THE

PRESBYTERIAN REVIEW.

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I.

THE TEACHING OF OUR LORD REGARDING THE SABBATH AND ITS BEARING ON CHRISTIAN WORK.

ON several occasions during our Lord's ministry, the Sabbath came into special notice, and the record of His instructions on the subject, forms an important part of the Gospel history. Of thirty-three miracles, of which we have a detailed account, no less than seven were performed on that day, while another is supposed by many to be referred to in one of His discourses (John vii. 21–23), and probably there were many others, not specifically mentioned. Those specially recorded are, the healing of the impotent man at Bethesda, on the second Passover of His ministry (John v. 9); of the demoniac in the synagogue of Capernaum, at the commencement of His Galilean ministry (Mark i. 23–26; Luke iv. 33–36); of Simon's wife's mother, the same afternoon (Matt. viii. 14, 15; Mark i. 29–31; Luke iv. 38, 39); of the man with the withered hand (Matt. xii. 9–13; Mark iii. 1–5; Luke vi. 6–11); of the man born blind, who sat begging at Jerusalem (John ix. 14); of the woman with the spirit of infirmity (Luke xiii. 11–14); and of the man who had the dropsy, at a feast given by one of the chief Pharisees (Luke xiv. 1–4).

The number of these cases, as well as the whole circumstances connected with them, indicate that our Lord had important designs to serve by this procedure. To appreciate this, we must notice that all these cures were unsolicited. The people made no application to Him on the Sabbath. We read that on the evening of the same

III.

REVISED BOOK OF DISCIPLINE.

IN accordance with the order of the General Assembly, a copy of the "Final Report of the Committee on the Revision of the Book of Discipline" has been transmitted to every minister and session of the Presbyterian Church. This order was made that the completed work might be submitted to the consideration of the Church before action should be taken upon it by the next Assembly. It seems proper that, at this time, a statement should be made, on the part of the Committee, of the principal amendments that have been proposed, and also in explanation and defense of the work performed, so far as it has been seriously questioned or is deemed liable to adverse criticism.

As has been several times remarked on the floor of the Assembly and elsewhere, the Revised Book is the result of compromise—compromise not of principle, but of opinion as to what is expedient. It is probable that it is not precisely as any one member of the Committee, acting independently, would have it; and yet, with the exception of one gentleman, it is approved by every member who attended the sessions of the body.

As an illustration of the compromise referred to, it will not be out of place to make the following statement. It was the opinion of at least one gentleman that there should be an entire re-casting of the Book of Discipline, in accordance with the suggestions of the principal Overture on which the Committee was raised. The entire Overture is as follows:

*OVERTURE TO THE GENERAL ASSEMBLY.

The Synod of New Jersey would respectfully overture the General Assembly of the Presbyterian Church in the United States of America to consider the propriety of

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* This Overture, contrary to the usual course, was read to the Assembly before being referred to the Committee on the Polity of the Church. To this Committee two other Overtures on the same general subject were referred. They reported, recommending as follows (*see Report of Com. on Revision*, p. 5; *Minutes of* 1878, p. 70):

"That, without expressing any opinion on the particular changes proposed in the Overtures, a committee, consisting of six ministers and five elders, be appointed by this Assembly to consider whether any changes, amendments, or additions should be made in our present Form of Government and Book of Discipline, and, if so, what; and that said committee report to the next Assembly."

The bare reading of the Overture should convince any man that had the Committee on Revision reported an entirely "new book," they would not have gone beyond their powers.

appointing a committee to prepare a new Book of Discipline, to be considered by some future Assembly, and if approved by them, to be overtured to the Presbyteries for their adoption as a part of the Constitution of our Church.

The Synod would represent that, in their judgment, the present book is seriously faulty in the following respects:

I. It is *defective in general scope*.

The parts of a Book of Discipline (distinct from the enunciation of general principles, which in our book are exceedingly meagre) should, in the judgment of Synod, be *three*, treating respectively of—(1) Patriarchal; (2) Forensic; (3) Corrective Discipline.

The *first* of these, viz.: Patriarchal Discipline, relates to the watch and care which Sessions should exercise over the Church members committed to their charge, and the watch and care of Presbyteries over their members and the Churches under their oversight.

2. The *second*, or Forensic Discipline, relates to forms of procedure in courts of original jurisdiction where offense has been denied, or Patriarchal Discipline has failed to remove offense. It also relates to the modes of removing cases already decided in inferior courts, to superior; the nature of appeals and complaints, and the modes of procedure in reference to them.

3. The *third*, or Corrective Discipline, relates to Church censures and the modes of their infliction and removal.

The *first* of these, or Patriarchal Discipline, is altogether ignored in our standards. The sole reference to the subject is in Book of Discipline, Ch. II., 2., Par. 1, as follows: "Private offenses ought not to be immediately prosecuted before a Church judicatory, because the objects of discipline may be quite as well, and, in many cases, much better attained by a different course." That the *sole* reference of this clause is not to the *private* steps of one cognizant of an offense—that some patriarchal act of Presbytery or Session is alluded to—is manifest; and yet there is no declaration as to what that "different course" should be.

Corrective discipline, strange to say, is not at all treated of in our Book of Discipline. We must seek for all our Church declares on this important subject, in Ch. XXX. of the Confession of Faith, which treats of CHURCH CENSURES; and Ch. X. of the Directory for Worship, which treats of THE MODE OF INFLICTING CHURCH CENSURES. In neither of these, it may further be remarked, are *official* censures, viz., suspension and deposition from office, mentioned; and in the Directory for Worship no mention is made of the mode of inflicting the censure of admonition.

In conclusion of this part of the subject, it may be remarked that our book, lacking all mention of Patriarchal and Corrective Discipline, is little more than a book prescribing modes of process, appeal, and complaint.

II. In the second place, our book is *faulty* in that it is *redundant*.

Chapter VII., Sec. 1, which treats of General Review and Control; Ch. X., which treats of Jurisdiction; and Ch. XI., entitled Limitation of Time (with the exception of Art. 5), clearly belong to the Form of Government.

III. Our book is faulty in a third respect, in that it restricts too much the power of a court of original jurisdiction (Presbytery and Session).

It prescribes but *two* modes in which process can be originated—(1) by private accusation, and (2) by common fame.

The method by common fame is the only one open to the court. Common fame is thus defined, Ch. III., 5: "The rumor must specify some particular sin or sins; it must be general or widely spread; it must not be transient, but permanent, and rather gaining strength than declining; and it must be accompanied with strong presumption of truth." Our book well adds after the foregoing definition: "Taking up charges on this ground of course requires great caution, and the exercise of much Christian prudence."

Between the two modes of procedure—process by private accusation and by common fame—many offenders escape censure altogether, to their own injury and the injury of the Church. It scarce ever happens that an *individual* will institute process save in case of personal injury, and that for the following reasons:

1. In a large number of cases there is no individual, even when public rumor prevails, who is possessed of sufficient evidence of a crime to justify him in instituting process.

2. When individuals possess knowledge they are often unfit to prosecute. There are but few persons thus gifted. A private accuser, under the requirements of our book, must first see and converse with the offender (save where the offense is *public*); he must himself prepare and table a charge which he must be prepared to substantiate under the possible penalty of being himself censured as a slanderer; he must himself prosecute the case, examine and cross-examine witnesses, and sum up the case. Our book, be it observed, makes no provision for a counsel for the accuser, although it does for the accused. Should the accused be condemned and then appeal, the accuser becomes the appellee, and he must follow the appellant through all the mazes of the superior courts.

3. Of those who, by nature and training, are fitted to prosecute, few will incur the labor, vexation, odium, and often expense, of enacting the part of a private prosecutor.

4. The generally diffused idea in the community is that no prosecution, save for a *personal injury*, should be instituted by other than by a regularly appointed prosecutor. This idea is at once begotten and fostered by the peculiarities of our municipal systems, from which our people receive their ideas of the proprieties of judicial procedure.

IV. Our book is faulty in a fourth respect, in that in cases of common fame it requires a Session or Presbytery to enact the part of a *trying* court after it has performed the office of a *presenting* court. Under the article setting forth the law concerning common fame, Ch. III., 5, the court must first declare that a man is probably guilty before they can proceed to try him. This is against every principle of justice as it exists naturally in the human breast, and as it has been fostered by the immemorial practice of our municipal courts, which forbids one who has been a member of the grand jury that presents a man as probably guilty, to sit on the jury that tries him.

The only proper course, as it seems to the Synod, is, in all cases of forensic prosecution, to have the body to whom is committed the exercise of patriarchal discipline (Presbytery or Session), when they have found their efforts fail to remove an offense, act as a grand jury and present the case to the superior body (Presbytery or Synod). In such case the issue to be tried by a special court appointed by the superior body, the representative of the presenting court acting as prosecutor.

It was urged against the proposal to re-cast: that, however correct the positions taken in the Overture might be in themselves, it would be vain to expect the Church to adopt so radical a change. It was further contended that the expedient course to be pursued by the Committee would be simply to propose such changes in the existing Book as were manifestly essential to its clearness and logical consistency, and its effective use by our Church Judicatories. As this was clearly the view of the majority of the Committee, and as no principle was involved in the maintenance of the view contemplated in the Overture, its practical wisdom was recognized, and it was unanimously determined to proceed in the mode indicated. It will be perceived that the specific amendments proposed in the Overture, so far as they are amendments of the provisions of the existing Book, have been largely incorporated into the Revision.

The amendments proposed are of two kinds: 1st, Those of arrangement; and 2d, Those of omission or alteration of existing specific provisions and addition of new ones. In reference to the former, nothing will be said in this article; the changes of arrangement proposed will be manifest to every careful reader, and will, it is believed, commend themselves to the judgment of the Church.

In the following discussion the principal specific amendments will first be presented for consideration in the general order of the Revision. The numbers placed at the head of each specification will be proper only to this article; reference will be made in the body of each, or at its close, to the existing Book or the Revision—in the former case by the use of the notation of the existing Book, in the latter by the employment of broad-faced types. The majority of the changes will, it is believed, meet with general approbation, and no further reference will be made to them. In all cases in which it is deemed that an explanation or defense is desirable, the proposed amendment will be asterisked, and remarks upon it will be presented in a subsequent part of the article.

PRINCIPAL AMENDMENTS.

1. Addition of a clause to the section (I. 1) in which Discipline is defined, viz.: "Embracing the care and control maintained by the Church over its members, officers, and judicatories." **1.**

2. General amendment of the Section (I. 2) setting forth the ends of Discipline. **2.**

3. Introduction of the term *doctrine* into the section (I. 3) that defines offenses, thus specifying false *doctrine* as an offense. **3.**

*4. Amendment of Chapter I. 4, by the omission of the italicised clause, "Nothing, therefore, ought to be *considered by any judicatory as an offense*, or admitted as matter of accusation," etc., and making the provision read, "Nothing shall, therefore, be an object of judicial process," etc. **4.**

*5. Removal of the classification of offenses as *Private* and *Public* (I. 7; II. 1; III. 1).

*6. Removal of the sections (III. 4, 5; IV. 2, 3; VII. i., 5, 6) relating to General Rumor (Common Fame), and introducing provisions enabling judicatories to institute process against an alleged offender (either individual or judicatory), whenever, in their judgment, the ends of discipline demand it. **6, 72, 73.**

*7. Removal of the mandatory clauses (III. 4; IV. 1) requiring appropriate judicatories in all cases of General Rumor (notorious offense) to institute process, and committing the whole subject to the discretion of those bodies. **6.**

8. Amendment of the section (IV. 2) which prescribes the mode in which an *offense* may be brought before a judicatory by the substitution of the phrase, *alleged offender*. **6.**

9. Providing as to the "original (prosecuting) party" in all cases of prosecution. **10.**

10. Providing that "THE PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA" shall be the prosecutor in all cases of process instituted by a judicatory. 10.

11. Providing as to the person or persons to represent original prosecution in all stages of an appellate case. 11.

12. Providing that *all* private prosecutors (not merely those who prefer charges against ministers, as in v. 7,) shall be warned that if they fail to show probable cause for their prosecution, they shall be censured. 14.

13. Omission of II. 5, viz.: "If any person shall spread the knowledge of an offense, unless so far as shall be unavoidable, in prosecuting it before the proper judicatory, or in the due performance of some other indispensable duty, he shall be liable to censure as a slanderer of his brethren." (This was omitted as unnecessary, the ground being covered by Section 3. Should, however, the Assembly deem its continuance important, it can be introduced into the Revised Book by a simple vote, without affecting the integrity of the Revision).

14. Introduction of a Chapter treating of Charges and Specifications, and clearly setting forth the distinction between them. Chap. III. of the Revision; 15, 16.

15. Providing that, when several charges are tried together, there shall be a separate judgment on each. 16.

16. Providing that in all cases of alleged personal injury, where the prosecution is by a party alleging that he has been personally injured, there shall be an averment on the part of the prosecutor that he has faithfully tried the course prescribed by our Lord in Matt. xviii. 15–17. 17.

17. Introduction of sections clearly setting forth what are judicatories of *original jurisdiction*. 18, 101, 108, 109.

18. Providing that superior judicatories may institute process against individuals in certain specified cases. 18.

19. Introduction of precise rules concerning the citation of accused persons and witnesses, with provision that if they cannot be found the citation shall be left at their last known place of residence. 19, 20.

20. Providing that if an accused person refuses to obey a citation, the judicatory may, in his absence, proceed not only to take the testimony in his case (IV. 13), but also to judgment. 21.

21. Introduction of a provision concerning arraignment and pleading to the charge. 22.

22. Providing that an accused person, if unable to be present, may appear by counsel. 22.

23. Alteration of the existing law which makes provision only for the *accused* person being represented by counsel (IV. 21), by providing that *either* party may be so represented. 26.

*24. Removal of the restriction that counsel must be members of the judicatory trying a case (IV. 6), and providing that any person in full communion with the Church may so act. 26.

*25. Providing that a judicatory, after the arraignment of an accused party, and before hearing testimony in support of the facts specified, may determine whether those facts, if established, would sustain the charge; and empowering them to dismiss the charge if, in their judgment, the facts alleged, if true, would not sustain it. 22.

26. Providing that either of the parties in a trial may take exceptions to any part of the proceeding, except in a judicatory of last resort, and have them recorded. 25.

27. Allowing parties to be heard on questions of order or evidence before they are decided. 27.

28. Establishing precise rules concerning the Record. 24.

29. Providing that on the final disposition of an appeal case, the Record shall be transmitted to the judicatory in which the case originated. 29.

30. Providing that members of a judicatory shall attend throughout the whole of a trial, and that none who have not thus been present shall be permitted to vote, save by the unanimous consent of the body. 28.

31. Removal of the clause (V. 6) requiring a prosecutor before preferring charges against a minister to consult some other minister. (The entire section is omitted; the other portions, however, are elsewhere provided for).

32. Substitution (V. 4) of *offense* for *crime*. 37.

33. Substitution of *an offense* for *atrocious crimes* in the section (V. 11), which reads: "If a minister accused of *atrocious crimes*, being twice cited, shall refuse to attend the Presbytery, he shall be immediately suspended." 38.

34. Removal of V. 15, the second portion of which implies that a minister "under process for heresy" is to be treated as though he had been convicted.

35. Providing that judicatories, under certain circumstances and restrictions, may debar accused officers from the exercise of office until after trial. 32, 39.

36. Providing as to the mode of inflicting censures. 30.

37. Introducing a precise statement of the different censures, in which also the distinction between *suspension from Church privileges*

and *suspension from office* is clearly set forth. 34, 40. (In Sect. 40, the comma after *suspended*, in the second line, should be omitted).

38. Providing that judicatories may try and censure elders and deacons as Church officers. 34, 35, and title of Chap. VI.

39. Providing that an officer who continues unrepentant for a year after *suspension* from office, may be *deposed* without further trial. 40.

40. Introducing a provision similar to the preceding, enabling judicatories to *excommunicate*, without further trial, persons suspended from Church privileges who continue unrepentant for more than a year. REVISED DIRECTORY FOR WORSHIP, X. 5.

41. Providing for the Church membership of a deposed minister. 44. (This section should be amended by an addition after the word "cast," so as to read: "and the Presbytery shall give him a letter to any Church where his lot may be cast, in which shall be stated his condition as suspended from Church privileges, or as in full communion.")

42. Providing that a Presbytery may declare the pulpit of a suspended pastor, where there is no appeal, vacant. 44. (This section should be amended by the introduction after "supended," of the words "from office"; and also by the addition of a final clause, viz.: "If an appeal from the sentence of suspension be taken, and if it be abandoned or not sustained, in the judicatory of last resort, the Presbytery may declare the pulpit vacant.")

43. Providing that the restoration of a deposed minister shall be by the Presbytery that deposed him, or with its advice and consent. 43.

44. Providing that a judicatory may, by a two-thirds vote, sit during a trial with closed doors. 31.

*45. Providing that in all cases a judicatory, when deliberating on a judgment, shall sit with closed doors. 23.

46. The introduction of a chapter (VII.) relative to "Cases without Process," in which provision is made for the censure—

(1). Of persons committing an offense in the presence of a judicatory. 46.

(2). Of persons coming forward as their own accusers. 46.

(3). Of persons not chargeable with immoral conduct who remove and remain beyond the bounds of a congregation without a certificate. 47.

(4). Of communicants renouncing the communion of the Presbyterian Church. 48.

(5). Of ministers renouncing the jurisdiction of the Presbyterian Church. 49.

47. Introduction of amended and new provisions concerning evidence (VI. 2, 4), viz.:

(1). Providing that those only shall be *incompetent* as witnesses who do not believe in the existence of God or a future state of rewards and punishments, or who have not sufficient intelligence to understand the obligation of an oath. 51.

(2.) Admitting as witnesses, parties, husbands or wives, and near relatives. 51, 53.

(3). Admitting written or printed evidence. 54.

(4). Admitting *rebutting* testimony. 23.

(5). Admitting, under restriction, new evidence discovered during trial. 23.

(6.) Requiring recorded testimony to be read to the witnesses, *in the presence of the judicatory*, for their approbation and subscription. 58.

*(7). "All the evidence introduced in any judicatory shall be received under and according to the general rules of evidence, except as defined and limited by this (VIII.) Chapter." 61.

*48. Removal of Chapter VII. 1.

49. Providing that "All proceedings of the Church shall be reported to, and reviewed by, the Session, and by its order incorporated with its Records." 68.

50. Prohibiting members of inferior judicatories from voting in the Review of their Records. 70.

51. Removing the restriction of Common Fame, and enabling a superior judicatory when "well advised" of any "unconstitutional proceeding" or "neglect" on the part of an inferior to cite, try, and judge such inferior. 72, 73.

*52. Limiting *formal* Complaints to (1) non-judicial cases; (2) persons submitting to the jurisdiction of the judicatory complained of. 80.

53. Providing for the mode in which a Complaint is to be tried. 83.

54. Requiring a judicatory that sustains a Complaint to direct the inferior how to proceed. 84.

55. Providing that either of the parties in a case of Complaint may appeal to the next superior judicatory. 87.

56. Requiring a judicatory complained of, to send up Records and papers; and enabling the superior, in case of failure on the part of the inferior, to make such orders "as may be necessary to preserve the rights of all the parties." 88.

57. Limiting Appeals to *final judgments*. 89.

58. Providing special rules as to the mode of trying an Appeal. 94 (1–4).

*59. Providing a special rule as to the mode of taking the final vote. 94 (5).

60. Providing that an Appeal shall suspend the execution only of the censures of admonition and rebuke—all other censures to remain in force until the final disposition of the case. **96.**

61. Removal of the special provision (VII. iii. 14) "If an appellant is found to manifest a litigious or other unchristian spirit in the prosecution of his Appeal, he shall be censured," etc. (This was regarded as sufficiently provided for in 46).

*62. Removal of the provision (VII. iii. 13) that on the trial of an Appeal case the lower judicatory may be censured.

*63. Providing, in reference to both Appeals and Complaints, that the superior judicatory may determine *in limine* whether the Appeal or Complaint shall be entertained. **83, 94.**

64. Providing that, in *judicial* cases, only those who voted against a decision shall have the right to dissent or protest. **103.**

65. Providing concerning church members *in transitu*, that, although they shall continue under the jurisdiction of the judicatory dismissing them until they are received by the body to which they are dismissed, they shall not retain the right of voting in church meetings or of exercising the functions of any office. **105.**

66. Providing that, although an elder or deacon who has received a letter of dismission shall, if he return it within a year, be restored to full membership, he shall not thereby be restored to office. **105.**

67. Providing that a minister dismissed to another Presbytery, although under the jurisdiction of the body dismissing him until he be received by the Presbytery to which he is dismissed, shall not retain the right of voting. **106.**

68. Providing that no other Presbytery than the one to which a Minister, Licentiate, or Candidate is dismissed, shall, if existing, receive him. **107.**

69. Providing that Presbyteries shall have original jurisdiction over the members of extinct churches, and Synods over the members of extinct Presbyteries. **108, 109.**

70. Providing that the judicatory receiving a person shall promptly communicate the fact of such reception to the body granting the certificate. **110, 111.**

71. Providing that a certificate of church membership should be addressed to a particular church. **110.**

72. Providing that the certificate of a Minister, Licentiate, or Candidate shall be presented, ordinarily, within one year after date. **111.** (In Sections **110** and **111**, the word *ordinarily* is misplaced. Section **110** should read—*produce a certificate, ordinarily*, etc.; Section **111** should read—*the Presbytery, to which it is addressed, ordinarily*, etc.

*73. Introduction of the provision that "the names of the baptized children of a parent, seeking dismission to another church, shall, if they are still members of his household, and not themselves communicants, be included in the certificate of dismission." 110.

*74. Removal of the requirement that, in the restoration of an excommunicated person by a Session, the permission of the Presbytery should be obtained. DIRECTORY FOR WORSHIP, Chap. X. 7.

*75. The substitution of the term *judicatory* for *court* in the *three* places in which the latter term occurs in the existing Book, viz., in Chapter IV. 21, 23.

EXPLANATION AND DEFENCE OF AMENDMENTS THAT MAY BE QUESTIONED.

4. Amendment of Chapter I. 4, by the omission of the italicised clause, "Nothing, therefore, ought to be *considered by any judicatory as an offense*, or admitted as matter of accusation," etc.

Special attention would not be called to this amendment but for an editorial criticism in the *Presbyterian Observer* of November 23d, as follows:

"Now herein is a principle which, it seems to the writer, ought to be fatal to the new Book, if the theory upon which it is constructed alone touches questions involving 'judicial process.' . . . . Discipline is exercised by other modes than by 'judicial process.' It has to do with other matters in the life of its subjects than what renders them liable to 'judicial trial.' There are offenses which need not necessarily entail upon the offender the possibility of 'judicial process.' What, therefore, the need of such a departure from the old Book?"

So manifestly, as it seemed to the present writer, was the amendment constructed upon the principle advocated by the critic that it did not appear to him to need comment. The language of our existing Book in the amended section, is somewhat ambiguous. In one aspect it seems to indicate that every "offense" may be "admitted as matter of accusation." In this point of view it is opposed, not only to the view of the critic, but to the entire spirit of both the old and new books. But, unless the section means this, the omitted clause is redundant and confusing. In the Revision an infelicity is removed: Sect. 2 implies that not every offense shall be the object of "judicial process"; Sect. 3 defines an *Offense;* and Sect. 4 (*first clause*) simply sets forth that nothing but an offense, as defined, shall be the object of formal prosecution.

The existing Book, whilst it clearly implies that there are offenses which need other treatment than "judicial process," gives no rules concerning the nature of such treatment. It leaves that matter to

the discretion of the appropriate judicatories. The Revision simply follows the plan of the Book now in use.

5. Removal of the classification of offenses as Private and Public (I. 7; II. 1; III. 1).

This is proposed because, in the first place, the classification as presented in our existing Book is illogical, and consequently confusing. Whenever a classification is set forth the classes should each be exclusive of all the others, and in order to this they should all belong to one system, that is, should all be defined in respect of one principle. Now the terms *Private* and *Public*, as applied to offenses, may be appropriately used to designate the respective classes of any one of these entirely distinct systems—the one arranged in respect to the mode of perpetration; the second in respect of the degree of notoriety; the third in respect of the mode of treatment. In the first of these systems *Private* will designate offenses privately committed, *Public* those publicly committed; in the second, *Private* will characterize those that are known by only a few, *Public* those that are generally known; in the third, *Private* will indicate those that require private treatment, *Public* those that require public treatment or the cognizance of a Church judicatory. All these systems are logical; but, manifestly, to set forth a classification in which *Private* shall indicate a class in one of them, and *Public* a class in another, is illegitimate and must result in confusion. Now this is precisely what is done in our existing Book. Private offenses, in Chap. II. 1, are defined to be "such as are known only to an individual, or at most, to a very few"—the class manifestly belongs to the second of the above-mentioned systems. A Public offense, according to Chap. III. 1, "is that which is attended with such circumstances as to require the cognizance of a Church judicatory"—this class belongs to the third system. That these classes cannot be mutually exclusive must be apparent to every thoughtful mind; that they are not so, in the idea of our existing Book, is manifest from Chap. III. 2, in which the circumstances are set forth which render an offense *Public*. These are two: (1) "when an offense is (either) so notorious and scandalous as that no private steps would obviate its injurious effects; or (2) when, though originally known to one, or a few, the private steps have been ineffectual, and when there is, obviously, no way of removing the offense, but by means of a judicial process." The second of these categories manifestly includes offenses that, according to the definition of Chap. II. 1, may still be *Private*, for obviously the mere fact that an offense has been privately treated does not argue that it has ceased to be "known only to an individual, or, at most, to a very few."

But not only is the classification of our existing Book faulty in that the classes are not mutually exclusive, but it is incomplete. It is declared, Chap. III. 3, "An offense, gross in itself, and known to several, may be so circumstanced, that it plainly cannot be prosecuted to conviction." To which class, as they are defined, does such an offense belong? Manifestly it is not *Private*, for it is known to several; and as manifestly it is not *Public*, for so far from being "attended with such circumstances as to require the cognizance of a Church judicatory," it is "so circumstanced that it plainly cannot be prosecuted to conviction"—it is so circumstanced as to forbid the cognizance of a Church judicatory. In a Book which impliedly classifies all offenses as Private or Public we have brought to view a large class that, according to the definitions, manifestly belongs to neither.

Evidently, if the classification of offenses as Private and Public is to be retained, the definitions should be so amended as to make the classes indicated, both mutually exclusive and complete. This, however, is unnecessary. The only proper object of a classification of offenses in a Book of Discipline such as ours, is to indicate modes of treatment. This object is better attained by a few plain rules, such as are given in Sections 7, 8, 9 of the Revision, than by the most elaborate classification.

6. Removal of the Sections (III. 4, 5; IV. 2, 3; VII. i. 5, 6) relating to General Rumor (Common Fame), and introducing provisions enabling judicatories to institute process against an alleged offender (either individual or judicatory) whenever in their judgment the ends of discipline demand it. **6, 72, 73.**

The defense of this amendment is to be found in Sections III. and IV. of the Overture.

7. Removal of the mandatory clauses (III. 4; IV. 1) requiring appropriate judicatories in all cases of General Rumor (notorious offense) to institute process, and committing the whole subject to the discretion of those bodies. **6.**

This amendment has been severely criticised. Its propriety should be obvious to every thoughtful mind. It is conceded on all hands that there are circumstances that render the prosecution of an alleged offender improper. Such is always the case when the offense is so circumstanced that he cannot be prosecuted to conviction, or when it is an error in doctrine that does not strike at the vitals of religion, is not industriously spread so as to affect the peace of the Church, and is not calculated to do much injury. Manifestly the determination of the propriety of prosecuting in any particular case must be

within the discretion of the judicatory having original jurisdiction in the case, subject of course to the review of a superior judicatory. But the excluded clauses forbid all exercise of discretion; they require that, in all cases of offense which are notorious, or where private means have failed to remove them, prosecution shall commence. It cannot be contended that the excluded provisions contemplate only the consideration of the question whether prosecution shall be commenced, for a comparison of Sections 4 and 5 of Chapter III. shows that by the "cognizance" of the former is intended "taking up charges," and also a comparison of Sections 1 and 5 of Chapter IV. makes manifest that by the "consideration" of the former is meant the trial of the case. If, however, it be contended that nothing more is contemplated by the excluded sections than to direct that the appropriate judicatories shall consider whether they shall prosecute, then Sections 2 and 6 of the Revision supply all the directions needed. The members of a judicatory so ignorant, or so false to their ordination vows, as not to consider and act in the light of those sections, would not be induced to act by the most precise and stringent direction.

24. Removal of the restriction that counsel must be members of the judicatory trying a case (IV. 6), and providing that any person in full communion with the Church may so act. 26.

It frequently happens that in a Session or Presbytery two men cannot be found who are qualified to act as counsel, or, if there be such, that their removal from the judicatory will so weaken it as to unfit it for most judicious action. Hence the proposed amendment. The only real objection to the alteration is, that counsel subject to the jurisdiction of other judicatories might be introduced, who might claim exemption from the censure of the body before which they appeared, and act irregularly. Should this objection seem vital to a majority of the Assembly, it might readily be obviated by the addition of the clause in Section 26, after the word "Church," "and shall be amenable for conduct during the process to the body before which they appear"; and by the further addition in Section 104 of the clause, "except as provided in Section 26."

25. Providing that a judicatory, after the arraignment of an accused party, and before hearing the testimony in support of the facts specified, may determine whether those facts, if established, would sustain the charge; and empowering them to dismiss the charge if, in their judgment, the facts, if true, would not sustain it.

In every trial there are two issues; first, do the facts alleged, if true,

sustain the charge? and, second, are the facts true? Ordinarily the affirmative of the former question is tacitly assumed by both the judicatory and the accused person. In such cases the only question to be decided is the latter. Cases sometimes arise, however, especially where there is an individual prosecutor, in which both issues must be tried. They cannot, with propriety, be tried together, for one is a question of law, the other of evidence. In such cases it is manifest wisdom to dispose of the legal question first, and thus possibly prevent a useless waste of time and laceration of feeling.

45. Providing that in all cases a judicatory, when deliberating on a judgment, shall sit with closed doors. **23.**

The propriety of conducting *trials* in public, save in exceptional cases, is conceded, and is fully provided for in Section 31, which forbids that the doors should be closed, save by a two-thirds vote. When, however, the testimony is closed and the arguments of counsel are concluded, the technical *trial* is ended, and the period of deliberation on the part of those before whom the case has been tried begins. The custom now generally prevalent in our ecclesiastical judicatories has arisen from confounding the technical trial with trial in the ordinary sense of the term. This custom cannot be supported either by the analogies of municipal courts or by right reason. Municipal courts and juries always deliberate with closed doors. And this course is in accordance with reason. A body of men, when deliberating on evidence to determine the guilt or innocence of one who has been at their bar, should be as far as possible removed from all external influences; they should have that opportunity for the free utterance of doubt, and the calm interchange of opinion, that can be secured only by privacy.

47 (7). Providing that "All the evidence introduced in any judicatory shall be received under and according to the general rules of evidence, except as defined and limited by this (VIII.) Chapter." **61.**

It has been objected to this provision that it subordinates the Church to municipal laws. The objection proceeds upon a misapprehension. The general rules of evidence are no more established by municipal authority than are the theorems of geometry or the propositions of logic. They are truths concerning the reception and interpretation of evidence that have been wrought out by right reason, and that have been tested and approved throughout immemorial ages by those who have been called to give special attention to the subject. Certain definitions and limitations have been introduced into the chapter on Evidence, made necessary, on the one hand, by the pre-

sumed divine command that no fact should be regarded as established by the testimony of merely one witness (Matt. xvii. 16); and, on the other hand, by the peculiar nature of our judicatories. The provision, in fact, does no more than declare how testimony is to be received and interpreted in the most rational manner.

48. Removal of Chap. VII. 1.

This Section, so far as it is true, belongs rather to a treatise on Church Government than to a Book of Discipline. In fact, it is extracted almost *verbatim* from such a treatise (Hill's Theological Institutes); it never formed a part, as many suppose it does, of any law book of the Church of Scotland. The declaration in the latter part of the Section, that one of the elements of security against permanent wrong, is "when a *greater* number of counsellors are made to sanction the judgments or to correct the errors of a *smaller*," was regarded as erroneous by the majority of the Committee. In their judgment one of the elements of weakness in our superior judicatories, as Courts of Appeal, is to be found in the number of their members. That this is the judgment of the Church is made manifest by the fact that, whenever it can be done with consent of parties, the adjudication of appellate cases is submitted to selected commissions.

52. Limiting *formal* Complaints to (1) non-judicial cases; (2) persons submitting to the jurisdiction of the judicatory complained of. 80.

Emphasis must be laid upon the qualifying term *formal* to distinguish this Complaint from the ordinary complaint that may, according to the Revision, be made at any time and by any person to a superior judicatory concerning any action of an inferior. According to the existing Book the wrong act or neglect of an inferior judicatory can be brought before a superior only on Review of Records, by Appeal, formal Complaint, and General Rumor. No place is provided for the information of an informal complainant. If there be no General Rumor, and if the offending judicatory fail to present their Records for review, or the Committee on the Review of Records overlook the wrong, there can be no redress unless an Appeal or formal Complaint has been entered. Under such circumstances it is wise to give the broadest possible range to the formal Complaint. Should, however, Sections 72 and 73 of the Revision be adopted, the restriction will be removed from our superior judicatories, of commencing process on their own motion only when called thereto by the voice of General Rumor. They will be enabled to proceed whenever "well advised," whether by an informal complainant or otherwise. The range of the formal Complaint is indeed narrowed, but that of the complaint contem-

plated in The Confession of Faith, Chap. XXXI. 2, is enlarged to its original dimensions. The formal complainant is one who, by charges formulated and entered within ten days after an act that he regards as wrong or unconstitutional, can bring any judicatory as a defendant to the bar of a superior; he occupies the position and wields the power of a constitutionally recognized prosecutor of a judicatory of the Church of Christ. Such a position and such powers should be accorded to none other than one subject to the jurisdiction of the body complained of—any other man, though a member of a sister judicatory, should be heard only as an informal complainant. And besides this, only one under the jurisdiction of the body complained of is fully in position to file his Complaint within the narrow limit of ten days.

The restriction of the formal Complaint to matters non-judicial is fully justified by the fact that, in judicial cases, either of the original parties can enter an Appeal. If an Appeal be not entered, or if it be not prosecuted, the entire case, or any part thereof, can be brought to the review of the superior judicatory; and, if need be, to its censure on Review of Records, or by private information. Any wrong can be righted (save indeed the *infliction* of a sentence, the *removal* of which is made dependent on the appeal of the censured party) as thoroughly by one of these modes as by the formal Complaint. The objection that a wronged appellant under the operation of this rule will lose the aid that might accrue to him from the presentation of a Complaint by those members of the inferior judicatory who opposed the wrong, is without force. Such persons are not only privileged to enter a Protest including reasons therefor, which Protest becomes a part of the record of the case, but they are also entitled to be heard on the floor of the superior judicatory. All the aid that could be given by a formal Complaint will be thus afforded, and that without the vexing complication that now arises from trying a double case.

59. Providing a special rule as to the mode of taking the final vote. 94 (5).

The rule referred to is as follows:

"The vote shall then be separately taken, without debate, on each specification of error alleged, the question being taken in the form: 'Shall the specification of error be sustained?' If no one of the specifications be sustained, and no error be found by the judicatory in the record, the judgment of the inferior judicatory shall be affirmed. If one or more errors be found, the judicatory shall determine whether the judgment of the inferior judicatory shall be reversed or modified, or the case remanded for a new trial; and the judgment, accompanied by a recital of the error or errors found, shall be entered on the record. If the judicatory deem it wise, an explanatory minute may be adopted which shall be a part of the record of the case."

The amendment was most strenuously opposed by Dr. West in his

minority Report. On the other hand, it is regarded by the writer as by far the most valuable of those proposed in the Revision. Dr. West remarks:

"Twice in committee, at different times, the new method was almost unanimously rejected, under the influence of unanswerable arguments from one of its most experienced members, and only inserted in deference to the urgency of the member proposing it."

It is to be presumed that in a body of men such as constituted the Committee, the arguments which Dr. West regarded as "unanswerable" were, by the majority at least, regarded as answered. Nothing would have been admitted into their Revision against arguments which they deemed unanswerable, in "deference to the urgency" of any man.

In a Report on Appellate Courts made to the Assembly (O. S.) of 1865, of which the writer was Chairman, the following statement was made after careful examination of the Records of the Church:

"Since the adoption of the existing Constitution in the year 1788 to the present time, appeals and complaints on *two hundred* (200) Synodical decisions have been presented to the Assembly. Of these, 99 only were decided. . . . . Of the 99 cases decided, 39 were confirmed, and 60 reversed in whole or in part. Of these 99 cases, 79 were appeals or complaints from decisions rendered by Synods in cases appellate before them. . . . . Of the 79 decisions of Synods in cases appellate before them, 31 were confirmed and 48 were reversed. It is, then, the record of the Presbyterian Church, that each one of three-fifths of the whole number of cases that have been tried in both the Appellate Courts, has been unjustly treated in one or the other of them."

Circumstances have prevented an extension of the examination to the present time; it is believed, however, that the result would not be materially different. The exhibit is simply appalling. The question necessarily arises, To what is this result due? The writer is convinced that in great measure it springs from the existing mode of taking the final vote. An appellant ordinarily presents a number of reasons for the reversal of the decision appealed from. It may readily occur that some members of the judicatory may be in favor of reversing for the first reason, others for the second, and others for the third—not making a majority in favor of reversing for any one reason, but constituting an apparent majority in favor of reversing. In such case the *real* judgment of the body is in favor of sustaining the decision of the judicatory appealed from. A case illustrative of this point was brought to the notice of the writer some years ago. Before an appellate court of one of the States of the Union, an appeal was brought in which three specifications of error were assigned. Three judges were on the bench; one was in favor of sustaining for the first specification, one for the second, one for the third. The decision was unanimous for sustain-

ing the appeal. Now, if immediately after that decision three other appeals had been brought before that court in which precisely the same specifications of error were assigned, the first in the first case, the second in the second, the third in the third, each of these appeals would have been dismissed by a two-thirds vote of the court. And yet, in a case in which all these condemnable specifications were lumped, the decision was *unanimous* for sustaining. Can three wrongs make a perfect right? There is a juggle here which wily appellants thoroughly understand, and which frequently confuses and confounds courts, both civil and ecclesiastical. Nor is the evil remedied by the adoption of a final minute in which the reasons for sustaining the appeal are set forth. These minutes are generally composite structures, framed by a committee representing different shades of opinion, for which some of the judicatory may vote because of the first part, and others for other parts, even as they voted to sustain the appeal. Under our existing system the appellant has every possible advantage. The only fair mode of determining the real judgment of the judicatory is by passing upon each specification of error, as they are assigned by the appellant, or by any member of the judicatory. Dr. West writes:

"Owing to the spiritual and moral nature of our causes and of offense as of the nature of crime, one (our?) uniform mode of putting the vote has always been, 'Shall the *Complaint* be sustained?' 'Shall the *Appeal* be sustained?' and each member of the court, as a court of conscience, judging in a spiritual matter before God, is privileged to vote 'Aye' or 'No,' after a patient hearing of the whole case for any reason satisfactory to his own mind, whether assigned by the appellant or not."

Is there anything to prevent a man's voting conscientiously, as before God, in reference to each specification, on the question, "Shall the specification of error be sustained?" The only question between the two methods is as to which is better fitted to set forth the *real* judgment of the judicatory. On one point Dr. West is mistaken. He writes in continuance of the last sentence just quoted:

"Better reasons may emerge during the progress of the trial, and exist in the minds of the individuals of the court why the Appeal should be sustained, than a weak or uninstructed minister, elder, or member has been able to discern and assign for himself. The Revision offers to the Church a new method, and proposes that in no case shall the Appeal be sustained, unless some *one* of the reasons assigned, and called 'specifications of error,' shall receive the majority vote of the court."

The bare reading of the rule should have convinced him of his error. It reads: "If no one of the specifications be sustained, *and no error be found by the judicatory in the record*, the judgment of the inferior judicatory shall be affirmed. If one or more errors be found," etc. The Committee fully recognized that better reasons for sustain-

ing an appeal may exist than are assigned by an appellant, and to meet this very difficulty the sentence italicised in the above quotation was introduced.

In order to remove all possible ambiguity it might be well to introduce into the sentence italicised above, after the word *error*, a clause which would make the sentence read: and no error *other than those specified by the appellant* be found by the judicatory, etc.

62. Removal of the provision (VII. iii. 13) that, on the trial of an Appeal case, the lower judicatory may be censured.

In commenting on this amendment the venerable Dr. Humphrey quotes with approbation the following remark of Dr. Thornwell (PRESBYTERIAN REVIEW, 1881, pp. 295, 296):

"The appellant appears not only to represent the merits of his case, but to expose the demerits of the court that refused him justice. He is at once a suitor and a prosecutor. Both issues are tried at the same time, and so blended that they constitute but one apparent case. To try at the same time and in the same breath the question of individual right and the integrity of the judge, is an outrage upon common sense, and yet this is what the old Book does."

Dr. Humphrey adds, with great propriety:

"It would be difficult to answer this argument. And it is reinforced by two considerations. First, the usage is nearly obsolete. Only one case of the kind is reported in Moore's Digest. Can our readers recall other instances of its application in any of our courts? Next, the irregularity and corruption here contemplated, may be corrected [and, he might have added, censured] under the provisions in the Chapter of Review and Control."

Dr. Humphrey, however, criticises adversely the fact that the provision for censure is not also removed from the Chapter on Complaints. He thus puts it:

"Now, we ask, why corruption in the lower court should be censured when detected in the trial of a complaint, but passed over in silence when detected in the trial of an appeal? . . . . It is safe to say that the Church may now agree to abandon this usage of censure altogether, but it will never agree to put that obvious incongruity into its discipline."

The sufficient answer to this criticism is that in a case of Complaint the judicatory complained of is itself on trial. In an Appeal, which according to the Revision must always be from a final judicial judgment, the simple question at bar is, Was the judgment just? A Complaint is the formal prosecution of a judicatory at the bar of a superior "respecting any *delinquency* or any decision not judicial" (*Revision*, Sect. 80).

63. Providing, in reference to both Appeals and Complaints, that the superior judicatory may determine *in limine* whether the Appeal or Complaint shall be entertained. 83, 94.

The argument presented under Amendment 25 is, with obvious modification, applicable here, and need not be repeated.

73. Introduction of the provision that "the names of the *baptized* children," etc.

This provision was not introduced, as some suppose, with the idea of implying that the children of church members are not themselves church members before Baptism. Had the doctrine been most unequivocally asserted in our subordinate standards that the children of church members are *born* church members, a doctrine which the writer most firmly believes to be taught in the Word of God, he would still be in favor of this provision. A church Session cannot officially certify to the church membership of those whose membership has not been officially recognized. In the case of infants, that recognition is made in Baptism. The Form of Government (Chap. IX. 9), it may further be remarked, contemplates the official record only of the names of baptized children.

74. Removal of the requirement that in the restoration of an excommunicated person by a Session, the permission of the Presbytery shall be obtained.—DIRECTORY FOR WORSHIP, Chap. X. 7.

According to Chap. I. 15 of the original Book of Discipline (entitled, Forms of Process) the censure of excommunication "is not to be inflicted without the advice or consent of, at least; the Presbytery under whose care the particular church is, to which the offender belongs," etc. Consistency required that, as this censure could not be *inflicted* without "the advice and consent" of a superior, it should not be removed but in like manner. In the Revision of 1821 the provision concerning infliction was removed from the Book of Discipline, and it was probably only through inadvertence that the corresponding provision was not removed from the Directory for Worship. As the manifest reason for continuance of this provision no longer exists, and as it serves only to hamper Sessions unnecessarily in the performance of their appropriate functions, the Committee recommend its removal.

75. The substitution of the term *judicatory* for *court* in the *three* places in which the latter term occurs in the existing Book, viz.: in Chap. IV., 21, 23.

Special attention would not have been called to this amendment but for the adverse criticism of Dr. Humphrey. He writes (PRESBYTERIAN REVIEW, 1881, pp. 288, 289):

"The word court is carefully suppressed. That banished name is used three times in one page in Chapter IV. of the old Book of Discipline. In the General Rules, the

members of the judicatory, when about to sit in a judicial capacity, are solemnly 'enjoined to recollect and regard their high character as judges of a court of Jesus Christ' (Rules, 40). Now, a body of Presbyters, sitting as judges in 'a court of Jesus Christ' is a court as really as any tribunal on earth. . . . . The revisers are among our most distinguished ecclesiastics and jurists, habitually using words with great precision. In their hands, words are things. After putting into the Code all these elements of a sufficient jurisprudence, why do they studiously avoid the use of the word court—the very term which best defines the thing?"

The change was proposed, principally, for the sake of uniformity. The distinguished reviewer should have added that the *three* instances, to which he refers, in which the word *court* appears on one page in our existing Book, are the *only* instances in which the term is employed in our entire subordinate standards. The term judicatory occurs in our existing Book of Discipline *one hundred and twenty-nine* times. In our Form of Government, Chap. VIII. is entitled "Of Church Government and the several kinds of Judicatories," nor is any other term employed in that book to designate our ecclesiastical bodies, although their functions as courts are distinctly set forth. In like manner, in the Directory for Worship the term judicatory is the only one used. Judicatory, which in ordinary language means court (Webster: "1. A court of justice, a tribunal"), is manifestly the chosen term of our Constitution; *court* would seem to have crept into Chap. IV. by some mischance. For this reason alone *judicatory* is the preferable term. But beyond this: It has, by usage, obtained in the Presbyterian Church a technical force indicative of those peculiar functions of our ecclesiastical bodies, which, whilst they include those of municipal courts, in many respects transcend them. A Presbyterian judicatory has all the functions of a municipal court and something more.

In the Rules of Order of the General Assembly, which form no part of the Constitution, the word court is used only *once*, namely, in Rule 40. In the same Rule, judicatory occurs *once* and elsewhere throughout the Rules *fifteen* times. In the judgment of the writer, the occurrence of *court* in that Rule, as forming part of the charge delivered to a judicatory when about engaging in the trial of a cause, is objectionable. In his opinion, it in great measure begot, and now tends to foster, the erroneous idea, now becoming somewhat prevalent in our Church, that our ecclesiastical bodies are *courts* only when engaged in trials. He has no objection to a charge at so important a juncture, but he would have it so framed as not to be obnoxious to the criticism just made.

In conclusion of the whole subject, it may be asked if the terms employed by Dr. Humphrey in characterizing the conduct of the

Committee in framing this amendment—"carefully suppressed," "studiously avoid"—were not too strong?

THE ALTERNATIVE SECTIONS.

Two alternative Sections have been proposed—the one for Sect. 5, the other for Sect. 93. In both cases the provisions (substantially) of the existing Book have been placed in the text, and the amendments proposed in the tentative Report of 1881, have been transferred to the margin. It will be for the Assembly to determine which provision, if either, shall be overtured to the Presbyteries.

In reference to Sect. 5, it may be said that, probably, there are no questions on which the Presbyterian Church is so divided in opinion as,—the proper subjects of Infant Baptism, and the relation of those proper subjects to the Church before their Baptism. As to the proper subjects there are two opinions—one, that the children only of parents of whom at least one is a communicant, are such; the other, that the children of all baptized persons who do not lead irregular lives are to be so regarded. On the point of the relation of proper subjects to the Church before Baptism there are three opinions—first, that they are born members; second, that they are made members by the administration of the ordinance; third, that they are born in a state of inchoate membership which is perfected in Baptism. All these views were represented in the Committee. It was recognized that probably no one view, if distinctly set forth, would receive a majority vote of the Presbyteries. Although the majority of the Committee were personally in favor of the alternative, it was deemed wise to fall back upon the provision of the existing Book. This was done the more readily as that provision, whilst it states clearly the doctrine which all admit, that baptized children are members of the Church, states nothing as to the status of the unbaptized; it does not deny their church membership. It may also be said that the Confession of Faith is the Book in which the complete doctrine of the Church concerning Baptism should be found, and that in the light of its teaching all the provisions of the other subordinate standards, touching doctrine, should be interpreted. It is a matter of regret that, on the point of the relation of unbaptized children to the Church, the Confession is itself ambiguous. In Chap. XXV. 2, it is declared, "The visible Church . . . . consists of all those throughout the world that profess the true religion, together with their children," etc. In Chap. XXVIII. 1, it is set forth, "Baptism is a Sacrament . . . . not only for the solemn admission of the party baptized into the visible Church," etc. With this agrees Ans. 165 of the Larger

Catechism, wherein we read, "Baptism is a Sacrament . . . . whereby the parties baptized are solemnly admitted into the visible Church," etc. In the former of these Sections it is impliedly declared that the children of believing parents are born church members; in the latter it is distinctly set forth that they are made members (or that their membership is perfected) by Baptism. If the doctrine of our Church on this important subject is to be completely and clearly presented, the Confession of Faith should be amended.

In reference to Sect. 63, it will be sufficient to say that the majority of the Committee were also personally in favor of the alternative. As, however, they deemed it probable that so radical a change from an immemorial custom of the Church would not meet with general approval, and as they did not regard the change as a matter of principle, they restored the old provision to the text.

THE APPENDIX.

It was a matter of deep regret to the Committee that the instructions of the Assembly of 1881 forbade the proposal of amendments that would require an amendment of the Form of Government. All the overtures committed to them by previous Assemblies, especially *two* on the Demission of the Ministry, "commended to their favorable attention," contemplated the propriety of such proposal. In obedience to the instructions, the Committee removed from the text of the Revision *three* most important changes noted on pages 8 and 9 of their Report. It will be for the next Assembly to determine whether these changes shall be re-incorporated into the Revision.

Two of the removed amendments have been placed in an Appendix to the Report—the one making provision for excusing, under certain prescribed conditions, a communicant from approaching the Lord's Table; the other providing for the Demission of the Ministry. Both these subjects have again and again been brought to the attention of the Church. The rock on which every proposal for their adoption has split has been the assumption that no body of men has a right to absolve a man from vows made to God. This doctrine, pressed to its logical consequences, would forbid a judicatory from suspending or excommunicating a church member, and from suspending or deposing a minister from office. Has any body of men a right to prevent a man from performing vows made to God? The doctrine of our Church on the subject of oaths and vows, which we believe to be the doctrine of God's Word, is set forth in Chap. XXII. of the Confession of Faith. From this chapter the following extracts are made:

"Whosoever taketh an oath ought duly to consider the weightiness of so solemn an act, and therein to avouch nothing but what he is fully persuaded is truth. Neither may any man bind himself by oath to anything but what is good and just, and what he believeth so to be, and what he is able and resolved to perform. . . . . It cannot oblige to sin, but in anything not sinful, being taken, it binds to performance."

From these extracts it is manifest, what reason teaches, that every vow taken by a fallible being is conditional—conditional upon the right of the individual to do the thing promised. It is *sin* for a man manifestly unconverted to approach the Lord's Table. He may have honestly declared to the Session his belief that he was trusting in Christ, and they may have been convinced that he was right in his belief, and on that conviction may have permitted him to approach the Table, and to take upon himself the vows implied in that approach. But, afterward, both he and they may become convinced that they were mistaken. Does God require him to commit sin because he made a vow under a mistaken conviction? Shall not they who mistakenly encouraged him to do a wrong thing, and who mistakenly received his vows, declare that those vows are not binding? In like manner it is *sin* even for a converted man, uncalled of God, to minister in holy things. It is on the basis of belief, on his part and on that of the Presbytery, that he is called of God, that a candidate makes his ordination vows. If afterward God makes it manifest in His Providence that both he and the Presbytery were mistaken, shall his brethren require him to commit sin under the penalty of deposition?

No argument can properly be brought against the proposed amendments from the presumed analogy of the vows of the marriage relation. Marriage is by God declared to be indissoluble. It is so, not because of the *vows*, but because of the ordinance of God. The vows are indissoluble because the relation is indissoluble. If it could be shown, independently of the vows, that there is a similar ordinance concerning the relation of a communicant to the Lord's Table, or that of a minister to his office, all argument would, of course, be at an end.

On the subject of a Judicial Commission, nothing will in this article be said further than that, in the judgment of the Committee, the plan proposed in the Report of 1881 should, with modifications to adapt it to the amendment of the Form of Government perfected at Buffalo be adopted by the Church.

LIMITATION OF APPEALS TO JUDICIAL CASES.

One other matter demands attention, namely, the presumed amendment of the Revision limiting appeals to judicial cases. The Com-

mittee have proposed no amendment here; they have merely reiterated the existing law of the Church, as may be seen by an examination of Chap. VII. iii. 1–3. It is true that by usage of the Church, certainly in the O. S. branch, appeals have been admitted against decisions, not strictly judicial, touching vested rights. The ground of this usage is that such decisions are *quasi* judicial; the object, to enable persons aggrieved to stay the execution of such decisions until after the matter has been passed upon by the superior judicatories. It was felt to be a grievance that a pastoral relation, for instance, might be dissolved by a Presbytery unjustly, by a decision that would be condemned by the superior judicatories, and yet that when the condemnation was obtained there might be no redress, a new pastor having been installed. Such cases have been. And yet, on the other hand, it was felt to be a grievance that one man whose pastoral relation had been dissolved, perchance at the request of his congregation, should have the power of staying execution by his appeal, until the case had been tried in Synod and Assembly. The Committee, after long and patient deliberation, felt it right to emphasize the really existing law of the Church, that appeals should be confined to cases strictly judicial.

The writer fully concurred with his brethren of the majority of the Committee, and he is still of opinion that the Chapter on Appeals should be untouched. The thought, however, has arisen in his mind whether a Section might not be introduced into the Chapter on Complaints which would in a measure prevent both the grievances above mentioned—a Section to the following effect:

> Whenever a Complaint is entered against a decision of a judicatory to proceed to a licensure, an ordination, an installation, or the dissolution of a pastoral relation, signed by at least one-third of the entire number of the members thereof, the execution of such decision shall be stayed until the final issue of the case by the superior judicatories.

The adoption of such a rule would place it beyond the power of *one* man to stay an important action, but at the same time would be effective to stay any such action upon the propriety of which there rested grave doubt.

E. R. CRAVEN.