Mr. Cleveland immediately took the floor.* He, without addressing the moderator, commenced reading a paper, which, as some of the witnesses allege, he interlarded with extemporaneous remarks. What he said was not certainly proved. We take the version contained in the new school minutes. "That as the commissioners to the General Assembly for 1838, from a large number of presbyteries, had been refused their seats; and as we had been advised by counsel learned in the law, that a constitutional organization of the Assembly must be secured at this time and in this place, he trusted it would not be considered an act of discourtesy, but merely as a matter of necessity, if we now proceed to organize the General Assembly for 1838, in the fewest words, the shortest time, and with the least interruption practicable." *Miller's Rep.* 223. Some of the new school witnesses testified that he alluded directly to the so called misconduct of the officers. Mr. Gilbert was one of these (*Id.* 80), but he afterwards read what we have quoted, and added, "I did not hear the word 'interruption,' and some others. He said, in addition to what is there recorded, that it is no matter in what part of the house the moderator stood. I don't recollect any other additional words. He had a paper from which he read, and he interspersed the reading with parenthetical remarks. I understood him to read the whole paper. This is the paper in substance. It contains every main idea of his speech, so far as I recollect." *Id.* 101. On the same page he says, that a committee appointed for the purpose prepared the minute, and it was adopted. Certainly a solemn statement of facts made out and adopted by these gentlemen immediately after the events had occurred, is more credible than their recollection given a year afterwards. Both Dr. Miller and Mr. I. V. Brown say that Mr. Cleveland spoke of organizing a "new body." *Id.* 173, 174.

After reading this paper, or making these remarks, he moved that Dr. Beman should take the chair, or be moderator. The motion was seconded, he put it, and it was carried by the voices of the new school. Dr. Beman took his stand in the aisle, midway from the pulpit to the door, and successive motions were made, seconded, put, and carried in the

* Some of the witnesses testify that a motion was made to appoint a committee of elections, before he rose. This makes our case still stronger, but we shall not insist upon it.

same manner, appointing Dr. Mason and Mr. Gilbert clerks, *pro tempore*, Dr. Fisher moderator, and Dr. Mason and Mr. Gilbert permanent and stated clerks; and, finally, adjourning the Assembly to meet forthwith in the First Presbyterian Church. The new school witnesses assert that the question was reversed on each motion: the old school deny this, some positively, others saying merely that they heard no reversal. Mr. Walter Lowrie, who has had twenty-four years experience in legislative bodies, testifies, in regard to the motion, that Dr. Beman shall be moderator, "I would say, and say distinctly, that the reverse was not put. It might have been put in a lower tone of voice, and I not have heard it from my position. But the proceedings which immediately followed did not leave time for it to be put even in a whisper. The want of time is sufficient proof, else I would not swear to a negative." *Rep.* 180. This is something more than negative evidence, but we are willing to take Dr. Hill's statement as correct. "Mr. Cleveland, as from the first he had intended to do all in the shortest time possible, reversed the question very quickly: *I don't know that all the scattering eyes had ceased when he reversed it.*" *Id.* 212.

The new school witnesses charge most of the disorder that took place on our party. They say there were calls to order from the moderator and the gentlemen in his vicinity, and stamping, coughing, scraping and hissing in the part of the house where the old school sat. Also, that some noes came from the same quarter on several of the questions. As to the latter charge it is not a very serious one: certain it is that the old school generally voted neither one way or the other. But all the noes may be accounted for by reference to the statement of Mr. Lathrop (*Rep.* 217), that he voted in the negative, and of Mr. Evans (*Id.* 186), who was in the southwest gallery, immediately over the great body of the old school, that a young man who sat by him voted no, and that there were other votes from the gallery. All the witnesses who speak on the subject agree that there were clapping, stamping, scraping, hissing, and various other noises in the same region,* while the old school witnesses, with one accord, deny that any such sounds came from among them. The moderator did call to order repeatedly after Mr. Cleveland rose, and so did some in his vicinity: one or two said

* Dr. Patton says (*Rep.* 53), "This noise consisted of clapping, expressive of approbation, intermingled with some hisses, *making the light and shadow of the picture!*"

"Shame! shame!" and another, "Let them go on." These calls were loudest immediately after Mr. Cleveland took the floor. And from the whole testimony it appears evident that they almost or quite ceased before he finished reading. It is clearly proved too that the old school members generally kept their seats. On the other hand, it appears that most of the new school rose and crowded round their new officers; that many of them stood on the seats, and some on the backs of the pews; and Dr. Hill acknowledges, what is clearly proved by others, that the ayes most of them arose in a simultaneous burst, and that some of them were indecorously and offensively loud. *Rep.* 212. Dr. Mitchell tells us (*Id.* 203) that one member in front of him "yelled to it:" that his "aye!" "was more like the yell of an Indian than a white man." Judge Brown of the new school says (*Id.* 215) there was a man near him (perhaps the same mentioned by Dr. Mitchell) that voted aye twice as loud as any other in the house. "I twice took hold of him by the arm, and said he must not hollow so loud." This was Mr. Foster, a commissioner from the presbytery of Montrose. There is much more testimony of the same kind which we need not repeat. All the old school witnesses declare that the proceedings of the other party were most noisy and tumultuous. The spirit manifested by the latter appears in the proclamation shouted forth at three or four of the doors of the building, after they had withdrawn, that "The General Assembly of the Presbyterian church in the United States of America had adjourned to meet forthwith in Mr. Barnes's church."

† It is certain that few of the old school did or could hear the most of the motions made and questions put, so as to have voted intelligibly thereon. This is a very important fact. All the witnesses examined on our side, the greater part of whom were members, declare that they heard no reversal of any question. Some heard the motion in regard to Dr. Beman; others did not. Most of them did not know of Dr. Fisher having been chosen as moderator, until the afternoon or next morning.

Such was this extraordinary scene: any one who will carefully read the whole testimony, and much more any impartial spectator, must be convinced that we have done full justice neither to the forbearance and moderation of the old school, or to the disorder and tumult of the new.

A few words more in regard to the *original plan* of the latter. We have already shown what they contemplated,

and every thing actually done confirms our view of the matter. Dr. Patton wished to offer certain *resolutions*—he aimed at obtaining *a vote of the house*. He appealed—another attempt to accomplish the same thing. Dr. Mason *moved* that certain names should be added to the roll, and he likewise appealed. The refusal of the moderator was not anticipated: all these gentlemen tell us, that they had never before heard of a refusal to put an appeal; that it was an unparalleled outrage. It is clear that some decisive action, on the part of the house, was looked for and desired, as a foundation for their subsequent measures.

But the case which the counsel for the relators attempted to make out, was very different indeed from that which the prosecution of such a plan as we have exhibited would have presented. They contended that the object of Mr. Cleveland's motion—the clearly expressed object—was simply the removal of the moderator and clerks, who, by their misconduct, were impeding the progress of the organization; and the choice of others to occupy their places: that this was effected by a nearly unanimous vote, the law construing the silence of the old school as assent to the measure. All the extraordinary features of their proceeding were shaped, it was said, by the necessities of the case, which also legalized them. Now, it is important to have a right understanding of the exact difference between these two measures—that which has been called a *separate organization*, though the term does not convey the precise idea intended, and the mere removal of the officers of the body. And, first, wherein are they alike? The similarity is much greater than some might imagine. The one involves the deposition of the moderator and clerks as well as the other; for if the new Assembly is the true one, the officers of the true Assembly have been changed. The one embraces all the commissioners, as well as the other: its legality depends on the admission of every one who is entitled to a seat, and chooses to sit; and the law supposes all present. Either may result in two distinct organizations; for after the moderator and clerks are removed by a major vote, the dissentients may agree to remain under their government, forming a separate body. But the points of difference are well defined, and easily to be recognised. In the one case the officers are not, in form, deposed: merely considered as no longer holding office, because acting in an unlawful assembly: a vacancy is supposed to exist which in the other must be created, and that is supplied. The one is

a new organization; a re-construction from the original elements; a distinct thing from that already before commenced, which is supposed to have some radical defect, that makes it unlawful, and even useless as a link in the chain of succession; while the other is but a continuation of what has already been in part accomplished. This is merely a step aside to a more easy and certain path: that is a return to the place of starting, after pursuing a wrong road. If, as suggested, on the mere removal of one or more officers, the dissentients choose still to remain under their government, they form a new body: the others continue the old. Though, in the former case, none entitled to seats are excluded, yet the votes of those engaged in constituting an unlawful assembly, if opposed to the new organization, must of course, in the first instance, be disregarded, else if they are the majority, the object in view cannot be accomplished. In the latter case, every vote given must have its proportionate influence, and the reform party can do nothing unless they have a majority.

It is very evident that Judge Rogers was not made clearly to understand, at the trial, what the counsel for the defendants meant by a *separate organization*. He charged the jury on this point, thus:

“But the respondents further object, that the design of the new school brethren was not to organize a General Assembly according to the forms prescribed by the constitution, but that they intended, and it was so understood by them, to effect an *ex parte* organization, with a view to a peaceable separation of the church. If this was the intention, and was so understood at the time, the house which assembled in the First Presbyterian Church, cannot be recognised as the General Assembly, competent to appoint trustees under the charter. Having chosen voluntarily to leave the church, they can no longer be permitted to participate in its advantages and privileges. If a member, or a number of individuals, choose to abandon their church, they must at the same time be content to relinquish all its benefits.” *Rep.* 480, 481.

As we have already shown, the former course could not be lawfully adopted, until there had been some action on the part of the house. So long as the moderator and clerks only were in fault, they alone could be punished: the organized body could lose its rights only for its own offence. But did not the old school uphold the conduct of the moderator? They did no act which could possibly be construed into giving him support, unless the calls to order, a few cries of

“Shame! shame!” &c. were such, and it must be remembered that these came only from a few individuals, and, therefore, though they might have been a sufficient ground for prosecuting them, as conspirators with the moderator and clerks, could not affect the rights of others; and, furthermore, that these calls, &c., did not commence until after the new school began their proceedings, of which, consequently, they could not be considered a justification.

We have shown what the plan of the new school was up to the time when the moderator refused to put the question on Dr. Mason’s appeal. This matter of previous intention was not gone into at much length, or at all systematically at the trial. Judge Rogers refused to hear evidence on this point, whenever it was objected to. *Rep.* 86, 87, &c. Mr. Preston asked Mr. Gilbert, as appears on the page last mentioned, “If a majority had voted against you, what would you have done then?” The judge decided that this was not a proper question; but it is evident that had Mr. Gilbert answered, “We should have disregarded their votes,” the relators would have had no ground left on which to stand. This question, however, covered both the original and the subsequent intention: of the former only we are now speaking. It is clear that the concert of a plan is strong presumptive evidence of the nature of an act done, in the emergency for which that plan was contrived, by those who formed it; and that it must have great weight wherever the nature of such an act is doubtful; and of doubt, as to matter of fact, it was not for the court to decide.

But what was the intention of the new school at the time—what did they regard their own proceedings as accomplishing? It is hardly probable that, having formed a plan carefully and under the advice of “counsel learned in the law;” having considered it and conned it over for months; having assigned to each person that was to take a part his appropriate place, and having committed to writing the speech that was to be made at the critical juncture, these gentlemen, suddenly—in the space of much less than five minutes—concocted an entirely new plan, suited to an unexpected emergency, embracing as actors the whole body, instead of the minority first contemplated. It is much more probable, that in the excitement and agitation of the moment, they forgot one step in the prescribed route—the securing a vote of the house—that they leaped hastily to their conclusion, forgetting to establish the premises. The proof—and

certainly it is conclusive—that they intended a new organization, appears in the following facts:

1. Such was their original plan.

2. The paper which Mr. Cleveland read, and on which the whole thing depended, was prepared beforehand, and when, according to their own statement, they did not anticipate the emergency, on which immediately they acted. Some of the witnesses, indeed, say that he interspersed parenthetical remarks: of this we shall speak directly.

3. Dr. Hill, one of the most influential men among them, evidently considered it as a “separate organization.” *Rep.* 212. He also says, speaking of the motion for the appointment of Dr. Beman, “When Mr. Cleveland was about to put that question, in my estimation it was the most critical moment in the whole proceeding, because it was the *incipient step* in the organization.” *Id.* 211, 212. That is, it was the *incipient step* in the *separate* organization, which they had *determined upon*, and which he *supposed* they were trying to effect.

4. The new school rose and huddled together round Mr. Cleveland, and subsequently round their officers, so that these gentlemen were entirely shut out from the view of the others, as if they were the only ones interested in the result.

5. Mr. Cleveland’s remarks, both written and extemporaneous, as contained in the new school minutes, suit exactly the case under consideration and no other, and might all have been prepared beforehand. In addition to what we have already said as to the credibility of that version, the reader may be reminded that the statement, if not prepared by Mr. Cleveland himself, was at least adopted by a body of which he was a prominent and active member. 1st. These remarks make no allusion to any misconduct on the part of either the moderator or clerks. 2d. He says, “—and as *we* have been advised by counsel learned in the law that a constitutional organization must be secured at this time and in this place” —a senseless remark if only a change of officers was contemplated, which must, in the nature of things, be effected at that place, if at all. “He trusted it would not be considered as an act of discourtesy.” To whom could an act of the whole house be discourtesy? It may be said he meant discourtesy to the moderator. It would be rather strange to tell an officer, who has so grossly misbehaved himself that he must be degraded, that no *discourtesy* is meant!—“but merely as a matter of necessity.” We shall show, hereafter, that though

their plan contemplated a real necessity, none had arisen.—“If *we*”—who were “*we*?” Plainly “*we*” who had been advised by counsel—“if *we*”—we the new school, acting as a distinct body—“now proceed”—to do what?—“to *organize* the General Assembly for 1838”—of course the organization, so far as it had gone, was to pass for nothing: the whole was to be done by them—“in the fewest words, and in the shortest time”—and why was this? The degradation of a moderator was not a thing to be done hastily, without consideration or debate—“and the least *interruption* practicable.” “Interruption?” Of whom, but the old school party, who were considered fully occupied with their own affairs? “Interruption?” He hardly craved indulgence for the whole house, for interrupting the proceedings of the house, promising that they should be interrupted as little as possible. If he and his new school brethren were acting as a distinct body, they might well talk of interruption, and of meaning no discourtesy. 3d. Mr. Gilbert, in a passage already quoted (*Rep.* 101), tells us Mr. Cleveland said in addition that it was no matter in what part of the house the moderator stood; and, accordingly, he and Dr. Beman, and Dr. Fisher, stood about the middle of the church, behind the majority of the members—nearly all the old school, and each of them, or certainly the two latter, sideways to their backs. Certainly a house is not bound to follow its speaker into whatever corner his caprice leads him, or all the members to face about whenever he chooses to walk to the end opposite the speaker’s chair. This advice, coming from intelligent men, could mean only that no particular spot was essential to the legality of a separate organization of the new school.

6. Dr. Fisher says, (*Rep.* 104,) that Dr. Beman addressed the *preliminary meeting*. There were also clerks appointed *pro tempore*—that is, for the same preliminary meeting. Now, it must be remembered, that Dr. M’Dowell and Mr. Krebs were both permanent officers: why were temporary ones put in their place? The whole proceeding was evidently that for reducing the mere elements of corporate action into organic shape. This process had already been almost completed under the superintendence of Dr. Elliott and the clerks; but by the new school, was commenced *de novo*.

7. It was evidently intended that all the new school commissioners, as well those who had not been enrolled as those who had, should vote. This is apparent from the testimony

of Dr. Mason (*Rep.* 92), and Mr. Phelps, (*Id.* 119.) The commissioners from the excinded presbyteries did actually vote. *Judge Brown's testimony, Id.* 215. An evident disregard of the partial organization already effected, and a resolution of the house back to its original elements.

8. The motion to adjourn was suggested by a resolution of the trustees of the Seventh Church, that the General Assembly organized under the direction of the moderator and clerks of 1837, should have the exclusive use of that church. Now if, as is contended, their proceeding only effected a change of officers, and that by a vote of the whole house, when the organization was all but completed, why should they think that this resolution made an adjournment necessary?

9. And to crown all, the new school Assembly tell us in the most express terms, that they had intended to do and actually accomplished, what we have here exhibited. We have already referred to their Pastoral Letter. *Rep.* 190, 191. Throughout this document the pronoun *we* is employed in a manner that leaves no shadow of doubt, that they considered the new school as having alone participated in all their proceedings. They say, "In these circumstances, apprised by counsel of the unconstitutionality of the disfranchising act, and advised of a constitutional mode of organization, *we* did in a meeting for consultation and prayer, on the 15th of May 1838, send the following proposal to a large number of commissioners to the Assembly met in another place." Then comes the proposal, the spirit of which is, that "*we* are ready to co-operate" with the other body of commissioners in efforts for pacification. Then, the resolution that in a certain emergency "it will be the duty of the commissioners present" (in the new school convention) "to *organize* the General Assembly of 1838." Then, "To our communication *we* received the following answer, &c." And, finally,

"By this answer, all prospect of conciliation or an amicable division being foreclosed, *we* did, after mature consideration and fervent prayer, proceed, at a proper time and place, to *organize*, in a constitutional manner, the General Assembly of 1838."

These various points must be taken in connection with the previously explained points of difference between the two measures described. If we have not established our position, we must ever doubt whether any truth can be demonstrated.

It is very evident that the gentlemen of the new school, or

their learned counsel, soon discovered the great blunder which had been committed, and began to cast about for some means of escape from its consequences. "Though we intended a separate organization," asked they, "and thought we were effecting one, may we not have accomplished something, by legal construction very different?" In this emergency they bethought themselves of a rule of the Assembly, agreeing with a principle of the common law, that "silent members, unless excused from voting, must be considered as acquiescing with the majority." *Append. to Const. Rule 30.* They remembered that when Mr. Cleveland put his motion all the old school had remained silent: this most evidently was to be construed as acquiescence! And the motion itself, that Dr. Beman should be moderator, certainly might be made to appear a motion to degrade Dr. Elliott and put Dr. Beman in his place. Under this new light they began strenuously to contend, that the result of their proceeding had been merely a change of officers; that the resolution for this purpose had been properly and fairly put to the whole Assembly; that the silence of the old school had been equivalent to voting in the affirmative; that the meeting had been regularly adjourned to the First Presbyterian Church, and that those who had not followed the new officers thither were to be regarded merely as absentees. Even supposing they intended all this—that it was not a mere afterthought—they did not accomplish it. This we now proceed to show, confining our remarks to Mr. Cleveland's motion, though without meaning to admit, that if that effected all that is ascribed to it, the other proceedings of the new school were regular and effectual. If, however, we can show that Mr. Cleveland accomplished nothing, unless it were a separate organization, we need go no farther.

And first we say that the removal of the moderator at all would have violated the constitution—would have been a revolutionary measure, and as such justifiable only on the ground of extreme necessity. We agree that the measure, though unconstitutional, may be resorted to where the very existence of the house depended on it; but those choosing to remain under the old officers must always be declared the true body, unless such absolute necessity be shown. It is said that the old moderator is to preside only until a new one is chosen, and that Dr. Beman having been chosen, of course superseded Dr. Elliott. The provision is, that the moderator of the General Assembly shall be chosen at each

meeting; and "the moderator, or, in case of his absence, another member appointed for the purpose, shall open the next meeting with a sermon, and shall hold the chair till a new moderator be chosen." By a new moderator is plainly meant, not a temporary officer, but a moderator for the meeting or session, one who cannot be elected until the house is organized by the enrolment of the members, and under the rules of the Assembly, not until a committee of elections has been appointed. Dr. Beman was confessedly called to preside only until a permanent officer could be chosen: he was not moderator for the session, but occupied a position similar to Dr. Elliott's. The question then is, whether Dr. Elliott, being present and in the chair, another person could be appointed to preside until the choice of a new moderator. This would evidently be a violation of the constitutional rule quoted. The question of necessity we reserve for subsequent consideration.

We are told that a moderator, though in the chair, if he refuses to do his duty, is to be considered absent. Then it cannot ever be necessary formally to remove a presiding officer for misconduct. If so, the new school, in 1838, made a grand discovery—that all the usual parliamentary rules on this subject are arrant folly; that legislators have occupied whole days in deliberating on the degradation of a presiding officer, from sheer want of perception, the chair being all the time vacant, and their action taking effect on no real subject. As soon as a moderator refuses to do his duty, as for example, if he declares an appeal out of order, and will not put it, *eo instanti* his place is vacant. The absurdity of this doctrine is stamped upon its very face. And, if undisputed, it would avail nothing to our opponents. It is a standing rule that in the moderator's absence, "the last moderator present shall be requested to take his place without delay." *Append. to Const. Rep. 2.* Dr. Beman, it is clearly proved, was not the last present.

This leads us to remark, that the appointment of a new presiding officer does not of itself remove the former one. A distinct motion must be made for his removal. Dr. Beman could not be put into the chair until it was made vacant by the degradation of Dr. Elliott. We could cite many undoubted precedents under this head, but shall content ourselves with one found in the history of the General Assembly itself. In 1835, Dr. Beman, in the absence of the moderator, was called to preside until a new moderator should be chosen; but after-

wards, his appointment being thought a violation of the rules, Dr. M'Dowell was put in his place; not, however, until Dr. Beman had been formally removed. *Rep.* 78.

Next, we say that Mr. Cleveland could not put the question on Dr. Elliott's removal. It is admitted that he could not in ordinary cases; here, however, necessity is urged as a justification. First, was it absolutely necessary that he should be removed; and, secondly, was it absolutely necessary that Mr. Cleveland should act as moderator while the motion for his removal was before the house? We take for granted here, the doctrine already advanced, that a constitutional provision, such as that the moderator "is to propose to the judiciary every subject of deliberation that comes before them," (*Form of Gov. ch. xix. sect. 2.*) cannot be violated, unless to save the body from destruction—as a means of self-preservation. Affix any wider limits to the power of nullifying that instrument, and you destroy its binding force. Gross misconduct is charged against the moderator. Had he been guilty of any offence? Even Judge Rogers decided that he was right in declaring Dr. Patton's motion and appeal out of order, adding, indeed, "if the reason assigned was the true one." Did he mean to say, that Dr. Elliott's private reasons could, in law, alter the essential nature of an act performed by him as moderator; that though there was a good reason why Dr. Patton's motion was out of order, it was in order if the moderator did not know of that reason, or was not actuated by it? We are at a loss to understand the meaning of this qualification. Of his decision, in regard to Mr. Squier, we need not speak particularly: it is admitted, on all hands, that that also was correct. Dr. Mason's motion was clearly out of order, under the standing rules, which prescribe that "the first act of the Assembly, when thus ready for business, shall be the appointment of a *committee of elections.*" But it is said, the Assembly was not yet ready for business: the thing required by the previous rule had not been done. That rule provides, that "the committee of commissions shall report the names of all those whose commissions shall *appear* to be regular and constitutional. *Appear*—to whom? To that committee. The moderator is not authorized to review their decisions. This is still more evident from the following words:—"and the persons whose names shall be thus reported shall immediately take their seats and proceed to business." The report of the committee must certainly be taken as conclusive in the first instance. Why is the matter refer-

red to their judgment, if, after all, the Assembly must judge? Those actually reported, if but fourteen in number, must take their seats and proceed to business, and, as their first business, to the appointment of a *committee of elections*.

Again it is said that Dr. Mason's motion involved a question of privilege, and therefore must take precedence of all business depending merely on orders of the house. First, we answer, that the right of a member to sit is not a privilege of the house. The right to sit in the Assembly is a very different thing from the privilege enjoyed by virtue of a seat. The former is a matter in which the house has no interest—only the member and his constituents: the latter is the privilege of the house itself, and no member may waive it. The necessary consequence of an opposite doctrine, taken in connexion with the idea that any member may force a question of privilege on the attention of a deliberate body, would often be, that every case of contested election to come before it, must be decided previously to the transaction of any other business. And the motion that any resolution offered which involves a question of privilege must have precedence, is entirely erroneous. Mr. Sergeant has explained this matter quite clearly. "Parliamentary privilege," he says, "is not the privilege of the member; it is the privilege of the house, . . . the house punishes the breach. Great solemnity too is required in the infliction of punishment for a breach of privilege. The first thing is to determine that it *is* a breach of privilege. Then the question arises whether the house will agree to take it into consideration. Then, if it is so agreed, the question of privilege has precedence." We may remark, that the only *question of privilege* known to parliamentary proceedings is this *question of breach of privilege*. It is plain that Dr. Mason's motion could claim no preference, no priority. It was therefore out of order.

He, however, appealed from the moderator's decision. Had he the right to appeal, or was the moderator right in declaring the appeal also disorderly? This we confess is a difficult question, and its full discussion would require a much wider range than our present limits admit. For the sake of argument we will agree that Dr. Elliott was wrong. What was the nature of his offence? It was not a breach of privilege as some have pretended. "It is a *breach of order* for the speaker to refuse to put a question which is in order." *Sutherland's Manual*, 95. The chair is not rendered vacant, but the moderator is guilty of a mere *breach of order*,

for which the house may punish him by deposition or otherwise. But even if it had been a breach of privilege, a question of breach of privilege was never proposed to the house. This is very evident, after the explanations above made in regard to such questions. Here we are considering, whether the punishment of this breach of order by Dr. Elliott's removal, was necessary to the existence of the house. Certainly not, so far as Dr. Mason personally was concerned. For suppose the house, on a resolution being offered, had refused even to call the decision a breach of order; this would not have destroyed its being. Was the admission of the members whose commissions the committee had rejected, essential to the Assembly's existence? If it was, this fact would avail nothing here; for we have shown conclusively that Dr. Elliott's original decision was right, and, therefore, the house, had the appeal been submitted to it, must have decided, if it decided rightly, in favour of the moderator. Besides, a deliberative body is perfectly competent to do business, though all the members legally entitled are not admitted to seats. In the case of a contested election, the rightful members may remain out of doors, and to increase the evil, wrongful members may occupy their places, for a great length of time, and yet the capacity of the body not be impaired thereby. An Assembly becomes unlawful, and even its being so does not destroy its existence—only when it has excluded by vote, or actual force, members entitled to seats. The most that Dr. Mason's motion could have effected would have been the admission of the commissioners from the presbyteries belonging to the four synods. Now this, if accomplished before the choice of a committee of elections, would have been disorderly. Dr. Elliott, then, had done nothing, even supposing him wrong, which endangered the Assembly's existence. The new school themselves did not consider the admission of these men essential to the judicatory's being: for they admitted them only after their body had been organized, a moderator for the session chosen, and the meeting adjourned to the First Presbyterian Church.

But supposing Dr. Elliott's removal essential, was it absolutely necessary that Mr. Cleveland should put the question thereon. The constitution, as already shown, orders that the moderator shall put *every* question. It is said that a presiding officer cannot put a question on his own case. Though such be the parliamentary rule, it can avail nothing against

an express constitutional provision opposed to it. We are told that, in 1835, Dr. Beman did not put the question, when his removal was proposed. That proceeding was peculiar. Dr. Ely, the stated clerk, presided while Dr. Beman was appointed; then, when the error was discovered, it was moved to reconsider the resolution appointing him; and, also, that the stated clerk should preside, as he naturally would have done, during the reconsideration; and this motion, Dr. Beman himself appears to have proposed to the house. Afterwards, Dr. Ely, as stated clerk, said, "All who are in favour of sustaining the resolution passed in the morning, by which Dr. Beman was called to the chair, will signify it by saying Aye, &c." But if the moderator could not properly put the question, the clerk should have put it. This doctrine is supported by all parliamentary precedent, and by the case of the Assembly of 1835, just referred to. The position of the clerk makes him the proper person to preside when the moderator cannot. It is urged, however, that both the moderator and clerk were implicated in a conspiracy to exclude these commissioners whose recognition was demanded. Admit that they were—though there is no evidence whatever of anything of the kind; it appears only that they concurred in thinking—conscientiously believing—that the commissioners mentioned were not entitled to seats. Admit that they were implicated, and still this does not show that they would have refused to put the proposed question. Because a man is doing wrong, and is actuated by wrong motives, is it to be taken for granted that he will do nothing right? Even though the measure was revolutionary, Mr. Cleveland was bound to suppose that the moderator and clerks, or one of them at least, would do his duty: at any rate he was bound to wait until he had expressly refused, before venturing to usurp the moderator's place. The law will take for granted, since the trial was not made, that they would, any one of them, have put the question, if it was proper to be put.

But even if it has been shown, that there was an absolute necessity, both that the moderator should be removed, and that Mr. Cleveland should put the question, a heavy burden of proof still rests on the new school party. If a regularly appointed speaker propose any thing to the house, the presumption of the law is that every member hears and understands, and therefore acts intelligently. Yet, even this presumption is but *prima facie*; and if it can be shown that

extraordinary circumstances prevented hearing and understanding, the vote taken is not conclusive. The reason of this presumption is evident. The members are all bound to look at the speaker, and listen to what he says: they are not bound to be constantly looking over the house, to catch the eye, and the words, of any one of their number who may choose suddenly to rise and propose a question—a duty quite inconsistent with the former. If circumstances make it proper that an unauthorized member should put a question, afterwards the burden of proof that all heard and understood, lies on him and those who claim for the vote taken by him a binding efficacy. The relators, then, were to prove that the old school actually heard and understood Mr. Cleveland's motion, before they could claim the right of construing our silence into consent. Their counsel seemed aware of the necessity, but so far from their making out their case in this respect, what the law would, without proof, have presumed against the relators, the respondents fully established by irrefragable testimony. On the part of the relators it was deposed that Mr. Cleveland had spoken in a loud voice, so as to be heard all over the house, and some few persons, who had stood in remote parts of the building, declared that they had actually heard him. The fact that the old school, had they wished, could not have voted intelligently, appears from the following particulars:—

1. The resolution passed by the new school convention had led them to believe that these brethren intended, not the removal of the moderator, but a separate organization.

2. Mr. Cleveland's remarks did not allude to the misconduct of the officers, or directly propose their degradation. We have already shown that they were calculated to confirm the belief already existing in our minds, that a new organization was contemplated. If any thing else was really designed, a studied concealment was practised throughout—the transaction was fraudulent.

3. A large number of the old school commissioners could not hear even the motion: this is fully proved. If the so-called disorder of some among their own number, of the moderator and a clique around him, had been the cause, as it was not, of their being unable to hear, this would not have affected the rights of the multitude, who had not in any way been implicated in that disorder. No one of them who was examined heard the reversal of the question: of course, they had no chance to vote in the negative. If the reverse was

put at all, it was put, as Dr. Hill said, *before the scattering ayes had ceased*. Was there not in this circumstance a sufficient reason for our not hearing it? The new school members rose and crowded round their officers: the same cause that shut the latter up from our view, must have obstructed the transmission of sound. The extreme haste, which Dr. Hill tells us was intentional, and which induced a reversal of the question before all the ayes had ceased, must have rendered what was done in a great degree indistinct and confused.

No opportunity whatever was allowed for considering and debating this most extraordinary resolution, which, according to the testimony of the new school, neither Mr. Cleveland himself nor his immediate coadjutors had much reflected upon, having brought it forward in an unexpected emergency. We would not have debated it, say they, if an opportunity had been given. But is the presiding officer to judge of that, and because he thinks there will be no debate, omit to ask whether the house is ready for the question? How could any one make known his wish to debate in the hurry and impetuous precipitance of such a proceeding? Only by calling, "Order!" a call which every presiding officer is bound to regard. This fact alone, that the old school were denied all chance of discussing the resolution, would be sufficient to condemn the whole proceeding in any court of justice.

We have thus gone over the subject, touching only its prominent points, and continually reminded of the comparatively small space that we can at present devote to its consideration. A careful examination of the manner in which the suit was conducted, and of its leading incidents; of the various decisions of Judge Rogers on points of evidence; of his charge to the jury, and of the opinion of the court in bank, might be interesting to many, and not without its use; but we have already trespassed too long on the reader's patience. In conclusion, we would briefly allude to a matter that perhaps scarcely deserves notice, yet is apparently considered by some persons of vast importance. No sooner was the opinion of the court known, than those who, in anticipation, had triumphantly claimed it for themselves, but were utterly disappointed, began to denounce in no very measured terms, that portion of the bench from which it had emanated; most indecently to assert, that the associate judge, who had declined sitting in the case, and had heard no part of the evi-

dence or argument, had formed and expressed a decided opinion, in their favour; and confidently to set up that opinion with the charge of Judge Rogers, and the decision of "*twelve enlightened and impartial jurymen,*" against the solemnly pronounced judgment of the court. It so happens, that the decision of the jury was merely the effect of the charge of the learned judge, and is not to be taken as an independent concurring opinion. We have conversed with one of the most intelligent of their number, who has distinctly informed us, that he had made up his mind that the Assembly had a perfect right to cut off the four synods, though he thought it a harsh measure; that three or four of his companions, the only ones with whom he talked on the subject, were of the same opinion; but that they considered it their duty to yield to the decided judgment of the court, and gave their voices accordingly. So much for the support of *twelve enlightened and impartial jurymen!*

NOTE.

IN reviewing Mr. Malcom's travels, we exercised the right which is conceded to all critics, of exhibiting the subject rather than the book, and in so doing, may have done him injustice, by making the particulars, in which we differed from him, disproportionately prominent. Indeed we rather took for granted some acquaintance with the merits of the work, upon our reader's part, than undertook to give them an idea of its character. If in so doing we have failed to make them understand, that we regard the work as highly creditable to its author, and likely to be highly useful to the cause of missions, we are happy to be able to supply such a deficiency by the insertion of the author's own remarks, which we may do without relinquishing our own views as to any of the controverted points, and yet with every feeling of respect and kindness to the author.

Notice of a Review of Malcom's Travels in South Eastern Asia, in the number of the Repertory for October 1839.

Of this review, which occupies fifteen pages, the author begs opportunity to take a respectful notice, which he will compress within much smaller limits.

I. In *general*, it is remarkable that, in the whole article, the book itself is no where quoted, except the words "one hundred dollars," the list of Serampore translations, and a text of scripture. Nor is there the least attempt to describe the character, object, contents, or execution of the work. In the concluding paragraph, it is said "the book has its merits," and that it embodies "an immense mass of facts." But what those merits are, or what sort of facts, is not hinted. The reviewer merely holds a microscope to some half dozen particulars, in which he loses sight of the connection and bearing, and then condemns the book as hasty, cursory, and unsatisfactory. Can such an article be regarded as a "review?"

II. In *particular*, every specific objection does injustice to the book, which I will now clearly show.

1. The reviewer says he had expected to find "a picture of the heathen world, not only accurate in the outlines, but true to the life, in the very shadings," and that he is disappointed in not finding such. "A picture of the heathen world!" Who could draw one? Except in a few general traits, no two heathen nations are alike in character, religion, or customs. The drawing of such "pictures" has caused half the misconceptions of which he complains as so prevalent. I therefore choose to give an "immense mass of facts" respecting each people visited, and leave the reader to make his own picture. Does the reviewer find any of these facts erroneous? Not one. Would he have been glad of any which are not furnished? He does not name any. He boldly says I have been "deceived by appearances." By what appearances? He does not name any. And how does he ascertain that I am deceived by appearances? I do not give my judgment on the details respecting "the heathen world," but describe just the appearances themselves.

He proceeds to say that, for want of this picture, "candidates for the work of missions are left in possession of the same vague and often false views of the character of the people, and of the kind, quality, and results of the labour to which they have devoted themselves," as prevailed before my book was published. What then becomes of "the immense mass of facts." Do they relate exclusively to other points; commercial, political, geographical, or scientific. Let the enumeration of the heads of two or three chapters answer. Of the digested notes on Burmah, Chap. III. gives "population—form and features—buildings—food—dress—manners and

customs—character—condition of women—marriage—polygamy — divorce — diseases — medical practice—funerals—amusements — musical instruments—manufactures. Chap. IV. Government—orders of nobility—grades of community — magistracy—laws—division of property. Chap. V. Revenue—commerce — currency—army—navy—slavery—division of time—weights and measures—language—literature—degree of civilization. Chap. VI. Religion.” Surely any reader ought to be content to make his own picture, if the landscape itself is thus set before him.

As to “the kind, quality and results” of missionary labour as to which he is so disappointed for want of information, these subjects are systematically discussed in relation not only to what I saw, but to the whole world, in separate chapters which occupy no less than *ninety pages*; beside being carefully described at each place mentioned in the narrative. In the narrative part of the work, “the kind, quality and results” of missionary labour, are described, pretty fully, in relation to the Karens, Burmans, Arracanese, Bengallese, Teloogoos, Siamese, &c., besides particular notices of these facts at various stations, such as Calcutta, Madras, Tanjore, Trichinopoly, Aver, Rangoon, &c. &c. &c. Formal dissertations at the close of vol 2, bring together the fruits not only of my observations, but of extensive inquiries, and years of reading, on the very subject named by the reviewer. One chapter is devoted to “MISSIONS TO THE CHINESE:” showing the “stations now occupied, the various bodies of Chinese out of China, versions into Chinese, number of readers, importance of distributing tracts and bibles, difficulty of the language, helps, present missionaries to the Chinese, number of converts,” &c. Another is on “THE MEASURE OF SUCCESS WHICH HAS ATTENDED MODERN MISSIONS; (in other words, ‘the results’ he wishes to be informed upon,) and embraces, I. The number of missionaries in the world. II. The kind of labour performed, viz. preparatory, collateral, additional, and erroneous. III. The disadvantages of modern missionaries; viz. imperfect knowledge of the language, poverty of the native languages, want of familiarity with the religion and people, degraded state of the pagans, inability to live as they live, being foreigners, the structure of society, the prevailing philosophy, the presence of nominal Christians, popery. IV. Efforts which do not reach the field. V. The amount accomplished, viz. a large force in the field, impediments removed, translations made, languages reduced to writing,

general literature imparted, tracts written, grammars, dictionaries and other helps prepared, immense distribution of bibles and tracts, mechanical facilities created, schools established, and youth already educated, blessings of Christian morality diffused, idolatry in some places shaken, effects on Europeans abroad, actual conversions.

The next chapter is on THE MODE OF CONDUCTING MODERN MISSIONS; and treats of schools, translations and tracts, preaching in English, periodicals, use of the Roman alphabet, missionary physicians, unnecessary display and expense, direct preaching to natives, formation of regular churches, qualifications of native assistants, instruction in the English language, intermission of operations, division of labour, concentration, choice of fields. As to the system of religion, it is detailed in a separate chapter of no less than twenty pages.

Why did not the reviewer specify, wherein he was disappointed? Had he travelled in India himself, what other subjects would have attracted his attention? He says the author "has made a strong impression on our mind of honesty and design throughout." If this be so, and I have given "an immense mass of facts," on subjects directly pertaining to the point at issue, it is difficult to discern why the candidate for missionary service, is left as much to his "erroneous notions" as before.

2. The reviewer next proceeds to "correct a train of remark into which superficial observation has led the author," viz. "the comparison instituted, in regard to salaries, between Catholic and Protestant missionaries." Now, there is no such comparison in the book; much less any "train of remark" on it. The statements, in regard to salaries, do not even occur in the same part of the work. The stipends paid by various Protestant missionary societies, are all brought together at one view, on page 269 of vol. ii., where Catholics are not even mentioned. The salaries of Catholic priests are mentioned incidentally on page 93, while describing the city of Singapore.

On this "comparison"(!) the reviewer dwells through nearly two pages, showing it up as "a *specimen* of the erroneous impressions and injustice which may result from superficial observation, or the *partial* statement of facts." We give the italics just as he gives them, in every case. In proof of the error which is so pernicious, he proceeds to insist that the Catholic missionaries do not live on their \$100 per annum. Were I silent on that point, the reviewer's charge

would be unfounded. But it happens, that in my notice of the Catholic salaries, it is expressly remarked, that "the converts are taught, from the beginning, to contribute to the support of religion, and their teachers being unmarried men, have few wants which the congregation cannot supply." How could it be said plainer that these priests did not live on their salaries? Where, then, is the authority for pronouncing these facts superficial or partial? So much for the erroneous "comparison."

As for "the train of remark" which is so offensive, it relates wholly to Protestant salaries, and has no reference whatever to Catholics, or to any "comparison." I will copy the whole of it, and leave it without comment. Before naming the Protestant salaries, I observe for the express purpose of preventing misconception, "the reader will bear in mind several considerations:—1. That in preceding chapters, I have borne full testimony to the purity and zeal of missionaries as a body. 2. By far the larger part of them, endure serious privations as to modes of living, and all of them endure in other respects, what few Christians are willing to encounter. 3. Though their income may far transcend that of the poor semi-civilized or perhaps barbarous families around them, it falls far short of what Europeans of similar education and talents command, in the same places; and their mode of living is proportionably humble. 4. Those of them whose style of living has just been mentioned, as in my opinion unsuitable, do but copy numerous ministers, and still more numerous private Christians, in our own country, who live in costly houses, and see no harm in using just such articles as have been named. 5. It is certainly too much to expect that an appointment as a missionary, should, as by a charm, at once raise a man to a fervour of piety, contempt of earth, courage in dissenting from custom, and readiness to endure privations, which none of his church at home have attained; and for which he has had neither training nor example. The difficulty can only be met, by the adoption of stricter systems of expenditure by all Christians, at home and abroad. Missionaries will carry abroad just that sort and degree of piety they have been trained to at home. 6. The chaplains of the East India Company receive 775 rupees per month, and rank as majors, with retiring pensions at the end of the term of service."

3. The reviewer's next objection is, that "while Mr. Malcom's estimate of the amount of missionary success, fre-

quently mentioned throughout the work, and again in a chapter devoted to the purpose,* is, on the whole, not excessive, yet some of his statements are adapted to mislead. We cite, merely as an instance, and could add many others, the account of the Serampore mission." Out of this account of the Serampore mission, he selects only the list of translations made at that station. And were they not made? Is the list incorrect? This he does not insinuate; but affirms that "very few of these versions are sufficiently correct to admit of distribution:" that "tens of thousands of copies are lying in ware-rooms at Calcutta;" and that "one of these versions was in a language which has never yet been found in any part of India." Here are three affirmations, to show that I mislead; and a *specimen* of many like cases. The statement is copied from the printed list, without note or comment. The reviewer's first affirmation does but transcribe my own statements, showing that nearly all the early translations have been superseded by revised editions. A man might as well be charged with misleading his readers, who affirmed that Wickliffe or Tyndall translated the Bible into English; because those versions are no longer deemed fit for general distribution. I have, however, remarked, and it must be evident to any one on reflection, that these versions, together with the grammars and dictionaries which accompanied many of them, must have been of immense service to subsequent students. Some of these versions are still used, and at least one (the Malay), is deemed better than any which have followed. As to the second affirmation, it is strange that during a residence of two months in Calcutta, I should not have heard of such a prodigious collection. The third affirmation, I know nothing about. I believe the British and Foreign Bible Society still keep all these versions upon their list.

4. An entire page is next taken up in disputing "a vague notion, which the statements of Mr. M. tend rather to foster than discourage, that the efforts of missionaries are to be on a vastly larger scale than if they were to remain at home; that they are to do good by *wholesale*, to operate on *nations*, instead of petty parishes of a few hundred souls." Where does the reviewer find these intimations? Why did he not quote the places, or just one place, "as a specimen!" Other

* This statement illy comports with the charge just refuted, of my having omitted to show the results of missionary labour.

reviewers and readers have dwelt on the direct tendency of the book to dissipate such romantic notions. It is curious that the sentiments offered in opposition to this unfortunate "notion," are in precise accordance with my remarks on the "disadvantages under which the best and purest missionary labour is expended," in various other parts of the book. It is a notion, the rectification of which I *intended*, and essayed in many places, using almost the very language of the reviewer!

5. The remainder of the review, amounting to about five pages, is devoted to the chapter on "the Mode of conducting Modern Missions," the contents of which I have already quoted. The reviewer declares himself to have been "disappointed" in the perusal of this chapter; though he finds in it "some very judicious observations." He accords most fully, not only in the correctness, but the importance of our author's sentiments in relation to tracts, translations, and missionary physicians; and thinks it his duty to commend these portions to the attention of all who may be, in any way, interested in the subject. In some other points his "very cursory observation and entire want of experience are very apparent."

It is remarkable that this cursoriness and inexperience did not betray themselves in my remarks on the three very prominent particulars which he endorses as being "both correct and important." It is also remarkable, that of all the points where I betray these sad deficiencies, only one is specified or even alluded to, viz: the discussion of the comparative advantages of preaching and schools as means of converting the heathen. It is still more remarkable that he mistakes me altogether.

He says my advocacy of preaching, as the superior and divinely appointed mode of spreading the gospel, is "a complete specimen of what lawyers call a false issue;" and that I have fallen into the gross mistake of supposing that preaching and schooling "are antagonist means of accomplishing the same object; and to justify the present attention paid to education, it must be proved that where the preaching of the gospel makes one Christian, education makes ten:" and gravely adds: "All this is misconception." After manfully exposing this "misconception," he says, "on the contrary, the preachers must be trained on the spot." He then contends against me, as though I maintained that our mission-

aries should so entirely give themselves to preaching as to neglect the training up of any native agency.

Surely the reviewer must have been cursory in his perusal of the chapter he condemns. From page 276 to 280, inclusive, of vol. ii. is wholly taken up with showing the importance of training up native ministers, and of a large portion of missionary labour being expended on this subject! Similar arguments are advanced on page 222, and in various other places. Here again is a most striking similarity between my arguments and his. He takes feathers from my wings, to furnish his arrows. Every idea set in array against me, on the lower half of page 504 of the review, is contained in my dissertation, viz: that Christendom cannot supply enough missionaries, without native preachers; that if it were possible, they would not be as well qualified as well educated natives; that the proportion of missionaries, who perfectly master their respective languages, is very small; that Dr. Carey himself, after preaching two years, found he was not understood; that the preacher should not only know the language, but imagery, modes of thinking, difficulties, and objections of the hearers, &c.

The reviewer proceeds to censure me for arraying schools against preaching, "as rival measures in the work of missions." Where? certainly not in the following passage, where my opinion of schools is formally announced. "I am far from wishing the school system to be abandoned. A school has many advantages in enabling a missionary to bring divine truth before his pupils; and a man whose heart glows with zeal, will find it an animating field. The error seems to be, not in having schools, but in expending upon them a disproportionate measure of our means; in expecting too much from them; in establishing more than can be properly superintended; in the indiscriminate reception of scholars; and in trusting to science to overturn idolatry." Is this arraying schools against preaching "as *antagonist* means?" Where is the "false issue?" From page 252 to 254 of vol. ii. is devoted to showing the value of schools—how they should be managed—whether the mere rudiments of reading and writing should be taught to the greatest number, or the same amount of effort expended in carrying the education of select scholars to a high point—the comparative benefit of boarding schools—the influence on parents—and that in educating *converts*, particularly the younger ones, there can scarcely be too much effort. The only ground of offence to

the reviewer, that I can think of, is the attempt to show, in another place, how feeble, as a means of converting souls, schools as generally managed by missionaries are, compared with the preaching of the gospel.

I have now reviewed the reviewer in *every point* adduced by him. It may not be improper to advert once more to his general charge of haste and cursoriness, though no other reviewer, out of the scores who have noticed the work, have discovered such an appearance. In every instance, while abroad, my notes, at each principal place, were prepared and submitted to some one or more, who seemed best qualified to correct them. As to the dissertations at the end of vol. ii. they were submitted, as they grew on my hands, to prominent missionaries in Burmah, Calcutta, Madras, Siam, and China. Each had remarks to make, of which I fully availed myself. After being four times entirely re-written, during this period, they were after my return home, submitted at different times, to no less than four distinguished directors of missionary societies—Congregationalists and Baptists—and such things as they objected to, were expunged. From such individuals, I have in my possession the most encomiastic remarks.

I cannot flatter myself that there are no errors in this “immense mass of facts,” and whenever any are pointed out, they shall be meekly corrected. What private ends could I gain by persisting in a mistake? But when impediments are placed in the way of the usefulness of a work, from the circulation of which I expect the highest advantages to the cause of missions, I feel myself compelled to attempt to remove them.

QUARTERLY LIST
OF
NEW BOOKS AND PAMPHLETS.

A Historical Discourse, prepared for the Semi-centenary Sabbath, and delivered on that day, at the request of the Session of the Presbyterian Church in New Brunswick, and published at the request of the Trustees of the Congregation. By Jacob J. Janeway, D.D. New Brunswick: John Terhune. 8vo. pp. 28. 1840.

This is a discourse of sterling value; rich in ecclesiastical statistics and historical information. It is one of those occasional sermons which ought to be carefully preserved for future reference and instruction. The venerable author commenced his ministerial life in the Presbyterian church, more than forty years ago, and continued in it more than thirty years. After a short sojourn in the Reformed Dutch Church, he has recently returned to the Presbyterian Church, where his old friends have welcomed him with grateful respect, and where they delight to listen to his instruction from the pulpit and the press. His early and intimate connection with some of the most important movements in our church for the last forty years, entitles him to speak with confidence, and certainly has enabled him to speak with clearness and accuracy concerning the matters of which he treats.

The Minister wholly in his Work: a Sermon delivered at the Ordination of the Rev. Daniel Bates Woods, as Pastor of the Presbyterian Church in Springwater, Livingston County, New York. By Leonard Woods, D.D., Professor of Christian Theology, Andover. Andover: Gould, Newman, and Saxton. 8vo. pp. 16, 1839.

A sensible, pious and seasonable discourse. It presents in a clear and strong light the great duty of ministers being wholly devoted to their official work. In the present day, when so many of those who bear the sacred office are so lamentably immersed in secular cares and pursuits, we could wish that some such sermon might be preached at the opening of every Presbytery, Synod and General Assembly, and at the ordination of every candidate for the ministry in the land, until the criminal and degrading spirit here condemned, and which has so long grieved the hearts of good men, shall be banished from the church.

Address delivered in the First Presbyterian Church, New York, at the Funeral of Robert Lenox, Esquire, on the 16th of December, 1839. By Rev. William W. Phillips, Pastor of the Church. New York, 1840, pp. 38.

This is a remarkably well-devised and well-conducted address. The subject of it was eminently worthy of public commemoration; and his character is here appropriately drawn;—with the respect and affection of one who had long known him, and cherished toward him sentiments of the highest filial veneration. In the history of the First Presbyterian Church of New York, of the College of

New Jersey, and of the Theological Seminary at Princeton, as well as in the American annals of honest and honourable commerce, the memory of few men will be found more honourably or permanently embalmed than that of Robert Lenox.

A Grammar of the Idioms of the Greek Language of the New Testament. By Dr. Geo. Benedict Winer, Professor of Theology in the University at Leipzig. Translated by J. H. Agnew and O. G. Ebbecke. Philadelphia: Published by Herman Hooker, 1840, pp. 469.

This work, though published before the issuing of our October number, was not received in time to be then announced. As it has now been more than three months in the hands of the public, and has been received with very general commendation, it is hardly necessary for us to say more than that we regard it as one of the most important contributions which has ever been made to the American student for his assistance in the exegetical study of the New Testament. The reader will occasionally meet with loose interpretations of passages of scripture, indicative of the writer's erroneous theological opinions, but these are, in the more important cases, properly corrected by the annotations of the translator. The work is equally adapted for the private student, and for theological seminaries. The original German work has long, we understand, been used as a text book in the Lutheran Seminary at Gettysburg, as the translation now is in the Seminary at Princeton.

The Life and Times of Selina, Countess of Huntington. By a member of the Houses of Shirley and Hastings. 2 vols. 8vo.

The above work we notice as announced in a recent publication in England. As it relates to one of the prominent actors in the great religious reformation of the middle of the last century, it must be a work of no little interest.

Scripture and Geology, or the relation between the Holy Scriptures and some parts of Geological Science. By John Pye Smith, D.D. 1 vol. 8vo.

This work we understand is about to be published by an American bookseller.

A Grammar of the Hebrew Language. By George Bush, Professor of Hebrew and Oriental Literature in the New York City University. New York: Gould, Newman, and Saxton. 8vo. pp. 276.

This, though called a second edition, is, in reality, a new work, and deserving of particular attention, as the first American attempt to exhibit Ewald's principles of Hebrew Grammar. At the same time, the best features of the first edition are retained, and a valuable praxis, or series of exercises, interspersed. We do no more at present than announce the work, but hope to give hereafter a particular account of it.

Gesenius's Hebrew Grammar, translated from the eleventh German edition. By T. J. Conant, Professor of Hebrew in the Literary and Theological Institution at Hamilton, N. Y. With a Course of Exercises in Hebrew Grammar, and a Hebrew Chrestomathy, prepared by the translator. Boston: Gould, Kendall, and Lincoln. 8vo. pp. 325 and 60.

This appears to be an accurate translation of the most popular Hebrew Grammar used in Germany. We have heretofore expressed our wish that Gesenius might be allowed to speak for himself, as well in grammar as lexicography. Whatever we may think of the intrinsic merit of this grammar, as a book for elementary instruction, we regard its publication in an English dress as a favour to the public, as well as an act of justice to the author. The translator has added a series of orthographical exercises, on an original and useful plan, of which and of the work at large, we hope to speak more fully at another opportunity.

Ancient Christianity, and the Doctrines of the Oxford Tracts. By Isaac Taylor, Author of *Spiritual Despotism, &c.* Philadelphia: Herman Hooker. 1840. 12mo. pp. 554.

When so much is doing to circulate among us the "protestantism rejected, and popery spoiled" of the Oxford Tracts, we rejoice in the re-publication of this work, as an omen for good. The argument as conducted by Mr. Taylor against the doctrine of these Tracts, is irresistible. We have never met, beyond the pale of the exact sciences, with a more complete *reductio ad absurdum* than that to which he has subjected the radical principle of the Oxford theologians. Let his work circulate widely, and we have no fear that good men will seek to enlarge the revelations of the Bible by resorting to the "*quod semper, quod ubique, quod ab omnibus,*" of such an antiquity as he has laid open.

Report on Education in Europe, to the Trustees of the Girard College for Orphans. By Alex. Dallas Bache, LL.D., President of the College. Philadelphia: Printed by Lydia R. Bailey. 1839. 8vo. pp. 666.

Dr. Bache has rendered in this report a good account of his visit to Europe. It contains the fullest and most satisfactory account that has ever been published of European systems and modes of education. We regard this work as so important a contribution to the cause of education, that we propose giving a more extended account of it in a future number.

An attempt to estimate the Christian Ministry. A Sermon preached before the Baptist Education Society of Virginia. By William Southwood. 8vo. pp. 15.

The Duty of the Educated Young Men of this Country. An Address delivered before the Eumenean and Philanthropic Societies of Davidson College, N. C., July 31, 1839. By Rev. P. J. Sparrow, A.M., Professor of Languages in Davidson College. 8vo. pp. 32.

Remarks upon Slavery and the Slave Trade, addressed to the Hon. Henry Clay. 1839. 8vo. pp. 23.

A beautifully printed pamphlet, without any name of place or publisher on its title page, but signed "a Slave Holder," and emanating, unless we have mistaken the physiognomy of its type, from a Paris press. The author revives and urges with much force the plan proposed some years since by Rufus King, and sanctioned as to its constitutionality by Chief Justice Marshall, for the gradual extinction of slavery by appropriating the proceeds of the public lands to the redemption of the slaves. He urges also the adoption of further and more vigorous measures for the suppression of the slave trade, which is still extensively carried on under shelter of the American flag.



