

REPORT OF THE SPEECHES DELIVERED
AT A MEETING OF FREE CHURCH
OFFICE-BEARERS .. DEC. 3, 1880
CONCERNING THE CASE OF
W. ROBERTSON SMITH

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Report of the speeches

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PROFESSOR W. ROBERTSON SMITH.

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REPORT OF THE SPEECHES

DELIVERED AT A MEETING OF

FREE CHURCH OFFICE-BEARERS

WHO DISAPPROVED OF THE ACTION OF

THE COMMISSION IN THE CASE OF PROF. W. ROBERTSON SMITH,

HELD IN THE

CHRISTIAN INSTITUTE, GLASGOW,

FRIDAY, DECEMBER 31, 1880.

PRINTED BY W. G. BLACKIE & CO., GLASGOW.

1881.

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REPORT OF PUBLIC MEETING.

Last night (Dec. 3d) a public meeting of lay office-bearers connected with the Free Church who disapprove of the action of the Commission in the case of Professor Robertson Smith was held in the Christian Institute. There was a large attendance of office-bearers. The chair was occupied by Dr. W. G. Blackie; and beside him on the platform were the Rev. Mr. Scrymgeour, Sheriff Murray, Professor M'Kendrick, and Messrs. Jas. Campbell of Tullicheewan; Thos. Russell of Ascog; Peter Gardner, W.S., G. W. Clark, John M'Clure, Walter Duncan, J. Morison, R. Rule, Walter Macfarlane, A. A. Ferguson, J. Hart, J. I. Mitchell, J. Lawson, Boyd, Campbell-Douglas, Gilbert Beith, N. Caw, S. Barclay, A. S. Taylor, Alex. Watt, and G. M. Kerr, &c.

The meeting having been opened with prayer by the Rev. Mr. Scrymgeour,

The CHAIRMAN said in the first instance he had to read certain letters of apology which had been received from some gentlemen who were prevented being present. The first was from the Lord Dean of Guild, who said that while he was not learned enough to form an opinion on questions of Hebrew scholarship, he professed to have an opinion on the more important question of justice and fair dealing. He trusted that the next General Assembly might find the recent proceedings of the Commission to be unconstitutional, otherwise the general principle of Presbyterian Church government would fall under public condemnation. Letters had also been received from Mr. James Stevenson; from Mr. A. S. Baird; from Mr. Ness, Bellahouston Academy; from Mr. James Templeton; and from Dr. Anderson Kirkwood.

The Chairman then said—Fellow office-bearers, we are met to-night for a very grave and important purpose—to call in question the legality and wisdom of the action of one of our Church Courts. We are met because we believe our liberties as office-bearers of the Free Church are endangered by the recent action of the Commission of the General Assembly in the case of Professor Robertson Smith; and at the same time to take such steps as may be competent to preserve our status and defend our rights. We are not to discuss the merits of Professor Robertson Smith's case; we leave them to be dealt with by the constitutional Church Courts. Consequently those who hold opposite views respecting the merits of that case may consistently unite together in carrying out the objects of this meeting.

In considering this very important question, I trust we shall be

able to exercise great wisdom and caution and forbearance, to avoid undue heat, and to refer to those who do not go along with us in a becoming and Christian spirit. At the same time, however, we must use great plainness of speech, so that none may misapprehend our opinions or underrate the strong conviction of danger which impels us to take action in defence of our rights.

Every office-bearer when admitted to office must sign the Formula. That document binds him to "assert, maintain, and defend the Christian discipline and government of this Church by Kirk Sessions, Presbyteries, Provincial Synods, and General Assemblies." There is no word here of Commissions, and that for the very excellent reason that the Commission is not an independent Church Court, possessing its own inherent rights. It is an annual creation of the General Assembly, and possesses only such powers as the Assembly delegates to it. It is composed of all the members of the Assembly and one clergyman in addition, who is nominated by the moderator—this nomination being understood to mark the fact that this Court is not the Assembly, and that it is not necessarily constituted of members of Assembly; for if the right be reserved to nominate one member, it may be exercised to nominate all the members.

This Court is a most useful one when acting strictly within its own defined lines; but obviously it may become a dangerous one if tempted to exceed the limits of the powers which have been delegated to it. Its powers are thus defined in the *Manual of the Practice of the Free Church of Scotland in her Several Courts*, p. 100:—"The Commission cannot take up any cause or matter which has not been specially referred to it by the General Assembly, except when anything of public interest occurs which is of general concernment to the whole Church. In this case it is instructed to advert to the matter and to see that the Church do not suffer or sustain any prejudice which it can prevent, as its members shall be answerable." The terms of this constitution are sufficient warrant for the step the Commission took in appointing a committee to examine the writings of Professor Robertson Smith; but to deduce from these terms that the Commission is thereby empowered to take judicial action is a position which I cannot allow. It is a position the legality of which was not demonstrated during the sitting of the Commission, and has not been demonstrated even by the united wisdom of the whole Presbytery of Glasgow during a discussion of two days' length.

My contention is that the Commission exceeded its powers when it suspended Professor Robertson Smith from the exercise of his professorial duties. I know that the contention of the leaders of the Church, on the other hand, is that there was no suspension—that Professor Robertson Smith was merely instructed not to teach. To my mind, such an obvious subterfuge is unworthy of the quarter whence it proceeds. Others equally zealous, but less cautious, justify the judicial action of the Commission by the alle-

gation of danger to the Church, forgetful of the adage *Fiat justitia ruat cælum*. If expediency and the Church's danger are to be admitted as reasons for perpetrating injustice, for allowing a huge committee like the Commission to overstep its constitutional powers, where is the security for our liberties? Anyone against whom a *fama clamosa* may be got up is liable to be cited by the Commission to appear before it, and then to be judged and sentenced without even having been heard in his own defence. In the recent case Professor Robertson Smith was heard *ex gratia* and not of right.

All the steps taken by the Commission in this case seem to point to a foregone conclusion. Look at the day on which the Commission was appointed to meet, *in hunc effectum*, October 27th, and the reason given for appointing—that the Commission might be able to suspend Professor Smith before the beginning of the winter session; there was no word then of only instructing him not to teach. Look at the one-sided committee nominated by the mover of the resolution—a committee of consideration, if not of deliberation. I wonder what amount of consideration the writings of Professor Robertson Smith were likely to receive from a committee among whose most marked members were included men of such temperate speech and calmness of judgment as the well-known Bishop of Dingwall, and the equally well-known presbyter of Helensburgh.

I am aware that a discussion has arisen respecting the precise time at which the mover announced that Professor Smith's friends might add members to this committee. That question appears to me a trivial side issue not worth disputing about. The offence, in my estimation, consists in the mere proposal of a one-sided committee to try a brother office-bearer. It has been stated that an eminent member of the Church has defended the appointment of a committee of this kind. So much the worse. Wrong can never be made right, even by the support of an eminent man. Did time permit, it would be easy to trace the actings of this committee and point out its shortcomings, but I must pause, as all needful points will doubtless be spoken to by the speakers who are to move and second the various resolutions which will be submitted to the meeting for approval.—The chairman concluded by reading the following letter from Dr. Anderson Kirkwood:—

“To Dr. W. G. Blackie, chairman of the Glasgow meeting of 3d December, as to Professor Robertson Smith's case.

“My dear Sir,—I regret much that I shall be unavoidably prevented from attending the important meeting to-morrow evening. But perhaps, with the permission of the meeting, I may be allowed, through you, to state the views which I would have expressed had I been present; and I shall do so as shortly and clearly as I can.

“1st, then, let me say, with all deference to the Commission

and its committee, its sub-committee, and the committee's convener, that in the light in which I and many others regard their proceedings, they have done what they could to prejudice and condemn Professor Robertson Smith, not only without any libel, but without any formal or distinct charge, without any proof, and without almost hearing him. It is this glaring disregard of all justice and fair play that we seriously complain of. We complain, in short, of the old and well-established libel, through the Presbytery, being, in this case, ignored and superseded.

" 2d. And we complain too, of this best safeguard of our office-bearers' character and status and rights and liberties being disregarded without any specific authority, and confessedly also without any precedent.

" 3d. In fact they acknowledge that they are creating a precedent for this particular case; but their ostensible reasons for doing so are certainly not very forcible. One excuse is that Mr. Robertson Smith wrote the new article after he was served with the old and now exploded libel, just as if the mere service of a libel (incapable it may be of proof) amounted to an ecclesiastical interdict, such as is here pretended. Another excuse is the very flimsy one that there was the usual crop of cut-and-dry memorials got up from willing Presbyteries and laid on the table of Commission. I know of no other reasons worthy of consideration, for the remainder of the new indictment consists of some make-weights on the old lines, introduced to give a colouring to the resuscitated charge. I maintain that all these excuses for the precedent sought to be established are as futile as they are far-fetched; and further, that apart from all excuses, the precedent itself is not within the competency of the Commission, or their committee or sub-committee, and that it is as unwarranted as it is unnecessary, unjustifiable, unconstitutional, and illegal.

" 4th. There are, however, several sections of the late Commission who will not, of course, concur in this opinion. For example, (1st) it is not to be expected that parties sent from the North for the mere purpose of voting will condemn themselves. One of their number, but (so far as I know) only one, avows that he paid his own expenses! (2d) Again, it is not to be expected that ministers who employ their pulpits, not in preaching the Gospel, but in abusing Professor Robertson Smith, will find fault with the Commission's proceedings. They cannot consistently do so, for their avowed conviction is that he should long since have been deposed without any trial whatever. They, in fact, emulate, or rather surpass, the ferocity of Bunyan's Implacable, whose language was—'Might I have all the world given me, I could not be reconciled to him; therefore let us forthwith bring him in guilty.' (3d) There is a third class, chiefly composed of ministers, who rejoice at instead of condemning the Commission's proceedings. They have been all along opposed to Mr. Robertson Smith, and were so disappointed, chagrined, and irritated at the

decision of last Assembly, that they have since been yearning for a pretext to review and reverse that decision, and they are glad that, through the Commission and its committee and sub-committee, they have at length found that pretext. But (4th) there is happily yet a fourth section, if not of the late Commission, at least of the office-bearers of the Free Church, whose motto is *Fiat justitia ruat cælum*. They look with mingled sorrow and indignation on the unconstitutional conduct of the Commission, and are now taking means (as is shown by the meeting of to-morrow evening and other similar meetings) to let their sentiments be known throughout the Church, with a view to their due influence on next Assembly.

“5th. If I have rightly characterized the proceedings of the Commission it is no wonder that people supposed there was some tendency on their part to have a one-sided committee. Nor is it surprising that it has been matter of grave remark that the committee were not called timeously together; that their report (whoever prepared it) was hurried through the committee without due consideration; that it was not in the hands of the members of Commission till the day of its meeting; and that it was then hastily adopted after an *ex tempore* speech, reluctantly allowed, *ex gratia*, to Mr. Robertson Smith at the last moment? There has in consequence, since the meeting of the Commission, been a good deal of blame cast upon the Commission and its committee and its sub-committee, and its committee’s convener, for all this unseemly hurry-skurry; and let it not be supposed that any of them have come skaitless out of the *mêlée*.

“6th. But the explanation is that all these parties were resolved, regardless of every other consideration, to prevent so accomplished a scholar as Professor Robertson Smith from occupying his chair this session, and they have unhappily attained their object by getting him to defer to an ‘instruction’ (as it is called) which they have issued on the subject. It is to be regretted, I think, that he did defer to this instruction. He was appointed *ad vitam aut culpam*; and as no competent case of *culpa* was brought against him, he could not be legally interfered with in his chair. If, as is not unlikely, these Commission proceedings will end in a civil conflict, the sooner it is begun the better. The Commission and its supporters will then know authoritatively whether or not they have acted *ultra vires*. Meantime, Professor Robertson Smith has this consolation, that he never has been charged with introducing his critical opinions into the prelections of his class, and there was no reason, therefore, for the ‘instruction’ in question.

“7th. It is certainly not pleasant, after wading with the Free Church through the ten years’ conflict and the Disruption times, and the former College and Sustentation Fund controversies, to find one’s self engaging in another internecine warfare; but I hope that light may yet arise in this darkness, and that those of us who feel strongly in regard to the abstract case of Professor Robertson

Smith (whom, by the way, I scarcely personally know) may be enabled to retain their connection with the Free Church. His case is the only one that crops up now; but there have not been wanting, in the course of the discussions, many intermittent indications of a determination to make it a test case, to be followed up by the like proceedings against other professors, and, if so, why not also against all ministers and elders favourable to his views?

“8th. The importance of this particular case cannot therefore be overstated, and the greatest regret I feel is, that our experienced and much-respected officials should have deemed it their duty to take a leading part in the controversy, instead of keeping themselves free to act as mediators.

“The meeting will kindly excuse the length of this communication, and the strong terms in which I felt bound to express myself.—I remain, truly yours,

“ANDERSON KIRKWOOD.

“Glasgow, 145 West George Street, December 2, 1880.”

Mr. PETER GARDNER, W.S., moved the first resolution as follows:—“That this meeting desires to record its gratitude for the settlement of the case of Prof. W. Robertson Smith at last General Assembly, and views with grave concern the renewal of agitation in the matter.”

He said:—Before proceeding to speak to this resolution, allow me to express the hope that we shall be able here to avoid everything like the personalities which have characterized the recent discussion in the Presbytery. The resolution states that we were grateful for the settlement of the case of Professor Smith at the last General Assembly. We were so, first, because some of us thought that the proceedings against Professor Robertson Smith were a huge mistake from the beginning. We were very glad to see the thing “taken out of court,” as we lawyers say, on almost any terms whatsoever. Secondly, we were very glad to see the settlement because it gave a promise of peace to the Church, which was sorely needed.

But I wish to refer to two points which appear to me more important than these. Let us see first what the settlement of the 27th May really was. In short terms it was this—that Professor Robertson Smith was restored to his chair, and his views were not condemned in the resolution, and by fair inference were to be tolerated in the Free Church. That you may not suppose that this is merely our view, I wish to point out that this was the view of Dr. Begg, expressed at the time. In his protest and dissent which is recorded in the official blue-book, we find him dissenting from the resolution adopted by the Assembly “because the views of Professor Smith are not condemned in the resolution, and by fair inference are to be tolerated in the Free Church.” This view is certainly right, and the relief that the settlement brought to a good many of us arose from

that very thing, that Professor Smith's views were to be tolerated in the Free Church.

This brings me to the first main reason for our feeling grateful for the settlement on which I wish to insist. It is this. The settlement maintained intact our Protestant right of private judgment on points not closed by the Confession of Faith with our own consent. It was the danger of interfering with that right of private judgment that had weighed with us all along. That was the real danger, as it appeared to us, of the case of Professor Robertson Smith. Let me remind you what Protestantism in this aspect means. You know that the term came into use in consequence of the protest of the Reformers at the second diet of Spire in 1529. At that time the Catholic states endeavoured to turn back the Reformation. This was protested against, and in the famous protest the reforming party claimed the right to put the Bible above Pope, Church, Council, and every other human authority in matters of faith and practice. And they further claimed for each believer the right, and laid upon him the responsibility, to determine for himself what are the contents of the Bible, and what is their meaning, by means of itself, its language, and its connection. You will observe that the men who claimed this right were believing men, and that thus in relation to the Scriptures every Protestant is, and claims to be, a believing critic. What is criticism? It is neither more nor less than the Greek equivalent of the Latin expression "private judgment," which, as we all know, is the key of one of our most important Protestant positions. This right of private judgment, or believing criticism, was fearlessly exercised by the Reformers themselves. For example, I need mention only the free criticism of Luther, not only in regard to the meaning of the Scriptures, but in regard to their contents, which led him, among other things, to reject as non-canonical the Epistle of James.

This individual right of private judgment or believing criticism is expressly acknowledged and insisted on in our Westminster Confession of Faith. In chapter i. section viii. we are reminded that "because the original tongues are not known to all the people of God, who have right unto and interest in the Scriptures, and are commanded in the fear of God to read and search them;" therefore they are to be translated into the vulgar tongues for popular use. Further, in the Act of Assembly of 1846, which regulates the subscription of office-bearers to the Formula, we have the express clause that the Church "does not regard her Confession of Faith or any portion thereof, when fairly interpreted, as favouring intolerance or persecution, or consider that her office-bearers, by subscribing it, profess any principles inconsistent with liberty of conscience and the right of private judgment."

The right of private judgment thus recognized was, after the time of the Westminster Confession of Faith, put in exercise in regard to, among other things, the revision of the text of Scripture.

About two hundred years ago the examination and collation of ancient manuscripts, especially of the New Testament, received a fresh impulse. This alarmed many timid people at that time. They feared the unsettling of the text of Scripture, and the scholars who were engaged in the work were denounced as free-thinkers. These fears led to answers by such scholars as Dr. Bentley, and the work went on. What is the result now? We have a better text than the Westminster divines had, and we know what passages—they are not many, probably not above a five-thousandth part of the text—are of doubtful authority as regards the sense. For example, no one now is alarmed to hear from any pulpit or elsewhere the statement that the texts which I am now to mention are of doubtful authority. In the fifth chapter of John, the fourth verse, describing the descending of an angel into the Pool of Bethesda, is not in the best manuscripts. The same remark applies to the narrative of the woman taken in adultery, in the seventh and eighth chapters. This passage, it is almost certain, was never written by John, and if it be a genuine part of the text at all, it ought probably to appear in the Gospel according to Luke. Similarly the 37th verse of the eighth chapter of Acts and the verses in the fifth chapter of the First Epistle of John about the three that bear record in heaven, are of doubtful authority, and no one would rely on them as certainly a part of the text.

Has any harm been done by this investigation leading to such results? Certainly not! But popular ignorance does not know these things, and gets panic-stricken when any one speaks of doubtful passages in the text of Scripture. To illustrate this ignorance, let me tell a circumstance that occurred in my own experience not long ago. I was conversing with a deacon of this Church—a professional man, intelligent and well educated in other respects, but who, as it happens, had not directed his mind to this subject. We were talking of a text in Scripture, when I remarked that it was not in some of the best manuscripts, and that its genuineness was in consequence doubtful. To that remark my friend replied, quite innocently, "Why don't they look at the original manuscript and see if it is there?" I do not need to tell this meeting that no manuscript earlier in date than the fourth century is known to be in existence.

Now, will any one who knows anything of the subject say, in view of these results, that there is no room for further light on the text and meaning of the Scriptures, especially of the Old Testament. The mere fact that Professor Smith found and has had to deal with serious difficulties in connection with both the text and interpretation of the Old Testament proves the contrary. Professor Smith found in existence the difficulties referred to. He did not invent them; but he, as a believing critic, or, in other words, a Protestant, has tried to remove them. He may be mistaken in his attempted solutions, and if so, this is surely capable of being proved by argument. This has not been done. But, at all events,

Professor Smith, in making these efforts, is within the right of every Protestant to exercise private judgment.

In consequence of their failure to prove by regular argument that his conclusions are erroneous, it is now proposed by his opponents to come down upon him with the iron hand of church authority and close his mouth. That is, it is proposed to close up all investigation on the lines in which he has been moving. Well, if that be done, all I have to say is that we are on the road to Romanism. In the good old times, when a man wrote a book that could not be conveniently answered, the method adopted was to have the book burned by the common hangman, or the writer himself was burned or had his head cut off. Nowadays a different mode of procedure is adopted. A man is threatened with the loss of status and of salary by the chance votes of panic-stricken partisans. This is just another form of persecution, but it is persecution none the less. How long will it be before men learn that the true way of dealing with erroneous opinions is to answer them?

The other particular in which I wish to point out that the settlement of 27th May last was satisfactory, is that it rejected a new standard which is sought to be imposed upon the office-bearers of this Church. It will be remembered that even in the Assembly of 1878, in Glasgow, Sir Henry Moncrieff was obliged to go beyond the Confession of Faith in order to carry the relevancy of the one remaining limb of the originally many-limbed libel against Professor Robertson Smith.

This appears more clearly now from Sir Henry's admissions immediately after the judgment of May last. In the first of his additional reasons of dissent he was compelled to admit that the libel served on Professor Smith was "not a libel for heresy strictly so called, but a libel for dangerous error tending to heresy by logical inference." In short, Professor Smith could not be convicted by the Confession of Faith alone. Accordingly, in the motion which was carried at the August Commission a new standard was invented and set forth as a test to be applied to his articles. This new standard is called "the accepted belief and teaching of the Church."

What is this new standard, and what are "the accepted belief and teaching of the Church"? I have signed the Confession of Faith, and I am ready to be bound and tried by it, but I am not willing to be bound and tried by an indefinite standard such as that now proposed. If we were to yield to this, we should be consenting to a breach of contract between the Church and ourselves, and I for one am not prepared to consent to be tied by any indefinite standard like this. In fact, when I ask what it means, I find that it is nothing more than words. There is not one of the men who have used it who could stand up and tell us what it really means.

But I have exhausted the time at my disposal, and cannot enlarge upon this head. The second part of the resolution follows naturally

upon the first, and requires no separate argument. I therefore conclude by again submitting the resolution for your acceptance.

Mr. WALTER DUNCAN, in seconding the resolution, said—After the speech to which you have listened, the duty falling to me need be nothing more than formal. But I wish to point out that the resolution gives a key-note to our meeting. Whatever sympathies we may have with Professor Smith, it is not as his friends, but as Free Church office-bearers that we are here. Nor are we here merely as those who have complaints to make. We are grateful for the decision by last General Assembly of a case which had for years disturbed the peace of the Church. But other things have occurred since then. Weeks had scarcely elapsed when agitation was renewed. That agitation, the haste with which it was resumed, and the manner in which it has been carried on, fill us with grave concern. And we owe it not merely to the interests involved, but to those who, opposed to us in view, are yet one with us in aim, to give voice to our anxiety. We do not underestimate the responsibilities of leadership. But it is easy to drift into danger which timely knowledge may avert; and it is well to recognize that not only is the peace of the Church again disturbed, but, in the opinion of many, even its unity may be imperilled.

Our reasons for concern are various. 1. The *haste* of the agitation. Is it not ominous that so immediately after a decision by the Supreme Court, discussion should be stirred in regard to what the Commission itself has termed “cognate views?” 2. Its *parentage*. Anonymous correspondence advertised the alarm, though other correspondence contributed its share. And though some presbyteries memorialized, frank admissions were made by honoured fathers that they moved only in deference to the alleged disturbance. Of the article which occasioned it they knew nothing. All this, too, while the College Committee looked on in calm repose, though composed of most competent men whose duty it is to act in any real emergency of the kind. Is it not matter for grave concern that questions of scholarship should be tossed into our church courts almost without inquiry, instead of being first considered by the best experts in the Church’s service? This new method does justice neither to scholarship nor to Presbyterianism. The old is better. 3. There are other novelties that give us concern. Among these, one is the way in which our professors are spoken of. Called by the Church to fill places of responsibility and influence, they need her sympathy and are entitled to her protection. We gladly yield the respect due to gray hairs and long service, but the professoriate, too, has its claims. How are they met? Has it not been increasingly common of late to see in presbyteries and elsewhere those who regard the professors as a kind of target at which every vagrant archer may shoot an arrow and go his way, as if shooting arrows were either a pastime or a pleasure?

Few men who have candidly considered the article which has furnished occasion rather than cause for the renewed agitation,

and who pay any attention to correspondence in the public prints, or to pamphlets which are circulated with a freedom which indicates supply out of all proportion to demand, can avoid the inference that the alarm prevailing in the Church is largely the offspring of uninformed, or it may be misinformed, earnestness. It is pleasanter to assume want of knowledge than to infer want of candour, and our choice lies betwixt these two.

On all sides we seem to be living amongst spectres. There was one in the Presbytery no further gone than yesterday, and it has been put upon me as a duty to refer to it. My esteemed friend Mr. Wells made a most impassioned appeal for light, offering even to sacrifice any atom of official influence he possessed if only Prof. Smith would frankly give it, and such sacrifice were necessary to stand by him. But he also went on to depict in strong language the distress to ministers, and dispeace and disturbance to kirk-sessions and congregations, resulting from some dangerous petition obtruded upon them by certain people he terms "emissaries." (Extracts from his speech and the requisition addressed to Prof. Smith, since published, were here read.)

You will observe Mr. Wells is emphatic. He usually is; and I at least pay a willing tribute to his singularly clear and forceful style. But he is labouring under some entire misapprehension. He wants light, as we all do. And yet, will it surprise you to hear that, according to the best information I can get, Mr. Wells has *not* yet signed the requisition? On the contrary, it looms before him as a spectre, stirring only his indignation and alarm. There must be some explanation for this. Every one knows that the eye when accustomed for years to a uniform but subdued light loses the power of contraction, so that sudden exposure to noonday produces temporary blindness. Mr. Wells has been studying the constitution, and he tells us that he passed from a state of complete ignorance in the beginning of November to full knowledge at the end of it. Has his usually clear vision suffered from a transition so great and so rapid?

There seem to be spectral forms all about us; and it is no wonder that timid people are afraid. Light is the only cure. In my school-days I knew a gamekeeper very zealous in his master's interest. Early one winter morning he got his eye on a poacher whom he had long suspected. There he was, standing in the field behind the farmhouse. Wishful to detect him in the act he watched him patiently. It was evident they were watching each other, for neither moved. The hours passed: and you may think that the gamekeeper would have gained his end—besides dispelling any doubt that may have crept over him—by at once securing his prisoner. But why should he? The conviction that is bred of zeal and twilight is seldom troubled with doubt. So he waited on; and when the morning broke the farmer's pump stood revealed before him. What seemed a gun under the poacher's arm was only the pump-handle! Which thing is an allegory.

Differences of opinion there must be. Were it otherwise this probationary life would lose a large part of its needful discipline. And the reasons are plain. Knowledge is imperfect. We see through a glass darkly. There are many shadows. All the more reason that we should welcome the light, and walk in it, and wait for more until the day dawn and the shadows flee away.

Mr. WARR said—The resolution which has been intrusted to me is in the following terms—“That while expressing no opinion upon questions of Biblical criticism, this meeting regards the action of the Commission which met on the 11th of August and on the 27th of October, in connection with Professor W. Robertson Smith's case, as contrary to the principles of justice, and to the customs of the Church.”

Sir, I hold that the crisis which we are met to consider involves a question of much greater interest than the guilt or innocence of Professor Smith with regard to the charges, or rather insinuations, which have been levelled against him; not that we as laymen, or office-bearers of the Church, can be or are indifferent to the vital issue which has been raised, and which, for the good and comfort of all, must sooner or later be settled; but because we can discover in the rash and unconstitutional method of procedure which, in an evil moment has been adopted, a spirit of innovation, which, if not checked, will go far to sap the very foundation of Presbyterianism, and to place, not Professor Smith only, but every devout inquirer and searcher of God's Word at the mercy of an unreasoning panic and temporary majority. And let me here say, that I fully avow the good faith, and recognize the great services to the Church at large of many of the fathers and brethren whose conduct, in this case, we feel it our duty to impugn. The truth of Scripture is a matter of the first moment to us all, and when that is thought, rightly or wrongly, to be imperilled, we can well understand the grave anxiety and overwhelming fear which are apt to overtake good and even learned men. With that anxiety and almost passionate zeal for the Word we can all sympathize, and to some degree share in the feeling; but all the more and just because of this natural and inevitable prejudice which must spring up when the mere charge of heresy is announced, should we see to it that the truth itself is not being after all sacrificed to popular clamour, and that the very safeguards which the Church has in her wisdom erected for the protection of her dearest liberties are not ruthlessly set aside.

And that is precisely what, with sorrow I say it, seems to have been done in the present case; for let us calmly consider what is the law of the Church, and what has really taken place. The law of the Church provides by the Act of 1707 that all processes against a minister are to begin before the Presbytery to which he belongs. They alone have primary jurisdiction. I have also the authority of Sir Henry Moncrieff for that statement. Further, it is the established practice and law of the Church that every judicial process of a serious kind can be carried out against a minister only by way

of libel. This also is the dictum of Sir Henry. Now the libel against a minister may be prosecuted either by the Presbytery, or by another party outside the Presbytery. If the Presbytery are themselves the prosecutors, they must decide the question of relevancy of the libel first, and serve it as a relevant libel. Before, however, considering the relevancy, the accused must be summoned to meet upon ten days' free notice, and a copy of the libel must accompany the summons. In this way the minister not only receives timely notice of the proposed charge, but has an opportunity of explaining his views and vindicating his position, and he may, if he is dissatisfied with the resolution arrived at, dissent and complain. On the other hand, if any party other than the Presbytery is the prosecutor, the libel falls to be presented to the Presbytery, who may, if they consider proper, order it to be served, but in that case the relevancy is not considered until after the service. Here again, however, the minister still being a member of court, has an opportunity of seeing the charge and explaining his views, for he is not a party at the bar until after service. There is this further important provision, namely, that after a resolution to serve a libel upon a minister has been passed by the Presbytery, he ceases, *ipso facto*, to exercise the functions of his office, both ministerial and judicial. Again it is the undoubted right of any accused member to have his case reviewed and considered on appeal, first by the Synod, and secondly, as a court of last resort, by the General Assembly. The only difference in the case of a professor is, that by an Act of Assembly it is the special function of the College Committee to prosecute in any case of heresy; but, as in the Act, the rights competent to all parties according to the laws of the Church are reserved, I hold it was quite open for any third party, such as Dr. Adam, or anyone else who might feel himself aggrieved or called upon, to commence proceedings. Now these are very important provisions alike for the safety of the Church, that they may not be led into rash or ill-considered proceedings, and for the safety of the party who may be accused. And such being, so far as I can gather, the existing law of the Church, let us consider how far it has been followed in the present instance, and if not followed, by what authority and for what good purpose a different course has been pursued.

I take it, sir, that the Commission in August last, when, on the representation not of his own Presbytery, but of other Presbyteries which had no authority over him whatsoever, they appointed a committee to examine the writings of Professor Smith and to consider their bearing upon the accepted belief and teaching of the Church, with power to report to another special meeting, and cited him to appear for his interest, were originating, at their own hand, a new process involving, or at least with a view to, discipline,—and although I have looked carefully, I can find no authority for such a step in the law or customs of the Church. In the first place, they were usurping the powers of the inferior court, who

alone have primary jurisdiction. In the second place, the Commission is not a fixed court in the constitution of the Church at all, and depends entirely for its existence, and for every item of its authority, upon a special act of the Assembly passed every year. Moreover it is expressly provided that the Commission cannot take up any cause not specially referred to it. For this dictum I have again the authority of Sir Henry. Accordingly Professor Smith having been, by the judgment of the last Assembly, restored to his office and absolved from the previous charges, it was, in my opinion, beyond the power of the Commission to originate a new charge, and invent a new system of process specially for the occasion.

I am aware that there is an attempt to get a foothold of law for such a procedure in the power said to be vested in the Commission of adverting to matters of public interest, but with that I shall afterwards deal. Meanwhile mark what follows! A committee is appointed—as to its composition I do not stop to inquire; and then a sub-committee is appointed to prepare a draft report—neither do I stop to inquire as to the constitution of that sub-committee, regarding which, however, I notice Professor Lindsay dissented. And my first remark is as to the extraordinary resolution of the committee not to allow Professor Smith to be present, or to invite him to confer with them. That seems to me not only to be a violation of the law of the Church, but of the ordinary principles of justice. They were there to inquire into the meaning and bearing of Professor Smith's writings, and they excluded the only one who could explain and allay their uneasiness and alarm. I have heard this excused on the ground that it is quite open for the Church to appoint a committee to examine the writings of a member, and to put their own interpretation upon such writings, apart from his intended meaning and outwith his presence. I do not dispute this, if in so doing they intended merely to make their report a basis for proceeding in the ordinary way by libel; but when, as in the present case, they made it a step of process with the view to discipline, they were bound, in my view, in common honesty, to hear and confer with the accused. But that was not all. Having, in the face of what they term uneasiness and alarm, done nothing for two months, the committee prepared their report at the last moment, and then citing Professor Smith to appear for his interest upon the 27th October, they handed him in open court a copy of the formidable indictment, and also of a resolution condemning his views, and virtually suspending him from the exercise of his dearest Church privilege, thus practically asking him to say why sentence should not be pronounced against him. Why, that is the question that is usually addressed to a man who has been already tried and convicted, and it is difficult to say whether one is more amazed or saddened at the spectacle. I am setting aside for the present the noble answer which that wondrous scholar gave to the unexpected call. It had no right to be demanded of him at the time and in the manner in which it was; and when, in almost

indecent haste and without an answer, they passed their rash and incompetent resolution, there closed one of the saddest chapters of our Free Church history.

I have said incompetent resolution, for as I remarked before, no remit had been made by the Assembly to the Commission to deal with any such case in such a manner. No doubt, and this is the so-called ground of justification, the Commission is empowered, when anything of public interest occurs, "to advert to the matter, and to see that the Church do not suffer, or sustain any prejudice which it can prevent;" but that is a widely different thing from setting aside all the ordinary rules and safeguards of the Church, and, without inquiry, or at least sufficient inquiry, pronouncing judgment. "Advert to the matter!" What does that mean? Can it mean anything else than this, that, having their attention drawn to any important question or interest, they were in a constitutional manner to follow it up, and in the present case to draw the attention of the Presbytery or the College Committee to the *fama*, with the view of expiscation of the truth and fair trial of the accused. Instead of that,—and that was all the power they had,—and in marked contrast and in opposition to the anxious provisions in the laws and forms of our Church, for the careful consideration of any charge, and against doing any injustice to a member, they assumed an authority which, in the opinion of many, would scarcely be covered by the *nobile officium* of the General Assembly itself, and recorded a judgment which, for the honour of the Church at large, should not be allowed to stand.

Sir, I have noticed in the recent discussions two precedents quoted in support of these extraordinary proceedings. The one is the Culsalmond case, and the other the Marnoch case. Let me for a moment deal with these; and at the outset I cannot help remarking that it is an ominous circumstance that the supporters of these proceedings require to go back to the sad and troublous times of the Establishment to find what they consider support. And it is pleasing to think that at any rate during the existence of the Free Church no case has occurred which can give them the slightest encouragement or warrant. But do the precedents help them? I think not. First, in the Culsalmond case, the majority of the Presbytery, not only against the declared law of the Church, but against the will of the majority of the communicants and in the face of an appeal to the Synod, proceeded to induct Mr. Middleton the presentee. The minority of the Presbytery appealed to the Commission, and they, dealing not with a duly-appointed minister, but with one who, in the eyes of the Church, was defying the law which he as a minister was bound to respect, took the temporary charge of the parish, and enjoined the presentee to abstain from doing duty. In doing this the Commission did not suspend a minister from his charge, for he had no charge, and all they did was to preserve the *status quo* in the parish pending the appeal to the Synod and the due consideration of the objections

which had been lodged against the presentee. But is that at all analogous to the case of Prof. Smith? In the former case it was simply an administrative act of the Commission, probably then within their competency, to prevent, so far as they could, the Church suffering prejudice from the illegal and contumacious action of one who was defying the law of the Church, and who was not in their eyes the minister of the parish at all; and in the other case it is the Commission originating a case of discipline, and in the exercise of that discipline suspending a minister—a professor—from the exercise of an office to which, admittedly, he has been duly appointed, and of which he cannot and ought not to be deprived except according to the ordinary rules of the Church.

Again, in the Marnoch case, the Strathlogie ministers who were suspended had not only declined to obey the lawful instructions of the Church, but in defiance of these orders had proceeded with the intrusion of Mr. Edwards; and the point attempted to be made here is that as the Commission at a special meeting suspended these ministers, so it was competent for them in October last to instruct Prof. Smith to abstain from teaching; but the cases are not parallel, for the Marnoch case had been the subject of consideration in the previous Assembly, and they had specially remitted the whole case to the Commission, with full powers to do everything they did. Indeed that this was the case is evident from what took place in the subsequent Assembly, when the authority of the Commission was challenged. For the issue then raised was whether the remit covered what had been done, and the Assembly decided in the affirmative. Instead, therefore, of the Marnoch case being a precedent in favour of the present procedure, it is a direct authority against it, and substantiates this, that the Commission require a special remit from the Assembly before dealing with any new cause.

You will notice that my resolution does not express any opinion regarding the soundness or unsoundness of Professor Smith's views, and is entirely confined to the action of the Commission. What we ask, and what we as office-bearers are entitled to require, is that in this age of searching inquiry and perplexing doubt the light should be let in and not excluded, and that when the enemies of our Christian faith are assailing us with arguments on many points of doctrine and scripture, we should have the chance, at least, of hearing the answers which the competent ministers and professors of our Church have to offer us for our comfort. I for one feel my strong need of such assistance; and when, in a reverent and conscientious spirit, one of our teachers is, amid the darkness incident to our lot, reaching towards the light, and trying to point the way, I must decline, and I ask you to decline, under whatever pretext the plea may be presented, to be a party to his summary condemnation, in the vain hope of conserving the truth by foolishly stifling inquiry.

Mr. ROBERT RULE said—You will have observed that the

resolution raises two questions, the one relative to an individual office-bearer, the other relative to the Presbyterian government of the Church.

The first question may be put thus: Was the procedure of the Commission characterized by justice to the office-bearer with whom it dealt? And the second: Did the Commission respect the right of the Presbytery to be the court of first instance, according to the customs of the Church?

Now we all know, and we all glory in the knowledge, that in our civil and criminal tribunals the principles of justice underlie the forms of procedure at every step—that these are designed with a special view to protect from an arbitrary judgment on the one hand, and the power of an impatient prosecutor on the other. When a case has been conducted according to these forms the judge applies the law according to the evidence led, and this is what we know by the name of justice in our system of jurisprudence. But in our ecclesiastical courts we have a right to expect not only this, but something more. Parties are here tried by brethren, and are entitled to brotherliness as well as legal justice. And this is no mere sentiment, but an essential part of justice, especially in administering laws which are not codified, as in the American churches, but are in great part traditional.

Mark, then, the significance of the question raised in the resolution. It is not, "Were the proceedings of the Commission characterized by brotherliness?" but bare "justice." Now, I submit that this is demanding for Professor Robertson Smith less than he is entitled to. There is much difference of opinion as to whether he got bare justice, but I have never heard one voice raised on behalf of the Commission to say that he was treated with justice plus brotherliness. Therefore in the only sense in which the Church of Christ is at liberty to interpret the word, as applied within her courts, he did not get justice.

Take these instances. In the Assembly of 1839 a debate on the non-intrusion question, led by Dr. Chalmers, issued in the appointment of a committee to confer with the government. When the names of the committee were read next morning it was seen that all parties in the house were represented. Even Dr. Cook's was there, until he requested it to be withdrawn. But there was no such liberality shown in our August Commission. True, the minority were allowed to add such names as they chose to the one-sided committee nominated by Dr. Wilson, but that allowance was practically withdrawn by the subsequent appointment of a sub-committee entirely one-sided, and who became responsible for the condemnatory report submitted to the October Commission. But especially was unbrotherliness manifested in refusing to confer with Professor Robertson Smith, in defiance of the law of the Church, for which in this instance we can give chapter and verse, in Matthew 18th and 15th.

We do not say there was injustice done to Professor Smith by

the Commission taking up the memorials. Some step was necessary to allay the alarm alleged to exist—and this is the central pivot round which the whole circle of discussion revolves,—what was to be done? Surely to decide first whether this was the old case. If so, it was closed by the deliverance of last Assembly. But if not, and it was decided that new matter had emerged calling for fresh punitive and repressive measures, then the answer should have been the dignified one given by the town-clerk to the shouting multitude in the theatre of Ephesus, “The law is open, and there are deputies, let them implead one another,” which being applied to the present case would read—“The Presbytery of Aberdeen is open, and there are Commissioners, let them deal with the matter.”

To bring out the irregularity of the proceedings which actually took place in the Commission, let us suppose the new articles complained of had been written by another delinquent, say a member of the Presbytery of Glasgow, and the Commission had proceeded to suspend him from office, without any form of trial, till the meeting of Assembly in May, would not that same Presbytery, which yesterday decided there was no injustice done to Professor Smith, have risen to a man to rescue their brother from so summary an injustice? I beg to second the resolution.

Professor M·KENDRICK said—Mr. Chairman and gentlemen, the resolution that has been intrusted to me is as follows:—“That, by straining the constitution of the Church, as has been done in this case, the position of every office-bearer has been threatened and rendered precarious, the time-honoured forms of our Presbyterian government have been brought into discredit, while ground is given for the reproach that a Church free from State control is unable to conduct her affairs in a grave crisis with due regard to the principles of justice.”

I would have been glad had this resolution been allotted to one with more experience in ecclesiastical affairs than I have had, as the cause I have to plead may suffer in my hands, not, however, from any inherent weakness in itself, or from any want of conviction on my own part of the justness of the issue. Had I consulted entirely my own inclinations, you would not have had to listen to me to-night, because the work I have to do takes me out of the field of discussion in matters of practical politics either in Church or State, except when a grave crisis occurs in the affairs of either. Then I consider it to be the duty of every citizen and of every churchman to take his fair share of duty and responsibility. When I was asked, therefore, to move the resolution I have just read, I at once complied, because, in my opinion, such a crisis in the affairs of our Church has occurred as to make it incumbent on every office-bearer and on every member to take his share in the conflict, and to do all he can to secure the victory of the cause he espouses. When a man feels that an injustice has been done to a member of his Church, that the principles of his Church have

been dragged through the dust, and that unless a vigorous protest be made there is the possibility of a similar injustice being done to himself, he must lay aside all feelings of personal convenience and come forward manfully to do battle in favour of what he thinks is a right cause.

You are all already so well acquainted with the recent proceedings in the case of Professor Robertson Smith as to make it unnecessary to describe them in detail. We are not here to-night to discuss the merits of the case. That must be postponed to a later stage of the proceedings. Whether we agree with Professor Robertson Smith in the criticisms of Scripture he has put forward or not, we are not here to discuss the question of whether his views are right or wrong, but whether he has been treated in accordance with the judicial rules of the Church, which are founded on the principles of justice; or, at all events, with the fairness and courtesy which we would all expect were we in a similar position ourselves. This view of the matter I am well aware will not satisfy some of our opponents. So convinced are they that the views given expression to by Professor Smith disturb what they term the peace of the Church, that they seem determined to check him in the meantime, and eventually to get rid of him, even by measures which may not be in entire accordance with the rules of the Church or with the principles of judicial procedure. They seem to think that a suspension of the order of judicial procedure, or, at all events, a grave alteration in the forms of procedure, is called for in the circumstances, and that Professor Robertson Smith should be dealt with in a summary way. They go on the principle that in the particular circumstances of the case the laws regulating the action of the Church may be strained to their utmost point of endurance, and, in the opinion of some, be actually broken, if only the person accused be condemned. Their position is that the peace of the Church is so seriously disturbed by the promulgation of the views of Professor Smith, even in the pages of an Encyclopædia used for consultation, and in the pages of a periodical read only by experts, as to call for extreme measures; it is to them a matter of the highest importance to prevent Professor Smith from teaching his students; he must be checked in some way in the meantime, and, if possible, be ejected from the Church. I can put no other construction on the words that have fallen from certain prominent men, notably by Dr. Kennedy of Dingwall, who has stated in very clear, if slightly coarse, terms what his party aim at.

Now, sir, I believe that such opponents are acting from a conscientious, but at the same time a mistaken, sense of duty. What is called the voice of conscience is not always right. If it were, many of the bitter disagreements of mankind, especially in matters of religion, would not have occurred. In the history of the Church there are many examples of unjust and cruel things done in obedience to what were believed by their perpetrators to be the dictates

of conscience. The light of conscience in such a case as the one we are considering can only be a trustworthy guide when it acts upon a recognition of ascertained facts and in accordance with the principles of justice. If conscience leads a man to do what is unjust, if it causes him wilfully to shut his eyes to the evidence of facts clearly ascertained, then it is a wrong guide. It seems almost unnecessary to say that our opponents are conscientious and honourable men, but still it must be said, as their actions may have an interpretation put on them of a different kind. In the affairs of private life we would find them to be gentlemen, and we cannot believe that in the management of the affairs of the Church they do not try to sustain the same character. If this were possible; if it could be that men having a notable place in the Christian Church were actuated by improper motives in a public matter affecting the Church, and did things deliberately in a high-handed and tyrannical way, I confess this would be a severe blow to my conception of what a Christian man should be, and I would also have grave doubts as to the soundness of our present ecclesiastical system. I cannot but believe, however, that those leaders of our Church who have taken up a position of antagonism to us are actuated by good motives; they fancy they are to save the Church from the inroad of what they regard as dangerous views of holy Scripture; they think the peace of Christians is disturbed, and that the energies of the Church are diverted from their proper work; and therefore they are prepared to take extreme measures to put down the disturber of the peace.

My position regarding these men is that in so acting they have made a most profound mistake. I acquit them of any desire to be unjust, but, in their mistaken zeal, they have been unwittingly so, and they have done a grievous wrong, not only to the individual specially implicated, but to the Church at large. And I am sure it is a matter of deep regret to us all that men who, by their age and experience, by their long service in the Church, by their connection in some cases with the early struggles of the Church, now matters of history, and by their character as able ministers and laymen, men who should have led the Church through this grave crisis with calmness and dignity, with a sense of justice and fairness, have failed us in the hour of panic and alarm, and have resorted to measures of which we cannot approve. Instead of being our guides through this troublesome matter, they have lost their way and have led us into difficulties of the most intricate kind, and, besides, they have compromised the position of the Church in the eyes of all fair-thinking men. I cannot help expressing my feeling, that had we at the present juncture the presence of Thomas Chalmers, with his breadth of view and eloquent persuasiveness, or of Robert Candlish, with his mental perspicuity, logical acumen, and sense of rightness, we would never have been in the present difficulty. Such men would have been strong in a time of panic, and they would have guided the Church in a spirit

of fairness and of liberal dealing. Our deep regret is that their mantle has apparently not fallen on those whom we naturally looked upon as their successors.

What, sir, is the present state of things? One of the professors of our Church has stated briefly some of the results of modern criticism regarding the Bible in an Encyclopædia, which is supposed to be a work to which anyone can refer for the most recent opinions on any subject. In any other topic except such as relates to theology, no one would suppose for a moment that the author of the article accepted, or put forward as his own, the statements he makes, but would take it for granted that he was endeavouring to hold up a mirror to reflect the best and most accurate opinions of the time. In such a work, also, brevity and conciseness of style are expected, and complete proof of any statement made cannot be given. The professor is taken to task for the opinions stated in the article. They are assumed to be his own opinions, and after a long and protracted trial, in which the case is buffeted from one court to another, backwards and forwards, by the ecclesiastical battledore for several years, at last it is decided virtually in the professor's favour. I use the word virtually by choice, because there is no doubt of the fact, and I think we ought courageously to recognize it, that the result was largely owing to special circumstances; and that had our opponents seen eye to eye, the result might have been different. This fact largely accounts for their determined hostility now; they wish to retrieve the ground they lost on that occasion. At all events the professor was practically absolved. He was acquitted; he was admonished to be judicious in the future as to the promulgation of statements of an unsettling character; he took the admonition in good part, and after a short speech, which was natural, indicative of deep personal feeling, showing a grateful spirit, and breathing a desire to do in the future what was best for the good of the Church, the case came to an end.

Next morning, when the newspapers spread the intelligence far and wide, the feelings aroused were mainly of two kinds. Many were disappointed and were deeply grieved at what they looked upon as a retrograde movement of the Church. These were our opponents. But even they probably thought that the case was at an end, and that the troublesome professor had got such a lesson as would keep things quiet for some time to come. On the other hand, many rejoiced. They felt that whether or not the professor's views were correct, something had been gained in the direction of freedom of personal opinion for every office-bearer, and more especially a certain latitude in critical matters to our professors, who are not only the teachers of our youth, but our investigators into all matters of Biblical truth. This feeling was not confined to members of our own Church; it was shared in by members of many other churches. It is surely a significant thing that, whatever may be our ecclesiastical differences, liberal men of all churches find a common platform in searching after the truth; and come from

whatever quarter it may, the truth, or what in the judgment of men is accepted as such, will be hailed with joyous acclamation, and any attempt to suppress it in any church will at once be resisted by all men of right feeling in other churches.

But this period of comparative repose was unfortunately destined to be soon disturbed. Within two or three weeks after the date of the last meeting of the Assembly, another volume of the Encyclopædia was published containing new articles written by Mr. Smith. These articles were written some time last year, and I believe they were sent in to the editor of the Encyclopædia in October, 1879. As corrected by the author, they were of course incorporated in the volume, and at the time of the deliverance of the General Assembly, although they were not published, they were absolutely beyond his control. On the deliverance of the Assembly, though he had gone straight from the Assembly Hall to the office of the publishers and had requested them to exclude certain articles which might be obnoxious, this proposal could not have been carried out. I have ground, indeed, for believing that at that very time the volume had actually reached America.

But two questions will be asked—(1) Why did Professor Smith write such articles whilst his case was under discussion? and (2) why did he not refer to them when he accepted the deliverance of the Assembly? Now, it is more easy to ask these questions than to answer them; and I observe that our opponents put a most ungenerous construction on Professor Smith's conduct. To answer them satisfactorily is to suppose that Professor Smith was constantly on the alert for all possible contingencies, and arrayed the chief affairs of his life with reference to these. When he wrote these articles he may not have contemplated the possibility of their being reviewed by the Church, because, if the case were decided against him, they would not come under the jurisdiction of the Church; and if, on the other hand, it were decided in his favour, he might naturally expect that nothing more would be heard of the matter, especially as nothing was stated in these articles which was beyond what might be found in the first articles, or inferred from these. Or the case may be put in another way: either the views contained in the first articles were in accordance with the Standards of the Church, or they were not. If it were decided by the Assembly that they were not, then Professor Smith knew that he would be beyond the jurisdiction of the Church as regards the second articles, because they would be published after the meeting of Assembly. If, on the other hand, the Assembly decided that the views in the first articles could be held by Professor Smith consistent with his position in the Church, then he might reasonably expect he would not be tried over again for the publication of another series of articles containing views of a similar kind to those in the first.

But, sir, the momentous time came when he was at the bar of the Assembly after the declaration of the vote; he heard the words

of the moderator, and replied to these. Why did he not advert to these articles then? I know nothing of Professor Robertson Smith's feelings on that occasion; but I can readily conjecture, in a most natural way, what they may have been. His mind was filled with thankfulness that at last the Church had practically acquitted him, and he looked forward to his proper work at the college at Aberdeen with buoyancy and hope. He grasped the position, and in a few brief sentences indicated his conception of what he had yet to do in the service of the Church. If you think of the circumstances in which he was placed, and in the light of all that happened previously, you will have little difficulty in understanding why he made no mention of the articles at this time without construing his conduct into an act of contumacy, as has been done by the Commission. So far as he was concerned at that time, the thing had been done, and could not be recalled; on the decision of the Assembly, I think he had a reasonable ground for assuming that no further action would be taken in the matter, and that consequently the wisest thing he could do was to hold his peace. Had he done otherwise; had he then and there stated that other articles were about to be published, I am quite at a loss to say what would have happened, particularly as the Assembly had committed itself before it gave him the opportunity of making a statement.

But, sir, suppose for a moment that Professor Smith had stated at the bar of the Assembly that whilst he accepted the decision thankfully, and hoped in the future to engage in work of a kind not likely to cause controversy, he was sorry to inform them that other articles might shortly appear which, although of a similar kind to those they had just been considering, would probably give offence to some of the brethren. Suppose he had said this, what could the Assembly have done? It could not reverse the decision it had just given; it had no power to do that. But even supposing it had reopened the case, it could do nothing with the forthcoming articles until they were published. Altogether, sir, I think Professor Smith acted prudently in saying nothing about them. At all events, his conduct is capable of a generous explanation without a charge of contumacy being hurled against him, and I am convinced that throughout the whole of this part of the transaction Professor Smith acted in perfect good faith.

In a short time the articles appeared, and a hue and cry was set up through the whole country, "Here is the irrepressible Professor again!" Immediately a number of men in various Presbyteries, smarting under the defeat they had so recently sustained, moved their respective Presbyteries to approach the Commission with reference to the case. They were successful in this move, although it might have been possible to have sent in to the Commission representations from many other Presbyteries requesting it to do nothing in the matter. The Commission met and appointed a committee "maturely to examine" the writings of Professor Smith.

“and the letter of Professor Smith, and to consider their bearing upon the accepted belief and teaching of the Church;” and “to report their opinion and advice to an *in hunc effectum* meeting of Commission,” &c. This Committee of Commission appointed a sub-committee to look more specially into the writings of Professor Smith, and to report to the committee. The sub-committee reported to the committee, condemning Professor Smith’s writings, and this report the committee adopted subject to the protest of certain members of committee. The committee reported to the Commission, and the Commission adopted the report, and after hearing Professor Smith, passed a resolution condemning all his views, and at the same time “instructing” him not to teach his class during the approaching winter, which practically meant suspension from his office.

These are the general facts, and at first sight, and as stated in a general way, as I have done, they seem to indicate a fair line of conduct. But unfortunately, when we scrutinize them more carefully, we find that throughout the whole proceeding every ungenerous advantage was taken of Professor Smith which could be devised by men who strained the forms of procedure for this purpose. Instead of approaching the matter with judicial fairness; instead of the leaders of our Church suggesting the formation of a committee to investigate the articles complained of comprised of men from all sides of the house—of men likely to represent various shades of opinion regarding the matters under dispute, and of men who, by their learning and training, were fitted to judge as experts of their soundness or unsoundness—they showed the spirit of bitter partisans from the first movement, and nominated as members of committee men who were notoriously against Professor Smith, and who would have had no difficulty in bringing in a verdict of guilty in a quarter of an hour. No doubt Sir Henry Moncrieff asked Mr. Smith’s supporters to nominate members presumed to be favourable to Professor Smith, and this was to some extent done. But I ask, sir, why was the matter entered on in this spirit at all? Why was the jury, and I must say the bench, packed in this way? Why did they not enter on this business with a desire to get at the bottom of it, and to advise the Church after the fairest and fullest deliberation?

But without going over all the steps of procedure, you will remember that this committee appointed a sub-committee, in which there was no friend of Professor Smith’s; that no opportunity was given to Professor Smith to explain or defend his views; that no conference was held with him in a spirit of brotherhood such as should exist among Christian men; that when his friends dissented from the finding of the sub-committee, the printing of the dissents was refused; and that Professor Smith was furnished with the report of the committee on the very morning of the day when the Commission took up his case. Now, sir, I know that Sir Henry Moncrieff and Dr. Wilson have attempted to explain away these

facts. I do not think it worth while to enter into an examination of their explanations, as they appear to me weak and insufficient, and as I think a mere statement of what has been done carries its condemnation with it.

Now, sir, if there is anything of which we are proud in this country, it is the unspotted purity of our systems of judicial procedure. Our judges are men above suspicion, and our legal forms, which represent the accumulated experience of past and present generations, are all designed to give the accused a fair trial. Whilst the majesty of the law is held over us, and to it we must give obedience, we can with confidence appeal to it if we feel aggrieved. The greatest criminal, the man who may commit a crime the mention of which sends a thrill of horror through the community, has justice meted out to him. There is no haste in bringing about his trial; he is served with the accusation in proper form, and in proper time; he is furnished with a list of the witnesses who are prepared to testify against him; he is asked to make any personal statement or explanation in his own defence; he is held to be innocent until he has been proved to be guilty; he is tried by an impartial jury, and condemned or acquitted by a righteous judge. I ask the question, has the same justice been shown to Professor Smith? Certainly not. Such a high-handed method of dealing with an accused person as has been carried out by the Commission could not have happened in an ordinary court of justice; and more than this, I feel confident that if a civil court were appealed to in this case—a proceeding which, of course, would be inconsistent with our position as Free Churchmen—the verdict would be given against the Commission. It would be held that the terms of the contract between the Church and Professor Smith had been violated, and that he had not been fairly tried.

But, sir, there is still another aspect of the matter to which I draw your attention. We are Presbyterians. We are so because we think the form of Church government called Presbyterianism is in conformity with the Word of God, and because consequently it is a system likely to secure order and justice in the Church. When I first looked into the matter of Church government, and compared one system with another, I recollect well how I was impressed by the fairness of the Presbyterian system. Here is a system, thought I, by which a man will have a fair trial if he is accused of offending the laws of the Church. There can be no ecclesiastical tyranny on the one hand, nor democratic tyranny on the other. His case will be initiated in the humblest court, say in the kirk-session, and he can carry it on by appeal, if he feel aggrieved, from session to Presbytery, from Presbytery to Synod, from Synod to Assembly. I confess I quite overlooked the Commission, which is a court hitherto known chiefly to ecclesiastical lawyers, and to those deeply interested in such affairs. Well, what seemed to me the essence of justice in the Presbyterian system was that in it there could be no

high-handed dealing. No pope or bishop could deal with us in an arbitrary way; if we erred we should at least have a fair trial.

Now, if the proceedings of the Commission are homologated, my faith in Presbyterianism will sustain a rude shock. Its proceedings have been most arbitrary; and if we *are* to have an arbitrary jurisdiction perhaps we might, after all, be better off with an excellent and enlightened bishop, than with the dictation of a few elderly gentlemen whose zeal on behalf of the Church has outrun their discretion. But, sir, in the Free Church of Scotland we are, in common with other Dissenting bodies, in a more special condition. We hold that we can settle our own ecclesiastical disputes apart from the Civil courts. Surely that is an additional reason why we should be most careful in all our judicial proceedings, and give not the faintest shadow of a pretext for saying that we cannot be just. Had this case occurred in the Established Church of Scotland, although this could hardly have been possible, as some of our University Theological professors could probably not be suspended from teaching by the Church Courts; but, I say, supposing it had happened, the procedure of our Commission would never have been followed. Such unfairness, such a mixture of delay and of haste, such arbitrary dealing, could not have occurred. Professor Robertson Smith would there have had counsel to defend him, and you may depend upon it that if counsel had been supplied with a copy of the report of that committee only on the morning of the meeting of Commission, he would have at once craved for delay to prepare his defence, and it would have been granted.

Now, sir, if we take judicial procedure into our own hands, we must show that we can follow it fairly and without hardship to the accused. I feel strongly on this aspect of the case. I feel, sir, that our leaders have done the Church a grievous wrong by exposing her to the scorn of other Churches, and I think that in respect of their conduct they should be dealt with and admonished by the Presbyteries of the bounds in which they live. There is not much chance of that, I fear, but such is my opinion.

Sir, I have little more to say to commend the resolution to this meeting. I have studiously avoided entering on the merits of the question, but I wish to make an observation of a relevant kind. I wish to put the questions seriously before our leaders: Can the Church readily afford to exclude such a man as Professor Robertson Smith? Have we so many such that we can afford to lose him? How would his exclusion affect not only our other professors, but those men who try, however humbly, to discern the signs of the times? There are questions pressing on all thoughtful men in the Church and out of it, from the side of science and philosophy, which are apparently at variance with what we hold to be the truth. It will not do to ignore these questions, and to treat as castaways those who, in their silent moments, feel the pressure of them and yearn for an answer; indeed, I go further, and I assert

that such questions cannot be ignored. We must meet them courageously, believing that the God of Truth, the Source of all Truth and the Fountain of all Knowledge, cannot contradict Himself, and that the statements of revelation, and those given us by science, and those which are the product of the best of human thought cannot be irreconcilable, but that a true unity will be found pervading them all. To discover this harmony, this unity, and to reconcile men to accept what, from their point of view, they cannot at present accept, is surely a noble task. So to put the doctrines of our religion as to win over many noble and earnest minds to their acceptance is surely work to be encouraged by the Church.

Now, sir, I know of few more likely to do work of this kind than the man that some of our brethren would drive out of the Church. He commands the esteem of scientific and literary men; his splendid attainments and native power of mind, and I may add his goodness of heart, have won their regard, and to many of them, I daresay, it is a matter of surprise how he can be amongst us, because they think we are narrow and unsympathetic in our views. Professor Smith, and such men as he, were they only treated with generosity by the Church, are the men likely to help us in such matters; and can the Church afford to cast such men beyond her pale; nay, more, can the Church reconcile such an action with her duty to her Head? Not long ago Mr. Gladstone, in his address to the students of the University of Glasgow, pointed out in words of eloquence that in the settlement of some religious questions it would need all the aid the wisest heads and best hearts amongst us could give. With this sentiment I cordially concur, and I feel that the loss of Professor Robertson Smith would, in this respect, be a grave injury to the Church, not merely to our Church, but to the cause of Christian thought and enlightenment. Why cut him off from his moorings, and let him float away, we know not whither? Surely it would be better to keep him, in the firm belief that more mature scholarship will rectify what may be wrong in his views, and that time will only confirm what may be right.

In conclusion, sir, I would express the hope that the leaders of our Church will consider the meaning and import of this meeting. We are here as a body of laymen, in the enjoyment of what we hold to be our constitutional privilege in the circumstances, to protest against the injustice and unfairness of the Commission in dealing with this case. We do not ask Professor Smith to be condemned or acquitted; we ask only that he be fairly tried. If his views are inconsistent with the Standards of the Church, it is fair that he should leave us; but if they are not, as he has always alleged, then upon what ground, do I ask, is he to be expelled? Our leaders may depend upon it, that no high-handed measures, and no measures of mere expediency for the supposed good of the Church, will satisfy us. We wish justice to be done, and so long

as we remain in the Church we will do all in our power to see that it shall be done.

The leaders in the Church during the present crisis have a grave responsibility, and I believe they act under it. For those of them I happen to know my respect is sincere, and it has been always a difficulty with me to understand how such men could have acted as they have done. For example, the attitude of Dr. Begg towards these questions has hitherto been consistent. He is an uncompromising opponent; but up to this time one always knew where he was. I heard him denounce the expediency measure of last Assembly, and ask for probation or a fair trial of the case on the merits, and I honoured him for the straightforward way in which he spoke. What glamour has come over him now? But the man to whom I looked for help in this emergency was Dr. Rainy. Where is he, and what is he doing? I would earnestly trust that after such expressions of opinions as have been made to-night he will see it to be his duty to take up the position of leader of the more liberal party in the Church, and guide us through this perilous crisis. At all events, on him there lies a heavy responsibility, inasmuch as he is the man likely to clear up this difficulty if he will only try. But if he will not lead and exercise the legitimate power of his authority he will lose his great influence, and he will miss the opportunity of doing a great service to the Church. Come what may, he and all those in our Church who have taken a leading part in our affairs, now know that we disapprove of the actions of the Commission, because they are oppressive and unfair to Professor Smith, because they injure the reputation of the Church, and because they are fraught with peril to ourselves. The position of every office-bearer, and, indeed, of every member, is threatened if such proceedings are homologated and used as a precedent; and I call upon the laity of the Free Church of Scotland to rise as one man and repudiate the action of the Commission. Our opponents may depend upon it that they fight in a losing cause; they may be jubilant over a success in the meantime in Presbyteries, but time and the advance of human thought and enlightenment is against them, and they may rest assured that at all events the principles of justice we contend for in this resolution will ultimately be triumphant. Already there are signs of this. Of such signs we may say

“ They might not seem thy prophecies,
But spiritual presentiments,
And such refraction of events
As often rises ere they rise.”

Mr. JAMES MILLAR seconded the resolution.

Mr. JOHN MORISON moved—“That this meeting resolves to embody the foregoing resolutions with reasons in a memorial to the General Assembly, to be signed by office-bearers of the Free

Church in and around Glasgow, and appoint a committee for the purpose of preparing the memorial, getting signatures, and securing speakers to present and support the memorial at the bar of the Assembly, and to watch over further proceedings in the case, and take necessary action." He said—After the enthusiastic way in which the previous resolutions had been received it might be supposed that the object of the meeting had been accomplished; but this resolution went a step further, and proposed to give practical effect to them by taking prompt and decided action. They were not there that night to give expression to the effervescence of a mere passing excitement. The resolution committed them to keep the matter steadily in hand and to bring it before the Assembly. During the proceedings in the Glasgow Free Presbytery on the previous day, he heard one of the leaders challenge the right, or at least the propriety, of holding such meetings as this. Dr. Adam asked why laymen were holding meetings over the country, and why they were not content with the representation they had in the Presbyteries. He heard that with amazement, and he wondered if Dr. Adam had forgotten *The History of the Ten Years' Conflict*, or if he was willing to throw aside this great instrument that had been so powerful in former days in the hands of the leaders of the Church in creating and guiding a sound public opinion on such questions. He hoped the day was far distant when the laity of the Free Church would abandon this manner of letting themselves be heard, and hoped that in this instance they would make themselves heard in a very firm and emphatic manner.

Mr. G. W. CLARK seconded the motion.

All the resolutions were carried by acclamation.

The following gentlemen were named as the committee to carry out the terms of the fourth resolution:—Mr. James Campbell of Tulliechewan; Mr. J. B. Mirrlees (Lord-Dean of Guild); Mr. Jas. Stevenson, Dr. Anderson Kirkwood. Dr. W. G. Blackie, Mr. John M'Clure, Sheriff Murray, Mr. Jas. Arthur, Mr. A. S. Baird, Mr. Sam. Barclay, Mr. Gilbert Beith, Mr. Geo. W. Clark, Mr. Campbell Douglas, Mr. Jas. Drummond, Mr. Walter Duncan, Mr. Matthew Fairley, Mr. Alex. A. Fergusson, Mr. Peter Gardner, Mr. John Hart, Dr. M'Kendrick, Mr. Geo. M. Kerr, Mr. Walter M'Farlane, Mr. Jas. Millar, Mr. Alex. Mitchell, Mr. Jas. L. Mitchell, Mr. John Morison, Mr. Robt. Mowat, Dr. Patrick, Dr. John Pirie, Mr. Robt. Rule, and Mr. Alex. Watt.

Mr. CAMPBELL, of Tulliechewan, proposed a vote of thanks to Dr. Blackie for presiding, which being heartily accorded, the Rev. Mr. Scrymgeour pronounced the benediction.

The following is copy of the Memorial prepared by the Committee appointed at the meeting:—

To the Venerable The General Assembly of the Free Church of Scotland,
The Memorial of the undersigned Elders and Deacons of the Free Church
in and around Glasgow, Humbly Sheweth:

That your Memorialists desire to record their gratitude for the settlement of the case of Professor W. R. Smith at last General Assembly, and view with great concern the practical reversal of that settlement by a subsequent meeting of Commission.

That while expressing no opinion upon questions of Biblical Criticism, your Memorialists regard the action of the Commission which met on the 11th of August and on the 27th of October, 1886, in connection with Prof. W. R. Smith as being contrary to the principles of justice, and to the law and customs of the Church, in respect of the following among other particulars:

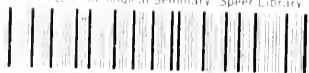
1. In respect they virtually originate a process against Professor W. R. Smith or certain writings of his, and remitted these to a Committee in which he had no standing, thereby ignoring the primary jurisdiction of the Presbytery of which he is a member, and where he could have availed himself of his constitutional right of defence.
2. In respect the Committee so appointed did not fairly represent the state of opinion in the Church, and remitted the construction of its draft report, notwithstanding protest, to a sub-committee all the members of which were known to be hostile to the writings of Professor Smith, and also refused to print the reasons of dissent by the minority along with its report.
3. In respect they approved "generally" of a report from this Committee, although it not only kept its proceedings secret from Professor Smith, but refused to give him an opportunity of explaining statements in his writings, about the meaning of which members of the Committee were themselves divided in opinion, and of which even the majority could only report that they were fitted to produce the "impression" that Scripture is not true and divine.
4. In respect they approved "generally" of a report which did not make direct charges, but condemned the writings on the vague ground of being fitted to produce certain impressions, and did so without giving the members of Commission time for the due consideration of the grave and difficult questions involved, or the accused a fair opportunity of explanation or defence.
5. In respect they proceeded without warrant and without form of judicial process to "instruct" Professor Smith not to teach his classes, thereby practically reversing the decision of the Assembly, though the Committee had avowedly dealt only with the writings as distinct from the author, and though the Assembly had fallen from a libel charging Professor Smith with what are admitted to be "cognate views."

That by straining the constitution of the Church, as has been done in this case the position of every office-bearer has been threatened and rendered precarious, the time-honoured forms of our Presbyterian Government have been brought into discredit, while ground has been given for the reproach that a Church free from State control is unable to conduct her affairs in a grave crisis with due regard to the principles of justice.

May it therefore please your Venerable Court, on these and other grounds, which your Memorialists crave leave to state orally to the Assembly, to express your disapproval of these proceedings and take such other steps as in your wisdom may seem meet.

BW5546 S65R4
Report of the speeches delivered at a

Convention of theological Seminary, Springfield



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