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**Art. I.—PRESBYTERIAN ELEMENTS OF OUR
NATIONALITY.**

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THE vital and permanent elements which are assimilated in our nationality were derived from various sources. While, as a general rule, they had originally much in common, they were by no means homogeneous. There were marked diversities and peculiarities in New England Puritans, Dutch, Swedish, and Welsh colonists, Huguenot exiles, Scotch-Irish emigrants, and the Episcopalians of Virginia and the Carolinas. In what now constitute the Middle States, there was a preponderance of Presbyterians, and yet along with these were to be found many Quakers and Episcopalians. President Stiles, a few years before the Revolution, made an estimate of the relative strength of the Congregational Churches of New England and of the Presbyterian Churches outside of it, and, according to his calculation, the latter were but about one-fourth of the aggregate of both, or, in other words, the Congregationalists outnumbered the Presbyterians by three to one. If we concede to non-Presbyterians, who heartily co-operated in the region south of New England, a strength equal to that of the Presbyterians, we shall conclude that the latter were numerically one-fifth of the active Revolutionary force of the time.

But influence is not always proportioned to numbers. Positive and well-defined convictions will often give to a minority a preponderating force. That Presbyterians of the Revolutionary period were possessed of these, and that they acted upon them with consistency and energy, does not admit of question. Such convictions, moreover, are contagious, and peculiarly so under favorable circumstances. They mold the sentiments of the community. They communicate to others the enthusiasm with which they are entertained. A people, passing through a crisis like that which led to the establishment of our national independence, is peculiarly susceptible of impressions like those which would be exerted by the descendants of the Scottish covenanters and the brave defenders of Londonderry. The thoughts, words, and deeds of these men would naturally be a social leaven, and the principles which they held and avowed would readily acquire an undisputed ascendancy.

That this was, in fact, the case is evidenced by many incidents of our Revolutionary struggle. We need not cite any of the disputed issues of the Mecklenburg Declaration. Enough is freely conceded on both sides to substantiate our claim. The spirit of the convention that framed the supposed declaration determined the action of many more than it directly represented. Among the signers of the Declaration of Independence in Congress, there were men whose weight could not be measured by the units of their votes. Such men were Wilson and Witherspoon, and others who had been educated under Dr. Allison or at Princeton College. Their names inspired confidence, and their convictions, as well as their abilities, made them leaders of men.

How these men were formed—as well as the great body of American Presbyterians—and led to entertain and act upon the sentiments which they held, is more important as illustrating the Presbyterian elements of our national life than any census of numbers. It would not be uninteresting or unprofitable to trace the influence of such men as Witherspoon in council, or of Morgan or Stark in the field; and no history of our struggle for national existence would be complete which overlooked the influence and example of Presbyterian ministers, whether addressing volunteers from their own pulpits, or soldiers in the camp. But we are here more especially con-

cerned to trace the influences which made them what they were, and credit these as they should be credited, to Presbyterian sources.

The patriots and statesmen of the Revolution, notably such men as Otis, the Adamses, and delegates from Virginia, were not unfamiliar with the speculations of the political philosophers of England. They admired Sidney, and they borrowed the phraseology of John Locke; nor were they uninfluenced by the speculations of Cicero, Grotius, Montesquieu, and other writers on the law of nature and of nations. But the Presbyterians of the country had been imbued with kindred principles from an independent source. Rarely, perhaps, were they distinctly conscious of it. The mass of men are actually educated under influences which they are unable to analyze or historically to trace. Our Presbyterian fathers may even never have heard of some of the great writers in Presbyterian history, who had enunciated and vindicated those principles of civil and religious liberty in which from childhood they had been trained, in their sanctuaries and their homes. It is for us to do, what it was not in their power to do—trace the currents of traditional thought and conviction which had flowed down to them from the past, and created as well as beatified those fields of speculation in which their political and social, as well as religious, life was trained.

During all its earlier history, Presbyterianism had to struggle with persecution and intolerance. For more than a century it had to assert its right to be. In contending for its discipline and doctrine, it came frequently into collision with arbitrary power, but some were always found who refused to lower its standards. Contending for the truth, it became necessarily the champion of freedom and the assailant of despotism. In vindicating its principles and protesting against the invasion of the "crown rights" of the Head of the Church by pope, prince, or patron, it formulated its theories of natural law and inalienable rights in a series of works of remarkable force and ability, the merit of which later generations have never fitly recognized.

Before proceeding to notice these, it is proper to take note of the circumstances in which they were produced. While the seed of Reformation was germinating in Scotland, John Knox was at Geneva. That little republic, by the labors and counsels of Calvin, had become the model state of Europe. It had

flung off the yoke of civil and Episcopal tyranny, and shown the purity and vigor of the Reformed faith. Educated in this school, and in full sympathy with Calvin, Knox was prepared at the critical moment to become the leader, in some respects more than the king, of Presbyterian Scotland. He found the efforts of the Reformers withered, now insidiously, and now openly, by an unscrupulous queen, the pupil of the Guises and a tool of the Papacy. She attempted by her authority to arrest the preaching of the gospel. Submission to her command could only be treason to Christ. The "Lords of the congregation," admitting, with Calvin, that government was a divine ordinance, drew a distinction, recognized by later Scotch writers and by Knox himself, between the authority and the persons in whom it was invested. The "higher powers," commanding what they were authorized to command, must be obeyed, but when they commanded otherwise, they became tyrants and are to be resisted. Knox took the same view. Confronted with the queen, and asked if he thought that subjects having power might resist princes, he answered, "if princes do exceed their bounds and do against that wherefor they should be obeyed, there is no doubt they may be resisted, even by power," and Knox fortified his position by the conceded right of a child to disarm a frenzied parent. "It is even so," he said, "with princes that would murder the people of God that are subject to them; their blind zeal is nothing but a mad frenzy, and, therefore, to take the sword from them, to bind their hands and to cast them into prison till they be brought to a more sober mind, is no disobedience against princes, but just obedience, because it agreeth with the word of God." Such was the bold utterance in the presence of royalty of one "who knew not what it was to fear the face of any breathing."

Such was the precedent which warranted the author of *Jus Populi Vindicatum*, of whom we have yet to speak more fully, to assert that, though "the office and ordinance (of government) may not be resisted, yet the person who is therewith invested may be resisted, not as he is invested, but as he abuseth the power, and so divesteth himself." When Lethington disputed with Knox, and asked him where the prophets did ever so use kings and rulers, he unhesitatingly replied by citing the language in which it was announced—"not whispered, but so

as the people understood well enough," that "dogs shall lick the blood of Ahab and eat the flesh of Jezebel." There was more truth than courtliness in his censure of the crimes of royalty and of a blind obedience. "Many, now-a-days, will have no other religion than the Queen; the Queen no other than the Cardinal; the Cardinal no other than the Pope; the Pope no other than the Devil. Let men therefore consider what danger they stand in if their salvation shall depend upon the Queen's faith." And again, "If (the King) be an idolater, I find no privilege granted unto kings more than unto people to offend God's majesty." "That the people, yea, or a part of the people, may not execute God's judgment against their king, being an offender, I am sure you have no other warrants, except your own imaginations and the opinions of such as more fear to offend their princes than God." Knox told the Queen to her face, "the sword of justice, madam, is God's, and is given to princes and rulers for one end, which, if they transgress, sparing the wicked and oppressing the innocent, they that, in the fear of God, execute judgment, when God hath commanded, offend not God." Mr. Craig, Knox's colleague, shared his spirit, and exulted to state, what he had heard (in 1554) at Bologna, maintained before the University, "that all rulers, be they supreme or inferior, may, and ought to be reformed, or bridled by them by whom they are chosen or admitted to their office, so oft as they break that promise made by oath to their subjects." "The Congregation" vindicated the doctrine of their preachers in declaring, in open audience, that while government was a divine ordinance, yet "if wicked persons abusing the authority established by God, move princes to command things manifestly wicked, that such as can and do bridle the inordinate appetites of misled princes cannot be accused as resisters of the authority which is God's good ordinance."

We can honor the sagacity at least of James I., whose early years brought him into contact with men who held these views, when he declared that Presbytery agreed with monarchy (his name for tyranny) as well as God and the devil. Mad with the pride of prerogative, he undertook to curb the spirits of men who understood only too well their pedant King. Thus he initiated a century's struggle, destined to terminate only when the last royal Stuart had become an exile.

Knox died, but his mantle fell on the shoulders of Andrew Melville, who proved himself the hero for the crisis. The King was bent on securing, through Episcopacy, more pliant tools than Presbyterian ministers. Scotland, it was resolved, should have bishops. The King named his man to be Archbishop of Glasgow. He was a Presbyterian. The Assembly forbade him to accept the office. The King requested them to desist from their course. They decreed that if the candidate accepted the post, he should be excommunicated, and enjoined upon his Presbytery to do their duty in the premises. They did it, although Lennox, at the head of an armed force, entered the house where they were sitting, and ordering them to desist, dragged the Moderator from his chair, insulted, beat, and imprisoned him. To the King and courtiers, furious as they were, the Assembly was not disposed to yield. To the King they sent a bold statement of their grievances. They complained that he, by ill advice, had assumed spiritual power and authority that belongs to Christ alone, and that in his person these evil counselors would erect a new popedom, confounding jurisdictions which God had divided.

The deputation appointed to present this statement had reason to apprehend the wrath of the court. Timid friends entreated them not to appear. But Andrew Melville was at their head. "I am not afraid," he said, "thank God, nor feeble-spirited in the cause and message of Christ; come what God pleases to send, our commission shall be executed." And it was. Melville presented the remonstrance. The Earl of Arran heard it read, and then, looking at the deputation with a threatening countenance, exclaimed, "Who dare subscribe these treasonable articles?" "WE DARE," replied Melville, and advancing to the table, took the pen and subscribed. The other commissioners followed his example. The unprincipled courtiers were over-awed, and before their plans of vengeance could be perfected, they were overtaken by popular retribution or fled the land.

Melville represented the attitude of Presbyterianism confronting despotism. It might have taken his words, "*We dare*," for its motto. It did dare, and it endured. From the time when James I. resolved, by his arbitrary power, to suppress Presbyterianism and set up Episcopacy in Scotland, down to

1638, when, under Charles I., the scheme was ignominiously defeated, and the National Covenant banded the people to resist tyranny, the issue remained doubtful. There was power on one side and unbending principle on the other. Between these there was no peace, scarcely even a temporary truce. It was inevitable that in these circumstances the relative duties of rulers and ruled should be carefully studied.

The first great Presbyterian writer, to formulate his views on this subject, was George Buchanan. Born in 1506, and dying in 1582, his life covered a period during which the map of Europe was changed and the prospects of the world transformed. As a scholar, worthy to wear the mantle of Erasmus, he was at the same time a historian, a poet, a jurist, and a statesman, and withal a patriot and a Protestant. At St. Andrews he was a pupil of John Major, who, sharing the views of Gerson and D'Ailly, taught that kings were servants of the people from whom they derived their authority, and to whom they were answerable; and if they acted the tyrant, they might be controlled by the popular voice or judicially dealt with and subjected even to capital punishment.

With a varied experience of continental despotisms, Buchanan returned in the maturity of his power and fame to Scotland, there to find that the liberties of the country and the freedom of worship were threatened by an alliance of civil with ecclesiastical power. Experience confirmed his early convictions, and when he was appointed tutor to the young King, James I., he was not sparing in honest utterance or bold reproof. He wrote his history of Scotland, a treasure-house of precedents, showing that the Scottish monarchy was limited, that the duties of ruler and subjects were mutual, and that the people, in controlling or punishing their kings, had repeatedly exercised the prerogative of self-defense assured to them by the law of nature.

As James I. advanced to manhood, the embryo despot was developed in him. He could not hear Buchanan's history spoken of with patience. But to this history there was appended, in an edition published (1584) after his death, a memorable treatise entitled, *Jus Regni apud Scotos*. Its sentiments were in advance of the age, and yet the work had been prepared several years before it was published. To appreciate its merit,

we should bear in mind that it appeared nine years before the "Judicious" Hooker put forth the masterly views of his first book of *Ecclesiastical Polity*; fourteen years before Albericus Gentilis gave the world his *De Jure Belli*; forty-one years before Grotius produced his great work, in which in dealing with tyrants he fell far short of the boldness of Buchanan, and a full century before Locke had elaborated and published his theory of the Social Contract, all the essential principles of which are distinctly embodied in Buchanan's *Jus Regni apud Scotos*.

In this work he contrasts the king and the tyrant. He expounds that law of nature which is the law of God, discerned by the soul as the eye of the mind distinguishes the base from the noble; of which all laws pertaining to morals are but explications. Of this law no orator or lawyer is the author, but God himself, the author of human society; and on this, not on utility, must organized States rest.

The State does not exist for rulers, but rulers for the State. The people have the right to confer the governing power upon whom they will. The magistrate is like the physician: he must know his art and observe its rules, and these rules are the laws. A man himself, he needs, like any artist, the help of experience. But he must also be called of the people, and then *Rex esset lex loquens, lex rex mutus*. Experience teaches that liberty is better trusted to laws than to kings, and these laws which prescribe the mode in which the governing power bestowed by the people should be exercised, should come from the people themselves. Nor should kings have the monopoly of interpreting laws. Interpretation belongs to those who cannot be made the instruments of tyranny. The king is to secure to each subject his rights. If he usurps power not given, he is a tyrant. A king rules willing, a tyrant unwilling, subjects. Scottish monarchs have not been always hereditary. They have come to the throne by popular suffrage. When inaugurated, they have promised to observe ancestral laws and institutions. The people from whom they have authority are more powerful than kings. They may demand back, for just cause, the powers they gave. Other magistrates, as well as kings, are ordained by God. Yet God ordains no bad man to rule. The king who breaks through the obligations of the laws is a public

enemy. Civil and ecclesiastical power are distinct. Bishops are subject to kings in their civil relations, and kings to bishops in spiritual. Thus the power of kings is limited by conditions, by the nature of their office, by their coronation oath, by the source from which their power is derived. The Synod of Basle deposed a pontiff; a thief by night may be killed, and the king who makes himself a tyrant is a public enemy. He may be prosecuted in just war, and be deposed. He has no just authority. He has violated the terms on which he is admitted to rule. "*Mutua igitur regi cum civibus est pactio*" is the elaborately reasoned conclusion to which Buchanan comes, and in this we have the complete germ of that theory of the "Social Contract" which Locke maintained, which was embodied by the Revolution Parliament in the English Constitution, but which at an earlier date Buchanan's successors in Scotland had distinctly advanced and variously amplified.

Well might James I., true to his Stuart nature, resent such teachings as these. They came athwart all his most cherished projects of despotism. They laid a solid basis for constitutional and legal freedom, and held a rod of terror over the rash and desperate counsels with which the house of Stuart for one full century were besotted. In spite of resistance and warning those counsels were adopted. In 1638, however, the royal project to force Episcopacy on Scotland was brought to a sudden pause. Presbyterians revolted at the imposition of a Romanized prayer-book. The people rose almost *en masse* to enter their protest, based on the old, accepted principles of Knox and Buchanan. The National Covenant was signed with enthusiasm, in some cases with the blood which the signers drew from their own veins. The time had come to make the theoretic practical. England groaned under bondage and asked help of Scotland. A common interest bound them together. They acted in concert, civil war was initiated, and the forces of the Parliament were arrayed against the forces of the King. Here was the very crisis contemplated by Buchanan's speculations. Could the nation resist the "Lord's Anointed?" How could forcible resistance be justified?

Milton answered for England; but with a learning and energy, if not a genius, almost equal to his, Samuel Rutherford answered for Scotland. We pause a moment, surprised at

the mention of such a name. We have been wont to associate Rutherford with those glowing *Letters* of his, the *Song of Songs* of our devotional literature. We have figured him to ourselves in his obscure parish of Anworth, almost as a saintly recluse, so wrapped in divine communion and sacred musings, that we almost involuntarily apply to him the lines of Cowper:

“When one that holds communion with the skies,
Has filled his urn where those pure waters rise,
And once more mingles with us meaner things,
'Tis e'en as if an angel shook his wings;
Ambrosial fragrance fills the circuit wide,
That tells us whence his treasures are supplied.”

And yet the author of the *Letters* is the author also of one of the most elaborate political treatises of the time, the very title of which, *Lex Rex*,* indicates its scope and sympathies. Rutherford was one of the Scotch representatives at the Westminster Assembly (1643), but while in London his pen was ever busy, and *Lex Rex* is but one of several works which he produced in the decade that followed the opening of the civil war. This alone would have sufficed to vindicate his reputation as an earnest and able friend of truth and freedom. A thorough-going Presbyterian, he was a zealous adherent of the Parliament and a loyal son of Scotland.

In the preface we have the key-note of the book. “Truth to Christ,” he says, “cannot be treason to Cæsar.” He was urged to his task because “he considered that popery and defection had made a large step in Britain, and that arbitrary government had overswelled all banks of law, that it was now at its highest float.” As a minister of Christ he had a duty to discharge, for “pastors are to maintain the rights of people and a true church, no less than the rights of kings.”

* *Lex Rex : The Law and the Prince*. A Dispute for the just Prerogation of King and People, containing the Reasons and Causes of the most necessary Defensive Wars of the Kingdom of Scotland, and of their Expeditions for the Aid and Help of their dear Brethren of England, in which their Innocency is Asserted; and a full Answer is given to a Seditious Pamphlet, entitled, *Sacro-Sancta Regum Majestas*; or, The Sacred and Royal Prerogation of Christian Kings—under the name of *J. A.*, but penned by *Jo. Maxwell*, the Excommunicate P. Prelate. With a Scriptural Confutation of the Ruinous Grounds of W. Barclay, H. Grotius, H. Arnisæus, Ant. de Domi, P. Bishop of Spalato, etc. London, 1644.

With sound caution Rutherford lays the foundations of his argument. Government is from God, not from any inequalities of birth. "If all men be born equally free (as I hope to prove), there is no reason in nature why one man should be king and lord over another." But God never appointed an absolute king. Kings of his appointment were to be associated with judges, bound to judge according to his law, for "the judgment is neither the king's, nor any mortal man's, but the Lord's."* The true origin of government is stated to be in the law of nature. "It is not in men's free will whether they have government or no government, because it is not in their free will to obey the acts of the Court of nature, which is God's Court; and this Court enacteth that societies suffer not mankind to perish, which must necessarily follow if they appoint no government."

In establishing a government, it is a fundamental principle that "every living creature have radically in them a power of self-preservation," † "The power to create a man a king is from the people." "There is no title on earth now to tie crowns to families, to persons, but only the suffrage of the people." ‡ "The suffrages of the people of God is that just title and divine calling that kings have now to their crowns. I presuppose that they have gifts for ruling."

But the State Constitution hath below it the law of nature for its general foundation. Individual persons, in creating a magistrate, do not surrender what they hold by this law; they "do not properly surrender their right which can be called a right, for they do not surrender their power of doing violence to those of their fellows in the same community."

As "kings cannot infuse any sparkle of a divine majesty upon inferior judges, the latter, as much as the former, must have it from God; and, therefore, it is unlawful for kings to take this divinity from judges, for they resist God who resist judges, no less than they who resist kings." "The parliament are as essentially judges as the king," and "I see not what privileges nobles have above commons in a court of parliament by God's law." § Arbitrary power, as claimed by despots, Rutherford will not allow. "Absolute power to tyrannize is not from God." "An

* *Lex Rex*, p. 8.† *Ib.* 10.‡ *Ib.* 14.§ *Ib.* 59.

absolute power is contrary to nature, and so unlawful." "A people putting a king above themselves retain the fountain-power, and so are superior to the king." "When he abuseth his power to the destruction of his subjects, it is lawful to throw a sword out of a madman's hands, even though it be his own proper sword, and though he have a due right to it and a just power to use it for good." Indeed, "a people free, may not, and ought not, totally surrender their liberty to a prince, confiding on his goodness; because, liberty is a condition of nature that all men are born with, and they are not to give it away, no, not to a king, except in part and for the better, that they may have peace and justice for it." Absolute power on the part of kings on these principles is impossible, especially as men are not born kings, since "every man by nature is free-born," "free from all subjection except of that which is most kindly and natural—and that is fatherly or filial subjection, etc."

Neither are inferior magistrates absolute. "We allow no arbitrary power to parliaments;" * "nor is any arbitrary power in the people, or in any mortal man." The law of nature is the law of the community, "and not their arbitrary lust." Nowhere is there "power to waste or destroy." If a people had it to give they would sin in doing so. "If for nature to defend itself be lawful, no community without sin hath power to alienate and give away this power." Moreover, the king himself is a man; and so, under law, if he becomes a tyrant he may be lawfully resisted. He has violated the compact by which he holds his crown.

Rutherford on this point adopts fully the views of Buchanan. There is an implied, if not expressed, covenant between king and people, and this covenant "giveth a co-active power to each other." The covenant is conditional, and the failure of one party to observe the conditions releases the other. Sometimes, as in repeated instances in the case of Scottish Kings, the condition is expressed in the coronation oath. But "when the people appointeth any to be their king, the voice of nature exposeth their deed, though there be no vocal or written covenant." The king's dominion, from its nature, as well as its ser-

* Ib. 6o.

vice, is not masterly, but "fiduciary." It cannot rise above *salus populi*, which is, as asserted in the Twelve Tables, *suprema lex*.

But back of all this political speculation, and yet supporting it, there is in Rutherford's mind a profound respect for the dignity and the equal rights of humanity. "A man being created according to God's image, he is *res sacra*, a sacred thing, and can no more by nature's law be sold and bought than a religious and sacred thing dedicated to God." * With such convictions, Rutherford heartily co-operated with the friends of the English Parliament, and gave a specific application to doctrines of practical as well as theoretic importance. He justified resistance to the King, and vindicated the alliance established between England and Scotland by the solemn league and covenant. "The Parliaments of both kingdoms," he said, "ought to put to death cut-throat cavaliers raising war against the subject, *though the king command the contrary*." † In the actual circumstances of the case he did not hesitate to assert, "it is necessary and lawful for the States of Scotland to help their brethren in England." ‡

Rutherford's book produced a deep impression. It was carefully written, and its positions were supported by citations from a wide range of authors. The retired student of Anworth had the boldness and breadth of Milton, and his varied and extensive reading would have done credit to Richard Baxter. His book was studied as well as read. It was adapted to the age, but its principles were neither of merely temporary or local application. Attempts, but only attempts, were made to answer it, and it is reported, creditably to his sagacity, that Charles I., on reading the book, said he feared it should not have been answered. §

A new application of Rutherford's principles was to be made when, after the close of Cromwell's protectorate, Scottish Presbyterians, who had loyally clung to Charles II. as their covenanted king, received him back to curse where they had hoped he would bless. It was a dark day for Scotland when Argyle and Guthrie and Warristoun atoned by their deaths for the treason of their Christian patriotism. The King found sup-

* Ib. 91.

† Ib. 163.

‡ Ib. 378.

§ *Jus Populi*—p. 381.

plied to his hands, in abundance, the fit tools of his sinister designs. So far as Scotland is concerned, the reign of Charles II. is a reign of terror, ever cumulating with new horrors. The occasional ostentation of mercy was a new snare to entrap the unwary. An obsequious Parliament set the example of sycophancy to the King, by granting more than he demanded, and before he asked. It was, however, upon Presbyterianism and Presbyterians that the full venom of the King and courtiers was concentrated. The King could not be at peace while Presbyterianism, like another Mordecai, sat at the Scottish gate of his kingdoms. Bishops were more pliant; Episcopacy was more subservient. The purpose was fixed to root out Presbyterianism, and to plant in its stead its envious and hated rival.

To this end all the machinery of despotism, ecclesiastical and civil, was constructed. Argyle was got rid of, but not till his words, as he mounted the scaffold, "I could die as a Roman, but I choose rather to die as a Christian," had thrilled the heart of Scotland. Other kindred spirits followed. Rutherford's *Lex Rex* was burned by the order of the pliant Parliament, and he was summoned to appear before them at Edinburgh and answer to the charge of high treason. But, lying on his death-bed, he sent back word, "Tell them that I have received a summons already to appear before a superior judge and judicatory, and I behove to answer my first summons, and ere your day arrive, I will be where few kings and great folks come."

Episcopal candidates were found, and dignities were provided for them; the saintly Leighton among but not of them. Meetings of Synods, Presbyteries, and Sessions—the council proclaimed—were prohibited till ordered by the bishops. It was a paralyzing stroke. Few Presbyteries dared to meet and protest. The first act of the Parliament of 1662 was to restore and re-establish "the ancient government of the church by archbishops and bishops." Every kind and degree of church power which did not acknowledge dependence upon the royal supremacy was annulled. All leagues and covenants for reformation, notwithstanding the act and oath of Charles II., at his Scotch coronation, were pronounced treasonable, involving the guilt of unlawful oaths. All protestations and petitions were pronounced seditious. No questioning of the royal supremacy in

cases ecclesiastical was to be allowed, None might preach or teach in the schools or universities who did not own Episcopal government, and obtain a license from the prelates. All persons in public trust must condemn the National Covenant, although they might have subscribed it, and still believed it binding. Perjury was thus made a qualification for office.

Parliament adjourned, and the council was left to superintend the execution of its orders. The ministers were ordered to attend the Bishop's summons to diocesan meetings, and to recognize no others. Few obeyed the order. Then came the "Glasgow Act," formed by a set of men, as the Duke of Hamilton told Bishop Burnet, so drunk that day that they were incapable of considering anything that was laid before them. That act required that the ministers should procure presentations from patrons, and be admitted by the prelates to their charges, or be forthwith ejected. It closed more than two hundred churches, and left as many ministers homeless and dependent.

A few months later (1663) there was a new hardship imposed. Some Presbyterians, robbed of their pastors, were indisposed to hear the curates thrust into their places. A fine of twenty shillings was imposed if they failed to attend the parish church. The ejected ministers were still ready to teach and preach as they found opportunity. Beloved and honored, they brought together congregations that no house could hold. This was the origin of field meetings, against which the dragoons were soon to be let loose. To meet the case of those who frequented them, an act was passed, imposing enormous fines on absentees from ministers "publicly authorized." This act was called "the Bishop's drag-net," and those who were caught in it were subjected by a licentious soldiery, who acted the part of judges, to most oppressive exactions. Persons who would not sign the declaration against the National Convention were not allowed to engage in trade. It seemed to be the purpose of those in authority to make it impossible for a Presbyterian to breathe in Scotland. But harsher measures were yet to come. The Privy Council, of which the two Archbishops were members, was to outdo the Parliament, which was yet in session. It met and ordered all ministers included under the Glasgow act to remove themselves and their families, within twenty days, from their parishes, and not to reside within twenty miles of the

same, nor within six miles of Edinburgh, or any cathedral church, nor within three miles of any royal burgh, under penalties of laws against movers of sedition. Such as had fled to Ireland could not return and preach in Scotland under the same penalties, and "officers of the standing forces," as well as magistrates, were authorized to enforce the laws against absentees from the parish church, while the curates were encouraged to act as spies and informers against their parishioners. For this last provision the scanty attendance upon the curates' services was the apology. Their audiences were sometimes reduced to half a dozen persons, or even less. Presbyterians revolted against their spiritual guidance, and would submit to it, even in form, only at the point of the bayonet.

In 1663, Sir James Turner, with a body of troops, proceeded to the south and west to levy the fines that had been incurred by contempt for the curates. A military adventurer, unscrupulous and merciless, he was the right arm of a militant Episcopacy. He pillaged the country, and let his horde, as mercenary as himself, loose to waste and destroy. He took free quarters with those on whom the fines were levied, reveling in riot and drunkenness, sparing neither age nor sex, and seizing on what could be carried off and sold.

Meanwhile, preparations were made to establish a court of High Commission. It was not a whit behind that iniquitous institution of the same name, which a quarter of a century before had roused Englishmen to frenzy, and hurried forward that drama which closed with laying the monarch's head on the block. It was authorized to arrest and punish all offenders against the King's ecclesiastical supremacy and the iniquitous statutes of the time. It could censure, suspend, fine, imprison, employ military force, and do and execute what was necessary for his majesty's service. It was aided by the organized espionage of the curates, and introduced the terrors of a Spanish inquisition into every parish and every household. Some were impoverished with fines; some thrust into prison and left to rot there; some banished to remote parts; and some actually sold as slaves. It was made a criminal offense to take up charitable collections for the ejected and famished pastors. Sir James Turner was authorized to search the houses of people for arms, and carry them forcibly away. Conventicles, as the

field-meetings were called, were forbidden by proclamation, and private soldiers, without rebuke, were allowed to seize, fine, and punish those who failed to respect it.

In 1666 Sir James Turner renewed his visitation to the south and west. He proposed to execute the law, that, under penalty of exorbitant fines, held landlords responsible for the ecclesiastical orthodoxy of their tenants, masters for servants, and parents for children. He left behind him a track of desolation. None dared even to complain, well assured that complaint would be regarded as a new offense.

An act of horrid cruelty upon a poor and helpless old man provoked his neighbors to interfere for his rescue. The soldiers turned upon them with their swords, and were in turn resisted, and at length disarmed. There had been no project of insurrection, but all knew that their humane interposition would be accounted a crime, and punished without mercy. As a measure of self-defense, they determined to seize Sir James Turner himself, and they effected their purpose. But now they did not dare to disband. Others joined them, but in numbers too few to be formidable. Still, the alarm of their rising spread. All the forces that could be collected against them were called into service. There was fright at Edinburgh and Glasgow, and those places assumed the appearance of being in a state of siege. But the insurgents were too feeble to make a successful resistance. They marched to Lanark, renewed the covenant, published a declaration in their own vindication, and made ready for battle. Few, feeble, and exhausted, they offered for a time a spirited resistance, but at length gave way. Fifty were slain in battle, and as many more captured. Such was the issue of the "Rising of Pentland."

A travesty of legal forms completed the work which the sword had left undone. Eleven were condemned to be hanged, and some were subjected to the torture of the boot. But they triumphed in their death, and their last words were a living power in the hearts of those who witnessed their execution. Men could not but ask why they suffered, and why they exhibited such heroism on the scaffold. Prelacy might, indeed, be feared the more, but it was loved the less. Presbyterians could not be converted to the faith of the curates by the apostleship of Sir James Turner, or the High Commission.

It was while the enraged friends of royal despotism and prelacy were exultantly engaged in crushing out every symptom of insurrection—and even petitioning was accounted a crime—that voices were raised in behalf of the cause for which the martyrs of the covenant had suffered. They rang out in bold and fearless tones, as unequivocal and emphatic as the words of Buchanan and Rutherford. This is the more significant, as the freedom of the press was crushed, like other rights, under the heel of despotism. The press, it was said a few years later, and it was equally true then, “is blocked up against all such books that may offer a manifestation of the innocence of that (covenanting) people, and the injustice and inhumanity of their enemies, which is their only hope of preventing the world’s knowledge and condemnation of their actings.”* The books that appeared in behalf of the persecuted at this juncture were probably printed in Holland. They have no name of author or of publisher.

Of these publications, one was *The Apologetical Relation*,† written, it is said, by Brown, of Wamphray. It defended the right of the persecuted to assemble at the field-preachings, and to bear arms in self-defense against those who would violently assail them in the midst of their worship. It vindicated the position taken in *Lex Rex*, that the late war carried on by the Parliament of Scotland against the King “was lawful, both in point of law and conscience,” and that if that was lawful, “a war raised by subjects, in their own sinless self-defense, without the

* *Hind Let Loose*.—Preface.

† The *Apologetical Relation* I have been unable to procure. In a letter from Rev. Dr. Harper, of Newburgh, in reply to some inquiries, he states, “In regard to this work, there is a reference to it in the *Exposition of the Epistle to the Romans*, by John Brown, of Wamphray. This Brown was cast into prison, and afterward (having been permitted the alternative) banished to Holland, in 1662, for censuring those who sided with the so-called ‘diocesan assemblies.’ While in Holland he wrote the *Apologetical Relation*, which was afterward ordered by the Court of High Commission to be burnt in the streets of Edinburgh by the hangman.”

“He adds, that in the preface to Brown’s *Exposition*, the editor speaks of his singular judiciousness and honesty in being a faithful witness and wrestler for the purity of reformation, which appear in his *Apologetical Relation*, wherein he holds forth the dreadful and heinous nature of national perjury and covenant breaking, and convincingly discourses that it is not in the power of the nations to shake themselves loose of the sacred obligations, either as to the matter or manner of them.”

“Brown died in Holland, in 1679.”

conduct of their representatives, cannot in every case be condemned."

A more famous book than the *Apologetical Relation* appeared in 1667. It was entitled *Naphtali; or, The Wrestlings of the Church of Scotland for the Kingdom of Christ*. "The book," says Wodrow, "was compiled by two very great men; the reasoning part of it was done by one of the best lawyers of his time, Mr. (afterward Sir) James Stuart, of Goodtrees, whom we shall meet with frequently in the following periods; and the historical part by a very worthy minister, the Rev. Mr. James Stirling, minister of the gospel at Paisley." In this work a sketch was given of the struggles of the Scottish Church during the preceding century, and inwoven with it was a vindication of the cause of the persecuted Presbyterians. "Many thousands of innocent Protestants," it was asserted, "who never burnt either house or city, for no other alleged crime but their peaceable forbearance to bow to the idol which the King hath set up, are thrown into a furnace of fiery trial, seven times more heated than was ever known in the Christian world, for such a cause." In this book were reprinted the National Covenants, in which the right of the subjects to be governed by the common laws of the realm was distinctly maintained. It followed Buchanan and Rutherford in asserting that "all constitutions of societies and governments do virtually suppose and imply" mutual covenants, and "are founded thereon." It protested against the intrusion of the King into the ecclesiastical sphere, since "where a church is regularly constituted, and so acting, and by him sworn to be maintained, no king or prince ought so far to intrude himself into her power and privileges, unto which he is neither called nor gifted, as to assume to himself a sovereign and immediate power of judging and discerning upon doctrine, and her most spiritual rights and censures." This, Charles II. had done. Nay, more than this; he had violated his solemn oath and covenant, upon the faith of which he had received the Scottish crown. While "ecclesiastical power is not subject to the civil, so in matters ecclesiastical there should be no appellation from the church to the civil magistrates." Yet, had the King been placed on Christ's throne, and by "the absolute complement of all wickedness, and the heights of usurpation," all the acts of the church, Parliament, and council, inconsist-

ent with his supremacy, had been annulled. Patronage, that curse of the church, and violation of the people's rights had been revived, and any reluctance or refusal to submit to the new order of things was visited by fines, imprisonment, and the severest impositions. The successive steps of tyrannic usurpation are detailed, the expulsion of the ministers, the High Commission Court, the enormous fines, the cruelties of the dragoons, the suppression of the worship and field-preaching, until this accumulation of horrors—the oppression that might make a wise man mad—had become “a most just cause and provocation, to all ingenuous spirits and true patriots, to undertake the asserting of their own liberty upon the greatest hazard.” “*Napthali*” maintains, that where the proper ends of government are “intolerably perverted, the common tie of both society, government, and law, is in so far dissolved.” Subjects “relapse into their pristine liberty and privilege,” and may defend themselves, their lives, and liberties from unjust violence. But infinitely more important duties and concerns are involved, when “the glory of God and of our Lord Jesus Christ, the defense and maintenance of the blessed Gospel and its precious ministry and ordinances,” are at stake. On these grounds the late rising is to be justified, and no oath of allegiance can be so unlimited as to imply absolute submission. “Our allegiance was, and standeth perpetually and expressly, thus qualified, viz.: *a defense of religion and liberty*, according to our first and second covenants,” while, moreover, “all allegiance and obedience to created power whatsoever, of its own nature, is indispensably thus restricted.”

This anonymous book, with no clue on its title-page* to the place of publication, was like a bomb-shell in the camp of the persecutors. There were two ways of answering it—one by fire, and the other by the pen—and both were adopted. On December 12, 1667, a proclamation of the council ordered that it should be burned, that all copies of it should be handed in to the magistrates before February 1, ensuing, and any who after that should keep copies were to be fined £10,000 Scots.

An answer to the book, entitled *The Surveyor*, was prepared and published in a pamphlet of about 120 pages.

* I presume this is true of the first edition. It is of the second, 1680, from which I quote.

Although anonymous, it was known to be by Bishop Honeyman, who, as Wodrow says, "evidently weakened the cause he undertook to defend," and for the very good reason, that his cause had no logical strength. He did, however, most important service to the cause he assailed, by provoking a rejoinder. Sir James Stuart replied to him, "with great strength and reason," in a work more elaborate and argumentative than *Naphtali*, in which the principles of natural law and the rights of subjects, as well as the limitations of authority, are discussed with a force and eloquence which place the author among the foremost writers of his own or of any age. The book contains paragraphs of thrilling eloquence and of keen satire. It betrays no timidity of counsel or wavering of convictions.

The author was evidently quite familiar with all the great writers on law and government, from Cicero down to Dr. Ferne and *The Surveyor*. He starts with the admission by Barclay, Grotius, and the royalists themselves, of a natural right of self-defense. Self-preservation belongs to the law of nature, and "the laws of nature" are irrevocable. They are God's laws, and "it is better to obey God than man; and men's commands and laws, to which obedience cannot be yielded without contempt of and treason against the highest of all, who is King of kings, are as no commands before God, and disobedience unto these is no disobedience to the lawful authority, but faithful allegiance to the most supreme."

The *Surveyor* had spoken of the "liberties" of the people. "What that liberty is," rejoins the author, "which the people of Scotland are now come to, who can see it, for the perfect slavery and bondage they are sold unto? A freedom he talks of when all our liberties are sold, and we are given up as bondmen and bondwomen unto the lust of a man, and are denied the very liberty which is the privilege of all free subjects, yea, and that which is the birthright and native privilege of all men, viz., to supplicate, petition, or to pray. What liberty, then, can he mean, unless the liberty to forsake God and our covenant, to turn apostates from his truth and our profession, to swear, forswear, drink, debauch, etc., without curb and control." The *Surveyor* would have the memory of the late resistance buried; one author says, "we are persuaded the memory of their memorable ways will never be buried, but shall stand as an

exemplary monument to succeeding generations, when God shall think it meet to animate them with the spirit of courage, to free the land of tyranny and of domineering, abjured prelates, with all their tail and train."

Sir James Stuart knew full well the bitter hostility with which the principles he avowed were regarded. Buchanan had been denounced. *Lex Rex* and *Naphtali* had been doomed to the flames, and the *Commentary on the Romans*, by Paræus, as the author notes, had been burned by the order of James I. But, fearless of the results, he lays down his principles: the natural equality of all in matter of rights; the supremacy of the law of nature, from the binding authority of which no human power can loose; the organization of government as a reasonable measure not designed to leave society worse than it found it; the right of the people to choose their *form* of government; their right to reserve power to alter it, or define the terms on which they will accept rulers; the fact that they are the source of power, and that from them comes the right to govern; the presumption that no people, in erecting a government, designed to give up "their birth-privilege and power of self defense;" the justice of resistance to violent oppressors; the fact that rulers cannot have from the people a power the latter do not possess, viz., "such a power whereby to make themselves slaves—slavery being against nature, and a bondage;" that "a king going beyond his bounds is no magistrate," and may therein be resisted; that neither the ruler's authority or the subject's obedience can be absolute; that allegiance must be qualified by its nature: that obedience to tyrants is not required; and that parliaments are fallible as well as princes, and for just cause may be resisted.

These last positions are maintained on the ground of the Social Contract, which the author expounds more fully than most of his predecessors, and which, as the book was printed in Holland, we surmise that Locke must have seen and studied. But Sir James Stuart sees distinctly—what his predecessors do not seem to have noted—that right and duty do not originate in the Social Contract, although the contract virtually defines them, and shows how they pertain to ruler and people. "This mutual obligation" (of ruler and people), he says, "may arise *both* from the law of God and from the covenant, without any

repugnancy," the covenant giving "form" to the antecedent obligation. Here the author goes beyond Locke, in defining the relation of the Social Contract to the Law of Nature.

"Some acts of tyranny," said Sir James Stuart, in the name of his fellow-sufferers, "we are willing to endure," but not "such as tend to the destruction of the true liberties of the subject," and "open a gap to all the ingrained and bloody Neros to waste and destroy at pleasure." As to Charles II., he might, if he had ground to complain that the people rather than himself had violated the covenant, have taken the benefit of this concession, "and never owned us more," and "if he had done so, and have gone to some other part of the world to spend his days, as some would not have been grieved," lawyers and divines would have counted him loosed from his obligation.

We have not space for the author's caustic address to the champions of prelacy and prerogative, but courtly ears never heard plainer language. His summary charge against them and their allies in behalf of the people is in a lofty and eloquent strain. Referring to his opponent, he says, "He asked the question, if any people of the land be spoiled of their lawful civil liberties—as if a man should inquire if the sun were risen at twelve hours of the day. Our religion, reformed in doctrine, worship, discipline, and government, which was one of our main civil and most lawful liberties, is taken from us. The liberty of supplicating, which the law of God, the law of nature, and the law of nations allow, is taken from us. The liberty of our election of members of Parliament was taken away. Liberty of protesting in Parliament was taken away. The King's prerogative is screwed up to such a height that it overturns the true native liberties of the subject. Many honest subjects are cast into prison, no transgression being once alleged, much less proved, against them. The due exercise of their religion, as was covenanted, is taken away. Judicatories are set up without the consent of the people, or their representatives. Liberties and privileges of burghs and such incorporations are taken away, unless they will renounce and abjure a lawful, religious, and necessary covenant. The free exercise of justice, especially against nobles, is stopped. The lieges are not ruled by the laws of the land, but by the arbitrary will and lust of a

few prelates and the Privy Council. Will he ask now if our liberties be taken from us, or will he call them unlawful?"

In a similar strain he replies to the question, what the King had done that could be counted a grievance. Adverting to the High Commission and a pliant Parliament fawning upon royalty, he declares, "No power under heaven could enact what they have enacted. No power under heaven could condemn, annul, and rescind lawful covenants made with the most high God. . . . All the laws made by King and Parliament to the prejudice of the covenanted work of reformation are intolerable grievances." Such is the tone of a work the very title of which, *The Right of the People Vindicated*, designates it as a text-book of natural and constitutional law for the age and the country in which it appeared.

But protests of this kind, while they might keep alive the spirit of resistance, or even here and there force it to a flame, could not arrest the progress of despotism. There were temporary lulls of the tempest of persecution, as rival favorites or parasites gained the royal ear. There were artful methods for dividing the Presbyterians, especially when James II. offered them the freedom, which he wished to extend also to his Papist co-religionists. But there was no retrogression, no disavowal of obnoxious principles. Some of the most infamous tools of prelacy and prerogative were put aside, but from shame rather than conscience. Fines, prison, and torture, or even exile and death, were the fates of those who adhered to the covenant.

The day of deliverance was, indeed, at hand, for William III. was soon to land on the English coast and give success to the revolution of 1688. But before this memorable event, another voice was to be lifted in behalf of the persecuted and the martyrs of the covenant. The volume that gave it utterance bore the quaint title, *A Hind Let Loose; or, An Historical Representation of the Testimonies of the Church of Scotland for the Interest of Christ*. Its author was Alexander Shields, a zealous covenanting minister, who must often have listened to field sermons,

"By Cameron thundered, or by Renwick poured,
In sweetest strain;"

participating himself in the trials and the triumphs of their daring enterprise, in which they boldly defied the tyranny of the

time ; separated widely from his more moderate brethren, he yet joined with them after the revolution of 1688, and became minister of St. Andrews and chaplain of the Cameronian regiment. In 1699 he was "missioned" by the Assembly to the short-lived and unfortunate Scots' colony of Darien, called New Caledonia, where he acted with praiseworthy zeal, but sank under the hardships endured by the colonists, dying the next year at Port Royal, Jamaica.

His book marks the culmination of covenanter zeal. We cannot accept, however, Lord Macaulay's judgment, that "in his zeal for the covenant he had forgotten the gospel," and that "it is not easy to conceive that fanaticism can be heated to a higher temperature than that which is indicated by the writings of Shields." He had provocations for his bold and defiant language which it is difficult to appreciate. He had lived in daily intercourse with many of that great "cloud of witnesses" that testified from the prison and the scaffold to the cause of Christ and the covenant. He had witnessed outrages cruel and harsh enough to curdle all the milk of human kindness. The enemies of the covenant had exulted in riotous demonstrations of triumph over the victims of their persecuting malice. They had sought to stifle every whisper of protest or remonstrance. Mad in their loyalty, they had put forth, under the name of law and religion, the most monstrous paradoxes of tyranny. In 1683 the University of Oxford had signalized its blind subserviency to despotism, by condemning twenty-seven propositions, most of them such as would now be regarded as the political axioms of a free commonwealth. The books containing these propositions were doomed to the flames, and among them, along with Baxter's *Holy Commonwealth*, and the writings of Milton, Goodwin, Owen, Hunton, and even Hobbes, were specified the works of John Knox and Buchanan, the *Lex Rex* of Rutherford, and the *Apologetical Relation* of Brown, of Wamphray.

Nor was this all. In 1684 Sir George Mackenzie, His Majesty's Advocate in Scotland—the "Bloody Mackenzie" of Scotland's persecution—put forth his *Jus Regium ; or, the Just and Solid Foundations of Monarchy in General, and more especially of the Monarchy of Scotland, maintained against Buchanan, Naphtali, Dolman, Milton, etc.* The book was an

outspoken plea for unlimited monarchy and arbitrary power. Buchanan's *De Jure* having been "recently translated, and many copies dispersed," he thinks it worth while to note that it was condemned as slanderous by the first Parliament that sat after its original publication. He classes with Buchanan the authors of *Lex Rex*, *Naphtali*, and *Jus Populi Vindicatum*, as "ring-leaders, who have endeavored extremely to poison this nation, by persuading the people that our monarchs derive their rights from them, are accountable to them," etc. In opposition to this, Mackenzie holds that "our" monarchs are absolute, holding their crowns from God Almighty alone. He brands as false, Jesuitical, and fanatical, the assertion that every man is born free, or can choose his form of government. He denies that parliaments are co-ordinate with kings in legislation; rejects the assumption that kings can do nothing in matters of government—as restraining the license of the press, and requiring his subjects to engage to secure the peace—without an act of parliament; insists that kings are wholly irresponsible, except to God, for what they do, and that upon no pretext soever, "no, not to defend their liberty and religion," may subjects rise in arms against their king. In his view, Charles I. and Charles II. "were the best and most reasonable of kings."

A more abject surrender of all civil and religious rights, a more thorough-going plea for arbitrary power, even Philip II., of Spain, could not have desired. Logically, it made a king an absolute despot, and left all the laws of the State and all the property of the citizen to his caprice, without check or control. It threw the shield of its justification over all the violence and outrage against law and justice which had characterized the ignominious reign of Charles II. for a quarter of a century. It was enough to exasperate a cooler man than the ideal covenanter, the "wanderer," who had no home, save heath, glen, or forest, where the outlawed truths of Christ's crown and covenant, presented to exasperated crowds, armed for self-defense, inspired them with a courage that dragoons and scaffolds could not appal.

Shield's book was written in an emergency like this. It is fervid, often eloquent, and not without logical force. It traces the struggles of the reformers; presents the views of Knox, Craig, and Melville; describes the insidious attacks of James I.

and Charles I. upon the integrity and rights of the Scottish Church; deals out caustic censure upon Charles II., "the Achan, the cause of our overthrow;" denounces "Cromwell's* vast toleration and liberty of conscience;" and details the successive outrages that had characterized the persecuting administration of Scotch affairs; makes it manifest that resistance to tyranny had become imperative, not only allowable, but a duty; argues that lawful government no longer existed; depicts the horrors of the Scotch "Inquisition," through which tyranny, oppressing conscience, had become "the throne of the devil;" vindicates the Social Contract theory, and traces its logical application in the right of a people to defend themselves against those who usurp God's power, and who, if ordained in any sense, are ordained "as the Devil is;" and presents at large the grounds upon which Buchanan, Rutherford, and Stuart had based the same conclusions.

Shields' book marks (1687) the period of transition at which the Presbyterian struggle against tyranny and intolerance was transferred to this country. We learn from him that, shortly before he wrote, the "prisons being filled, they were emptied to make room for others, in ships, to be taken away to be sold for slaves, in one of which were sent to Virginia above sixty men, some ministers, who, through the kindness and sympathy of some good English people, were relieved at London;" that two or three hundred were "murdered in a ship bound for America, being shut up under the hatches, when it split upon a rock in the north of Scotland," some fifty on board making their escape; that some were sold "as slaves in Carolina and other places in America, to empty the filled prisons, and make room for more;" that within the two preceding years, several shipfuls of honest and conscientious sufferers had been sent to Jamaica (of whom, before they were sent, some had their "ears

* In 1655, after Cromwell had become established in the Protectorate, Michael Hawks wrote and dedicated to him his *Right of Dominion and Property of Liberty*. The principles he advocated, so far as the connection of Church and State was concerned, differed little from those of the covenanters, or the leading minds of New England at that time, except that he would give a larger liberty to all classes of Christians, retaining for the magistrate, however, a supervisory power of the church generally. While "it is irreligion and tyranny to force the consciences of men," yet kings and emperors may be "as well priests as kings," and obstinate heretics do not seem to have conceded them any large share of toleration.

cut), New Jersey, and Barbadoes, in such crowds and numbers that many have died in transportation," and that a company of Scotchmen, arrested at a private meeting in London, were banished and transported to New Jersey, sixty of them dying upon the passage.

But the fortunes of these exiles, or the spirit and sympathies of those who, during the next generation, followed them to this country, we have not here space to trace; nor can we present the relations of Irish Presbyterianism to the despotism that sought to crush it. These matters must be deferred till another time. But we have seen very distinctly the attitude, the principles, and the claims of Presbyterianism in Scotland. While the Prelatists of England and Scotland were rivaling each other in serf-like adulation of royalty; while they were striving to break down all the safeguards of popular rights and civil and religious liberty; the Presbyterians of Scotland, unawed by power, unappalled by a persecution scarcely paralleled in horror in any age of the world, were bearing aloft the banner of Christ's crown and covenant, and making that banner, at the same time, the banner of human rights and the banner of the "Glorious Revolution" of 1688.

Art. II.—CIVIL AND RELIGIOUS LIBERTY IN TURKEY.

By Rev. E. D. G. PRIME, D.D., New York.

RARELY in the history of Empires do we find movements in the direction of personal freedom and security working downward, from the sovereign to the people; and there is probably no instance in modern times in which the usual order of things has been more notably inverted than in the history of the Ottoman Porte. Here, in the West, we are accustomed to think and to speak of the Turkish as the worst government in existence; as founded in despotism, and administered without regard to human rights. But, notwithstanding its despotic character and the venality of its officials of every grade, a

movement has been going on during the reigns of the last three or four Sultans, which, in all the circumstances, is truly wonderful. The current of the Empire, from its founding, has been in the line of absolute power, and yet there has been an under-current in the opposite direction which has effected great changes. For nearly a hundred years Turkey has been taking steps toward the correction of abuses and in the direction of personal liberty; and the peculiarity of the movement is, that it did not originate with the people, but with the Sultans. Measures of reform and constitutional guarantees have emanated from the throne, and have been administered in the face of all precedent, without the show of revolutionary demand on the part of the people.

To appreciate the character of these organic movements, it must be borne in mind that the Ottoman power is essentially intolerant, as well as despotic. It is patriarchal in its origin and genius, but the Koran is a part of its fundamental law, and Islam knows no such thing as toleration. The sword at the beginning was its chief argument. Like Popery, it allows no dissent. Mohammedanism has never admitted the principle of human liberty, not even the liberty of the human soul. This makes the action of some of the later Sultans, and the constitutional changes of the last reign, the more noteworthy.

It is not our design to defend the character of the Turkish government; nor to apologize for its administration; nor to discuss the question whether it is capable of being so reformed as to make it a desirable government for any of its multifarious classes of subjects; nor to speculate upon the probabilities of its speedy dissolution.* Our object is to place on record, and in the form of continuous history, some incidents of the reigns of the later Sultans, and especially to present a documentary chronicle of the several edicts in the line of religious freedom, which, in this complete and connected form, is not, so far as we are aware, anywhere accessible to the general reader.

* Few are aware how long Turkey has been thought by her physicians to be in a state of rapid decline. The familiar title of "the sick man" is at least two centuries and a half old. So long ago as 1622, Sir Thomas Roe, then British Ambassador, applied to Turkey the language that is now so common the world over. He wrote: "It has become, like an old body, crazed through many vices, which remain when the youth and strength are decayed."

For the full understanding of the documents that follow, it may be necessary to explain the anomalous character of the existing government of Turkey. The Sublime Porte, of which the Sultan is the absolute head, is supreme, but only the Turks and other Moslems are directly subject to its authority. The Greeks, Armenians, Jews, etc., residing in Turkey, intermingled and composing a large part of the population, have severally their own governments, each nation constituting, to a limited extent, an *imperium in imperio*. By the fundamental, though unwritten, law of the Empire, each one of these nations was long ago organized into a separate community, and though tributary and actually subject to the Sultan, each one manages its own affairs, civil and religious, and criminal as well, very much as if there were no other government in the Empire. The Armenians, for example, who are descendants of the ancient Armenian race, have a Patriarch, nominated by themselves, though appointed by the Sultan, and ranking with the higher Turkish pashas. As head of the Armenians, he is held responsible for the government of his nation, and for this purpose is invested with almost unlimited authority. He is nominally subject to the Sultan, but so long as he secures the collection of the taxes and their payment to the Turkish authorities, he is seldom interfered with. Every subject of the Empire, who is not a Mussulman, must be enrolled in one of these communities.

The irresponsible character of the government through all its departments naturally led to great abuses of power, which the easy-going disposition of the Turk had not force to remedy or resist. No measures of reform seem to have been even meditated until the accession of Sultan Abdul-Hamid. His reign, which extended from 1774 to 1789, was an exceedingly unhappy one. He was harassed by wars with Russia, and constantly threatened with the partition of the Empire. But, even in the midst of impending dangers from without, he was so much affected by the unhappy state of things at home, that he drew up an extended document, containing a full history of his reign, with reflections upon the condition of affairs, and suggestions for the correction of existing evils. Being unable to enter upon the work of reform, he left his suggestions as a legacy to his son and successor.

Selim III. came to the throne in 1789. Foreign wars, and

especially the aggressions of Austria and Russia, prevented his giving much attention to internal affairs until by the Treaty of Jassy, which was signed Jan. 9, 1792, peace was concluded with Russia by a cession of territory. Selim then, apparently without suggestion from abroad, in opposition to the selfish interests of his officials throughout the Empire, and in defiance of remonstrances and warnings, vigorously took up the work of reform. But he paid the penalty of his generous and bold attempt in the loss of his own liberty, and then of his life. The Janizaries, who had long held the sword of power, and who had ruled even the Sultans, conspired with the ministry, mutinied, dethroned Selim, consigned him to prison and then to the bowstring, and placed a tool, in the person of Mustapha IV., upon the throne, which he occupied as nominal ruler for a few months, when he, in his turn, was deposed and executed.

In 1808 Mahmoud II. became Sultan, and, notwithstanding the fate of his predecessors, even while occupied with foreign wars and the revolt of some of his chief provinces, took up the work which had been inaugurated by Selim III. Although strenuously opposed by the fanatical Turks, he instituted numerous changes in the administration of affairs; he closed the Courts of Confiscation, one of the chief engines of oppression; he abolished numerous systematic extortions; he established a juster system of taxation; he took away from the Pashas the power of life and death; in short, he reorganized the government, civil and military. The fiercest opposition that he encountered in this work came from the Janizaries, who, by their military organization, had entrenched themselves, and who were alike the Jesuits and the Thugs of Islam. Mahmoud never ceased to watch them. At length, becoming convinced that either he or they must perish, and that in their triumph all his efforts for the amelioration of the Empire must fail, he enacted the terrible tragedy of the 15th of June, 1826, by which, in the heart of the capital and in their own barracks, they were put to the sword, at the very moment that they were conspiring to dethrone him; and the power and the name of the Janizaries were exterminated together. Mahmoud continued to struggle with foreign and domestic foes until, through the revolt and successes of Mohammed Ali, of Egypt, the Empire seemed on

the very verge of destruction. He died in his palace without having heard of the heaviest disasters that had befallen his army and navy. His death was the occasion of scarcely concealed joy on the part of the more fanatical Mohammedans, especially of the Moslem priesthood, who were as hostile to all measures of reform as were the Janizaries themselves.

Abdul-Medjid came to the throne in 1839, at the age of sixteen, and scarcely had the sacred sword—the symbol of the religious, civil, and military power of the Sultans—been girded on, when he issued the first of that series of constitutional guarantees which distinguished his reign, and which are among the most remarkable acts recorded in the history of the Ottoman Empire. Although this edict was in direct pursuance of the measures of reform which had been undertaken by the two preceding Sultans, it was not secured without foreign influence. The condition of the Empire had become so desperate, owing to the successes of Mohammed Ali, and the threatening attitude of Russia, that the ministerial advisers of the young Sultan were compelled, in seeking foreign aid, to counsel concessions to the spirit of freedom that was abroad. The Powers of Europe demanded some guarantee for the better administration of affairs, in return for placing a check upon the ambition of the Czar. And above all these influences was that Unseen Power, mightier than Sultans or Kings, which had been preparing the way for the establishment in Turkey of the Kingdom that is destined to triumph over all the earth.

On the 2d of November, 1839, the young Sultan, Abdul-Medjid, assembled at his palace the vassals of the Empire—not merely the Mussulmans, but the deputies of the Greeks, the Armenians, etc., together with the foreign ambassadors—and in the presence of this august assembly ordered his Grand Vizier to read the first formal Bill of Rights granted by the Sultans, the Magna Charter of the Ottoman Empire. He then set the example to his officials by taking the oath of fidelity to the new instrument. This Charter is known as the Hatti Sherif of Gül Hané, so called from the garden of the seraglio in which it was promulgated. Its proclamation constitutes an epoch in the history of Turkey and of Mohammedanism. Although it did not directly relate to religious affairs, it placed Mohammedans, Christians, Jews, and Pagans on

the same footing in regard to civil rights. The following is the complete text of this important document :

HATTI SHERIF OF GUL HANÉ.

(Translation.)

“It is well known that, during the early ages of the Ottoman Monarchy, the glorious precepts of the Koran and the laws of the Empire were ever held in honor. In consequence of this the Empire increased in strength and greatness, and all the population, without exception, acquired a high degree of welfare and prosperity.

“For one hundred and fifty years a succession of incidents and various causes has checked this obedience to the sacred code of the law, and to the regulations which emanate from it, and the previous internal strength and prosperity have been converted into weakness and poverty ; for, in truth, an empire loses all its stability when it ceases to observe its laws.

“These considerations have been ever present to our mind, and since the day of our accession to the throne the thought of the public good, of the amelioration of the condition of the provinces, and the alleviation of the national burdens have not ceased to claim our entire attention. If we take into consideration the geographical position of the Ottoman Provinces, the fertility of the soil, and the aptness and intelligence of the inhabitants, we shall attain the conviction that, by applying ourselves to discover efficacious methods, the result which, with the aid of God, we hope to obtain, will be realized within a few years.

“Thus, then, full of confidence in the help of the Most High, supported by the intercession of our Prophet, we consider it advisable to attempt by new institutions to attain for the provinces composing the Ottoman Empire the benefits of a good administration.

“These institutions will principally refer to these topics :

“1. The guarantees which will insure our subjects perfect security for their lives, their honor, and their property.

“2. A regular method of establishing and collecting the taxes.

“3. An equally regular method of recruiting, levying the army, and fixing duration of the service.

“In truth, are not life and honor the most precious blessings in existence ? What man, whatever may be his detestation of violence, would refrain from having recourse to it, and thereby injuring the government and his country, if his life and honor are exposed to danger ? If, on the contrary, he enjoys perfect security in this respect, he will not forget his loyalty, and all his acts will conduce to the welfare of the government and his fellow subjects.

“If there is no security for their fortune, all listen coldly to the voice of their Prince and country ; none attend to the progress of the common weal, absorbed as they are in their own troubles. If, on the other hand, the citizen possesses in confidence his property, of whatever kind it may be, then full

of ardor for his own affairs, the sphere of which he strives to extend in order to increase that of his own enjoyments, he daily feels his love for his Prince and his country growing more fervent in his heart. These sentiments become within him the source of the most laudable actions.

“It is of the highest importance to regulate the imposition of the taxes, as the State, which in the defense of its territory is forced into various expenses, cannot procure the money necessary for the army and other branches of the service, save by contributions levied on its subjects.

“Although, thanks to God, our subjects have been for some time delivered from the scourge of monopolies, falsely regarded hitherto as a source of revenue, a fatal practice still exists, although it can only have the most disastrous consequences: it is that of the venal concessions known by the name of *Iltizim*.

“Under this system the civil and financial administration of a province is entrusted to the arbitrary will of an individual, that is, at times, to the iron hand of the most violent and covetous passions; for, if the administrator is not good, he cares for nothing but his own advantage.

“It is, therefore, necessary, that in future each member of the Ottoman Society should be taxed in a ratio to his fortune and his ability, and that nothing further should be demanded from him.

“It is also necessary that special laws should fix and limit the expenses of our forces on land and sea.

“Although, as we have said, the defense of the country is of paramount consideration, and it is the duty of all the inhabitants to furnish soldiers for this end, it is necessary to establish laws to regulate the contingent which each district should furnish, according to the requirements of the moment, and to reduce the time of active military service to four or five years, for it is both committing an injustice and inflicting a deadly blow on the agriculture and industry of the country, to take, without regard to the respective populations of the districts, more from one and less from another than they are able to furnish, at the same time it is reducing the soldiers to despair and contributing to the depopulation of the country to retain them during their whole life in the service.

“In fine, without the various laws, the necessity of which has been recognized, the Empire can neither possess strength, nor wealth, nor prosperity, nor tranquillity. On the contrary, it may hope for them all from the existence of these new laws.

“For this reason, in future, the cause of every accused party will be tried publicly, in conformity with our divine law; and, until a regular sentence has been pronounced, no one can put another to death, secretly or publicly, by poison, or any other form of punishment.

“No one will be permitted to assail the honor of any one, whosoever he may be.

“Every person will enjoy the possession of his property of every nature, and dispose of it with the most perfect liberty, without any one being able to impede him. Thus, for example, the innocent heirs of a criminal will not be

deprived of their legal rights, and the property of the criminal will not be confiscated.

“These Imperial concessions extend to all our subjects, whatever religion or sect they may belong to, and they will enjoy them without any exception.

“Perfect security is, therefore, granted by us to the inhabitants of the Empire, with regard to their life, their honor, and their fortune, as the sacred text of our law demands.

“With reference to the other points, as they must be regulated by the concurrence of enlightened opinions, our Council of Justice, augmented by as many new members as may be deemed necessary, to whom will be adjoined, on certain days which we shall appoint, our minister and the notables of the Empire, will meet for the purpose of establishing the fundamental laws on these points relating to the security of life and property and the imposition of the taxes. Every one in these assemblies will state his ideas freely and give his opinion.

“The laws relating to the regulations of the military service will be discussed by the Military Council, holding its meeting at the palace of the Seraskier. As soon as the law is decided upon, it will be presented to us, and in order that it may be eternally valid and applicable, we will confirm it by our sanction, written above it with our Imperial hand.

“As these present institutions are solely intended for the regeneration of religion, government, the nation, and the Empire, we engage to do nothing which may be opposed to them.

“As a pledge for our promise, we intend, after having deposited this in the hall which contains the glorious relics of the Prophet, in the presence of all the Ulema and Grandees of the empire, to take an oath in the name of the Almighty, and cause the Ulema and Grandees also to swear to that effect.

“After that, any one of the Ulema or Grandees, or any other person whatsoever, who violates these institutions, will undergo, without regard to rank, consideration, or credit, the punishment appointed for his guilt when proven. A penal code will be drawn up to this effect.

“As all the functionaries of the Empire will receive from this day a suitable salary, and those whose functions are not at present sufficiently rewarded will be advanced, a rigorous law will be passed against the traffic in favors and appointments, which the divine laws reprove, and which is one of the principal causes of the decay of the Empire.

“The enactments thus made being a complete renovation and alteration in ancient usages, this Imperial rescript will be published at Constantinople and in all the towns of our Empire, and will be officially communicated to all the Ambassadors of friendly Powers residing in Constantinople, in order that they may be witnesses of the concession of these institutions, which, with the favor of the Almighty, will endure forever.

“May, the all-powerful God have us all in his holy keeping !

“May those who commit any act contrary to the present institutions be the objects of the divine malediction and eternally deprived of every kind of happiness !”

Not long after the issuing of this memorable decree, the sincerity of the Turkish Government in the work of reform and freedom was put to a severe test. A young Armenian, who for some purpose had declared himself a Mohammedan, recanted and resumed his hereditary religion. Fearing the consequences of his recantation he fled to Greece. After a short absence he returned to the Turkish capital, where he was apprehended as an apostate from Islam. The most strenuous efforts by terror and bribery were made to induce him again to confess that "there is one God and Mohammed is his prophet," but without success. He was beheaded, and his body exposed in the public street for three days. Previous to his execution the representatives of the several Christian powers of Europe (chief among whom was that noble advocate of religious freedom, Sir Stratford Canning, now Lord Stratford de Redcliffe) exerted themselves to the utmost to save his life, but without avail. After the execution these representatives united in a remonstrance to the Sultan, and demanded a pledge that no one who had been born a Christian should suffer death for such a cause. After a long correspondence between the Ambassadors and their respective governments, some of which took high and strong ground on the subject, the English Ambassador obtained from the Ottoman government the following pledge :

"The Sublime Porte engages to take effectual measures to prevent, henceforward, the execution and putting to death of the Christian who is an apostate.

"March 21, 1844."

Two days later, Sir Stratford, in a personal interview, obtained a more comprehensive and still more important pledge from the Sultan himself :

"Declaration of His Highness, the Sultan, to Sir Stratford Canning, at his audience on the 23d of March, 1844 :

"Henceforth neither shall Christianity be insulted in my dominions, nor shall Christians be in any way persecuted for their religion."

It was of this pledge that the English Ambassador made the declaration, that "It seemed little less than a miracle, and God alone could have brought it about." No one who is familiar with the nature and history of Mohammedanism, and the character of its representative, the Ottoman government, can fail to be impressed with the truth and force of this remark.

When the great religious revival among the Armenians, known as the Protestant Reformation in Turkey, occurred in connection with the labors of the American missionaries, and converts to the truth began to be multiplied, the bitter hostility of the Armenian ecclesiastics was aroused and communicated to the mass of the people. It soon resulted in sharp persecution. The Evangelical Christians were excommunicated; their names were cast out as evil; they were cut off from all the ordinary means of livelihood, the people being forbidden to have any intercourse with them, to give them employment, or to render them any assistance; they were defamed and maltreated by their former brethren, and even by their own kindred; they were stoned in the streets; they were cast into prison by the Patriarch, and being, in the eye of the law, under his jurisdiction, they had no redress but in an appeal to the Sultan, which, in their poverty and their friendless condition, could promise no result.

In this state of things, the leading Protestant Powers represented at Constantinople took up the cause of the persecuted, and through their influence the Turkish government was induced to take another important step in the direction of religious toleration. A decree was issued in 1847, constituting these Christians a distinct community, under the title of Protestants, freeing them from all obligation to their former Patriarch, giving them a government of their own, which was decidedly republican in form, and putting them on the same footing with all other religious communities. This Charter is not only interesting in its chief aspect, its relation to the Protestants, but also as an explanation of the peculiar system of government which exists in Turkey.

PROTESTANT CHARTER OF 1847.

(Translation.)

"To His Excellency, the Pashah Comptroller of the City Revenue:

"Whereas, The Christian subjects of the Ottoman Government professing Protestantism, have experienced difficulty and embarrassment from not being hitherto under a special and separate jurisdiction, and naturally the Patriarch and the Heads of the sects from which they have separated not being able to superintend their affairs; and

"Whereas, It is in contravention to the supreme will of His Imperial Majesty, our Gracious Lord and Benefactor (may God increase him in years

and power !), animated, as he is, with feelings of deep interest and clemency toward all classes of his subjects, that any of them should be subjected to grievance ; and

“ *Whereas*, The aforesaid Protestants, in conformity with the creed professed by them, do form a separate community :

“ It is his Imperial Majesty’s supreme will and command, that, for the sole purpose of facilitating their affairs and of securing the welfare of said Protestants, the administration thereof should be henceforward confided to Your Excellency, together with the allotment of the taxes to which they are subjected by law : that you do keep a separate register of their births and deaths in the bureau of your department, according to the system observed with regard to the Latin subjects ; that you do issue passports and permits of marriage, and that any person of established character and good conduct chosen by them to appear as their Agent at the Porte for the transaction and settlement of their current affairs, be duly appointed for that purpose.

“ Such are the Imperial Commands which you are to obey to the letter.

“ But although passports and the allotment of taxes are placed under special regulations which cannot be infringed upon, you will be careful that, in pursuance of his Majesty’s desire, no taxes be exacted from the Protestants for permits of marriage and registration ; that any necessary assistance and facility be afforded to them in their current affairs ; that no interference whatever be permitted in their temporal or spiritual concerns on the part of the Patriarch, monks, or priests of other sects ; but that they be enabled to exercise the profession of their creed in security, and that they be not molested one iota, either in that respect, or in any other way whatever.

“ RESHID, *Grand Vizier*.

“ November 15, 1847.”

Although this Firman was a recognition of the Protestant Christians as a distinct community, making them entirely independent of their persecuting brethren, it had one grand defect : it was ministerial in its origin and authority. Being issued by the Grand Vizier, without the express sanction of the Sultan, it was liable, according to the organic law of the Empire, to be repealed. Should such a result take place, the Protestants would be thrown back into the hands of their former Patriarch, as the head of the Armenians, now doubly exasperated by their course ; or into those of the Greek Patriarch, if they had been connected with the Greek Church ; and their last state would thus be worse than the first. By the same friendly influence a new Charter was obtained in 1850 from “ His Imperial Majesty, Sultan Abdul-Medjid,” to be of supreme and perpetual authority. It did not supersede, but confirmed, the former. It is as follows :

IMPERIAL PROTESTANT CHARTER OF 1850.

(Translation.)

“To my Vizier Mohammed Pashah, Minister of Police at my Capital, the honorable Minister and glorious Counsellor, the Model of the World, and Regulator of the Affairs of the Community, who, directing the public interests with sublime prudence, consolidating the structure of the Empire with wisdom, and strengthening the columns of its prosperity and renown, is the recipient of every grace from the Most High. May God prolong his glory :

“When this Sublime and August Mandate reaches you, let it be known that,

“*Whereas*, Hitherto those of my Christian subjects who have embraced the Protestant faith have suffered inconvenience and difficulties, in consequence of their not being placed under a separate and special jurisdiction, and in consequence of the Patriarchs and Primates of their old creeds, which they have abandoned, naturally not being able to administer their affairs and

“*Whereas*, In necessary accordance with my Imperial compassion, which extends to all classes of my subjects, it is contrary to my Imperial pleasure that any one class of them should be exposed to trouble ; and

“*Whereas*, By reason of their faith, the above-mentioned already form a separate community, it is, therefore, my Royal compassionate will, that, by all means, measures be adopted for facilitating the administration of their affairs, so that they may live in peace, quiet, and security.

“Let, then, a respectable and trustworthy person, acceptable to and chosen by themselves, from among their own number, be appointed, with the title of ‘Agent of the Protestants,’ who shall be attached to the department of the Minister of Police.

“It shall be the duty of the Agent to have under his charge the register of the members of the community, which shall be kept at the police. The Agent shall cause to be registered therein all births and deaths in the community. All applications for passports and marriage licenses, and special transactions of the community, that are to be presented to the Sublime Porte, or to any other department, must be given under the official seal of this agent.

“For the execution of my will, this, my Royal Mandate and August Command, has been specially issued and granted from my Imperial chancery.

“Hence, thou, the minister above-named, in accordance with the explanations given, will execute to the letter the preceding ordinance ; except, that as the collection of capitation tax, and the delivery of passports are subjected to specific regulations, you will not do anything contrary to them. You will not permit any thing to be required of them, on pretence of fees or expenses, for marriage licenses or registration.

“You will see to it that, like the other communities of the Empire, in all their affairs, and in all matters appertaining to their cemeteries and places of worship, they should have every facility and needed assistance. You will not

permit that any of the other communities should in any way interfere with their rites, or with their religious concerns, and, in short, in no wise with any of their affairs, secular or religious; that thus they may be enabled to exercise the usages of their faith in security.

“And it is enjoined upon you not to allow them to be molested an iota in these particulars, or in any others, and that all attention and perseverance be put in requisition to maintain them in quiet and security. And in case of necessity, they are permitted to make representations regarding their affairs through their Agent to the Sublime Porte.

“When this, my Imperial will, shall be brought to your knowledge and appreciation, you will have this August Edict registered in the proper department, and cause it to be perpetuated in the hands of the above-mentioned subjects, and you will see to it that its requirements be always executed in their full import.

“Thus be it known to thee, and respect my sacred signet.

“Written in the holy month of Moharrem, A. H. 1267 (Nov. 1850).

“Given in the protected city of Constantinople.”

Notwithstanding the issuing of these Ministerial and Imperial Firmans, it was found that the persecution of the Protestant Christians by their former co-religionists, did not altogether cease, especially in the interior. This persecution was believed to be instigated by Jesuit or Russian agents. Some of the Turkish governors in the provinces failed to exert their official power for the protection of those who were authorized to demand protection, and on representation being made at the capital, still another Firman was issued by the Sultan in 1853, copies of which were sent to all the Protestant chiefs or headmen in the Empire, and also to the governors, with strict orders that it should not be disregarded. It reaffirmed the determination of the government to protect the Protestants and was designed to make it clearly understood that the Charter which had been given them was a reality and would be enforced.

IMPERIAL FIRMAN OF 1853.

“Let attention be given to the unchangeable, constant, and perpetual execution of the provisions contained in this, my High Firman; and let care be taken not to contravene it.

“To Sdepan, the chosen and honorable Vakeel of the Protestant Christian community! May your honor be increased! When my High Firman reaches you, know that the all-just and sovereign God, the gracious giver of good, according to his divine, excellent, and boundless goodness, having caused my Imperial and August person to reign in regal glory; and having elevated me to the lofty and Imperial rank of Caliph, I give thanks and glory that so many cities and diverse classes and subjects, nations and servants,

are committed to the hand of my most just Caliphate, as a special divine trust. Wherefore, in accordance with the benevolence due from my civil and spiritual power, and also in conformity with the excellent custom of my Sultan-ship and my sovereignty, being favored by the divine goodness and aided from above, since my succeeding to the happy Imperial throne, I have used all my care to secure perfect protection to each class of all the subjects of my government, and especially, as in all former times, that they may enjoy perfect quiet in the performance of religious rites and services, without distinction, in accordance with my true and honest Imperial purpose and my benevolent will; and my Imperial government, continually and without ceasing, watches for the same.

“And since the good and useful effects of these measures are at all times plainly manifest, it is my Imperial desire that no improper or disorderly thing, of whatever kind, be thoughtlessly occasioned to the faithful subjects of my kingdom of the Protestant faith, and that the special privileges granted by my Imperial government, concerning religion and matters pertaining to it, be in all respects perpetually preserved from all detriment. And as it is my Imperial will that no injury, of whatever kind, or in whatever manner, come upon them, therefore, this most righteous Imperial edict has been written, that those who act against it may know that, exposing themselves to my royal indignation, they shall be punished. Notice has been given to the proper authorities, so that there may not be the least ground of excuse, if there should happen in any way a neglect of this ordinance.

“And this, my firm decree, has been issued from my Royal divan, to make known and establish it as my Imperial purpose, that this thing shall be carried into full and complete execution. Wherefore, you, who are the above-mentioned Vakeel, on learning this, will always move and act in accordance with the demands of this, my High Firman, and carefully abstain from anything at variance with these things; and if anything shall occur contrary to this, my decisive order, you will forthwith make it known to the Sublime Porte. Know this to be so, and give credence to my Imperial cypher.

“Written in the last of the month Shaban, 1269.”

The war between Turkey and Russia, which began on the Danube in 1853, and was ended in the Crimea in 1856, in which the armed interference of Great Britain, France, and Sardinia saved Turkey from dismemberment, if not from falling entirely into the possession of Russia, was overruled to securing still greater concessions in behalf of religious liberty. This last movement was not spontaneous on the part of the Sultan, nor was it a mere act of gratitude for the aid he had received from the Allied Powers. It was due chiefly to the diplomatic skill and perseverance of Lord Stratford de Redcliffe, whose services in the cause of religious liberty, and whose hearty countenance and support of Christian missions during his long resi-

dence at the Turkish capital can never be overestimated. He was fully sustained by his own government in demanding this last Imperial concession. While the matter was under advisement, the Earl of Clarendon, British Minister of Foreign Affairs, wrote to Lord Stratford :

“ Her Majesty’s government distinctly demands that no punishment whatever shall attach to the Mohammedan who becomes a Christian, whether originally a Mohammedan, or originally a Christian, any more than any punishment attaches to a Christian who embraces Mohammedanism. In all such cases the movements of the human conscience must be left free, and the temporal arm must not interfere to coerce the spiritual decision.”

These views were frequently urged upon the Porte, and at length, in February, 1856, was issued the celebrated Hatti Humayoun, which is as follows :

HATTI HUMAYOUN OF 1856.

(Translation.)

“ Let it be done as herein set forth.

“ To you, my Grand Vizier, Mehemed Emin Aali Pasha, decorated with my Imperial Order of the Medjidyé of the first class, and with the Order of Personal Merit; may God grant to you greatness and increase your power !

“ It has always been my most earnest desire to insure the happiness of all classes of the subjects whom Divine Providence has placed under my Imperial sceptre; and since my accession to the throne I have not ceased to direct all my efforts to the attainment of that end.

“ Thanks to the Almighty, these unceasing efforts have already been productive of numerous useful results. From day to day the happiness of the nation and the wealth of my dominions go on augmenting.

“ It being now my desire to renew and enlarge still more the new institutions, ordained with the view of establishing a state of things conformable with the dignity of my Empire and the position which it occupies among civilized nations; and the rights of my Empire having, by the fidelity and praiseworthy efforts of all my subjects, and by the kind and friendly assistance of the Great Powers, my noble Allies, received from abroad a confirmation which will be the commencement of a new era, it is my desire to augment its well-being and prosperity, to effect the happiness of all my subjects, who in my sight are all equal and equally dear to me, and who are united to each other by the cordial ties of patriotism, and to insure the means of daily increasing the prosperity of my Empire. I have, therefore, resolved upon, and I order the execution of, the following measures.

“ The guarantees promised on our part by the Hatti-Humayoun of Gül Hané, and in conformity with the Tanzimat, to all the subjects of my Empire, without distinction of classes or of religion, for the security of their persons and property and the preservation of their honor, are to-day confirmed

and consolidated ; and efficacious measures shall be taken in order that they may have their full and entire effect.

“All the privileges and spiritual immunities granted by my ancestors, *ab antiquo*, and at subsequent dates, to all Christian communities or other non-Mussulman persuasions, established in my Empire under my protection, shall be confirmed and maintained.

“Every Christian or other non-Mussulman community shall be bound, within a fixed period, and with the concurrence of a commission composed, *ad hoc*, of members of its own body, to proceed, with my high approbation and under the inspection of my Sublime Porte, to examine into its actual immunities and privileges, and to discuss and submit to my Sublime Porte the reforms required by the progress of civilization and of the age. The powers conceded to the Christian Patriarchs and Bishops by the Sultan Mahomet II. and his successors, shall be made to harmonize with the new position which my generous and beneficent intentions insure to these communities.

“The principle of nominating the Patriarchs for life, after the revision of the rules of election now in force, shall be exactly carried out, conformably to the tenor of their firmans of investiture.

“The Patriarchs, Metropolitans, Archbishops, Bishops, and Rabbins shall take an oath on their entrance into office, according to a form agreed upon in common by my Sublime Porte and the spiritual heads of the different religious communities. The ecclesiastical dues, of whatever sort or nature they be, shall be abolished, and replaced by fixed revenues for the Patriarchs and heads of communities, and by the allocation of allowances and salaries equitably proportioned to the importance of the rank and the dignity of the different members of the clergy.

“The property, real or personal, of the different Christian ecclesiastics shall remain intact ; the temporal administration of the Christian or other non-Mussulman communities shall, however, be placed under the safeguard of an assembly to be chosen from among the members, both ecclesiastics and laymen, of the said communities.

“In the towns, small boroughs, and villages, where the whole population is of the same religion, no obstacle shall be offered to the repair, according to their original plan, of buildings set apart for religious worship, for schools, for hospitals, and for cemeteries.

“The plans of these different buildings, in case of their new erection, must, after having been approved by the Patriarchs or Heads of communities, be submitted to my Sublime Porte, which will approve of them by my Imperial order, or make known its observation upon them within a certain time.

“Each sect, in localities where there are no other religious denominations, shall be free from every species of restraint as regards the public exercise of its religion.

“In the towns, small boroughs, and villages, where different sects are mingled together, each community inhabiting a distinct quarter shall, by conforming to the above-mentioned ordinances, have equal power to repair and improve its churches, its hospitals, its schools, and its cemeteries. Whe

there is question of the erection of new buildings, the necessary authority must be asked for, through the medium of the Patriarchs and heads of communities, from my Sublime Porte, which will pronounce a sovereign decision according to that authority, except in the case of administrative obstacles. The intervention of the administrative authority in all measures of this nature will be entirely gratuitous. My Sublime Porte will take energetic measures to insure to each sect, whatever be the number of its adherents, entire freedom in the exercise of its religion.

“Every distinction or designation tending to make any class whatever of the subjects of my Empire inferior to another class, on account of their religion, language, or race, shall be forever effaced from the administrative protocol. The laws shall be put in force against the use of any injurious or offensive term, either among private individuals or on the part of the authorities.

“As all forms of religion are and shall be freely professed in my dominions, no subject of my Empire shall be hindered in the exercise of the religion that he professes, nor shall be in any way annoyed on this account. No one shall be compelled to change his religion.

“The nomination and choice of all functionaries and other *employees* of my Empire being wholly dependent upon my sovereign will, all the subjects of my Empire, without distinction of nationality, shall be admissible to public employments, and qualified to fill them according to their capacity and merit, and conformably with rules to be generally applied.

“All the subjects of my Empire, without distinction, shall be received into the civil and military schools of the government, if they otherwise satisfy the conditions as to age and examination, which are specified in the organic regulations of the said schools. Moreover, every community is authorized to establish public schools of science, art, and industry. Only, the method of instruction and the choice of professors in schools of this class shall be under the control of a mixed Council of Public Instruction, the members of which shall be named by my sovereign command.

“All commercial, correctional, and criminal suits between Mussulman and Christian, or other non-Mussulman subjects, or between Christians or other non-Mussulmans of different sects, shall be referred to mixed tribunals.

“The proceedings of these tribunals shall be public; the parties shall be confronted and shall produce their witnesses, whose testimony shall be received, without distinction, upon an oath taken according to the religious law of each sect.

“Suits relating to civil affairs shall continue to be publicly tried, according to the laws and regulations, before the mixed provincial councils, in the presence of the governor and judge of the place. Special civil proceedings, such as those relating to successions, or others of that kind, between subjects of the same Christian or other non-Mussulman faith, may, at the request of the parties, be sent before the councils of the patriarchs or of the communities.

“Penal, correctional, and commercial laws, and rules of procedure for the mixed tribunals, shall be drawn up as soon as possible, and formed into a

code. Translations of them shall be published in all the languages current in the Empire.

“Proceedings shall be taken, with as little delay as possible, for the reform of the penitentiary system, as applied to houses of detention, punishment, or correction, and other establishments of like nature, so as to reconcile the rights of humanity with those of justice. Corporal punishment shall not be administered, even in the prisons, except in conformity with the disciplinary regulations established by my Sublime Porte; and everything that resembles torture shall be entirely abolished.

“Infractions of the law in this particular shall be severely repressed, and shall besides entail, as of right, the punishment, in conformity with the civil code, of the authorities who may order and of the agents who may commit them.

“The organization of the police in the capital, in the provincial towns, and in the rural districts, shall be revised in such a manner as to give to all the peaceable subjects of my Empire the strongest guarantees for the safety both of their persons and property.

“The equality of taxes entailing equality of burdens, as equality of duties entails that of rights, Christian subjects, and those of other non-Mussulman sects, as it has been already decided, shall, as well as Mussulmans, be subject to the obligations of the Law of Recruitment. The principle of obtaining substitutes, or of purchasing exemption, shall be admitted. A complete law shall be published, with as little delay as possible, respecting the admission into and service in the army, of Christian and other non-Mussulman subjects.

“Proceedings shall be taken for a reform in the constitution of the provincial and communal councils, in order to insure fairness in the choice of the deputies of the Mussulman, Christian, and other communities, and freedom of voting in the councils. My Sublime Porte will take into consideration the adoption of the most effectual means for ascertaining exactly and for controlling the result of the deliberations of the decisions arrived at.

“As the laws regulating the purchase, sale, and disposal of real property are common to all the subjects of my Empire, it shall be lawful for foreigners to possess landed property in my dominions, conforming themselves to the laws and police regulations, and bearing the same charges as the native inhabitants, and after arrangements have been come to with foreign powers.

“The taxes are to be levied under the same denomination from all the subjects of my Empire, without distinction of class or of religion. The most prompt and energetic means for remedying the abuses in collecting the taxes, and especially the tithes, shall be considered. The system of direct collection shall gradually, and as soon as possible, be substituted for the plan of farming, in all the branches of the revenues of the State. As long as the present system remains in force, all agents of the government and all members of the Medjlis shall be forbidden, under the severest penalties, to become lessees of any farming contracts which are announced for public competition, or to have any beneficial interest in carrying them out. The local taxes shall, as far as

possible, be so imposed as not to affect the sources of production, or to hinder the progress of internal commerce.

“Works of public utility shall receive a suitable endowment, part of which shall be raised from private and special taxes, levied in the provinces which shall have the benefit of the advantages arising from the establishment of ways of communication by land and sea.

“A special law having been already passed, which declares that the budget of the revenue and expenditure of the State shall be drawn up and made known every year, the said law shall be most scrupulously observed. Proceedings shall be taken for revising the emoluments attached to each office.

“The heads of each community and a delegate, designated by my Sublime Porte, shall be summoned to take part in the deliberations of the Supreme Council of Justice on all occasions which might interest the generality of the subjects of my Empire. They shall be summoned specially for this purpose by my Grand Vizier. The delegates shall hold office for one year; they shall be sworn on entering upon their duties. All the members of the Council, at the ordinary and extraordinary meetings, shall freely give their opinions and their votes, and no one shall ever annoy them on this account.

“The laws against corruption, extortion, or malversation, shall apply, according to the legal forms, to all the subjects of my Empire, whatever may be their class and the nature of their duties.

“Steps shall be taken for the formation of banks and other similar institutions, so as to effect a reform in the monetary and financial system, as well as to create funds to be employed in augmenting the sources of the material wealth of my Empire.

“Steps shall also be taken for the formation of roads and canals to increase the facilities of communication and increase the sources of the wealth of the country. Every thing that can impede commerce or agriculture shall be abolished. To accomplish these objects, means shall be sought to profit by the science, the art, and the funds of Europe, and thus gradually to execute them.

“Such being my wishes and my commands, you, who are my Grand Vizier, will, according to custom, cause this Imperial Firman to be published in my Capital and in all parts of my Empire; and you will watch attentively and take all the necessary measures that all the orders which it contains be henceforth carried out with the most rigorous punctuality.”

The proclamation of this Imperial Edict was made by the Sultan, Abdul-Medjid, at the palace of the Porte, with solemn ceremony. There were present the Turkish Ministers, the Council of State, the Grand Mufti, the Patriarchs, Rabbis, and other heads of religious communities. Its proclamation was accompanied with prayer, offered by the Sheik-ul-Islam, that the one God over all would bless this Charter of Equal Rights

to the whole people of the Sultan of every name. It thus became the Constitutional Law of the Empire.

This Hatti Humayoun closes the series of documents issued by the Turkish government, guaranteeing to its subjects equal privileges, and confirming to them a certain degree of religious liberty. Considering the source from which they were issued, it may be safely affirmed that no government has ever promulgated a more remarkable series of constitutional pledges.

This article is already so extended that there is no space to pursue the inquiry as to how far the Turkish government has redeemed its solemn pledges, and our main object has been accomplished in making them a matter of connected history. These documentary expressions by the Ottoman Porte have new interest, in view of the recent reactionary measures that have been adopted. The Turkish government just now is reviving the ancient policy of the Sultans, and acting more in accordance with the principles of Mohammedanism. Taking alarm from the progress of the Gospel in different parts of the Empire, it is seeking to bind the word of God, and to restrict the efforts of Christian missionaries who are laboring to bring men to the knowledge of the truth. It is imposing penalties upon those who, having been followers of the false prophet, become the humble followers of Christ. But Turkey owes too much to Christianity to be allowed to take this backward step. She exists to-day as an independent power, only through the protection of the Christian powers of Europe, and more especially of Protestant England. But for their intervention she would have been portioned out long ago among her neighbors, who have been watching for her dissolution, or waiting for her dismemberment. Were it not for the conflicting interests of the European governments, all of them nominally Christian, the Czar, before another year, would have his winter palace at Stamboul, and the Christmas chants of the Greek ritual would be heard once more in the ancient church, now the Mosque, of St. Sophia. Turkey has no moral right to attempt to turn back the shadow on the dial of time. She has no right to restore the days of persecution which she herself has closed by constitutional charters. Christian nations have no need to employ the force of arms to convince the Sultan of this. If reason and diplomacy fail to secure the fulfilment of

her solemn pledges—some of them, it is true, made under the pressure of adversity—the Christian Powers have only to announce that their protection is withdrawn, and the days of Moslem supremacy in Turkey will be ended.

That God would in his own way secure the spread and speedy triumph of the Gospel in that great Empire, must be the prayer of every Christian heart.

Art. III.—THE RIGHT OF A PROSECUTOR TO APPEAL.

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THIS article is designed to maintain the following proposition: That when a Presbyterian minister is under process for heresy at the instance of an individual accuser, the prosecutor has a right to appeal from a sentence of acquittal.

Four leading objections have been urged against this proposition, to wit: (1.) The common-law maxim, that no one shall twice be put in jeopardy of life or limb for the same offense. (2.) The allegation that the prosecutor in such a case is not an aggrieved party. (3.) The alleged absence of precedents in support of the proposition, and the alleged existence of a precedent which contradicts it. (4.) The objection based on a construction of Chap. vii, Sec. 3, of the *Book of Discipline*.

Objection First.—Among the pleas in bar at the common law is that known as *autre fois acquit*. The principle on which it rests is the well-known maxim, that no one shall twice be put in jeopardy of life or limb for the same offense. It is easy to understand, that while a former acquittal is a good plea against a new indictment for the same offense, it would not necessarily prevent the granting of a new trial for cause shown, and on motion of the prosecutor. And while it is freely conceded that the courts in England* do not grant new trials in criminal

* In this country the doctrine in question has been embodied in the Federal and in the State constitutions. That it was deemed necessary to make the doctrine part of the organic law of the land, goes to show that it was not considered as an absolutely indisputable legal principle.

cases, we are safe in saying that the common-law doctrine of "second jeopardy" is not so fundamental* as some have supposed, and that it behoves us not to be precipitate in concluding that there is a necessity for its application in courts of spiritual jurisdiction. It will not do to carry the provisions of municipal law into the sphere of ecclesiastical jurisprudence; and the blunders into which we shall fall will be all the greater if we undertake to interpret the law of the church by the common law of England—which is not its prototype—instead of by the law of Scotland, or, rather, the civil law, which is. Indictments at the common law are usually by a grand jury; the church allows an individual accuser to prefer charges. Criminal trials are by a jury of twelve men; a church trial is by a permanent court, whose members are not open to challenge. Criminal verdicts must be unanimous; church trials are decided by a majority vote. The law of the land provides that no one shall be required to incriminate himself; the law of the Church of Scotland recognized the right of inquest.† Who ever heard of a secular court being called to account for its decisions by a

* Law writers express themselves in a qualified way on this subject. Thus, Chitty says: "A new trial cannot, in general, be granted in favor of the prosecutor after the defendant has been acquitted, whether on an indictment for a misdemeanor or a felony. . . . But it seems to be the better opinion, that when the verdict was obtained by the fraud of the defendant, or in consequence of irregularity in his proceedings, as by keeping back prosecutor's witnesses, or neglecting to give due notice of trial, a new trial may be granted."—1 *Chitty Crim. Law*, § 657.

J. F. J. Stephen speaks of the sentiment (meaning the doctrine of "second jeopardy") as probably rational, considering the suspense and distress of mind created by a criminal prosecution, though the rule founded on it is, he says, "a rough expedient."—*General View of the Criminal Law in England*, p. 228.

Edward Livingstone, in the criminal code which he prepared (it was not adopted) for Louisiana, provided, that when an acquittal had been obtained by defendants bribing a witness, a new trial may be given on motion of the public prosecutor.—*Livingstone's Works*, vol. 2, p. 287.

In England the judge may discharge a jury, after a reasonable time, if they declare that there is no chance of an agreement. This is not far from a "second jeopardy." A new trial, after acquittal was given in *R. v. Francis*. The case was a *quo warranto* information to show by what authority he claimed the office of alderman of Cambridge.—2 *Durnf. & East.*, 484.

† "If the libel is found relevant, the minister is dealt with with a view to confession. . . . Should Presbytery be unsuccessful in bringing the accused party to an acknowledgment of his guilt, they then resolve to proceed to probation."—*Styles of Writs, etc., in the Church Courts of Scotland*, p. 118-16.

court of appellate jurisdiction? But, according to our *Book of Discipline*, the lower court is a party to an appeal, and is liable, not only to have its sentence reversed, but to come in for censure as well.* With these differences between the two systems of jurisprudence before us, the bare citation of the common-law doctrine of "second jeopardy" can hardly be regarded as a strong argument against a prosecutor's right of appeal. At the furthest, it could only serve to show that our ecclesiastical system should be made to conform to the law of the land. As interpretative of the existing system it is worthless. In reply to the objection under consideration, it can be shown, (1) that there is no good reason for the application of the maxim in the case supposed; (2) that there are good reasons against the application of it; and (3) that the *Book of Discipline* does not contemplate such an application.

1. There is no good reason why the doctrine of "second jeopardy" should apply to ecclesiastical proceedings. In all developed systems of law there is a distinction between a private and a public wrong; a tort and a misdemeanor; a *delictum* and a *crimen*.* Out of this distinction arise two methods of legal procedure: actions and indictments; civil suits and criminal prosecutions. There is this fundamental difference between the two: that in the one case, the court may award damages; in the other, it may sentence to privation of life or liberty. It is this distinction which accounts for the doctrine of "second jeopardy" being confined to criminal cases. Liberty is a natural right. Every man is allowed, speaking generally, to go where he pleases and do what he likes. And since it is in the power of a court to deprive a man of his natural rights, it is very important that this power should not be used as an

* Dr. Thornwell noticed this anomaly in his article on *The Revised Book of Discipline* (*Thornwell's Writings*, vol. iv. p. 315). But the attention of the Church of Scotland was called to this long before Thornwell's day; for, in the year 1741, the Synod of Lothian and Tweeddale overtured the Assembly in the following terms: "That there appears to this Synod many obvious inconveniences attending the present practice of this church, whereby the members of inferior judicatories are considered as parties before the superior courts, when any cause in which they have given judgment comes to be revised upon an appeal, and surely this is likewise contrary to the practice of all other courts."—*Laws of the Church of Scotland*, vol. ii, p. 459

* See *Maine's Ancient Law*, p. 358.

engine of oppression. The provisions of the law which look *in favorem vitæ* are, therefore, important guarantees of liberty. A man ought not to be arrested without warrant, and when accused of crime should have a speedy trial. Better let a hundred rogues escape than allow one innocent man to lose his life or pine in prison. But what necessity is there for these humane provisions in the case of a minister accused of heresy? He stands in no jeopardy of life or limb; or, indeed, of any natural right. The church can only deprive him of privileges which it had previously conferred. If it had a right to be satisfied that he possessed the qualifications necessary to the bestowal of the privileges, it has a right to be satisfied that he has not lost them; and of the way in which it shall be satisfied the church of course has a right to be the judge. The law of the land contemplates the liberty of the individual. The law of the Church contemplates the purity of the organization. Hence the differences which characterize the two systems of jurisprudence. The one system is more litigious; the other more inquisitorial.† The one system presumes the accused innocent till he is proved to be guilty; the other calls upon him to confess, and questions him respecting the alleged offense. Under the one system harm might be done to the individual without the doctrine of "second jeopardy," for the innocent might forfeit life or liberty. Under the other, harm might come to the church were the application of this doctrine to bar the prosecutor's right of appeal, for a false teacher might be kept in a position of trust and influence.

In this connection care should be taken to notice the difference between the provisions which are made for a criminal and for an ecclesiastical trial. The verdict of the jury is designed to be final, and in England is final—second trials, even for benefit of the accused, being seldom allowed. And the reason is plain. It is a fundamental principle, that the judge takes cognizance of the law, the jury of the facts. This being the case, while a second trial for misdirection of the judge would be philosophical enough; second trial because the verdict is contrary to the evidence is unreasonable. For, if there be an

† On the difference between the inquisitorial and the litigious or accusatory trial, see *Lieber on Civil Liberty*, p. 218; and *Stephen on English Criminal Law*, p. 22.

authority above the jury capable of determining whether the verdict is according to the evidence, it is only in a qualified sense that it could be said that the trial is by jury; and a new trial would be equivalent to a trial by a jury instructed already as to the verdict they should find. Besides, if a second trial be granted, why not a third, and a fourth, until public sentiment called for a termination of the case on the principle: *Interest est rei-publicæ ut sit finis litium*. Trial by jury, however, is no part of our ecclesiastical system. We have a subordination of courts, and the genius of our system is, that all the proceedings of a lower court are brought under the control of the courts above. It is only when a case has reached the court of final adjudication (unless the constitutional remedies of appeal or complaint have not been taken advantage of) that a case becomes a *res judicata*, and that the maxim, *nemo bis in idem*, has any application.

2. There are good reasons why the doctrine of "second jeopardy" should not be a bar to a prosecutor's right of appeal. An ecclesiastical court is a court of conscience. A minister on trial should not desire to escape conviction through the error or unfairness of his Presbytery. He should be ashamed to avail himself of a felon's plea. It is no hardship, therefore, to ask a higher court to sit in judgment on his case. It is true, the effect of an appeal will be to put him to the trouble of a second defense, and will subject him to the disquietude of delay. But, if innocent, he will have the opportunity of a fuller vindication of himself before the bar of a higher court, and he can better afford to bear the trials of suspense than the church can afford to part with the right to maintain her purity. It is not irrational, therefore, to presume that the unwillingness of an accused person to submit his case to the hearing of a higher judicatory arises from the fear of an adverse decision. It is right, moreover, that when an inquiry assumes the form of a litigation, the parties should stand on a level. Serjeant Stephen, in a work already quoted, objects to the proposition to grant a new trial on motion of the prisoner, instead of granting him a pardon, on the ground, that "if the prisoner be allowed to move for a new trial, *the same right ought, in consistency, to be given to the prosecutor.*" (The italics are ours.) To give a minister the opportunity of being

heard on appeal in the court of last resort, and to conclude the prosecutor from going beyond the Presbytery, would be in violation of the spirit of our system—inasmuch, as it would betray far greater solicitude for the liberty of the individual, than for the purity of the church. Again, it ought to be admitted, without argument, that a church should have the power to remove from office those who violate the vows of office, and to silence false teachers when she knows them to be such. Let us attend now to the doctrine of “complaints,” as laid down in our *Book of Discipline*. A minister, let us suppose, is accused of heresy and acquitted. A member of the minority complains. This brings the whole case before the higher court, and may have the effect of “drawing down censure on those who concurred in the decision complained of.” It is admitted then, that our book contains provisions whereby a Synod may judicially determine that A. B. is an atheist, and that the Presbytery deserves censure for acquitting him; and yet he is protected, we are told, by the doctrine of “second jeopardy!” It is hard to over-estimate the mischief which would result from importing the common-law maxim into ecclesiastical jurisprudence. It would put it out of the power of the church to protect herself against error. It would make the Presbytery the sole judge of a minister’s qualifications. It would destroy the principle of unity, and resolve the church into a confederation of Presbyteries.

3. *The Book of Discipline* does not contemplate the application of the maxim. For, in the chapter on “complaints,” we read, respecting a judgment complained of, that a complaint may have the effect “of reversing that judgment, and placing matters in the same situation in which they were before the judgment was pronounced.” Let us suppose a case in which a complaint has been attended with this result. The Presbytery, having acquitted a minister on trial for heresy, finds by action of Synod that its sentence is reversed, and that the case is still on its hands. The charges are the same, the parties the same, the evidence the same. But it must make another decision, for the former one is declared to be wrong. Here is a complete refutation of the objection under notice, for not only is the accused in this supposed case sub-

jected to a "second jeopardy," but the court is instructed in respect to the decision it shall reach.

But, it will be said that the General Assembly has given its sanction to the principle which constitutes the ground of the objection we are considering. Now, what are the facts? The Barnes case had reached the court of last resort and had been finally disposed of. It would have been wrong for him to have been subjected to a new process on the same charge, and the Assembly refused to censure his *Commentary on the Romans*, on the ground that this would be equivalent to a new process. This was all it meant when it said that the "attempt to condemn Mr. Barnes by a condemnation of his book, after he had been acquitted on a hearing, on charges wholly founded on the book, is a violation of the fundamental maxim of the law, that no man shall be twice put in jeopardy for the same offense." The Assembly did not mean to say that an appeal would not lie from a sentence of acquittal in a lower judicatory, for Mr. Barnes was condemned in the Synod on an appeal of his prosecutor, and the Assembly recognized his right to appeal, by trying the case on its merits instead of reversing the Synod's action, on the ground that it had no jurisdiction. There is a very wide distinction between a case, which is finally disposed of by a court of final jurisdiction, and a *lis pendens*, transferred by appeal or complaint from the lower to the higher judicatory.*

Objection Second.—It is alleged that the prosecutor, in the case supposed, is not an aggrieved party. Two questions claim attention here; (1.) The relevancy of the objection; (2.) The truth of it.

1. Its relevancy. It is admitted, that if the prosecutor were aggrieved, he might appeal. It can hardly be doubted that

* "No case of discipline upon which a final decision has once been pronounced in regular form, by a competent church court, can be renewed again by any process, unless it can be shown that new grounds of action have arisen which were not before that court. An extreme instance might appear in which a proof of great irregularity in proceedings might be allowed so as to reopen the matter. But such an instance would be too extreme and peculiar to interfere with the general rule, that the question of discipline once disposed of by a court of final jurisdiction, or by any court, without regular appeal, complaint, or review in due time, is conclusively and irreversibly determined."—*Practice of the Free Church of Scotland*, p. 103.

cases might occur in which he would be aggrieved. The doctrine of "second jeopardy" must, therefore, be qualified, even by those who maintain it, so as to read thus: No man shall twice be put in jeopardy for the same offense, unless his prosecutor has been aggrieved by the sentence of acquittal—a very important modification of the common-law doctrine. The assumption which underlies the application of the maxim of jeopardy to the case supposed, is that it is of the nature of a criminal proceeding. But in criminal cases the maxim holds good against all private considerations. We must conclude, then, that if this plea holds good for one case of ecclesiastical trial, it is good for every case, and that in no instance can a prosecutor appeal; or else, we must conclude, that in church law there is a distinction between civil and criminal suits. The latter view we should seem to be shut up to, since it is allowed that an aggrieved prosecutor may appeal. And now, to make a successful transfer of common-law rules to ecclesiastical practice, it will be necessary to show that a prosecutor in an ecclesiastico-civil suit is, or may be, an aggrieved party, while the prosecutor in an ecclesiastico-criminal suit is not, and cannot be, aggrieved. To this arrangement, however, there are fatal objections: (a.) The distinction between a civil and a criminal suit is not known in our system. What our book calls "a private offense" is a secret offense. A private wrong, in the language of the law, is a wrong done to an individual. "A public offense," speaking ecclesiastically, is an offense the notoriety of which calls for judicial notice. A public wrong, juridically speaking, is a wrong done to the State. Our book does once speak of offenses which are "personal," as well as "private," not, however, for the purpose of founding on the distinction a different kind of process, but for the sake of laying down the law in regard to the steps which in such cases should be taken prior to process, in accordance with the instructions contained in Matthew xviii. The attempt to introduce into our system a distinction of which it takes no cognizance, is simply an unauthorized and irresponsible method of revising the *Book of Discipline*. (b.) Though the distinction were made, it would not settle the question of appeal. For while it is true that the common law limits appeals to civil cases, the law of the church allows an appeal to an aggrieved

party; and it would be necessary to show that, in a criminal suit, a prosecutor could not be an aggrieved party. The refusal of appeals in criminal suits, or the allowance of them in civil, is not founded on the interest, or want of interest, of the parties prosecuting, but on the result of a decision adverse to the party indicted or sued. In criminal cases the law may deprive of liberty; hence its humane provisions. But it is not pretended that a prosecuting party in a criminal case may not be aggrieved by a sentence of acquittal. (c.) But the adoption of the distinction referred to would lead to absurdity. Let it be granted, for the sake of argument, that, in the trial of public offenses, the prosecutor, not being aggrieved by a sentence of acquittal, has no right to appeal, and that in the trial of private offenses (the words "public" and "private" being here employed in their legal, not their ecclesiastical, sense) he may. A. B. accuses C. D. of habitual drunkenness; C. D. is acquitted, and the doctrine of "second jeopardy" bars appeal. A. B. accuses E. F. of defrauding him; E. F. is acquitted, and A. B., having an interest in the suit, appeals. It would seem, then, according to those who advocate the distinction between civil and criminal ecclesiastical offenses, that a minister may be followed from Presbytery to Synod, and from Synod to General Assembly, on a charge of *theft*; but if charged with *drunkenness*, he is safe when his Presbytery acquits him. What is the propriety of making this distinction? If, in the case of theft, A. B. brought suit in an action of trover, or replevin, there might be some ground for it. But if the object of ecclesiastical discipline is the good of the offender and the purity of the church, it is difficult to see any reason for allowing an appeal to a higher court in a case of theft, while forbidding it in a case of drunkenness.

2. Its truth. We deny the allegation. The prosecutor is aggrieved by virtue of his relation to the church at large, and by virtue of his peculiar relation to the case. Will any one claim, that while in a suit for ten dollars the plaintiff is aggrieved if the decision is adverse, in a criminal prosecution the people who constitute the prosecuting party are not aggrieved when a notorious criminal goes scot free? But suppose that, in the latter case, instead of the people, an individual accuser is the prosecuting party, will it be said that the individual

prosecutor is not aggrieved? If it is true that when one member suffers the whole body suffers, it ought, *a fortiori*, to be true that when the whole body suffers every member shares the injury. Why did the civil law discriminate between civil suits, to which none could be parties but those who could show an interest, and criminal suits, to which any one could be a party? Because, in a case which concerned the public peace every one had an interest, by virtue of his relation to the State. I might not prosecute a man for breach of contract unless I could show that he had defrauded *me*; but I might prosecute him for arson, whether it were my house or my neighbor's he had set fire to. Let us now suppose a case of heresy. The accuser is a member of the Presbyterian Church. He is jealous of her honor. He is as studious of her peace and purity as he is of the peace and purity of his home. A Presbyterian minister is accused of atheism; tried and acquitted in face of clearest evidence. Has any one so low a conception of the relations of a minister to the Presbyterian Church, as to say that, in a case like this, the accuser would not be aggrieved? But the prosecutor stands in peculiar relations to the case. The old Scotch procedure allowed three ways of beginning process: by common fame, delation, and by an individual accuser. In common fame, the court was both prosecutor and judge. In delation, an individual laid information before the judicatory, on which they proceeded to process. The delator differed from an individual accuser, in that he was not a party, might be called as a witness, and assumed no risk. The individual accuser undertook to make out a charge, became a party to the process, and was liable to censure if he "succumbed in the probation." Our *Book of Discipline* has given no place to the delator, and has made the individual accuser subject to risk only in the case of process against a minister. Let us suppose, now, a case, in which a minister on trial is acquitted, and the prosecutor censured. Is the latter not aggrieved? His censure is as directly related to the sentence of acquittal as the censure of the accused would have been to a sentence of condemnation. It is not denied that the accused might have appealed from a sentence of condemnation, because aggrieved by it. What should hinder the accuser in this case from appealing from the sentence of acquittal, because aggrieved by

it? Suppose, however, that the censure is not inflicted, on the ground that the prosecutor has manifested neither "rashness" nor "malignancy." The *Book of Discipline* does not allow the court this discretion. The censure is due on the ground that the charges are not proved, the "rashness or malignancy" only serving to measure its severity. If Presbytery sees fit, however, to decline to censure, it does so at its own risk. It cannot take advantage of its own wrong for the purpose of hindering the prosecutor from taking his appeal. But, although no censure be inflicted, it must be remembered that there is a difference between an offense and the punishment of an offense. The Presbytery is instructed to punish an accuser who fails to make good his charges. It is not the Presbytery, however, but the law, which determines that he is worthy of censure. In the eye of the law he is, *ipso facto*, a slanderer, the moment the Presbytery declares that the charges are not sustained.*

We have been at pains to show that the prosecutor, in the case supposed, has been injured by the sentence of acquittal. But the fact is, that it would be difficult to show that our book means, by an "aggrieved party," anything more than a party who is dissatisfied with the decision of the court—"who feels himself lesed," as the Scotch books have it. Otherwise, a court would be compelled, before hearing an appeal, to try an issue respecting the fact or measure of the appellant's grievance.

Objection Third.—We have here to notice the alleged absence of precedents favorable to our proposition, and the existence of one (in the Fishback case) which is claimed to contradict it.

1. Absence of precedents. This is, at best, an argument *e silentio*, and is even of less value than such arguments usually are. We may assume that prosecutions will not usually be undertaken without good cause; and then, that for good cause a court will condemn. In the nature of the case, appeals will, for the most part, be taken by the accused. Moreover, before a case reaches the General Assembly, it usually goes to the Synod. This increases the likelihood that the appellant at the

* "Our *Book of Discipline*, chap. v., sec. vii., pronounces a man a slanderer, who fails on trial to make good his charges."—*New Digest*, p. 524.

bar of the Assembly will be the accused. Thus, in the Barnes case, the accused was acquitted by Presbytery, and the prosecutor appealed; was condemned by Synod, and Mr. Barnes appealed. It is true that our Digest does not furnish a single case in which an accuser prosecutes an appeal before the General Assembly. But it should be remembered that, in the Barnes case, the Assembly so far recognized Dr. Junkin's right to appeal to Synod, as to try the case on its merits, instead of deciding that Synod had no jurisdiction. It must be allowed, however, that, strictly speaking, the right of appeal was *coram non judice*, and that we can not say what the Assembly might have done under the influence of a learned argument in opposition to the thesis which we now maintain.

2. Fishback case. The facts are these: The church in Carlinville, Illinois, decided, at a congregational meeting, to adopt the rotary system in the election of elders. Against this action Mr. Fishback complained to Presbytery. Presbytery decided adversely. Fishback appealed and complained to Synod. Synod dismissed the appeal and complaint. Fishback complained to the Assembly. Assembly instructed Synod to issue the case. Synod then decided adversely to the appeal and complaint. Fishback appealed to Assembly, and Assembly dismissed the appeal, because, among other reasons, Fishback was not an aggrieved party. The question now is, whether this case is parallel with the one under consideration. It will be noticed: (*a.*) that this was not a case of process against a minister where risk was assumed; (*b.*) that this was not a case of process at all, no charges having been preferred; (*c.*) that the original complaint was not against the action of an inferior judicatory, but against the action of a congregational meeting. As our book defines a complaint to be "a representation made . . . respecting the decision of an inferior judicatory," Mr. Fishback was in error at the start. Suppose, however, that his original complaint had been against the session, then the decision of the Assembly would simply have been an interpretation of the doctrine of "complaints," and would in no wise have affected the hypothetical case we are considering. Now, there are only three views, so far as we can see, which can possibly be taken on the subject of a "complaint": (1.) It may be considered as in the nature of a charge; as initiating a process

to which the complainant and the judicatory complained of are parties. If this were the correct view, the party against whom an adverse decision was rendered would be entitled to appeal. But such a view is not sanctioned, either by the law or practice of the church. In dismissing this appeal, the Assembly simply decided, and wisely, as we think, that this view of a complaint was wrong. (2.) A complaint may be considered as a method of continuing a process, and as implying a previous charge, trial, and decision. If this were correct, complaints, like appeals, should be limited to judicial cases. According to this view, Mr. Fishback would have had no right to complain against a legislative decision, even though that decision had been made by a "judicatory," and the Assembly would have been justified in dismissing the appeal, which was founded on a decision adverse to his complaint. But, though something might be said in favor of this view were we considering the question what the doctrine of complaints ought to be, it cannot be doubted that this is not the view which is sanctioned by the law and usages of the Presbyterian churches in this country and in Scotland. (3.) The idea of a complaint, as it is found in the law and practice of the church, is, that it is a representation made to a higher judicatory of a decision, legislative, or judicial, which has been given by a lower court. It can be shown that, in the nature of the case, an appeal ought not to lie from a decision adverse to a complainant. And the confusion into which men sometimes fall is due to the fact, that in a complaint, as well as in an appeal, it is the "cause," not the court, the "decision," not the persons who rendered it, which is transferred to the higher court. There is no reason why the carrying of a decision from one court to another should so affect the parties interested that they may appear in a capacity in a higher court which they were not allowed to hold in a lower. Presbytery makes a legislative decision, for instance: this cannot be brought to the notice of Synod by appeal, but it may by complaint. Dissatisfied with the action of Synod, the complainant may lay the decision originally complained against before the General Assembly; but why should he be allowed to appear there as an appellant, whereas, before the Synod he could appear only as a complainant? The fallacy lies in the assumption, that a "complaint" is an arraignment of the

court, when, in fact, it is simply the transfer of a decision. The dismissal of Mr. Fishback's appeal, therefore, in no wise affects the case we are considering.

Objection Fourth.—It is urged that the chapter on appeals is constructed with exclusive reference to the presence of an accused party. This is a mistake. It is not strange that the book should contemplate the possible injury which an accused person might sustain by an unjust decision in a lower court. The fact, however, that language is used in this chapter applicable only to the accused, is no ground for concluding that an accuser may not appeal. It is said that the following passage militates against the truth of our proposition: "All persons who have submitted to regular trial . . . may appeal." If this passage excludes the accuser in any prosecution, it must exclude him in every prosecution. But, it is admitted that the prosecutor in a so-called private suit may appeal. It proves too much, therefore, for those who quote it. But, strictly speaking, it is not the accused who is tried, but the issue, and to the issue there are two parties. Again, an appeal is from "a definitive sentence," and it is asked whether a sentence has been pronounced on the prosecutor. It will not be amiss to ask what the word "sentence" means in ecclesiastical language. And as our *Book of Discipline* is made out of Scotch materials, Pardovan's collections will be better authority on this subject than the *Acts of the Apostles* or *Webster's Dictionary*. *Ejus est interpretari cujus est condere*. Reference to these "collections" will show, that judicial sentences are those which terminate processes, and that they may either be absolvitures or condemnatory.*

Having replied to the objections urged against our proposition, we beg now to present briefly the positive side of the case. We affirm that the prosecutor of a minister may appeal from a sentence of acquittal. And these are our reasons:

1. The equity of the case requires that he should be permitted to appeal. It is allowed that, on the acquittal of a minister, his

* "Judicial sentenees are either interloeuors—that is, a sentenee intermediate between the deeredenee and the termination of proecesses—or they are definitive—that is, they terminate proecesses. And these are either absolvitures—whereby the defendant is freed and assoilzied from the conclusion of the libel or process; or, they are condemnatory—whereby they are found just and true against the defendant." *Pardovan*, book iv., title v.

accuser, or any member of the minority, may complain. It is claimed that the action of the higher court could, in that event, terminate only on the Presbytery, and that it could not reach the accused. If this is a correct opinion, then there is the more reason why a prosecutor should be allowed to appeal from a sentence of acquittal; otherwise, there would be no way whereby a case of heresy could ever go before the higher court. A man might actually be an active and unmolested member of an Assembly which, on the hearing of a complaint, had solemnly declared him to be unworthy of holding the ministerial office. But we believe that a complaint brings a case on its merits before the higher court just as fully as an appeal. This is implied in the statement, that the effect of a complaint may be to reverse the decision of the court below, and this is the doctrine of the Scotch Churches.* If this is the true doctrine of complaints it destroys the whole argument against the right of appeal, that argument resting on the alleged exemption of a minister from further molestation after acquittal by Presbytery. If a complaint would effect the result aimed at by appeal, it is unnecessary to contend seriously against the right of appeal. The procedure in a complaint is similar to that in an appeal. No injury is done the accused by employing the one method of transferring the cause rather than the other. If, therefore, the effect of saying "I complain," would be the same as that of saying "I appeal;" to dismiss a case because the prosecutor used one word rather than the other, would be an illustration of sticking in the bark, which would disgrace even a justice's court.

2. The truth of the proposition is corroborated by the practice of the Scotch churches.†

* "It was in my remembrance a matter of doubt whether, if there was no appeal by a party, a complaint from a minority of a court could have the effect of reversing the judgment of the majority. But the doubt has been completely removed by a number of decisions in different years, conformable in my opinion to the nature and reason of the case, and it is now understood to be part of the law of the church, that upon a complaint from a minority of an inferior court, the court of review may dispose of the sentence complained of in the same manner as if it had been brought before them by the appeal of a party."—*Extracts from Hills' Institutes in Compendium of Laws of Church of Scotland*, vol. 1., p. 467.

† "A party may also bring a cause under the review of the superior court."—*Styles of Writs, etc.*, p. 25. "When a party conceives that the judgment of

3. The doctrine of our proposition is the recognized doctrine of our church. It has been a matter of doubt whether appeals and complaints are ever proper except in judicial cases,* but never until recently, and now only in a solitary instance, has the right of a prosecutor to appeal ever been disputed. The Assembly had a good opportunity to call it in question in the Barnes case, but it did not. It had a good opportunity in the Griffith case, but it did not. It only excepted to the minutes of the Synod of New York for allowing the prosecutor to go on with his appeal, notwithstanding the death of the accused.† Appeals have been dismissed, or entertained as complaints, because not made by one of the "original parties," but the right of an original party in a case of actual process to appeal has never been contradicted or questioned by a single deliverance of the General Assembly.

4. The doctrine of our proposition is taught implicitly in the chapter on Complaints, where we read (Cap. vii, sec. iv, sub-sec. ii): "The cases in which a complaint is proper and advisable are such as the following, viz.: The judgment of an inferior judicatory may be favorable to the only party placed at the bar; or the judgment in question may do no wrong to any individual; or the party who is aggrieved may decline the trouble of conducting an appeal." The last-supposed case is plain. The one before it may refer to legislative acts of judicatories, or to judicial cases where no party feels aggrieved by the decision. For instance: a minister calls for judicial investigation

inferior court is unjust or erroneous, he is entitled to such redress by appealing to the court above it."—*Hill's Institutes*. "All persons who judge themselves lesed by the procedure or sentence of a kirk session may appeal to the Presbytery."—*Forms of Process in the Judicatories of the Church of Scotland*, chap. v. "A party in a case which has been under consideration in the kirk session, may appeal against their judgment to the Presbytery."—*The Practice of the Free Church of Scotland*, p. 20. "An appeal lies from all sentences of Presbyteries, first to the Provincial Synod, and from them to the General Assembly."—*Erskine's Institute of the Law of Scotland*, p. 130. "In a case (Inglis), a committee appointed to consider a libel, etc., but liberty given to either party to appeal from the committee to the Commission of Assembly, who are empowered finally to determine therein without any further appeal."—*Report of Commission of Assembly, 1719, May 20, Sess. 6, in Compendium of Laws Church of Scotland*, vol. 2. p. 441.

* See *Princeton Review* for 1835.

† *New Digest*, 548.

on the ground of rumors which affect his ministerial standing. Presbytery begins process on common fame, but, before reaching a decision, refers the case to Synod. Synod gives the accused an honorable acquittal. No appeal is to be expected. The accused is satisfied. The Presbytery commenced process only at his solicitation, and rejoices in the result. The first-supposed case is also plain. A person is charged with an offense on common fame and acquitted. Here, again, no appeal is to be expected. The Presbytery, being the prosecuting party, will not appeal from its own decision. The implication is plain, that had there been another party at the bar of Presbytery besides the accused, an appeal might have been expected.

5. The right for which we contend is distinctly recognized in our *Book of Discipline*. It tells us, first, who may not appeal: those who are not original parties; secondly, who may appeal: those who have submitted to regular trial and are aggrieved. The prosecutor in the case supposed has a right to appeal, for he is a party; has submitted to regular trial and is aggrieved.

(a.) He is a party. To some minds there is an anomaly in the idea of an individual appearing as a prosecuting party in what appears to them to be a criminal suit; and in their anxiety to establish an analogy between municipal and ecclesiastical law, they are apt to suppose that the individual accuser is a self-constituted district-attorney, or a prosecuting witness. They forget that the church law follows the civil, not the municipal law, here. And the civil law made this distinction, among others, between a civil and a criminal suit, that while, in the former, it was necessary to "show an interest" in order to be a party; in the latter, any one might be a party. The ecclesiastical law of England, likewise, follows the civil law in this respect.* Our *Book of Discipline* is not peculiar, therefore, in giving to the individual accuser the status of "a party."

(b.) He has submitted to a "regular trial." The hypothesis under consideration implies that charges have been preferred,

* "The general law upon this branch of the subject is thus simply and clearly enunciated by Lord Stowell: 'The criminal suit is open to every one, and the civil suit to every one showing an interest.'"—*Burn's Ecclesiastical Law*, vol. 3, p. 184.

that the accused has pleaded, that issue has been joined, that a trial has been had, and that a sentence or judgment has been given. Had the charges been dismissed without trial, because irrelevant, no appeal could have been taken. Had Presbytery seen fit to "refer" the case after process commenced, no appeal could have been taken against the decision. It is necessary that there should be a trial and a sentence to entitle a party to appeal. But the provisions of the book have been satisfied in the case supposed.

(c.) He is an aggrieved party. This proposition has been sufficiently discussed in answer to the second objection. It is not necessary, therefore, to say more on the subject.

Art. IV.—THE LAW OF APPEAL IN THE PRESBYTERIAN CHURCH.

By the Rev. GEORGE C. NOYES, D.D., Evanston, Illinois.

THE question, whether the law of the Presbyterian Church invests every one with the right of appeal who appears in her courts as a litigant, and as a party to the original action, is a question which has not often been distinctly raised, and which has still less often been satisfactorily discussed. It is held by some, that any defeated party in the lower court may appeal to the higher. By others it is claimed that, in all *public* offenses, none but the defendant in the original action may appeal. The two views agree in conceding that individual parties—by which is meant parties to an action, where the offense charged is a private one, involving a wrong done by one individual to another, or by a church to an individual—may each or either appeal. They differ as regards the right of a plaintiff to appeal when the offense charged is a public one, not involving wrong done to an individual—such as immorality of life, or unsoundness in doctrine. In all such cases the prosecutor, though defeated, cannot appeal. This is the proposition which it will be the aim of this article to maintain and establish.

The question, thus stated, is to be determined by a careful study of the law itself, as set forth in the *Book of Discipline*, chap. vii, sec. 3. What does the law say? is the first inquiry to be answered. When that question is answered, when the meaning of the law has been ascertained, we may then properly inquire whether the precedents accord with it, whether it is founded in justice, and whether the law of appeal in other churches and in other lands than our own is substantially the same as ours or not. The subject to be discussed is one which requires analytical, rather than rhetorical, treatment.

I. The law of the Church, in its plain and obvious meaning, denies to a prosecutor for a public offense, who is defeated in a lower court, the right to appeal his case. In order to establish this proposition, it will be necessary to bring under review all the various provisions of the law which bear upon the subject. Throughout the discussion the word "prosecutor" will be used to denote one who arraigns another for a public offense, not involving personal injury, as distinguished from the plaintiff in an action for a private offense, which does involve injury to the individual. In every public offense, which is an offense against society, or against the church, the idea of wrong to the individual is never involved. Keeping these definitions in mind, let us turn our attention to the law of appeal. Its first paragraph, or sub-section, defines an appeal to be "the removal of a cause, already decided, from an inferior to a superior judicatory, by a party aggrieved." The last sub-section declares, "an appeal shall in no case be entered, except by one of the original parties." From this language it has been inferred, that an appeal may always be taken by *either* of "the original parties." This is undoubtedly true in all cases of ecclesiastical litigation which involve only private offenses, and where wrong done *to* an individual as well as *by* an individual is charged. But every original party, in order to be entitled to appeal, must be also an aggrieved party. If he be the plaintiff in the case of a private offense, and is defeated, he has the right of appeal; because, having been aggrieved before entering complaint to the judicatory, his grievance remains unredressed. He was an aggrieved party before he entered court at all. He is neither less nor more aggrieved by defeat; neither by anything that may happen in the course or progress of the trial; nor by the issue

of the trial, can he be injured. He is entitled to carry his cause to the higher court, not because he is aggrieved by the trial, but because he is not avenged by it. Beginning his suit as an aggrieved party, and *because* he is aggrieved, he continues to be aggrieved until a decision is rendered in his favor.

In public offenses where immorality or heresy is the charge, the conditions are entirely changed. Here, with one exception, which will presently be considered, the prosecutor is never, and can never be, aggrieved, either before the trial, or during its progress, or after its close, and as the result of it. In other words, as the prosecutor does not initiate proceedings for the purpose of redressing a personal injury done to him by the accused, but solely in the interests of Christian morals, or of sound doctrine, he cannot afterward acquire the character of an aggrieved party, in virtue of which alone he is entitled to appeal. The single exception to be made to this statement is this: Our Book provides, that the prosecutor of a minister who fails to establish his charge *may* be censured as a slanderer "in proportion to the malignancy or rashness that shall appear in the prosecution." It has been held that this provision invests a prosecutor with the right of appeal in case of defeat. If the censure be actually administered, he undoubtedly may appeal from that. Let it be noticed, however, that the parties to such an appeal must be the prosecutor and the court which voted the censure, and not the prosecutor and the acquitted defendant, who had no part whatever in the vote of censure. To claim that the appeal from the censure may involve again the defendant and put him on trial the second time, is monstrous, for this would be making him a purely vicarious sufferer for the sins of the court. Again, it may be claimed that the defeated prosecutor is, *ipso facto*, a slanderer, even though no formal vote of the judicatory declare him to be such, and that he is, therefore, entitled, by an appeal, to arraign the defendant again. If this be true, it follows that the prosecutor's rights, as an appellant, are directly in proportion to his malignity as a slanderer, and hence, the most infamous slanderer of all would be best entitled to pursue, through every court of the Church, the man whom he had maligned. An interpretation of the law which requires such supports, and which leads to such absurdities, will hardly

commend itself to unprejudiced minds as the true one. The whole question depends upon the meaning of the phrase, "party aggrieved." If that means only a defeated party, it is a pity that the framers of the law did not say so. And why, in that case, should not anyone be allowed to appeal, even though not an original party? Every sympathizer with the prosecutor is defeated in his defeat, and ought to be allowed to appeal, especially if the prosecutor should die, as he might, and thus be prevented from carrying on an appeal himself. But the word "aggrieved" means far more than any pangs of disappointment or of humbled pride occasioned by defeat. It describes the state of one who has suffered *actual injury* in his personal rights or interests. This is the meaning which most persons would readily assign to the word, as being the most natural and obvious. It is that which good usage both sanctions and requires. It is the old English sense of the word.

Thus Chaucer uses it :

" For, John, there is a lawe that seieth thus :
 That if a man in one point be agreved,
 That in another he shall be releved ;
 Our corn is stolen " ———

Milton represents " the aggrieved person " as " claiming the *due right*, whereof he is frustrated." Macaulay speaks of those who were " aggrieved by oppression and extortion." Dr. Gillett speaks of John Hubbard, dispossessed of a glebe, as " an aggrieved party afraid to petition for redress." The word, according to Webster, is derived from the Spanish, *agraviar*, and conformably with this derivation, he defines, " To oppress or injure in one's rights, to vex or harass by civil or political injustice." In the usage of the civil law, an aggrieved party is always one who is injured or wronged. As our *Book of Discipline* fails to give us a definition, we may properly accept the one that is given by legal authorities, especially as a rejection of it converts the law into an instrument of persecution, by allowing a merely defeated party to appeal.

In the 16 *Conn. Rep.*, 58 (*The State vs. Brown*), the Supreme Court of that State, while holding that the people have no right to appeal in public or criminal offenses, says: " That the Statute of Connecticut was never intended to invade the com-

mon-law, by giving to the State the power of putting an accused person upon a second trial for the same offense, after his fair acquittal. It provides for *the party aggrieved*, which, in common acceptation, means individual parties, or the State in its corporate character, and not the public, or the people."

In the case of the Commonwealth *vs.* Cummings (3 *Cushing*, 216, 217), the Supreme Court of Massachusetts, while according the right to except to "a party aggrieved," held, that "an appeal could not be sustained in behalf of the people where the defendant had been acquitted." These citations serve abundantly to show the meaning of the word "aggrieved." Indeed, so absurd on the face of it is the assumption that a man is aggrieved by defeat, that its readiest explanation would seem to be that

"They ever do pretend
To have received a wrong, who wrong intend."

In civil courts a prosecuting attorney is not aggrieved by a failure to convict; and yet, with just as much reason might he claim to be, as a prosecutor in an ecclesiastical court who has failed to obtain a conviction. Neither is a prosecuting witness aggrieved by an adverse verdict. But why not? Is he not defeated? Has he not taken risks? Has he not, by accusing another of crime, put his own character more or less in peril, and incurred the hazard of being himself indicted for malicious prosecution? Unquestionably; but, as he was not aggrieved by the accused before prosecuting him, he could not be by his acquittal. No more can a prosecutor in an ecclesiastical court. He may be defeated, and, perhaps, chagrined and humiliated thereby, but not aggrieved.

Now, this interpretation of "a party aggrieved" is confirmed, and shown to be the only rational or defensible one, by other provisions of the law of appeal, and by other principles and rules laid down in the *Book of Discipline*. These may be passed over rapidly. "All persons who have *submitted to a regular trial* in an inferior, may appeal to a higher judicatory." To submit to a trial is to plead to an indictment, not to bring it; a prosecutor brings it. "Any irregularity in the proceedings of the inferior judicatory, a refusal of reasonable indulgence to *a party on trial*," etc., "are proper grounds of appeal." Both these sub-sections of the law plainly contemplate that the party appealing will be the party that has been

tried. In all cases of private offenses, where personal injury has been done, the party not on trial, or the plaintiff, may appeal, because he remains aggrieved if he does not obtain a decision in his favor. But in public offenses, neither as aggrieved, nor as a party who has "submitted to a regular trial," can a prosecutor appeal.

"Appeals may be either from a part of the proceedings of a judicatory, or from a definitive sentence." From "the proceedings," only in case they are injurious—as they cannot be to a prosecutor, except there be a vote of censure, which has been already explained; and from "a definitive sentence," only in case it is penal. According to the old Scottish law, a sentence is either absolutive or condemnatory. Such, however, is not the meaning of "sentence" in our civil law, nor does this appear to be its meaning in our church law. If we accept the Scotch signification, it by no means follows that either party to an action for a public offense may appeal; for a sentence absolutive of the defendant does not aggrieve the prosecutor. If, on the other hand, we take the legitimate legal sense of the term "sentence," as meaning "a declaration of judgment against one convicted of crime," then, plainly, the prosecutor cannot appeal from a verdict which acquits the defendant, for there is no sentence to appeal from. In either view, an appeal by a prosecutor is barred. That our law attaches the idea of penalty to the word "sentence" is, however, evident, from sub-section 15, to which the reader is referred.

Sub-section 10 provides, among other things, that the appellate judicatory "may remit the cause for a new trial." If we concede that the prosecutor may appeal, it follows from this that a new trial may be ordered in his interest. Such an order would be contrary to every principle of justice, and to every rule of law—municipal and ecclesiastical. No one ever heard of a new trial ordered on the appeal of a prosecutor.

In the chapter on New Testimony (*B. D.*, chap. ix), it is very plainly stated in whose favor a new trial may be granted. "If, after a trial before any judicatory, new testimony be discovered, which is supposed to be highly important *to the exculpation of the accused*, it is proper for him to ask, and for the judicatory to grant, a new trial." This language needs no explanation. Elsewhere, in the same chapter, the superior judicatory is empowered to take up and try the case in the

light of the new evidence, if, by the delay which a new trial would occasion, injury is likely to result to the condemned appellant. So jealous is the law to avenge the wronged, that when wrong is done it provides for the speediest reparation. In this the ecclesiastical is no more humane than the civil law, which offers a new trial to an injured or condemned party, but never to a prosecutor.

Blackstone declares (*Book 4*, 361), "In many instances where, contrary to evidence, the jury have found the prisoner guilty, their verdict hath been mercifully set aside and a new trial granted by the Court of King's Bench. But there hath yet been no instance of granting a new trial where the prisoner was acquitted upon the first." To this fundamental principle of justice and right, our General Assembly has given its formal and emphatic sanction. In the action upon the case of Albert Barnes (*Moore's Digest' Old Ed.*, 309), the Assembly say: "The attempt to condemn Mr. Barnes by a condemnation of his book, after he had been acquitted on a hearing on charges wholly founded on the book, is a violation of the fundamental maxim of law, that no man shall be twice put in jeopardy for the same offense." But a prosecutor's appeal does put a man in jeopardy twice, thereby setting aside both the law and this deliverance of the General Assembly.

Again, an appellant is one who may have his appeal postponed, whenever, "by the providence of God," he is "prevented from seasonably prosecuting it" (sub-sec. 11). It cannot be intended to give a prosecutor this right, for he might, during the pendency of his appeal, become a helpless invalid, and thus for years be prevented from prosecuting it; and yet, during all this time, the defendant would be subjected to the outrage of having a formal indictment standing against him, which he could neither have tried nor honorably withdrawn. An interpretation of the law which makes such an injustice even possible, must be a false interpretation, or else the law itself must be a manifestly iniquitous one.

It is said, also, that the death of the defendant arrests the appeal and terminates the case. The General Assembly has so decided, though there is no express law for it. It certainly would seem unreasonable to try a dead man. But how, assuming that a prosecutor may appeal, and that the defendant dies during the progress of the cause, is the necessity

to be avoided? The object of an appeal by a prosecutor, in a case of heresy, for instance, is two-fold: to silence the false teacher, and to condemn the false doctrines he has already taught and published. Only the former of these objects is accomplished by the death of the defendant. "Being dead, he yet speaketh" all his soul-destroying errors which are contained in his published writings. His death has no magical effect to transmute these errors into saving truths; neither can it annul the judicial decision by which, as is claimed, they have been approved. How shall the church be warned against the moral poison already in circulation? It is not enough that the manufacture of "the perilous stuff" be stopped by the death of the manufacturer; the goods already on the market must be condemned. Therefore, let the appeal go on, even though the defendant be dead. Where great interests of truth and righteousness are at stake, any reverence for the maxim, *nil de mortuis, nisi bonum*, would be a sentimental and unworthy weakness. On that interpretation of the law which this article combats, death should not arrest an appeal. There still remains one cogent and conclusive reason why it should go on.

Such are some of the absurdities into which the theory, that any defeated party may appeal, leads; no word or sentence of the law justifies any such assumption. Its various provisions are consistent with each other, and mutually support each other, only when they are interpreted so as to deny an appeal to a prosecutor. Any other view makes peculiarly fitting and just that characterization of the law which the PRINCETON REVIEW once gave to the *Book of Discipline* as a whole. It makes it "unintelligible, inconsistent, and in some of its parts unreasonable." (*Princeton Review*, 1856, 583.)

The proper proceeding, in all causes which involve public offenses, is by complaint, and not by appeal. A complaint brings up the *cause* for review, but it does not arraign the *accused* for trial a second time. Hence a case may, without impropriety, be carried on by complaint, and not be estopped by the death of the defendant, should that take place.

It does not strictly belong to this discussion to consider the law of complaint. It seems necessary, however, briefly to advert to it, especially for the reason that complaint and appeal are sometimes confounded together. Previous to the revision

of the Constitution in 1820, there was no distinction between them. Now that distinction, in law, is clear, and in the practice of the church courts it has been sharply drawn. An appeal can be taken only by an aggrieved party ; a complaint, by any one. The ten days' notice, which must be given previously to an appeal, must also be given in the case of a complaint, so that the former cannot afterward be changed to the latter. But the radical and fundamental difference between them is this : An appeal by a prosecutor arraigns again for trial a party once tried and acquitted ; a complaint arraigns only the decision of the judicatory, and, it may be also, the judicatory itself. The power of reversal which, in a complaint, is given to the superior judicatory, seems to be given for the purpose of counteracting, if need be, any injurious effect which the decision might have as a precedent. Whatever the law of complaint may by any be supposed to intend in regard to a party once tried and acquitted, all, certainly, must agree, that it stops short of saying that he may again be put in jeopardy. The language of the law cannot, by any degree of violence, be twisted into sanctioning so gross an injustice and wrong as that.

But if a prosecutor may not appeal, and if a complaint cannot touch a defendant, it may be said that a minister, charged with any fundamental heresy and acquitted, might go on preaching false doctrine, and no power could arrest him. This is an objection which is formidable only in appearance, and hardly in that. If we suppose that a Presbytery suffers a member to preach atheism, and acquits him whenever he is arraigned and tried for so doing, then the Synod might, if it were ever necessary to resort to such an extreme remedy, cut off the whole Presbytery, and thus deliver the church from the reproach and injury. But to assume anything so utterly improbable, as that a Presbytery would ever tolerate the preaching of bald atheism, and then proceed to argue from that assumption, would be the extreme of folly. Such an argument would weigh nothing against the plain reading of the law. It still remains true, that the law gives no countenance to the assumed right of a prosecutor to appeal. It does not sanction the injustice of repeatedly trying, on the same indictment, a man who has been once tried and acquitted.

II. If now we turn to our judicial history, and examine the

cases which are reported in our Digests, we shall find no decisions that are in conflict with the interpretation of the law set forth in the foregoing pages. Of Synodical decisions, there have been some which have allowed a prosecutor to appeal. But these need not here be considered, for this, among several other good and conclusive reasons: that Synods, being inferior judicatories, are not competent to give to the law a final and authoritative exposition. There are not far from a hundred cases of appeal reported in our several Digests. In not one of them all do we find a prosecutor appealing and being heard as an appellant. It is condemned, and, therefore, aggrieved parties who appeal. There is one case, and only one, of an original party who was the prosecutor, bringing his cause to the Assembly on an appeal; but he was thrown out of court on the ground, chiefly, that he was not an aggrieved party. This case is that of George Fishback, *vs.* the Synod of Illinois South (*Minutes* 1874, 62). The essential facts of this case are these: The church in Carlinville adopted the term-service principle in the election of elders. Of this action Mr. Fishback, who was *not* an elder, complained to the Presbytery, alleging that the action was unconstitutional, and arraigning the church therefor. The Presbytery sustained the church, whereupon Mr. Fishback appealed, first to the Synod, which approved the decision of the Presbytery, and afterward to the General Assembly, which dismissed the appeal on the ground already named.

Now, it might be claimed that Mr. Fishback was not aggrieved, because, in the prosecution of his case, he was not liable to censure as a slanderer in the event of his failing to get a decision in his favor; whereas, the prosecutor of a minister is thus liable, and is therefore entitled to appeal. Such a plea is irrational and absurd. A censure is inflicted, if at all, by the court, and not by the defendant, who has no part or voice in it. It may, therefore, as we have already seen, be the foundation of an appeal as against the court administering it, but not as against the defendant. Mr. Fishback had no personal grievance against the church in Carlinville, where he entered his complaint. He could not then be aggrieved by the defendant's acquittal. Precisely the same thing is true of every prosecuted minister, and the case of Mr. Fishback is exactly in point. It is a decision in accordance with the law, pro-

nounced by the General Assembly as the court of last resort, and it is the only one in point of which we have any record.

III. The principles and rules adopted by other churches to regulate the administration of discipline, more particularly as regards the rights of litigants, will be found to be in substantial accordance with our own, as these have been set forth in this discussion, and expounded by the General Assembly in the case that has been cited. The Protestant Episcopal Church, as is well known, does not have a system of graded courts, such as is provided for in the plan of government of the Presbyterian Church. Each diocese, in all judicial matters, is independent. Whether the different dioceses have generally organized, within their own limits, appellate courts, the writer is not informed. But in the diocese of Illinois, a court of appeals has been constituted, before which no prosecutor is permitted to come. "Any minister of this church," so reads the canon, "who has been *found guilty*, . . . may appeal from such verdict and decision to the appellate court of the diocese." The same canon provides, that "the appellate court may reverse the decision of the court below," or may "remand the case for a new trial." But both the reversed decision and the new trial are to be in the sole interest of the person "found guilty," and not in the interest of a person seeking to find another guilty.

The great and prosperous Methodist Episcopal Church is equally careful to defend even accused parties from being persistently hunted through all the courts of the church. No principle or rule finds place in her discipline which allows a minister, once tried and acquitted, to be arraigned again for the same specific offense. "In all cases of trial *and conviction*, . . . an appeal shall be allowed to a judicial conference" (*Discipline*, 352). "It is required, however, in order that the appeal may be entertained, that the *condemned person* signify his intention to appeal within a given time" (*Bishop Baker on the Discipline*, 133). "In case of location without consent, as well as expulsions, the *aggrieved party* is allowed an appeal to the judicial conference" (*Ib.*, 158). There can be no doubt as to the meaning of the aggrieved party in this connection. So jealous is the Methodist Church to protect individual rights, that it not only vindicates persons unjustly condemned, but

even secures individuals in the enjoyment of privileges wrongfully conferred. "When an annual conference decides that a preacher having charge has received or expelled a member contrary to the discipline, the decision does not exclude the member so received, but restores the member so expelled" (*Discipline*, 339). A church which makes such decisions would not be likely to encourage the prosecutor of a minister to try again, again, and again—"if at first he don't succeed,"—to obtain his condemnation. It would not thus "frame mischief by a law."

The Congregational and Baptist Churches make no provision for the review of judicial decisions by a court or tribunal of appeal. When councils acquit, or suspend, or depose ministers who are put on trial for public offenses, that is the end of the matter. But in the early colonial history of New England, when, through "the general court," the State exercised a more direct supervision of the church than now, appeals to the courts of the State were not unfrequently taken by injured parties; but never by prosecuting, unaggrieved parties. Buck's full and elaborate treatise on *Massachusetts Ecclesiastical Law*, while citing many cases that might be used in support of the principles which have here been contended for, does not mention a single case that contravenes these principles. Neither Congregational polity nor Congregational history afford any warrant for twice or thrice trying a man, on the same indictment, who has been once acquitted.

The same is true also of the Baptist Church. It has no law whereby even a condemned minister can appeal, "each church being competent in itself for all the purposes of government and discipline" (*Crowell's Manual*, p. 223). It has sometimes happened, however, that Baptist usage, even without law, has been considerate toward ministers convicted of offense; for though deposed by one council, they have, in some instances, and on their own application, been restored by another, so that an irregular sort of appeal has been allowed to the aggrieved.

IV. But we must not limit the present inquiry to the principles which have been adopted by the different religious denominations of our own time, and to the usages which prevail among them. The Church, in every age, has allowed the right of appeal in all public offenses only to condemned parties. What-

ever exceptions there may be to this statement, will be found to be of such a character as will all the more strongly emphasize the wisdom and justice of the rule. From the day on which the apostle Paul, in the presence of threatened wrong, uttered the words, "I appeal unto Cæsar," until the present hour, no well-governed people has ever allowed the right of appeal, except to injured parties. The civil, military, and ecclesiastical jurisprudence of the whole civilized world bases itself upon that fundamental idea, expressed by Dr. Smith in his *Dictionary of Greek and Roman Antiquities*, where he says that the word *appellatio*, or appeal, is used to set forth "the application of an individual to a magistrate, in order to protect himself from some *wrong inflicted*, or threatened to be inflicted." This, he declares, was the meaning of the word among the ancient Romans. We find a similar definition, referring especially to ecclesiastical cases, in Reeves' great work on the *History of English Law* (Finlason's Ed., vol. 3, p. 61): "It was a rule in the canon law that an appeal might be made from every *gravamen* by which a litigant felt himself injured; so that an appeal was considered a species of *defense for the protection of innocence* in all cases." It is plain, therefore, that the right of appeal rises out of personal injury done to the appellant by the person or persons defendant, and done *before*, and not during or by the trial. Where such injury has been inflicted the right of appeal exists, but not otherwise. Accordingly, we find the two appearing together all along in the history of the Church. Here are some instances: "Only they (*i. e.*, the clergy) had liberty to appeal, as all others, in case of *injury done to them*" (Bingham, *Antiq. of Christian Church*. v. 1, p. 30). This was a provision which the Great Council of Nice ordained for the redress of grievances. Metropolitans were required "to hear the accusations of those who complained of *injury done them* by their own bishops, from whom there was liberty always to appeal to their metropolitan" (*Idem*, p. 65). "If any man is *injured*" he is to bring his cause "first before his own bishop, then before the metropolitan, after that before a provincial synod, and last of all, before the patriarch, from whose judgment there lay no appeal" (*Idem*, p. 72). In all these instances we have the idea of *injury done to the appellant* set forth as the essential and indispensable condition of the appeal. And it is

not an injury caused by defeat—for there is no injury in that—but an injury inflicted altogether antecedently to the trial, if the appeal be by the plaintiff, or else some penal infliction visited upon the defendant as the result of the trial; so that in the one case it would be a private, and in the other a public offense.

To the same effect we read, that the Synod of Sardica gave to Bishop Julius, of Rome, the right to “appoint judges to hear the appeals of *condemned bishops*” (*Gieseler, Ch. Hist.* vol. I, 379–80).

When, however, the spiritual life of the church began to decline, and arbitrary ecclesiastical power came to be more and more dominant and oppressive, then the right of appeal came to be abused. Then, says Milman, (*Latin Christianity*, I, 270,) men began to be driven to Rome, not only “the aggrieved for redress against the oppression,” but also “the turbulent for protection against the legitimate authority of their metropolitans.” In the very darkest period in the history of the church, Neander testifies that appeals “no longer served the purpose of protection for the weak and the oppressed against the will of the mighty, but much more of securing for arbitrary power a convenient handle by which to thwart the execution of the laws and defeat the ends of justice.”

It is always so: when bare ecclesiastical power usurps the place of love, when rigorous measures of discipline are resorted to as the chief and most effective instrumentalities for maintaining the purity of the church, when zeal in behalf of Christian morals, or of Christian truth, outweighs in the general esteem all considerations of justice to a suspected or accused individual, then the spiritual life of the church is certain to be near the vanishing point.

The ancient Scottish church, from whose law our own borrows some of its principles, and forms of procedure, took care to deny the right of appeal to a prosecutor, by denying that right to all but injured parties. *Steuart's Collections*, an old compend, published in 1770, says: “All persons *lesed* by the procedure of sentence of a kirk session, may appeal to the Presbytery.” “If, on trial of the process, the Presbytery find the session hath unwarrantably proceeded in inflicting the sentence without a sufficient cause, and thereby the appellant

lesed, the Presbytery is not only to assoilzie the appellant, but to take such ways as may be proper and effectual to vindicate the appellant's innocency."

Nor does the Scottish law lend any countenance to that most singular interpretation of our own, according to which a prosecutor defeated becomes, *ipso facto*, a slanderer, and which has already been noticed. On the contrary, it expressly enacts: "If, upon trial, there be found any presumptions of guilt, or if it appear that there was a *fama clamosa* for what is libeled, the pursuer in that case ought not to be reputed as a calumnious accuser, even though he succumb to his probation" (*Par-dovan's Collections*, 397).

Now, it is impossible that there should be a *public* offense without a *fama clamosa*. The Scottish law says, that where there is a common fame, the prosecutor ought not to be adjudged a slanderer, "even though he succumb to his probation," that is, *fail*. Our law says, that he ought to be, in case he appears to have been either rash or malignant. But *neither law*, it will be observed, makes the prosecutor, *ipso facto*, a slanderer; hence, he cannot appeal against the court, much less against the defendant who is acquitted.

It will be seen from this brief historical survey, that the construction of our law of appeal, which has been set forth in this article, is one which is sanctioned by the wisdom of the church in past ages, as embodied in its laws and usages. It is a construction which brings our law into accord with the laws of all civilized States, so far as these relate to the right of appeal, and with the principles and practices of other religious denominations of our day. A distinction in the law which grants the right of appeal to either party in all private offenses, and denies it to the prosecutor in all public offenses, which is a distinction that has always been maintained in the jurisprudence of the whole world, is not one that may be ignored as involving a technicality. It is fundamental. It is a distinction which involves natural justice and individual rights. No civilized State has ever ventured to disregard it. Whoever claimed that a prosecutor has the right to appeal, must also claim that *it is right* to arraign again and again and again on the same indictment an accused party, provided he has been so *unfortunate* as to be acquitted on the first trial. Between the

tender mercies of such a judicial persecution, and those which the wicked dispense, there is nothing to choose. To interpret our law thus, is to put a stigma upon it, to stain it with injustice and wrong, to array it against that sentiment of justice which throbs in every bosom, and which has found expression in all other laws relating to the subject of appeal, if not in this. Let the moral and doctrinal purity of the church be maintained, first of all, by cultivating assiduously her spiritual life, by preaching the truth in love, and by loving the brethren in the truth. Let discipline be resorted to only as a deplorable necessity, and let it be conducted with due regard to the fact, that the intelligent conscience of the world, as expressed in law, protests against the essential injustice of repeatedly trying a man once acquitted upon the same indictment.

Art. V.—"GOD IN HUMAN THOUGHT."

BY HENRY A. NELSON, D.D., Geneva, N. Y.

THIS is the significant title of a work lately published, the product of extensive and careful reading and of much patient and candid thinking. Its author has shown great ability to enter into the thoughts of men in various ages, and of various cultures, civilization, and religions, with a generous sympathy, which enables him to find their true contents, and to report them to his readers without distortion and without exaggeration. A calm, scholarly, philosophic tone is maintained naturally and without effort; therefore, without ostentation and without frigidity. The author converses with the sages of antiquity, the thinkers of all times, with a respectful candor, most similar to that of Paul at Athens. No wonder, then, that he has so generally found them "seeking the Lord, if haply they might feel after Him and find Him."—Acts xvii : 27.

The better minds among all peoples have solicitously and carefully "felt after" "the GOD;" the best of them have been aware that "He is not far from every one of us."

This conviction has possessed not only the most gifted, but also the simple and lowly, who have been sincere and teachable, obediently listening for any divine voice which peradventure might whisper to them—Yes,

"In even savage bosoms
There are longings, yearnings, strivings
For the good they comprehend not ;
. . . . Feeble hands and helpless,
Groping blindly in the darkness,
Touch God's right hand in the darkness,
And are lifted up and strengthened."

It is not the purpose of the present writer to review Dr. Gillett's work, by the reading of which he has felt his own mind not a little refreshed and enriched. He only takes occasion to express some thoughts on the great theme (the Being of God), considered from a point of view which this book suggests.

A theologian of the last generation called his readers to an instructive meditation "*on the duty which is laid upon men by the probability, or even the imagination, of a God.*" *

One who does not know that there is a God, when first the question, *whether there is*, visits him—when first the bare "imagination of a God" springs up in his mind—instantly becomes subject to a distinct obligation to test that imagination—to find, if he can, the true answer to that question. Enjoying daily benefits, enjoying a conscious being, which (it just now occurs to him), *may, perhaps*, be gifts of a beneficent Creator, it behooves him at once to inquire whether they are so. That he does not know to whom he is indebted, nor whether to any one, may not be a fault ; but if he does not care to know, then is he culpably ungrateful. If his heart is right, if he has the right moral disposition, he will not be satisfied until he has ascertained whether there is a God.

Was ever a mature human mind in that position ? It is not easy to imagine the thought of God coming as a new thought into any mind in its maturity. The extensive researches of Dr. Gillett in the literature of various nations and ages (the authentic records of "human thought") find God in it everywhere.

* *Chalmer's Nat. Theol.*, vol. 1. chap. 11.

There have been many thinkers who have raised and pursued the question, whether this idea has any objective reality corresponding to it—whether God is, a real Being, or not. But has any one who has raised that question, ever spoken of a time when he had not that idea, or informed us when it first came into his mind?

The question which is put to us, is not whether we will admit the belief in God into our minds on the presentation of convincing proof that He is, a real Being, but whether we will cast that belief out of our minds on account of finding it unsupported by evidence and unreasonable.

Every one of us, when first he finds himself capable of thought, finds himself in possession of this belief. He may be called upon to examine its validity, to decide whether it is a belief which is fit to be retained. He may value the possession, but be too honest to keep it without a good title; or he may find it an uncomfortable possession, and so be led to inquire whether he can honestly be rid of it. But no one of us can remember when he came into this possession, or look back to a time when he did not have it. We have had this belief as long as we have had any belief at all. When any experience whatever stirs our consciousness of this belief, we find it at the very bottom of our minds, underlying every other belief. Whatever shakes this shakes them all. Ceasing to believe this, it is not easy to see how we could continue to believe anything.

This subjective condition of our own minds is a fact which we cannot omit to consider in a philosophical investigation. It is, indeed, the very first fact which we come upon in such an investigation. Like all other facts belonging to the subject, it has a right to be accounted for in any theory which offers itself to our acceptance. It is an unquestionable fact. It is a fact for which we need no testimony. It lies in the consciousness of each one of us. It is competent to challenge, for insufficiency, any theory which cannot make room for it and take it in.

We are not seeking to evade the obligation of testing the validity of this belief. We accept this obligation, and we inquire *in what state of mind it behooves us to enter upon this investigation.*

Some there are, who stand ready to demand that we be free from all prepossessions and all preference in the matter. They allege that our "traditional" or "hereditary" belief in God is a prejudice, or bias, from which we must free ourselves before we can enter in a really scientific way into the inquiry, *whether God is*. The mind must be cleared, say they, of all predilection, of all predisposition to believe in God. At the beginning, and at every subsequent step, of the investigation, we must take care lest the wish should be father to the thought, lest the heart's conscious want of God should delude the intellect into the belief of Him. Let us have the investigation in the "daylight" of reason. This is brain-work, not heart-work.

We do not hesitate to pronounce this an extravagant and unreasonable demand. It is impartiality gone to seed. It is candor gone mad. It is self-control ossified. The same false philosophy which demands this has soaked into our jurisprudence, at that point where the demand for impartiality in judicial investigation has been carried to such excess, that, virtually, ignorance and stolidity become prime qualifications for jurors. There is scarcely a graver question at present for the philosophic statesman than this: How can trial by jury (the safe-guard so long of the citizen against governmental tyranny and against malicious accusation) be saved from its present tendency to become most conspicuously the safe-guard of the criminal against punitive justice; the more effectual, the more flagrant and daring his criminality may be.

The truth is, that every investigation pre-supposes an investigator. No human investigator is a being of mere intellect. Power to think does not exist apart from power to feel. Human intelligence cannot be wholly dissevered from human sensibility. The brain and the heart pulsate with the same blood.

Neither is it true that either the power or the accuracy of the intellect is in proportion to the want of sensibility. Absence of feeling is not favorable to vigor or accuracy of thinking. Excess of feeling, morbid feeling, or want of feeling, is a hindrance or disturbance of thought. There is a normal balance of feeling and intelligence which assures the best results of both.

He who has lived all his life in the enjoyment of an estate, with no question of the validity of his title, if now that question is seriously raised, cannot go into the investigation with

entire indifference as to the result. If you have long confided in a friend, with no doubts as to his integrity and fidelity, and now he is accused of a crime, or of treachery, or of baseness, which should forfeit your esteem, certainly, you cannot divest your mind of all existing impressions, and pursue an inquiry as to that friend's character, with no preference and no wish concerning the result of it. Yet, who will say that a just man is unable to hold all such feeling in due subjection, so that it shall neither blind him to the evidence, nor disable him to accept the result which the evidence shall justify? Who will say that a man of quick and keen sensibility may not still be a man of such calm judgment and so just, that he will be able to weigh the evidence fairly, and promptly to surrender an estate to which his title is proved invalid, or to renounce a friendship which he finds unworthy, at whatever cost of interest or of feeling, in the one case or in the other.

Shall we be required to investigate a question which involves all our religious hopes, the reality of our immortal being, and of the God whom we adore and trust, with no feeling of interest or preference as to the result to be reached? Shall we be asked to enter into the question, whether there is a God, not caring whether there is?

A mind that could be indifferent to such an issue, must be monstrously disqualified for any investigation.

We go further and say, that at the beginning of many important investigations, there already exists a reasonable presumption on one side or on the other, and it is essential to a right investigation that this presumption be rightly recognized. "On which side is the burden of proof?" is always a preliminary question. Thus, in our criminal jurisprudence there is always a presumption in favor of the accused; and in litigation for property there is a presumption in favor of him who has long held undisturbed possession.

In this grandest, deepest, foremost question of all, is there, or is there not, a reasonable presumption, on one side or on the other? Where lies the *onus probandi*? If there is a question here to be argued, whose question is it? Who has the obligation to make out his case?

We will not press this to any extreme. But we refuse to begin such an inquiry as this under the unfair assumption, that

God is an immense improbability, for whose admission into human belief we are humbly to beg. We cannot treat the idea of God as a new invention soliciting an acceptance. The question is not whether we will admit the belief in God into our minds, but whether we will cast it out of our minds. No doubt, it is a *traditional* belief, a *hereditary* belief. It has come down to us from our ancestors, and they are honorable ancestors. There is a reasonable presumption that they possessed it, and that we have inherited it, legitimately. Nevertheless, we will not hold it dishonestly. Show us that our title to this inheritance is not valid, and we will give it up.

It behooves us, as philosophers, to inquire with equal caution, whether our minds may not be or become subject to prejudice in the opposite direction—a prejudice or bias against belief in God. It is no harsh judgment of human nature which suggests that a human mind may be interested to evade that sense of indebtedness and of obligation, which is inseparable from the belief in God. One may even be conscious that, on the supposition of a God, living and reigning, he himself is delinquent toward him—is an offender against him. One may be in a state of mind which makes him unwilling to have a God to reign over him, and on whom to be dependent. We do not charge this upon all who are questioning whether there is a God. We believe that there are honest souls, agonizing in that inquiry, anxiously "feeling after the God," and "longing, yearning, striving" to find Him, like "infants crying in the night, crying for the light, and with no language but a cry." Feeble as they, but happier, we would fain lift their groping hands, and help them "touch God's right hand in the darkness."

Not in harsh accusation, but in friendly and honest admonition, we suggest, that no man is competent to pursue rightly the inquiry, whether there is a God, who is not wholly willing that there should be, and willing to be in subjection to Him, and in dependence on Him. Any *unwillingness* would be an improper bias, unfitting the mind for impartial investigation.

Having this belief in our minds, at the beginning of our inquiry our question is, whether a candid examination of the evidence will compel us to give it up and cast it out of our minds, as a prejudice or a superstition. Doubtless, right education and competent investigation do constrain men to give

up beliefs which have had immemorial possession of them. Some have grown up in the belief of goblins and witches, and in their educated maturity have found valid reasons for abandoning such belief as sheer superstition. We may be too slow to do this, too unready to yield to clear evidence that inherited beliefs are illusions. But there is also an opposite danger. When a mind has made some such discoveries—has been forced, with bitter pain, to cast away as worthless some early, fond beliefs, outgrowing them as childish delusions—there is a liability to become morbidly distrustful to all that was early learned, of all old beliefs, and to lose the power of holding fast even to those which thorough investigation would verify. He was not a wise student of finance, who, finding several counterfeit bank-notes in his possession, hurled his wallet, full of currency, into the sea. The psalmist confessed that he "said, *in his haste*, '*All men are liars*,'"—when, doubtless, he had been disgusted with the falsehoods of *some*. It is both hasty and foolish to despise all that we have always believed, because we find that we have had some erroneous beliefs. There is still a considerable presumption in favor of those beliefs which we have found in possession of our minds, and the minds of all our fellows. We ought not to relinquish them until we have fairly and fully considered the evidence on which they rest, and have found it insufficient to support them.

What is it which has rid our minds of the belief in goblins and in witches, which possessed many intelligent and candid minds of former generations? It is simply this: that we have found more reasonable ways of accounting for all the phenomena which used to be regarded as proofs of their existence. Physical science has emancipated us from such superstition. Is our belief in God a superstition, from which physical science, in its further progress, will emancipate us? Some of its votaries appear to think so; by no means all of them. Only a few avow such an expectation. To most minds this would be something very different from emancipation. It would not be making us freemen, but making us orphans. Still, if we are orphans, by all means let us know it. When the question has come into our minds, whether we have a Father in Heaven, we cannot be happy without settling it.

Let the theistic belief be stated in clear terms; and let us

attend candidly to any reasons, which may be presented, why we should abandon it.

It cannot be better stated than in the words of the most ancient Christian creed: "*I believe in God, the Father Almighty, Maker of Heaven and Earth.*"

This assumes the real objective existence of "heaven and earth," *i.e.*, of the world we live in, and the other worlds among which it revolves, the whole multitude of orbs which are visible to us, and whose magnitudes and distances our modern science demonstrates to be so amazing. It assumes that these objects, and this vast and wonderful system of forces and operations, which we call nature, do really exist. It assumes also the real being of ourselves.

Both these have been questioned? But can they rationally be questioned? Is it rational to demand, or to seek, proof of them? Is a mind which requires proof of these, capable of reasoning, or in a condition to be reasoned with?

Says President Hopkins: "No man *can* believe anything with a certainty greater than that with which he believes in his own existence; and, if we may suppose such a case, he who should doubt of his own existence would, in that single doubt, necessarily involve the doubt of everything else."* We may add, that such doubting could never be cured by argument, for it would have no basis on which argument could begin. A slough which has no bottom cannot be filled: it must be bridged over. There is no use in wasting any gravel in it.

Dr. Hopkins says again, on the same page, "that, generally, the evidence of the senses is the ground of entire certainty to the mass of mankind. To them 'seeing is believing,' and they can conceive of no greater certainty than that which results from this evidence." In this, are not "the mass of mankind" rational? Can individuals among them give more conclusive proof of insanity than by losing this belief?

It certainly is possible for minds to become affected with doubts as to the validity of such fundamental beliefs, and of all beliefs. We have known a little boy, who had not yet heard anything of Hume or Berkeley, to become involved most distressingly in such questions as these: "I have often

* *Lowell Lectures on the Evidences of Christianity*, p. 27.

slept and dreamed; and in my dream, I seemed to see about me objects as real as any of these. I woke from that dream, or seemed to wake, and to find that what I had dreamed was—nothing. How can I be certain that I am not dreaming now, and shall by and by awake? How do I know that I shall wake at all; that all life is not a dream, and all objects—nothing?" Such a bewildered child was not to be reasoned with. He needed diversion; he needed rest of brain; he needed his mother's comforting; nay, he needed a sturdy wrestle with some rough play-mate.

Doubts, whether the things which we see and handle are real things; whether the persons we converse with are real persons; whether the ground which we walk upon is real ground; whether we, ourselves, who walk and talk and look and doubt, are real persons, who really do all these things, or really doubt whether we do them;—these are not rational doubts. Nothing can be more irrational.

Dr. Hopkins speaks justly of a "sickly and effeminate *habit* of doubt," in which he thinks that some persons "indulge themselves." Strange, silly indulgence! Those who are tempted to it would perhaps be saved from it, if they could know how "sickly and effeminate" it appears, and how pitiable, to such healthy and sturdy thinkers as that New England teacher.

Assuming, as all sound minds must assume, the reality of ourselves, and of the objects of our sensible perception, assuming the real existence of "the heavens and the earth," can we rationally cast out of our minds their old belief in God, the maker of them? If we do abandon this, what shall we take in place of it? Something else we must take. There are minds which do not sufficiently consider this. As a material body cannot leave its present position in space without taking some other position, so a mind cannot abandon its present position in thought, without taking some other position. Bodily or mentally, we cannot go away from where we are, without going somewhere else. The discontented boy who said, "I would run away, only I don't know the way any further than Grafton," was a more prudent boy than some, to whom that thought does not occur until after they have started. It evidently has not yet occurred to some people

who are discontented with their "hereditary" beliefs, mainly because they are hereditary, and, therefore, not new nor startling. We shall do such people a real service (whether they have any beard on their cheeks or not), if we can induce them to inquire, seriously, whether there is any better house to move into, before they move out of the old one, "in which their mother nursed them, and in which she died"—and any better land than the old farm, on which their father toiled so honestly and lived so thriftily.

When you give up believing "in God the Father Almighty," what will you believe in? Open your dictionary to the word "atheism," and you will find it defined, "the disbelief or denial of a God." It will be hard to find any living atheists under that definition. Chalmers and Christlieb, and others, have sufficiently set forth the absurdity of such denial. No finite person can be competent to affirm, that in no part of the universe is there evidence that it has an intelligent maker. No one who has not visited and explored all worlds, can know that on some of them there may not be a standpoint at which God would be manifested to him in irresistible and glorious evidence of his real and awful being. So far as we know, the unbelievers of our time and land agree with our Christian theologians in declaring such *denial* of God an absurdity. Taking the dictionary definition of "atheism," they, not unreasonably, refuse to be called "atheists." They do not deny that there is a God; they do not know whether there is. Some of them say that it is *impossible* to know, but how this is a more modest pretension than that which is involved in the *denial* of God, it may be difficult to show. At any rate, they do not deny that God may exist. Theirs is not *disbelief*, but *unbelief*. It would help precision of thought on this question, if (as some writers have proposed) we should agree to designate the positive denial of God by the term anti-theism, and reserve the term atheism to describe the *unbelief* of him who insists that he finds no evidence of a God—whose "verdict on the doctrine of God is only that it is not proven—not that it is disproven." We have no disposition, however, to force this name upon those whose unbelief it seems to us etymologically best fitted to designate, since it is offensive to them, and we even hold it a good and hopeful sign that it is so. But this is our question

Shall we give up our old belief in God for this *unbelief*, which its advocates are unwilling to let us call atheism, and for which, besides that, our language does not yet afford us any distinctive term? This *unbelief* certainly eliminates God from the problem of the universe as decisively as *disbelief*. It does not allow us to assume a "maker of heaven and earth," an intelligent contriver and framer of the world and of nature. How then shall we account for them? For we cannot get rid of this question; it will forever knock at the door of every mind that has not answered it.

Shall we say that the world is eternal? No one can suppose it to have existed eternally in its present condition. Small knowledge of geology and physical geography suffices to make such a thought impossible.

"Men may come, and men may go,
But I flow on forever."

So the river is made to say in a song which some of our maidens sweetly warble. It will do for a song. The continuous flow of the stream is in impressive contrast with the brief lives of men, who, in successive generations, come and go on its banks; but the simplest know that it is not "*forever*." The "*father* of rivers" has not been flowing eternally down the continent. This the steady eye of the physical geographer perceives hardly more quickly or clearly than that of the illiterate boatman, who sees its turbid torrent perpetually laden with the soil of its crumbling banks, and "*reckons*" that it would wash all Missouri and Kansas down to the Gulf—"only give it time enough." No one making any pretensions to science entertains, for one moment, so crude a hypothesis as the existence from eternity of the world in its present state, the present cosmos. Probably there are, however, students of science, of no mean attainments, who do entertain the hypothesis of an eternal succession of cosmical periods, each and all presenting only the results of impersonal forces working blindly, although in such marvelous order. Every such theory is a mode of pushing the question evermore back, further and further, without answering it, more learned perhaps, but not more really scientific than that rude pagan cosmology, which sets the earth upon the back of a tortoise, and makes the tortoise stand on a serpent, and leaves the serpent to wriggle. There is no such hypothesis which is capable of being thought through.

To assume that the substance of the world is eternal, and only its phenomena perpetually changing, is to assume what certainly is incapable of proof; and, if it should be granted, we should still need an eternal mind, an eternal intelligent being, to account for the phenomenal changes which the assumed eternal matter undergoes; and this would still be God, the "maker of heaven and earth." An eternal canvas would not account for a complex picture, expressing ideas and illustrating history. A river flowing eternally, if that could be, would not account for mills on its banks with curiously contrived machinery, nor for steamers plying, up stream as well as down, on its waters.

Shall we say that *man* is eternal?—not the individual, of course, but the race, the succession of generations? Can this have been from eternity? Assuming the succession to be just such, all the way, as we see it now, no one imagines that to be possible. An eternal series of human generations is a manifest absurdity. An eternal succession of men, each one of whom was begotten by a man living before him, cannot be rationally thought. Every least-instructed mind sees at once that the first member of such a series cannot have had one before him, from whom he came. A dynasty may be very ancient, but its first king did not *inherit* the crown?

How is it at all an escape from this difficulty, to suppose a development of man from a lower order of beings, and that from a still lower, and so on backward indefinitely? Agassiz's latest affirmation was, that this hypothesis has no adequate justification in ascertained facts; but if it were granted, what then? An ascending series must have a first term as surely as a level series. Some of these railroad coal-trains are very long. When one of them is crossing the street just before you, and you are in haste to fulfill an appointment, you may be guilty of only a pardonable extravagance, if you call it "*interminable*." Of course, you expect that to be understood as rhetoric, not science. You know that if you wait, patiently or impatiently, the last car will pass. Would you be any less certain of this, if you noticed that each car was laden with poorer coal, and built of rougher timber, and run upon clumsier wheels than the one before it?

If Mr. Darwin should induce us to believe that our pedigree

runs back, not through a level series of men, but through a series descending backward, through apes,* cats, frogs, oysters, jelly-fish, we should still demand the pedigree of the ancestral jelly; and it would be no less difficult to give it, or to account for that marvelous being in which these present nations lay in solution, than to account for such an Adam and Eve as Moses wrote of. Indeed, we understand Mr. Darwin to affirm that a race developed, as he holds ours to have been, must have a creator as surely as on the Biblical theory—a creator whose efficient and wise will wittingly put into the primordial substance all its prodigious potency.

And that last word reminds us of Mr. Tyndall's Belfast address, especially its unlucky sentence about *discerning*† in matter "the promise and *potency* of every form of life." He has been criticised with not too great severity; for, in speaking of things so sacred, careless speech is wicked. Yet, it would be unchristian to refuse his words the most favorable construction, or to deny him the privilege of amending them. A very significant amendment it is, which appears in a later edition, where that phrase is toned down to "the promise and potency of all *terrestrial* life." This amendment seems designed to rescue the utterance from the interpretation (most natural in its original form) which would make it a "confession" of atheism. In this amended form it at least does not *deny* an eternal power and intelligence, by which the primal matter was made and endowed with that wondrous "promise and potency." Surely, the belief in matter thus *created*, in atoms impregnated with *such* potency, made capable of development into such a universe, would most abundantly justify "our professed reverence for its Creator."

* We feel like begging pardon of the elephant and the horse, for omitting them from the roll of honor, as ancestors of man. But our respect for their minds forbids putting them below the ape, and the bulk and shape of their bodies are in such contrast to our own, that placing either of them next to us would seem to be putting an unfair strain upon the development theory.

† It was, indeed, a marvel, that one so trained to scientific accuracy, so familiar with studies which forbid affirmation beyond the limits of observation, and so strenuous an advocate of that method of thought, should profess to "prolong the *vision backward across the boundary of the experimental evidence*." It was passing strange that such an one should launch a huge GUESS upon that wide sea, with the pretentious name DISCERN painted on her stern. But this mistake has been sufficiently censured, and we cannot doubt that it has long since been "*discerned*" by its acute author.

Surely, the eagle is no less a wonder of creative skill when the elements of his being are diffused in the semi-liquid contents of the egg-shell, than when, in the full glory of his living powers, he screams from his aerie, or cleaves the sky with his daring wings. If back, beyond "the boundary of the experimental evidence," as we terrestrials are able to discern it, some seraph scientist does clearly see a formless protoplasm, into which the Creator has so breathed that it is sure to develop ("never so many millions of ages hence") into a mighty race of intelligent creatures, we need not doubt that that seraph there finds as high proof of the Creator's power and wisdom as in this race, whom he now sees calculating eclipses and inventing the telegraph, and working out the mighty social and moral problems of this world's history.

Mr. Tyndall does not *deny* that matter, with all its known and all its *supposed* "potency," may have been originated and endowed by a creating intelligence, "a Being standing outside the nebulae, who fashioned it as a potter does his clay, but whose own origin and ways are equally past finding out." But we are not aware that he avows any positive belief in such a Being. We think there is an inadvertence in the language just quoted from the preface of his address. It assumes that the Being, who "fashions the nebulae," himself must have had an "*origin*." Does the scientist's mind refuse to admit the idea of a Being who was not originated—who did not *become*, but eternally IS? Yet, if he denies this to the "Being standing outside the nebulae," he will have to claim it for the nebulae. Is one of these assumptions any more *scientific* than the other? Right here is a point, not sufficiently noted, in which it belongs to "the modesty of true science" to confess the utter and hopeless insufficiency of science. We use the term, science, here with the limitation which such writers as Mr. Tyndall put upon it, meaning *physical* science. This science relates to the ongoing system of nature. It accounts for facts by finding antecedent facts which are causes. It does not, and cannot, account for the *beginning* of a system of causation. Its causation is a pendent chain of many links, the connections of which, one with another, it traces with diligent and attentive observation. It cannot find the support of the highest link. The question, how the system of nature originated, transcends the sphere of *physical*

science altogether. If creation is a fact, it is not a fact of nature, but a fact antecedent to nature. It inaugurates and conditions nature. It is a fact for which science cannot account, of which science can give no explanation. But if creation is a fact, then there is a Creator. If he wishes the creature, made in his own image, to *know* the fact of creation, he will not leave him to search for it in nature, but will tell him of it supernaturally. The supernatural communication thus made will be a fact, which will supplement the facts of nature; will harmonize with them; and will furnish the explanation of their origin. That we have such a supernatural communication is believed by the most of those who "believe in God, the Father Almighty, maker of heaven and earth." They find, in the collection of writings which they call the Bible, that of which the human mind is not an adequate cause. But allowing it the origin which it claims for itself, its disclosures, wholly consistent with that claim, reveal the origin of the world and nature, and sufficiently explain it. This same book fully discloses a "moral system," dimly apprehended by those who have only nature to teach them, yet having many of its principles written on the hearts of men, and recognized by men of all lands and ages, with a uniformity which Dr. Gillett has most instructively illustrated.

The GOD, whom thoughtful men everywhere "feel after," and of whom they have all found significant intimations in physical nature, abides in the "moral system" with a pervasive and penetrating presence, from which the wicked and the heedless cannot wholly escape; by which the most thoughtful are the most awed; and with which the most pure-minded are most blessed.

We have spoken of a morbid intellectual condition—the pitiful debility of doubt. There is also a morbid moral condition which sadly enfeebles and obscures spiritual visions. The pure in heart see God. These morbid conditions, the intellectual and the spiritual, are often blended, and are likely to aggravate each other. Who of us all can claim to be wholly free from either? Quite truly says Mr. Tyndall, "Christian men are proved, by their own writings, to have their hours of weakness and of doubt as well as their hours of strength and conviction, and men like myself share, in their own way, these variations

of mood and tense." In respectful, brotherly sympathy, we take the hand of this eminent student of nature, thanking him heartily for all the wealth of information which his diligent observation has brought us from her rich fields, and we humbly join him in this serious introspection. Our own mental states are not to be disregarded in estimating the results of our observations, any more than the variations of the needle may safely be ignored by the mariner. Most honorable to our scientist is the fidelity with which he records his own experience :

"I have noted," says he, "during years of self-observation, that it is not in hours of clearness and vigor that this doctrine " (atheistic materialism) "commends itself to my mind ; that in the presence of stronger and clearer thought it ever dissolves and disappears, as offering no solution of the mystery in which we dwell and of which we form a part." This ingenuous testimony deserves the thoughtful regard of all Mr. Tyndall's disciples and fellows. That self observation is by no means peculiar to him, and it calls attention to a field of observation which, in the interest of true science, ought to be more amply explored. Let us, fellow seekers for truth, bring together, in such frank disclosures, the results of our personal self-observation. Till more of such testimony is recorded, we may not be warranted to affirm, but we are very confident, that Mr. Tyndall's experience is like that of every man who makes such honest and attentive self-observation. Their hours of doubt are hours of weakness ; hours of strength are their hours of conviction. "Not in hours of clearness and vigor" does atheistic materialism satisfy any mind. It is an illusion which, in the presence of "stronger and clearer thought, ever dissolves and disappears."

The earnest and patient study of "*God in Human Thought*," to which Dr. Gillett's work is so helpful and so stimulating, is, we believe, the most urgent need of human thought in this age. Subtle arguments to prove that God is, a real Being, may have been needed, but it is questionable whether they have not been much overdone. There are minds in which doubt of the great and fundamental reality would never be awakened, except by finding some mind superior to themselves seeking to support its belief by argument. If argument must be used, the simplest and most direct should be preferred. A sound and healthy

mind, in this world and life, knows that God is not far from him, as surely, and with as little dependence on subtleties of argument, as one knows that his wife is not far away when he comes home at evening, weary and worried, though she be not at that moment visible. He knows by the order which he sees in the sitting-room; the warmth which glows from the hearth; the refreshment that waits upon the table; the unmistakable fragrance of care and love which fill all the air of the home.

A mind that is unhealthily fond of subtleties, and not content with knowing obvious things, but will ever be trying them with cunning questions, needs not so much to be argued with, as to be *confronted* with, the sturdy reality. Such a youth in his teens, walking with a school-mate of much more mature mind and of exceptionally large and powerful frame, challenged him to an argument to prove the reality of his own being. Instead of the duel of dialectics which the boy had coveted, the robust and straightforward man drew back his hand and heavy fist and dealt him a blow which sent him reeling across the gutter, and he staggered back to walk more modestly, not only along that village pavement, but on his path of thought and life, more modestly and more wisely.

Minds which, in moral perverseness, are hiding away from God—not wishing to retain Him in their knowledge—cannot be convinced by reasoning about Him. They must be made to hear Him. His holy commandments must be thundered in their souls, and made to reverberate in the hollow depths of their disingenuous spirits. And those troubled minds, sincerely loving the God of their fathers, but startled and bewildered by the challenge of unbelievers to "show cause" why their belief in Him should not be taken away; honest souls, who find themselves led to the very edge of faith, and who look down thence with utmost horror into the abyss of atheism and feel dizzy, how shall they be assured that only their poor heads are whirling, and not the old rock they stand on? By letting plummets of speculation down into that abyss? *Never!* Let them wrap themselves in the mantle of prayer and cover their faces in thoughtful silence.

"To their obedient hearts the small voice of stillness" shall whisper—GOD.

Art. V.—THE "HORNETS" OF SCRIPTURE,
AS CONNECTED WITH JEWISH AND EGYPTIAN HISTORY.

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A SAFE rule to observe in tracing the workings of Divine Providence, as these appear in the history of the Church and the lives of individual Christians, is that *miracula non sunt multiplicanda præter necessitatem*. The same rule should also be applied in the interpretation of Scripture. Rabbinical commentators erred greatly through their neglect of it, and have led more sober expositors to find, in parts of the Bible, records of prodigies, where none were intended. Such extravagances, which are, happily, rare in modern exegetical works, have had the tendency of driving critics to the opposite extreme of endeavoring everywhere to divest the Scriptures of the miraculous element, which they of necessity contain. If, however, there is any part of the Old Testament narrative, in connection with which the fault of multiplying miracles may be excused, or lightly dealt with, it is that which contains the story of the period to which Moses and Joshua belonged. Their age was one of supernatural prodigies—the period of the first great cycle of miracles.

It is at the time indicated that we read of the "hornets" of Scripture. They first appear as the subject of divine prophecy in Exodus xxiii: 28—"And I will send hornets before thee which shall drive out the Hivite, the Canaanite, and the Hittite from before thee." Again, we meet with them in Deuteronomy vii: 20, where Moses, speaking of the nations of Canaan, says: "Moreover, the Lord thy God will send the hornet among them, until they that are left, and hide themselves from thee, be destroyed." Finally, Joshua, at the close of his long and victorious career, refers, in the name of God, to the fulfillment of the preceding prophecies: "And I sent the hornet before you, which drove them out from before you, even the two kings of the Amorites; but not with thy sword, nor with thy bow" (Josh. xxiv: 12). There is no room for doubt that the word, in the original, צִרְעָה, has the meaning "hornets," by which our English translators have rendered it, following the example of older versions. Yet, as the three passages cited above refer

to one and the same fact, the term may be called an *απαξ λεγόμενον* in Scripture. Nowhere else in the sacred record do the hornets meet us, although noxious insects of many kinds are mentioned.

The opinion formerly entertained regarding these hornets was, that they represented an insect scourge, the agents in repeating, but on a far larger scale, one of the miraculous plagues of Egypt. In the passage in Deuteronomy, indeed, the mention of the hornets immediately follows an allusion to the circumstances attending the deliverance of Israel from Egyptian bondage. The iniquity of the Amorites, like that of Pharaoh and his people, being full, it was to be expected that they should equally suffer from God's retributive judgments, and in a similarly miraculous manner. The probability, however, of any insect pest achieving what is imputed to these hornets, is infinitesimal. None can doubt the power of the Creator to employ and render efficient, for the purpose of expelling even a great nation from its home, the most insignificant of his creatures. But, as a rule, proportion of means and end is apparent in the divine working. Where this does not appear, a plain lesson is generally to be found in the adaptation made. Such a lesson is not visible in the case of the hornets; while in those of the plagues of Egypt, it needs but slight knowledge of Egyptian customs to perceive it. The alleged miracle is a stupendous one. Neither the experiences of those who have suffered the miseries of a fly-season, in an uninhabited and well-wooded country, nor the instances furnished by classical writers, of armies being routed by swarms of winged insects, can deprive it of such a character.* Palestine was no new or sparsely inhabited country, but one possessing an immense population. Those who dwelt in it were not nomad tribes, but cultivators of the soil; and their cities, the ruins of which excite wonder at the present day, were great, and walled up to heaven.† Turning to the recorded facts, we do not find that the peoples of Palestine were expelled before Israel entered the Land of Promise. The whole country, on both sides of the Jordan, in the south as in the north, appears to have been occupied by

* *Æliani de Animal.* xi: 28; xvii: 35; *Ammiani Marcell.* xxiv: 8.

† Deut. i: 28; *vide Porter's Giant Cities of Bashan.*

warlike tribes, under monarchical government, dwelling in fenced cities. Everywhere it bristled with arms. Thirty-three kings fell before the prowess of Joshua and his valiant Israelites.* No hint is given that any trace of the hornet scourge rested upon the face of nature, on vegetation, or on cattle, any more than on their human owners. The plagues of Egypt are often alluded to. This plague is never again mentioned.

Recent commentators have given up the literal meaning of the hornets, which Bochart, and many before his time, had justified.† With some, the word is symbolical of various kinds of evils—famine, pestilence, war.‡ Of the two former, we find no indications in Scripture. The last did certainly prevail, yet, it is hard to understand how war could be couched under such a figure. Others, still holding to a figurative interpretation, find in the hornets the fear and the dread of Israel, which fell upon the nations of Canaan.§ This is the prevailing opinion at the present day. It is, to say the least, strange that a comparatively obscure term should be employed in figurative speech, and that it should recur in connection with almost identical language. Warfare there certainly had been in Palestine before Israel entered, and, although I do not believe that the hornet is a figure to represent it, I am compelled to regard it as the preparation for the subjugation of the land by Joshua. The Ammonites had expelled the Zuzim; and the Moabites, the Emim. The Edomites had taken possession of part of the domain of Seir; Midian had been smitten by Hadad, a king of the same mountainous region.|| Philistim and Caphtorim had come up out of Egypt, and had subdued the Avim, and the people of the sea-coast.¶ The fragment of an ancient poem, preserved in Numbers xxi: 27-30, tells of a recent conquest of the land of Moab, made by Sihon, king of Heshbon, whose dominion extended from the mountains of Seir, up to the borders of the kingdom of Bashan. The population of Palestine is changed since the days of the patriarchs. There are no Philistines in Gerar, nor Hittites in Hebron. The Canaanite and Perizzite do not dwell in the land. But the family which Aner, Eshcol, and Mamre represented in the days of Abraham, has

* Joshua xii.

† *Hierozoicon*, iii, 407.‡ *Le Clerc* in Ex. xxiii: 28.§ Rev. W. L. Bevan, in *Smith's Dictionary of the Bible*.

¶ Deut ii: Gen. xxxvi: 35.

¶ De ut. ii: 23.

become a mighty nation. The territory east of the Jordan, and almost the whole of Southern Palestine, is in possession of these warlike and conquering Amorites. The old tribes have disappeared before them, and, as in the remarkable vision of Abraham, so now they are mentioned as the sole enemies of Israel.* It is the iniquity of the Amorites that is full. For this the tribes have been waiting, and now, with the overthrow of this great nation, they enter upon their inheritance.

The Amorites are the hornets of Scripture. The passage, already quoted from the book of Joshua, reads: "And I sent the hornet before you, which drave them out from before you, even the two kings of the Amorites; but not with thy sword, nor with thy bow." What is the relation which the clause, "even the two kings of the Amorites," sustains to the sentence? It has generally been supposed to refer to the pronoun "them," denoting the tribes of Canaan. For various reasons, yet to be given, I hold that it stands in apposition with the "hornet," indicating that these monarchs had subjugated or expelled to the north the aboriginal tribes; the Amorites of Southern Palestine being, in all probability, their tributaries, at any rate, their allies. It is true that these aboriginal tribes were not expelled by the sword and bow of Israel, but by the arms of the Amorites. The two kings of the Amorites, on the other hand, were not driven out by the hornet, but withstood Joshua and his host, who smote them with the edge of the sword, and left none of them alive.† This important piece of exegesis has been entirely overlooked by commentators, who thus involve the Bible statements in an obscurity that does not belong to them. The English reading of Joshua, xxiv: 18, cannot be taken as vitiating the above rendering; for, instead of "The Lord drave out from before us all the people, even the Amorites," faithfulness to the text requires "all the *peoples* and the Amorites."‡ The peoples, or aboriginal nations of Canaan, are thus, in a peculiar manner, distinguished from their invaders and conquerors, the Amorites. Where the names of the old inhabitants of Pales-

* Gen. xv: 16: Deut. i: 27; Josh. vii: 7.

† Numbers, xxi: 35. In Joshua, xxxiv: 12, the LXX reads "twelve," instead of "two," kings, which the Hebrew may equally indicate.

‡ The Septuagint reads: *Καὶ ἐξέβαλε Κύριος τὸν Ἀμορραῖον καὶ πάντα τὰ ἔθνη τὰ κατοικοῦντα τὴν γῆν ἀπὸ προδαίπου ἡμῶν*

tine appear among those of peoples subdued by Joshua, it is plain, from the position in which they stand, as well as from the recorded facts concerning the conquest, that the reference is to northern tribes that had been driven from their original homes, in which they might have hindered the entrance of Israel, by the Amorite invasion.

The Egyptian monuments and records come to our aid when we seek to fix the time at which the Amorite supremacy in Palestine began. The most powerful people in that land, during the reigns of the first and greatest sovereigns of the Ramessid line, was the nation of the Khita, or Hittites.* With the Sheth, or Sheto, of whom Balaam spoke in his prophecy, and who are known to the Bible student as the Phili-Shetto, or Philistines, they seem to have been a dominant stock in Egypt during the Shepherd period.† Not long, probably, after the death of Joseph, they were driven back into their former home in Palestine, and there maintained constant, and often successful, warfare against the Egyptian armies, which in vain sought to break their power. Heth and Sheth continually appear on the monuments of the Pharaohs, preceding the Exodus of Israel, as the head and front of the Canaanitish confederacy, that opposed itself to their scheme of Palestinian conquest. With them Moab and Ammon were allied, and Sheth is mentioned as having dwelt in the two Rabbahs to the east of the Jordan and the Dead Sea.‡ The whole of Southern Palestine was at one time occupied by three tribes, from the Dead Sea to the Mediterranean. Recent discoveries have shown traces of the family of Sheth in the neighborhood of Jerusalem.§ Heth, or the Khita, appear on the monuments of Egypt as dwelling in parts of Philistia. In the time of Rameses the Great, three warlike tribes were temporarily driven into Northern Palestine and Syria; and, at Kadesh, on the Orontes, he gained his great victory over the Hittite confederacy.|| The Amorites had not yet become famous. An offshoot from them inhabited part of Northern Palestine, not far from

* Sir Gardner Wilkinson, in *Rawlinson's Herodotus*, App. Bk. ii., ch. viii; *Osburn's Monumental Hist. of Egypt*.

† Numbers, xxiv : 17; *vide Osburn Mon. Hist.*; The Shepherd Kings of Egypt, *Canadian Journal*, vol. xiv, Nos. 2 and 3.

‡ *Osburn*, ii : 469. § *Ritter, Comparative Geography of Palestine*, iv : 220.

|| *De Lanoye, Rameses the Great*, 97. New York.

Phœnicia, where the Bible record still finds them in the time of Joshua; and the land of Omar, on the borders of Arabia Petraea, in all probability, indicates the home of the main body of this afterward celebrated race.* The work begun by the Pharaohs, these Southern Amorites must have carried forward. Advancing in the track of the Egyptian armies, they found Heth and Sheth, Moab and Ammon, with all their confederates, weakened by protracted struggles, and with the energy of a mountain race drove before them these once invincible warriors, shutting up a portion of their forces in the fenced cities of Philistia, and compelling the rest to take refuge in Syria. Then it was that Sihon overran the domain that was once the peculiar possession of Sheth and Moab, and established the seat of his kingdom in the city of Heshbon.† But the Amorites, although victorious, cannot fail to have been much weakened by conflict with such powerful foes. The proud confidence of former victories may also have led them to despise the comparatively untrained soldiers of Joshua. The tactics of that great leader of God's host prevented the concerted action, by which, no doubt, they had triumphed over Heth and Sheth. Had he fallen at first upon the Amorite kings of the south, time would have been afforded for Sihon and Og, and the many states of Central and Northern Palestine, to combine their forces, and render the issue doubtful or disastrous for Israel. The strength of the Amorites was broken by the overthrow of Sihon, and the hornet swarm, having accomplished its task, was in turn expelled, when the five kings and their forces fell at Gibeon and Makkedah.‡

The question may, however, very fitly be asked: "Why should the Amorites receive the name of 'the hornet,' and is there any special appropriateness in the application of such a term to these forerunners of Israel?" The answer is found in the identity of the Amorites with a people called Zorites, Zorathites, or Zareathites; for צִרְעָה, although it may signify "a hornet," is the root of more than one proper name in Scripture.

* Josh. xiii: 4. Some writers find only one land of Omar in Northern Palestine. Others, with Osburn, place a region so-called in the south. The presence of a Kadesh in the land of Omar justifies both findings, as the name is found in more than one locality, both in the north and in the south.

† Numbers, xxi 26.

‡ Joshua, x.

God sent the Zorites, even the kings of the Amorites, to drive out the old inhabitants of Canaan, and thus prepare the way for the entrance of his chosen people. There were, at least, two places in Palestine bearing the name, Zorah (זָרְעָה). One of these is mentioned, not in the Bible, but in a remarkable Egyptian text, of which the French Egyptologist, M. Chabas, has given a translation.* It is called the *Journey of an Egyptian in Palestine and Syria*, and the period at which the journey is supposed to have been made, is the close of the reign of Rameses the Great. The traveler, after visiting Tyre, describes his stay at Sarao, a place not famous for its hospitality, and of which he says, punningly, "the sting is very sharp." This was, no doubt, a northern "place of hornets," founded by the Amorites who dwelt in Phœnicia. The Bible Zorah was inhabited by the people of Dan, or fell, at least, to their lot—being situated upon the border of the tribe of Judah.† It had been an Amorite city, for we read that the Amorites, after the death of Joshua, "forced the children of Dan into the mountain, for they would not suffer them to come down to the valley."‡ Many of the Danites emigrated to the springs of the Jordan during the period of the Judges, and thus freed themselves from the annoyance and discomfort to which they had been exposed by the vicinity of the hornet's nest.§

Not only do these geographical names indicate the existence of an Amorite stock, bearing the designation Zorite, but definite Scripture statements inform us concerning a people so called. These statements furnish a circumstantial account of their parentage, or descent. They appear in three remarkable passages of the first book of Chronicles. These are the fifty-third and fifty-fourth verses of the second chapter, and the second of the fourth. It is generally admitted that the Zareathites, Zorites, and Zorathites of these three verses denote one and the same people. The words זָרְעָה, זָרְעִי, the former of which has improperly been rendered by the two equivalents, Zareathite and Zorathite, are really identical; the interpolated ך being the mere Hebrew representative of our tribal or national particle, *ite*,

* *Voyage d'un Egyptien; Lenormant and Chevalier, Ancient History of the East, II. 161.*

† Josh. xix : 41 ; xv : 33.

‡ Judges, i : 34.

§ Judges, xviii.

in English. The Zareathites, or Zorathites, were, undoubtedly, the people who named Zoreah, or Zorah, for they are mentioned, together with the Eshtaulites, as belonging to the same stock.* Zorah and Eshtaol were situated close together, and in several passages, in the books of Joshua and Judges, they appear in the most intimate connection. † Furthermore, the family to which the two tribes of the Zareathites and Eshtaulites are said to have belonged, is that of Kirjath Jearim. Kirjath Jearim lay not far from Zorah and Eshtaol. It was a city of the Gibeonites, and remained in their possession as late as the period of the Kings.‡ But the Gibeonites, in II Samuel, xxi: 2, are said to have been "of the remnants of the Amorites." In the book of Joshua, the Gibeonites are called, not Amorites, but Hivites.§ Are we, therefore, to suppose that the name, Amorite, is here employed generically to denote the original inhabitants of Canaan? By no means. The names have a definite and particular meaning. Jacob, upon his death-bed, alluded to warfare with an Amorite family, and to the possession by a son of Joseph of the territory thus acquired. || The only war that falls within the lifetime of Jacob, was that which Simeon and Levi waged against Hamor and Shechem, the Hivites. ¶ The region, also, in which Shechem stood, fell to the lot of Ephraim, son of Joseph. A second time, therefore, Hivite and Amorite appear as synonymous terms. Amorites and Hivites are also spoken of as inhabiting the same district in the north of Palestine. I cannot think that these two names originally denoted one people, for they are mentioned separately, even in the Toldoth Bene Noah, among the descendants of Canaan.** As, in every age of the world, instances are found of conquerors assuming the name of their subjects, or the former occupants of their conquest, so it must have been in the far away ages of early Palestinian history. It is possible that the word, Amorite, may simply designate "a mountaineer." Even thus, however, it will yet be

* I Chron. ii: 53.

† Josh. xix: 41; xv: 33. Judges, xiii: 25; xvi: 31; xviii: 2.

‡ Compare Josh. ix: 17, and II Sam. xxi. § Josh. ix: 7.

|| Gen. xlviii: 22. The Septuagint identifies the conquest with Shechem.

¶ Gen. xxxiv. The Septuagint version of Joshua, xxiv: 32, instead of the sons of Hamor, the father of Shechem, reads, τῶν Ἀμορραίων τῶν κατοικοῦντων ἐν Σικίμοις.

** Gen. x: 16, 17.

apparent that the later Amorites were not of the original Hivite stock.

Another early Hivite people meets us in the book of Genesis. The second verse of the thirty-sixth chapter, as compared with the twenty-fourth and twenty-fifth verses, reveals the fact, that Hivite and Horite are synonymous terms. The genealogies of the Horites are given at length, as no other Gentile genealogies are recorded in Scripture. From these, materials may be drawn for establishing the Horite original of several settlements in Palestine bearing the Hivite name. Such a settlement was that of Shechem. It was situated at the foot of Mount Ebal. The word Ebal is as uncommon as that translated "hornet," and the only other connection in which it occurs is in the Horite genealogies. Ebal is the third son of Shobal, the most important, although the second mentioned, among the chiefs or dukes of the Horites.* From the same person was derived the name Gebal, applied to two regions, one in Mount Hor, and the other in Phœnicia, called by the Greeks Byblus.† One of the sons of the Horite, Ezer, named Akan, or Jaakan, left his name to Beeroth, of the Bene Jaakan, in the Sinaitic peninsula.‡ This Beeroth reappears in two Hivite localities. It is found in Berothai, Berytus, or Beirut, south of the Horite Byblus, in Phœnicia, where Hivites dwelt in the time of David.§ But, in a purer form, we meet it as one of the cities of the Hivite Gibeonites in the tribe of Benjamin.|| Gibeon itself is a Horite name, although no identical word appears among the genealogies of their supposed troglodytes. Hebrew lexicographers furnish instances of the interchange of *tzade* and *gimel*, which enable us to recognize the ancestors of the Nethinim in Zibeon, the grandfather of Esau's Horite wife.¶ The two names are identical in form, with the sole exception of the initial letter, and as the form is a complex one, consisting of five parts, it can hardly be that גִּבְעֹן and גִּלְעָד are not the same words. It is worthy of note that, in Genesis xxxvi: 2,

* Gen. xxxvi: 23; I Chron. i: 40.

† Psalm lxxxiii: 7; Josh. xiii: 5; I Kings, v: 18; Ezek. xxvii: 9. Ebal, in Septuagint, is *Iatβαλ*.

‡ Gen. xxxvi: 27; I Chron. i: 42; Numb. xxxiii: 31, 32; Deut. x: 6.

§ II Sam. viii: 8; xxiv: 7.

|| Josh. ix: 17.

¶ Gen. xxxvi: 2, 20, 24.

Zibeon is specially mentioned as a Hivite. Were other evidences wanting to prove that the Gibeonites were of Horite origin, it is almost established by the fact, that there was a Mount Seir in this immediate neighborhood.*

We turn now to the Zorites, or Zorathites, in order to find their relations with the Horites; for it has appeared probable that they were Hivites and Amorites. In the passages already referred to, in the first book of Chronicles, the Zorathites are called the descendants of Shobal, the father, or founder, of Kirjath Jearim, which we have seen to be a Gibeonite city. Who is this Shobal? He is not necessarily an Israelite, for Kenites and other tribes of Gentile origin are mentioned in the same genealogies.† As the father of Kirjath Jearim, he should be a Hivite; and as the ancestor of the people of Zorah and Eshtaol, an Amorite. The Horites, however, were Hivites, and among them accordingly he appears. The only other mention of the name Shobal in the Scripture, is in the Horite genealogies, as these are recorded in Genesis, xxxvi, and I Chronicles, i.‡ That this is the same Shobal, has already been rendered probable, by the fact of the father of Kirjath Jearim being a Hivite, and by the statement that Horite and Hivite are synonymous terms. The identification is placed beyond question, when it is seen that the father of Kirjath Jearim, and the Horite Shobal, had each a son named Manahath. Were Manahath a common Bible name, a singular coincidence is all that we might be justified in finding in such a concurrence. But Manahath is as rare as Shobal in the nomenclature of Scripture. The Zorites are mentioned among the descendants of Salma, the father of Bethlehem, but it is to be observed, that they immediately follow the mention of "half the Manahathites," and stand probably in apposition to them.§ It would thus seem, that part of the posterity of Manahath had been adopted into the family of Salma. Turning to the fourth chapter of first Chronicles, the Zorathites are made the descendants of Ahumai and Lahad, the sons of Jahath, the son of Reaiah, or Haroeh, and the grandson of Shobal.|| Now, no such name as Reaiah occurs among the sons of Shobal, the

* Joshua, xv: 10.

† I Chron. ii: 55; iv: 19.

‡ Gen. xxxvi: 20, 23, 29; I Chron. i: 38-40.

§ I Chron. ii: 54.

|| I Chron. iv: 2.

Horite. As, in the form Haroeh, he is mentioned before Manahath, in I Chron. ii: 52, it would seem that he was the eldest son of Shobal, thus occupying the position which, in Gen. xxxvi: 23, and I Chron. i: 40, is held by Alvan, or Alian. I have elsewhere shown that Alvan and Reaiah, or Roeb, denote the same person.* Fuerst finds that both terms denote supreme divinity, and I have proved that they are equivalent to the Egyptian and Babylonian interchangeable names, Il and Ra.† The Zorathites thus appear as the descendants of Shobal, through his two sons, Alvan, or Reaiah, and Manahath. His third son, Ebal, has also been before us as, in all probability, the ancestor of Hamor and Shechem, the Hivites. But the statement requiring proof is, that Zorathite and Amorite designate the same people.

Already we have Zorah and Eshtaol in an Amorite region, with a Mount Seir near at hand. The Gibeonites, who dwelt in the Horite Kirjath Jearim, and whose ancestor was the Horite Zibeon, were known to the writer of the Books of Samuel as the remnant of the Amorites. The Hivites of Shechem, descended from the Horite Ebal, were also called Amorites by the patriarch Jacob. Hivites dwelt under Lebanon, in the Horite cities Gebel and Berothai, reproducing the Gebel of Mt. Seir and the Beeroths of Arabia Petraea and of the Gibeonites; and in the same region Amorites are found, who may be the same people under a different name.‡ Are there any other proofs that Amorite and Horite denote the same stock? Three such proofs remain to be considered. The names of three Amorite chiefs appear in the story of the life of Abraham; these are Aner, Eshcol, and Mamre.§ That of Eshcol remained in the south, designating a brook in the vicinity of the Amorite city, Hebron, which stood in the plain of Mamre. Aner's name was transferred to central Palestine, as that of a city also called Taanach; and Shechem, not far distant from it, was known as Mamortha.¶ The king of

* The Horites, *Canadian Journal*, vol. xiii, No. 6.

† *Fuerst's Hebrew and Chaldee Lexicon in loc.* Rawlinson's *Herodotus*, app. bk. i, Essay x; *De Lanoy's Rameses the Great*, 78.

‡ Josh. xiii: 4; *vide Lenormant and Chevalier*, i: 243. § Gen. xiv: 13, 24.

¶ I Chron. vi: 70; comp. Josh. xxi: 25; *Josephi*, B. J. iv: 8, 1; *Plinii, H.N.* v: 13.

Taanach was one of those who fell before the arms of Joshua. Yet the former inhabitants of the portion that fell to Manasseh, west of Jordan, are said to have been not Amorites, but Canaanites, and it is in this portion that Taanach, or Aner, is found.* Much dependence cannot be placed in the application of the name Mamortha to Shechem, as proof of its connection with the family of Mamre, the Amorite, since Josephus and Pliny, who give the name, are late authorities. Still, the facts indicated, taken with Jacob's identification of the Shechemites with the Amorites, may be held as confirmatory of the unity of that people with the Horites, or Hivites. The original home of the Horites was in Mount Seir, and their dominion appears to have extended from the Dead Sea to Petra. The Edomites deprived them of a part of their territory, yet it does not seem that they occupied the whole of the range of Hor until a late period. During the wanderings of Israel, this region was in the possession of the Amorites; for we read in Deuteronomy, i: 44, "The Amorites, which dwelt in that mountain, came out against you, and chased you, as bees do [hornets?], and destroyed you in Seir, even unto Hormah." The Amorites, therefore, dwelt in the original Seir, as well as in the mountain of the same name in Judah. Both Seirs were the "mountains of the Amorites." Ritter says: "Shortly before the invasion of the Israelites, Sihon, the king of Heshbon, had plundered and laid waste the territory of his southern neighbors as far north as to the Arnon; he had forced his way southward as far as Akrabbim and the Edomite city of Petra, where was the rock Selah (Judges i: 36).† In so doing, I believe that Sihon had simply united his dominions with the Amorite region of the south. The name of Sihon affords no clue for identifying him with any of the tribes of Palestine, but what is wanting in his name is afforded in that of his city, the seat of his empire. That city was Heshbon.‡ Gesenius asserts the identity of the proper names, Heshbon and Eshbon. The latter is the appellation of a Horite duke.§ He is made the son of Dishon, who was the grandson of Zibeon, and the brother of

* Josh. xvii: 12.

† *Comp. Geog. of Palestine*, ii: 126.

‡ Numb. xxi: 26.

§ Gen. xxxvi: 26.

Esau's Horite wife. In the days of Pliny, Arabia Petræa was inhabited by the Esbonitæ, so that the posterity of this Horite leader must long have lingered in the ancient home of their race.* A brother of Eshban was Ithran, and from him the Ithrites, who are mentioned as one of the families of Kirjath Jearim, in which the Zorathites appear, must have descended.† Thus, by many independent Horite and Hivite links, the hornets, or Zorathites, have been connected with the Amorites, and a powerful people substituted for an insect pest as the agents of divine judgment and providential care.

It may seem sufficient to have established the identity of Hivites, Horites, Zorathites, and Amorites. I am compelled, however, to go farther, and add Caphtorim to the list of names that so far have been reduced to unity. The Caphtorim took possession of Southern Palestine at some period between the descent of Jacob into Egypt and the entrance of the Israelites into the land of promise. Prior to the Amorite invasion, Hittites ruled in that country, as the Egyptian records inform us; in strict accordance with which, is the statement of the prophet Ezekiel concerning Jerusalem: "Thy father was an Amorite, and thy mother an Hittite."‡ Hittites and Amorites were the ruling families in the land that fell to the tribe of Judah prior to the conquest. The Hittites were allied with the Philistines, while the Amorites appear as a distinct and often inimical people. Thus, while Samuel warred with the Philistines, he was at peace with the Amorites.§ The Bible record informs us, however, that the Caphtorim, a separate people from the Philistines, drove out the Avim, who dwelt originally in the south of Judah, and took possession of their country.|| This the Amorites certainly did. No nation of the Caphtorim appears at the time of the conquest, or at any subsequent period during the history of Israel. Jeremiah and Amos do not identify Philistim and Caphtorim, whom the statements of Genesis and Deuteronomy

* *Plinii*, H. N. v: 11.

† I Chron. ii: 53.

‡ Ezek. xvi: 3. In verse 45, the order is changed, and the Hittite first mentioned.

§ I Sam. vii: 14. The Philistines do not appear as enemies of Israel at the time of the conquest. As a remnant of the Shepherds of Egypt, they were known to the Israelites as friends of their fathers.

|| Deut. ii: 23.

show to have been separate people, but assert that the land of Caphtor was the place from which both of these people came. * The land of Caphtor is thus made synonymous with the Mizraim of Genesis. It is a later name for Egypt. The Egyptians called themselves Copts, and the very word *Ægyptus* is properly derived from some such form as *Ai Coptos*.† Sir Gardner Wilkinson and Mr. Poole have rightly rejected the attempted derivation of the word Caphtor from a Cretan or Cappadocian original, and have shown that Coptos, which gave a name to all Egypt, was known as *Keht-hor*.‡ From Egypt, therefore, it is plain that the Caphtorim must have migrated to southern Palestine, at some point of time before its occupation by the tribe of Judah. The Philistines, in whom it is generally admitted that we must find a part, at least, of the Shepherd race which usurped authority in the land of the Pharaohs, were expelled from that land before the birth of Moses, and subsequently to the death of Joseph. But the Caphtorim were not Philistines.§

With whom did the name, *Keht-hor*, and the designation, *Ægyptus*, originate? According to the Old Chronicle, there were three great Egyptian dynasties; the first, that of the *Auritæ*; the second, of the *Mestraci*; and the third, of the *Ægypti*. || The *Mestraci* were the Shepherds. The first race, that of the *Auritæ*, I have shown to be the same as the *Horsesu* of the Egyptian texts, and a branch of the Horite family that dwelt originally in Arabia Petraea.¶ Descending into the valley of the Nile, these mountaineers had subdued the Hamitic Mizraites, and established the first Egyptian monarchy. The race of the *Hor-sheoer*, or servants of Horus, was that in which *Seb*, or *Sebek*, *Ra*, and *Month*, were worshiped as divine ancestors.** The honor of identifying *Month*

* Jerem. xlvii: 4; Amos, ix: 7; comp. Gen. x: 14; I Chron. i: 12.

† *Vide Anthon's Classical Dictionary*, Art. *Ægyptus*.

‡ *Rawlinson's Herodotus*, bk. ii, ch. xv, note 5; app. bk. ii, ch. viii (15th, 16th, and 17th Dynasties).

§ It is needless to cite the many authorities on this point, from Josephus and Plutarch to Movers and Lepsius. In I Chron. vii: 21, we read of men of Gath, born in the land of Egypt.

|| *Cory's Ancient Fragments*. ¶ *The Horites, Canadian Journal*, vol. xiii, No. 6.

** Osburn, i: 373; seq. ii: 64; Kenrick's *Ancient Egypt under the Pharaohs*, i: 328, seq.; Lenormant and Chevalier, i: 202, 320, seq.

with Manahath belongs to Mr. Osburn; but he failed to follow up the identification, and unite Reaiah, the brother of Manahath, and Shobal, his father, with Ra and Seb.* Month is undoubtedly the first king Menes; and a younger brother, Ouam, is the Au, or Onuōs, who ruled in and named Heliopolis, the biblical On.† The first Pharoah of the line of Ra, who appears on the Egyptian lists, is Achthoes, in whom we must find the Jadiath, who is given in Chronicles as the son of Reaiah. His son, again, is Ahmes, or Kames, the eponym of Ekhmin, or Chemmis, and the Achmuai, who stands at the head of the families of the Zorathites. It was during the reign of this Kames, or Achamai, that the Shepherds pushed their way southward along the Nile, and drove the Horite dynasty to Coptos.‡ There, for a time, they established the seat of their limited empire, and became the Caphtorim of the monumental and biblical records. These Upper Egyptian Pharoahs are invariably made the posterity of Seb, Month, and Ra, and the worshipers of Horus.§ But what is still more remarkable, as a confirmation of their descent and Zorathite nationality, their crest or surcharge, answering to the Indian totem, was "a hornet."|| The Caphtorim and Zorathites, therefore, were the same race; and as the latter have been proved the same as the Amorites, the difficulty of supposing two invasions and occupations of Southern Palestine prior to the time of Joshua, is removed. The enmity of Amorite and Philistine is also accounted for, and a reason given for the inveterate opposition which the former exhibited toward the Hittites, whom they dispossessed and drove into Syria. The memory of their Egyptian wrongs inspired these Horite warriors to a fearful retaliation upon their shepherd foes. No better prepared agency could have accomplished the divine purpose of expelling the nations of Canaan. The divine wisdom also appears in the removal of the families with which Israel had sustained friendly relations in Egypt, and in the substitution of one, whose name was synonymous with enmity and oppression. Had the Hittites remained, old friendship would have interfered to prevent conquest and extirpation

* *Monumental History of Egypt*, i: 341.

† *Vide the Horites; The Primitive History of the Ionians, Canadian Journal*, vol. xiv, No. 5.

‡ *Osburn*, ii: 64, 149.

§ *Osburn*, ii: 64, 149.

|| *Menes and Cheops*, 51.

as they did in the case of the Philistines, whom Joshua left undisturbed, and thus idolatry would sooner have obtained a foothold among the people of Jehovah.*

It is difficult to decide when the Horite or Amorite Zorathites left the land of Caphtor, and set themselves in array against their old enemies. The kings, who knew not Joseph, the Thothmes and Rameses, appear to have been allied in some way with the line of Horus, yet the superior dignity of their god, Amun, seems to indicate that there was nothing more than an alliance of the two dynasties.† The lineal descendants of the old Auritae did not occupy the throne of their fathers. The policy of the Pharaohs may have caused the removal of those who were, at the time, dangerous rivals and brave soldiers, to the northeastern boundary of their empire, that constant warfare with Heth and Sheth might leave them no time for rebellion, and that their valor might be the bulwark of the land over which their ancestors had first held sovereign sway. Tributaries for a time to the Egyptian monarchs, they became independent when the overthrow of Pharaoh's army in the Red Sea checked the conquering career of the Rameses and limited the bounds of their dominion. Centuries passed away before an Egyptian army visited the scenes of ancient Pharonic conquest in the land of Palestine.‡ When they did so, Amorite, as well as Hititite, had disappeared, having passed beyond the bounds of their ancient dwelling-place to lay the foundations of younger states and empires; and, besides the Israelites, the only remnant of Caphtor surviving in the land was the long-lived confederacy of the Philistines. In Cappadocia and in Crete, whence various writers have erroneously derived the Caphtorim, we may find their later colonies, and thence ethnologists may yet be able to trace the Amorite hornets as constituents of various modern populations. Here, for the present, we must take leave of the Hornets of Scripture.

* Josh. xxii; Judges, iii. † *Lenormant*, i: 324; *vide Wilkinson, Lepsius, Osburn.*

‡ I Kings, xiv: 25; II Kings, xxiii: 29, etc.

Art. VII.—TEXTUAL AND TOPICAL PREACHING COMPARED.

BY JAMES M. CROWELL, D. D., Pastor Woodland Presb. Ch., Phila.

THE work of preaching "the glorious gospel of the blessed God," is the great end to which a large proportion of the readers of this REVIEW have devoted their lives. Rising above every other aspect of their work as a noble Christian profession, as a pursuit of sacred science under the specific phase of theology, as a work of generous philanthropy amidst the wrecks of fallen humanity, and of tender sympathy and help in the dark night of earthly sadness and sorrow, the occupation of a minister of the Gospel is mainly and distinctively that of a *preacher*. He is an ordained and authoritative expounder of the oracles of God. His great business is to explain and illustrate and enforce that holy and all-sufficient Word of God, which is given to us as our rule of faith and standard of duty.

In this work of preaching there are two methods known in homiletics, the *textual* and the *topical*, to one or the other of which the preaching of every one is more or less allied; and it may be a matter of practical interest, as bearing upon the preacher's work, to look at these different methods.

By *topical* preaching, in this article, we do not refer to what some may suppose is meant, the topical *division* of a text in contrast with its textual division. Allusion is meant rather to that method of preaching which, as a general rule, follows out a range of definite subjects, or *topics*, which are to be discussed.

In the preparation of our discourses from week to week, there are two methods which we may adopt. We may go to the Word of God, as we must do in every case, either with our minds preoccupied with a certain theme or subject, or we may go to it with no particular topic before our thought. We may desire to preach on some special subject, and with that in our minds, some doctrine or duty, some theme of comfort or of reproof, or of warning or entreaty, we go to the Bible to look up some single passage which may serve as a text, and which appears to be specially pertinent. *This* is what we may understand by *topical* preaching.

Then again, on the other hand, with prayer for divine direction, and as those who are "set in the Church" to be "teachers," and who are "to feed" the people "with knowledge and understanding," we may go to the Bible to seek out some particular passage which may arrest our attention as containing a portion of divine food, which we may try to gather and set in order for their sustenance. And *this* is what we may understand by *textual* preaching.

It is evident at once that there is occasion for every minister to make use of both these methods. And there are times when it becomes necessary to look up texts which may present certain topics; when we are to *begin* our preparation for the pulpit by fixing upon a definite subject *first*, as, for example, ordination to the work of the ministry, the dedication of a church, the convening of some religious body for some special purpose, or a plea for some particular Christian charity. The same thing is necessary when we have a consecutive series of discourses on hand, or wish to preach upon the great established doctrines of Revelation. But, while this is so, it is at the same time quite likely that nearly every preacher has one or the other of these two methods as the one to which he leans—the one which he is in the habit of using, in distinction from the other. And if there is to be any choice between them, it shall be our aim to show, if we can, that the *textual* method is preferable to the other; that, in the long run, and in the steady pull of the minister's work, it is the better method of the two.

I. One reason why it might be supposed that this would be so, is an *a priori* one. Before any experiment were made, it might certainly seem the more natural and correct method, in view of the fact that *the matter of our preaching is to be the Word of God*. However closely conformed to the Scriptures our system of religion may be, however sound we may be in the faith, still, to have formed in our minds certain definite themes, with which we go to the Bible to find appropriate texts, in order that we may present them to the people, is certainly a very different thing from taking one of God's own declarations, and explaining and enforcing simply *it*, so as to enlighten the mind with light direct from heaven, and warm the heart by fire from the very altars of God, and move the will and mould the life by bringing down upon them what God Himself

has said. In the one case, the desire and the effort is to make everything contribute to establish a given point, to enforce a truth *as we hold it*, or to prove a certain position. In the other case, the whole effort is to set out, illustrate, and enforce, simply and solely, what God, the one infallible teacher, has declared to be true.

When Paul was counseling Timothy, the solemn charge which he gave him "before God," was, "Preach the Word" (2 Tim. iv : 2). When the church at Jerusalem was scattered abroad by persecution and went everywhere, they "preached the word" (Acts viii : 4). When Philip was sent to the Ethiopian eunuch, he found him reading the Scriptures at the fifty-third chapter of Isaiah, and he (Acts viii : 35) "began at the same Scripture, and preached unto him Jesus." When God sent Jonah to preach to Nineveh, he said, "Go, preach unto it the preaching that I bid thee" (Jonah, iii : 2). And when God sent Ezekiel to the people, he said, "I have set thee a watchman unto the house of Israel ; therefore, thou shalt hear the word at my mouth and warn them from me " (Ezek. xxxiii : 7). In the eighth chapter of Nehemiah we have an account of the preaching under the administration of Ezra. Nearly 50,000 people were assembled in an open street. The learned scribe, with a large number of preachers on his right and left, stood on an elevated pulpit of wood. The preachers, we are told, "read in the book in the law of God distinctly, and *gave the sense*, and caused them to understand the reading." And "all the people wept when they heard the words of the law."

The ecclesiastical historian, Mosheim, tells us, that in the third century the principal doctrines of Christianity were explained to the people in their native purity and simplicity ; but the Christian teachers who had applied themselves to the study of letters and philosophy soon abandoned the frequented paths and struck out into the devious wilds of fancy. Until, after several centuries had passed, in the darker days of the church, the most frivolous questions came to be discussed, such as, "whether Abel was slain with a club, and of what species of wood?" "from what sort of tree was Moses' rod taken?" "was the gold which the Magi offered to Christ coined, or in the mass?" A writer in the last century tells of a time, when homiletical instruction was given upon the subject

of *silk-worms*. The account is given, also, of a preacher, who portrayed in a touching manner the duties of Christians at the appearance of a *murrain*. Others discoursed upon substitutes for *tea and coffee*, at a time when those commodities were scarce. Another topic was the Christian mode of cultivating *red beets*; and yet another the truly pious method of raising *tobacco*. Luther used to say, that the time would come when men would preach on *blue ducks*.'

II. The textual method in preaching is better than the topical for another reason, *because it is a more respectful treatment of the Word of God*.' It looks better that we should go to the Bible to find out what to preach, than that we should go to it only to establish from it a position which we have already taken, or to confirm a theory which we have already embraced. It is expressive of the right attitude of the mind as one of docility and humility, ready and waiting to hear what the oracles of God have to say to us. It is true that some teachers of sacred rhetoric hold a different view. Dr. Campbell, in his lectures on Pulpit Eloquence, says, "the text ought to be chosen for the subject, and not the subject for the text." But certainly there is danger of error here. A man may fix upon a subject and arrange it, and write his sermon even, as has been done, and then go to the Bible for a text which may serve as a motto to begin with. And, at any rate, where such a course is pursued, and the text is subordinated to the theme, the text adopted may not even contain the subject at all; or, if so, then only by inference, or remote analogy, or it may be combined with other subjects, which, in the sermon, will, of course, be passed by.

There have been cases, without doubt, in which a text has been adopted and used, rather because of the custom of the pulpit, than because of the *authority* of the Word of God, and the whole thing would have been done just as well had there been no text at all, as in a case within our knowledge, where the preacher took for his text the single word "*now*;" or had the preacher done as Melancthon heard one do in Paris, who took his text from the Ethics of Aristotle. And there have certainly been not a few so-called sermons which were fairly exposed to the criticism, which some one made upon a discourse, that if the text had had the small-pox, the sermon would never have caught it.

III. The textual method in preaching is better than the other for a third reason, *because it is more likely to secure a fair expression of the mind of God.* To take a text in order that, with it, we may develop or enforce a certain view of our own, will by no means secure the full presentation of the truth as it is revealed to us, so effectually, as to take a text simply to find out what it has to teach us, and then, without any pre-arranged topic in the mind, to carry out and work out *only what is in the text.* When we go to the Word of God and select a passage for exposition and preaching, we ought to yield ourselves to it as implicitly as the man who followed Christ did, when he said, "Lord, I will follow thee *whithersoever* thou goest."

IV. Preaching from texts, rather than on subjects, seems the better method once more, *because it tends to secure greater variety and freshness.* A passage of the Word of God, selected as a foundation for discourse, as a theme of instruction and not as a motto merely, with which to embellish, or, perhaps, start the sermon; such a passage, thoroughly examined as to its exact meaning and closely followed throughout, will as a general thing produce a discourse more special, striking, and spirited, than one founded upon an abstract conception previously existing. Where the text is fairly treated; where it is not dealt with, as Vinet says Bourdaloue did with his texts, *i. e.*, take one only to show how skilfully he could disembarass himself of it, but where it is honestly treated as *the divine basis of human discourse*, and is regarded as a thought of God, the meaning of which is to be penetrated, the extent of which is to be measured, the parts of which are to be unfolded, and the consequences of which are to be deduced; where the sermon is not a mere collection of good remarks, but where it is the exposition and enforcing of one of God's own sayings, urged upon the conscience and the heart as if by God Himself, surely, in such a case the preaching must have a freshness and power about it that it cannot have in any other way.

And here let it be remarked, that it is by no means a matter of small importance, that the preacher should secure variety in his ministry. It is one of the most difficult things in the work of preaching to keep an intelligent and thoughtful congregation always *interested*, so that every Sabbath they shall feel that they are receiving real mental and spiritual pabulum, some-

thing that is new and fresh and attractive, even though it is the same old truth of the Gospel. The matter of our preaching is, after all, concerned about a definite range of subjects; and the danger is, that sameness and monotony mark our ministrations. And it is right here that we discover the weak point about a great deal of preaching. It gets to be a treadmill operation, a going round and round through the same old routine. And the people become at last wearied out with it, and begin to sigh, oh, how heartily, for some kind of a change: "If the *preaching* will not change, then can we not change the *preacher*?"

Our Lord himself has told us, that the well-instructed scribe "is like unto a man that is a householder, which bringeth forth out of his treasure things new and old." The *new* things must be produced; variety is the spice of a minister's life as a preacher; and at the same time the wonderful flexibility of divine truth, and the marvellous adaptation of the Bible to all times and persons, and the inexhaustible wealth of matter that is stored up in it, will enable the earnest preacher to meet the demand for variety.

Now, if the preacher will preach mainly upon subjects of his own choosing, he inevitably falls into the habit of repeating himself. He may hardly be aware of it himself, but his intelligent hearers will discover the old trains of thought and the old ideas, which have already been served up to them *ad nauseam*.

But if he will go to the Bible and take his text, and then patiently dig out the treasure of instruction that is hidden in it, it may be below the surface so far that he will have to go down to the very *roots* of things; but if he will honestly try to catch the exact phase of thought that is expressed in that particular passage, and adhere to that *one* direct line of thought, to the exclusion of cognate matter, even on the same general theme, elsewhere taught in the Scriptures, he will find that his preaching will be marked by a definiteness, a sharpness, a pith and point, that will make it always fresh and awakening and attractive. This will be, moreover, a presentation of the truth just as it comes from God; and the work of the preacher will become a reproduction of what it is described to be in Isaiah 1: "Precept upon precept, line upon line, line upon line, here a little and there a little."

One cause of trouble with some preachers, especially if they are inexperienced, is that they think they must always say all that is to be said upon any subject that they have in hand. For example, if they are about to preach on Regeneration, they take the whole of that great subject, and then, when they come to treat of it again (and the Bible is so full of it that they must treat of it often), they go through the whole of it again, no matter what the text may be. Suppose such a preacher about to present this subject. He turns to the Bible for a text. He selects John iii : 3 : "Except a man be born again, he cannot see the kingdom of God." The *one* theme of that passage is the inflexible, immovable *necessity* of regeneration; and *that* should be the leading thought of the sermon. But our preacher takes occasion, from this text, to go through the *whole* of this vast subject, in all its parts and details. Before long he takes Acts, xxvi : 18 : "To open their eyes, and to turn them from darkness to light, and from the power of Satan unto God." The special subject here, evidently, is *the nature of the change involved in regeneration*. But our preacher, in this case, again goes over the whole subject of regeneration, in all its length and breadth.

Once more he comes to the great theme. He takes Eph. iv : 24 : "That ye put on the new man, which after God is created in righteousness and true holiness." Here the one leading idea is the *greatness of the change*. But again he treats of everything pertaining to the whole subject. Upon some other occasion he takes John, iii : 7 : "Marvel not that I said unto thee, Ye must be born again;" and he goes over the whole ground once more, although the distinctive idea here is, *that the doctrine of the new birth is not to be rejected because of its strangeness or mystery*. Again, he takes John iii : 8 ; "The wind bloweth where it listeth," etc., and gives another exhaustive sermon on the general topic, whereas, the specific theme here is, *the sovereignty and variety of the Spirit's work in regeneration*. Yet again, he takes Psalm li : 10 : "Create in me a clean heart," etc., and gives the same wide, full treatment of a text which teaches, above everything else, the particular truth, *that God alone is the author of the great change*.

It is a safeguard to the truth that the custom is so fixed, by which the preacher is expected to found his discourse upon a

stated portion of the Word of God. Some writers have expressed the opinion, that the use of texts is an abuse. One of that class speaks in this way: "To speak long on a quotation of a line or two, to exhaust one's self in subjecting a whole discourse to the control of this line, seems a trifling labor, little worthy of the dignity of the ministry. The text becomes a sort of motto, or rather, enigma, which the discourse develops." But such a sentiment is what we might expect from its author, it being the utterance of Voltaire in his *Age of Louis Fourteenth*. It is just the most proper thing in the world that the whole of any man's discourse shall be under the control of one line of God's. It was a nobler and grander sentiment of Paul, when he said, "Let God be true, but every man a liar." This subordination of the theme to the text is, moreover, the very best way to make men feel that the message which they hear is in truth the very Word of God.

We have thus endeavored to establish the view expressed at the beginning of this article, that for the stated work of the preacher from year to year, in bringing before his people the truth of God, as garnered in the treasure-house of His Word, the *textual* method is preferable to the *topical*, and for the following reasons:

1. It is to be presumed, *a priori*, to be the more natural and correct way, since the matter of our preaching is to be the Word of God.

2. It is a more respectful treatment of the Scriptures as the divinely-appointed directory.

3. It is more likely to secure a fair presentation of the mind of God.

4. It tends to secure a greater variety and freshness, and to interest the people more, and build them up in a godly life.

We may venture the remark, in conclusion, that the subject here presented may seem to be quite seasonable, in view of certain tendencies in our day in the matter of pulpit instruction. So far as the views which we have expressed lie in the direction of a more Scriptural style of preaching, it may be hoped that they will commend themselves to the judgment of our readers. The bearing of the textual method of preaching is certainly toward a more close and implicit adherence to the *ipsissima verba* of the sacred oracles, which alone constitute our

warrant to preach at all, and make up the burden of our message to the people. "As though God did beseech you by us," is to be the style and tone of our preaching as ambassadors for Christ (see 2 Cor. v: 20). And though it seems to place a check upon the free license with which some delight to roam far and wide over the vast realm of thought in the range of their topics, yet, surely, it were a fitter thing that God should be our teacher than that man should be. And after all, in the words of one,* who was himself a model preacher, as uttered in what proved to be his last sermon, though at the time he did not know it, "who that gives himself to reflection does not feel the sublime dignity there is in a word descended from the porch of heaven? who but feels the awful weight there is in the least iota that has dropped from the lips of God? . . . And what will be the verdict in the case of any, and what their reward, who, ordained to preach, turn aside to discourse of matters entirely secular and sensational? What have such to do? to seek the entertainment merely, or simple gratification of taste, of their hearers, instead of their instruction? If, in the last judgment, those who neglected to feed the poor with material bread shall be placed at Christ's left hand, how can those, whose office it is to dispense spiritual bread, if they neglect to do it, escape condemnation? What can they say if, instead of bread, they offer husks, or worse, stones? Verily, it might strike one dumb with amazement, to think how often ministers of religion turn aside from the word to deduce their themes and draw their inspiration from inferior sources; torch-bearers, kindling their lamps amid the embers of worldly wisdom, instead of lighting them in the sun."

About a half-century ago, one who laid this matter to heart said, in reference to it, in his own day: "The soul-searching discourse has ceased; experimental religion is a thing dug for among the sermons of a former age; preaching is itself a task, a pleasure, an entertainment; not a meal of meat to the hungry, or a slaking draught to the thirsty. There is no discussion, no handling of the matter. There is a dearth of things old, and a want of things new. The old wine contained in the bottles of

* Rev. Dr. Henry Steele Clarke, former pastor of the Central Presbyterian Church, Philadelphia. He died January 17, 1864, after having preached this sermon four weeks previous, December 20, 1863.

our standards is diluted with a thousand measures of water, until its very taste and color, and surely all its strength, are gone ; and the Church is a gathering of meagre men, the best of whom is but as the shadow of the warriors who have been in the days of old."

But if there was occasion, fifty years ago, for such regretful words, what shall be said now, when the pulpit is so often changed to a platform or stage, or is made like the professor's chair?

Oh, for the coming of the mighty power of the Holy Ghost ! to make the people hungry for the pure bread of the word of life ; and to make every preacher eager to lay aside all secular themes and human fancies, all glitter of speech and poetical rhapsodies, all rhetorical lace-work and word-millinery ; and then, with the unction of the Holy One in his heart and on his lips, to preach the solid, saving truth of God in all its simplicity, and purity, and power, bearing always in mind, that he is to meet his hearers at the awful bar of God.

Art. VIII.—SIMON'S MISTAKE—Luke vii : 36-50.

By REV. B. T. DEWITT, Gilroy, California.

THE direct design of Christ's words to Simon was simply to meet and overthrow the objection to his Messiahship, which Simon was now revolving in his heart, and no doubt making apparent by his outward conduct, thus necessitating some notice from Christ. Outward actions often manifest to others what one is "saying" or thinking "within himself" (compare Mat. iii., 9 ; ix., 21) ; and the prevalence, at this time, of the accusation, "He receiveth sinners," would probably have suggested, to the minds of the guests, the nature of Simon's offense.

It is a mistake to suppose that Christ was endeavoring to prove to the guests his divine knowledge, or to show his power of discerning the secret thoughts. He must refute a more serious charge than that of ignorance, or else stand condemned as an imposter, not only in Simon's judgment, but in

that of every Pharisee. In substance, the accusation is this: "This man is not a prophet, and, of course, not the Messiah."

The validity of this accusation depends entirely upon the correctness of Simon's judgment concerning the character of this woman. If the Saviour will vindicate himself before Simon, he must first vindicate this woman. Should he fail of convincing him of an utter mistake in his judgment of her character, all other answers to Simon will be useless. And Christ speaks particularly for the benefit of Simon, as he expressly declares, "Simon, I have somewhat to say unto *thee*."

According to the Evangelist, Simon regarded this woman as "a sinner." Christ did not regard nor treat her as such. This is evident, or Simon would not have taken offense. This was the point of difference between them. About this point their controversy must turn.

Observe the form of Simon's argument against the claim of Jesus: "This man, if he were a prophet, would know who and what kind of a woman this is that toucheth him, for she is a sinner;" *i. e.*, this man does not know; therefore, he is not a prophet. The suppressed premise is this: A prophet is one who knows the characters of those with whom he has to do. By the idiom here employed, it is affirmed that, under the conditions of commission and consecration to the prophetic office by divine appointment, insight into this woman's character would have followed. But, as this prophetic insight did not take place, a divine consecration to that office could not exist. Impossibility, or belief that a thing does not exist, is often expressed by making it conditional upon something which plainly does not exist. Thus, Simon gives prominence to his belief, that the Saviour is not a prophet; because he regards it as certain, that Christ does not know the character of this woman. Otherwise, he would be resting the conditional clause, "If he were a prophet," upon an uncertainty, which would not be rational. But there must be some ground for this certainty. Why is it so certain that Christ does not know? Simon answers: His receiving this woman so complacently, and permitting her to approach him thus. But, why should he not? Again, Simon is ready to reply, "For she is a sinner." Ah, indeed! that is the point upon which all turns. Here is the beginning of Simon's ratiocination, the conclusion of which is,

Jesus is not a prophet, much less the Messiah. Simon knows, or at least, he thinks he knows, her character. She is a notorious sinner, whose sin is as the plague of leprosy. Jesus receives her graciously, and is thereby involved in the dilemma of being defiled through ignorance, or of having committed known sin. He will not impute to Jesus the worse fault, but thinks it charity to ascribe it to ignorance. If he received her in ignorance of her impure character, he would be defiled, though not guilty until he came to this knowledge. (See Lev. v : 3.) Hence, it would have been worse than useless for Christ to have shown simply his knowledge. Nor does he waste words in attempting to raise, in Simon's mind, the conception of a holiness higher than that which is according to a ceremonial and carnal ordinance. Perverted as his mind and conscience were, by the doctrine of the Pharisees, and blinded even by that law of Moses, the natural effect of which was to put a veil upon the conscience, nothing can be conceived of more useless than an attempt to convince the Pharisee, that holiness does not consist in a purifying of the flesh, or that sin is altogether a different thing from ceremonial pollution.

He undertakes to prove to Simon that this woman is not a sinner, in the sense in which he used that word. She was not a sinner *now*, according to the doctrine of forgiveness, with which Simon was well acquainted. He had said: "*She is a sinner.*" But it is as improper to call one who has been forgiven a sinner, as to call one a debtor after his debts have all been cancelled. It may sometimes be applied to his past, but not to his present, character, and especially not as though the guilt and pollution of his sins were still resting upon him. By the law, the forgiven sinner was no longer regarded and treated as a sinner, but as a righteous person. The overwhelming force of Christ's vindication of this woman, and hence of Himself, in receiving her as He did, is thus apparent.

"And Jesus, answering, said unto him, 'Simon, I have somewhat to say unto thee.' And he saith, 'Master, say on.' 'There was a certain creditor, which had two debtors: the one owed five hundred denarii, the other fifty. When they had nothing to pay off (their debts), he freely forgave them both. Which of them, therefore, do you say, will love him more?' Simon, answering, said: 'I suppose (the one) to whom he forgave the

more.' ” Forgiveness, then, produces love. For, if the degree or amount of forgiveness will account for the degree of love, the fact of forgiveness will account for the fact of love. “And He said to him, ‘Thou hast rightly judged.’ And, turning about to the woman, He said to Simon, ‘Seest thou this woman? I entered into thy house. Water for my feet thou didst not give; but this woman has moistened my feet with tears, and with her hair has wiped them off. A kiss (properly a token of love, given in salutation) thou didst not give me; but this woman, from the time I came in, has not ceased kissing my feet. My head with oil thou didst not anoint; but this woman, with myrrh, has anointed my feet.’ ” Are these not the tokens of exceeding love on the one hand, and the entire absence of expressions of love on the other? If forgiveness produces love, love is the proof of forgiveness. “Wherefore, I say unto thee, forgiven have been her many sins (I affirm this), for she *loved* much.” Emphasis is placed upon the word “forgiven,” but none upon the word “many.” The word ἀφένονται, which is rendered in King James’ version “are forgiven,” is in the perfect tense, indicative mood, according to the best authorities. (See *Winer*, §14, 3 a, p. 80; *Buttm.* §108, i: 1, marginal note; *Crosby*, §229, *ad fin.*; *Robinson’s N. Tes. Lex.* under word ἀφίημι.) It is not, however, material to this view whether it be rendered “have been forgiven,” or, “are forgiven;” for the least that the Saviour here affirms is, that she is in a state of forgiveness, which necessarily implies a past act of forgiveness, by which she had been brought into this state. But if she has been forgiven in some past time—no matter how recently—if the act of pardon has preceded her present approach to the Saviour, then Simon has made a woeful mistake in his judgment of her character, and in his rejection of the claims of Jesus. According to the principle to which he has just committed himself, forgiveness produces love; forgiveness is the cause, love the product; therefore, love is the proof of a previous forgiveness. For, if the degree of love is accounted for by the degree of forgiveness, the fact of love is accounted for by the fact of forgiveness. There was no need for the Saviour to add, that this woman was not a sinner in the sense which Simon intended, for no Jew, instructed in the doctrine of forgiveness as he of necessity must have been, could have failed to apprehend the force of the Saviour’s argument.

Christ proceeds in exactly the same line of thought and reasoning: "But to whom little is forgiven, the same loveth little." His import is, you, Simon, may judge how little you have been forgiven, by how little you have loved. And if the case stand thus, that you do not love at all, then consider also that you are in nowise forgiven. For if love is the proof of forgiveness, the absence of love is proof that forgiveness has never been conferred. There is a very keen point concealed under the euphemism, "To whom little is forgiven," etc., and Simon could not have been wholly insensible to its edge. This rebuke truly returns upon himself his accusation against this woman. The same judgment that he has meted to her is measured to him again. By this argument, Simon is led to contemplate his own condition, and to see that the spot of his sin is yet upon him, and the plague of his iniquity yet in his own flesh. Does there exist a briefer, and yet more complete, example of the so-called Socratic method of convincing and silencing an adversary?

According to this interpretation, the expression, "for she loved much," is consistent with the parable, and with the immediately succeeding clause, "but to whom little is forgiven," etc. No violence is done to the text for the sake of a doctrine. The proper rendering is thus given to ὅτι, in the phrase ὅτι ἡγάπησεν πολύ, which has occasioned so much perplexity. It is used here elliptically. Her many sins have been forgiven (this is evident, I make this declaration), "because she loved much." An example of this usage is found in verse 39, ὅτι ἁμαρτωλός ἐστιν, "for, or, because she is a sinner." ὅτι here expresses the ground of Simon's conclusion. Another example occurs in Luke, xi: 25. If Satan also is divided against himself, how shall his kingdom stand? (I ask this question) ὅτι, "because ye say," etc. For other examples see Luke, i: 25; iv: 36; xxiii: 40; *Winer*, §53, 8 b, p. 445. ὅτι, in verse 47, does not assign the cause of the *forgiveness*, but the reason or ground upon which Christ bases the *declaration* of forgiveness.

And the tense of the verb ἡγάπησεν, confirms the view, that the act of forgiveness had taken place sometime previously to this incident. Christ does not say "Her many sins are forgiven, for she *loves* much," but, "for she *loved* much," using the

aorist tense, indefinite past time. But if forgiveness precedes the exercise of love, then she must have been forgiven in some past time. But what time does the Saviour allude to? No doubt to the time when she formed the purpose to do what she has just done. If her anointing of his feet is a testimony of love, love must have been the actuating cause of the original purpose. If she loved when she formed that purpose, even then she must have been forgiven. Hence she was in a state of forgiveness when she entered into Simon's house. She was, even then, one whose sins had been blotted out, and all of whose debts had been cancelled.

Some think that her object was to obtain forgiveness. Such persons would object to the view here taken, assuming that she did not know that her sins were forgiven until Christ declared the fact to Simon, and, of course, if she knew nothing of a previous forgiveness, it could not have been the cause of her love. They ground this view upon the words of the Saviour, "Thy sins are forgiven thee." On the contrary, it is certain that the Saviour discerns her object, and *He* magnifies her *love*, not her *desire for forgiveness*. He declares that she *loved much*. Nor is it "love at its negative pole" (Trench) that is thus manifested, but love of the most positive kind—love, too, of the most self-forgetful and self-sacrificing kind. It is certain that Christ sees nothing but the purest and noblest love in her intentions. Besides, the Saviour ascribes her love and sacrifice to her *faith*, "Thy faith hath saved thee." Moreover, if this woman was seeking her justification and happiness by works of love, then she was seeking her own even in love. Her love would thus have been selfish, impure, and hypocritical. How, then, could she have obtained the Saviour's favor? She could not have done what she did unless she had believed her sins forgiven. Not that she had previously received "entire assurance of forgiveness" (Van Oosterzee). It is only affirmed here that she *believed* in the forgiveness of her sins. How much assurance she had we are not concerned to inquire. She had enough to actuate her to do what she did. This the Saviour affirms, when He says, "Thy *faith* hath saved thee." Her rich love was both fruit and evidence of this belief.

It may be said that verse 48 would have been superfluous if

she had already received forgiveness (Van Oosterzee). But the view here taken makes the declaration of forgiveness necessary, not for her sake, but for Simon's sake ; that is, to complete the argument. Aside from this view, if the previous bestowal of forgiveness would have rendered verse 48 superfluous, verse 47 would have done so equally. Though it were even improbable—which it is not—that she had ever met the Saviour before this interview, and received forgiveness expressly from him, there yet remains one thing quite sufficient to actuate her to this work of love, and that is, the *faith* ascribed to her by the Saviour. All Protestants, at least, should remember that faith secures forgiveness, and worketh by love.

The view here taken explains sufficiently the reason of the Saviour's question, "Which will love him *most* ;" as also, the use of the degree of indebtedness in the parable. It avoids the absurdity of supposing that Christ estimates the respective sinfulness and affections of these two persons by an arithmetical proportion ; or, that he finds Simon's main fault in his comparative sinlessness, and her main advantage in multiplied transgressions—thus teaching him, that the reason he loved so little was his having so small a debt to be forgiven ; and teaching us the abominable doctrine, that if we would love much in the time of his mercy and forgiveness, we must sin with the greater wantonness in the previous time. For, if we must have an exact agreement of the parable with the case of Simon and the woman, we cannot stop short of these absurdities, unless we evade the fair issue of such a position. Nor do we need to resort to the ingenious, but untenable, position of Trench : that the degree of indebtedness is to be taken, not in the objective, but subjective sense—"as so much conscience of sin." For the parable does not say one debtor *thought* he owed five hundred denarii, but that he actually owed ; nor that the other only thought, or felt, as if he owed fifty, but that was his debt, and the whole of it. Any attempt to carry out an exact parallel between the two debtors of the parable and these two persons, breaks down utterly. Simon, in his legal righteousness, self-complacency, and pride, had no "conscience of sins," but regarded himself as a righteous person. How could he have been incensed at the Saviour for receiving a sinner, if he had regarded himself as only somewhat less a sinner

than she. The main idea of this indebtedness is not the degree, but the total insolvency, the utter inability to pay, and hence, according to the custom of the time, the equal helplessness, and hopeless exposure to the power of the creditor. The constituent ideas of the parable are these: total insolvency, free forgiveness, and consequent exercise of love. The sole intention of Christ in the degree of indebtedness, and in the question, "which will love him most," was to conceal his design from Simon until he should have unwittingly committed himself to the great principle, by the simple application of which he was at last confounded.

Art. IX.—THE SABBATH, AND HOW TO OBSERVE IT.

By EZRA M. HUNT, M. D., Metuchin, N. J.

THE Sabbath commenced at Creation. It was then that God blessed the seventh day and sanctified it, not with reference to any one nation, but with reference to all the descendants of the man he had made. He made it, not for rest in the abstract, or for mere physical purposes, but set it apart as holy, and for a sacred, as distinct from a common, use; because man's nature would demand a set period for worship. No wonder the Rabbins had a saying, that "he that breaks the Sabbath denies the Creation."

When the command was given at Sinai, the very words of the command, and the reason given for its rehearsal, are a proof of its recognition. In fact, the division of time by sevens, and the previous fall of the manna, in double portion, on the sixth day, show the recognition of the Sabbath, as not a Jewish institution, but for man. It would be easier to argue that some, or all, of the other commandments of the decalogue were personal to the Jews, since the fifth commandment makes a national reference, and the fourth is the only one that states a basis beginning at Creation. The Jewish church needed to have the moral law formally announced from Sinai, not because it was confined to them, but because, as the universal law for

every church or state recognizing the Creator in his relation to the creature, it needed to be specially announced, in order that it might be profoundly impressed. "We can," says Hussey, "if we have a mind, always see the difference between such features of all Jewish law, as are local and temporary, and such as are human and universal." With the fourth, as with other commands, were coupled certain statutes and modes of enforcement, which were special and particular to the commonwealth, and were not at all essential to the command, as such. Hence, it is no more difficult to claim the Sabbath as an institution independent of the Jews, and to separate it from certain laws as to its enforcement, than it is to claim that the command, "Thou shalt not kill," was prior to the Jews, and yet is not now surrounded with all the technicalities, as to refuge cities, etc., which obtained in the Jewish state. Says Chalmers: "Point to a single religious observance of the Hebrews that is now done away, and we are able to say of it, and of all others which have experienced a similar termination, that they, every one of them, lie without the compass of the ten commandments. They have no place whatever in that great record of duty, which was graven on tables of stone, and placed within the holy of holies under the mercy seat. Now, how does the law of the Sabbath stand in this particular? We perceive it occupying its own conspicuous place in that register of duties, all of which have the substance and the irrevocable permanency of moral principle." The decalogue is the fundamental morality of all society, and, as such, is binding in all its parts, and the fourth commandment is vital to a degree but imperfectly realized, even by the church, at the present day.

In the Old Testament the oft-recurring commands and warnings as to the Sabbath are only second to those as to filial duties, and everywhere the observance of the day is made, not technical or incidental, but essential and vital. The whole idea of the New Testament, while it rids the day, as it does all religion, of certain rites and ceremonies, comes no nearer abrogating the Sabbath than the church, and only frees it of Judaistic rites, in order that, as the Christian Sabbath, it may be observed through all time, for all peoples, as the Lord's Day. So indispensable is its observance to the existence of the Christian religion, that it is scarcely one of those doctrines to

be substantiated by extraneous facts and arguments. It should rather be taken for granted as an essential part of Christianity. It is necessary to, and involved in, the system. Take away all idea of Christian assemblies, and you deprive the Church of its power and efficiency in the world. But if you do away with the Christian Sabbath, the Christian assembly, as a regular sustained method of divine service, ceases to exist. The New Testament has no more need to stop and re-enact the Sabbath, than it has to re-enact the first, or the other, commandments of the decalogue. It takes it, as it does all the rest, as belonging integrally to the system.

So far as the change to the first day of the week is concerned, this is made as evident by our Lord's coming, as was the change from the temple worship at Jerusalem, to the assembly of the saints in the Seven Churches of Asia, or wherever else men desired in congregations to worship God. Such a substitution needed no special enactment, because, with one accord, those who changed temple worship for Christian worship, also let the resurrection festival take the place of the creation festival. The recognition of the change, and the record as to the practice of the early church, was enough; just as in the case of the temple and the supplanting of circumcision by baptism. The temple with its rites and ceremonies ceased, because He had come who was greater than the temple; and the Sabbath moved forward a day, because the great fact, the resurrection, signified worship more gloriously than even did the act of creation completed. The resurrection meant what creation had meant before the fall, viz., everlasting life for man in a place without sin, where worship should be his happiness. Now, to keep the Sabbath—to keep holy festival of worship—on the day before, would be like celebrating a nation's birthday on some previous historic occasion of lesser import.

There was no need of an order, that the disciples should be called Christians, or that they should keep the Lord's day, because the change was involved in all the coincident facts and in all the holy significance of one day in seven for worship. Some set day being granted, this would appoint itself by the grand precedence of the meaning involved in the event.

Thus did Christ meet with his disciples on this day. The outpouring of Pentecost further signalized it. The disciples

met on it for breaking of bread, and all along it was so accepted by the Christian church as to be called the Lord's day, until at length John, in the vision of Patmos, is "in the spirit on the Lord's day." The inspired Word thus confers upon it a title which of itself surmounts all arguments, and accepts as a spiritual axiom what some attempt to establish by unnecessary lines of argumentation.

We shall not further argue the fact, that the observance of the Sabbath is to be regarded as a part of the Christian religion, or that the day which was observed by the early church, and has been observed by the great mass of professing Christians ever since, is the proper Lord's day. It is the one day in seven especially to be sanctified, and designed ever, after the time of Christ, to be the Christian Sabbath.

The question most needing to be examined is, what kind of observance of the Sabbath is demanded by the terms of the Christian religion? And what kind of observance does experience teach us, needs to be asserted and maintained? Our first authority on the subject is the Word of God, the only infallible rule of faith and practice.

As to the strictness of observance required under the Old Testament dispensation, we think there can be no mistake. The God-rest at creation, as a historical fact, had so impressed itself as sanctifying, or setting apart as holy, one day in seven, that time as naturally divided itself by the divine example and authority into weeks, as it did by the arrangement of the heavenly bodies into days and months.

The "process of time" (Gen. iv: 3.), or, as the Hebrew has it, "end of days," in which Cain and Abel came together to worship, probably has a weekly allusion. As to Noah, again and again the division of time by sevens is noted (Gen. viii.). In the account of Jacob and Laban (Gen. xxix.) there is again allusion to the "week." The Passover, as a sacred feast, pays regard to this sacred division of time. When at length the Israelites reach the wilderness, and before the command from Sinai, lest the Sabbath should be too much like other days, in connection with the miracle of manna, they have the double miracle of a double supply on the sixth day, and a special preservation on the seventh. When the rulers inquire of Moses as to the full import of all this, his reply is, "This is that

which the Lord hath said ; to-morrow is the rest of the holy Sabbath unto the Lord." Thus carefully is its object and character defined, and thus for forty years, in all their wilderness sojourn, did the double fall of manna each sixth day remind of the Sabbath as a "rest holy unto the Lord."

A few days after, amid the commands of Sinai, "Remember the Sabbath day to keep it holy" is among the longest and most precise. It is also thus coupled with that decalogue of moral law, which stamps it as a part of the code for all humanity. It is thus, as a day for sacred rest, a "holy Sabbath unto the Lord," a "hallowed" day, a day for the worship of God, "as my Holy Day," a day "holy of the Lord," in which to "honor him," that it is ever spoken of throughout the Old Testament record.

In this, as in other commands, while there was in the gospel dispensation a clear and severe setting aside of all that was Pharisaical and merely punctilious, there was no relaxation of the strictness of the decalogue in any of its parts as to moral observance and obligations. The course of Christ toward the "woman that was a sinner," and the one taken in adultery, did not at all weaken the import of the seventh commandment ; nor did his disregard of Sabbath rules, which had no foundation in the true meaning of the command, at all weaken the sacred force of Sabbath sanctity. In fact, it was all just the other way. When he defended the disciples in that they appeased their hunger with food which they could pluck and eat near at hand, he showed them, as he did in miracles performed on the Sabbath, that the idea of the day was not merely rest, which they had magnified into holiness, but rather *worship*, such as was compatible with eating needed food thus easily secured, and with works of mercy such as he was performing. Thus he defends an act of necessity and performs a miracle of mercy as really a part of that worship, which on the very day he and his disciples were rendering at the synagogue (Matt. xii: 1-10.). Everywhere and always his example, and that of his disciples, was a recognition of the Sabbath as a day for sanctuary worship, and for such rest as was consistent with works of necessity and mercy, which would not detract from it as a day holy unto the Lord. The very last word that Luke records, as to the faithful female

disciples who had followed him from Galilee, is, they "rested the Sabbath day according to the commandment," and so kept holy rest.

It is marvelous how men will sometimes wrest Scripture from its connections, to the destruction of fundamental principles of faith, not even allowing the light of the Lord's sacred example, and that of his followers at the very time, to interpret his words.

The tendency of mankind is to suit every moral law which cannot be totally abrogated to the wishes of the human heart. Where there cannot be obliteration, there is attempt at compromise. This is always sought to be obtained by plausible glosses in the interpretation of God's commands. One of the most frequent methods in which this is attempted is, by making the prominent idea of the command secondary, and exalting some associate or subsidiary portion into undue prominence.

This is just the course which has been pursued in reference to the Fourth Commandment. It has been found so impracticable and impossible to do away with some form of "one day in seven" recognition, that through all the ages respectable and formal morality has sought to make prominent the idea of *Sabbath rest*, and to obscure the idea of *Sabbath worship*. We have eloquent platitudes about the need of physical recuperation; and such words as re-creation and holy-day come to express things entirely different from those to which they were first applied.

¶ The Romish Church, and the English Church with its Book of Sports, did not totally ignore the idea of worship, but made it secondary, not only to rest, but to amusements and pastimes, and the Sabbath came to mean a heartless service and a hearty sport. The effect upon vital godliness has been everywhere manifest, and to-day all Europe is suffering from this idea of the Christian Sabbath. The Lord's Day on the Continent has little influence for good on the morals of the people, and is so really man's day, in a selfish sense, that it is kept merely that week-day action may have better secular success, or that worldly pleasures, which business crowds out on other days, may hold carnival now. It is but a system of indulgence, made more comfortable to the public conscience by the penance of a church service.

Yet, of no command of the decalogue is the language more explicit and unmistakable than that of the Fourth. Its direction is not first *rest*, but “Remember the Sabbath Day to keep it *holy*,” and the injunction is further enforced by the fact, that God rested from creation, and *hallowed*, from the first, this day as a sanctified holiday. From the beginning of time, through all time, it was the recognition of a relation between Creator and creature, in reference to which a memorial day was instituted, and made a rest for the culture of holiness. We need, therefore, distinctly to get hold of the leading idea of the command, which is, *worship, and rest as conducive thereto*.

The fourth commandment formulated is but the announcement that, so secularizing are the every-day duties of life, and so important is the service of God, that not only do we need to regard Him each day, but we need, in addition, to have, set apart from all worldly vocation, one day in seven as a day sacred unto the Lord.

Nowhere in the Bible can we obtain, as to the Sabbath, the mere unconnected idea of physical and mental rest. These, of course, are referred to, because the pursuit of business, as on other days, is incompatible with special worship and sanctification. “The rest of the Sabbath does not exclude action, which would be but a death, but only that week-day action which requires to be wound up in a rest.” The very purport of Christ’s teachings to the Jews was to show them how secondary was the idea of rest, which, like some modern moralists, they had exalted into essential prominence.

When they were shocked that his hungry disciples should pluck and eat the uncooked barley-grains, or that he should cure a man of his infirmity, he taught them that rest was not the controlling idea, but that works of necessity and mercy were allowable, just because they were compatible with worship, and did not at all detract from the sacredness and holiness of the day.

He would not allow that the Sabbath should be profaned by an *unholy resting*, any more than he would allow the temple to be profaned by unholy worship. He was Lord both of the temple and the Sabbath, and came to cleanse both and all religion from mistaken rites. The pleasure-seeking world is fond of quoting the passage: “The Sabbath was made for man, and

not man for the Sabbath.” But the whole context shows that the saying was aimed at this false view of rest, as constituting true Sabbath-keeping. By successive Sabbaths of public worship in the synagogue, by his recognition of it as not a fast-day, but a day of proper bodily nourishment, and, by his help to the afflicted man, he interpreted his own words. He showed that he was vindicating the Sabbath, as he had other religious observances, from mere punctilious rules. It was “blessed and hallowed” for man, and man was not made for exacting rules of rest, such as they defined a Sabbath-keeping to be.

It is for holy service to God and to man that “the Sabbath, or Lord’s day, is to be sanctified, by a *holy resting*, all that day, not only from such works as are at all times sinful, but even from such worldly employments and recreations as are on other days lawful, and making it our delight to spend our whole time (except so much of it as is to be taken up in works of necessity and mercy) in the public and private exercises of God’s worship. To this end we are to prepare our hearts, and with such foresight, diligence, and moderation, to dispose and seasonably to dispatch our worldly business, that we may be the more free and fit for the duties of that day.” This deliverance of our Larger Catechism is in exact accord with the intent of the day.

Whenever and wherever rest, as rest, independently of its bearing upon a future life and upon the worship of God, is put forward as the design and intent of the Sabbath, the result is a demoralized and demoralizing view of its sacred purpose. It licenses that week-day stress of work, which, to recover itself, requires a day given over to purely physical repose; which makes of it a secular vacation, in order to more profitable secular labor. It tacitly approves intentional listlessness, or that amusement, or traveling, which merely substitutes carnal pleasures for business routine, and, even if refreshing the body or the mind, does not add thereto that additional soul-refreshment which was intended.

Do such at all keep Sabbath unto God? Is that to keep a hallowed, holy rest?

Is there anything bespeaking worship to the Creator in all this?

Is such a day kept as the Lord’s day?

Is not such an one doing his own pleasure, and seeking his own ways, on "My Holy Day?"

If physical rest was at all the prominent idea, then it is a mere question of political economy and personal comfort and success—a kind of arrangement in the department of economics. Never, in the Bible, is it put forth in this separate aspect. The rest for animals is referred to, just because the whole creation, or "all creatures," groan, and are involved, in consequences of sin. Rest for them becomes essential, that man may rest; and rest for man is essential, that he may devote more time to worship. Such Sabbath rest here, and such as remaineth for the people of God, are alike worshipful.

But this idea of mere physical rest has so insiduously intruded itself into paramount prominence and unwonted significance, that there is, with too many, a tacit impression that it has Biblical sanction. Human nature is so much more exacting for bodily than for spiritual comforts, that it too often yields to such temptations. The membership of the church needs to be aroused from this kind of ease, and to feel and enforce the blessed, hallowed intent of the day.

With these views of the Sabbath, as a day of cessation from worldly toil *in order for worship*, we have an easily applied criterion to aid us in determining details as to the proper keeping of the Sabbath. Its rest is to be so arranged as shall be most conducive to worship. *The foundation of true keeping, as suggested by the words of the command, is that of a well-regulated family at home;* and we think experience abundantly proves, that an underlying principle, on which our ability for proper observance of it much depends, is a recognition of it as a day which begins with the family thus at home. "The charge of keeping the Sabbath," says our Larger Catechism, "is more especially directed to governors of families and other superiors, because they are bound not only to keep it themselves, but to see that it be observed by all those that are under their charge, and because they are oftentimes prone to hinder them by employments of their own." The portrait is that of a well-regulated Christian family, in which the head sees to it, not only as to his own leisure, but, as the priest in the household, secures such rest throughout his dwelling as shall make it to be recognized as an all-hallow day in all his borders.

We, of course, recognize some unavoidable necessities of absence from home on the Sabbath on the part of heads or members of families. It is, however, because we recognize, also, the eminent desirableness of home Sabbath life, that we deplore all conditions of living on the Sabbath which foster and strengthen the opposite view. When the Sabbath is a visiting day, when it is a traveling day, when by the call of those in public employ, as on railroads, etc., it is a day of absence from home, we are painfully aware how hopeless, in the case of such, is all effort to promote Sabbath reform. Even right-minded Christians recognize how difficult it is for them to spend a Sabbath in another Christian family as sacredly as at home. Still more, one who looks at society at large must be aware what almost necessary breach of happy Sabbath sacredness is involved in all habits that interfere with the Sunday at home.

It is for this very reason that we look with alarm on the manifest tendency to occupy the Sabbath in excursions and traveling, business and recreation. It strikes at the fundamental nature of the Sabbath as a day of "sacred" rest. It betokens a disregard of Sabbath obligation, and an imperfectly kept Sabbath in the homes of those who are thus engaged. Thus it not only involves individuals, but the homes which they represent. The eight thousand engineers of railroads who have petitioned for fewer Sabbath trains, make an important point when they allude to the effect of their Sabbath absence from their families. Add to these all who, as passengers or employees, thus spend the Lord's day, and we have not only the demoralization which the example of a public breach of the Sabbath involves, but still worse, this prevalent interference with the best interests of society as to the Sabbath home. We are helping to sap the foundations of good morals at the chief corner-stone.

Our laws as to the Sabbath are properly classified in our statutes under the heading relating to "Vice and Immorality." Laws as to public conveyance on this day here find their place.

When, as has been recently done by the Legislature of New Jersey, we put among these statutes a law authorizing local passenger trains on the Lord's day, we plant a seed of vice and immorality in many a home garden, which will spring up and

bear bitter fruit for the nation at large. If bodily rest were the chief idea, it would be easy to show that the people of any community would find even this in proportion as they enjoyed a quiet leisure in the vicinity of their homes. Still more, as to the prominent idea of worship we well know how thoroughly this is overlooked by the Sabbath traveler. We are all the more emphatic on this point, because so many among professed Christians are found traveling on some part of the Lord's day. A railroad officer recently said to us, that if every church-going man, who reached Harrisburg during Saturday night on his way to New York, would remain there till Monday, it would not be difficult to avoid the present Sunday trains on our New Jersey highways. It is high time that Christian directors and stockholders, and the traveling public, come to feel how in all this conduct God is dishonored, society injured, and the homes of the nation demoralized, either by unnecessary Sabbath absences, or by the untimely arriving of those who consider it time saved for themselves, if only a part of the Sabbath is thus desecrated. Jehovah is not a party to such compromises.

In addition to this leading idea of observance of the Sabbath in all our dwellings, we need scarcely argue the propriety spending a portion of the day in attendance upon the more public exercises of religion.

As the great design of the Sabbath as worship, is thus indicated by all the Bible record, and by all the precedents of the church, it would naturally occur to us, that a part of the day should be spent in public service.

It has been the experience of God's people, that next to religion in the family, spiritual welfare is best promoted by the worship of the sanctuary; and that those who neglect this means of grace voluntarily, are not generally advancing in spiritual life.

To preach Jesus and his resurrection is the great Gospel message for all time. Preaching, prayer, and praise on the part of congregations of God's people have ever been recognized as worship. The day which commemorates the great gospel theme, as by inherent right, also claims that a part of the worship rendered on the Lord's day should be of this character.

What proportion of the Sabbath should be devoted to this

must depend on many conditions; but it should never be to the exclusion of some time for holy resting and worship at home. As the children, too, are a recognized part of the people of God, we look with interest to the Sabbath-school, as an adaptation of congregational worship to them. Well is it that so many thousands of them find the public exercises of religion on the Lord's day, as instituted for them, so enjoyable and profitable. The greater prominence now given to the Sabbath-school is of the highest religious importance, where it is apprehended as a religious assembly for the purpose of worshipping God. In its adaptation to children, the proper method for their keeping the Sabbath at home, and for their engaging in public worship, should ever be kept in view. To them the day is to be one neither of indolent leisure or irksome task-work. We are to see to it that we so combine household Sabbath keeping with the public assembly, as that they have such rest as is not mere indolence or amusement, and such worship as is not too fatiguing.

With these leading points of Sabbath worship and rest set forth, we do not feel it necessary to tabulate in detail a list of things allowable and things prohibited on the Sabbath. When the Christian comes fully to realize the Lord's day as a memorial day, consecrated to God's service, and to comprehend that it means rest for "WORSHIP," he must, in no small degree, be left to his own spiritual knowledge to determine how he can best spend it so as to be acceptable and well-pleasing to our Heavenly Father.

Recognizing its duties in relation to the family and the church, he has both the announcement of its design and of the two leading methods of its fulfillment. As to other additional and collateral observance, or as to modifications in home or public service, he will usually be well-guided if he only has an eye to the spending of the day, so as to honor it by honoring him who calls it his "own day," "his holy day."

Though "Satan, with his instruments, doth much labor to blot out the glory, and even the memory of it, to bring in all irreligion and impiety," yet, in thus keeping it (says our Catechism), we shall find ourselves able "better to keep all the rest of the commandments, and to continue a thankful remembrance of the two great benefits of creation and redemption, which contain a short abridgment of religion."

And we do especially beg of the ministers of Jesus Christ, that they diligently exhibit and impress the fundamental and vital import of this command, and amid these days of lax public observance, so vindicate and enforce the sanctity of the Lord's day, that vain excuses for work, travel, or unholy rest, be set aside; that the public conscience be aroused, and that secular business and secular recreation be alike discouraged. With faith and a zeal according to their knowledge, let all Christians and all friends of good order stand by the Divine Law of the Christian Sabbath. *Rest for the sake of Worship.*

Art. X.—THE CURRENCY QUESTION.

By LYMAN H. ATWATER.

THE great question, which bids fair to overshadow all others before the American people in the near future, is this: Shall the nation redeem its promises, and bring its currency to the coin standard, or shall it further inflate and debase it? It is, indeed, a disgrace to American intelligence, morality, and statesmanship, that such a question should arise, except for a temporary period, under the overbearing necessities of civil war and convulsion; as the question of conscription, confiscation, suspension of habeas corpus, or of blockade, might then force themselves upon us. We may be astounded at the fatuity which would repudiate the nation's solemn promises; repeal the law which now requires and provides for their redemption in 1879, a time so remote as to preclude, if prudent, and gradual provisions be made for it, all possibility of any violent shock to industrial or mercantile interests—and would then so increase this issue of inconvertible paper as to destroy the ability, and disown the intent and purpose ever to redeem it! It is scarcely possible to conceive a greater national catastrophe; yet the imminence of it is, beyond doubt, one of the portents of the time. Why this is so is not hard to see. In general, we may say in a word, there is no subject on which the multitude, and especially the degraded, ignorant multitude, is so profoundly mystified and easily led astray, as the nature of money, and the various credit and paper substitutes for it. The other is, that as our present currency is en-

graved paper, with a legal tender government stamp, those who crave it and cannot get it, see not why government may not set its presses going, and turn out enough of the article to furnish every body what he wants of it; or, as the current phrase which disguises this stolid sophism has it: "proportion the volume of currency to the business wants of the country;" and this, when millions of currency are lying idle, or at nominal rates of interest, because no employment for it, at once safe and profitable, can be found. Some savings banks are now beginning to refuse deposits, because they cannot profitably use them. National banks have surrendered \$8,000,000 of notes the past year for the same reason.

In special, it may be worth while to note and expose some of the influences which give this movement a formidable power, also the more specious fallacies with which the demagogues and shallow doctrinaires of the country are striving to deceive others—often themselves—on this subject, before we summarize the consequences of the measure, which, in the interest of morals, religion, and every element of the general welfare, ought to array every good and conscientious citizen against it. A great difficulty in our way, moreover, is that a generation has grown up, unlike its predecessors, untrained by those fundamental discussions on money, and its substitutes and counterfeits, which settled a coin standard as the only safe one in the minds of our fathers.

The first and fundamental fallacy lies in the conception formed by multitudes of the very nature of money itself. It is supposed to be a mere arbitrary creation of government, both as to its use and its *exchangeable value as money*, which government can make or unmake at pleasure. It may thus create illimitable amounts of money and quantities of value out of the most worthless materials, by its own sovereign fiat. It is held that the use of the precious metals for this purpose does not arise from any intrinsic superior fitness for it, but from the arbitrary agreement of the potentates of the earth, to endow them with this exclusive and somewhat aristocratic or royal prerogative.

Suppose, then, that our government should abolish every other kind of money, and ordain that bits of copper of the size of pennies should be stamped with the figure of an eagle, and

should be legal tenders for all debts, either without signifying the amount of commodities having value for which they should be such tender, or by making each of them a legal tender for ten dollars; that is, equivalent to a real gold eagle. In the former case, they would be simply so much copper, and exchange for whatever had the same value, estimated by comparative desirableness and the labor involved in production. In the latter case, this copper has indeed a debt-paying power, and so far has the value of ten dollars. But this is simply by the arbitrary and tyrannical act of the government, exercising its omnipotence to wrench from the creditor and give to the debtor 999 out of every 10,000 cents due from the latter to the former. It is only by sheer might, compelling the creditor to accept one penny in lieu of the ten thousand which are righteously his. But when such a currency has fulfilled its mission of extinguishing debts without paying them, it will sink to the level of its intrinsic value, and not all the legislation on earth can raise it higher. All contracts will certainly be made with reference to its true value. In the long run men will not give, or promise to give for it more than its worth. This is the verdict of reason, confirmed by all history.

Legal-tender *paper* differs from the foregoing, in being the *promises* of the nation, through the government, to pay real dollars to the bearer, by which are meant coin dollars. In consequence of the necessities of the late war, and purely as a war measure, they were made legal-tender, with the intent of making them convertible into coin as soon as the resources of the country would permit, upon the return of peace—a result that should have been effected, and which wise and competent statesmanship would have effected, long before this. Every day that it has been delayed for the last six years, has multiplied and strengthened the evils of an inflated and irredeemable currency, as well as the aversion of vast multitudes to any measures looking to the restoration of sound money and the keeping of the national faith, because they fear this will bear with severity upon themselves. Of course, while intrinsically of less value than the copper eagles, before spoken of, because useless for any purpose but to serve as substitutes for money, they are on the same footing with them as legal-tenders, with this immense advantage over stamped bits of other worthless

things, however, that they PROMISE TO PAY DOLLARS, meaning thereby coin dollars. They pledge the whole faith and resources of the government to the fulfillment of this promise. We are aware that some schemers and speculatists now dispute this. They might as well dispute that they were made legal-tenders for gold dollars, just as a suspended merchant sometimes compels creditors to take promises of future payment, instead of present payment, of his debts. But these promises are none the less promises to pay them in real money some time hence. The same was the meaning of the legal-tender act. It was a compulsion of the creditor to accept a promise of payment, instead of present payment. But it was a promise of payment none the less—payment of coin dollars. So it was understood on all hands—alike by the nation and its creditors. So the government and the nation, acting through its government, believed the people and its creditors to understand it. Otherwise, the act never could have gone through Congress. A conclusive evidence of this is, that these legal-tenders rose or declined in value with the varying fortunes of the war. They were raised in value by victories, and depreciated by defeats and reverses, as was shown by the changes in the gold premium, thus proving that the people estimated their value according to their chances of being paid or unpaid. So now. If a political convention, of any importance, adopts a platform adverse to resumption, other things being equal, up goes the price of gold. If it go for a return to a hard-money standard, the reverse effect is produced.

This shows that the permanent value of these notes lies more in their being the nation's promise to pay their face in coin, than in their legal-tender power, important as that surely is.

Hence, it is fallacy to suppose, as some maintain, that the return to specie payments can be indefinitely postponed, or rendered vastly more difficult and virtually impracticable, by an increased emission of inconvertible legal-tender, without a flagrant breach of the national faith, and weakening of the national credit. The meaning of every present backward, or less than forward, movement toward coin payments, is the utter refusal of such payments, and repudiation of the obligation and promise expressed on their face. It is said that this

is only temporary, a palliative of our present distress, to be abandoned for the coin standard as soon as prosperity again crowns the industries of the country. How vain, not to say dishonest, is such a pretext. It can be demonstrated as conclusively as any proposition in Euclid, that such a process as greatly multiplies and aggravates the difficulties of future resumption, as a year's longer indulgence in drunkenness will increase obstacles to reformation, and that the former will as surely end in unparalleled prostration of business as the latter in hopeless lassitude or delirium. The only rational interpretation and inevitable tendency of the inflation movement, or raid on the coin-standard, or of a repeal of the law requiring resumption in 1879, without substituting an earlier date, is toward national repudiation, which is national death. For how long can a nation preserve its integrity, command its resources, or withstand the assaults of other nations in war, which has lost its credit by violating its faith?

Already we hear of fierce tirades against the bonds, and holders of the bonds, of the nation, emanating from the same oracles of ignorance and dishonesty that are propagating this new gospel of rapacity, which urges the indefinite multiplication, debasement, and lasting irredeemability of the government's promises to pay, while they would have it never pay them, but compel the people to accept them in payment of dues to themselves.

These deceitful workers and talkers begin to insist that these same dishonored promises to pay should be used to pay interest and principal of the funded debt of the nation, which, by express stipulation, or the unquestioned understanding of all parties at the time, were made payable in gold. Is not a currency good enough for the people, good enough also for the bloated bondholders? brays the prince of charlatans and demagogues. The more's the pity that there should be any considerable constituency that could even tempt the most desperate demagogue to make such inflammatory appeals. They mean repudiation and the destruction of national honor, credit, and power, "pure and simple."

It seems to be forgotten by all this class of pseudo-economists, that the great function of money is to serve as a *medium of exchange*; that in order to this it must have *exchangeable*

value; and this of a kind which gives it pre-eminent fitness to be a measure of the value of all other exchangeable things. This is the reason why all contracts are made in dollars, that a dollar is the measure of the value of what is thus exchanged for it. But in order to its being a measure of value, it must be that which has intrinsic value; *i. e.*, it must be that which can only be obtained by a given amount of labor, and which men desire eagerly enough to be willing to expend a certain quantity of labor to obtain it. It is as absurd to think of measuring value by that which has no value, as to make anything without length a measure of length. Whatever, therefore, has not of itself value, irrespective of its use as money, can never, by any force of legislation, be made to discharge some of the most essential functions of money. And it must have high value within small bulk and weight, be portable, evenly divisible into given equal units and their multiples, durable, and free from liability to sudden and violent fluctuations in value; *i. e.*, in the relative amount of labor requisite to produce it, as compared with that required to produce the average of articles exchangeable for it. Now, these qualities centre in the precious metals as in no other articles whatsoever. Hence it is, and not by any arbitrary act of sovereignty, that they have been adopted for use as money; *i. e.*, as the *medium of exchange and measure of value*, by the common consent of the civilized world. The government stamp does not create, it merely certifies their value, and makes them legal tender for the value *intrinsic* in them and expressed on their face. Paper promises to pay them, if good for what they promise, become thus of equivalent value.

The notion that government can impart value to any article by its own arbitrary enactment, when broadly stated without qualification, is its own refutation. If this be so, what remains to be done but for government to endow every bit of paper and every grain of sand, and every piece of wood or metal, with such value, by its own simple ordinance, that it shall be worth and pass for so much? If this were practicable, a royal road to wealth would be open to all our people, collectively and individually, thus leading us to an affluence in comparison with which the riches of the most opulent countries are insignificant. But we know that it is not true, and that any such en-

actments would not add a penny to the national wealth. This governmental "creation of values," of which we hear so much, is, in the sense intended, the merest illusion. A bit of paper is a bit of paper only, whether stamped by government or not, and is in itself valueless. Its value is not intrinsic, but relative to the really valuable thing to which it gives a title: *i. e.*, the gold coin of whatever denomination which it promises us, or so much thereof as the chances of its payment, considered with reference to time and other circumstances, may make it worth in public estimation. Any value except this is the debt-extinguishing power arbitrarily given to it, and which might as well be given to the marbles which are playthings for boys. But this is not value imparted to these things as such; it is simply imparting to them the character of tokens, or instruments for wrenching the property of the creditor out of his hands and giving it to the debtor. It creates no values. It simply transfers them, by an act of compulsion, from those to whom they rightfully belong, to those who have no right to them. A simple stay or stop law, or an act ordering an agrarian and communistic distribution of the property of the people, would accomplish a similar result, and just as largely create values—otherwise, legalize robbery. We repeat, real money, a real measure of value, must have value, and that as nearly uniform and measurable as possible. All talk of creating, by merely engraving paper promising what is valuable, but never to be paid or payable, is the merest nonsense, though sometimes uttered by very sensible people. So far from creating value, it will simply destroy the value still left to our present greenbacks through the prospect yet remaining, somewhat clouded, indeed, of their being sometime paid. If mere engraved promises create value, what wealth ought to be found in the immense stacks of defaulted railroad bonds?

And this brings us to the strong plea of inflationists and anti-resumptionists—viz.: that we "need more currency," to revive the languishing industries of the country. Can any pretence be more futile or fatuous, in the face of the fact, that piles of our existing currency lie idle, or are loaned at merely nominal interest, because no employment for them, at once safe and profitable, can be found; and that for this reason some national banks are now surrendering large portions of their

circulation, while the privilege of creating new banks, with their own independent new circulation, is not availed of for a like reason? But, aside of this, is it not clear that every addition to our present inconvertible greenbacks must depreciate them, and thus lessen their purchasing power and exchangeable value? so that these will decrease more rapidly than the notes themselves can increase. If the nominal price of wheat doubles because the volume of irredeemable greenbacks has been increased fifty per cent., then will it not require a relative proportion of these greater than their rate of increase, to buy, sell, or effect the exchange of the same amount of these and other commodities? If our present amount of currency is inadequate to our wants, then all increase of it must make it more so, by causing a depreciation in its value, which rapidly outruns all increase in its quantity. This has been the case with an increasing inconvertible currency in all ages and countries. Let him who doubts study Prof. Sumner's *History of American Currency*, particularly the continental and confederate. In a recent speech at De Soto, Mo., Mr. Jefferson Davis is reported to have said, that "in the present condition of our country more currency is needed." It may be needed to put our country and government in that position of hopeless impotence into which he led and organized such herculean efforts to reduce it. No one better, or by more bitter experience than he, knows the steadily ruinous tendency of such issues of "more currency," which went on under his eye and rule, until eminent ministers of the Gospel were compelled to pay hundreds of dollars for a small keg of molasses, and it required a hundred dollars of it to purchase a pie at a restaurant. "The Confederate currency in November, 1861, was worth eighty-five cents in gold. Six months later, when there was a good deal more of it, it had sunk to sixty. In November, 1862, it had reached forty-five cents, and a year later, 'more currency' being constantly added, it had touched eight cents, and then gradually went out of sight, though it continued to circulate a little at three cents to five cents until Richmond was invested." It then soon became waste paper.

It is like the remedies of opium and alcohol for a prostration they have already induced. The more the victims have of it the more they need. It is remarkable that the ex-confederate

chief should be in accord with General B. F. Butler, seeing that both are largely so eccentric to each other, and to sound statesmanship as well. John Randolph, of Roanoke, once hurled back the taunt, that he had warmly espoused and then deserted Jefferson's administration, by saying that "he was quite ready to acknowledge that he left it, when —— and —— joined it." We confess that it is a strong presumption against any measure, that defies all the recognized maxims of statesmanship and finance, that Jefferson Davis, Wendell Phillips, and Benjamin F. Butler unite in espousing it, against such men as Reverdy Johnson, John A. Dix, and Samuel J. Tilden.

But it is said that the present proposal for inflation cannot be invalidated by any past experience, because the whole faith and resources of the nation are pledged to sustain its issues of paper currency, and our present wealth incalculably exceeds that of the revolutionary era and of the late confederate states. Be it so. But we ask, what does a pledge of the nation's faith amount to which is violated in the very pledge itself interpreted in its obvious intent? For the very proposal is *not to redeem* the promises already made by the nation to pay dollars, for which this very faith and these resources of the nation are already expressly pledged, but to make them indefinitely, if not permanently, irredeemable. But the whole faith and resources of the nation are pledged, it is said, to make these notes good. Is it? Good for what? For the dollars pledged on their face? No. This is the very thing it is attempted to stave off. Good for what, then? we ask again. And echo answers, what? Well, if any better than good for nothing, it must be simply by the compulsory process of making them legal tender for debt. A similar arbitrary enactment might make the paper promises of any bankrupt equally good for him by making them equally bad in robbing his creditors. What does the pledge of the faith and resources of a nation amount to if they be pledged to secure the payment of nothing but that of one paper promise by another paper promise? Not all the most stringent legislative despotism could invent could keep the assignats of France from falling to one-thirtieth of their face, although secured by the pledge of vast confiscated properties.

But one favorite scheme is to redeem these paper emissions

with an inter-convertible government bond, at their face value. Now, if this bond be payable, interest and principal, in coin, then this is virtually redeeming the greenbacks at the market rate of the bonds. If they are such as sell for par, it is a redemption of the legal tenders at par, and so a fulfillment of the nation's obligations. If they be redeemed by bonds whose market value is below par, this is scaling the debt by government to that extent. If it be done by the favorite bond of most of those with whom this is a pet scheme, then it scales them to them to the extent to which this bond is below par in gold in the market. The extent of this depression will depend very much on whether it is payable in coin, principal and interest, or in the greenbacks inter-convertible with it. The latter is the plan of inflationists. What does it amount to, and what will it come to? Why, simply to paying one irredeemable paper promise with another, greenbacks with bonds and bonds with greenbacks, holding up bubble upon bubble, kite upon kite. All is baseless till we reach a specie standard somewhere. Besides, this scheme, if successful, would turn our government into a banking house, compelled to take money when it is a glut in the market and pay interest upon it, and to let out this money, without increase of this rate of interest, when it is scarce and valuable.

We are indeed of opinion, that if our people should evince a determination, beyond a peradventure, to keep faith by a speedy return to specie payments, that the nation's credit would be so strengthened as to enable it to fund all the greenbacks it wishes, and all the other public debt, now or soon redeemable at its pleasure, in a four per cent. non-taxable gold bond, and that it would thus save in annual interest much more than the whole cost of funding the greenbacks. We are sure that much of the money now lying idle would find its way into such bonds, as far safer than most of the mortgages, and the municipal and railway bonds, whose security is so precarious, and whose income is so often cut away or devoured by taxes approaching confiscation.

One of the most plausible and dangerous propositions, in its bearing on resumption of the specie standard and the national credit, is that which proposes to abolish the present national bank notes, and substitute for them an equal issue of legal-tender

inconvertibles. It is alleged that the nation might as well save the interest on this amount of notes, as to surrender it to the banks. We do not stop to consider the breach of faith with the banks, and the general financial disorganization, arising from the contraction of loans and discounts, and the probable extinction of many of these banks, which such a measure would involve. We simply direct attention to one result. It would double the quantity of inconvertible legal tenders, and more than double the difficulties in the way of their redemption. This would be equivalent to the declaration of a purpose never to redeem them, the consequences of which have already been set forth. Hence the free-banking part of the present resumption law, even if it seem to increase the currency, will facilitate rather than impede resumption. For as the bank notes increase, legal tenders must decrease. There is abroad a singular overlooking of the difference between the bearing of an increase of notes which are, and a like increase of those which are not, at once the nation's promises and legal tender, on the resumption of specie payments.

So long as the legal tenders are diminished, or not increased, the difficulties in the way of their redemption in coin are in like manner diminished or not increased. But if they are lifted to the specie standard, they lift all other forms of credit, or promises to pay dollars, whether bills of exchange, checks, or bank notes, to their own standard. That is, they establish that standard for everything. And in proportion as they fall below this they drag all else down to their own level. The increase or diminution of bank-notes, so long as they are redeemable in legal tender, whether coin or paper, has very little to do with our ability to resume or maintain specie payments. Let government fulfill its own promises, and redeem its own issues, and all else will take care of itself, no matter how free the privilege of issuing convertible bank-notes, duly secured on pledge of government gold-stocks, by institutions organized and guarded substantially like our present national banks.

This is so, first, because no possible increase of these bills, if kept redeemable, can ever perform one-tenth part of the exchanges, or cause one-tenth part of the credit expansion, wrought by bank checks irrespective of bank-notes; and, secondly, because, by no possibility, can these notes, *thus*

secured and issued, be circulated much beyond their present volume, *i. e.*, beyond the readiness and ability of the public to procure, and pay for them at rates profitable to themselves and the banks issuing them. They will practically be used by the great mass of the people in payments in which, for some reason, checks are inconvenient or unsuitable. Beyond this the public do not want them, and will not pay enough for them to yield a fair profit above the taxes and other expenses now laid on the banks issuing them. This has already been abundantly proved.

It is impossible to keep afloat a *redeemable* paper currency much in excess of the coin that would circulate without it. The simple reason is, that the people prefer for safety, as well as other reasons, to keep their bills and coin in bank vaults. Bonamy Price has demonstrated this in his work on currency beyond all reasonable question, as indeed it is demonstrable, from all experience. We do not deem any considerable increase of currency from the free banking allowed by the bill, therefore in the least degree probable; *i. e.*, so long as these issues are to be kept redeemable in greenbacks; and these greenbacks must be proportionally reduced in quantity, while an increased portion of what greenbacks remain must be locked up as legal reserves, to protect the increase of bank notes and their accompanying deposits in new banks. This provision of the bill practically involves no expansion of the currency, or, if any, none in the least degree unfavorable to the restoration of a coin standard, which is the final object in view. On the other hand, by slightly contracting the legal tender issues, it facilitates their redemption.

The silver change part of the present resumption law bill is, to our view, the most objectionable, because it will embarrass instead of helping the main result desired. First, if the gold premium should, meanwhile, rise beyond the difference between the market value of the silver in a dollar of this change and the gold in a gold dollar, this silver change would be gathered up by money-changers, Jews and others, and sold for use in the arts, or in the bullion markets of the world, thus embarrassing the people and government in business and in the attempt to resume the coin standard. Secondly, because it involves an expense of thirty or forty millions, for the present wholly un-

necessary, and which were far better applied to procure the gold requisite to redeem the legal tenders, into which the fractional currency is always convertible, dollar for dollar, so being always of equivalent value with it. Thirdly, because the one thing we first of all need is, the restoration of the specie standard for the legal-tender notes of one dollar and upward. This, as already stated, will lift all other obligations to its own level, including, also, fractional currency. All our resources should be concentrated on this at first. This attained, other things can follow in the order of their urgency.

We are of opinion, however, that while, for many purposes, silver fractional coins are most convenient, still, if people have their choice between them and fractional paper currency, directly or indirectly convertible into coin, they would use three times as much of the paper as of the coin, for the same reasons which lead them almost always to prefer redeemable paper money to coin in the higher denominations. Indeed, we think, if government should abandon all issues of paper money, except fractional currency and small bills under five dollars; if it should monopolize this part of the paper currency, supplying it plentifully, but not making it legal tender, in all denominations up to and including three-dollar notes, as desired by the people, it might, under all circumstances, keep in circulation at least \$150,000,000, which never would, nor could, be thrown back upon it for redemption. It might easily enjoy a gratuitous loan from the people, to their great accommodation, for the mere cost of the engraved paper, and without the slightest debasement of the currency. The supply of small bills is now notoriously insufficient for the convenience of the people in small transactions. But we would bring to an end forever, except as a desperate measure of war in the last extremity, the issue of other paper money, and of all legal-tender paper money of any denomination, as not only of doubtful constitutionality, but more than doubtful expediency. Congress, in our judgment, is poorly qualified to wield such a power.

The simple question in regard to any proposed amendments to this bill is, do they tend to hinder and retard, or to expedite and promote, the resumption which it orders. If the former they should be withstood. If the latter, they should be supported. We want only a simple measure, ordering the payment

in coin of the government legal-tender notes, at a definite time, and a loan adequate to procure sufficient gold in the markets of the world to accomplish it. Our opinion is that from fifty to one hundred millions of gold, added to that now in the national treasury, would suffice—perhaps more than suffice—for the purpose. For, as soon as it is understood that the government makes its notes equal to gold, who will not prefer keeping them to exchanging them for coin, unless he needs it for transmission to foreign countries? Very few of them will be presented for conversion into gold, when once they are seen to be as good as gold, unless to settle foreign adverse balances. Nearly one-third of them are now locked up as national bank reserves, either in their own vaults or those of the treasury at Washington. Not more than two hundred and twenty-five to fifty millions are in active circulation. It is incredible, judging from all past experience, that a quarter of these should be presented for redemption, when once it is established that they are certainly redeemable.

Very vague and confused ideas are current as to the supposed enormous quantity of gold that would be requisite to sustain specie payments. It is said that the coin would all be drawn out of the treasury, or the banks, and exported. Do persons saying this consider that an equal, if not greater, amount of gold, though by a more circuitous process, goes out of the country now, and is drawn from the New York banks, or government vaults? How? The government collects it for customs dues, pays it out in interest, or sells it in the market, in either of which cases the importer buys it with greenbacks, at the market premium, and pays it back into the U. S. treasury for customs, or sends it abroad to pay adverse balances. What would be the difference if legal-tender notes were brought to the specie standard, except that government would cease to trade in the discount on its own dishonored promises and their capricious fluctuations of value? Would any materially greater quantity of gold be required to conduct its operations than now? Sir John Lubbock's bank, in London, has ascertained that its payments in gold amount to only three-quarters of one per cent. of all its transactions; and only three per cent. of its payments are made, even in paper money—the residue are all in checks (see Prof. Bonamy

Price's work on currency). The principal uses of gold under specie payments would be the same as now. The effect would not be materially to increase the quantity of gold used, but simply to bring all that passes as dollars to the coin standard of value. It would give us a certain measure of value, and of the obligation of contracts, instead of the present vacillating and treacherous standard, which so greatly aggravates the risk and cost of business, while it stimulates speculative and gambling demoralization. But it is doubtful whether the movement of gold would be essentially greater than now occurs, or whether, with an additional hundred millions, at the outside, in the U. S. treasury, to make sure of the redemption of legal-tender notes, the banks having a due reserve of these would require much more gold than now. The New York banks now hold some millions of it, as they were the principal reservoirs of it in the country in the days of specie payments. The one thing wanted is the restoration of the coin standard. Once accomplished, this will require the actual use of little more coin than now, and none more for export.

We next ask attention, very briefly, to a few of the consequences of the fearful raid on the public faith now so widely meditated. We can only summarize them, and must refrain from minute detail. One very obvious effect must be to destroy, or reduce to a minimum, the value of all fixed money incomes, salaries, the interest on investments in stocks, bonds, and loans, which constitute the support of widows, orphans, the aged, infirm, and helpless; the invested interest-paying funds of all the public institutions of charity, education, and religion; the savings of the poor in savings banks, life insurance companies, and other provident institutions. It will do this simply by the indefinite depreciation of the dollar, and by a simple act of legalized plunder. By one fell swoop it puts out of existence the provision for the hour of need made by the exertions and prudence of a life-time. Who can conceive the lamentations and wailings, with which such a catastrophe would fill the land! The salaries of ministers, so generally inadequate now, would become hardly worth collecting. The treasuries of our religious and benevolent societies, if replete with worthless engraved paper, would be depleted of all means of real sustenance for our missions, Home and Foreign,

and other evangelistic schemes. In short, the cause of religion in all its departments would suffer a hopeless prostration of its means of support.

Public morality and religion, as well as national prestige and power, would suffer a terrible shock in such an open breach of the national faith, and destruction of public credit. Speculation, always stimulated by rising prices, would be awakened to its rankest forms of gambling, by the prospects of the unlimited increase in the dollars every piece of actual property, real or personal, will exchange for it—an increase proportioned to their growing debasement. As the money grows valueless, the greater quantities of it will men be ready to exchange for things of real value. On the other hand, the hazards of legitimate business will be increased a thousand-fold. He who sells goods, for money, or on credit, has reason to fear that he will not be able to purchase equivalent goods with the money he gets for them. If he buys them he does not know how soon the only money in the market for which he can sell them, will be worth little more than the cost of engraving it. Legitimate business and productive industry will be paralyzed by the absence of all stability in values, and certainty in contracts. Gambling, speculation, and shoddy will usurp its place, and hold high carnival as they lord it over business and society, life and manners.

As one of the striking instances of business demoralization, resulting from the proposed policy, may be mentioned the whole department of periodical literature. If the dollar is reduced to half its present value, or less, all periodicals must be put at double, or more than double, their present prices, in order to keep afloat. How many of their present subscribers could afford to pay it? Certainly, the vast numbers in the classes already specified, whose means of sustenance would thus be lessened, could not. What would become of all but the very richest of them? It may be said, on the other hand, that, as the value of the dollar is made to approach the coin standard, the profits of these journals will be immensely increased, if kept at their present prices. But to this the sufficient and conclusive answer is, that, "competition, the life of trade," will take care of all that, and be sure to bring their prices down to the level of reasonable profit, or their real excellence and value up to the measure of their prices.

But, in truth, the destruction and devastation that must rapidly come in the wake of such a measure, or even the certain prospect of it, defy all description and baffle all forecast. The foresight of the rapid depreciation of the value of money, and the proportionate increase of money prices, coupled with the staggering of the national credit, must make every shrewd and prudent man in our own country eager to convert his paper money, and paper-money credits, into real property, whose value will thus remain unchanged, while its money price will increase in proportion to the decline in the value of money. Nay, more, the depreciation of the one, and the appreciation of the other, will act as a mutual stimulus beyond the changed ratio of intrinsic values. They will be much enhanced by the growing eagerness of men to get rid of the one, because deemed to be of unsubstantial and fleeting value, and to obtain the other, because deemed to be of solid and enduring value. Creditors, everywhere, will press the collection of their dues, in order to put them in something substantial before further depreciation. For this purpose, probably the deposits of savings banks would be largely drawn down, thus compelling the collection of their mortgages. The same process would, in due proportion, be going forward in the loans of other provident institutions. Of course, speculation would be rife from this course, as well as others already explained. The first and most tangible object for purchase would be gold coin, which would carry to the highest point gold gambling, and the terrors of the gold exchange for all legitimate business. All this would induce a panic among our foreign creditors and holders of government, railroad, and other securities, which would be poured, by foreign holders, in floods upon our markets, to drain our country of its gold, and still further lift its price, till it is cast out of sight, so that the Nimrods of the stock exchange will have everything in their own way, and can at will spread the pall of renewed Black Fridays over all the occupations and business of men. But we will not further trace the dismal prospect.

This limitless efflux of gold, which the inflation policy must force and precipitate, of course, will render resumption impossible till the worthless paper currency which makes it so, is swept out of existence, when no longer endurable, by a

financial, very probably accompanied by a political, revolution. So much for the policy voiced by the ex-confederate chieftain, which would postpone resumption, and swell our issues of inconvertible paper till, as he says, "our exports exceed our imports." They will reach this consummation at a bound on this policy. We shall be compelled to export every possible commodity, including gold, to discharge the millions upon millions of foreign debt, whose payment will then be exacted to the utmost farthing, while we can import little or nothing but the securities thus thrown back upon us. This talk of waiting till exports exceed imports before resuming the coin standard, is in the last degree groundless. Suppose, as is often the case, that our exports fully pay for our imports, while our imports, owing to the profits of the trade and transportation, are worth to us vastly more than the exports. Or, suppose otherwise. Suppose a balance remains against us which is to be paid in gold. Is it any the less to be paid in gold, whether our currency is at the coin standard, or ever so far below it? And will not a coin standard in our currency sooner check excessive importations than an irredeemable paper currency? And under any standard of currency, is not gold one of our leading products for export and payment of foreign debts?

We regret to be obliged to add, that this policy of desperation and desolation is likely to have a portentous support, partly from popular ignorance, and partly from less creditable causes. If it does not prevail, it will only be averted by the most earnest and persistent efforts of the friends of the national honor, of private integrity, and of the public weal, in all quarters, among all parties, by means of line upon line, precept upon precept, here a little and there a little.

The hosts who favor the inflation admit of various classifications, according to the stand-point from which they are made. It is likely to enlist all those who, as leaders or followers, are under the power of the gross delusions we have exposed, which the wisdom and experience of ages condemn. It has its attractions for the unscrupulous portion of the debtor class, whose name has become legion during the long reign of irredeemable paper currency, which it is now proposed to protract and aggravate. They think that they will be able to extinguish their

debts by paying a half or a tithe of their value. But, as we have shown, this is a two-edged sword that cuts both ways. We repeat, that if this is what creditors are to expect as the reward of forbearing the immediate collection of their debts, they will be apt to press such collection of them forthwith, on the broadest scale, after the experience of depreciated money in the late war. The most of creditors did not then become aware of this consequence of inflation in season to anticipate and prevent it. Now they have had the lessons of experience, and forewarned, will be forearmed. Doubtless, however, some would reap a harvest from this legalized plunder of creditors, while a much larger number would be the losers, and production and exchange generally would be wrecked in financial chaos.*

Closely allied to these is the vast body of men holding unsalable land or commodities, for which there is little or no present demand, but which will be of quick sale for that worthless money which its holder will be eager to exchange for anything substantial. While, as a whole, mere money inflation or contraction which reaches the prices of all things does not affect the permanent relative exchangeable value of

* Says Carl Schurz: "If we had statistics of the private indebtedness in the United States before us, they would unquestionably show that more than seventy-five per cent. of it is owing by men commanding comparatively large means, and that the laborers for wages are the least indebted class of society, even in proportion to their earnings and savings, and next to them the farmer and the small business men. But laboring people are, to a very heavy amount, creditors of the country. I venture to say, that there is neither a manufacturer, nor a merchant, nor a professional man of means in this assembly, who is not a debtor, and among his creditors are, in ninety-nine cases of a hundred, his workmen, or his servants, to whom he owes wages for part of a week or a month. It has been calculated, by good authority, that the wages thus constantly owing, for a half-month's service or work, amount, in the whole country, to \$120,000,000. And who is it that owns the deposits in the savings banks, amounting to about \$760,000,000? Not the rich, but the laboring people and persons of small means, who put their surplus earnings there for safe keeping.

"It is estimated that the same class has, in national and private banks and in trust companies, another \$200,000,000, and that nearly \$130,000,000 is owing them in other kinds of debts. There is, then, the sum of about \$1,200,000,000 owing to the laboring people and men of small means, constituting their savings to that amount. That class are creditors, and you pretend that for their benefit you will expand the currency. Gold being at fifteen per cent. premium, those savings have a value of \$1,020,000,000 in gold. Expand the currency until gold is thirty per cent. premium, and you have robbed those people of \$180,000,000."

commodities (since a pair of shoes and a hat at \$10 each will now precisely exchange for and purchase each other; and if, by depreciation of currency, each becomes worth \$100, they will then also just pay for each other), yet it cannot be denied that the owner of a stock of hats or shoes purchased on credit at \$10 each, would, if they reached the price of \$100, be enabled to pay for them, and have \$90 a piece left for himself. Thus, in some such instances, inflation might enrich the dealer without his rendering any real service to the community in return, by levies, under the forms of law, laid partly upon those of whom he borrows, or buys on credit, his goods, and partly on the buyers of them. This accounts for many individual fortunes made during the late war, at the expense of people generally. It is the effect of all great public calamities—war, fire, flood, famine, pestilence. A blight which ruins the grain crops of a country enriches all who happen to possess stocks of grain. A fire which burns up half a city enriches those who own the remaining buildings, and some others whose insurance is worth more than the shells consumed. A tempest which destroys half the shipping of the country, renders what is left a prize to its owners. What then? Are we to set a going destructive wars, fires, floods, etc., because the impoverishment of the many is the enrichment of a few?

And this brings us to the class of—we do not mean desperadoes, but desperationists, who seek almost any upturning, they care little what, feeling that any change may be for the better, and cannot be for the worse, so far as their fortunes are concerned. It is to be feared that the various causes, political, social, and economic, which, in addition to a succession of poor crops, have so largely prevented the recuperation of the South from the tremendous exhaustion of the civil war, strengthened by a not unnatural feeling in reference to the decline of that national credit which accomplished their defeat, may place a large body of the Southern people in the attitude relative to this subject, so explicitly avowed by their late chief, Jefferson Davis. We trust their integrity and intelligence will lift them above it.

But more formidable than all, we fear, is that vast proletarian element among us, which, really, if not avowedly, is very much inspired by agrarian or communistic ideas. Conspicuous

among these, of course, are those who, under the title of Labor-Reformers, or by the agency of trades-unions and strikes, are constantly invading the rights of capital, and claiming a redistribution of the latter, in some form, among those now destitute of it. Some of these openly and loudly clamor for the indefinite increase of paper currency, on the avowed ground that they can thus extinguish the mortgages due from them to capitalists, with pictured paper, which costs them next to nothing.

This general idea, that the government, by turning out paper tokens as fast as its presses can run them off, will scatter money plentifully among all classes, and serve thus far to divide the resources of property owners among the poor, fostered as it is by the appeals of reckless demagogues, is spreading like wild-fire among an immense multitude of vicious, idle, and impoverished people, of every color and nationality, in our land. And since it carries an immense vote, it will be cherished and propagated by those who seek the offices, but not the welfare, of the people. So Romanism, the liquor interest, and the like, have been thus directly or indirectly appealed to and upheld. The demagogues, however, in trying to inflame this communistic feeling and antagonism to property on the part of the thriftless and destitute multitudes in our cities and towns, are raising a spirit which they cannot lay, and kindling a torch quite as likely to fire their own houses over their heads as to desolate society. They are handling a dangerous play-thing.

It is our impression that here we have a giant among us, which accidental circumstances have heretofore kept slumbering, except as he has now and then been half roused in the outbursts and howlings of labor against capital, but whose prodigious growth and strength we shall yet learn when it is thoroughly aroused by demagogic strategy. The attempt to gain votes, by exasperating the poor against the rich, was under full headway forty years ago. And we were much impressed, as we then heard one of the most eminent of statesmen-jurists say to us in view of this: "I confess, sir, I think we have reason to be alarmed for the safety of our tenures of property." It so happened, however, that "property in men of color" soon became a cardinal principle in national politics, and that this principle chimed in with the prejudices, and for a long time commanded the

votes, of our white proletariat. Of course, if "property in man" was to be vindicated and maintained, much more all other property must be treated as inviolable. Hence, until after the war, this spirit was smothered, but not killed, by the accidental prevalence of a counter extreme. But the class constituting the proper material, or "protoplasm," for agrarianism and communism, had been constantly increasing by the incessant importation of the dregs of old-world populations. It was at length reinforced by an immense accession from our own emancipated millions of ignorant and improvident blacks. No one can estimate the power of this communistic spirit in the country till it has been thoroughly aroused by the incendiary experiments which demagogues have now begun to practise upon it. It yet remains to be seen who will conquer in a struggle thus incited. We are strong in the belief, however, that when our people come to be tested on a clear and unmistakable issue, they will maintain the right and the true. The financial heresy must be no longer humored, but manfully assailed. The issue must be squarely met, and in no manner evaded by temporizing make-shifts.

Note to page 733.—To preclude misconstruction, we think it proper to say, that we doubt the constitutional power of Congress to issue paper money at all, and much more to make it legal tender, except as a war measure in the last extremity. We deem it foreign to the normal powers conferred on Congress in times of peace. We deem Congress too an unfit body to exercise such a prerogative, for want of the requisite financial insight, as well as other qualifications. All we mean to say is, that, supposing it possessed of the requisite constitutional power, the real and only beneficent exercise of it would be in supplying the people with small notes and fractional currency, convertible always into specie, but never made legal tender.

Art. XI.—NOTES ON CURRENT SUBJECTS.

The Alliance of the Reformed Churches. The proposed Constitution for this Alliance, as adopted by the Conference held in London, July 21 to 23, differs in some important particulars from that which was drawn up in this country. It has less of the character of a confederation. Such an international alliance is so untried, and yet so momentous in its bearings, that it can be fully matured only after considerable debate. The one now proposed for the acceptance of the various Reformed Churches throughout the world was carefully discussed in London, where 67 delegates were present, representing, to some extent, the Continental Reformed Churches, as well as the Presbyterian Churches of Great Britain and America. The first meeting of the Council, after the Constitution has been acted upon by the churches, is to be held in Edinburgh, July, 1876. The proposed basis of representation is two delegates for each church of less than 100 congregations; larger churches in proportion to their numbers; but no church is to have more than 40 delegates. This would give to America 126 delegates, to Great Britain 82, to the rest of the world 82, making in all 290 delegates, which is certainly a sufficiently large body. Dr. McCosh was appointed Moderator. For convenience of future reference we give, in full, the proposed

CONSTITUTION OF THE ALLIANCE OF THE REFORMED CHURCHES.

Whereas, Churches holding the Reformed faith, and organized on Presbyterian principles, are found, though under a variety of names, in different parts of the world; and

Whereas, Many of those were long wont to maintain close relations, but are at present united by no visible bond, whether of fellowship or of work; and

Whereas, In the providence of God, the time seems to have come when they may all more fully manifest their oneness, have closer communion with each other, and promote great causes by joint action:

It is agreed, To form a Presbyterian Alliance, to meet in General Council, from time to time, in order to confer upon matters of common interest, and to further the ends for which the Church has been constituted by her Divine Lord and only King. In forming this Alliance, the Presbyterian churches do not mean to change their fraternal relations with other churches, but will be ready, as heretofore, to join with them in Christian fellowship and in advancing the cause of the Redeemer, on the general principle maintained and taught in the Reformed Confession, that the Church of God on earth, though composed of many members, is one body in the communion of the Holy Ghost, of which body Christ is the Supreme Head, and the Scriptures alone the infallible law.

ARTICLES.

I. DESIGNATION.—This Alliance shall be known as "The Alliance of the Reformed Churches throughout the World holding the Presbyterian System."

II. MEMBERSHIP.—Any church organized on Presbyterian principles which holds the supreme authority of the Scriptures of the Old and New Testaments in matters of faith and morals, and whose creed is in harmony with the consensus of the Reformed Confessions, shall be eligible for admission into the Alliance.

III. COUNCIL.—I. *Its Meetings*: The Alliance shall meet in general Council ordinarily once in three years.

2. *Its Constituency*: The Council shall consist of delegates, being ministers and ruling elders, appointed by the churches forming the Alliance; the number from each church being regulated by a plan sanctioned by the Council, regard being had generally to the number of congregations in the several churches. The delegates, as far as practicable, to consist of an equal number of ministers and ruling elders. The Council may, on the recommendation of a committee on business, invite Presbyterian brethren, not delegates, to offer suggestions, to deliver addresses, and to read papers.

3. *Its Powers*: The Council shall have power to decide upon the application of Churches desiring to join the Alliance; it shall have the power to entertain and consider topics which may be brought before it by any church represented in the Council, or any member of the Council, on their being transmitted in the manner hereinafter provided; but it shall not interfere with the existing creed or constitution of any church in the Alliance, or with its internal order or external

4. *Its Objects*: The Council shall consider questions of general interest to the Presbyterian community; it shall seek the welfare of the churches, especially such as are weak or persecuted; it shall gather and disseminate information concerning the kingdom of Christ throughout the world; it shall commend the Presbyterian system as Scriptural, and as combining simplicity, efficiency, and adaptation to all times and conditions; it shall also entertain all subjects directly connected with the work of evangelization, such as the relation of the Christian Church to the evangelization of the world, the distribution of mission work, the combination of church energies—especially in reference to great cities and destitute districts—the training of ministers, the use of the press, colportage, the religious instruction of the young, the sanctification of the Sabbath, systematic beneficence, the suppression of intemperance and other prevailing vices, and the best method of opposing infidelity and Romanism.

5. *Its Methods*: The Council shall seek to guide and stimulate public sentiment by papers read, by addresses delivered and published, by the circulation of information respecting the allied churches and their missions, by the exposition of Scriptural principles, by communicating the Minutes of its proceedings to the Supreme Courts of Churches forming the Alliance, and by such other action as is in accordance with its constitution and objects.

6. *Committee on Business*: The Council, at each general meeting, shall appoint a Committee on Business, through which all communications and notices of subjects proposed to be discussed shall pass. The committee appointed at one general meeting shall act provisionally, as far so is necessary, in preparing for the following meeting.

IV. CHANGE OF CONSTITUTION.—No change shall be made in this constitution, except on a motion made at one general meeting of Council, not objected to by a majority of the churches, and carried by a two-thirds vote at the next general meeting.

The different Reformed Churches represented in this London Conference were as follows: The Presbyterian Church of the United States, 21 appointed, 14 present; the Presbyterian Church (South), 3 appointed, 1 present; Synod of the Reformed Presbyterian Church (American), 3 appointed, 1 present; the Reformed Church of America (Dutch), 6 appointed, 1 present; the United Presbyterian Church of North America, 2 appointed, neither present; the Established Church of Scotland, 9 appointed, 4 present; the Free Church of Scotland, 7 appointed, 6 present; United Presbyterian Church of Scotland, 6 appointed, 5 present; the Reformed Presbyterian Church of Scotland, 2 appointed, both present; the Presbyterian Church of Ireland, 10 appointed, 6 present; the Presbyterian Church of England, 7 appointed, 6 present; the Presbyterian Church of Wales (Calvinistic Methodist), 6 appointed, 4 present; from the Canada Presbyterian Church, 6 appointed, 4 present; the Presbyterian Church of Otago, New Zealand, 1 appointed and present; the Presbyterian Churches of Victoria and of New South Wales send in letters of adhesion; the Reformed Church of France, 3 appointed and present; the Missionary Church of Belgium, 2 appointed and present; Union of Evangelical Churches and Church of the Canton de Vaud, 1 appointed and present; the Evangelical Church of Neuchâtel, 1 present; the Waldensian Church of Italy, 2 appointed and present; the Free Evangelical Church of Germany, 1 present; the Protestant Church of Spain, 2 appointed and present—in all, 91 appointed and 67 present. There was no representation from the Dutch Church, nor from the German Reformed, nor from the National Swiss Churches.

A proposition was made to the Council, by one of the American delegates, that it should declare in substance that the Church has nothing to do with state governments (the question of loyalty, etc.); but this was rejected, for it was thought that it might sometimes be the duty of the church to remonstrate with and to advise the state, and that Christians should obey the powers that be. Another proposal, to confine the singing of the Council to the inspired Psalms of David, was also ruled out.

THE REV. EZRA H. GILLET, D.D., Professor in the University of the City of New York, died in Harlem, Sept. 2, at the age of 52. He was

a frequent contributor to the pages of our REVIEW, and during the last year he rendered us, in various ways, essential service. The first article in our present number shows what excellent work he could accomplish; it is left unfinished, and no one can complete it so well as he would have done. His death, at a comparatively early age, is a great loss to our church and its ministers, and to the cause of good letters and high Christian scholarship. He was an earnest, indefatigable, and enthusiastic Christian scholar. Born in Colchester, Ct., July 15, 1823, he was trained in Yale College and in the Union Theological Seminary, N. Y., ordained pastor of the Presbyterian Church in Harlem in 1844, and appointed Professor in the University in 1868, where he gave instruction in political economy, ethics, and ancient history, imparting a new impulse to the students.

The first work which brought him into more general notice was his "Life and Times of John Huss; or, the Bohemian Reformation of the Fifteenth Century," 2 vols. 8vo., published by Gould & Lincoln, Boston. The sources for this work he found chiefly in the library of the Union Seminary, and he made such admirable use of them, and gave such a comprehensive and authentic account of that whole period, that he at once obtained high repute as a historian. This work has a permanent value. The next year he published, for the Presbyterian Committee, Philadelphia, his "History of the Presbyterian Church in the United States of America," 2 vols., which, after the Reunion, was adopted by the Presbyterian Board of Publication, and has just been reissued in a revised edition. It traces with thoroughness and impartiality the history of our Church, from its earliest beginnings to the time of the Reunion, allowing, in respect to delicate and conflicting points, so far as possible, "each side to speak for itself." The new edition has been carefully supervised, and will undoubtedly meet with a wide and cordial acceptance. It is a monument to the indefatigable industry, the wide research, the patient collation of authorities, the noble Christian candor, and the historic ability of its lamented author.

Of his last two works, "God in Human Thought" and "The Moral System," a full estimate was given in the April number of our REVIEW. They have increased his already high reputation, and brought to light his superior qualities as a broad and acute thinker, learned in respect to divine things and imperishable truths. If he had done nothing else, an eminent place in our religious and philosophical history would be insured to him. His "God in Human Thought" will be more highly appreciated as it is more carefully studied; it is a storehouse for the scholar. Besides these larger works, he wrote other useful volumes:

"Ancient Cities and Empires," in relation especially to the fulfillment of prophecy; "England Two Hundred Years Ago," at the time of the Reformation; "Life Lessons," containing some of his quickening discourses; as well as various tracts. He was a constant contributor to the *American Theological Review* and the *Presbyterian Quarterly*, as well as to our united REVIEW; also to the *Historical Magazine* and other periodicals; and for the past fifteen years "hardly a number of the New York *Evangelist* has been printed (say the editors) which did not contain editorial or review articles from his swift pen."

Such a friend and helper we could not let pass away without saying a word to express our grief at his great loss to us personally, as well as to the Church and to the country. He died in the meridian of his powers, when what he had done was as nothing compared with what he was still planning. He had an intense vitality—especially mental. His zeal never flagged, except when disease laid its hand on him. He was always ready for every good word and work—diligent in business, fervent in spirit, serving the Lord. At any time, without the show of self-denial, he would do anything to help a friend, or a good cause, and never think of it afterward. Conscientiously and firmly attached to the faith and order of his Church, he had not in his heart any sectarian jealousy or a trace of bigotry. He was a warm and faithful friend and brother, and love to Christ was the o’ermastering passion of his soul.

THE untimely death of Prof. Tischendorf is very justly and generally spoken of as a severe blow to the study of early Christian literature. To the public in general he was only an editor of the Greek Testament, but scholars admired in him the most industrious collator of manuscripts in modern times, and one of the most productive editors. His first critical edition of the Greek Testament appeared at Leipzig, in 1841; his second, which gave the first complete exposition of his critical principles, in 1849; his eighth was only completed in 1872. In 1842 he brought out the celebrated Codex Ephraemi, a Palimpsest MS. in the Imperial Library at Paris, containing portions of the Old Testament in the Septuagint, and great part of the New; in 1846 the Codex Friderico-Augustanus, of which he was himself the discoverer; the same codex of which another part is familiar to many, under the name of Sinaiticus. The latter manuscript was not brought out till 1862; its value, especially in the New Testament, has been recognized by scholars. His own recension of the Septuagint first appeared in

1850. His labors on the text of the Vulgate were of less importance, and much still remains to be done. Yet it was he, who, in 1850, edited the New Testament portion of the Codex Amiatinus, perhaps the best, and certainly one of the oldest, of this version. We must also not forget his editions of the Apocryphal Gospels and Acts, and his treatise on the origin of the former (1850-54). And these are only a few of his titles to the lasting gratitude of theological and historical students. The romantic story of his last and most important journey to the East has been told by himself, and need not be repeated.

Art. XII.—CONTEMPORARY LITERATURE.

THEOLOGICAL AND RELIGIOUS.

Ward & Tichenor, of Newark, N. J., have published a modest volume, entitled *The Old Paths*, by Rev. JESSE S. GILBERT, A. M., of the Newark M. E. Conference, with a preface by Rev. J. E. CRANE, D. D. Both these Methodist clergymen are graduates of Princeton College, the latter of whom has already achieved distinction in and out of his own communion. The former gives proof in this volume that, though yet on the threshold of his career, he is mounting upward. He puts the statement and defense of the great doctrines of our common salvation and common Christianity against all those who, whether from the pulpit or elsewhere, pronounce them outgrown or antiquated, with such clearness and condensation, such neatness and purity of style, that we think his little book has a mission, and that its circulation among the people would be a powerful antidote to the rationalistic and anti-evangelical notions now so fashionable, and making such fearful havoc with the faith of multitudes.

From Nelson & Phillips comes *Binney's Theological Compend Improved, containing a Synopsis of the Evidences, Doctrines, Morals, and Institutions of Christianity, designed for Bible Classes, Theological Students, and Young Preachers*, by Rev. AMOS BINNEY and Rev. DANIEL STEELE, D. D. This title-page well describes its character. It is a remarkably condensed, clear, and generally very orthodox presentation of the great heads and definitions of Christian doctrine, from which we rarely see occasion to differ. Its circulation outside of, as well as among our Methodist brethren, for whom it is specially prepared, would do much toward counteracting the bane of a shallow and specious liberalism, which now taints so many preachers and churches calling themselves evangelical.

The same house issues the two following volumes, devoted to the advocacy and elucidation of the Higher Christian Life in the form current among our Methodist brethren, *i. e.*, what they call Christian Perfection. The first is entitled *Love Enthroned; Essays on Evangelical Perfection*, by DANIEL STEELE, D. D. The second is entitled *All for Christ; or, How a Christian may Obtain, by a Renewed Consecration of His Heart, the Fullness of Joy referred to by our Saviour, just before His Crucifixion, with Illustrations from the Lives of Those who have made this Consecration*; by THOMAS CARTER, D. D., author of *History of the Great Reformation in England, Ireland, Scotland, Germany, etc.*

We have received a pamphlet on *Christ's Object in Preaching to the Spirits in Prison*, by the Rev. ADAM WALCH, Campbellfield Church, Glasgow, second edition, giving another exposition of the noted passage, I Peter, iii: 18-20, the scope of which is clearly seen in the following translation: "For Christ, also, has once suffered on account of sins, the Righteous One

in the room of the unrighteous ones, that He might bring us to God, having been put to death, indeed, for the flesh, but made alive for the spirit. Wherefore [*literally*, In which], also, having gone, He preached to the spirits in prison, at that time disobedient, where the long-suffering of God was continuing to wait in the days of Noah, while the ark was being prepared, into which a few, that is, eight souls, were carried safely through water." The preaching was not by the Holy Spirit, but by Christ in person. The leading idea is, that Christ "is unwilling that any should perish. He waited long, and went personally to preach to the wicked men in Noah's time, and all to save eight souls."

Christian Missions, by REV. JULIUS H. SEELYE, Professor in Amherst College. New York: Dodd & Mead. Dr. Seelye, Member-elect of Congress, has in this volume made one of the very best recent contributions to the cause of Foreign Missions. His presentation of the subject is philosophical as well as evangelical, both comprehensive and concise. The steady pressure of his argument kindles him, at times, into an impressive eloquence. All theological students ought to read and ponder these lectures. That on Millennialism is clear, true, and convincing. The concluding sermon, on "The Resurrection of Christ the Justification of Missions," is forcible.

BIBLICAL.

Nelson & Phillips have brought out Vol. IV. of Dr. Whedon's *Commentary on the Old Testament*, viz., from Kings to Esther, by Rev. MILTON S. TERRY, A. M. These commentaries are designed and prepared for use by the people, as well as clergy, much after the general plan of Barnes and Jacobus. They furnish important additions to our exegetical resources of this kind.

The same house also gives us *Our King and Saviour; or, the Story of our Lord's Life on Earth*, by DANIEL WISE, D. D., with eighty-three illustrations, in which its great events are arranged in what their author supposes to be their probable chronological order, and so attempted to be set forth, "as to make their reality and meaning clear to the understanding, and attractive to the imagination and hearts of young persons and general readers." The purpose and promise of the author, as thus indicated, are fairly fulfilled in this volume of moderate compass and cost. It thus adds another and useful variety to that ever enlarging literature which centres around the life of our Lord.

The Holy Bible, with a Commentary and a Revision of the Translation by Bishops and other Clergy of the Anglican Church. Edited by F. C. COOK, M. A., Canon of Exeter. Vol. V: Isaiah, by W. Kay, D. D.; Isaiah and Lamentations, by R. Payne Smith, D. D., Dean of Canterbury. New York: Scribner, Armstrong & Co. This fifth volume of the *Speaker's Commentary* follows the general plan of the previous volumes, and has the same

merits. It is one of the best of the series. Dean Smith always does his work exceedingly well, and Dr. Kay, in Isaiah, shows himself a master of his subject. The critical questions as to age and authorship are handled with care and caution. The chapter on the unity of the book is a good example of conservative criticism. Dean Smith's arrangement of the prophecies of Jeremiah, and his treatment of the whole subject of prophecy, are excellent. The pertinency and conciseness of the comments give the work a special value for use.

Jonah, the Self-Willed Prophet: an Exposition; together with a translation and exegetical notes, by STUART MITCHELL, Pastor of the Presbyterian Church in Bloomsburg, Pa. Philadelphia: Claxton, Remsen & Haffelfinger. Pp. 247. With illustrations. A well-executed and useful commentary. The translation is careful; the notes are concise, learned, and to the point; the practical expositions are plain and forcible. Teachers in Sunday schools need just such a help.

T. & T. Clark, of Edinburgh, and Scribner, Welford & Armstrong, of New York, publish, at \$3.75, *St. John, the Author of the Fourth Gospel*, by CHRISTOPH ERNST LUTHARDT, revised, translated, and the Literature much enlarged, by Caspar René Gregory. In the preparation of a new edition of his work on *The Gospel of John*, the author found it desirable and necessary to discuss the critical questions with greater fullness than was consistent with the plan of the main work, of which the first volume has just appeared in the original, and the whole is expected to appear, in 1876, in Clark's *Foreign Theological Library*. The learning and thoroughness and admirable spirit of the author will be at once recognized, even by one who gives the most cursory examination to this preliminary work. And with a more careful examination, one comes to estimate still more highly the reverential spirit, together with the candor and research and mastery of his material, with which Professor Luthardt has examined the evidence and vindicated the apostolic authorship of this Gospel.

In the English edition the author has been ably seconded by the translator. The instances are very few and slight in which the author's meaning is not expressed felicitously and in vigorous, unambiguous, dignified, and idiomatic diction. The evidences of the translator's rare adaptation to and untiring diligence in the work of revising and supplementing the references and rich bibliographical appendix are abundant. We are glad to anticipate a like valuable co-operation of author and translator in the main work, of which this is the forerunner.

HISTORY AND BIOGRAPHY.

Nelson & Phillips publish another of their Normal Outline Series, being an *Outline of Church History*, by Prof. J. F. HURST, D. D., a remarkably convenient and brief synopsis of the more salient points in Christian annals.

From the same house comes *The Living Wesley, as he was in his Youth and Prime*, by JAMES H. RIGGS, D. D., Principal of Wesleyan Training College, Westminster, England, with an introduction by Prof. Hurst, in which he shows that Dr. Riggs has been a prolific and powerful author, largely in the line of periodical literature, as well as in distinct and full volumes. He has especially discussed the subject of popular and national education with decided vigor. He was the representative of the British Wesleyan Church to the Evangelical Alliance in New York, in 1873. He is, therefore, particularly suited to give a just and representative delineation of Wesley, such as we find in this volume, reduced to a compass which adapts it to general use. It of course falls greatly short of the more extended work of Tieman and others, which it subjects to free criticism, in thoroughness and minuteness. But it gives a more rapid and facile sketch of the development of his religious experience and doctrine, and of his progress in founding and organizing the Methodist Church.

Text-Book of Church History, by Dr. JOHN HENRY KURTZ. Smith, English & Co., Philadelphia. Two volumes in one. It is revised, with additions and corrections, from the seventh German edition, under the editorial supervision of Dr. Bomberger, of the German Reformed Church. The edition here revised is mainly a reprint from the Edinburgh translation by Mr. Erdesheim. But in order to an accurate reproduction of the original, Dr. Bomberger has found it necessary largely to recast it, and to add some fifty pages omitted from the Edinburgh translation, including pp. 371-82, 387-99, and the whole of the section treating upon Huss. Many verbal alterations were also necessary, although generally Erdesheim gave the true sense in what he did not omit. Yet he rendered such a passage as, "In opposition to transubstantiation he advocated the doctrine of impanation," in this way: "His views were certainly not Romish." Such liberties are certainly inexcusable, even if intended to fit the work of a Lutheran author for readers of another type.

The standard character of Kurtz's *Text-Book of Church History* is so universally recognized, that we regret that the improvements of the last edition required so largely to be thrown into notes or addenda at the end, in order to save the stereotype plates. Still, while this impairs the finish, it does not diminish the substantial value of the book. We, of course, expect to see the author's earnest Lutheranism constantly displaying itself. But there is no more profitable way of studying Christian doctrine and history than in exhibitions of them given by devout, able, and learned men of various schools; each of whom is sure to present, even if he exaggerates, some side unduly overlooked or depreciated by the others. Thus only can we obtain that catholic, rounded view which exhibits all as complementary to each, and each to all.

Not the least interesting, although often the least satisfactory, portraiture from German, and indeed from French, writers on religion and philosophy, appear in their accounts of England and America, in these departments. Cou-

sin argued, that the philosophy of England must be insular and contracted, because it is an island. Different parties will differ as to the justice, and indeed consistency, of the different portions of the following statement regarding the Congregationalists of this country :

"They adhere to the Westminster Confession of 1642, with the Calvinistic doctrine of predestination, and the Zwinglian doctrine of the Lord's Supper. German orthodox theology, which is regarded by them as poorly disguised rationalism, on account of its lax principles respecting inspiration and the canon, has, nevertheless, exerted a not insignificant influence in its most celebrated seminary at Andover, through Professor Moses Stuart."—P. 348.

Nelson & Phillips also publish *Spiritual Struggles of a Roman Catholic : an Autobiographical Sketch*, by LOUIS N. BEAUDRY, with an introduction by Rev. B. Hawley, D. D. There is no form of presenting the relative merit of evangelical and papal religion, more adapted to instruct and fascinate than in the autobiography of an intelligent convert from the latter to the former, who so realizes both the truth and the charity of the gospel, that he is able to "speak the truth in love." Mr. Beaudry has shown his power as a writer in a previous volume, sketching his "Army and Prison Experience with the Fifth New York Cavalry." Says Dr. James E. King: "Its plot is ingenious, its statement of facts discreet and lucid, its argument free from extravagance and bigotry, its spirit admirably charitable, and the reader is drawn on from chapter to chapter with increasing fascination and interest to the end, and then regrets there is not another volume of it. In the war of evangelical Christianity with papal corruptions, the press has as yet issued no such telling hand-grenade as this volume."

The French Revolution and First Empire : An Historical Sketch, by WM. O'CONNOR MORRIS; with an appendix upon the bibliography of the subject, by President ANDREW D. WHITE, LL. D., of Cornell University. New York: Scribner, Armstrong & Co. The editor of the valuable and popular *Epochs of History*, has done a good piece of work in this rapid and concise sketch of the general causes, dramatic development, and immediate results of the French Revolution. The tone of the book is impartial. As a guide to study, this epitome will serve a useful purpose, in the midst of the prolific literature of the subject, so well arranged with judicious indications, by President White. Two maps of Europe in 1789, and Europe in 1812, exhibit the marvelous results of this Gaelic eruption.

The Abbe Tigrane, Candidate for the Papal Chair ; from the French of Ferdinand Fabre, by REV. LEONARD WOOLSEY BACON. 12mo. New York: J. B. Ford & Co. An exceedingly interesting tale, translated with skill and grace. It contains graphic pictures of events and characters in the French Catholic Church at the present time, and of its interior workings. Some of the actors are thought to represent high ecclesiastical personages, and to represent them very truly. It shows the working of Romanism in society and life. Almost any reader might easily be engrossed by these life-like scenes.

Dodd & Mead also publish a book on France, by ALBERT RHODES, entitled *The French at Home*, containing bright sketches of the French domestic and social life, and noting its contrasts with American and English characters and customs. With occasional exaggerations, it gives the natural impressions of an American in France. Here is one point, for example, well put: "Every distinguished Frenchman has pronounced his memorable *mot*—even to that humorous creation, Joseph Prudhomme, with his '*Messieurs, ce sabre, c'est le plus beau jour de ma vie.*' One of the most quoted is that of Voltaire, with its alliterative jingle, '*Canaux, canards, canaille,*' intended as a description of Holland. In popular estimation, a life, however noted, that does not furnish a *mot*, is regarded as incomplete." The volume is got up by the publishers in a dainty style.

MISCELLANEOUS.

The Progress of Peace Principles: a Paper read before the Peace Congress at Geneva, September, 1874, by EDWARD A. LAWRENCE, D.D., Marblehead, Mass. Boston: J. E. Farwell, Printer, No. 34 Merchants' Row.

This paper was read at the second annual meeting of the International Association for the Reform and Codification of the Law of Nations, held in Alabama Hall, Hotel de Ville, Geneva, September, 1874. It was received with marked favor by the Conference, and appeared in the December number of the *London Law Magazine and Review*. It is vastly above the average productions brought out on such occasions, although we do not regard this average as low, or otherwise than creditable. But there is an elevation, a breadth, a thoroughness, and a genuine scholarly tone in this pamphlet, which make it a contribution to the literature on the subject of high and lasting value.

The Cypriote Inscriptions, by ISAAC HALL, A. M., Trustee of Rutgers Female College. From the proceedings of the University Convention, held at Albany, N. Y., July 6, 7, 8, 1875. A paper of rare and recondite scholarship, from a young Presbyterian lawyer, which raises the hope that the author may yet be conducted to a sphere suited to his rare gifts and attainments. We see here fulfilled the promise of budding youth, which we long since witnessed with interest, both on the author's own account and because he was "beloved for the father's sake," Rev. Edwin Hall, D. D., Professor of Theology in Auburn Seminary.

The Address of Morton Bateman, at his Inauguration as President of Knox College, Galesburg, Ill., is a vigorous and fresh production, replete with sound views on matters of highest concern to our American colleges. His judicious remarks in regard to the increasing cost of collegiate education in this country have already attracted attention, and should attract still more.

The Problem of Fiscal Economy is a pamphlet, addressed by Mr. W. H. WINDER "To the Productive Industries of the Country." He starts with

the proposition, that "finance is a *science* based upon certain unvarying principles," some of these "of the nature and transparency of axioms," whence "the unknown may surely be deduced, and thus the *q. e. d.* of the problem be reached." Among those thus ranked are the following: That "money is an arbitrary creation by a sovereign power," and that "the law, the creating sovereignty, is as competent or capable of endowing any one material as any other with the attributes of money." Suppose Mr. Winder should test this "axiom," by joining the vast body in sympathy with him, in inducing Congress to ordain that bits of iron, of the size and form of our present double eagle, and stamped "legal tender for twenty dollars," shall be accepted by everybody for the same amount of value as the gold coins thus named. Suppose, too, that it should make an issue of them, continually increasing it to "meet the wants of trade and the volume of business." They would perform a certain function of money, doubtless, viz., of discharging the obligations of debtors. This, however, would be done merely by robbing their creditors, in compelling them to take bits of iron practically worthless in place of the gold, or paper convertible into gold or its equivalent, which is their righteous due.

Another "axiom" is, that "the supreme governors of mankind have imposed upon all countries the adoption of one and the same "creature" as the international legal-tender. It is irredeemable."

He might as well talk of sovereigns arbitrarily making reason irrational, the organic inorganic. Let these sovereigns arbitrarily try to make the supposed iron coins above spoken of irredeemable. Doubtless, they might and would succeed, unless they provided for their redemption in something valuable. But what would these coins be worth, and what would they exchange for? But is not gold valuable, redeemed or unredeemed? To notice such things, doubtless, seems like wasting strength on puerilities. Our only apology is, that they are puerilities which threaten to carry the vote of this nation, and have already made a headway which is one of the portents of the time. We hope the epidemic will have spent its force before it can reach the legislation of the country. It is one of those great tides of moral insanity which ever and anon overrun communities and nations. We trust that the reflux tide of sane, sober second thought will move in season to save us from the untold miseries otherwise imminent.

Dr. NATHANIEL WEST'S *Discourse in Memory of Dr. Thomas Ebenezer Thomas*, late Professor in Lane Seminary, is certainly worthy alike of the subject and the author. It is among the most brilliant specimens of funeral or memorial oratory within our knowledge. It is, withal, evidently sincere and hearty. It portrays, in words that burn, the genius, the heroism, the native and acquired gifts of one whose memory the Church will not willingly let die, and whose influence will long be felt.

We have met with nothing more accordant with our views on the subject than an *Address on Woman's Work in the Church*, before the Presbytery

of New Albany, by GEO. C. HECKMAN, D. D., President of Hanover College, and published by request of Presbytery. It unfolds the subject from the constitution of the sexes and the teachings of Scripture, in a manner that commends itself to our judgment and our feelings. From the former side he comes to the following conclusion :

“ *Woman’s Work in the Church and world is true to the natural differences of the sexes, and to their complementary relations to each other.* The doctrine I have declared is, that woman’s functional life is to be sought, not only in her physical, but also in her mental and moral nature—that her aptitudes in all these elements of her nature define generally her work. I stand between two extremes, that caress and curse woman : First : That orientalism and that fashion which alike would confine all of woman to her organic life ; and, secondly ; That modern fanaticism which, spitefully acknowledging the organic differences, demands that beyond these all phases and spheres of human life should be common to both sexes. This last view would impose on woman burdens for which, as a class, she is more imperfectly fitted than man, and which would interfere with her natural life. The first opinion would so narrow her sphere as to prevent, in most women, for the greater part of their life, and in some women for the whole of their life, the occupancy of those places and forms of usefulness for which God and her nature has prepared woman.”—*P.* 17.

His interpretation and summation of Scriptural doctrine on the subject are thus given :

“ It seems that it must be conceded, that the Bible does teach that the ministry and public teaching are closed to woman. My reasons are these :

“ 1. This seems to be the impression, the impression from which the mind never easily releases itself, made by the Sacred Scriptures about woman’s speaking in public places ; and it requires a peculiar, a difficult mental process, to convince any mind that it is not the right impression, the one intended by the Spirit.

“ Such has been the almost universal verdict of the Church from the days of the apostles to this time.

“ Of the few who take exception to this opinion, and who yet believe the Bible to be the word of God, the most say that these directions, as to woman’s speaking in promiscuous places, were of temporary authority, having reference to a particular period or locality.

“ 4. Those who do not believe the Bible to be the word of God give the same interpretation to these passages which has ever obtained in the Church, and denounce the Bible as teaching, in its whole letter and spirit, the inferiority and subjection of woman. Thus, the great mass of opinion, of friends and enemies, accepts these Scriptures as meaning just what they appear to all to mean, and it only remains a question, whether they express nature or expediency, a principle or a policy.

“ Of course I do not mean to say that woman has no duties that sometimes call her to take a stand under the public eye, or even to the leadership of men. I forget not Deborah and Joan of Arc, and Elizabeth and Victoria of England. Of course, I do not mean to say there may not be times when woman’s voice ought to be heard in and by the Church. I am not speaking of exceptional cases, but of

general principles. Nor am I now seeking what woman may do, but what woman ought to do as a co-worker with God and man in the Church of Christ."—Pp. 20-1.

A most unique and elegant quarto volume gives us a new species of literature, such as no other age or country could have produced. It is entitled *The Pennsylvania Railroad: Its Origin, Construction, Condition, and Connections, embracing Historical, Descriptive, and Statistical Notices of Cities, Towns, Villages, Stations, Industries, and Objects of Interest on its various lines in Pennsylvania and New Jersey*, by WILLIAM B. SIPES. It is illustrated by numerous drawings, from a number of our most gifted artists, engraved by Lauderbach. The work is true to its title, and is, like the great railway it describes, first class of its kind in all its parts. It is highly interesting and instructive in its delineation of the growth of one of the grandest, completest, and most successful railways in the world; as it shows the traits and gifts of the men who have planned, developed, and controlled it; the effects of keeping the highest standard in the construction, rolling-stock, business management, running orders, and *personnel* of the road; the vast network of connecting roads, from the Hudson to the Mississippi, controlled by it; the salient features in the great cities and towns, the mountains and rural scenery through which it passes. We find that its descriptions are trustworthy and vivacious, its pictorial representations accurate and beautiful. Altogether it is a remarkable volume, which tourists will love to consult, and all will find entertaining and instructive. It shows a kind of enterprise in methods of making itself known, very much like that which has signalized the construction and management of the road itself.

Twentieth Annual Report of the Board of Directors of the St. Louis Public Schools, for the year ending August 1, 1874, pp. 199, with an Appendix, pp. cxvi. A model report, for thoroughness and completeness. St. Louis is justly proud of its system of public schools, culminating in its celebrated High School and Normal School, and the Superintendent, Mr. Wm. T. Harris, though a philosopher, is also a superior organizer.

The American Tract Society publishes several beautifully printed and illustrated books for children: *Splendid Times*, by MARGARET E. SANGSTER, small 4to; *Grandpapa's Home*, by S. ANNIE FROST; *The Riverside Farmhouse*, by MRS. M. E. MILLER; *Royal Songs; for Sunday Schools and Families*, by J. W. SUFFERN and W. W. BENTLEY.

Pilgrim Melodies. A collection of tunes, adapted to hymns in *Songs for the Sanctuary*, and other prominent collections for church worship, by J. E. SWEETSER. New York: A. S. Barnes & Co. These melodies were composed by the late Mr. Sweetser, Organist of Dr. Storrs' church, in Brooklyn, for use in that church, and never intended for publication. They are brought out at the earnest solicitation of those to whom they had become endeared. Their publication is justified by their own merits.

ART. XIII.—LITERARY AND THEOLOGICAL INTELLIGENCE.

GERMANY.

Jahrbücher f. deutsche Theologie, 1875, I., II.—There are seven articles, besides the Notices of Books, in these two numbers, viz.: Dr. Dorner (the younger) on Schelling, a Memorial on the Centenary of his Birth; Koehler, the Pre-Reformers on the Doctrine of the State, second part—a learned essay; Wagenmann, on the University of Leyden, in relation to the Church and General Culture; Jäger, Contributions to the Systematizing of the different Departments of Theology, exhibiting their Internal Connections; Schultz, the Christological Question yet Again; Wagenmann, Centennial Memoranda in Church History, for the year 75, in all the Centuries. Dr. Dorner's paper vindicates the later system of Schelling as, on the whole, in harmony with the Christian system, and as a grand, if not wholly successful, attempt to construct a philosophy of history and of religion. Many obscure points are relieved, and some of Schelling's later mystical theories are put in a clearer light, particularly his doctrine of "The Potences in God." Dr. Hermann Schultz, of Heidelberg, examines the Christological question in reply to the elder Dorner's criticisms of his (Schultz's) views in a previous number. He does not seem to be very successful in showing how a man can really and fully believe in Jesus Christ as a Saviour, and also hold that there is no unimpeachable and proper evidence as to the main facts of his mighty works, as recorded by the Evangelists. He says, for example, "The historical questions as to the life of Jesus have no significance for the Christian faith. Jesus is an object of faith, only as the founder of the kingdom of God, as the Christ, in the religious and moral value of his personality. The uniqueness of the personality of Christ consists in the new practical knowledge of God as love, and in the complete adoption of the work of God in humanity as his own end in life." And yet he confesses that Jesus knew that the whole kingdom of God for time and eternity was concentrated and realized in himself, and that we must so accept and trust in him. But is not this one, and one of the most important, "of the historical questions about his life?" If we can and must believe this, why not much more? How can the historical and the spiritual be so sundered in the person of Christ? Paul Tschackart, in his paper on the Cardinal Peter d'Ailly, doubts whether the historical evidence is sufficient to show that the Cardinal was really the author of the two remarkable works usually ascribed to him, *De Difficultate Reformationis in Concilio Universali*, and *De Necessitate Reformationis Ecclesiæ in Capite et Membris*.

Theologische Studien und Kritiken, 1875, III.—I.—Professor Beyschlag, of Halle, concludes his admirable series of articles in vindication of the Gospel of John. This last part is chiefly taken up with the Discourses of Christ, to which modern criticism has made so many objections, and these objections are fairly and fully met. The whole discussion is carried on in an elevated tone and with decisive effect. Matthew Arnold has lately been writing in a dashing way about these discourses in the *Contemporary Review*, and has rather taken them under his critical patronage. Even he might, perhaps, learn something from the patient and thorough

German scholar, whose articles we trust may soon find a competent translator. Prof. Beyschlag, in concluding his investigations, ably insists on the following supplementary considerations : 1. The Gospel bears no name, it does not claim to be from John, and yet, Christian antiquity is quite unanimous in ascribing it to John ; 2. The twenty-first chapter is added by another hand, is found in all the copies, and so it is a very ancient testimony to its authorship ; 3. The well-nigh undoubted first epistle of John is manifestly by the same writer ; 4. It could not have been written by anybody we know anything of in the middle of the second century. 2.—The next article, by Dr. W. Grimm, of Jena, is a critical and historical sketch of the Lexicons of the New Testament—a valuable summary ; high praise is given to Dr. Robinson's Lexicon. 3.—Wieseler, "Contributions to the History of the New Testament Times" reviews Schürer's book with that title, with additions and corrections. The Germans are getting to write distinct works (since Schneckenburger led the way) upon New Testament History, and the History of the Times of the New Testament—understanding by the latter, as it were, the frame-work of the former. Pastor Seidemann investigates the historical question, as to which were Luther's first Lectures on the Psalms. Prof. A. Ritschl, of Bonn, to make the prologue of John's Gospel more orderly and intelligible, proposes the following change in the sequence of the verses: *vs.* 1 to 5, 10—then another paragraph, *vs.* 11, 12, 13, 6, 7—then another paragraph, *vs.* 9, 14, 16, 17, 18, 15.

In Part IV. of this periodical, Dr. Köstlin begins a discussion of the "Proofs for the Being of God," examining chiefly the ontological argument, which he finds insufficient ; court-preacher S. Goebel, of Halberstadt, continues an exegesis of the "Group of Parables" in Luke, xv and xvi ; Tollin gives an account of a "Confutation of Savetus on the Errors of the Trinity," found in a Paris MS., which is ascribed to Butzer ; Strack communicates various comments on the text of the Hebrew Bible, derived from Crimean MSS. in the possession of Dr. Harkavy ; Hollenberg criticizes passages from Theodore of Mopsuestia, first published by Mai (not Fritzsche's edition of Theodore), and incorporated in Migne's edition ; Stähelin reviews Drummond's recent Life of Erasmus.

Zeitschrift f. d. historische Theologie, 1875, III.—The first article by Privat-docent Baudissin, of the Leipsick University, is on the Origin of the Greek Name 'Ιάω for God, in connection with the Hebrew *Jahve*. The result of his learned investigations is, that all the attempts made to derive the Hebrew word from foreign sources, or languages, have failed. "The name *Jahve* appears, in fact, to be a product of the Mosaic Times." The alleged Coptic, Phœnician, and Aryan origins do not stand the test of historical criticism. The second article, by Dr. Oscar Gebhardt, of Leipsick, is on a "Collation of a Moscow Manuscript of the Martyrdom of Polycarp," probably of the thirteenth century, which tends to confirm the text as given by Eusebius. Incidentally, it also harmonizes with the latest critical results as to the date of Polycarp's death, carrying it back from 166 or 167 (as formerly accepted) to 155. This was thoroughly examined by Waddington in the Memoirs of the Institute, 1867, and is now received by Renan, Hilgenfeld, Lipsius, Lightfoot, (in *Contemp. Review*, May, 1875, p. 838), though not known to the writer of "Supernatural Religion." It gives some ten more years to the period in which John and Polycarp were contemporaries. The third article, by Dr. G. Hertel, is a full sketch of the life and writings of St. Columba, especially his Cloister Rules.

The fourth Part of this *Zeitschrift*, 1875, contains an article by Ebrard on the Culdees (Keledei) in Ireland and Scotland, supplementing in part his recent History of the "Irish-Scotch Missionary Church," 1873, and replying to Hertel and other critics. D. H. Heppe contributes a very valuable paper on the *Confession de Foi* (Confessio Gallicana), prepared in 1559, on the basis of a draft by Calvin, and finally adopted at the Seventh National Synod in La Rochelle, 1571, at which Beza presided, and where were present Queen Jeanne d'Albret of Navarre, Prince Henry of Bearne, then eighteen years old, Prince Henry of Condé, Admiral de Coligny, etc. This confession is here reprinted from a copy deposited in Geneva, noting the slight alterations of subsequent Synods. Heppe considers it the best and "most precise" of the Reformed Confessions. The last article is on the "Childhood and Youth of Servetus," by H. Tollin, who is preparing a full biography of this noted heretic. We regret to see the announcement that this journal has now come to a close. It was founded by Illgen in 1832, edited by Niedner 1845 to 1865, and since then by Kahnis. When the latter took it in hand it had only 160 subscribers. It has ever since been published at a loss. It will always be of value as a repertory of thorough and minute discussions, chiefly on questions in historical theology.

The "Lutheran Dogmatics, in its Historical and Genetic Representation," by Dr. Kahnis, of Leipsick, is to appear in a second edition, in two vols., of which the first is issued. Besides omissions and additions, the order of topics is somewhat changed. It is an able and independent work, not wholly satisfactory to either orthodox or liberals. The style is compressed and pregnant.

A third edition of Wuttke's "Handbook of Christian Morals" is in the course of publication, edited by Prof. L. Schulte of Rostock, with considerable additions.

C. Wachsmuth, Professor of History at Gottingen, has published the first vol. of a History of the City of Athens, which is packed with learning and criticism.

Dr. Robert Zimmermann, in an essay on "Kant, and the Positive Philosophy" (Vienna), shows that Comte knew nothing at all of Kant's philosophy; that he had, in fact, only seen one of Kant's shorter essays on the "Idea of Universal History," which anticipated some of his own speculations, as he himself admitted.

Dr. Zangemeister, librarian at Heidelberg, is preparing a new edition of Osorius collating manuscripts; it is to be included in the Vienna Library of the Latin Fathers.

FRANCE.

The *Revue Chrétienne* (July and August), contains two excellent articles by F. Lichtenberger, on Alexander Vinet, based on the recent "History of Vinet's Life and Works," by E. Rambert, (Lasanne, 1875.) The traits of Vinet's character, the incidents of his life, and the influence of his writings, are well described; "his principal characteristic was sincerity; his master faculty was conscience." Interesting extracts from his letters are given. F. Bonifas writes on "Roman History in the Tragedies of Corneille;" G. Monod on the "Fine Arts in France in 1875;" J. Penel on "Gladstone and Ultramontanism." The political tone of the *Review* is desponding; it speaks of France as "powerless and divided, and

seeming to be in the way of abdicating into the hands of the clergy whatever remains to it of force and vitality." This *Review* praises a concise "History of Philosophy" lately published by Alfred Fouillée, Master of Conferences in the Normal School, whose works on "Liberty and Determinism," on Plato, and on Socrates, have given him celebrity. He is spoken of as belonging "to the new spiritual school of philosophy, connected with the name of M. Ravaisson." "Starting with M. Cousin and Eclecticism, he comes out with M. Secrétan and the Philosophy of Freedom." All philosophical systems are judged, in his work, chiefly by their relation, on the one hand to fatalism, on the other, to liberty. "The essence of things—is it a physical principle, or a moral principle? Theoretically, we might hesitate; but practically, all hesitation is suppressed. The fatalistic doctrine is a pure abstract speculation on what is possible. The doctrine of freedom is a consequence of the practical obligation which our will imposes on itself. To decide for it is a *duty*. The metaphysical problem is reduced to the moral problem."

Pastor Camille Rabaud, President of the Consistory of Castres, has published a "History of the Protestantism of the Albigeois and the Lauragais, from its Origin to the Revocation of the Edict of Nantes," in one vol. (Paris: Sandes & Fischbacher.) This district of the Cevennes was, even in the middle ages, the seat of "heresy." It embraced the reformed faith with zeal, and Castres was one of the chief Huguenot churches. Persecutions ran riot there; and the Huguenot armies were largely supplied from this source. In 1559, one-fourth of France was reformed; there were 2,150 organized churches, with a consistory in each town. The history of their sufferings and partial suppression, among the Albigeois, is faithfully given in this volume of Pastor Ribaud.

M. Charles de Rémusat died at Paris, June 6, in the 79th year of his age. He was distinguished in philosophy, politics, and general literature; and an associate of Guizot, Thiers, Jouffroy, and Cousin. Under the empire he stood aloof from public life. He wrote largely for the *Revue des deux Mondes*. Among his best known works are his "Essays in Philosophy," 1842; "Abelard's Life and Works," 1845; "Anselm of Canterbury," 1853; "Bacon," 1857; "Religious Philosophy," 1864; "England in the Eighteenth Century;" "David Hartley," 1874; and recently a critical "History of Philosophy in England, from Bacon to Locke," 1875.

M. Mignet has collected his articles on the "Rivalry between Francis I. and Charles V.," with revisions and additions. They were first published in the *Revue des deux Mondes*. It is, of course, a work of the highest merit. M. Maspero's "Ancient History" is said to be a clear statement of the results of the latest studies and explorations, in one volume.

An "International Congress of Americanists" (*Américanistes*) has been formed in France. Its first session was at Nancy, in July. Its object is "to study the history of America before the discovery by Columbus; the interpretation of the monuments, writings, and the ethnography of the indigenous races of the New World." The annual subscription is 12 francs. The president is Baron Guerrier de Dumast; secretary, M. Lucien Adam.

M. Athanase Coquerel, the eloquent leader of the French liberal theology, is deceased. He is said to have left nearly complete a work on the "Comparative History of Religions," which has long been the object of his studies.

August Jundt's "History of Popular Pantheism in the Middle Ages and the Sixteenth Century," though prepared only as a thesis at Montauban for a theological degree, is a valuable contribution to the history of philosophy. Prepared under the direction of Professor Schmidt, it shows the development of pantheism in Dionysius the Areopagite, Scotus Erigena, Joachim of Flore, and then in the sects of the middle ages. It is especially full on Master Eckbart, and contains, in an appendix, extracts from manuscripts not previously published.

ENGLAND.

University Fellowships. The Hon. George Brodrick, in the *Contemporary Review*, in an interesting article on "The Universities and the Nation," gives the following account of the Fellowships, which, in some respects, are often misunderstood:

"There are, in round numbers, 360 Fellowships at Oxford, and somewhat more at Cambridge, so that, allowing for vacancies and temporary suspensions, we may probably take 700 as the extreme number of existing Fellows, and £300 a year as the extreme average value of a Fellowship. The general mode of election and conditions of tenure are clearly explained in an able paper, read before the last Social Science Congress, by Mr. Charles Stuart Parker, formerly a Fellow, and senior tutor of University College, Oxford. According to the present practice, the new Fellows are elected by the existing Fellows of a college, after open competitive examination in Oxford, conducted always by the college, with the aid of assessors, if necessary, in special subjects. In Cambridge, the smaller colleges elect upon the results of the University examinations. At Oxford, a candidate is elected by any other college as freely as by his own; at Cambridge he must be already a member of the college electing. With this exception, as regards Cambridge, the Fellows are supposed to be, and, speaking broadly, they are, the ablest and most distinguished students, selected with great impartiality soon after taking their Bachelor's degree, in general before the age of twenty-five. Once elected, for the most part they have no special duties, but are bound in conscience, to the best of their ability and judgment, to promote the interests of their college and of their University as a place of religion, learning, and education. Most Fellowships are tenable for life, being vacated only on marriage, or on obtaining a fixed income from other sources of £500 or £600 a year.

"It appears, however, from a return furnished to a Committee of the House of Lords in 1870, that half of all the Fellows at Cambridge, and nearly half of those at Oxford were then in Holy Orders, or under the obligation of proceeding to Holy Orders, subject only in three cases to an exception in favor of those holding college offices. A larger proportion of clerical than of lay Fellows reside in college and take part in tuition, because they have a more or less remote prospect of settling on a college living; and for the same reason, the succession of clerical Fellows is somewhat more rapid. Mr. Parker calculates the average time for which Fellowships are held at about ten years, from which it follows that above thirty are filled up annually at each University.

"It is admitted on all hands that Fellowships are now awarded, with the rarest exceptions, upon the strictest considerations of academical merit, and it may be confidently asserted that no other public appointments are less tainted, if, indeed, there be any so little tainted, with the suspicion of favoritism. Still, there is a vague im-

pression abroad, that many of them are carried off by young men of rich parentage, and that, instead of stimulating their possessors to further exertion, they are apt to deter them from embarking on active careers, and to encourage cultured ignorance. These are impressions which can only be dispelled effectually by evidence of a kind which it is very difficult to procure. Some light, however, may be thrown upon the matter by the examination of a typical sample; and a careful analysis of a body of forty-nine Fellows, belonging to three colleges, differing from each other in size and character, leads to results which are not devoid of interest. It appears that no less than sixteen of the whole number are sons of clergymen, and two of dissenting ministers, eight of men engaged in trade or commercial business, five of solicitors, four of landed proprietors, four of yeomen and tenant farmers, three of employés in the civil service, two of medical men, one of a member of Parliament, one of a schoolmaster, one of a Scotch factor, one of a military officer, and one of a clerk or accountant. In short, all but a trifling percentage are drawn from the hard-working professional class, and it may be stated, with some confidence, that not one is in possession of or heir to a considerable fortune. A similar inquiry into the present occupation of the same forty-nine Fellows, shows that seventeen are engaged in college tuition, five hold other college offices, three are university professors, two are preparing themselves for college tuition, two are masters of schools, two are parochial clergymen, four are barristers, four are engaged in literary work, one is a physician, and one is a medical student, one is in the civil service, and one is an artist; while of the six who have no regular occupation, one is traveling for his health, and three at least are *emeriti*, having given their best years to the service of their colleges and the university."

Besides the elaborate articles by Dr. Lightfoot in the *Contemporary Review*, in reply to "Supernatural Religion," another reply will be published by the Christian Evidence Society, written by Mr. Sanday, parts of which have been published in the *Fortnightly Review*.

Trübner will soon publish a History of the Jews in England, by Mr. Picciotto, from new materials.

The fifth and sixth volumes of "The Historians of Scotland" (Edinburgh, Edmonston Douglas), contain the lives of Ninian, Kentigern (or Mungo), and Columba. The latter is edited by the Bishop of Brechin, and contains also a reprint of Adamnan's Life of Columba, with the notes of Dr. Reeves.

The *British and Foreign Evangelical Review*, London, July, 1875, is an unusually interesting and able number of this valuable quarterly. The first article is by Prof. John Campbell, of Montreal (also a contributor to the present number of our REVIEW), on "The Origin of the Phœnicians." This, as is well known, is an unsolved problem of historical research. Professor Campbell certainly casts new light upon it, and his essay will repay close study. After reciting other conjectures, he proceeds to give his reasons for identifying these Phœnicians with the *Bene Jaakan*—the sons of Jaakan, or Akan, the Hiorite, named in Genesis xxxvi : 27, and 1 Chron. i : 42, who dwelt in the range of Mount Hior, in Arabia Petraea, south of the Dead Sea. Four centres of these Hiorites, or Hivites, are named in Scripture, one of them being in the north of Palestine; and this last he holds to be the Phœnicians of later history. The time of the removal of the Bene Jaakan to Phœnicia "must have been at some point in the period of Israel's sojourn in

Egypt." The author has also written on the Horites in the *Canadian Journal*, vol. xiii. He is at home in the literature of his subject. Other articles are, Personal Religion in the Homeric Age, by Rev. W. F. Wilkinson, M.A., an excellent summary; "An Argument about the Manna," by John Wilson, Esq.; A Sketch of the Characteristics of that Remarkable "Colonial Preacher," Dr. John Bayne of Galt; "The Great Controversy" on the Being of God, by Rev. W. Turner. The Rev. John Macpherson contributes an important paper on "The Order of Dogmatic Theology, and Classification of its Dogmas." He carefully distinguishes Dogmatic Theology from other and cognate sciences, vindicates its specific nature, explains its method, and reviews various attempts to find a central principle of the theology, all of which, such as the Trinitarian, the Christological, and the Anthropological, he rejects, and propounds the following as the best scheme: "In contrast, then, to all these previous schemes of dogmatic classification, we propose this principle of the *relations* between God and man as at once comprehensive of all truly Christian dogmas, and exclusive of those metaphysical speculations which have too often been allowed in actual treatment to intrude within the realm of Christian dogmatism. Starting from this general principle, we have the contents of the science arranged under three divisions: 1. The Doctrine of the Normal Relations between God and Man; 2. The Doctrine of the Breach in the Normal Relations; 3. The Doctrine of the Restoration of the Normal Relations." The last article, reproduced from a copy printed by the author (Rev. W. K. Moore, D.D., of Liverpool), for private circulation, is a clear, sensible, and sufficiently full account of "Oriental Pantheism and Dualism, Viewed in Relation to Christianity."

The Society of Biblical Archæology, founded in 1870, publishes, in its Transactions, valuable papers upon the history of Assyria, Palestine, Egypt, Arabia, and other Biblical lands. Dr. Bird presides over it, and among its active members are the Rawlinsons, Dean Payne Smith, Le Page Renouf, Dr. Angus, Prof. Wright, of Cambridge, DeSaulcy, George Smith, etc. The last published part of its Transactions (vol. 3, part 1) contains the following papers: On the Synchronous History of Assyria and Judea, by J. W. Bosanquet, F.R.A.S. (maps and plates); The Third Sallier Papyrus, containing the Wars of Rameses II. against the Cheta, by Prof. Lushington, B.A.; Observations on the Assyrian Verb, *Basu*, as compared with the Hebrew verb *Hüyü*, "He was," by Prof. William Wright, LL.D.; Account of an Egyptian Altar in the Museum at Turin, drawn by Joseph Bonomi and described by Samuel Sharpe (plates); Translation of the Hieroglyphic Inscription on the Granitic Altar at Turin by S. Birch, LL.D.; Revised Translation of the Descent of Ishtar, with a further Commentary, by H. Fox Talbot, F.R.S., etc. Nemrod et les Ecritures Cunéiformes, par Josef Grivel; The Astronomy and Astrology of the Babylonians, with Translations of the Tablets relating to these subjects, by Rev. A. H. Sayce, M.A.; Translation of a Fragment of an Historical Narrative relating to the reign of Tothmes III., by C. W. Goodwin, M.A.; Translation of an Egyptian Fabulous Tale, "The Doomed Prince," by C. W. Goodwin, M.A.

The Theological Review, July, 1875. 1. On Religious Endowments, by F. W. Newman—rather a slight sketch. 2. Thomas Erskine, of Lislather, by W. C. Smith, signaling Erskine's later deviations from the strict creed of the Scotch churches, written with sympathy and appreciation. 3. Isaac Casaubon, by John

Kenrick—on the basis of Pattison's recent biography. 4. The Marrow of Barclay, by Alexander Gordon—a clear and satisfactory statement of Barclay's doctrine (often misunderstood) in distinction from Penn's. Barclay's doctrine is that of a "Divine Seed" implanted in man, in all men; "Christ is that seed within us;" it is neither a "part of man's nature," nor "the proper essence and nature of God;" but "a spiritual, heavenly, and invisible principle;" "a divine, spiritual, and supernatural light;" "an organ;" "a celestial substance;" "it is never separated from God nor Christ, but wherever it is, God and Christ are, as if wrapped therein;" "and this we call *Vehiculum Dei*, or the *spiritual body of Christ*" in us. Mr. Gordon also notices the reply to Barclay's Apology by George Keith ("The Standard of the Quaker's Examined," 1702), and other works of the times. 5. Physical Speculations on Immortality, by Chas. Beard—a review of "The Unseen Universe." 6. Cox's History of Greece, by Courtney Kenny, who says that the author is "as ready as Thirlwall to apply to his facts the canons of historical credibility; as ready as Grote to trace second causes, and show a Newtonian contempt for supernatural hypotheses; he can still see clearly and confess frankly that this drama of age-long history discloses a Divine rule, a moral end."

Dickinson's Theological Quarterly (London, 2s. a Part) is taken bodily from American Reviews. Part three, July, for example, contains, without naming the sources, the following articles: President Porter, The Argument for Christianity, Complex and Cumulative; Dr. H. Johnson, Enthusiasm in Sacred Oratory; Rev. Jacob Todd, a Common Basis of Knowledge for Science and Religion; Dr. W. M. Thomson, The Natural Basis of our Spiritual Language; Dr. Edmund Sears, Christianity, or a New Influx of Power; Dr. N. M. Williams, The Diversities of the Apostles; Prof. J. M. Hoppin, The Letters of Sara Coleridge; Dr. G. B. Cheever, Our New Lights of Science; Pres. T. D. Woolsey, Christian Missions, and some of their Obstacles; Pres. J. M. Sturtevant, Matthew Arnold's Literature and Dogma; Prof. E. P. Gould, New Testament Use of the Word translated "Flesh."

Dr. Wm. Selwyn, Margaret's Reader in Theology, Cambridge (since 1855), recently deceased at the age of 69, was a superior scholar, and also distinguished for his "munificent and public-spirited liberality." "When," says *The Academy*, "Ranke, the historian, visited Cambridge, and dined in one of the public halls, he desired to have Professor Selwyn pointed out to him, and contemplated with divided admiration the noble and intellectual presence of the Lady Margaret's Reader, and the large stipend which he was told was attached to the professorial chair. '£1,800 a year,' he said, 'I should be glad to come to Cambridge for that.' 'But,' asked his informant, 'do you know that he gives £700 a year of this income to a brother professor?' 'You English are so droll,' replied Ranke; 'you must not ask me to believe that.' But Dr. Selwyn not only gave it to the *Norrisian* professor, but when the latter became Bishop of Ely, set it apart to found a Divinity School at Cambridge; it now amounts to £10,000." Canon Selwyn wrote on "Principles of Cathedral Reform;" "Two Charts of Prophecy;" "Notes on the Revision of the Authorized Version;" an edition of "Origen against Celsus." He was a member of the committee for the revision of the Old Testament.

Dr. Lightfoot's "Commentary on the Colossians" is published; Dr. Farrar is

writing "Studies on the Dawn of Christianity;" Dean Stanley has nearly ready a work on the "Epistles to the Corinthians."

Macmillan & Co., have in press an "Ecclesiastical History of Ireland," from the Earliest Times, by Dr. W. D. Killen, President of the General Assembly Theological College, Belfast, well known by his work on the Early Church.

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