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For the Church Living and Universal

ARGUMENT

OF

EDWARD M. SHEPARD

AS COUNSEL FOR THE

REV. ALGERNON S. CRAPSEY, S.T.D.

BEFORE THE

COURT OF REVIEW OF THE PROTESTANT EPISCOPAL CHURCH

UPON HIS APPEAL FROM THE JUDGMENT OF THE

COURT OF THE DIOCESE OF WESTERN NEW YORK

OCTOBER 19, 1906.

Prefatory Statement.

The Rev. Algernon Sidney Crapsey, S. T. D., is, and has been since the year 1879, rector of the Protestant Episcopal Church of St. Andrew at the City of Rochester, in the Western Diocese of New York. He was ordained a presbyter in 1873. St. Andrew's includes 342 families and 614 communicants. * In 1904 Dr. Crapsey established a third and evening service, in part devotional, but especially and chiefly intended for preaching, such service to be in addition to the regular morning service and the regular evening or vesper service held earlier in the afternoon. In 1904 and 1905 he preached at such second evening service a series of sermons, some of which touched upon the Virgin Birth and Resurrection of Our Lord. There were criticisms upon their orthodoxy which came to the attention of the Rt. Rev. William D. Walker, D. D., Bishop of Western New York; and he appointed a Committee of Investigation under sect. III of the Ordinances of the Ecclesiastical Court, adopted pursuant to Canon 2 of Title III of the canons of that diocese. Such sect. III provided that:

“ Whenever from public rumor, or otherwise, the Bishop shall determine that there is probable cause to believe that a minister of this diocese has been guilty of an offense for which he is liable to be tried, and that the interests of the church require an investigation, it shall be his duty to appoint * * * five persons * * * to make such investigation”; that such committee should, “ if in their opinion there is sufficient

* Report of the Diocese of Western New York (p. 131 and the table of statistics) received in evidence at page 120 of the Record.

“ground therefor, make * * * presentment of the minister for trial”; but that “if in their opinion there is no cause for such presentment, they shall certify to the Bishop accordingly.”

Such Committee's labors continued from July 19, 1905, to November 11, 1905, when it reported to the Bishop that there was no sufficient ground for presentment.* Nevertheless, the Standing Committee of the diocese submitted a presentment against Dr. Crapsey which was approved by the Bishop on March 3, 1906, being the first Thursday in Lent; and Dr. Crapsey was called upon to answer it at a session of the Diocesan Court to be held at the village of Batavia on April 17th, 1906, the Tuesday next after Easter. His assistant, Mr. Alexander, had left St. Andrew's the preceding January.† So that he was required, single-handed, to meet all Lenten duties of his parish, and, while so engaged, to prepare his defense to grave and far-reaching charges. When the trial was called, Dr. Crapsey's counsel asked for a few weeks to make fit preparation; but the Court allowed only eight days. Upon the adjourned day, April 24th, 1906, the counsel pointed out that all the members of the Court had been appointed by the prosecutors, the Standing Committee or the Bishop, and asked an adjournment of three weeks until after the meeting of the Diocesan Council on May 15th, 1906, at which a new court would or could be appointed. This, they said, would avoid a trial before a court entirely named by one side of the controversy. They also claimed that, to force a trial before a court so named by the prosecution, was contrary to the course of the common law which the canon of Western New York required should, as far as practicable, be followed on the trial. This application was denied.

There were two charges, and two only, made in the presentment. The first was of a violation of sub-

* Record, pp. 116, 119,

† Record, p. 66.

section (b) of section I of Canon 23, which provides that :

“ A bishop, priest or deacon of this Church
“ shall be liable to presentment and trial for
“ the following offenses, viz. :

“ (b) Holding and teaching publicly or
“ privately and advisedly any doctrine
“ contrary to that held by this Church.”

Canon 23 was adopted at the General Convention of 1904, and took effect on January 1, 1905.

Under this charge there were two specifications. The first was that :

“ At divers times during the years 1904 and
“ 1905 the said presbyter did openly, *ad-*
“ *visedly*, publicly and privately utter, avow,
“ declare and teach doctrines contrary to those
“ held and received by the Protestant Episco-
“ pal Church in the United States of America
“ *by the delivery of the sermons* thereafter pub-
“ lished in said book ‘ Religion and Politics ’
“ and among other statements *in said sermons*
“ in particular *by the use therein* of the following
“ languages, words and terms”—there being
“ then quoted fifteen passages—it being *in-*
“ *tended* by said language, words and terms to
“ express the presbyter’s disbelief in and to
“ impugn and to deny * * *

- “ (1) The doctrine that our Lord Jesus
“ Christ is God, the Saviour of the
“ world * * * ;
- “ (2) The doctrine that our Lord Jesus
“ Christ was conceived by the Holy
“ Ghost * * * ;
- “ (3) The doctrine of the Virgin birth of
“ our Lord Jesus Christ * * * ;
- “ (4) The doctrine of the resurrection of
“ our blessed Lord and Saviour * * * ;
- “ (5) The doctrine of the Blessed Trin-
“ ity.”

The second specification under the first charge was that Dr. Crapsey did on or about December 31, 1905, openly, publicly and privately declare and teach doctrines contrary to those held by the Church,

“ by the delivery of a sermon * * * in
 “ the course of which, among others, he made
 “ in substance the following distinct state-
 “ ments:

“ (1) Jesus was born of parents belong-
 ing to the middle class.

“ (2) He was born of a simple father and
 mother.

“ (3) He was the son of a carpenter.

“ (4) The fact that the early Christians
 predicated a miraculous birth of
 Jesus was to be regarded as one of
 the greatest misfortunes that had
 ever befallen mankind.”

And that by such language Dr. Crapsey “ *intended* ” to express his disbelief in and to impugn and deny the doctrines:

(1) “ That our Lord Jesus Christ is God, the
 Saviour of the world ; ”

(2) That He “ was conceived by the Holy Ghost ; ”

(3) Of the “ Virgin birth ; ” and

(4) Of “ the Blessed Trinity. ”

The word “ advisedly ” used in the canonical definition of the offense was not used in this specification, the pleader, perhaps, considering the assertion of *intention* as an equivalent.

The second charge was of the violation of subdivision (*f*) of Sect. I of Canon 23, which provides that

“ A bishop, priest or deacon * * * shall
 “ be liable to presentment and trial for * * *

“ (*f*) Any act which involves a viola-
 “ tion of his ordination vows.”

Under the second charge there were two specifications. The first was that by his utterances and conduct set forth in the first charge and its specifications—that is to say, by his *advisedly* and *intentionally* impugning and denying doctrines of the Church, Dr. Crapsey did “violate and break” his ordination vows:

- (1) Of belief that the Holy Scriptures are the word of God and contain all things necessary to salvation, and that he would “conform to the doctrine, discipline and worship” of the church.
- (2) That he would give faithful diligence always so to minister doctrine, sacraments and discipline “as the Lord hath commanded and as this Church hath received the same” and teach the people committed to his charge “to keep and observe the same.”
- (3) That he would “be ready with all faithful diligence to banish and drive away from the Church all erroneous and strange doctrines contrary to God’s word.”

The second specification under the second charge was that—

“Upon many occasions during the years 1904 and 1905 the said presbyter did publicly use the liturgy of the Church * * * and did minister to many people the sacraments of the Church, and * * * that by his conduct in so doing taken in connection with his public utterances” quoted under the first charge he broke his further ordination vows—

- (4) To be “diligent to frame and fashion himself and his family according to the doctrine of Christ,” and to make himself and them, as much as in him lay “wholesome examples and patterns to the flock of Christ.”

- (5) To “maintain and set forward * * * quietness, fear and love among all Christian people.”

Dr. Crapsey fully and formally answered the presentment. He quoted in his answer his further ordination vows that he was—

“determined out of the said Scriptures to instruct the people committed to” his “charge and to teach nothing, as necessary to eternal salvation, but that which” *he* “should be persuaded may be concluded and proved by the Scriptures;”

and that he would be

“diligent in prayers and in reading the Holy Scriptures, and in such studies as help to the knowledge of the same.”

The answer admitted that he had delivered at St. Andrew's Church lectures containing the passages quoted under the first specification of the first charge, but denied the correctness of the quotations under the second specification from his sermon of December 31, 1905.

The preaching of that sermon was the only fact alleged to have happened after the report of the Investigation Committee against prosecution and before the Standing Committee made this presentment. The only proof that such sermon contained the criticized statements was the evidence of Rev. Mr. Alexander. Dr. Crapsey's counsel claimed that it was an unfit thing for the Diocesan Court to base any finding of guilt upon Mr. Alexander's testimony. He was Dr. Crapsey's assistant, and from the chancel heard the sermon of Sunday evening, December 31, 1905. He made a written memorandum on his return home which he preserved. When he was asked whether he did not make the memorandum “with the thought that you (he) might testify to it against” his pastor and chief he first declined to answer, and then being pressed he said, he was not in court “to prove a case for”

Dr. Crapsey, "or for anybody, or especially to be used by the defense"; and being further pressed, he said, "I have no recollection of having made the statement for that purpose," and that that was the only answer he could give. He disapproved, so he said, Dr. Crapsey's sermons printed in the book "Religion and Politics;" but he admitted that after he had heard them, instead of resigning he had asked that his salary as curate be increased. This was refused. He was asked whether, when the Investigation Committee was considering Dr. Crapsey's sermons, and there was doubt whether he might not be prosecuted, he did not ask of vestrymen of St. Andrew's Church their support for the rectorship, if Dr. Crapsey were removed; and he first replied, "I wouldn't answer such a question." Then, being pressed with the question,

"Are you willing to testify that at the very
"time you took down those minutes of what
"Dr. Crapsey said, at the very time you
"knew, and all men knew, that these pro-
"ceedings were pending, you did not apply
"to the vestry of St. Andrew's Church to
"have the position from which Dr. Crapsey
"might be removed?"

he answered, "No, I wouldn't say so," and, being further pressed, he said, "Of course, those matters I don't think necessary to discuss."* And in his testimony there is much else of the same kind. Dr. Crapsey in January, 1906, requested and received Mr. Alexander's resignation. It was solely by a witness making such an exhibition of his own imperfect sense of honor that the alleged statements of the sermon of December 31, 1905, were sought to be proved.

There attended the trial witnesses to prove that in the understanding of the Church Dr. Crapsey's statements of doctrine were not unorthodox but within the fair liberty the Church allowed her clergy. From among them were called:

* Mr. Alexander's testimony, at page 64 of the Record.

- Rev. Dr. Joseph A. Leighton, Professor of Theology and Chaplain at Hobart College.
- Rev. Dr. John P. Peters, Rector of St. Michael's Church, New York, formerly Professor of Old Testament Literature and Languages in the Protestant Episcopal Divinity School in Philadelphia, and a well known author on theological subjects.
- Rev. Dr. Elwood Worcester, Rector of Immanuel's Church, Boston, Mass.
- Rev. Frank H. Nelson, Rector of Christ Church, Cincinnati, Ohio.
- Rev. Dr. Charles H. Babcock, lately Rector of Christ Church, Providence, R. I.
- Rev. J. Howard Melish, Rector of Holy Trinity Church, Brooklyn, N. Y.
- Rev. Alexis Stein, Rector of Christ Church, Fitchburg, Mass.
- Rev. John W. Sutor, Rector of the Church of the Epiphany, Worcester, Mass.
- Rev. Mr. Hoffman, Rector of Christ Church, Hornellsville, N. Y.
- Rev. Wilfred L. Hoopes, of Cambridge, Mass.

The Court having refused the testimony of these clergymen, Dr. Crapsey called no other witnesses.

The decision was rendered by four members of the Court. The Rev. Dr. Dunham dissented. He declared that Dr. Crapsey had constantly affirmed his acceptance of all the articles of the Christian faith as contained in the Apostles' Creed, and that his error consisted "rather in presuming to define what God has not been pleased to reveal" and in interpreting the doctrines of the incarnation and resurrection "in a manner not generally received by the Church, rather than in a denial and rejection of their truth and authority."

The points and findings of the majority decision were these, and these only:

- (1) That Dr. Crapsey was a presbyter and rector of St. Andrew's Church.
- (2) That he had in 1905 "published and caused to be sold and circulated in book form under

the title 'Religion and Politics,' a series of sermons theretofore delivered by him in his official capacity as rector of St. Andrew's."

- (3) That such book contained the fifteen passages quoted in the presentment.
- (4) That in his sermon of December 31, 1905, he had used the language imputed to him by the presentment.

No other facts were found. The presentment had not charged, and the Diocesan Court did not decide, that Dr. Crapsey was insincere in his preaching or his book, or that it did not represent conscientious study, or that he did not believe that his spiritual interpretation of the articles of its creeds as to the Incarnation of our Lord and His Resurrection were true and permitted by the Church, or that the Bishop or anyone else had remonstrated with him or sought to convince him of error. The presentment did charge, but the Diocesan Court refused to decide, that he had *advisedly* or intentionally impugned any doctrine of the Church. The decision in effect exonerated Dr. Crapsey from doing any such thing advisedly or intentionally.

The conclusions of the Diocesan Court from such four facts, and from them only, were that Dr. Crapsey was guilty of the charges set forth in the presentment but only "to the extent now here stated:

[*Charge I. Specifications 1 and 2.*]

- (a) "That by his *writings* contained in said book "Religion and Politics," he "impugns, "if he does not express disbelief in and denial "of the doctrines set forth in paragraphs "numbered 1 and 5," that is to say, the "doctrine that "Our Lord Jesus Christ is "God, the Saviour of the world," and the doctrine "of the Blessed Trinity."
- (b) "That in the said *writings contained in the "book * * ** said respondent expresses "his disbelief in *and* impugns and denies

“ the doctrines * * * numbered 2, 3
 “ and 4,” that is to say, “ the doctrine that
 “ Our Lord Jesus Christ was conceived by
 “ the Holy Ghost,” “ the doctrine of the
 “ Virgin Birth of Our Lord Jesus Christ ”
 “ and “ the doctrine of the Resurrection
 “ of Our Blessed Lord and Saviour.”

(c) That by the quoted language contained in the sermon of December 31, 1905, Dr. Crapsey “ impugns *if he does not* assert his “ disbelief in and denial *of* the doctrines “ * * * 1 and 4,” that is to say, the doctrine that “ Our Lord Jesus Christ is “ God the Saviour of the world,” and “ the “ doctrine of His Resurrection.”

(d) That “ by the use of the language from said “ sermon ” * * * “ the accused expresses “ his disbelief in and impugns and denies “ the doctrines * * * 2 and 3,” that is to say, the doctrines of the Conception by the Holy Ghost and of the Virgin Birth.

There was neither finding nor conclusion that Dr. Crapsey had *advisedly* impugned or denied any doctrine of the Church or that he had *intended* so to do. He was, by the decision, exonerated from the charge of the presentment that he had done so.

The following was the conclusion with respect to

Charge II, Specification 1.

(e) “ That the accused did, by his said *utterances* “ contained in said *book and sermons* * * * “ violate and break ” his ordination vows

(1) of belief that the Holy Scriptures were the word of God and contained all things necessary to salvation, and to conform to the doctrine, discipline and worship of the Church ;

(2) To “ minister the doctrine, sacraments

“ and discipline of Christ as the
“ Lord hath commanded and as
“ this Church hath received the
“ same according to the Command-
“ ments of God ; ” and

- (3) “ To banish and drive away from the
“ Church all erroneous and strange
“ doctrines contrary to God’s
“ word.”

It will be noticed that Charge I was sustained solely on the ground of the publication in 1905 of the book “ Religion and Politics,” and not on the ground of the preaching of the sermons. The Diocesan Court perceived that, as the canon for violation of which the charge was brought, was not in force until January 1, 1905, and as it did not appear that any of the sermons to which there was objection had been preached after that date, the charge could not be sustained upon the sermons. The court seemed, however, to forget that Charge I was not for *publishing a book* but solely for heretical teaching “ *by the delivery of the sermons.* ” Dr. Crapsey’s counsel suppose that the decision upon Charge I is entirely void as a decision of something not charged—of something not, therefore, within the jurisdiction of the court.

Charge II is sustained upon Dr. Crapsey’s “ *utterances* contained in said book and sermons.” No “ *utterance* ” was proved in 1905 after the canon alleged to be violated was in force except the sermon of December 31, 1905, unless the publication of the book be deemed an “ *utterance.* ”

Specification 2 of Charge II—that which charged Dr. Crapsey with violation of his vows to fitly frame and fashion himself and his family and to maintain and set forward quietness, peace and love among all Christian people, was unanimously rejected by the Diocesan Court. Upon the summing up, the counsel for the prosecution themselves paid weighty tribute to his character, which, Mr. Locke

said, * “so far as his daily life is concerned, is of the highest.”

The canon law of Western New York † required the Court in its decision to state the “sentence which in their opinion ought to be pronounced,” and that the sentence when pronounced by the Bishop should be one “not exceeding in severity that specified by the opinion of the Court.”

The decision, in obedience or supposed obedience to this canon, prescribed, as punishment for the offense thus adjudged against him, that Dr. Crapsey be

“suspended from exercising the functions of
“a minister of this Church until such time
“as he shall satisfy the ecclesiastical author-
“ity of the diocese that his belief and teaching
“conform to the doctrines of the Apostles
“Creed and the Nicene Creed as this Church
“hath received the same.”

The sentence remits, therefore, to another tribunal, the determination whether in the future Dr. Crapsey shall be orthodox. Such other tribunal must be satisfied not only as to his sermons, publication and other teaching, but as to the state of his conscience and intellect. It is to be so satisfied not only as to the doctrines of the Virgin Birth and Resurrection, with which this case is concerned, but with all the doctrines of the two great creeds of the Church.

The identification of the “ecclesiastical authority” to which Dr. Crapsey is bidden to submit proof of his belief and teaching, is left in some doubt at least. Title Seventh, ‡ sect. III of the Constitu-

* Proceedings at Batavia, including Addresses of Counsel, privately printed, page 129.

† Ordinances, Sects. XVIII and XXII.

‡ This section seems, according to a note to this canon as printed in the Proceedings of the 68th Annual Council of the Western Diocese of New York, to have been taken over from resolutions and canons of the National Church, adopted in 1787, 1789, 1795, 1803, 1808, 1834 and 1840.”

tion of the Diocese of Western New York provides that

“ The Standing Committee shall be the
 “ Ecclesiastical Authority in all cases pro-
 “ vided for by the General Constitution and
 “ Canons of the Church and shall exercise all
 “ other powers confided in them thereby or by
 “ the Council of the Diocese.”

The national constitution and canons of the Church do not state—but they seem to imply*—that, unless otherwise provided by the canons of the diocese, the Bishop is the ecclesiastical authority, except that, when there is no bishop, or upon his requirement, or when the bishop is disabled, the Standing Committee may be such authority.

The Standing Committee having found the presentment it would seem that Dr. Crapsey’s sentence may be to suffer suspension until he shall satisfy his prosecutors that upon all doctrines of the creeds he is orthodox in both belief and teaching. No canon, national or diocesan, seems to give to the Standing Committee of Western New York any jurisdiction over doctrinal matters. If the bishop be and act as the ecclesiastical authority, then such doctrinal authority is sought by the decision to be vested in him. But neither the constitution nor canons, national or diocesan, give the Bishop of Western New York any such jurisdiction.

The national canons provide † that,

“ Whenever the penalty of suspension shall
 “ be inflicted * * * the sentence shall
 “ specify on what terms or conditions, *and at*
 “ *what time*, the penalty shall cease.”

The canons of Western New York provide ‡

* Const., Art. IV ; Canons : No. 12, Sect. V ; No. 15, Sect. V, Subdiv. vi ; No. 49, Sect. III.

† No. 35, Sect. I.

‡ Ordinances, Sect. XIX, made part of the canons under Title Third, Canon Two, Sect. I.

that an ecclesiastical trial

“ shall be conducted according to the prin-
“ ciples of the Common Law as administered
“ in this State.”

Dr. Crapsey has by appeal from the judgment against him brought it before the Court of Review for the Second Department, which includes all the five dioceses of New York and two dioceses of New Jersey.

Court of Review for the Second Department, October 19, 1906.

PRESENT:

The Right Reverend John Scarborough,
D. D., Bishop of New Jersey.

The Reverend William R. Huntington, D. D.,
Rector of Grace Church, New York City.

The Reverend Alfred B. Baker, D. D., Rector
of Trinity Church, Princeton, New Jersey.

The Very Reverend John Robert Moses,
M. A., Dean of the Cathedral of the Incar-
nation at Garden City, Long Island.

The Honorable Charles Andrews, lately Chief
Judge of the Court of Appeals of the State
of New York.

The Honorable Frederic Adams, Judge of the
Circuit Court, of New Jersey.

The Honorable James Parker, of Perth Am-
boy, New Jersey.

MR. SHEPARD'S ARGUMENT.

MAY IT PLEASE THE COURT:

The cause which you are now to hear calls for the first act of justice to be done by any Court of Review of our Church. To no one of the courts first established in 1904 for the nine districts into which the Dioceses and Missionary Districts were then divided, has an appeal yet been brought, so far as we have learned, save only this one. Apart from its own questions, our cause gains, therefore, significance and dignity. Upon Dr. Crapsey's appeal will be exhibited first and most

conspicuously the standard and method and the measure of impartiality in judicial administration under the national auspices of the American Church.

It will, I am sure, be a satisfaction and, perhaps, a relief to the Court to know at the outset that neither in the presentment nor in the decision of the Diocesan Court from which Dr. Crapsey appeals, is there any imputation upon his honesty or sincerity. The tributes paid at Batavia by the prosecution to Dr. Crapsey's personal character would of themselves have negated such an accusation had it been made. But no such accusation was made. Whatever Dr. Crapsey preached or published—whether it were right or wrong, orthodox or heterodox—there was and is no suggestion that it did not speak his own honest mind and conscience. Indeed, the very ground of the accusation against him is that he did speak out and did publish. If his opinions were heterodox and had been expressed only in conversation with his friends, this cause would not have arisen. It is often said, and with a force well nigh overwhelming and which, for one, I thoroughly concede, that it is an unfit thing that a priest of this Church or any minister of Christ's gospel, by using the prayers or creeds or formularies of the Church, should affirm, or seem to the people to whom he ministers to affirm, something that he does not himself believe. But that question, I thank God, is not in this case. If Dr. Crapsey have done wrong, you are bound by the terms of the record before you to assume and find that it was done honestly and sincerely.

It certainly was done openly, explicitly and courageously. There has been neither conceal-

ment nor evasion on his part nor any such thing. There was nothing even in the presentment which could be construed to the contrary of Dr. Crapsey's sincerity except only the vague second specification of the second charge where it was said of him that he violated his ordination vow to frame and fashion himself according to the doctrine of Christ and to be a wholesome example and patron to the flock of Christ. But the Diocesan Court by an unanimous vote acquitted Dr. Crapsey of that charge; and it was hardly worthy the character of the Standing Committee ever to have made it. And from so much of the decision of the Diocesan Court the prosecution has taken no appeal. So that, without the possibility of dispute, the cause before you is free from so painful a question as one of sincerity or honesty.

It will further, I am sure, relieve the Court to know at the outset, that, although the presentment accused Dr. Crapsey of "advisedly" and "intentionally" denying or impugning the doctrines of the Church, the Diocesan Court, as I shall later and in more detail point out to you, unanimously exonerated Dr. Crapsey from any intention to impugn or deny any doctrine of the Church and from having done so advisedly. That he did in fact by his sermons and book impugn and deny such doctrines was decided by the court. But that, of course—and this I shall later and fully argue—is an utterly different thing from such denial or impugnement made intentionally and advisedly. The cause, Right Reverend President, comes, therefore, before you and your associates relieved of personal imputations upon Dr. Crapsey.

And may I ask you, at the threshold of my argument to lay aside, if you have formed it, any no-

tion that we shall ask in Dr. Crapsey's behalf for a present determination that the doctrines of the Virgin Birth and Resurrection of Our Lord were truly and strictly understood by him, or that in the sermons now under criticism, those doctrines were preached strictly as this Church hath received the same. If the reversal of the judgment of the Diocesan Court required that such a ruling be made before the meeting of the next General Convention Dr. Crapsey would not have taken this appeal. I suppose that, under the national canons of the Church, this present Court will not and may not determine any matter of doctrine, faith or worship until the General Convention of the Church shall put into practical operation the ultimate Court of Appeals for which its Constitution provides. Our appeal for an immediate reversal is concerned, however, with the manner in which the Diocesan Court administered the justice of our Church, and also with the profound and far-reaching question of Discipline for Heresy. If you cannot, for these things, grant an immediate reversal, then, and only then, we submit that it is your bounden duty to hold the cause until a General Convention shall enable you to determine the questions of doctrine involved in the presentment.

These matters of the procedure below and of Discipline are all within your undoubted and present jurisdiction. Upon the question of Discipline I dare hardly believe that I can add anything useful to the noble appeals made here and in the court below by my associate, Mr. Perkins, for a sound and Christian liberty of thought and speech in our Church. Fortunately for this Court the full text of his first address is in the account of the proceedings before the court below, printed by

one of the loyal and generous churchmen who stand by Dr. Crapsey's side in this ordeal; and copies of it will be at the service of the Court. But, though reluctantly, I have to perform—and in my own way—the duty assigned me. And I hope that what, before I close, I shall say upon the right and wise discipline of the truly catholic church of Christ will help, or at least not hinder, the strength of my associate's argument.

The canon requires* that the counsel on both sides shall be communicants of the Church; and in that requirement there is implied a limitation upon the duty the counsel for the defense owe their client, a limitation which does not hold in a civil court. Here as there, upon matters of the personal conduct of our client or of procedure, we speak for him and not for ourselves. Our duty is different when we speak upon matters of belief and doctrine, or upon matters of fundamental policy involving the permanent welfare of the Church. Then we may not, as I conceive our duty, argue for anything in which we do not ourselves truly believe. When we speak upon those matters we speak under the vows which we ourselves took in baptism and confirmation. What we say may be wrong, but by it we must speak our own conscience. Upon those matters our duty is no different from that of Mr. O'Brian, the Church Advocate. At the meeting of the Court in September he spoke of himself as "of Counsel for the Church"; but upon these matters I suppose that he is no more "of counsel for the Church" than are Mr. Perkins and

* National Canon 29, as adopted by the General Convention of October, 1904, Sect. XVII. All references to the Constitution and Canons, unless otherwise mentioned, are to those instruments as adopted by that Convention.

myself. We are all, for the time, officers of this Court, all of us alike bound by really sacred obligations not, in the argument of matters of belief or doctrine or which fundamentally involve the Church's future, to go one scintilla beyond our own sincere convictions as to what is due the truth and the welfare of God's Kingdom ruling in and through this Church of our loyal devotion.

We cheerfully concede a like obligation upon the members of this Court. We can neither ask nor expect them to forego or suspend any of their convictions upon matters of belief or doctrine, unless by possibility the hearing of this cause shall bring them further light. We can and do ask, however, and respectfully assume, that we shall have from the Court, open minds, and not foregone conclusions, as to whether such convictions apply at all, or, if at all, then how much, to this specific case of church discipline here to be decided. According to the canon* you sit here to administer "justice." If it be true, as we have been told, that in causes of this kind diocesan courts have deemed it their duty to carry out plans predetermined for them by ecclesiastical authorities, we rejoice that nothing of that kind is admissible in this Court; that we are truly before an impartial tribunal, ready hospitably to hear and learn of the specific case before it and its issues, and, if there be, as there may well be, preconceived notions of the merits, then utterly to surrender those notions for the time. Your judgment will thus proceed upon what is openly, in the face of the whole Church and all people, brought before it by the record and the arguments of the counsel.

* No. 29, Sect. XVIII.

The membership in the Court of these distinguished jurists trained to administer civil justice, the presentation of this cause by lawyers from the civil courts, as well for the Bishop and the Standing Committee of Western New York as for Dr. Crapsey, implies this; the canons and very title of the tribunal implies it; the sacred and exalted rank of the president of the Court, the sacred and important rank of his clerical associates requires it.

Dr. Crapsey is here, we rejoice to believe, in the protection of a true court of justice.

JURISDICTION OF THIS COURT.

The Court may, under the canon, *

“ reverse or affirm in whole or in part the
“ decision of the trial court, or, if in its opin-
“ ion, *justice* shall so require, it may grant a
“ new trial.”

No power is given to modify the judgment below, like that given, for instance, in express terms to the Court of Appeals of New York and to the Appellate Divisions of its Supreme Court.† If, therefore, a new trial be not ordered, the judgment will be reversed, or it will stand as it now is, or some portion of it will stand as such portion now is, the rest being reversed.

If the Diocesan Court exceeded its jurisdiction or erred upon any material matter of right or procedure, then, of course, this Court *must* reverse. But if the judgment below survive such difficulties, then upon your reasons for an appellate judgment

* No. 29, sect. XVIII.

† Code of Civil Proc., Secs. 1317, 1337.

of reversal or affirmance in whole or in part or an order for a new trial, there is no technical restriction—there is indeed no restriction whatever—except in the implied demands of justice and the law of the Church and in the canonical prohibition to “determine any question of doctrine, faith or worship” until after the establishment of the ultimate Court of Appeal.* If, therefore, any ruling of the Diocesan Court—as, for instance, upon the application for delay until the cause could be heard by a court not altogether appointed by the prosecutors—were to seem unreasonable or unfair or inconsistent with the high and scrupulous rule of justice which the Church should enforce, this Court may, if it see fit, reverse for that reason. Nor is this Court limited, as appellate courts frequently are, by any requirement to accept findings of fact made by the court below. This Court would doubtless have been absolutely free to deal with the finding of the Diocesan Court, if it had made one, as it did not, that Dr. Crapsey had “*advisedly*” or intentionally held or taught a doctrine contrary to that held by this Church. While on the one hand the Court is by its very nature and the plain purpose of the canons limited to what justice permits, on the other hand, if the court below acted within its jurisdiction and its procedure were right, this Court may, with the sole exception of determination of any matter of doctrine, faith or worship until there shall be a Court of Appeals, reach its conclusion upon any reasons of canon law or wise policy or right or fairness or discretion which counsel may establish before it.

So it is clear—and this, may it please the Court, is a matter of the first consequence, to which I

* Canon 29, Section V.

shall again recur—that, even if the accused presbyter were, under the canon,* liable to presentment and trial for holding and teaching publicly or privately and *advisedly* and *intentionally* any heterodox doctrine, nevertheless it was a matter for the exercise of sound judgment of the Diocesan Court, a judgment to be reviewed in this Court, whether it would pronounce the presbyter guilty and authorize his punishment accordingly. There is no mandate that a presbyter *shall be* adjudged guilty for any and every teaching of unorthodox doctrine, even if it be done advisedly and intentionally. Whether his particular teaching of that character ought to produce his conviction and punishment is itself—after the fact is found—a grave question, requiring broad and far-seeing wisdom and sound discretion for its answer. If the Diocesan Court did not answer the question with such wisdom and sound discretion, then it is for this Court to apply the wisdom and sound discretion which ought to have been applied below. The doctrines held by our Church are manifold, some greater, some less. There are variations in the form or interpretation of perhaps every one of the hundred beliefs or doctrines which the Church holds. Whether to take what perhaps is an extreme illustration—error in the least of these and a preaching even advisedly of that error ought to suffice for an adjudication of guilt—the fact being found—must be matter for sound discretion. Otherwise the situation might be intolerable. Every breach of a canon is not to be the subject of a judgment any more than every violation of the law of the State is to be the subject of a criminal prosecution and conviction. The Church must have and exer-

* No. 23, Sect. 1, Subdiv. (b).

cise some measure of indulgence and patience; and in this respect, when a presentment is made, the Court must, for the Church and as her representative, declare the limits of that measure. And this duty of pronouncing upon the fit measure of indulgence and patience belongs no less to this Court of Review than it did to the Diocesan Court. The whole question of Discipline, therefore, and the wise policy with respect to it required by the welfare and the sacred purposes of the Church are, since the canons of the American Church prescribe no hard and fast rule, fully within the power and duty of this Court to determine.

The exception that the Court may not "until after the establishment of an ultimate Court of Appeal * * * determine any question of doctrine, faith or worship," obviously leaves open to the Court every consideration of the discipline or sound policy of the Church which is consistent with predication of the orthodoxy of the doctrines which the Diocesan Court declared or assumed. So much, I take it, is in nowise open to argument, But has the Court jurisdiction to even hear matters of doctrine, as, for instance, to entertain discussion of the question whether belief in the spiritual resurrection of the spiritual body of Our Lord satisfy the Church's doctrinal requirement. I submit that the canons clearly confer such jurisdiction. While the prohibition is clear that the Court shall not, until the establishment of an ultimate Court of Appeals as permitted by the Constitution, "*determine* any question of doctrine, faith or worship," there are several plain provisions of the canons which require this Court to *entertain and hear* an appeal, even upon such a question.

In the first place, and conclusively, I submit, is

the present actual canonical grant* of an absolute present right to a respondent, without waiting for the actual establishment of the Court of Appeals, to appeal to the Court of Review "from a decision " which sustains in whole or in part a charge of *any* " canonical offense." A charge of preaching false doctrine, which can be dealt with only by predicating true doctrine, may thus lawfully be brought before a Court of Review. Obviously, therefore, the Court must at least *entertain* an appeal dependent upon a doctrinal definition. This is also and separately put beyond doubt by the express provision of the same section that, in case of acquittal in the Diocesan Court, an appeal may, upon the request of the bishops, be taken to the Court of Review, " provided, however, that such appeal shall be on the question of the Church's doctrine, faith or worship." † Here is an express right of appeal to the Court of Review upon doctrine. And this right is no less, although the Court of Review cannot "determine" the doctrinal question until there shall be an ultimate Court of Appeals.

Consider also the provision in case of affirmance of a conviction by this Court. If the charge were one of immorality, the appellant could not, pending the appeal from the Diocesan Court, exercise any ministerial functions.‡ But in other cases, including one like the present, an appeal not only suspends sentence, but leaves the accused in possession of all his priestly powers and subject to all his priestly duties. Then, if this Court affirm, and if no question of doctrine, faith or worship be involved in the decision, the Court must remit the

* Canon 29, Sect. VI.

† Canon 29, Sect. VI.

‡ Canon 29, Sect. 7.

record to the Bishop or Standing Committee of the diocese from which the appeal came. † If, however, the decision do involve such a question, then the canonical requirement is express that

“the record *shall be retained* by the President until the time for taking an appeal to the Court of Appeals shall have expired, and, if no appeal shall then have been taken as provided in the canon creating such court, he shall remit the record as in other cases.”

Here is a positive mandate to this Court, if its decision depend upon any matter of doctrine, to retain its record until a future time perfectly identified whenever that time shall come. The fact that it may not come at all, because no General Convention may adopt a canon creating the Court of Appeals, is ignored. None the less the President of this Court must, where the decision involves doctrine, retain the record until the expiration, whenever, if ever, that may be, of the time for appeal to the Court of Appeals. There is no power, in such cases, to remit the record for enforcement at all until the expiration of that time. The future failure of the General Convention to adopt such a canon will mean that the inability of the intermediate Court of Review meantime to render any operative judgment in a case which it shall have heard argued, and which involves a question of doctrine, faith or worship—that is to say, in a case of heresy—is deemed less objectionable by the General Convention than the present organization of an ultimate Court of Appeals.

I submit it to be clear, therefore, that the canons mean that the Court of Review must entertain an appeal in a case, like this, which involves doctrinal

† Canon 29, Sect. XIX.

questions, a case indeed where the very validity of the judgment below absolutely depends upon an affirmation by the Diocesan Court of doctrine, and where there can be no affirmance in this Court without the affirmation or assumption of doctrine. The canons further mean that this Court shall hear argument even upon the doctrinal questions, and consider them, but that it cannot *deliver* any determination of such a question until the General Convention shall act. If it be said that a minister, guilty of immorality, might, by raising or affecting to raise a doctrinal question, indefinitely postpone his deserved deposition, the answer is that, if the Court of Review should ignore the doctrinal question and affirm, then, upon the assumption either of the truth or of the falsity of the doctrine, there would be no delay of the effective determination upon appeal. And a second and quite sufficient answer is that, in cases of crime or immorality, an appeal from a conviction by the Diocesan Court does not stay its practical operation; for, by the canon,* as I have said, the convicted defendant is actually suspended from the ministry during his appeal. It seems clearly to follow, that, if we are right, the Court can make and deliver a final and effective decision only if it do not imply affirmation or denial that the Church holds any specific matter of doctrine, faith or worship. If, therefore, in the present case, this Court could, as we suppose to be clearly impossible, sustain Dr. Crapsey's conviction, although the Standing Committee and the Diocesan Court were wrong in their views of what was doctrine of the Church—then and only then could it deliver a final determination.

* Canon 29, Sect. VII.

The situation which the canons thus create is, I suppose, anomalous—but not as anomalous and absurd as would be the situation if a Court of the superior dignity of this were limited to merely personal matters and matters of lesser discipline and shut out from the far more important questions of doctrine, faith and worship, while the Diocesan Court of inferior dignity held jurisdiction of those greater questions,—if the court of each of the seven dioceses of New York and New Jersey could determine doctrine, when this Court could not.

Upon the primary question of the jurisdiction of the Court we submit, therefore, that

1. The Court should entertain Dr. Crapsey's appeal upon all questions raised by the presentment against him, his answer and pleas, and the interlocutory rulings of the Diocesan Court and its final decision.
2. The Court should hear argument upon all such questions.
3. The Court should decide all the questions which are before it which may be ruled without assuming or denying any proposition of doctrine, faith or worship; and if a decision of such questions, excluding matters of doctrine, faith and worship, suffice for a decision of the cause, then the Court should make and deliver such decision. This would be the case if any of the more technical points presented by Dr. Crapsey's counsel, and to be discussed further on, were sustained. So would it be the case if the Court should rule with us upon the really great question of the sound policy of the Church as to Discipline. In any such case there could be a

reversal without any ruling or assumption in doctrinal matters.

4. But if the decision require—as obviously any affirmance of the conviction would require—determination that the propositions of doctrine and faith upon which the presentment and the judgment below were based, are sound, then the decision must be withheld until such time as the General Convention shall permit it by the creation of the ultimate Court of Appeals, to which appeal can be taken to secure uniformity of doctrine and interpretation throughout the whole American Church.

CRITICISMS UPON PROCEDURE OF THE DIOCESAN COURT.

It is with sincere regret that, in a cause which in its broad aspects is concerned with the sacred purposes and scope of our Church, I must thus first and at length deal with these more technical matters of jurisdiction and procedure. It would be refreshing to me and perhaps less tedious to you if I could leave them for things deeper and less arid. But my duty forbids me to forget that this is a Court which must fitly, and even nicely, consider its own powers. Nor can I forget, Rt. Rev. President, that, before proceeding to greater questions, you and your clerical and legal brethren will necessarily insist upon knowing whether the court below acted according to its powers and the elementary rules of justice. I must, therefore, delay my discussion of the Discipline of a truly catholic Christian church and the limits of her indulgence in doctrinal interpretation. Apart from questions of Discipline and Doctrine

can this judgment of the Diocesan Court be sustained? Truly I believe not.

A case of ecclesiastical discipline, it is well settled, is *quasi*-criminal or a case of strict right. If it go against the accused he loses his office and with it his income and livelihood, as well as the dignity and duties and the right of the office and its right in the ecclesiastical property.* The presumptions and intendments are in favor of the accused. We rightly, therefore, hold this prosecution and the court below strictly to the case made by the presentment. Nothing else can have been rightly adjudged. This was ruled by the English Privy Council with the concurrence of the Archbishops of Canterbury and York and the Bishop of London on the prosecution of Dr. Williams, one of the authors of the book "Essays and Reviews." The Court there said: †

"These prosecutions are in the nature of
"criminal proceedings, and it is necessary
"that there should be precision and distinct-
"ness in the accusation."

So, in the case as to the Real Presence, the last heresy cause adjudged by the Privy Council, it was held, the Archbishop of York and the Bishop of London concurring, that, in case like this against a presbyter, it is the duty of the Court, as these proceedings are highly penal, to construe in his favor every reasonable doubt. ‡

The counsel for the prosecution upon the trial at Batavia admitted this, Mr. O'Brian himself saying: §

* Jennings v. Scarborough, 27 Vroom, 401.

† Williams v. Bishop of Salisbury, 2 Moore P. C. (N. S.) at page 423.

‡ Sheppard v. Bennett, L. R., 4 Priv. Council App., at p. 438.

§ Record, page 81.

“ I admit the law as laid down by Mr. Perkins to be the law, that you cannot bring a man up charged in an indictment or a presentment with one offense, and then proceed to convict on another ; we all agree on that.”

And the Diocesan Court having asked its assessor to rule for it, he sustained the proposition.* So also that court in its final decision refused to permit amendment of the presentment. †

And no power has been given this Court to permit such an amendment.

In the next place, the Court will remember that, under the canons of Western New York, the Diocesan Court, upon convicting the defendant, was required to prescribe the maximum punishment, and that to such maximum the Bishop would be confined. This was as true and integral a part of the judgment as the finding of heretical teaching. Testimony bearing upon the measure of penalty was strictly admissible. In a criminal court of New York or New Jersey, the jury answer merely the question, “ Guilty or not guilty ;” but they do not prescribe punishment. That is for the judge to determine after verdict ; and he then hears anything fitly bearing upon the measure of the penalty. The Diocesan Court, however, being both jury and judge, and being bound, by a single act or order, as the result of the trial, to adjudge innocence or guilt, and, if guilt, the maximum fit punishment, it was obviously bound to receive whatever might be helpful to a correct conclusion upon either one of the two parts of its judgment.

* Record, pages 84, 85.

† Record, page 133.

And so, with equal clearness, the Diocesan Court was bound to fit, and must in this Court be conclusively presumed to have fitted, the maximum punishment it prescribed to the offense then adjudged. If there had been three offenses, the punishment presumably would be more than if there had been two; if only one offense, it would presumably be less than if there were two. Dr. Crapsey was convicted of three separate offenses separately charged; but upon these three together a single punishment was prescribed adequate to both of them together. If either conviction were erroneous then the maximum limit of punishment was erroneous, and the entire judgment must of necessity be reversed.

With these preliminary considerations, I now beg the attention of the Court to specific errors of procedure in the court below.

FIRST: UNDER CHARGE I, SPECIFICATION I, DR. CRAPSEY WAS CONVICTED OF AN OFFENSE WITH WHICH HE HAD NOT BEEN CHARGED AND FOR WHICH HE HAD NOT BEEN TRIED.

This specification was

“ That at divers times during the years 1894
 “ and 1905 the said presbyter did openly, ad-
 “ visedly, publicly and privately, utter, avow,
 “ declare and teach doctrines contrary to those
 “ held and received by the Protestant Episco-
 “ pal Church in the United States of America,
 “ *by the delivery of the sermons* thereafter pub-
 “ lished in said book ‘ Religion and Politics,’
 “ and among other statements *in said sermons*
 “ in particular *by the use therein* of the follow-
 “ ing language:” (here following the fifteen
 passages under criticism).

The offense was the delivery of sermons and not the publication of a book. The presentment had already pleaded* that these statements had been

“made and uttered and * * * the sermons * * * delivered by the said Reverend Algernon Sidney Crapsey *in his official capacity as a presbyter of the Church and rector of the said St. Andrew’s Church.*”

The book was not pleaded to have been published by Dr. Crapsey in any such capacity; and of course, in fact, it was not. Whether his unofficial publication of the book would or would not have been an offense, certain it is that *that* was not the specification. Official preaching in a pulpit and unofficial publication of a book may be equally right or wrong; but that they are perfectly distinct, each with its own qualities, is open to no doubt whatever. Remembering that this is a proceeding of a *quasi*-criminal nature, that every presumption is with the accused, and that the court below was powerless lawfully to act upon any case not brought before it by the presentment, I am unable to see that the question of the distinction between these offenses is really susceptible of debate.

It was on this account that the book “Religion and Politics,” when offered, was objected to by Dr. Crapsey’s counsel and rejected as evidence, although the parties were permitted, according to a later ruling of the court,

“to quote from this book, to refer to the context *as far as it may tend to explain the charges.*” †

Now, when we turn to the decision, we find

* Record, page 3.

† Record, pages 50, 51, 121, 122.

no conviction according to this specification, but, legally speaking, a conviction for the utterly different offense of a publication of a book. The findings below are only these*:

1. Of Dr. Crapsey's official position.
2. That he published *in 1905 in book form* "a series of sermons theretofore delivered by him in his official capacity, as the rector of St. Andrew's Church, and *said book was published* and caused to be sold and circulated by the said defendant."
3. That "contained *in said book* and prepared as a part thereof by the said respondent are the matters and statements set forth in said presentment."

Then (after a fourth finding about the sermon of December, 1905) is the legal conclusion of the Court "with respect to the said matters and things *written and published* by said respondent." So that the conviction, so far as concerns the first specification, was for something of which Dr. Crapsey was not accused. The Diocesan Court below, there being no such accusation, was utterly without power to try for the offense; and the judgment must fail so far as it depends upon Charge I, Specification 1.

SECOND: THE CANONS OF VIOLATION OF WHICH DR. CRAPSEY WAS ACCUSED WERE NOT IN FORCE UNTIL JANUARY 1, 1905; AND AS THERE WAS NO PROOF OF THE DELIVERY AFTER THAT DATE OF ANY SERMON PRINTED IN "RELIGION AND POLITICS," HE COULD NOT BE CONVICTED FOR SUCH DELIVERY.

This proposition needs little argument, for it

* Record, pages 130-131.

was in effect conceded by the Diocesan Court. The charges were express and solely these: First, that Dr. Crapsey had "violated canon 23 of the general canons of the church, and, in particular, subsection (*b*) of section 1 thereof;" and, secondly, that he had "violated canon 23 of the general canons of the church, and, in particular, subdivision (*f*) of section 1 thereof."*

Dr. Crapsey's counsel raised the point on the trial. † Judge Stiness for the prosecution, while disputing the proposition, urged ‡ that an amendment of the presentment should be permitted to cure the difficulty. A motion was thereupon formally made by the prosecution to amend the presentment so as to charge violation of the former canon which was in force in 1904; the Diocesan Court took the motion under consideration, and in its final decision denied it. § The presentment alleged delivery of "a series of the sermons in the years 1904 and 1905"; but there was no evidence that any of the sermons said to be heretical were delivered in 1905.

It was obviously for this reason that the court below abandoned delivery of the sermons as the gravamen of the offense and instead convicted Dr. Crapsey of the offense of publishing a book.

* Record, page 439.

† Record, page 129.

‡ Fuller Copy of the Proceedings at Batavia, page 234.

§ Record, page 133.

THIRD: THE CANONICAL OFFENSE SET FORTH IN CHARGE I WAS THE HOLDING AND TEACHING HERETICAL DOCTRINES "ADVISEDLY" WITH INTENTION TO IMPUGN ORTHODOX DOCTRINE, BUT NO SUCH OFFENSE IS FOUND BY THE DECISION.

This point is clear as matter of technicality; but it is far more than technical. It involves a plain question of plain justice.

When canon 23, section I, subd. (b), made such holding and teaching of heretical doctrine an offense only if done "advisedly," it took over the ecclesiastical law prevalent in England in like cases.* Unless there were *intention* to contravene some doctrine, there was no offense. In this respect there is an analogy between an ecclesiastical prosecution, which, as I have already shown, is held to be *quasi-criminal*, and strictly criminal cases. In such case the indictment must charge that the act was done knowingly and wilfully,† that is to say, advisedly and intentionally. There needs to be no proof that an accused knew the specific law which he violated, for every man is conclusively presumed to know every law. But there is no crime unless the thing itself done were done knowingly and wilfully, nor a valid indictment unless that be clearly charged. In the present case the law said to be violated is canon 23; and doubtless Dr. Crapsey must be presumed to have known it.

Perhaps the Diocesan Court might, as matter of

* In every English case for heresy which I have examined, including those referred to in this argument, the charge set out the doctrine held by the Church, and then as in this presentment, accused the respondent of *advisedly* impugning the doctrine.

† Bishop; *New Criminal Procedure*, vol. II, § 521.

mere power, have inferred intention and the "advisedly" heretical character of his preaching from the sermons or book without other proof of intention. But none the less the intention to be heretical had to be charged and found by the Court; and any evidence bearing upon intention was admissible.

The thing said to have been done was the preaching of doctrines impugning the doctrine of the Church; and there would be no offense unless that were done "advisedly" and intentionally. This was perfectly recognized in the presentment itself, which, under Charge No. 1, Specification 1, alleged* that Dr. Crapsey did "*advisedly*, publicly and privately utter, avow, declare and teach doctrines contrary to those held" * * * (page 8) "*it being intended* by said language, words and terms to express the presbyter's disbelief." Charge I, Specification 2, did not allege that by the sermon of December 31, 1905, Dr. Crapsey "advisedly" uttered doctrine which was heretical; but it did allege his intention as follows†: "*it being intended* " by the said language, words and terms to express " the presbyter's disbelief," etc. It needs no argument that a clergyman called upon to preach a hundred sermons a year besides doing his parochial work and keeping up the sacred and diligent study to which his vows bind him, is not to be held to mistakes in doctrine into which he unwittingly falls—denials of doctrines which he unwittingly makes. Every bishop, every presbyter—yes, every layman—knows that now and then the most sincere and orthodox in thought and

* Record, page 4.

† Record, page 9.

speech fall into error. That is to say, the clergy are human. We have before this Court a striking illustration of what I am saying in this very presentment where the Rt. Rev. Bishop, and the doctors of divinity and laymen on the Standing Committee, beyond doubt and most sincerely meaning to be orthodox declare the doctrine of the Church to be* that "Our Lord Jesus Christ is God." And yet, if I understand theology aright, this statement is the famous Patripassian heresy, a perversion of the doctrine of the Trinity always rejected by our Church. Certainly the doctrine thus affirmed by the presentment is nowhere stated in its creeds or articles or formularies or prayer book.† If we were to prosecute for heresy those who signed this presentment we should have to allege and prove that they had erred "advisedly;" and this we could not do. They fell into an error; but they did not advisedly or intentionally impugn orthodox doctrine.

Since, then, there was canonical offense only if Dr. Crapsey preached error "advisedly," "intending" so to do—since that is the offense charged by the presentment—the decision had to find him guilty of that very offense. Otherwise the decision was without authority. The decision does not find him so guilty. There was no general verdict or judgment of "guilty," the finding being this, and only this:

"We find the respondent guilty of the

* Presentment; Record, p. 9.

† Encyc Brit. : Articles on *Jesus* (vol. XIII, at p. 671); on Sabelianism (vol. XXI, p. 127); Monarchianism (vol. XVI, p. 719). The derivative as distinguished from the absolute Godhead of the Son "begotten of his Father before all worlds" is emphasized by the Nicene Creed, and is represented in the second petition of our Litany.

“charges set forth in the presentment to the
“*extent now here stated.*”

This absolutely excludes any implication, without expression, of findings necessary to sustain the judgment. The judgment depends absolutely upon the findings “to the extent here stated.” That is to say, Dr. Crapsey was, except to that extent, acquitted.

Then follow the two items of the finding under Charge I, Specification 1 :

1. “That by his writings * * * the respondent impugns if he does not express disbelief in and denial of the doctrines” of the Trinity and that Jesus Christ is God.
2. “That in the said writings * * * said respondent expresses his disbelief in, and “impugns and denies the doctrines” of the Conception by the Holy Ghost, the Virgin Birth and the Resurrection.

You will observe that here are bald findings that Dr. Crapsey’s writings impugn and deny orthodox doctrine—not that he intended to deny them or supposed he was doing so or did so advisedly.

A like finding was made under specification 2. Here also was not a word of intention or of error “advisedly” committed. Not a suggestion. The verdict was of guilt only “to the extent here stated”; and the extent stated excluded *intention* or any doing *advisedly* of a wrong.

It would seem, indeed, that the Diocesan Court did not overlook this essential feature of the case. For, in the recitals of the decision, * is given verbatim from the presentment, for verbal convenience in identifying doctrines, the words “It being intended by said language,” etc. With that alle-

gation freshly before its eyes, copied out by itself as one of the allegations with which it had to deal, the Diocesan Court excluded as I have said, the "advised" and "intended" character of Dr. Crapsey's acts.

And Dr. Crapsey has said, and this Court, I think, will believe him, that he never advisedly or intentionally preached or published anything which impugned the doctrine of the Church. Such was his formal answers to the presentment. Such also was his impressive statement read by Mr. Perkins.*

The judgment of the Court below, taking its text in connection with the texts of the presentment and answer, is therefore in substance this: *What Dr. Crapsey did was to publish a book or preach a sermon which impugned or denied doctrines of the Church; but such impugnement or denial was not made by him advisedly or intentionally.* Now this, I submit to be clear beyond a possible doubt, was not an offense under any canon or in morals. The judgment, ought, therefore, to be reversed.

FOURTH: THE CONVICTION SO FAILING UNDER BOTH SPECIFICATIONS OF CHARGE I AND THE PUNISHMENT HAVING BEEN PRESCRIBED UNDER THEM AS WELL AS UNDER SPECIFICATION I OF CHARGE II, THE JUDGMENT SHOULD BE REVERSED.

I have already † shown sufficiently that an integral and essential part of the decision was the prescription of a maximum punishment. The punishment was, of course, intended to fit the offense. In

* Record, page 131.

† Printed hereafter at page 125.

‡ *Supra*, pages 31, 32.

the mind of the Diocesan Court it fitted Charge I and Charge II together, and not Charge II only. It fitted, in the mind of that Court, the offenses found under both specifications of Charge I, and one specification, the first, of Charge II. The punishment was to be mated to the seriousness of the three offenses, the persistence in them, their number, their quality.

The Diocesan Court, as I have already said, acquitted Dr. Crapsey under specification 2 of Charge II. That specification, the Court will remember, accusing Dr. Crapsey of violation of his vow to frame and fashion himself and his family according to the doctrine of Christ, and to make himself a wholesome example and pattern to the flock of Christ. The specification was in effect abandoned on the trial; it was rejected by the Court, and it was one unfit and unseemly ever to have been made at all. If then Charge I fail entirely, as I have submitted it ought, there remains only Charge II, specification 1; that is to say, one out of the four accusations in the presentment.

The punishment having been fixed for two offenses under Charge I and one under Charge II, and the former having been erroneously found, the punishment is presumably wrong. And if wrong, the judgment should be reversed. For, as I have already pointed out, this Court of Review under the canon* has no power to modify or vary the judgment, but may only reverse in whole or in part.

* Canon 29, sect. xviii.

FIFTH: THE FINDING UNDER SPECIFICATION I OF CHARGE II OF A VIOLATION OF ORDINATION VOWS BEING BASED SOLELY UPON THE FINDINGS UNDER CHARGE I OF PUBLISHING OR PREACHING THINGS WHICH IMPUGNED OR DENIED DOCTRINE OF THE CHURCH, BUT NOT ADVISEDLY OR INTENTIONALLY, SUCH FINDING UNDER CHARGE II WAS ERRONEOUS.

Specification 2 under Charge II having been rejected by the Diocesan Court, there remains only specification 2, which that court sustained, but only to this extent: *

“ That the accused did, by said utterances contained in said book and sermons and quoted as aforesaid in the presentment, violate and break the following declarations made by him at the time of his ordination ”— (there being then quoted the vows of belief in Holy Scriptures, to conform to the doctrine of the Church, etc.)

The court below having rejected the accusation of the presentment that Dr. Crapsey's heresies had been uttered advisedly and intentionally to impugn doctrines of the Church—that is to say, that court having acquitted Dr. Crapsey of intentionally or advisedly committing his errors—I submit that they could not rightly be held—certainly not in this which is a *quasi*-criminal prosecution—to constitute violation of the ordination vows. In this very finding the Diocesan Court declined to insert any statement of intention. Unadvised and innocent errors—mere mistakes in understanding doctrines—surely it is not against these that such vows are directed or for which the canon prescribes punish-

* Decision, Record, page 132.

ment. For them there might properly be sound advice, fatherly or brotherly instruction or remonstrance. But as the vows were supposed to come from the heart and will of the postulant or deacon, so the only violation of these fit for ecclesiastical condemnation must come from the heart and will of the presbyter.

The second and third vows were of "faithful diligence" to minister sound doctrine and banish error. It needs no argument that violations of these obviously could not be predicated of unadvised and unintentional error or mistake.

The Diocesan Court, like this Court, is not a court of general jurisdiction; it could act only validly or effectually within the powers expressly conferred upon it by the law of the Church and only in the manner prescribed to it by that law. Upon this branch of the case we submit, therefore, that Dr. Crapsey's exoneration by the Diocesan Court from intentional or advised infringement upon sound doctrine deprived that court of any right whatever to render a judgment against him; that such judgment on its face is erroneous; and that it would not be enforceable within the law of this Church or within the law of the land.

SIXTH: THE DIOCESAN COURT ERRED IN UNDERTAKING TO RULE AT THIS TIME UPON QUESTIONS OF DOCTRINE AND FAITH.

Upon this I can add nothing to Mr. Perkins' argument. If this Court of Review, representing the seven dioceses of New York and New Jersey, can, for the present, deliver no determination upon matters of doctrine, faith or worship, it ought to be clear it would seem, *a fortiori*, that a diocesan

court should not rule upon such greater and deeper questions.

SEVENTH : THE DIOCESAN COURT ERRED IN NOT GRANTING DR. CRAPSEY'S APPLICATION FOR PROPER TIME TO PREPARE FOR TRIAL, AND TO PERMIT THE CAUSE TO BE HEARD BY AN IMPARTIAL TRIBUNAL NOT CONSTITUTED BY THE PROSECUTORS.

Here was a presentment taking fifteen passages from sermons and comparing them for doctrinal accuracy with the prosecutors' statements of mighty doctrines of the Church, the divine nature and personality of Our Saviour, His Resurrection, the mystery of the Trinity. Here was a presentment imputing intentional error upon those matters to a clergyman after a sacred and unblemished service of thirty-two years. Here was a presentment imputing to him upon many occasions during the years 1904 and 1905 violation of his vows in his ministration of the sacraments and in the manner in which he framed and fashioned his family and himself. Here was a presentment involving Dr. Crapsey's priesthood and his career for the entire remainder of his life. If in any cause a court, intelligent and anxious to do right, would be deliberate—if in any cause such a court would make sure that the defendant was permitted a fair and truly sufficient preparation, for the sake of the Church even more than for him—surely this was the cause. Dr. Crapsey was then in sole and active charge of a parish church with 342 families and 614 communicants ; he was then holding three services a Sunday and without an assistant ; the Committee of Investigation had in 1905 declared

that there ought not to be a presentment ; and the Standing Committee had found it not inconsistent with the welfare of the Church to wait many months after the publication of “ Religion and Politics.” They chose to launch their presentment on March 2, the next day after Ash Wednesday ; and the second day after Easter was appointed for the trial. Besides all his other and necessary work Dr. Crapsey had alone during this time to carry on the most laborious and important services of the whole year during the Church’s season of fasting and prayer. Over and beyond all these he was now required to prepare his defense to charges so grave and far reaching, involving his whole career and work and of mighty moment to the Church of his life-long and loyal love. The apparent reason for the haste of the majority of the court (the Rev. Mr. Dunham voted to grant the application for delay) made their error far more serious. The court, rather than take Dr. Crapsey’s compulsory default tendered by Mr. Perkins,* granted a delay of eight days from April 17th to April 25th ; and Dr. Crapsey’s counsel upon the latter day submitted the same reasons for a reasonable adjournment of a few weeks.† And besides they filed a special written plea,‡ showing that all the members of the court had been appointed or selected by the Standing Committee and Bishop; that on the next May 15th, only three weeks distant, the Diocesan Council of Western New York would be held; and that, under the

* Record, page 25.

† Record, including letters, pages 34-42.

‡ Record, page 28.

canons* of the diocese, the Council would chose a new Standing Committee and also a new Diocesan Court from ten presbyters nominated by such new Standing Committee. That is to say, a delay of only twenty-one days in this critical and far-reaching matter would enable the Supreme Council of the diocese to provide an impartial court, or to rule that the present court was impartial.

That there should be such a reasonable delay was enforced upon the court by a petition† to the Bishop numerously signed by a most distinguished and representative body of the clergymen and laity of the Diocese, among them Rectors of St. Thomas Church, Trinity Church and the Church of the Ascension, Buffalo, and St. Luke's and St. Paul's Churches, Rochester, and the President and Chaplain of Hobart College, Geneva, an important and the only college in the diocese under Protestant Episcopal auspices. They declared that, if the trial were not to be so delayed, it would be "impossible to disarm criticism of the fairness and justice of the result" and that criticisms would "surely follow to the lasting injury of the Church." In this respectful and solemn remonstrance the unfairness was thus declared :

" Thus a majority of the members of the
 " court will have been appointed by the
 " Standing Committee and not elected by the
 " Council. But the Standing Committee is
 " the accuser of Dr. Crapsey."

* Canons of Western New York, Title Third, Canon I, Sects. II and III.

† Record, page 19.

I remind this Court of Review that the canons of Western New York provided that

“ the trial shall be conducted according to
“ the *principles* of the common law as adminis-
“ tered in this State.” *

And I declare it to be my positive conviction that, in a like situation any civil court of the State of important rank, would have held that to secure impartialty of the tribunal, which is a fundamental, perhaps the most fundamental, requirement of the common law, a postponement (certainly one no longer than twenty-one days) was peremptorily required. Nothing is or ought to be so abhorrent in any process of justice as a court packed by one party, however innocent of such an intention as the party may be. Would a Governor of New York, having a cause of his own ready in 1905, delaying its prosecution until 1906, and meantime himself appointing judges, dare to press his cause before them, or would such judges hesitate a moment to delay the cause twenty-one days until there should be on the Bench judges not appointed by the plaintiff?

EIGHTH: THE TESTIMONY OF MANY DISTINGUISHED CLERGYMEN AS TO THE UNDERSTANDING AND PRACTICE OF THE CHURCH WAS ERRONEOUSLY REJECTED BY THE DIOCESAN COURT.

It was certainly an incident to impress a pious and wise churchman praying for a benign and universal spread of our Church that so many distinguished rectors doing great and living work should

* Ordinances for the Ecclesiastical Court, § xiv.

have come to Batavia to stand by Dr. Crapsey and to testify their opinion that, as they understood and had known the Church, it had permitted the method and liberty of interpretation which he had used. With them, or perhaps going beyond them, and clearly in the open, were the many times greater numbers who had signed the recent Declaration by English and American clergy and laity.

A court anxious for light might well have listened to the testimony of these witnesses. They might fitly have done this even, if, strictly speaking, they considered the testimony inadmissible. But it was strictly admissible. It bore clearly upon the accusation that Dr. Crapsey had *intended* to impugn orthodox doctrine or had done so *advisedly*. Upon the question whether his sermons were innocently mistaken, that is to say, upon the question of *intention*, it was clearly admissible.

Moreover, the Judicial Committee of the Privy Council, the highest ecclesiastical tribunal for our brethren of the English communion, had ruled that such opinion testimony was admissible in a case like this, although it would not be in cases affecting property. In the prosecution of the Rev. Charles Voysey in 1870 and 1871 for heresy,* the Judicial Committee (including the Archbishop of Canterbury and the Dean of the Arches) expressly so ruled. The Lord Chancellor speaking for the whole court, said :

“ But it is to be observed, that in inquiries
 “ of the nature now before us, this Committee
 “ is not compelled, as in cases affecting the
 “ right of property, to affix a definite mean-

* Noble vs. Voysey, L. R., 3 Priv. C. Appeals, p. 357, at pp. 385, 386.

“ ing to any given Article of Religion the
 “ construction of which is fairly open to
 “ doubt even should the Committee itself be
 “ of opinion (on argument) that a particular
 “ construction was supported by the greater
 “ weight of reasoning. Thus, Lord Stowell,
 “ in the case of “ *Her Majesty’s Procurator vs,*
 “ *Stone* (1 Hag. Cons. Rep., 429), thus ex-
 “ presses himself :

“ ‘ I think myself bound at the same time
 “ ‘ to declare that it is not the duty nor
 “ ‘ inclination of this Court to be minute and
 “ ‘ rigid in applying proceedings of this na-
 “ ‘ ture, and that if any Article is really a
 “ ‘ subject of dubious interpretation it would
 “ ‘ be highly improper that this Court should
 “ ‘ fix on one meaning, and prosecute all those
 “ ‘ who hold a contrary opinion regarding its
 “ ‘ interpretation. It is a very different thing
 “ ‘ where the authority of the Articles is
 “ ‘ totally eluded, and the party deliberately
 “ ‘ declares the intention of teaching doctrines
 “ ‘ contrary to them.’

“ We have thought it right to refer to the
 “ canons of construction thus judicially ex-
 “ pressed, because on the one hand they allow
 “ to the party accused a fair and reasonable
 “ latitude of opinion with reference to his
 “ conformity to the Articles and Formularies
 “ of the Church, and on the other they afford
 “ no sanction whatever to the contention of
 “ Mr. Voysey, that unless there be found in
 “ the publication complained of a contradic-
 “ tion, *totidem verbis*, of some passage in the
 “ Articles, he is at liberty to hold, or rather
 “ to publish, opinions repugnant to or incon-
 “ sistent with their clear construction.

“ As regards those Articles of Religion as
 “ to the construction of which a reasonable
 “ doubt exists, the question may arise how
 “ far opinions of a similar character to those
 “ charged to be heretical, have been held
 “ by eminent Divines without challenge or

“molestation, because the proof of their
“having been so held may tend to show the
“*bona fides* of the doubt. In this respect also
“we have ample guidance from authority;
“and it will be found that, where the Article
“in question is subject to reasonable doubt,
“and eminent Divines have held opinions
“similar to those impugned in the case
“before the Court, that circumstance alone
“has been held to be of great weight in in-
“ducing the Court to allow a similar latitude
“of construction to the party accused, without
“itself deciding upon the construction of the
“Articles.”

How can it be said—if Dr. Crapsey’s intention advisedly to impugn orthodox doctrine be of any moment in this cause—that the opinions and expressions of other, many, unimpeached and distinguished clergy was irrelevant to the issue presented by the presentment and answer.

There was a further and all sufficient reason for the admission of the testimony. The Court will observe the relevance and competence of the testimony to the maximum measure of punishment which, if Dr. Crapsey were found guilty of heresy, it would be the duty of the Diocesan Court to prescribe. That Dr. Crapsey’s error, if he erred, were committed through his sharing with a great and representative body of professional brethren of the highest and unimpeached standing views of the comprehensive liberty which the Church allowed him, was surely a fact which a court in prescribing punishment would be bound to consider.

NINTH: THE DIOCESAN COURT ERRED IN PRESCRIBING DR. CRAPSEY'S INDEFINITE AND UNCERTAIN SUSPENSION UNTIL HE SHOULD "SATISFY THE ECCLESIASTICAL AUTHORITY OF THE DIOCESE" OF HIS ORTHODOXY "IN HIS BELIEF AND TEACHING."

This proposition is conclusively argued by Mr. Perkins; and it is perhaps presumptuous for me to argue it further. I venture, however, to ask the Court to note the requirement of the constitution of the National Church, Article IX, that

"A sentence of suspension shall specify on what terms or conditions and at what time the suspension shall cease."

And the national canon, No. 35, sect. I, provides that,

"Whenever the penalty of suspension shall be inflicted on a Bishop, Priest or Deacon in this Church, the sentence shall specify on what terms or conditions *and* at what time the penalty shall cease."

This simply applied to ecclesiastical judgments in our Church the rule of certainty required in civil courts upon trials for crime. Except where the Penal Code authorizes indeterminate sentences, as the canon does not, the time must be precisely ascertainable. This has been repeatedly decided.* Here the time may be one day or it may be the whole remainder of Dr. Crapsey's life, even if he shall live to the age of the Beloved Disciple.

But this, although a sufficient difficulty, is not

* People *ex rel.* Johnson vs. Webster, 92 Hun, 378.
Gibbs vs. State, 45 N. J. L., 379.

the most serious one. What is the "Ecclesiastical Authority" which is to be "satisfied." Is it the Standing Committee, which according to sect. III of Title 7 of the diocesan Constitution of Western New York,

" shall be the Ecclesiastical Authority in
" all cases provided for by the General
" Constitution and canons of the Church?"

Is this, which is a prosecution under the general canons of the Church, a "case provided for by" them? If so, as it seems to be, we have as the sentence simply this, that Dr. Crapsey shall be suspended, that is to say, *punished*, as long as his prosecutors deem proper; that is to say, as long as they wish.

The Standing Committee are the prosecutors, the complainants in the cause. Such a punishment would be abhorrent not only to the principles of the common law, which are to prevail under the canon of Western New York,* but to the most fundamental notions of justice.

The national canons and those of Western New York certainly assume that the Bishop is the Ecclesiastical Authority within the jurisdiction assigned to him, although I find no express provision to that effect. † In certain cases, mostly, but not all ‡, of absence, vacancy or disability in the episcopate, the Standing Committee is expressly

* Ordinances for the Ecclesiastical Court, Sect. XIV.

† Constitution of National Church, Articles IV, V. National Canons, No. 1, Sect. IV; No. 3, Sect. I; No. 4, Sect. I; No. 6, Sect. II; No. 12, Sect. V; No. 48, Sect. III. Constitution of Western New York, Title Two, Sects. I, III; Title Seven, Sect. II. Canons of Western New York, Title Four, Canon 4, Sect. I.

made the Ecclesiastical Authority. But obviously, whether the Bishop or the Standing Committee be the Ecclesiastical Authority, he or they are such only with respect to authority or power conferred by the national or diocesan constitution or canons. And, as Mr. Perkins clearly shows, no power to determine any question of doctrine or faith, any question of orthodoxy, is anywhere conferred upon either the Bishop or the Standing Committee. If in the diocese of Western New York there be any such Ecclesiastical Authority it must be the Diocesan Court in cases before it involving doctrine, or perhaps the Diocesan Council by reason of its power, * when exercised with the assent of the Bishop, or, without his assent, by a two-thirds vote to amend the diocesan constitution.

There is, therefore, no such Ecclesiastical Authority as the Diocesan Court assumed; the sentence prescribed is vague and uncertain; and the judgment, therefore, erroneous.

If the Bishop could be held to be sufficiently identified as the Ecclesiastical Authority, and if he had a function with respect to doctrine, then we should have a result, less abhorrent doubtless than if the Standing Committee were so identified, but nevertheless absolutely and profoundly repugnant to the common sense of justice and intolerable for a court administering justice. With great deference to the Bishop of Western New York, it must be remembered that he himself is a prosecutor; for he has "approved" these charges. And, whether or not a prosecutor, he is not a court. If he be the "ecclesiastical authority" then the sentence is one of suspension at his pleasure, per-

* Canons of Western New York, Title Ten, Sect. I.

haps for one day, perhaps for the remainder of Dr. Crapsey's life.

There is a further and serious difficulty. The sentence was not one of suspension until Dr. Crapsey's belief and teaching should in truth and fact accord with the creeds, but until the Ecclesiastical Authority should be "satisfied." No matter how orthodox Dr. Crapsey should become and no matter how long his suspensory punishment should have been, it would continue until the faculties of one man or of a body of men should have been "satisfied."

Nor is any means provided of ascertaining the "satisfaction" of the authority. After Dr. Crapsey shall be duly enlightened or submissive about doctrine, and the authority shall be "satisfied" how is such satisfaction to be proved or ascertained? Who is to declare it and how? For the Ecclesiastical Authority is not, by the judgment, required to make any declaration; nor does the judgment make the declaration sufficient. Is a word to Dr. Crapsey sufficient, or a letter to him, or a formal statement to the Ecclesiastical Court or the Diocesan Council? Is such a letter or statement final, or is it revocable by the Ecclesiastical Authority upon second thought?

There is still another and almost humorous anomaly in this most anomalous penalty. Dr. Crapsey, it would seem, is to be suspended until he satisfy the Ecclesiastical Authority "that his belief and *teaching* conform to the doctrines" of the Creeds. During his suspension, however, he must not teach. For the time being, and as part of his punishment, he is prohibited from teaching. Since then he cannot teach at all, his teachings will obviously not conform to doctrines sound or un-

sound. The Court could not have supposed that, while he was partially excluded from any service whatever as a priest he would be invited to service in a church or seminary of sacred learning. Nor could it have intended that, as a condition of terminating his suspension, he should teach the doctrines of our Church in some non-church society or school. The condition, as intended by the Court, is impossible.

And why, we may reasonably ask, is Dr. Crapsey to convince his superior that *all* doctrines believed or taught by him are sound? He was accused of heterodoxy in only two points; but the sentence requires him, a presbyter of thirty-three years standing, to show that not only has he recovered from such heterodoxies, but that in beliefs and teachings of his never doubted by any one, and upon the great mass of orthodox doctrine in no way involved, he is sound.

Beyond any doubt whatever any such sentence as was prescribed in the Diocesan Court, would be void if pronounced in a court of this State. I do not believe you will hold it valid for an ecclesiastical court of our Church.

TENTH: THE DIOCESAN COURT ERRED IN ACCEPTING MR. ALEXANDER'S TESTIMONY AS PROOF OF THE SUPPOSED QUOTATIONS FROM THE SERMON OF DECEMBER 31, 1905.

This testimony did not bind Dr. Crapsey to become a witness, or otherwise to be held to have conceded its truth. Before he needed to take the stand and open prolonged and indefinite vistas of cross-examination upon his views on all the doctrines of the Church, the need was upon the prose-

cution to establish its case by testimony fit for acceptance by the tribunal. And Mr. Alexander's testimony was not fit for such acceptance. Every presumption being, of course, in favor of Dr. Crapsey's innocence of the charges until they were sufficiently proved, the Alexander evidence did not furnish the sufficient proof. It would have been rejected by a jury in a civil court.

Here was an assistant minister on terms presumably of tender and sacred intimacy with his rector. He had heard the rector preach the sermons printed in "Religion and Politics." If there were heresy in them he had remained quiet under it; he had continued in his place. Nay, more; he had asked that his salary be increased. When his rector was criticized in 1904 or 1905, Mr. Alexander, in most unseemly fashion assuming that there would be a prosecution and that it would be successful, behind his rector's back sought the support of some of the vestrymen for his own appointment to the hoped for vacancy. With this scheme in his heart, but without, so far as appears, discarding his manner of loyalty to Dr. Crapsey, he conducted with him the evening service on Sunday, 31st December, 1905. Thinking some sentences of his rector's sermon might help those who wished to remove him, he took notes immediately upon his return home. He was asked upon cross-examination this question* :

“ As I understand you say here before the
 “ Court that you are unwilling to answer, or
 “ that you refuse to answer, whether when
 “ you made this memorandum you made it
 “ with the thought that you might testify to

* Record, pp. 58, 59.

“ it against Dr. Crapsey ; that you refused to
“ answer ? ”

And he thus testified ;

“ I have no recollection of having made the
“ statement for that purpose.

“ Q. You have no recollection? A. No, no
“ recollection.

“ Q. That is all the answer you can give
“ here, is it? A. I think so.

“ Q. You have no recollection whether that
“ was the purpose in your mind, or whether
“ it was not the purpose in your mind; is that
“ the answer? A. That is my answer.”

The witness further testified as follows:*

“ Q. What I want to know is, whether at
“ the time you made this application for an in-
“ crease in salary, Dr. Crapsey had uttered
“ any of those views of which you disap-
“ proved? A. I think his later utterances
“ were very specific and certain in the book. I
“ always gave, I might say, the defendant the
“ benefit of the doubt; I had always hoped Dr.
“ Crapsey would come back to his old position,
“ and I saw that—I saw there was no further
“ question——

“ Q. What we would particularly like to know
“ is the state of your mind with reference to
“ Dr. Crapsey's sermons at the time that you
“ asked to stay at his church if you could re-
“ ceive an increase of salary; that is the point
“ to which I am directing my question. A.
“ At that time I couldn't tell which way Dr.
“ Crapsey would go.

“ Q. You were willing to stay there if you
“ received an increase of salary, were you,
“ whichever way he went? A. Not indefin-
“ itely, no. I wouldn't say I would have re-
“ mained indefinitely.

* Record, pp. 62-64.

“ Q. You were willing to listen to heretical
“ statements if it was remembered in the
“ wages? A. I don't know I was willing; I
“ might be obliged to. * * *

“ Q. Now, I will have to ask you that ques-
“ tion again, and, certainly, Mr. Alexander,
“ as a truthful and intelligent witness you can
“ answer a plain question. Did you or did
“ you not, to any vestryman of St. Andrew's
“ Church, state, if Dr. Crapsey were removed
“ you would like to have their support for the
“ position as rector of the church, did you or
“ didn't you? A. I wouldn't answer such a
“ question; I have stated all I can say in re-
“ gard to that. I was called by the vestry,
“ and it was a matter I wished to consult with
“ the vestry about, whether I should remain
“ or resign.

“ Q. And you are willing in the presence of
“ this Court and of this audience to deny that
“ you made such statements and requests to
“ the vestry of St. Andrew's Church? A. The
“ way I will put it, Dr. Crapsey frequently
“ spoke of resigning, and on several occasions
“ asked me to remain; and one day he sent for
“ me and requested me to take charge of the
“ parish. On several occasions Dr. Crapsey
“ spoke of resigning, and on several occasions
“ he asked me if I would be willing to carry
“ on the work.

“ Q. That is interesting, but it does not
“ answer the question. Are you willing to
“ testify that at the very time you took down
“ those minutes of what Dr. Crapsey said, at
“ the very time you knew, and all men knew,
“ that these proceedings were pending, you did
“ not apply to the vestry of St. Andrew's
“ Church to have the the position from which
“ Dr. Crapsey might be removed? A. No, I
“ wouldn't say so.

“ Q. You wouldn't say you did or you
“ wouldn't say you didn't? A. I wouldn't
“ put it that way at all.

“ Q. You are willing to deny that you did that? A. I wouldn't put it that way.

“ Q. That is all the explanation you have to make, you—— A. I spoke to some of the vestry as to whether I should resign or whether I should remain. Of course, those matters I didn't think necessary to discuss; you can call the vestry if you wish.

“ Q. I should think quite possible you would not. Then the information you give us is that those matters you don't think necessary to discuss. That is your answer, is it? A. I have stated sufficient, I think, in answer to your question. * * *

“ Q. * You kept this statement for future use, did you not? A. I wouldn't be very positive about it. I kept it.

“ Q. Perhaps after this history you can tell us now whether on that night of the 31st of December, you made those statements for future use as evidence to be given in court against the rector of the church where you were assistant. Can you tell us that now? A. No, I don't think I had that in view. We didn't know there was going to be a trial or anything of that sort.

“ Q. Did you take them to furnish persons, that a charge might be brought and it might be tried? A. I made memos of the statement; I can't say as to what use I intended to put them. * * *

“ Q. When did you first show these statements to any member of the Standing Committee? A. I never did show them to the Standing Committee.

“ Q. To whom did you ever show them? A. I have no recollections of having shown them to any member of the Standing Committee.

“ Q. Where do you suppose the Standing

“ Committee got these words they put into
 “ the presentment ?
 “ *By Mr. O'Brian.*—If the Court please, I
 “ am desirous that the whole truth should
 “ come out here and that Mr. Perkins should
 “ have the widest possible scope.
 “ *By Mr. North.*—Do you object to this
 “ question ?
 “ *By Mr. O'Brian.*—I certainly do.
 “ *By Mr. North.*—I advise that the objection
 “ be sustained.”

Mr. O'Brian in the closing speech for the prosecution was compelled to disclaim any contention that respect was due to Mr. Alexander's testimony. He said : *

“ It may be that Mr. Alexander was unfor-
 “ tunate in temperament—that he went be-
 “ yond the bounds of what we lawyers are ac-
 “ customed to regard as fairness in giving
 “ evidence.”

The wholesome distrust which right thinking men, whether within or without the Church would be likely to have for a man who thus exhibits himself, would, we believe, have prevented a civil court from resting any judgment upon his testimony. And yet, if I am right as to the failure of the judgment so far as it depends upon Specification 1 of Charge I, there is nothing left of the judgment except what rests upon Mr. Alexander's account of one sermon. Mr. Perkins well said in the Diocesan Court that the Church of Christ would be indeed wounded and humiliated if it must dismiss men like Dr. Crapsey and retain men like Mr. Alexander.

* Full Report of Trial, page^s242.

I am glad to have now closed my criticism upon the procedure of the Diocesan Court and the more technical features of its judgment. It is indeed a field dry and uninspiring except to students of the canons and to lawyers. But with these questions this Court of Review has to deal before it can go to the larger and deeper questions raised by the prosecution. Our adversaries say there are no such questions; that if it appear that public utterances or writings of Dr. Crapsey appear inconsistent with any orthodox doctrines as heretofore generally understood by the Church, the case is then at an end. They would sweep away these greater questions as to the policy of the Church and its comprehensive liberty, and make the case one technical and narrow. Very well, then; we have met them on their own ground. The judgment they have obtained can stand only if it be regular and correct. In cases like this every presumption is with the accused; the prosecution is held to a rigorous demonstration of the precise case it presents. And, if I am right in what I have said, the Court does not need to go further. If, however, I am wrong, and this judgment can survive the faults we have pointed out, the Court must deal with the really great question of

*THE POLICY OF THE CHURCH CONCERNING
DISCIPLINE FOR HERESY.*

Upon this question this Court of Review is plainly competent to pass. Rather, indeed, it is bound to pass upon it, if the narrower matters I have already presented are not decisive. The national canons have not, as I showed at the outset, restricted the considerations to which this Court may give weight.

“The Court” it is prescribed by sect. xviii of canon 29, “may reverse or affirm, in whole or in part, the decision of the Trial Court, or, if in its opinion, justice shall so require, it may grant a new trial.”

Indeed, before this Court can fitly affirm the judgment below, it must affirm the wisdom of the judgment and its conformity with the true and sound policy of the Church. It must itself hold that, within such policy, the thing done by Dr. Crapsey is an offense for which he may be dismissed. Not only must the Court so declare, but it must itself determine that sincere error in preaching constitutes a violation of ordination vows. For I must remind the Court, and beg that this be not forgotten, that in neither the presentment nor the testimony nor the judgment is there a suggestion of his insincerity. That what he preached and wrote stood for his own honest conviction is not disputed, or that to him, whether rightly or wrongly, the doctrine he uttered was the doctrine truly signified by the Apostles and Nicene Creeds. So, I must again remind the Court, the diocesan judgment exonerated Dr. Crapsey from any intention to deny or impugn sound doctrine. If, therefore, this Court is to uphold the judgment it must say, not only that it was an offense, but that it was an offense requiring extreme discipline, for Dr. Crapsey to preach what he did, being honestly convinced, after the study to which he was bound by his ordination vows, that it was sound doctrine consistent with the creeds of the Church. That this is a condition precedent to an affirmance is, I take it, clear beyond any argument.

This, as I have shown, is a *quasi*-criminal proceeding so far as the rules governing it are concerned. But a true criminal prosecution in our country and

England rests upon a definition of the offense to be found in a penal code or in common law built up by rulings of judges. Not only does the law for the civil courts, as does our canon for ecclesiastical courts, authorize a prosecution or prescribe limits of punishment for the offense ; but the law, either an express statute or the common law, defines the offense for the civil courts. Not only does it prescribe prosecution and penalty for larceny or forgery, but it defines what is larceny, what is forgery.

You have no such chart for your guidance so far as concerns violation of ordination vows. It is for you yourselves to define what constitutes such violation. The canon under which this presentment was drawn declares that a priest "shall be liable to presentment and trial for the following offenses, viz. : * * * (b) Holding and teaching publicly or privately and advisedly, any doctrine contrary to that held by this Church. * * * (f) Any act which involves a violation of his Ordination Vows." The canon does thus clearly define as an offense the intentional holding and teaching of any heresy ; but as to what constitutes a violation of the ordination vow the canon gives the Court no instruction.

What, however, is of still more moment is the liberty allowed to the Court, or perhaps the duty assigned it, to decide whether the offense, if there be one, is one for which the true welfare of the Church requires a conviction and punishment. In the present case this liberty and duty of the Court is put beyond doubt by the inclusion in the judgment, in pursuant of the canonical requirement of Western New York,* of the extreme permissible

* Ordinance for the Ecclesiastical Court, sect. XVIII.

measure of the punishment. This Court must, I respectfully insist, say for itself whether what Dr. Crapsey has done, even if it be an offense within the canon, ought, in the best interests and for the true and abiding welfare of the Church, to be the subject of an adjudged penalty. No canon requires conviction, even where the presentment may be technically sustained ; none make necessary either conviction or punishment, though there be offense, unless in the judgment of the Court such true and abiding welfare of the Church require. Even if questions of faith or doctrine be for the present shut out from the determination of the Court—all questions of discipline are fully left to it, and all questions of church morals and policy related to it, except as they may be expressly ruled by the canons.

As to the manner in which accusations of heresy should be considered, we have a weighty authority in the famous *Voysey* case * in the English Church, decided in 1871, and from which I have already quoted.

And I make no apology for citing to you the justice and policy of the English Church regarding prosecutions for heresy. The American and English Churches are one in divine origin, one in liturgy, one in doctrine, one in tradition; they are identical in presenting to our modern times the universal and apostolic church purged of errors but in unbroken descent from the ministrations on earth of its sacred Head. No sane man will say that these churches have been without spot or blemish. But surely they have come more nearly than any other very large body of Christians to the pure and exalted ideal of Christ's flock on earth. Four-fifths and

* *Noble v. Voysey*, L. R., 3 Privy Counsel Appeals, 357.

more of our Communion own the final appellate jurisdiction in matters ecclesiastical of the Judicial Committee of the British Privy Council. The Privy Council includes, always, the two Archbishops and the Bishop of London, and it may include other bishops. Under the Church Discipline Act and the Public Worship Act* the Archbishops and Bishop of London, and such other bishops as may be members of the Privy Council, must sit in ecclesiastical causes. The Privy Council, in 1832 under an Act of Parliament took over the jurisdiction of the High Court of Delegates in causes ecclesiastical and of admiralty. And the members of that Court had been named by the Crown. In the Court below Dr. Hall with much learning criticised the power of the Privy Council in the Church. But it is idle to deal with the history and merits of such jurisdiction, the intention or the carelessness of those who drew the Acts of Parliament under which it became settled. As Americans and as churchmen we may perhaps criticize the union in the same bodies of men of civil and ecclesiastical powers; and rulings of the Privy Council do not, of course, bind this Court. But they are helpful as expressions of the body of men who, for four-fifths of our communion, do finally decide these questions, of the men whose utterances are accepted by the fathers in God, and substantially the entire bodies of the English Church and her sisters or children in Scotland, Ireland and the Colonies. And, we know, spite of whispered criticisms and murmurs, that the bishops and clergy of the English Church support and will support the rulings of their chief tribunal. If the teaching of those Churches have any advisory weight with our smaller body of brethren organ-

* 3 and 4 Vict., c. 86 and 39; and 40 Vict., c. 59, 14.

ized, as it were, but yesterday, we are bound to look to the conduct of their tribunals, and chief among them the Privy Council. Dr. Hall found fault with the presence there of the Lord Chancellor and law lords. But our American Church has deliberately followed the precedent. When in 1904 its supreme legislative authority, the General Convention, established this Court of Review, it required that three of its members should be laymen and two of them civil lawyers. Most fitly, therefore, may we cite here the rulings made for the English Church whether they were expressed by judicial decrees or were shown in almost equally clear effect by omissions to prosecute, and thus by practically tolerating, what was supposed by some to be heretical.

I return, therefore, to the *Voysey* case, decided by the Privy Council in 1871. During the thirty-five years since elapsed there has, with one exception to which I shall refer, been no heresy prosecution in that branch of our Church—certainly none, of which I have learned, has reached the Privy Council, the highest ecclesiastical court. The Rev. Mr. *Voysey*, it was found,* had advisedly controverted “the Articles of Religion with reference to original sin, the sacrifice and suffering of Christ, the Son of God, both God and man, to reconcile His Father to man, the Incarnation and Godhead of the Son, His return to judge the world,” and “the doctrine of the Trinity;” and he had also advisedly denied to Holy Scriptures “their legitimate authority even on points essential both to faith and duty.” The Court pointed out the impos-

* Opinion of the Lord Chancellor, concurred in by the Abp. of Canterbury and all other members of the court, L. R., 3 Priv. C. App., page 405.

sibility that any society whatever of worshippers can be held together without some fundamental points of agreement or can together worship a Being in whom they have no common faith. While the Court convicted Mr. Voysey for thus advisedly denying so many and most fundamental doctrines of the Church, it nevertheless—and this was a generation ago—thus unanimously laid down the wholesome liberality which should be practiced in heresy cases. The Lord Chancellor said, with the approval of all the Court, including the Archbishop of Canterbury :*

“ We have not been unmindful of the latitude wisely allowed by the Articles of Religion to the Clergy, so as to embrace all who hold one common faith. The mysterious nature of many of the subjects associated with the cardinal points of this faith must, of necessity, occasion great diversity of opinion, and it has not been attempted by the Articles to close all discussion, or to guard against varied interpretations of the Scriptures with reference even to cardinal articles of Faith, so that these articles are themselves plainly admitted, in some sense or other, according to a reasonable construction, or according even to a doubtful, but not delusive, construction. Neither have we omitted to value the previous decisions of the Ecclesiastical Courts, and especially the judgments of this tribunal, by which interpretations of the Articles of Religion, which by *ANY reasonable allowance for* the variety of human opinion can be reconciled with their language, have been held to be consistent with a due obedience to the Laws Ecclesiastical, even though the interpretation in question might not be that

* L. R., Privy Council Appeals, 404.

“ which the Tribunal itself would have as-
signed to the Article.”

About the same time—a little later, in 1872—was decided the case* against the Rev. Mr. Bennett, a Ritualistic clergyman, for affirming the doctrine of the Real Presence in the Eucharist. The supposed heresy was here the reverse of that which is charged here. Dr. Crapsey interprets spiritually formulas which it is claimed against him bear, according to their plain import, only a literal and physical meaning. The Rev. Mr. Bennett was charged with interpreting literally and physically the emphatic words of Our Lord with respect to His Body and Blood, where our twenty-eighth Article of Religion requires their interpretation “ after an heavenly and spiritual manner.” The Court declared that Mr. Bennett’s language had been “ rash and ill-judged ” and “ perilously near a violation of law.” But, after saying that—

“ The Church of England has wisely left a
“ certain latitude of opinion in matters of be-
“ lief, and has not insisted on a rigorous con-
“ formity of thought which might reduce her
“ communion to a narrow compass,”

the Court (the Archbishop of York and Bishop of London being present) held that, “ if his words can be construed so as not to be plainly repugnant ” to the Church’s formulas, it would acquit; that the question indeed was—

“ Whether the language of the Respondent
“ was so plainly repugnant to the Articles and
“ Formularies as to call for judicial condem-

* Sheppard v. Bennett, L. R. 4 P. C. App., at pp. 404, 415, 418.

“ nation ; and, as these proceedings are highly
“ penal, to construe in his favor every reason-
“ able doubt.”

These were, I believe, the last utterances of the highest English Court in heresy cases. If this Court be of the same mind the judgment against Dr. Crapsey must be reversed. For, even if the doctrines set forth in the presentment and the diocesan judgment be fully assumed by this Court, it is quite impossible for any intelligent man to say that, in teaching the generation of the mind and soul of Our Lord by the Holy Ghost and the Resurrection of His spiritual body, Dr. Crapsey, however much in error, did not admit “in some sense or other,” and according, at least, to a construction “doubtful but not delusive” the doctrines of the Conception by the Holy Ghost and the Resurrection. Surely no intelligent man can deny that Dr. Crapsey’s interpretations of this doctrine can, by *some* “reasonable allowance for the variety of human opinion,” be reconciled with the language of the Articles of Religion.

For a prosecution of this character, the test, according to this decision, is not what the Court or the Church generally understands by the doctrines, but how a sincere man, following *any* “reasonable or even doubtful” (if not delusive) construction, and with the utmost “reasonable allowance for the variety of human opinion” might understand them. Since the Voysey and Bennett judgments in 1871 and 1872, English churchmen have been freer than ever before to express views of doctrine which would before have been heterodoxy. I believe that Dr. Crapsey’s widest departure from usual or accepted

view has been far over-passed again and again and many times by clergymen of the Church of England of high rank and unimpeached standing against whom no presentment has been made.

And shortly before the Voysey case there were in the English Church two other and famous cases whose history is full of admonitory wisdom for us. I refer, of course, to the proceedings growing out of the famous book "Essays and Reviews," and to the case of Bishop Colenso. Both illustrate the practical wisdom of our English brothers, which, while not encouraging heresy, has preserved to the Church the vast advantage of the living energy and spontaneity of the faculties of its clergy.

Bishop Colenso said he read his ordination vows as Dr. Crapsey read his. They bound him who took them to study and to think and to reason. Bishop Colenso's heresy, for that day, went far beyond any heresy charged here. He found himself driven by his study and convictions to deny the authenticity of very substantial parts of the Holy Writ. The Metropolitan of South Africa deposed him under the judgment of a so-called ecclesiastical court. The Bishop, however, declined to be deposed, and took his appeal to higher authorities in England. The Privy Council decided that the Metropolitan had utterly exceeded his jurisdiction and set aside the judgment and the deposition. Then a distinguished board of trustees or committee, of which Mr. Gladstone (then, I think, Chancellor of the Exchequer) was a member, having an endowment dedicated to the maintenance of the church in South Africa with certain rights of bishops to receive income therefrom, undertook to withhold the salary of Bishop Colenso, claiming that, by paying him his salary, they were not pro-

moting Christian doctrine. But Bishop Colenso again asserted his right; and the English court decided that they must pay him. In spite of his resounding challenge, no prosecution for heresy was ever brought against him by any competent authority of the Church of England. He remained a Bishop of the English Church in Natal, discharging, and with amazing energy, the duties of his sacred office until his death twenty-four years after his original but futile prosecution for heresy.

And to-day how many bishops of the English Church would reverse the decision for comprehensive liberty which, by the omission to prosecute in any competent tribunal, was made in the case of the Bishop of Natal? You could count them upon the fingers of one hand. Spite of fault-finding here and there of which one may hear in private gatherings, the decision commands to-day the general and deliberate assent of the English Church.

About the same time there appeared the book called "Essays and Reviews." The first article in it was written by Dr. Temple, then headmaster of the famous Rugby School. He dealt with Holy Scripture and doctrines of the Church in a manner which, for that time, seemed to many, perhaps to most, highly heretical. He argued that many of the early doctrinal decisions, although never formally reversed, had been erroneous and were no longer binding. He said:

"This career of dogmatism in the church
"was, in many ways, similar to the hasty
"generalizations of early manhood. * * * It
"rarely seems to occur to the early contro-
"versialists that there are questions which

“ even the church cannot solve,—problems
 “ which not even revelation has brought within
 “ the reach of human faculties. That the deci-
 “ sions were right, on the whole—that is, that
 “ they always embodied, if they did not
 “ always rightly define, the truth,—is proved
 “ by the permanent vitality of the church as
 “ compared with the various heretical bodies
 “ that broke from her. But the fact that
 “ so vast a number of the early decisions are
 “ practically obsolete, and that even *many of*
 “ *the doctrinal statements are plainly unfitted for*
 “ *permanent use*, is a proof that the church was
 “ not capable, any more than a man is cap-
 “ able, of extracting at once all the truth and
 “ wisdom contained in the teaching of the
 “ earlier periods. In fact, the Church of the
 “ Fathers claimed to do what not even the
 “ Apostles had claimed; namely, not only to
 “ teach the truth, but to clothe it in logical
 “ statements, and that not merely as opposed
 “ to then prevailing heresies (which was justi-
 “ fiable) but for all succeeding time. * * *
 “ Those logical statements were necessary; and
 “ it belongs to a later epoch to see ‘the law
 “ within the law,’ which absorbs such state-
 “ ments into something higher than them-
 “ selves. * * * The mature mind of our race
 “ is beginning to modify and soften the hard-
 “ ness and severity of the principles which its
 “ early manhood had elevated into immutable
 “ statements of truth.”

Dr. Temple also dealt with the fundamental
 question of Discipline here involved. He said:

“ Toleration is the very opposite of dogma-
 “ tism. It implies, in reality, a confession
 “ that there are insoluble problems, upon
 “ which even revelation throws but little light.
 “ Its tendency is to modify the early dogma-
 “ tism by substituting the spirit of the letter,
 “ and practical religion for precise defini-

“ tions of truth. * * * When conscience and
 “ the Bible appear to differ, the pious Chris-
 “ tian immediately concludes that he has not
 “ really understood the Bible. * * * The
 “ current is all one way; it evidently points to
 “ the identification of the Bible with the voice
 “ of conscience. * * * It wins from us all
 “ the reverence of a supreme authority and
 “ yet imposes on us no yoke of subjection.
 “ This it does by virtue of the principle of
 “ private judgment, which puts conscience
 “ between us and the Bible; making con-
 “ science the supreme interpreter, whom it
 “ may be a duty to enlighten, but whom it
 “ can never be a duty to disobey. * * *
 “ He is guilty of high treason against the
 “ faith, who fears the result of any investiga-
 “ tion, whether philosophical, or scientific, or
 “ historical. * * * If geology proves to
 “ us that we must not interpret the first chap-
 “ ters of Genesis literally; if historical inves-
 “ tigation shall show us that inspiration, how-
 “ ever it may protect the *doctrine*, yet was not
 “ empowered to protect the narrative of the
 “ inspired writers from occasional inaccuracy;
 “ if careful criticism shall prove that there
 “ have been occasional interpolations and for-
 “ geries in that book, as in many others,—the
 “ results should still be welcome. *Even the*
 “ *mistakes of careful and reverent students are*
 “ *more valuable now than truth held in unthinking*
 “ *acquiescence.* * * * Not only in the under-
 “ standing of religious truth, but in all exer-
 “ cise of the intellectual powers, we have no
 “ right to stop short of any limit but that
 “ which nature—that is, the decree of the
 “ Creator—has imposed on us.”

The English church was further disturbed at the essay in this volume by the Rev. Dr. Rowland Williams on “*Bunsen’s Biblical Researches.*” The supposed heresy was of the same character as that

of Dr. Temple, but more distinctly expressed. A proceeding for Dr. Williams' deposition was brought in the Court of Arches, from which it was carried to the Judicial Committee of the Privy Council. There was a judgment of acquittal in which the Archbishops of Canterbury and York and the Bishop of London concurred, except that as to two articles of the Archbishops of Canterbury and York dissented.* Dr. Williams lived and died in the distinguished station which he held in the English church.

Later on Dr. Temple was nominated for the Bishopric of Exeter, and needed confirmation by the cathedral chapter. There was a great struggle over the question whether the ecclesiastics who were to assemble in that chapter house should confirm him in obedience to the royal mandate. The battle raged throughout England, and was watched the world over. There were bishops on the one side and bishops on the other. And beyond a doubt the greater majority of the English clergy was hostile to Dr. Temple and disapproved of his appointment. But when those upon whom there was the responsibility of definite and final action considered the ordination vow which Dr. Temple had taken—when they considered the obligations of diligent study and honest speaking laid down by the Church of England—they found that to hold Dr. Temple's doctrines was within the comprehensive liberty belonging even to a bishop. Although they might be—although they were—erroneous, they were not fundamental. So it was that by a majority of 13 to 6 the cathedral chapter at Exeter confirmed his elevation to the episcopate. There followed the ceremony of consecration at the

* *Williams v. Bishop of Salisbury*, 2 Moore P. C. (N. S.)

Church of St. Mary le Bow, Cheapside, London; and a dramatic scene it was as the bishops in procession were on their way to the ceremony when there was tendered them a protest from other bishops declaring in effect that Dr. Temple, if he believed what he had published, could not fitly occupy a place of power in the English Church. In the first volume of Dr. Temple's life you will find an account of the pressure brought upon him by friends to moderate by some statement the heterodoxy of his essay. But although, as his subsequent career indicated, he was not without the gift of diplomacy, he manfully declined to recant or soften one syllable of what he had written. The protest was rejected, however, and Dr. Temple became Bishop of Exeter, where by many of his clergy he was received as a suspect. He lived down the suspicion; he was afterwards, as you will remember, translated to the Bishopric of London; and finally, and without any significant dissent, he was raised to the Archbishopric of Canterbury, the highest ecclesiastical station in England.

Since the decade of the Colenso, Williams, Temple and Voysey cases, a decade so memorable for the English Church, the absence of heresy prosecutions within it has plainly represented a practical decision reached as really and effectively, and doubtless as deliberately, as if it had been spoken by an archbishop writing the opinions of the Privy Council. A clergyman who in fundamentals is a Christian, and who is sincere and diligent, is not driven from that church for error or mistake upon other and lesser doctrines of the Church, however generally and strongly held or for mistakes in their interpretation. Evils and difficulties no doubt there are in such toleration; error may for a while be

spread ; burdens of argument are cast upon the orthodox or better enlightened. But these evils are, many times over, made up by retaining the characteristics, and promoting the career, of a truly catholic Christian church in the only way possible where a single head or pope is not recognized to be infallible and to include in his person the supreme executive, disciplinary and doctrinal powers of the Church. Our Anglican and American communion having definitely rejected the pope and all infallibility except the Scriptures themselves, prefer the energy of a Living Church growing in larger, deeper, surer knowledge of God's truth.

Does the English Church regret—has it reason to regret—have we American Christians and Churchmen reason to regret—that this has practically been its truly statesmanlike course for nearly a half century? At work in a densely populated country—an old country—has the English Church, in any half century of its life, done so much, such genuine or such fruitful work? Has there been another half century of its life of more piety in its membership, of more or better or wiser energy in its ministers, of more unforced loyalty from the public sentiment of that kingdom? And still more—has the true faith been ever more deeply and precious and spontaneously held? If the English Church ever knew a better half century, certainly it was not in the Eighteenth Century when its churchmanship was relatively narrow and uneducated and, oh, so unfruitful, and when the Wesleyan separation was not only permitted but provoked. Certainly it was not in the early years of the Nineteenth Century before Dr. Pusey and Dr. Keble shocked, but wakened into life, a sleeping church and Coleridge made his splendid and effec-

tive defense of orthodox Christianity. Surely the last generation of English churchmanship affords no proof that the absence of heresy prosecutions means evils or dangers to the Church.

Indeed, Rt. Rev. President, clergy and gentlemen of the Court, I believe myself to be here and truly pleading the cause of the catholic church, the only catholic church possible unless we go to Canossa and thence to Rome, there to abide.⁶ We rightly and rejoicingly see in the Anglican or Episcopal communion the faculties and destiny of universality. To our sacred hospitality there come the feet of those weary of spiritual confusion, of barren and jejune forms or formlessness, those weary of sects in which intellectual acuteness checks the profound and religious emotions of man and the revelation of truth through those emotions, those who would cherish the saintly and spiritual wealth of the Christian ages, those who would reform wrongs and abuses, but who refuse to destroy or surrender the continuity of Christ's Church from the very inspiration of the Pentecostal outpouring. A hopeful vision of the future was recently and eloquently set forth by the Bishop of Long Island at the bi-centenary of one of the oldest parishes in America.* May it, if God please, be more than a vision; and may the eyes of those of us gathered here see, before we go hence, some part of its realization.

Is not all of this most strictly relevant to the question I am now arguing, whether the Church will let dwell and work for Christ within her borders a clergyman who, without imputation of insincerity or lack of diligence in study, confesses his true belief in the credal statements that Our

* At Oyster Bay on September 8, 1906.

Lord was conceived by the Holy Ghost and born of the Virgin Mary, and that He rose from the dead, but interprets those statements as referring to His spiritual personality rather than to the physical tenement into which Omnipotence had, for our salvation, poured the Sonship "begotten before all worlds." If these interpretations, or any of them, be error, as is said by our adversaries—nevertheless is it an error so intolerable and unendurable to the Discipline of the Church, that though the interpretations be sincerely reached and held by Dr. Crapsey, he must be dismissed after his thirty-seven years of benign and fruitful priesthood? This—as I rightly, I think, ask you to remember—is the far-reaching question of discipline now before you.

In the troubled and wonderful years when the forms of our Prayer-Book and Articles of Religion were first settled or approved in the Sixteenth Century, one truth was very clear to those to whom the providence of God entrusted the work. I mean this, that the more numerous the fixed doctrines of the Church not susceptible of any latitude of interpretation, the further must the Church be from the catholicity which it was intended should belong to the English Church. *The more the doctrines the smaller the membership.* That is, of necessity, a fundamental rule of church life. If a church were to have ninety-nine doctrines, all fundamental and none else permissible, it might well be that the flock would not be a score. The number of conscientious minds which would see the truth in just that way and none other would be few indeed. For God, while making us men of one blood, has seen good to fit us with a well-nigh infinite diversity of faculties and opinions. The smaller

the number of fundamental doctrines, the wider the scope of honest interpretation, the greater the number of upright souls who can pray and praise and work together in one tabernacle. Perhaps the supreme example of this is the Roman Catholic Church—to-day and ever since that Church became Roman, by far the most numerous of any Christian communion, indeed, to-day almost as numerous as all other Christian denominations put together, including the Eastern and Greek Churches. In matters of faith there is but one definite rule for the faithful,—to believe what he, whom they hold to be God's inspired Vicar on earth, has, from St. Peter's chair, said to be truth. Be the doctrines more or less, they are summed up in that one doctrine under which the heavy laden masses of men are relieved of all responsibility. Clergymen may argue and study, but, upon matters of needful doctrine, only to the boundary of what the Pope has spoken. It would be unseemly for me to here condemn the membership of that great Church for their surrender of spiritual liberty and spontaneity thus enforced within her communion. Her saints and martyrs—her fruitful and noble works—the vast extent to which to-day her ancient and powerful shoulders sustain modern civilization—these warn us, as brethren before God, to be chary in condemnation of the consciences of other men.

But that rule is not ours. The profound and decisive distinction, which, whether better more or better less, was established by the Reformation for those of our communion is that the belief of each Christian must be his own, and must be derived from the Holy Scriptures. No worshipper in our Church may simply apply the rule that a submission of his will may stand in place of the reason of

his belief. *Voluntas stet pro ratione* is a rule of faith consistent with a great church,—certainly with a numerous one. But it is not ours. So, therefore, since the belief in any and every affirmation of our creeds and articles must be the individual's own belief—mind and heart and *sua sponte*—we have difficulties and room for disintegrations from which the Roman Catholic Church seems to those of us without its pale to be free. God knows that we have for our own compensation glories with which we would not willingly part.

To return, therefore, to my argument. *The more the doctrines the smaller the number of honest and thinking men within the fold.* This rule of inverse proportion must hold of any church without one head recognized as supreme and incapable of error. The rule is absolute and inexorable for a church which, like ours, inherits the doctrine* that whatever may not be proved by Holy Scripture is not to be required to be an article of faith of any one, or the noble command to every one of its ministers which at the Reformation was put into its Ordinal that he should instruct his people out of the Scriptures, but teach nothing as necessary to eternal salvation except that what he himself should be persuaded might be concluded and proved by them, and that he would banish and drive away from the Church all doctrines contrary to God's word.

The catholicity of our American church can only be in this, that, while the Church requires of her children and ministers an agreement to a few and truly great fundamentals, she permits, or at least does not punish, a vast diversity of views and interpretations, and that, where those great funda-

* Articles of Religion, No. VI.

mentals are held, she tolerates honest error, assured that, if the heart of her child or minister be right and his fundamental beliefs Christian, her teaching, if sound, will conquer him; or, if her teaching itself need correction, God will correct it through free and diligent discussion.

Is not this our catholicity? If you who speak for the Church cannot or will not abide it, then the Church must forego her claims and career of universality. She must be a sect,—a sect only—a sect beautiful in liturgy and ceremonial and doctrine and precious in history—but only a sect—only a sect. And if the statistics to which I shall refer, statistics of our present and past, be the measure of the future, then one of the lesser sects of our American land. Truly Dr. Crapsey's defenders stand for the different career of a catholic and truly living church. We will not give up this sure expectation unless this American church of our love and hope shall, by its highest authority, make so narrow, so shortsighted, so truly heart-breaking a decision.

What, then, Rt. Rev. President and Gentlemen of the Court, are the recognized fundamentals of our Christian faith as distinguished from the great body of orthodox beliefs which has been added to them? When one believes in God, when he believes His incarnation in Christ and Christ's sacrifice for our salvation, when he believes in Christ's Resurrection and in the Resurrection of the Dead to Immortality, and in the abiding and sanctifying presence of the Holy Spirit; when he believes these, shall we—can we—deny his Christianity? With these beliefs and no more might he not be usefully and piously industrious within our communion? The church has indeed other, many

other, beliefs; the horizon of her orthodoxy is more extensive. But are not these the fundamental essentials for clergy and laity alike? Does not our Catechism tell us that the beliefs which we "chiefly" learn from the articles of the Apostles Creed are: First, the belief in God the Father who hath made us and all the world; secondly, the belief in God the Son and His redemption of mankind; and, thirdly, the belief in God the Holy Ghost who sanctifieth all the people of God? When in baptism a declaration is made of belief in "all the Articles of the Christian Faith as contained in the Apostles Creed," is it not, after all, this general result which is meant rather than a special and distinct affirmation of each of the statements as a substantive and essential or fundamental doctrine of and by itself, interpreted in one fixed way and in none other? Already the Church—and now with no dissent—has de-literalized some, at least, of the credal statements. Every one knows that the meaning of several of them is for no one to-day what it was for nearly every one when a thousand years ago and more the Apostles Creed came to its present form. This is true of the words "Maker of Heaven and Earth," the words "He descended into Hell," the words "He ascended unto Heaven." Take the words, "the Resurrection of the Body." Did they not for fifteen hundred years and more mean, for all or nearly all who said the creeds, the literal resurrection of the body in its perfect physical identity—the reassemblage of all its particles? What was once the orthodox interpretation is no longer so. This was conceded in effect by the Rev. Dr. Francis E. Hall, in his address at Batavia, as ecclesiastical counsel for the

prosecution.* So that with respect to that article the prosecution has to admit that the deeper and far more real truth has come in our day to supplant the literal and inferior interpretation which, as a symbol, had a partial truth of its own? It is true also of the affirmation of the session "on the right hand of God the Father Almighty." For us these words are figurative of a spiritual truth. But the saintly men who heard and said the creed in the early days, believed in a physical right hand of God. You have seen the mediæval pictures of the Holy Family, representing the Almighty as a venerable old man with long and flowing hair, with piercing and majestic eyes, all wonderful to the last degree, and with the divine figure of the Saviour at the right hand. This represented the literal belief of great masses of the people of the day. It was the settled orthodox interpretation. The Roman Council of Trent upon defending in 1551 the doctrine of the Real Presence sought to meet the objection from the conceded belief "that Our Saviour Himself always sitteth at the right hand of the Father in Heaven, *according* to the natural mode of existing.† Is it not indeed the "orthodox" belief to-day? Does not our fourth Article of Religion say that Christ "took again his body, with *flesh, bones,* and all things appertaining to the perfection of Man's nature, *wherewith* he

* Dr. Hall said: "The ancients" and, of course he was speaking of early Christians who said the creeds, "no doubt thought with the science of their day—they were up to date with their science just as we are up to date with ours. According to the science of their day, they thought that the resurrection of the body involved the gathering of all the particles of matter that belonged to the body in the moment of death at the last day. We do not think so now."—*Fuller Report of Proceedings at Batavia*, p. 179.

ascended into Heaven and there sitteth, until he returns to judge all Men ?”

And yet the Church to-day sees in this and other once “orthodox” interpretations inferior and anthropomorphic views of God and His Son necessary to those for whom the glass through which they saw was darker far and more clouded than the glass through which we see. The true affirmations of the creeds are not indeed in the letter of physical detail, but in their underlying and dynamic essentials. They have a spiritual verity which, as the light shines more and more, becomes freer from that necessity to rest upon physical conceptions which belonged to those who saw in a dimmer light. This, and this only, can be the abidingly orthodox rule of interpretation.

Dr. Crapsey believes in the Apostles’ and Nicene Creeds, and in all their articles. This is his solemn declaration here as it was at Batavia and when he was ordained. He holds this spiritual view to be the interpretation and meaning of their affirmations concerning the Conception by the Holy Ghost and the Resurrection on the third day. I shall not argue that he is right. You will not—at least for the present you will not—rule on the doctrine. But, assuming Dr. Crapsey to have been in error, then upon the question which you have present power to rule, I have to point out that his error was not on any vital and fundamental matter; that it was an error into which an honest son of the Church might fall. With this question you have to deal, not that you are to rule doctrine, but that you are to determine whether Dr. Crapsey’s error require ecclesiastical discipline; and it is only for this that, in the absence of theological counsel, I refer to authorities which go far to excuse his error.

I am permitted by the Rev. Dr. Henry S. Nash, Professor of New Testament Interpretation in the Cambridge Divinity School, to submit a copy of a letter which he has written me on the subject,* and which I beg you to treat as a part of this argument. Prof. Nash believes in the Virgin Birth as it was interpreted by the Diocesan Court and as, perhaps, it is to-day understood by most Christians. He differs with Dr. Crapsey, therefore, and with a large body of clergy and students of the English and American churches, living and dead. Among them was Coleridge, the philosophical and eloquent champion of the Anglican Church, to whom as much as to any man it owed the firm hold it got upon highly educated Englishmen in the last century. He considered “the doctrine of the Triune God as the very ground and foundation of the Gospel faith;” but he held that the gospel of the Infancy, “instead of supporting the doctrine of the Trinity and the Filial God-head of the Incarnate Word * * * if not altogether irreconcilable with this faith, doth yet weaken and bedim its evidence.” But with Dr. Nash as with Coleridge, “it is enough to know that the Son of God *became flesh*, σαρκὶ ἐγένετο γενόμενος ἐκ γυναικὸς. and more than this * * * was unknown to the Apostles, or, if known, not taught by them as appertaining to a saving faith in Christ.” † For many, perhaps for most of

* Printed at the end of this Argument at page 117.

† Samuel Taylor Coleridge's Notes on English Divines, edited by the Rev. Derwent Coleridge, M. A., London, 1853, at page 73. I here give the full text of this remarkable passage written in October, 1831:

“Therefore, having now overpassed six-sevenths of the ordinary period allotted to human life—resting my whole and sole hope of salvation and immortality on the divinity of Christ, and the re-

us, the doctrine of the Incarnation is helped, in so far as that it is made more vivid, by belief in the miraculous birth of the body of Jesus, and by retaining the lovely recitals of His childhood as genuine and not interpolated portions of the gospels.

But obviously the greater miracle, even if not the only one, was the pouring into a human body living and breathing, susceptible of trial in all things as we are tried, of the very Godhead. This has been recently and with clear and striking eloquence set forth in a recent periodical. Whether the Saviour's body of flesh came or did not come into being under a special and miraculous intervention of divine power, it is clear that the all-

“ demption by His Cross and passion, and holding the doctrine of
 “ the Triune God as the very ground and foundation of the gospel
 “ faith—I feel myself enforced by conscience to declare and avow
 “ that, in my deliberate judgment, the *Christopædia* prefixed to the
 “ third gospel and, concorporated with the first, but, according to my
 “ belief, in its present form the latest of the four, was unknown to,
 “ or not recognized by, the Apostles Paul and John; and that in-
 “ stead of supporting the doctrine of the Trinity and the Filial God-
 “ head of the Incarnate Word, as set forth by John I, 1, and by Paul,
 “ it, if not altogether irreconcilable with this faith, doth yet greatly
 “ weaken and bedim its evidence; and that by the too palpable con-
 “ tradictions between the narrative in the first Gospel and that in the
 “ third, it has been a fruitful magazine of doubts respecting the historic
 “ character of the Gospels themselves. I have read most of the
 “ criticisms on this text and my impression is that no learned Jew
 “ can be expected to receive the common interpretation as the true
 “ primary sense of the words. The severely literal Aquila renders
 “ the Hebrew word *רעניס*. But were it asked of me: ‘Do you
 “ then believe our Lord to have been the son of Joseph and
 “ Mary?’ I reply: ‘It is a point of religion with me to have no
 “ belief one way or the other. I am in this way like St. Paul, more
 “ than content not to know Christ himself *κατὰ σάρκος*. It is enough
 “ for me to know that the Son of God *became flesh*, *σὰρξ ἐγένετο*
 “ *γενόμενος ἐκ γυναικός*, (John I, 14; Gal. 4, 4), and more than this,
 “ it appears to me, was unknown to the Apostles, or if known, not
 “ taught by them as appertaining to a saving faith in Christ.’ ”

essential thing to the precious and fundamental doctrine of Christianity is that the body of Our Saviour, being the body of a man, was the tenement of a soul and spirit, both God and man. Apart from the disputed introductions to the gospels of St. Matthew and St. Luke there is not in the New Testament any reference to the Virgin Birth—certainly none that is plain and clear. Dr. Nash reminds us that neither in the preachings of St. Paul, St. Peter and others in the Acts, nor in the Epistles of St. Paul, St. John and St. Peter nor elsewhere in the New Testament is this doctrine preached as if it were a fundamental necessity or a necessity at all, or even referred to. With much reason he regards the absence from the writings of John, in view of his intimacy in the family of Our Lord, to have been specially significant. Nor are there any words of our Saviour recorded in which He enforced the doctrine as necessary, or in any way referred to it. Prof. Nash does not, as he doubtless would had he intended to deal fully with the questions, refer to the history of the Apostles Creed, and the undisputed fact that the original symbol in use about 200 A. D., did not contain the affirmations of the miraculous conception, showing that, at that early time, no stress was laid upon the doctrine as fundamental.*

I do not now, by way of defense pause to recapitulate the reasons and authorities which afford, or seem to afford, such support to Dr. Crapsey's views of this doctrine as to demonstrate that, for him to hold and preach that view was entirely consistent with his sincere belief in the

* Lumby on the Creeds, at page 21, 22, 109-118; *Table*
 Schaff " " " *Table*, at page 52, vol. II. *at 490/82-185*
 McGiffert on the Apostles' Creed, pages 7, 84.

Nicene and Apostles' Creeds.* Since you cannot now rule on doctrine, I shall for the moment, assume that they and he were wrong. If the judgment can survive the faults of procedure of the Diocesan Court, and if after taking up the question of Discipline, you rule that adversely to Dr. Crapsey, so that, in order to decide the cause, you must rule on doctrine, you will, I trust, have doctrinal questions argued before you by theologians, not by lawyers.

The only immediate determination of this cause

* The seeming or supposed inconsistencies with the more literal interpretation of this doctrine, of the genealogical descent given by Matthew (1, 16) as through Joseph, of the express references (John, 1, 45 ; Luke 4, 22) to Him as the "Son of Joseph," of the repeated references to Him as the "Son of Man," and the other scriptural arguments relied on, as well as the development of these affirmations in tradition and the creeds, the argument against the authenticity of the accounts of the birth and childhood now found incorporated in the gospels of Matthew and Luke, and the other and various arguments either supporting Dr. Crapsey's view or reconciling it with orthodoxy or excusing it as a permissible interpretation will be found in the following publications among others :

The Value of the Bible, by Rev. H. H. Henson, Canon of Westminster and Rector of St. Margaret's, Westminster, and especially his Letters to the Bishop of London, prefixed to the volume. London, 1904.

The Virgin Birth of Christ, by Paul Lobstein, and especially the introduction to the English translation by Rev. W. D. Morrison. LL. D. New York and London, 1903.

Monograph of Rev. W. S. Parker, M. A., Rector of Barford, on "Some words on the Virgin Birth."

Truth and Falsehood in Religion, by Rev. W. R. Inge, D. D., Chaplain to the Bishop of Lichfield. New York, 1906.

Encyclopaedia Biblica, edited by Rev. T. K. Cheney, Professor of Biblical Exegesis at Oxford and Canon of Rochester Cathedral.

McGiffert's Apostles' Creed, its Origin, its Purpose and its Historical Interpretations,

Monograph on the Obligation of the Creeds, by the Rev. Dr. William Sanday, Professor and Canon of Christ Church, Oxford, published in the Independent Review of October, 1903, and reprinted in the "Churchman" of January 27, and February 3, 1906.

is, then, concerned, if you decide the procedure below to have been correct, with the question of Discipline, and not with any question of Doctrine, except only, of course, that you will have to ascertain the relative importance of doctrines in order correctly to determine the question of Discipline. Is it an offense for which a presbyter should be dismissed from the Church that he exercises an honest freedom of opinion upon a doctrine which, while it is here deemed to be true, neither Christ nor any of the Apostles enforced as a necessity of salvation? If Dr. Crapsey believe as others—many others—in the Church do believe—and among them many in high authority and never under prosecution—that the creeds teach the divine and direct generation of the soul or spirit of Christ, if he believe, as he may with authority, that the title “Virgin Mary” refers to the purity and exaltation of her life and especially to this being her first child—nevertheless the question upon these and all the other details of doctrine, is not whether Dr. Crapsey be right in his conclusion. The real question is whether his understanding and interpretation of the credal statement in an exclusively spiritual manner is of itself such a heresy as requires the extreme discipline and punishment of the Church. Can and will a church truly destined to a glorious career of catholicity thus discipline and dismiss a minister bountiful in good works for the church and with an unblemished career of nearly forty years in its service, for the sole reason that he does not hold or preach something never preached or mentioned by the Divine Founder of Christianity Himself or preached by any of His Apostles?

I must here deal for a moment with the charge

that Dr. Crapsey, reciting for his congregation and for himself the Apostles' Creed and the Nicene Creed and the prayers in which the divine pater-nity of Christ is recited, is speaking a falsehood, saying what he does not believe and making his people to say what he teaches them to be untrue. If there were anything to this charge it would, indeed, be serious. It was the gravamen of the second specification of the second charge in the presentment of which the Diocesan Court unani-mously acquitted Dr. Crapsey. There is and can be no such question in this case before this Court, for no appeal was taken from that acquittal.

I beg you to remember that, on his honor and his conscience. Dr. Crapsey affirms his belief in these as in all the other articles of the creeds, and likewise his honest belief that the spiritual verity which he assigns to those items is, for them, an all sufficient and necessary significance.

I need hardly deal with the accusation against Dr. Crapsey so far as it concerns the doctrine of the Resurrection of our Lord. Doubtless had Dr. Crapsey's heresy been limited to this—if he had not dealt with the Virgin Birth,—the presentment would never have been made. For the intellectual and moral difficulties in the interpretation of that item of our faith so that it should mean that the physical body of our Lord rose and ascended into Heaven and sits on the right hand of God, are so great that they are not and cannot be held by many, very many, among the most pious of the faithful. Upon this question I shall, however, out of a law-yer's abundant caution, read, as part of my argu-ment here what was, on this point, said by the Rev. Dr. Elwood Worcester upon the hearing at Batavia. After telling the Diocesan Court that

he had heard Dr. Crapsey "again and again both in private conversation and in his public discourse express his firm belief in the reality of Christ's Resurrection" he said :

"The only denial he has been accused of making is the denial of a certain form of physical or material resurrection, in which he is, I think, I may say, at one with the majority of thoughtful and believing scholars at the present time. Bishop Westcott, for example, in a letter that was published in the Hibbert Journal last year, said that God caused the body of Jesus mysteriously to disappear, 'that through the action of God it passed away.' Even those persons who believe in a physical resurrection of flesh and bones, are obliged immediately to dematerialize and to spiritualize their conception of the Saviour's risen body. For a body that is impassible, a body that is invisible at will, a body that is described as being able to pass through closed doors,* that appears now in one form, and according to St. Mark's gospel now in another form,† that is seen only by believers,‡ a body that is not recognized even by those who knew him well,—cannot be regarded as physical or a material body, in the sense in which we understand matter.

"Now, gentlemen, will you permit me to point out to you our first and our best witness of the truth of the resurrection of Jesus Christ. I am aware, that these matters are familiar to you, and yet I think it important to bring them forward at the present time. The first, the most important witness to the resurrection of our Lord, of course, is St. Paul. Paul gloried in calling himself the witness of the Resurrection of the Lord, and yet he was a witness in a sense

* John 20, 19, 26.

† Mark 16, 12.

‡ Luke 24, 16-32, 37. John 20, 14 ; 21, 4. Matthew 28, 17.

“ which even he at that time did not realize. For
 “ in the battle that will be waged and that is now
 “ waged about the reality of the Resurrection of
 “ Christ, St. Paul is and will always remain our
 “ chief and unshaken witness. I think I might
 “ say with perfect truth, that if all other evidence
 “ for the Resurrection of Christ were placed in one
 “ scale, and the single passage of the 15th Chapter
 “ of 1st Corinthians were placed in the other, St.
 “ Paul’s evidence would outweigh all the others.
 “ I would like to show you, if you will permit me,
 “ what that evidence is. St. Paul says at the
 “ beginning of the 15th Chapter of 1st Corinthians,
 “ ‘I delivered unto you first of all that which I
 “ also received, how that Christ died for our sins
 “ according to the Scriptures, and that he was
 “ buried, and that he rose again the third day ac-
 “ cording to the Scriptures, and that he was seen
 “ of above five hundred brethren at once; of
 “ whom the greater part remain unto this present,
 “ but some are fallen asleep. After that he was
 “ seen of James; then of all the Apostles. And
 “ last of all he was seen of me also, as of one born
 “ out of due time.’

“ Remember that this is one of the Epistles of
 “ St. Paul that has never been seriously ques-
 “ tioned, which even Baur spared * * * The
 “ date usually assigned to the writing of this Epis-
 “ tle is about the year 55. So, at the outset here
 “ is evidence of Christ’s Resurrection antedating
 “ by decades all written gospels. The Epistle, as
 “ I said, is authentic. There is no doubt what-
 “ ever that in this passage St. Paul was at the
 “ utmost pains to gather together all the evidence
 “ in regard to the Resurrection of Christ which he
 “ regarded as genuine, and to relate the appear-
 “ ance of the Risen Christ in the order in which
 “ he believed them to have occurred. At the
 “ beginning of his statement St. Paul says: ‘I
 “ delivered unto you first of all.’ What did that
 “ mean? What could it mean except that St.
 “ Paul delivered this most important truth to the
 “ Corinthians when he made his first visit to

“ them three or four years earlier. That would
“ carry us back to the year 52. But St. Paul
“ goes further than this, and says: ‘I delivered
“ unto you first of all *that which I also received.*’
“ Now, the most probable interpretation that
“ has ever been put on these words is that this
“ was part of the original tradition of the Christian
“ religion which St. Paul received three years after
“ his conversion, on his return from Arabia, when
“ he went up to Jerusalem to confer with the
“ older apostles. And if we place St. Paul’s con-
“ version, as we are disposed to do, not later than
“ the year 37 or 38, we see that here we can carry
“ the evidence of Christ’s resurrection almost to
“ within the decade in which it occurred. So that
“ instead of a mere oral tradition flying about the
“ world for a generation, we have here a written
“ and unquestionable authentic evidence of the
“ resurrection of Christ dating not more than ten
“ or twelve years from the event. Am I not right
“ then, in saying that this passage is of such ines-
“ timable value to the Church that God seems
“ to have raised up St. Paul to give this witness to
“ the resurrection of His Son? Therefore, we are
“ disposed, and rightly disposed, to attach the
“ utmost consequence to St. Paul’s recitation of
“ Christ’s resurrection. In that statement you will
“ observe the manner, the painstaking order, in
“ which he relates the revelations to all of those
“ persons to whom he believed Christ had ap-
“ peared; and also the measured, guarded, parsimonious
“ terms in which he relates these appearances. * * *
“ You will observe Paul’s death-like silence as to all
“ the material features afterwards introduced into the
“ gospel narratives, the absence of any allusion to physical
“ contact, touching, eating and drinking and the complete
“ co-ordination of his own vision of the risen Lord with
“ the resurrection experiences of others. Moreover, we know
“ perfectly what his idea of resurrection is. We know
“ that he says here: ‘Flesh and blood can-

“ not inherit the kingdom of God; neither doth
 “ corruption inherit corruption.’ We know that
 “ St. Paul exhausted the very resources of lan-
 “ guage in establishing a series of antitheses be-
 “ tween the body that is buried in the ground and
 “ the body that is raised hereafter. But how
 “ could St. Paul have regarded himself as a wit-
 “ ness to the resurrection of Christ, if he himself
 “ held views diametrically opposed to the fact that
 “ Jesus rose in a physical body. Or in other
 “ words, how did St. Paul arrive at his amazingly
 “ original conception of man’s resurrection in
 “ which he differs equally from Greek speculation
 “ and from contemporary Jewish thought, except
 “ by long brooding on the resurrection of Jesus in
 “ the form in which he learned to know it from
 “ the earliest disciples? It is possible, gentlemen,
 “ that this form of faith, which is also Dr. Crapsey’s,
 “ may appear to you to be defective. But at all
 “ events recognize the fact that it is faith, that it is
 “ living faith in the risen and living Lord, sub-
 “ stantiated and vouched for by the best evidence
 “ that we have for the Resurrection in the New
 “ Testament.”

May I now, coming from this glimpse of doctrine
 to which Dr. Worcester has thus clearly and nobly
 introduced us, return to my own domain. I do not
 now argue doctrine or express any dissent of my
 own from the view of doctrine held by the Stand-
 ing Committee or the Diocesan Court. For my
 argument it is relevant only to the degree or
 character of Dr. Crapsey’s error, that is to say, to
 the great question of Discipline.

And may I now for a few moments deal with Dr.
 Crapsey’s ordination vows. It is true that he sol-
 emnly promised that he would give his faithful
 diligence so to administer the doctrine of Christ “ as
 the Lord hath commanded and this Church hath re-
 ceived the same, according to the Commandments

of God." Even if this promise be separated from the other ordination promises what does it mean? Is not the promise, in the first place, one of faithful diligence? Is it not, in the next place, that to minister the doctrine *as the Lord hath commanded*, and in the next place, to administer the doctrine as this Church hath received the same, that is to say, *as this Church hath received the same from her Divine Founder*? And, finally, is it not a promise to minister the doctrine according to the Commandments of God? I affirm to this Court that, unless by a perversion little less than monstrous of a plain meaning, it is a promise of the candidate for the priesthood to exercise his conscience and intelligence. It is a promise to look to the Almighty, to His Commandments and to His gift to the Church for the doctrine which he is to preach. In the succeeding ordination promise, the undertaking is to banish and drive away from the Church all erroneous and strange doctrines contrary to God's word. Here again God's word is set up under the express mandate of the Church to be the measure and only test of the error and strangeness of doctrines.

But the promises thus quoted are only two out of several promises which were made by Dr. Crapsey at his ordination. Before taking these vows upon his lips he listened to that perfect and beautiful address of the Bishop in which the candidates were reminded that they could not "by any other means compass the doing of so weighty a work pertaining to the salvation of man but with doctrine and exhortations *taken out of the Holy Scriptures* and with a life agreeable to the same," and in which their Father in God admonished them to be "studious
" * * * in reading and learning the Scrip-

“ tures,” that they should “ draw all their cares
 “ and studies ” in the way of their sacred office,
 “ praying for the heavenly assistance of the Holy
 “ Ghost, that by daily reading and *weighing* (I
 “ ask the Court to remember this admonition) the
 “ scriptures ” they might “ wax riper and stronger ”
 in their ministry. After this solemn warning that
 the priest, instead of being content with his belief
 as he then held it, was by diligent study to go on
 to “ riper and stronger,” that is to say to a fuller,
 better and more solidly grounded faith, came the
 vows of the candidate. He declared his belief
 that the Holy Scriptures contain all Doctrines re-
 quired as necessary for eternal salvation, and that
 he was “ determined out of the said Scriptures to
 “ instruct the people ” but “ to teach nothing as
 “ necessary to eternal salvation but that which ”
 he should “ be persuaded may be concluded and
 “ proved by the Scriptures.” Then he vowed to
 be diligent “ in reading the Holy Scriptures and
 in such studies as help to the knowledge of the
 same.”

Now I submit that it is open to no doubt what-
 ever that the whole service of the ordination in-
 cluding the vows taken by the candidate is to be
 read and construed together ; that, when so read,
 they mean that the young priest believes that
 the Scriptures contain all sound doctrines ; that
 the recitals of the Creeds of the Church rightly
 include the doctrine ; that he should not be con-
 tent with the knowledge and understanding of
 the Scriptures and Creeds and interpretation
 which he then had, but that he should dili-
 gently and faithfully study God’s word and
 whatever else would “ help to the knowledge
 of the same ” in order that he might thereafter

better know than he then knew the length and breadth of God's truth. Of course in so commanding the priest to study, the Church took the risk that his conscience and intelligence, imperfectly working, might lead him into error. But if the priest did his work honestly it was the Church's will that that risk should be run rather than it should be served by those who were slothful or ignorant or unthinkingly and superficially submissive to authority, and therefore not helpful to the great body of the laity. Our Church deliberately and after one of the most marvelous struggles in the history of man, thus rejected the theory and plan of the Roman Ordinal. May I quote from the very powerful address made at Batavia by my associate, Mr. Perkins.

“The Ordinal” he said, “was adopted when
“the Anglican Church separated itself from
“the Roman Catholic Church. It was adopted
“and has remained substantially in the same
“form as it was at the time of that separation;
“and the differences in the ordinals of the two
“churches are certainly interesting and important.
“I have taken the pains to provide myself with a
“statement of what is in the ordinal of the Roman
“Catholic Church that I may know what is the
“requirement of that Church. The adoption of
“our ordinance was a part of that great Protestant
“movement out of which the Church to which we
“belong was formed. A priest in the Roman
“Catholic Church submitted himself wholly and
“entirely to the decisions of that Church. But it
“was the revolt of the great mass of the people
“against the beliefs, against the rules and the
“procedure and the practices of the Roman
“Catholic Church that led to the Protestant seces-
“sion, and the organization of the Protestant
“Church. Here is what Pius IV says is the ordi-
“nal or rule to which each priest in that Church

“ subscribes, and we certainly think there is no
 “ principle more familiar to any lawyer than that
 “ when a change is made in a law it must be pre-
 “ sumed that those who made the change had some
 “ purpose in doing it. When a statute reads in a
 “ certain way, and another statute is passed which
 “ establishes a new provision, the courts will
 “ always, in construing it, consider the reason for
 “ inserting the new provision, holding that there
 “ must have been some reason for the change or
 “ they would have let the old law stand as it was.
 “ What does Pius IV say, and certainly he could
 “ well be with the prosecution in this case, for he
 “ says : ‘ I most firmly admit and embrace the
 “ ‘ apostolical traditions, and all other observances
 “ ‘ and constitutions of the same church. I also
 “ ‘ admit the sacred Scripture according to that
 “ ‘ sense which Holy Mother Church, to whom it
 “ ‘ appertains to judge concerning the true mean-
 “ ‘ ing and interpretation of the sacred Scripture,
 “ ‘ hath holden and still doth hold.’ Does the form
 “ of the ordinal of the church of which we are
 “ members agree with that form ? Manifestly not.
 “ We do not ask the presbyter who enters the Pro-
 “ testant Episcopal Church to admit the sacred
 “ Scripture according to that sense which Holy
 “ Mother Church, to whom it appertains to judge
 “ concerning the true meaning and interpretation
 “ of the Scriptures, hath holden and still doth hold.
 “ Instead of that they assert that which is the basis
 “ and essence and foundation of Protestant belief,
 “ and that is the right and duty of the exercise of
 “ the individual conscience and the individual
 “ examination of Holy Writ. The priest, instead
 “ of saying, ‘ I will accept the sacred Scriptures
 “ ‘ according to that sense which Holy Mother
 “ ‘ Church hath given,’ takes his oath that he will
 “ teach nothing except that which he is persuaded
 “ may be concluded and proved by the Scriptures,
 “ and that he will be diligent in the study of the
 “ same.

“ After all is said and done, our Church is—
 “ though as I know, some who are interested in

“ this prosecution regret that it is,—a Protestant
“ Church. It is Protestant by its name ; it is
“ Protestant in belief, in the teaching of its
“ articles, and in the ordinal by which its presby-
“ ters are bound. Its faith rests upon that con-
“ scientious study by the individual of the Holy
“ Scriptures upon which all Protestantism rests.”

“ There are many who will doubtless find that
“ their intellectual beliefs, and the tenets that
“ they wish to be held, are more consistent with—
“ that they could themselves abide with more
“ comfort and more satisfaction in—the principles
“ and the doctrines of that great church of which
“ we are not members. But I apprehend that this
“ Court will dispose of the questions that arise in
“ this case by the principles which govern the
“ Church of which we are members, and which
“ appeal to the intelligence and belief alike of the
“ clergy and laity of the church.”

I am aware that before a postulant is admitted to the diaconate or a deacon to the priesthood, he is subject to examination quite apart from the service of the ordinal, and that the Bishop or those acting for him may require proof of belief in literal interpretations where Dr. Crapsey and those who agree with him are content with spiritual interpretations. Whether that were so or not, when Dr. Crapsey was examined before his ordination does not appear, and I do not know. But if it were so I should ask the Court to observe—and it seems to me that the Church must realize—the difference between tests which it may apply to the opinions of one seeking admission and tests which may be applied upon a heresy trial to the opinions of one who, while in other respects faithfully performing the duties of the priesthood, has diligently and honestly pursued the study of doctrine in accordance with his solemn vow. The Church surely, having commanded the priest to study and to exercise his faculties, will

not punish him for a result to which his God-given guidance and God-inspired conscience has led him. If, indeed, he has thus been carried out of the Christian faith, if, however honestly, he has surrendered up its great fundamentals or any one of them that is integral and necessary to any real Christian faith, then the Church may justly ask him to resign his office or, if he will not, then may justly dismiss him. But there is here no such question.

Gentlemen of the Court, you cannot deny human nature. You cannot make all men, or all pious Christians, look alike or act alike or see alike, or, to the letter, believe alike. This is the ordinance of God. The Church will, at its peril, forget it. You cannot forget if you are to deal aright with this great question of Discipline for Heresy, a question so vital for the Church, so significant to its inner life and holy purpose.

You cannot wisely forget that our communion holds two great bodies of men working on different lines, but none the less to one end, and with equal loyalty to the cause of Christ and His historic Church. If we were to lose either of them, the schism would be disastrous beyond words to express. Truly, it would be a rending of Christ's garment. The divine wisdom of the Apostles prevented the disaster during the Pauline and Petrine divisions. The wisdom of the Fathers in the days of Henry VIII and Edward VI and Elizabeth again prevented the disaster. Again, two or three generations ago, it was prevented by sacred statesmanship when indignation holy flamed out against the eloquent and saintly men of the Tractarian movement in England or against the later movement commonly called Ritualistic, of which

in our country the loved and trusted leader was Dr. DeKoven, truly the bishop of a great diocese of hearts and souls though the mitre was churlishly kept from his head. Nor is this wide and deep affection confined to-day to the Church in America. Our English brethren suffer under it or rejoice over it no less than we do. It appears in the Roman Church. It is so integral a necessity of the human nature with which God has dowered us that it is found even among the small body of Unitarians. Nor is there a single important faith between these extremes which is not held by men thus divided. For some there can be no truly living and catholic Church of Christ unless its Discipline permit a comprehensive and honest liberty upon matters not fundamental. For others, her creeds and formularies are as fixed and rigorous upon the lesser or non-vital doctrines, and upon their interpretation, as upon the fundamental belief in God or in the Incarnation to accomplish the triumph of faith over sin or in the Resurrection to Immortality. For some the Church of Christ, or at least the part of it included in the Anglican and allied communions, is bound to a future career of ennobling growth and of sacred change from lower to higher, from narrower to wider, always carrying the fundamentals of its faith nearer and nearer to the ideal of a triumph over the whole earth. For others the Church has received and infallibly teaches a body of many doctrines, some more, some indeed less, important, but all once and forever and with unchangeable form and interpretation adopted by our spiritual forefathers and received by the Church of to-day, and all to be held by the faithful without study or inquiry which may induce or suggest change or doubt.

For some the faith is a living force bound to grow and develop under God's hand and through His manifold revelations with the developing mind and conscience of man until Heaven shall swallow up Earth. For others the faith is a jewel once delivered to the saints, its shining and crystalline perfection to be esoterically preserved without the changes or risks of growth. For them the belief in the miraculous generation of the earthly body of Our Lord is essential to their belief in the Incarnation; as is the belief that it was in that earthly body with all its identity that He rose and ascended to Heaven. For the first those beliefs have held great truths imperfectly or figuratively expressed as in God's wisdom was for a time necessary for minds not yet equal to a fuller and better light. They, and Dr. Crapsey among them, fix their eyes, and perhaps too exclusively, upon Christ's peremptory sayings, that "that which is born of the flesh is flesh, and that which is born of the Spirit is spirit,"* and that "they that would worship God must worship him in spirit and in truth."† They find their bounden duty in the divine warnings that the ministers of God are to be "ministers of the new testament, not of the letter but of the spirit, for the letter killeth but the spirit giveth life,"‡ that we must "walk by faith not by sight;"§ that "flesh and blood cannot inherit the kingdom of heaven;"¶ that it is foolish, as St. Paul declares, to believe that "the body which is sown is the body which is to be;"¶¶ "that

* John 3, 6.

† John 4, 24.

‡ 2 Cor. 3, 6.

§ 2 Cor. 3, 7.

¶ 1 Cor. 15, 50.

¶¶ 1 Cor. 15, 36.

we should serve in newness of spirit and not in the oldness of the letter;" * that although the Holy One was put to death in the flesh, He was quickened by the Spirit and "went and preached unto the spirits in prison;" † that the resurrection of the dead is the sowing of the natural body in weakness and the raising of the spiritual body in power. ‡

I believe that any man, however high or sacred his calling, who should drive out of the Church or stifle sincerely pious men of either of these forms and habits of faith, would be guilty of an unwitting treason to her true purposes and her true career. Whether it were the Evangelical shocked to prosecuting anger against the Ritualist or Latitudinarian, or the saint rigorous in high devotion to all the mysteries and the literal dogmas of the faith, but intolerant that his brother, for whom their spiritual verity is their all-sufficient significance, should kneel with him within or without the chancel rail—equally would both make impossible a living and catholic Church.

I do not praise or even defend every saying of Dr. Crapsey which is quoted in this indictment. Some things he said perhaps harshly or crudely. I wish, for instance, that when he wished to say, and to say upon certain scriptural warrant, that the Lord compels those who appeal to physical force to abide by physical force, he had not, through the ellipsis of his expression, shocked us by the phrase that Jesus "knew as well as Bonaparte that God is always on the side of the strongest battalions and the more skillful commander."

* Romans 7, 6.

† 1 Peter 3, 18, 19.

‡ 1 Cor. 15, 42, 43.

Such criticisms can be made upon every crowded man who speaks or writes much. But whether well said or ill said, whether doctrinally correct or incorrect, everything quoted against him from his thoughtful and noble book fits his life and his long and sacred service in this, that it is an affirmation plainly intended, whether skillfully or not, to express and exalt the spiritual side and meaning of the undoubted and fundamental truths of our precious faith.

I have heard it said, since this controversy arose, and in the language of the street or of men after dinner, that all there is of this case is this, that Dr. Crapsey should "stick by the rules of the Club" to which he belongs or "get out." My friend, Mr. O'Brian, seemed at Batavia to think this a sufficient view; for he was much concerned with the text of the stipulations and rules adopted at Philadelphia more than a century ago when the American Church was organized, excluding, though, he was careful to do so, the "Thirty-nine Articles"—the only complete formulary of belief now in force which was adopted by the Anglican Communion and our own.*

Dr. Worcester well said below that this view of the Church, if to us it seemed unworthy and absurd, was to pious and catholicly minded men who sympathize with the prosecution, nothing less than abhorrent and detestable. They and we and you, Rt. Rev. President and your associates, are, I know, agreed upon this at least, that this precious and holy Church of Christ is no mere creature of literal by-laws, no mere membership of formal stipulations humanly devised, but is His divine and living society now in part on earth, and

* Record, p. 74.

in part, and presently to be altogether, in Heaven. We might well suppose that none of her ministers or members should be cut off unless by overpassing the sacred and spiritual limits prescribed by the Head of the Church Himself. But, at the least, her formularies and canons, when invoked against one sincerely and piously in her service, must be construed, not literally but broadly, with reference to the whole purpose of her being and her future career.

Nor is it of moment that Dr. Crapsey, in his more spiritual interpretation of the doctrine of Christ's birth, is in a minority of the faithful sons of the Church. To be in a minority is far—very far—from proof that one is right. It has been wittily and truly said that some men would rather be different than to be right. But of all bodies of men, this organization of the Christian Church on earth is the least likely—or should be—to invoke the voice of the majority of the time as making a conclusive presumption. Not one of its truths but was first and long, and by very few, preached to deaf ears and unsympathizing minds and had its way to make through the blood of the martyrs. Least, almost, of all can this American Church of ours lay stress upon majorities and minorities. Is it not a grief to every member of this Court that her own progress in numbers and her hold upon the masses of people have not yet been greater as compared with the progress of the country and the hold upon masses achieved by other religious bodies. Should we not rejoice if our communicants were more, far more, than one out of every hundred of the population; if the communicants of the Baptist churches were not six to our one, of the Methodists eight

to our one, of the Presbyterians and Lutherans each two or three to our one ; if even the so-called "Disciples of Christ" did not outnumber us. Should we not rejoice if, in number, we were first instead of seventh among the Christian denominations ; if in the number of organizations, of the number of ministers and the number of church edifices we were first instead of seventh ; if in seats for worshippers we were first instead of eighth. Would we not that our highest statistical rank in the faculties and incidents of Christian usefulness in this American land were in something else than the money value of our church property ?* Yes, indeed, we shall judge truth and right by something higher than majorities.

Surely the Bishop of Fond-du-lac is not right in his doctrine that the Church is to fail ; that as soon

* The religious statistics of the United States appear in the Federal Census for 1890. The census exhibit for 1900 is not yet published ; but it is not, I suppose, likely to materially alter the proportions between the Protestant Episcopal and other denominations. The figures given in the Census for 1890 were as follows :

Denominations.	Ministers.	No. of Organizations.	Church Edifices.
Total.....	111,036	165,177	142,521
Baptists..... (13 bodies)	25,646	42,909	37,761
Catholics..... (7 bodies)	9,196	10,276	8,816
Congregationalists.....	5,058	4,868	4,736
Disciples of Christ.....	3,773	7,246	5,324
Lutherans..... (16 bodies)	4,591	8,595	6,701
Methodists..... (17 bodies)	30,000	51,489	46,138
Presbyterians..... (12 bodies)	10,448	13,476	12,469
Protestant Episcopal... (2 bodies)	4,224	5,102	5,103

as a predetermined number of the faithful—and he implies that the number is to be very small—are gathered into the fold, the Church's career will have been fully run and its rigorous orthodoxy, while visited with earthly defeat, rewarded with an heavenly and exclusive glory.* Does not his narrow pessimism come near to the Millerite and ~~this~~ Adventist delusions. His test of final and supreme success for the Church will be its inability to secure another convert. Is it surprising that, in the intelligent and populous diocese over

* His letter to the Living Church of April 15th, 1906, in which after pronouncing his not very Christian "anathema" upon those who, because of their doctrinal differences with him he declared to be "false priests or bishops" and "depravers of the Faith," he said :

"The Church of Christ will never conquer the world. It never was intended to do this. It will be persecuted, and, at last, the world will reject the Church just as it did Christ. It is doing it now. * * * But the Church, unconquered, will perform her heavenly office and gather into union with Christ those who will be members of the Kingdom of Glory. When the *predetermined number necessary* for the formation of that kingdom has been secured, Christ will come and usher in that blessed reign of eternal righteousness."

Approx. Seating Capacity.	Value Church Property.	Communicants or Members.
43,564,836	\$679,630,139	20,612,806
11,568,019	82,328,123	3,712,468
3,374,907	118,371,366	6,257,871
1,553,080	43,335,437	512,771
1,609,452	12,206,038	641,051
2,205,635	35,060,354	1,231,072
12,863,178	132,140,179	4,589,284
4,038,650	94,869,097	1,278,332
1,360,877	82,835,418	540,509

which a bishop with this ideal presides, and where his ministrations have been long and sincere the proportion of communicants of our Church to population is one of the smaller rather than of the larger of our dioceses.* Is this indeed the fit ideal of our Church's career? Is it not an ideal nearer the will of the Master which is found in the Latin words used by Archbishop Benson when, as Bishop of Truro, he wrote his brethren in behalf of the new Cathedral of St. Mary to be built on the sandstone cliffs of Cornwall : †

*“ Bishops are to know that this authority in
 “ jurisdiction in the Church is mainly committed
 “ to them for none other cause than that by their
 “ ministry and assiduity the greatest possible num-
 “ ber of men may be joined unto Christ, and they
 “ that be Christ's already may grow and be built
 “ up in Him, and if any fall away they may be
 “ led back to the Shepherd, the Lord Christ, and
 “ be renewed by healthful repentance.”*

Little wonder is it that under a great man holding that conception of the episcopal office, the Colenso schism in South Africa was healed and a fraternal relation begun with the Russian Church and the Established Church made to be in England a religious force such perhaps as it had never been.

Is not this, Rt. Rev. President, the temper and polity to be held by the ranks of our Church from those in your high station to the humblest worshipper? Is it not in this temper and polity that there must be found the true standard of Discipline for

* Whittaker's Almanac for 1906, pp. 337, 339, 117, 334.

† Quoted by Archbishop Davidson in his sermon in Quebec Cathedral on August 28, 1904, which is printed in his recent volume "The Christian Opportunity."

the organized and mighty host of Christian people holding and carrying the faith into the lives of men and the life of the world ?

Let me, before I sit down, return for a moment to Dr. Crapsey, my dear friend, whom, indeed though he be not out of life's middle years, with his active energy and genius unquenched, I must call my venerated friend. To him, I suppose, if this judgment should stand, there would be something poignant in his severance from the associations of his life. To leave his long-time and fruitful work among the plain people of his parish, so dear to him and to whom he is so dear, no longer to pray with them or speak to them; all this would be hard, but for him nothing in comparison with his loyalty to the truth of Christ and the Church as it has been given ~~him~~^{him} to see it. It was a pathetically fatuous suggestion of the Diocesan Court that within thirty days after he should learn what was the opinion of a majority of them, Dr. Crapsey should reverse—and acquaint the Bishop or Standing Committee that he had done so—not only his preaching, but also his inner belief, which, whatever its expression to men, he holds to the Almighty God who sees and knows, spite of declarations to bishops or lesser men. No one of that majority of the court below had had an experience in ministry for the Church nearly as long or as ample as his, or had done for the Church precious work in amount one-tenth as much as his, or had exercised a diligence or energy in sacred study and scholarship in any way comparable with his. Otherwise their decision would at least not have contained that unworthy suggestion of theirs of an insincere and untruthful submission.

Dr. Crapsey has made clear how he reads and interprets and believes the affirmations of the creeds as to the Birth and Resurrection of our Lord, and that the spiritual verity he assigns them is for him their true and all-sufficient and momentous import. If the Discipline of the Church must for this dismiss him, notwithstanding his firm and sound belief upon the great and essential fundamentals of its faith, he and his will be sorrowful. But, Rt. Rev. President and Gentlemen of the Court, not only he and his, but a great company of clergy and laity over the breadth of the land. You know very well that the American Churchmen who, last Epiphany, signed the declaration which had been already made by seventeen hundred English clergy were but a small part of those in sympathy with their opinion—whether right or wrong—that the real and spiritual foundations of the faith and creeds of the Church would, for Christian men, be strengthened, not weakened by study and discussion carried on “with entire candour, reverence for God and His truth and loyalty to the Church of Christ.”

If it were true, or could be true, that there was no place, no useful opportunity for sacred work, in this American Church of our love and hope, for a man appearing to us here as does Dr. Crapsey, then of course, it would be sorrowfully demonstrable that there is no place for a great body of clergy and a vast body of laity. Although I am but a layman—and one of the least of this body—I do not hesitate to say to you, for you or some of you know already, that in pious and faithful and energetic devotion to the Church, to the many sacred causes which find their best centres and inspiration in her cathedrals and churches and chapels, and in wide

and great success in all their labors for her, and in eager and indomitable promise of still greater achievement for her future, no body of men is of more importance to the Church. Even they, though they were thrice as useful, must, of course, yield to the necessity, if any such there be in this cause, that the Church shall not abandon any fundamental truth. But their sincere and profoundly anxious feeling and opinion ought to be respectfully and fraternally regarded. They see, as you see, that, if Dr. Crapsey must go, he will not go alone. For many—very many—whether in the clergy or the laity must then ask themselves and themselves answer the question, Is there here a place for me—an honest man? For the laity, no less than the clergy what you adjudge will be a momentous answer to the question at what line, when practised within the Church, conscientious thought and speech become dishonest. Among the laity—as I, a layman, may tell you—and among those most devoutly strenuous for the Church—and far more rapidly than you perhaps, imagine—and long, very long, before Dr. Crapsey opened his mouth upon them—had spread the belief that the true meaning of these items of the Creed was not physical and literal, but spiritual. They know—they have learned it from orthodox bishops and learned doctors as well as out of their own study and thought—they know that—without heresy trials and often without controversy—silently and surely, as God has enlightened and exalted man's mind—physical and literal interpretations of other credal affirmations have given way to deeper and truer and more spiritual understanding of them; they know that this was so with the Descent into Hell, the

Ascent into Heaven, the Session at the right hand of God, and the Resurrection of the Body. They know also that through wars and blood and tears innumerable, this change in current orthodox understanding had for us come to the affirmations in the Holy Communion, "This is My Body," "This is My Blood."

The prosecution now asks you to approve as a disciplinary rule of our Church that, if a clergyman believe that the credal statements as to the Conception of Christ and His Resurrection in like manner mean spiritual reality and not physical phenomena, the clergyman speaks and acts a lie whenever he recites the Creed. If you shall approve this rule, then, of necessity, you approve the rule for the laity. You might not, perhaps, advise excommunication of a layman as you might depose a priest for his solemn recital of the Creed before God's people, while in his heart, and at other times on his tongue, is a belief which you say makes falsehood of the recital. But that does not signify. Common honesty and self-respect are for laymen as well as for the clergy. Would it be fit for me, at morning service and at evensong to pronounce these sacred words, knowing that, in the settled mind and judgment of the Church, I was pronouncing a sacrilegious lie? If ecclesiastical authorities would permit it, would I myself permit it? Never, if I were an honest and reverent man. So with adult candidates for Baptism and for the parents and god-parents of children to be baptized, and with everyone, young or old, who comes to the Bishop for Confirmation. Every one of them must, to the question, "Dost thou believe all the Articles of the Christian Faith as contained in the Apostles Creed," answer "I do," or affirm

a like answer before made by him or for him. Would the Church tolerate this?

Rt. Rev. Bishop, if such be your judgment and that of the Church, we have, indeed, reached an epoch in the religious history of our land. It will not signify that our English brethren have thrust this obstacle out of their way. It will not signify that some of those who were once loyal Churchmen in the United States may still find comfort in congregations of the Anglican communion, when they cross the ocean or the Canadian line, since there it is not now or ever likely to be an offense to interpret spiritual things spiritually. Neither God nor His truth will fail. Even if our American Church surrender its apostolic career and become forever a sect, tabernacles will be raised up for those who with honesty in their hearts and devout honesty upon their lips would bring to Him who is a spirit, their worship in "spirit and in truth."

Whatever your judgment is to be, whether for a catholic or a sectarian future of our Church, we may all pray that this shall be its last trial for heresy. For was there ever a heresy judgment useful to establish truth or to suppress error. I will not say that no heresy judgment has been right and even useful. But how difficult to recall the practical usefulness of such a judgment. In the dioceses where patience and forbearance, and not presentments, have made the rule, has there been less or poorer religious life or less progress of the Church than in those where these contentions have swallowed up the vital energy requisite for creative and instructive work? You may read in the sketch of Dr. Pusey by the Rev. Dr. Edward Hatch,* that,

*Encycl. Britt., article on Edward Bouverie Pusey.

after he was suspended from the ministry for real or supposed heresy in his sermon before Oxford University on *The Holy Eucharist a Comfort to the Penitent*, "the *immediate* effect of his suspension was " the sale of 18,000 copies of the condemned sermons, that its *permanent* effect was to make Pusey " for the next quarter of a century the most influential person in the Church of England." You may also read that, after all idea of disciplining him was abandoned and his opinions subjected to free and wholesome and drastic discussion within the Church, neither opinion being given the fatuous and futile aid of ecclesiastical prosecution, the importance of his doctrinal interpretations before long began to decline so that it is written of him that he " survived the system which had borne his name," that " his followers went beyond him or away from him," and that his adherents ceased to exercise " an appreciable influence upon the intellectual life of England."

If time permitted, a hundred illustrations could be given of this profound lesson in the sacred statesmanship of the Church which was commanded by her Master to be as " wise as serpents " as well as " innocent as doves." *

Was not the true and wise Discipline of the Church, the one most consistent with her best ideals and her best and most successful practice, the one most full of promise for her future and beneficent progress, years ago put before ~~the~~ conventions of the Church by James De Koven when he was speaking, as some of us thought in behalf of heresy at the other extreme from that of which Dr. Crapsey is accused? I should thank God to read his very words at the fore-

* Matthew, 10, 16.

front of your judgment. With them I leave you this cause. He said of our Church,* that it

“ is meant to be, not a Church for to-day,
“ but a Church forever—the American Catholic
“ Church. * * * Why may not this Church
“ of ours give peace to the divided branches
“ of Christ’s Church. * * * We live in
“ troublous times * * * . It does seem to
“ me the day is not now to legislate on nice
“ points of doctrine, or to prescribe exactly
“ the measure of a genuflexion or the angle
“ of inclination which can express an orthodox
“ devotion. The answer to all this panic and
“ all this outcry is one and only one: It is
“ work—work for the cause of Christ; work
“ for the souls of men; a fuller, deeper, more
“ noble sense of the obligation of the Church,
“ developing its powers and sending it forth
“ to mould and form this nation of ours, and
“ to give new life and vigor to every effort it
“ makes for the salvation of men. * * *
“ And I call you, brethren, in a time like this,
“ not to narrow hearted legislation, but to
“ broad, catholic, tolerant charity, and to
“ work, as men never worked before, for the
“ souls of those for whom the Saviour died.”

We ask you, therefore, Rt. Rev. President and gentlemen of this Court of Review, to reverse the judgment of the Diocesan Court. We ask you to reverse, because the judgment was rendered without jurisdiction and against the law of the Church and the law of the land; because the procedure of the Court was not lawful and not fair; and because the judgment of the Court in its form and purport was unlawful.

If, however, we are wrong and you cannot re-

* Sketch of Dr. De Koven in “Some American Churchmen” at pp.

verse for those reasons, we ask you to reverse the judgment because the judgment was rendered in violation of the sound policy of this Church with respect to Discipline for Heresy.

And if for this you cannot reverse, then we ask you to consider the questions of doctrine presented by the prosecution and to hold your determination of them until the American Church shall constitute its final Court of Appeals.

I.

LETTER OF THE REV. DR. HENRY S. NASH, PROFESSOR OF NEW TESTAMENT INTERPRETATION IN THE EPISCOPAL THEOLOGICAL SCHOOL AT CAMBRIDGE, MASS.

CAMBRIDGE, SEPT. 29.

DEAR MR. SHEPARD :

I trust that I may be pardoned for going over some ground already familiar to you. I am taking the liberty of putting the case as if I were writing for the Junior class at the Theological School. In this way, I think, I can best put the New Testament as a whole in its bearings on the matter in hand.

Will you also pardon me for seeming to trespass on your own proper ground? I do so because the New Testament, viewed in its growth and in entirety, strongly supports a point which you made—if my memory serves me—in the course of our conversation. At the outset I remind myself that the question of doctrine cannot come up. The correctness of the position taken by the lower court upon the Church's teaching is not brought in question. But it is possible that a given view of the Church's doctrine may be true in all details and yet be in error regarding the perspective of the whole. The emphasis which, as a result, falls on some particular point may be out of proportion. And the consequence may be that a question which, taken by itself, is purely one of doctrine, may, in practice, shade off into a question of procedure. It is conceivable that excessive emphasis on some one aspect of the Church's teaching may lead to a miscarriage of justice. I have in mind the division of opinion in the lower court. Mr. Dunham, in the minority, opened his mind to Dr. Crapsey's

noble confession of faith, and, refusing to stand upon the technicalities of the presentment, considered nothing but the heart and soul of the man as the Trial itself defined him. What I shall try to show is that the New Testament sustains the minority.

It is of the first importance to keep in mind the nature of the Church as we conceive her, lest unclear thinking may confuse our position with that of the Roman Catholic Church. Such confusion is more or less common, And the zeal becoming to Churchmen in defense of a Creed which has proved itself invaluable as a means to clearness of mind, steadiness of aim and depth of devotion, may easily swing them into a position inconsistent with the Church's own holdings. The Roman Catholic Church consciously and deliberately puts Tradition on a level with Holy Scripture. Our own Communion has quite as consciously and deliberately abandoned that position. Both in the Articles and in the Ordinal, the Supremacy of the Written Word of God as the guide of Christian consciousness and conscience is emphatically affirmed.

The saving supremacy of God's word is the necessary premise we are to come to any understanding. Starting with that premise the conclusion which I endeavor to draw is based upon the Historical view of God's word. By that is meant the knowledge of it as it is in itself, distinct from the interpretation which was afterward put upon it. Our premise forces us to control the interpretation by God's Word and not to control the Word by the interpretation.

The historical view of the New Testament Scriptures enables us to study them in their growth, to view them as an organism of truth and thus to distinguish between the fundamental and the secondary. All the truths of Scripture are not on the same level. God's Word has its own emphasis and lack of emphasis. Our contention is that reverence for the Divine Revelation, taken in its entirety, compels us to give close attention to the perspective of saving truth, to weigh its silence

and estimate its emphasis, when we are handling a question pregnant with vital consequences for the Church in all time.

It is now practically agreed that the Gospel according to St. Mark is the earliest among the canonical Gospels. The relation between the Gospels involves a number of questions which are far from being settled. But it seems reasonably certain that, in reading St. Mark, we are carrying our minds back into the earlier feeling and emphasis of the Apostolic Church. The second Gospel is the primitive type. In its proportion and perspective it represents the mind of the Church during the first thirty or forty years after our Lord's Ascension. It becomes highly significant, therefore, when we find the Gospel in total silence regarding the birth of the Saviour. It is true that the argument for silence, here as in other places, must be held with bit and bridle lest it fall upon us. If we were contending against the truth of the Virgin Birth, the silence of St. Mark would prove altogether too much ; for it would prove that the Apostolic Church knew nothing and cared nothing about Her Lord's life before His public ministry. And that is unbelievable. But we are not contending against the fact of the Virgin Birth. Personally I accept it. Our contention is that the Apostolic Church, during the first thirty or forty years after the Ascension, put no emphasis on the Virgin Birth.

The weight of the argument built on the second Gospel gains in strength when we remember that, according to the tradition of the ancient Church, St. Mark drew upon the preaching and the memory of St. Peter. There is no sufficient reason for invalidating that tradition. We have then the striking fact that the Apostle who, by our Lord's choice and ordinance, was the head of the Apostolic band, and who, under the guidance of the Risen Christ, led the Church in the heroic early years, so preached Christ and so published the story of the Saving Life that his follower and interpreter, St. Mark, passed by the Virgin Birth when he set his hand to the telling of the Gospel Story.

The evidence taken from St. Mark is immensely strengthened when we pass to the fourth Gospel. Here again unsettled questions meet us. But I am personally confident that the Church's tradition regarding its authorship is substantially correct. Whatever may be the final conclusion concerning the process by which the text of the Gospel came into its present shape, I am confident that the Apostle John will be accepted as the creative mind in and behind the cast of thought called "Johannine." I believe, therefore, that the silence of the primitive Gospel regarding the Virgin Birth is seconded by St. John. This, the latest Gospel, was published towards the end of the First Century. It is to be noted that St. John differs widely from St. Peter both in work and in genius. He has outlived the fall of the Holy City. All the other Apostles have died before him. His life goes deep into the great debate of the Church with the heresy of the First Century. The essence of that heresy, known as Gnosticism, was the denial of our Lord's humanity as being inconsistent with the Incarnation, the declaration that the Heavenly Christ came down from above at the time of our Lord's baptism, and temporarily and loosely connected himself with the terrestrial Jesus. In opposition to this heresy, one is forced to think, the Apostle John must have found a motive which necessarily impel him to enter into the question of the Saviour's birth. But he adds his silence to that of St. Peter. It has been urged that the fact of the Virgin Birth underlies certain passages in the fourth Gospel such as "I am from above" (8, 23). Conceding that this may be so, it may again be repeated that we are not arguing against the fact of the Virgin Birth. Our whole concern is with the question of New Testament perspective and emphasis. Concede, for the sake of argument, that the assumption of the Virgin Birth underlies the Johannine report of our Lord's Words. The concession does but strengthen the main contention. The latest Gospel confirms the inference

drawn from the earliest. The Virgin Birth is not in any sense emphasized.

This is not all. The fourth Gospel is not only the latest Gospel. It is the most mature and the deepest-minded. St. John, under the pressure of heresy and the inspiration of God, marked out the path, in which the Church was to walk, by fusing the great controlling and organizing conception of the Logos with the Person of the Saviour. He who lay on the breast of Jesus, who knew Him as no other Apostle knew him, shaped the thought of the Incarnation which the Catholic Church adopted as her Creed and platform. Yet no word is said concerning the Virgin Birth.

The Gospel according to St. Mark and the Gospel according to St. John taken together—what do they prove? Unless we are to convert the Holy Scriptures into a dictionary of quotations, unless we refuse to believe that God's word is to be interpreted according to the proportion of faith, then it irresistibly follows that the two Supreme men amongst the personal followers of the Saviour put no considerable emphasis on the truth of the Virgin Birth.

But the full evidence is not yet in. St. Paul joins his forces to St. Peter and St. John. When we consider the number of his letters, the field of time over which they are spread, the variety of occasions and needs which brought them to light and the wide and deep experience of the Apostle himself, his complete silence regarding the Virgin Birth is, perhaps, more significant than the silence of St. Mark. But that is immaterial. The essential point is that St. Paul was the most fertile and many-sided mind of the Apostolic Age. He touched all the speculative and practical questions which vitally concerned the Catholic Church. And he touched them all with creative power. Yet not once does he speak of the Virgin Birth. In two passages (Rom. 1, 3; 2 Tim. 2, 8) he refers to our Lord's descent from David. His words have been, as I believe, pressed beyond their limits when taken as evidence against the Virgin Birth. I

would not so use the argument for silence. But most assuredly, they are fairly taken when, in their simple reference to the Davidic descent of Our Saviour, they join with the Apostle's total silence elsewhere to say that he, like St. Peter and St. John, put no emphasis on the fact of the Virgin Birth. It is hard to conceive how the argument could be made stronger.

Now St. Peter and St. John were the main theological forces of the Apostolic Age. They wrought out for the Church the doctrine of the Incarnation as the only saving thought regarding the relation of God and man. The fact that they left unsaid what they did, when the fact is viewed in the light of what they say, cannot but have great weight. If they had been men of little faith or narrow faith, men of short experience or of contracted experience, their silence might be discounted. But while their silence cannot disprove the fact of the Virgin Birth, it does most conclusively prove that the deepest thought of the age which was inspired to give us our New Testament, did not look upon the Virgin Birth as a matter of life and death.

The Gospel of the Infancy, as we find it in the Gospels according to St. Matthew and St. Luke, gives the Virgin Birth its position within the New Testament Canon. Taken together with St. Ignatius of Antioch they give strong evidence in favor of a conclusion that belief in the Virgin Birth was part and parcel of Catholic Christian consciousness as early as the year 90. The marked difference between the two forms of the story in Mark and Luke attests the wide spread of the belief. Ignatius (died about 110) speaks of it in the tone of a man who had never doubted, who had never known anything else. St. Matthew, St. Luke and St. Ignatius join forces to prove that, at a fairly early period, the belief occupied a wide area of feeling and faith.

But this does not run counter to our contention. In two of our Gospels, and those the earliest and the latest, the doctrine does not appear. In St.

Paul's correspondence, wide and varied, touching all the vital issues of the Church's life in his time, it plays no conscious part. One has only to compare the Virgin Birth with the Resurrection of our Lord to see how slight is the emphasis put by the New Testament as a whole upon the former. The latter is the heart of the Christian Scriptures. The belief in it pervades and controls the Apostolic consciousness. We find it everywhere in plain sight. Where it is not in plain sight, it is close to the surface, coloring old phraseology, and creating new uses of established religious terms. The contrast with the Virgin Birth could hardly be more striking.

If we recall the position taken at the outset, here is a fact of primary importance for those who clearly conceive the controlling principles and ideals of our Church. The parallel between our age and the First Century is strong. Then the Church went forth into a world made one by Greek thought and Roman power. Now she is girding herself for the conquest of a vaster world made one by the arms and the trade of modern nations and the growing devotion to truth which is the noblest feature of our time. The Word of God is the Church's light, shining in dark places. If it is understood in its own sense, it must be taken in its perspective. It was nearly half a century in forming. The books that compose it belong by origin and authorship to a wide sweep of space. By its intrinsic nature it is a book of life, not a body of academic teaching nor a system of definitions, but a book of life quickening both the conscience and the reason by its touch. Its silence and its reserves are as significant as its expression and its emphasis. This silence and this reserve should carry the weight of the divine Word, when the Church is dealing with those who find difficulty in accepting the fact of the Virgin Birth while they accept with complete assent the aim and purpose of the doctrine of the Virgin Birth put forward as corollary of the Incarnation.

The difficulties for this class of minds have been materially increased by the recent discovery

of the Sinaitic Syriac and the form in which it puts the genealogy of our Lord. The Roman Church can appoint a Commission on Bible-Study and, by the use of Tradition, settle all serious questions before Bible-Study really begins. But in the Church of our obedience no such position is possible. She does not care for a Cadmeian victory won by a method which in effect undoes her belief in the sovereignty of Holy Scripture. Reverent Scholarship is the child of the Living Church, not an alien forced upon her reluctant mind by an imperious world. The Church cannot deny to such Scholarship the right of patient inquiry without gainsaying herself. She rejects the testimony of Holy Scripture, and exalts the creed above the Word of God, if she pays no heed to the voice of the New Testament pleading for emphasis where emphasis is needed and for kindly dealing with doubt upon points where the Scriptures themselves have put no emphasis.

In the light of the New Testament, the action of the majority of the lower Court in practically refusing to take cognisance of Dr. Crapsey's confession amounts to a miscarriage of justice. The Court magnified the letter of our Canon Law till it overshadowed the genius of the Church which the Court was serving.

HENRY S. NASH.

II.

STATEMENT OF THE REV. ALGERNON S. CRAPSEY,
READ BEFORE THE DIOCESAN COURT AND THE
COURT OF REVIEW.

“I am not charged with the violation of any of the great moral duties which every man owes to his fellow-men. The accusation is, that in the exercise of my office as a preacher of truth and of righteousness, I have spoken words which it is unlawful for me to utter. These words are found in certain sermon-lectures.

“They were not delivered with any controversial object in view. I had changed the order of my evening worship to the afternoon, and my church was closed at night. I felt troubled about this and thought I would take advantage of the fact that the full Evening Prayer was said in the afternoon, to try the experiment of a preaching service. My whole intention was simply to exert my powers to the utmost for the instruction and edification of my people. In casting about for a subject which would engage their attention and be of use to them in the regulation of their thought and life, I chanced upon the Pastoral Letter of the House of Bishops of 1904. The very first page of that letter gave me a most interesting theme with which to open my preaching services. I intended that these preachings should be not simply exhortations, but should contain in them an element of instruction. And reading in the Pastoral Letter of the visitation of His Grace, the Archbishop of Canterbury, I determined to deliver a course of sermon-lectures upon ‘The Relation of the Religious to the Political Life of the World.’

“It is said that in so speaking I have violated a contract which I made thirty-three years ago with the Protestant Episcopal Church in the United States of America.

“I am far from saying that the church had no right to place any limit whatever upon the kind of truth which I should utter in my official capacity as her minister.

“Those limitations are expressed in certain answers which I made at the time that I received my authority to preach. The first of these limitations was that I should base my teaching upon the Holy Scriptures and teach nothing as necessary to eternal salvation but that which I should be persuaded may be concluded and proved by the Scriptures. This was the primary promise which I made at the time of my ordination, and all other promises must be interpreted by that. Certain other promises were made which may be thought to modify and limit this promise to study and interpret the Word of God. One promise, however, which does not limit, but which gives wider scope to this liberty, is that I would ‘be diligent in the reading of the Holy Scriptures and in such studies as help to the knowledge of the same,’ laying aside the study of the world and the flesh. A promise, however, which may be considered as a limitation of these two larger promises is that which I made ‘to minister the doctrine of Christ as the Lord hath commanded and as this Church hath received the same.’

“Now I claim, in the presence of this Court, that from the day that I assumed the authority to preach the Word of God, I have been diligent in the study of the Holy Scriptures, and have based all my teaching upon them. They have been the source of whatever doctrine I have delivered to the people. These books have been my daily companions. I have been diligent, as far as my pastoral office would permit, in their study, using such helps as lead to the proper understanding of the same. My whole mode of thinking is, I believe, fashioned by my constant contact with the Word of God.

“If my people came to me and say to me: ‘What shall I do to be saved?’ I answer them not in my own words but in the words of the Mas-

ter. On so weighty a subject I would not presume to be other than a disciple, in the strictest sense, of Him whom I acknowledge to be my Lord and Master in the spiritual life, and I desire that my people should listen to His very words and act upon them. Three times the Lord was directly challenged by this question of salvation: 'What shall I do to inherit eternal life?' His answer in two cases was: 'Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy strength, and with all thy mind, and thy neighbor as thyself.' And the Lord replied at another time to one who knew the law of life: 'Thou hast answered right; this do and thou shall live.'

"When the young man came and knelt at His feet and said: 'Good Master, what shall I do to inherit eternal life?' He said to him: 'Why callest thou me good; there is none good but God; but keep the commandments.' And when the young man asked: 'Which are they then?' the Lord spake of honoring the father and mother, doing no murder, committing no adultery, and the young man answered, 'All these have I kept from my youth up.' Then the Lord said: 'Go and sell all that thou hast and give to the poor, and come and follow me.' And I ever teach my people that to love God and man, to follow Jesus instead of the world, is the way of salvation.

"The charges that are preferred against me relate not at all to the Gospel of Christ, but I am accused of denying certain articles of the creed.

"A formal creed was necessary to the church only when the church became a great political institution, receiving into itself multitudes of people whom it had to discipline, and the creed was formed for the purpose of presenting a simple outline for the catechetical instructions of candidates for baptism. The creed, of and by itself, is not a presentment of the Word of God to the people; it is simply an assertion of certain facts about God. If we had the creed only and no further knowledge, we could know nothing at all of the Gospel of Christ. It tells us nothing whatever of the nature

of God,—whether He is good or bad. It does not tell us anything at all of the moral nature of Christ, and what He did or what He said, and, therefore, to understand the creed, we have to go back of it and interpret it; we have to read it in the light of its origin; we have to read it in the light of the thought of the men with whom it originated; and we have to interpret it and re-interpret it in the light and meaning of the changing thought of the world. Thus, while the creed may be useful for the purpose of presenting in a concrete form great fundamental ideas of the Christian scheme, it can by no means be taken baldly and alone as the one essential of Christian fellowship.

“ Believe me, I say from my heart, day by day, and hour by hour: ‘ I believe in God the Father Almighty, Maker of heaven and earth; and in Jesus Christ, his only Son, our Lord, who was conceived by the Holy Ghost, born of the Virgin Mary, suffered under Pontius Pilate, was crucified, dead and buried; he descended into hell; the third day he rose again from the dead; he ascended into heaven and sitteth on the right hand of God, the Father Almighty. From whence he shall come to judge the quick and the dead. I believe in the Holy Ghost, the Holy Catholic Church, the Communion of Saints, the Forgiveness of Sins, the Resurrection of the body, and the Life everlasting. Amen.’

“ And now, if it be charged against me that I do not give to the creed the same interpretation that some other men have given it, I claim that I do give to it that interpretation that is most consonant with the whole tone, temper and teaching of the Holy Scriptures, and also most in accord with the ways of God as I have learned those ways of His from my study of their manifestation in His outward works and in my own inward nature.

“ It has been asserted that I have denied the incarnation of Jesus Christ, our Lord. Nay, I have not denied; I have asserted the incarnation. If the Word was made flesh and dwelt among us in Jesus Christ our Lord, then that flesh was human flesh and human blood, and the flesh in which the Word

dwelt had its origin in the seed of man's flesh from which it is generated by a process so marvellous that it is an everlasting and constant miracle, and therefore, instead of denying, I assert positively the incarnation of the Word of God in Jesus Christ, my Lord.

“ It has also been asserted by my accusers that I deny the doctrine of the Holy Trinity. There are not three Gods, but there is one, and the Trinity is the unfolding of the one, not the addition of the three, to make one. I see in Jesus the very substance of God the Father. He is of the same substance, not of like substance. I see in Him a perfect union with the Father. I see in the Holy Ghost proceeding from the Father and coming to me the very substance of the Father Himself. I care not by what words these great spiritual facts are described, nor am I compelled by my ordination vows, or any other vows, to think in the terms of the Greek philosophy or in the terms of the Schoolmen. I have the right to think, and my generation has the right to think, in terms most apt to make these great truths real to our souls. To me God is not a definition; he is a living Being, and no definition can confine or fully describe His nature or my relation to Him. I know Him because He is in me and I in Him. My relation to Him is immediate and living. It is heart against heart, my heart in the heart of God.

“ When I believe in Jesus, I believe in this manifestation of the human life and of divine revelation. I see in Jesus that which I should do, and I also see in Jesus that which I should admire, and love, and worship. I see in Him the perfection of man's nature, and I also see in Him the fulness of the Godhead bodily. My belief in Jesus is not a formal belief, expressed in definition; it is a living faith in Him as my guide in life, as the master of my spiritual thought, as my elder brother, as one who has made me doubly assured of that of which I already had some knowledge, namely, that I have a Father in Heaven.

“ Jesus manifests the Father in me. He has

brought me to the Father. He has taught me in all my trials and tribulations, in all my hours of joy and sorrow, to kneel down with the full assurance of faith, to 'Our Father who art in Heaven.' So that ~~the~~ Jesus, the human and the divine become one. He is in the Father and the Father is in Him, and whosoever hath seen Him hath seen the Father, because for all the purposes of revelation to the human spirit, Jesus is all sufficient as the revelation of God to man. And so when I say I believe in Jesus, this is my faith.

"When I say, the third day He rose again from the dead, I do not necessarily mean that the body of Jesus, in which He lived His life here on the earth, was suddenly and by some magical process, dematerialized, so that it could come out of its grave and go through closed doors, and appear and disappear, but I do mean that Jesus manifested His spiritual body to the spiritual apprehension of His disciples and that apprehension was so keen and powerful that they saw the body of Jesus, they saw that Jesus whom they loved, they heard His voice, they knew He was not dead, they knew He was alive again forevermore; He broke for them the bonds of death and hell, He made His presence a power, and in the strength of His resurrection they went forth to conquer the world.

"And we believe in the persistence of personality and especially in the persistence of the personality of Christ. We believe that Jesus, the great person, has gathered to Himself all that men have ever felt and thought concerning their God. As an article of our faith, we believe that He is the virgin-born. We believe that His personality embodies for us all that is pure, all that is holy, all that we must aspire after, and we believe that the full person of Christ is with us to-day, not simply in the sacraments of His church, where His body is broken and blood poured out, but in and of us as it is written: 'Christ shall dwell in our hearts by faith, that we, being rooted and grounded in love, may apprehend with all saints and know the love of God which passeth knowledge.'"

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