

THE
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No. III.

Stephen Olwell

- ART. I.—1. *The Last Will and Testament of James Smithson, London.*
2. *The Letters of John Q. Adams, F. Wayland, Thomas Cooper, Richard Rush, S. Chapin, to John Forsyth, Secretary of State, on the subject of the trust assumed by the United States, under the will of James Smithson.*
3. *The Congressional Proceedings and Documents on the same subject.*

THE large bequest made by James Smithson to the United States, struck us at first with a surprise, which we have never wholly overcome. It was rather a novelty, that a distant nation should be selected as trustee, to carry out the intentions of a testator: and this novelty has drawn much attention to the construction of the will. We confess our misgivings that every project hitherto proposed for the right fulfilment of this trust, has failed entirely of responding to the views of the liberal donor. For reasons inexplicable to us, he has chosen to express his wishes in terms so general, as to create hazard of mistaking his meaning. It cannot be doubted, he had the good of society in view. The liberality of the bequest shows he designed to accomplish much. The key to this will is the same which must be applied to every other, the intention of the giver. We are unworthy the trust unless we carefully provide that

excuse ; but rather let it excite you to more ardent exertions to reach the crown of life.

Be satisfied with nothing less than perpetual progress in holiness. You have but commenced the war ; there remaineth yet much land to be possessed ; go on from victory to victory, till not an inch of the promised territory shall continue in possession of the enemies of your Lord.

Persevere for a few days, and you will gain the perfect purity and bliss, after which your glowing heart aspires. No sound of clashing arms, no opposing hosts, are in heaven. Its quietude is never invaded by anxiety, or fear. Its holiness is untarnished as its pure light, and enduring as its years. Triumphant termination of conflicts and of wars ! Hasten, then blessed day, so long desired by the holy creation.

Adore the grace and faithfulness of your redeeming God. He has not only forgiven the sins of your unregenerate days, but he has borne with your renewed provocations since your conversion—your ingratitude, your coldness, your worldliness, your self-seeking, your manifold abuses of his love. Nor will he leave unfinished the work which he has begun. He will guide you by his counsel, and afterwards receive you to glory. Thus will he keep, bless, save, all the armies of the ransomed, to the praise of his glorious grace forever. What patience, what condescension, what unfainting, boundless love ! “O that men would praise the Lord for his goodness, for his wonderful works to the children of men.”

Charles Hodge

ART. IV.—*The General Assembly of 1842.*

THE General Assembly of the Presbyterian Church in the United States of America, met agreeably to appointment, in the Seventh Presbyterian church, in the city of Philadelphia, on Thursday, the 19th of May, A. D. 1842, and was opened with a sermon by the Rev. R. J. Breckinridge, D. D., moderator of the last Assembly, from 2 Thess. i. 11. The number of delegates in attendance was between one hundred and forty and one hundred and fifty. The Rev. John T. Edgar, D. D., was elected moderator, and Rev. Willis Lord, temporary clerk.

Devotional Exercises.

On motion of Dr. Breckinridge, the following resolutions were adopted, viz.

Resolved, 1. That there shall be preaching before the Assembly every secular evening during its present sessions; and this shall be in lieu of the religious exercises usually set for a particular day, during the Sessions of the Assembly.

2. That it shall be the duty of the Committee on devotional exercises to appoint members of this body to conduct these services from day to day, to designate the respective times and places in which these services shall be held, and to give due notice thereof; and those persons so appointed are hereby required to perform this service, according to their ability.

3. Such houses of worship, in this city and liberties, as may be put at the disposal of the Assembly for this purpose, shall be reported to the aforesaid Committee, and supplied in the manner herein provided.

4. This arrangement shall commence on Monday evening next.

The Nestorian Bishop.

On motion of Dr. Breckinridge, it was

Resolved, That Mar Yohannan, Bishop of the Nestorian Christians, of Ooromiah, in Persia, now on a visit to the United States, and at present in this city, be invited to sit with the Assembly; that a seat be provided for him near the Moderator; and that the Moderator invite him to address the Assembly, at such time as may suit his convenience.

In compliance with this invitation, Mar Yohannan, attended by Rev. Mr. Perkins, missionary of the American Board to Persia, (who also was invited to sit with the Assembly,) entered the house and took his seat by the Moderator. After a short pause, the Bishop rose, and through Mr. Perkins, as his interpreter, addressed the Assembly in the following terms:

“He felt peculiar pleasure in meeting such a body of clergy together as this. He had been delighted to observe the two great characteristics of the clergy, viz.: education and piety. In this he sees the secret of the darkness that prevails in his own country and the light in this. In his country the clergy are able to chaunt merely in an unknown tongue, and not to interpret to the people. The clergy are the eye of the church, and if that eye is blind and dark, both clergy and people will fall into the ditch. Here they are educated, and love and fear God, but in his country it is directly the reverse. He had been deeply impressed since coming here with their lack of knowledge and still greater lack of love to God; for the apostle has justly said that knowledge without love is nothing. He was happy to see the brotherly love that prevails among Christians in this country, and he prays that it may increase more and more. He also

takes great pleasure in recognizing the clergy of this Assembly as brethren in the Lord and brethren in the ministry of Christ, and he desires their prayers for his people and particularly for the clergy of his country, that they may be truly converted to God and thus be prepared to break unto that famishing people, the bread of life."

After exchanging salutations with members of the Assembly, the venerable Bishop took leave of the body, the House rising and bidding him a respectful and affectionate farewell.

Property of Lane Seminary.

Rev. Mr. McDonald submitted to the Assembly, papers of the Kemper family in Ohio, conveying a large amount of property to the Lane Theological Seminary. These papers, and the whole subject to which they related, were referred to a select committee, consisting of Judge Thompson, Messrs. Breckinridge, Galloway, McDonald, and Fullerton. This committee subsequently made the following report, which was adopted, viz. *Resolved*, That the Trustees of the General Assembly be requested to inquire into the facts relating to the Lane Seminary, near the city of Cincinnati, and if they find that the proviso in the deed of the 9th of December, 1829, from Elnathan Kemper, and others, to the Trustees of the Lane Seminary has been disregarded by the appointment of "Professors and teachers who are not members of the Presbyterian church, under the care of the General Assembly of the Presbyterian church in the United States of America," that they take advice of counsel learned in the laws of Ohio, and if they shall be advised that the laws of the state furnish an adequate remedy in the case, that they institute the proper proceedings to enforce the observance of the said provisos. It was further *Resolved*, That a copy of the aforesaid resolutions be transmitted to the Board of Trustees of the General Assembly, together with the copy of the deed referred to, and the other documents in the case.

On a subsequent day the Rev. William Chester moved a reconsideration of this vote. The reconsideration was ably and strenuously opposed by Dr. Breckinridge and others, who urged among other considerations the following arguments. The Rev. James Kemper wished to appropriate a farm for the purpose of a Theological Manual Labour Seminary. His own farm not answering his purpose, he negotiated for one in possession of his son, and having purcha-

sed it, applied it as above specified. This accounts for the deed being in the name of Elnathan Kemper, the son, who in consequence has by some been supposed the donor. This property, which is in the borders of the city of Cincinnati, consists of seventy acres of land, and is supposed to be worth seventy or eighty thousand dollars. According to the terms of the deed, the property was put in trust for a Theological Seminary, with the proviso that the professors should be in connexion with the Presbyterian church, under the care of the General Assembly of the Presbyterian church in the United States of America. Mr. Kemper and his sons being Old School Presbyterians, there can be no doubt of their intention to found an orthodox Presbyterian Institution. Subsequent to this, Mr. Lane, a Baptist, as a thank offering for some successes in business, offered to his own denomination twenty thousand dollars, on condition that they would apply it to the establishment of a Theological Seminary, which they failing to do, he made the same offer to the Presbyterians, which being accepted, the sum, or so much of it as was actually received, was appropriated to the erection of buildings on the land given by the Kempers. The present professors of Lane Seminary have not the sanction of the General Assembly, and therefore the condition of the trust has been violated. Neither did Mr. Lane give his money to a body of Presbyterians, who had no organized existence at the time of the gift, so that the possession of the property of the New-School party is in plain contravention of the terms on which the property was contributed.* The New School have, indeed, endowed the Professorships, and the interest only, and not the principal of these endowments has been paid. But these funds are entirely distinct from the property which it is now proposed to enquire after.

It was strongly urged that as the Assembly sat still and saw the trust created, there results a moral obligation on them to see it faithfully executed. If the deed conveyed the property to be used for the cause of Christ, under the direction of this church, it is our duty to our Lord and Master; our duty to the good men who gave the property; to the heirs of those men who have now called our attention to the subject; it is a duty from which we must not shrink,

* See Presbyterian, June 4, 1842.

to go forward and assert the claim of the Presbyterian church to the control of that Seminary.

On the other hand it was urged, that the Lane Seminary does not belong to this Assembly. Possession was a *prima facie* evidence of ownership. The New School had been in possession of that institution from its foundation; and had at least in great part contributed the funds by which it was carried on. Besides, it was generally understood, that in 1837, when an amicable separation of the two parties in our church was attempted, the committee of five from either side appointed to fix the terms of such separation, agreed on all matters in relation to the institutions and property of the church. It was conceded that the institutions in the hands of the New School party should belong to them, and those in the hands of the Old School should belong to them. Though these terms were not accepted, and are not now formally binding on either party, yet we shall certainly have the appearance of claiming, what we once acknowledged did not belong to us, if we now attempt to disturb the New School in the possession of that institution.

In the second place it was denied that we had any trust to execute in the case. The property in question was, in the first instance, offered to the Assembly and urged upon their acceptance, but declined; the Assembly preferring to locate their western Seminary at Allegany town. Besides, the deed conveys the property to trustees for certain purposes and on certain conditions, and provides, in the case the contemplated seminary should fail or become extinct, the proceeds of the property should go to the American Bible Society, the American Tract Society, the American Colonization Society, and perhaps one other of the national societies; and in case of either of these societies ceasing to exist, then the General Assembly was to designate to what benevolent object the money was to be applied. It is obvious, therefore, that we as an Assembly, have neither interest nor responsibility in the matter. If the trustees violate their trust, it belongs to one of these societies, or to the subscribers to the Institution, to take measures to secure their faithful performance of the conditions of the deed.

It was further urged, that we had hitherto acted on the defensive. It was the New School that had brought suit against us for the possession of property, which they had virtually acknowledged did not belong to them. That this suit had been a great scandal to religion; and we should

incur the responsibility of bringing odium on the cause of Christ, if we now became the assailants, and drew our brethren to the bar of a civil tribunal, at the very moment they were withdrawing their suit against us.

There was moreover no such prospect of success as to justify us in incurring the evils which must result from a protracted law suit. The law in any case was uncertain. One court had decided against us in our former suit, and another for us. Though a plainer case, both as to law and equity in our judgment was never submitted to a court. The incompetency of such tribunals to decide questions connected with ecclesiastical proceedings, both parties in the church had been loud in proclaiming. It was therefore most unwise, to put the important interests at stake to the hazard of another trial; especially as in the present case, we were not the party immediately interested.

The motion to reconsider prevailed by a vote of 96; and it was then moved that the whole subject be indefinitely postponed, which motion was carried, ayes 65, nays 52. It was then resolved, that the papers on this subject transmitted to the trustees should be recalled, and returned to the gentleman who laid them before the Assembly.

Hasty ordinations and unauthorized demission of the sacred office.

The committee appointed on this subject by the last Assembly, made the following report, which was amended and adopted as follows, viz.

The Moderator of the last General Assembly submitted to the Committee of Overtures, a minute in regard to hasty ordination of ministers of the gospel, and to unauthorized demission of their covenanted employment by ministers, which that committee reported to the Assembly, (Overture No. 11, p. 432, printed minutes of 1841,) and which being considered was referred to a select Committee, (page 425,) the report of which together with the original minute, was by order of the Assembly, (page 447,) referred to another select Committee, which was directed to report to the Assembly of 1842; which last named committee, having considered the subject, submit the following minute as their report viz:

I. That as persons are liable to mistake their calling, and as the office of the ministry is, by God's institution, a permanent one, which cannot be laid aside at pleasure, Presbyteries ought to exercise great caution in ordaining ministers of the gospel. And they are hereby enjoined, not to ordain any one to the Pastoral office, until full proof has been made of him, as a licentiate, by the Presbytery that ordains him.

II. As one great evidence of a divine call to the work of the ministry, is the call of a particular congregation, it is especially necessary to use great caution in ordinations *sine titulo*, and the Presbyteries are enjoined not to pro-

ceed to such ordinations except in the cases provided for in our form of government.

III. That the Presbyteries are specially enjoined not to ordain their licentiates when they are about to remove into the bounds of other Presbyteries, but to dismiss them as licentiates.

IV. That, as intimately connected with this subject, Presbyteries ought to have a special oversight of the settlement of ministers in vacant churches, as by the word of God, and the standards of the church, they are empowered and directed. And that in all such settlements, it is in itself right, and would tend to establish proper order, and the due supervision of Presbyteries, and to break up irregular influences and residences, that vacant churches should apply to their own Presbyteries for supplies.

V. That permanent ministerial connexion with any Presbytery except that in whose bounds the individual lives, is irregular and disorderly, and not to be allowed. But where the residence is not in the bounds of any of our Presbyteries, (as in the case of foreign missionaries,) the connexion may be with either of them.

VI. That the relation of stated supply, which has grown up between many of our churches and ministers, is unknown to our system, and tends to disorder and injury in many ways. The Presbyteries, are therefore directed to supplant it, as far as possible, in all cases, by the regular pastoral relation; and to discountenance it as a permanent relation.

VII. That those ministers who give up the regular and stated work of the gospel ministry, as their main work, except it be for reasons satisfactory to their Presbyteries, should be called to an account by the Presbyteries to which they belong, and dealt with according to the merits of their respective cases. And the justifiable cause for which any minister gives up his work should be stated on the minutes of his Presbytery at the time—with the approval of the body.

VIII. That all our Presbyteries be directed, at their first stated meeting after the rising of this Assembly, to require such ministers in their bounds, as are not regularly engaged in their covenanted work, to give an account of themselves; and the Presbyteries shall take such order in the premises, as is consistent with this minute, and report their doings specially to their respective synods, and to the next Assembly.

IX. The whole object of this action is to enforce the true principles of our standards, in regard to the calling and work of the gospel ministry; and to correct errors and irregularities which have sprung up in various places. And for effectual reform in the premises, the whole subject is commended to the special attention of all our Synods and Presbyteries. And nothing herein is to be construed as any disparagement of the true office and work of an Evangelist, which is scriptural, permanent, and most important; and on that very account the more carefully to be guarded, lest it become a pretext and covering for deceived persons, or for intruders into the holy work of the gospel ministry.

X. *Resolved*, That it be referred to the Presbyteries whether the following section shall be added to the 15th chapter of our form of government;

The office of a minister of the gospel is perpetual and cannot be laid aside at pleasure—yet any minister may, with the permission of his Presbytery, demit the exercise of his office, and when any minister has thus demitted the exercise of his office, he shall not be permitted to sit as a member of our ecclesiastical judicatories. And any minister, having so demitted the exercise of his office, may on personal application to the Presbytery which allowed him to demit it, if said Presbytery think proper, be by it restored to the exercise thereof, and to all the rights incident thereto.

This report gave rise to considerable discussion, but was

finally as amended unanimously adopted. The principal points embraced in the discussion were the following: First, when may a candidate for the ministry be properly ordained *sine titulo*. On the one hand it was contended that such ordinations should never be allowed, unless the candidate intended to make the preaching of the gospel his main work, and to go as an evangelist to frontier or destitute places. But, on the other hand, it was said that this principle did not embrace certain cases, in which Presbyteries had the right, and ought to exercise the power to ordain. If the candidate had, in the judgment of the Presbytery, a clear call of God to the ministry, and a proper field to exercise its functions, then he had a right to ordination, and it was the Presbytery's duty to grant it. Ordination confers the right and imposes the duty of preaching the gospel and of administering the sacraments; but it does not necessarily imply that the discharge of these duties should constitute the main business of the minister. There are many of our missionaries whose time and attention are mainly devoted to the superintendence of schools, or the translation of the scriptures. Such men were Carey, Morrison, Martyn. While thus employed, however, they had abundant opportunities of preaching the word. Was this right to be denied them, to satisfy the whim of adhering to rule? Our constitution declares that "the pastoral office is the first in the church both for dignity and usefulness." This we have no disposition to dispute; but the church may see fit to assign some of her probationers to the more humble office of teaching her candidates the a b c of the sacred languages, of superintending their general or professional education, and while this is their main, official business, they may have abundant opportunities to preach the gospel and administer the sacraments. Is there any reason why they should be deprived of this privilege, or shut out of this field of usefulness? We know professors in our colleges who preach every Sabbath, who attend bible classes among the students, who have religious meetings every day in the week, often for months together. We know on the other hand, pastors, who from necessity or choice, are six days in the week engaged in their schools, upon their plantations, or in some other secular or semi-secular employment, and who preach on the Sabbath one or two discourses. Is there any ground for regarding these latter as more in the way of their duty than the former; has the one class any right to say to the

other stand by, I am holier than thou? We know no class of men worthier of more respect than pastors, whose congregations are unable or unwilling to give them an adequate support, and who, therefore, after the example of Paul, labour with their own hands night and day, that they may be able to preach the gospel of the grace of God. But it cannot be denied that what is at first undertaken as a means of support, is often prosecuted as a means of wealth, and that the richest ministers are often those who get the smallest salaries. All we wish is that justice should be done; that some of the best and most devoted men in the church, whom the providence of God and the wishes of their brethren have placed in the position of hewers of wood and drawers of water, who are engaged in our colleges in preparing the children of the church for the sacred ministry, should not be regarded as themselves intruders into that office; while in point of fact their time and strength are devoted to the service of the church.

Another point involved in this discussion was the case of those ministers who give up the stated duties of the ministry as their main work. All agree that when a man, for inadequate reasons, after having been ordained to the sacred office, turns aside to secular employments, it is an evil and scandal which requires a remedy. And besides, it sometimes happens that a man mistakes his calling; and after due trial discovers he has not the qualifications or character suited for the successful discharge of the duties of his office. It was thought that some provision should be made for such cases; that the Presbyteries should not allow their members to turn aside from their work for the sake of worldly gain; but should consider such cases as calling for the exercise of discipline. And for the other class, comprising those who, without forfeiting the confidence of their brethren, found themselves unfit for the work to which they were called, the addition to our form of government proposed in the tenth section of the above report, was introduced. To this there seems to be no reasonable objection. It is already provided in our constitution, that although the office of a ruling elder is perpetual, and cannot be laid aside at pleasure, yet any elder may, for adequate reasons, lay aside the exercise of his office. And when this is done, he is not entitled to sit as an elder in any of our church courts. It is simply proposed to extend this rule to the case of ministers.

The above rules while they provide for acknowledged

evils, leave uncensured that class of our ministers, who, though not engaged in preaching the gospel as their main work, are employed in the service of the church, and in accordance with the wishes of their Presbyteries.

The only other point in this report which gave rise to much debate, was that part of the third section of the original report, which declared that no candidate should be admitted to trials for settlement in a vacant congregation independently of the immediate supervision of the Presbytery. It was urged on the one hand, that it was the right of the session of a church to supply its own pulpit, or to invite any licentiate or minister in good standing in our church to preach for them, without consulting the Presbytery; that to deny this right was to introduce patronage into our churches, and to interfere with the liberties of the people. On the other hand, it was maintained that the elders of a vacation church were bound to exercise the right in question in subordination to the Presbytery; that they were not an independent body, but a constituent part of an extended organization; and consequently must in all their acts conform to the rules of the church. As a minister and his session are the spiritual rulers of a parish, and have a right to say who shall and who shall not exercise the office of a teacher to the people submitted to their care; so a Presbytery are the spiritual rulers within their bounds, and have the same right with regard to all the churches. The liberties of the people are abundantly provided for by our system. No man can be imposed upon them as a ruler without their consent, or even without their deliberate request. Greater liberty than this they need not desire, and do not as Presbyterians possess.

It was further urged that the supervision of the Presbytery over the supply of vacant congregations, is expressly recognized in our form of government, as in chapter 18; and was constantly exercised; since nothing was more common than for a vacant congregation to apply to its Presbytery for supplies, or for liberty to supply its own pulpit for a definite period. The denial or neglect of this supervision, it was contended, would be the occasion of the greatest disorders. It would effectually nullify all those provisions of our constitution which give to the Presbytery authority in the ordination or installation of pastors. For if a man, whom a Presbytery could not see its way clear to ordain, was allowed, without their consent, to preach within their

bounds, gain ascendancy over the minds and affections of the people, the Presbytery would be forced, in a multitude of cases, to choose between ordaining a man of whom they disapproved, and the division or secession of the church to which he preached. These were evils of frequent occurrence, and arose from the neglect of the plain principles of our standards. This part of the report, was however, almost by common consent struck out; not as conceding the principle in debate, but because it was thought that that principle was asserted with sufficient distinctness in the former part of the section. As thus amended, the whole report, as before stated, was unanimously adopted.

Imposition of Hands.

The committee of bills and overtures reported an overture from the Presbytery of South Alabama on the subject of ordaining elders and deacons with the imposition of hands. The committee recommended that it be left to the discretion of each church session to determine the mode of ordination in this respect.

Under the old dispensation and in the apostolic church, the imposition of hands was used on all solemn occasions to signify the idea of communication. It is a fitting and becoming ceremony whenever the rights and privileges of a sacred office are conferred; but there is evidently no necessity or peculiar importance to be attached to it. There would seem to be something of the leaven of the popish doctrine of the communication of a mysterious influence, producing the indelible impress of orders, by the imposition of consecrated hands, still lurking in the minds of some of our brethren. If grace, in the sense of divine influence, was given by the laying on of hands, then indeed, it would be a serious question when that ceremony should be used. But if grace, in such connexions, means what it often means in scripture, and in the language of the English reformers, office, considered as a gift; then it is obviously a matter of indifference, whether those in authority express their purpose of conferring a certain office by words, or signs, or by both.

The same committee reported an overture from the Presbytery of the Western District, on the subject of allowing ruling elders to unite in the imposition of hands in the ordination of bishops. The committee unanimously recommended an adherence to the order, and until recently, the uni-

form practice of our church, on this subject viz., to allow preaching elders or bishops only to engage in this service. This report was unanimously adopted.

The participation of ruling elders in the ordination of bishops can be defended only on the assumption that the office of the former is superior to that of the latter and includes it; or that the two offices are identical. As no one asserts the superiority of the ruling elder over the bishop; the only question is as to the identity of the two offices. It seems plain from the New Testament, that the early churches, after the manner of the synagogue, were governed by a bench of presbyters or elders; that these elders performed different duties according to their gifts; and that there was one presbyter who presided over the rest, whose office was analogous to that of the ruler of the synagogue. This latter office was a permanent and peculiar one, and not a mere moderatorship, as may be inferred from the epistles to Timothy and to the seven churches of Asia. The man who held this office was still a presbyter, but not merely a ruling elder, and was what he was, in virtue of a special appointment. Thus every church was governed by a Presbytery, that is, by a bench of presbyters, composed of a bishop, in the proper sense of the term, and elders. It may well be doubted whether there was perfect uniformity, in this matter, in the apostolic churches. But this seems to have been the general model, and this is our system. It is easy to see how prelacy grew out of this scriptural plan of church government. We have a bishop, presbyters, and deacons in every diocese; but a diocese with us, is as it was in the times of the apostles, a single parish, governed by this congregational Presbytery. But as neighbouring and feeble churches were gathered, through the instrumentality of the officers of such a church, around the parent organization, they retained their connection with their common centre. Thus the diocese instead of being a single congregation, came to be a city, then a province, then a kingdom, and then all Christendom.

If this view of the scriptural doctrine be correct, then it is plain that the offices of pastor and ruling elder, are not identical. Both indeed are presbyters; but the former has rights and duties which do not belong to the latter. And peculiar rights and duties, constitute or suppose a peculiar office. This distinction, which we believe is recognized in the word of God, is constantly kept up in our standards.

They give different names to those who fill these offices; the one class are called pastors or bishops, the other ruling elders; they assign them different duties; and they demand in them different qualifications. The effect of confounding offices thus distinct, will be either that we must require the same qualifications in ruling elders as in ministers, which would be to abolish the eldership in two thirds of our churches; or the hedge around the sacred office, erected by our standards and the word of God, must be broken down, and every ruling elder made a preacher and teacher of the gospel. And for what purpose is this innovation desired? What good object can it accomplish, or what important truth does it propose to vindicate? It seems hard to conjecture. The very fact that it is an innovation, in the absence of all stringent reasons for it, is argument enough against the change. Our Assembly is in danger of being turned into a legislature, called together to make rules; whereas its leading functions are executive or judicial. Before the Assembly just closed, there were, we know not how many proposals to make new rules either enforcing or altering the constitution. There was one series of resolutions about ordinations and resignations of the ministerial office; another about baptism; another about the mode of admitting members to the church; at least two altering the terms of Christian communion; besides other things of a like kind. If every man, not content with enjoying his own opinions, is to insist on their being turned into laws, to bind his brethren, our church will soon become a scene of utter confusion, one Assembly wasting its time in unmaking laws, which another had wasted its time to make.

The above resolutions, though passed unanimously, and without debate, were as a matter of courtesy, reconsidered, in order to give an opportunity to have them discussed, and then laid over to the next Assembly.

Manufacture and sale of Ardent Spirits.

The committee of overtures reported the question, Whether the manufacturer, vender or retailer of intoxicating drink should be continued in full communion of the church; and recommended the adoption of the following resolution, viz. That while the Assembly rejoice in the success of the temperance reformation, and will use all lawful means to promote it, they cannot sanction the adoption of any new terms of communion—which was adopted.

Complaints were made by brethren from various parts of the church, of the disastrous effects produced by fanatical advocates of temperance. The authority of the word of God is slighted or openly contemned; the blessed Redeemer irreverently spoken of; the sacrament of the Supper tampered with and profaned; ignorant and irreverent men set up as teachers of morals; the Sabbath desecrated by newly reformed, and in some cases, half reformed drunkards being allowed, in sacred places, to discourse on drunkenness; avowed infidels, virtual infidels, professors of religion, ministers of the gospel mixed up in the same voluntary organization, and the former often turning the action of the body in favour of their own evil peculiarities; the church set aside, the ministry denounced, temperance turned into a religion with its revivals, its conversions, its hymns, its new measures; a spirit of denunciation, slander and proscription indulged; combinations "to break down" the conscientious opposers of these evils, by misguided public opinion; moral distinctions confounded, the end made to sanctify the means, and in short the devices of man instinct with man's spirit, exalted above the ways and spirit of God. It is very obvious that if the church allows herself to be cowed much longer; if good men allow themselves to be cajoled into sanctioning what they know to be wrong for the sake of effecting what they know to be right; if they continue to associate themselves with bad men, and to sanction evil principles, evil measures and an evil spirit, we shall soon see the foundations of our faith and hope overturned, and after having sacrificed truth, order, and religion for temperance, we shall find that Satan has outwitted us, and religion will be gone and little else than drunkenness be left. There are two principles, which every Christian is ready enough to admit, but which many Christians practically disregard, which we should ever sacredly maintain. The one is that the Bible is our only infallible rule of faith and practice, a rule by which we are bound as by the authority of God. It is therefore the very spirit of infidelity to set up our own opinions as to what is true or false, right or wrong, in opposition to the plain teaching of the word of God. The other is, that we should not do evil that good may come. These are very plain principles, and yet it is the neglect of them, which threatens to turn, and in some parts of the country has already turned, the "temperance movement" from a blessing into a curse, from a river of water into a flood of fire.

Board of Foreign Missions.

From the Report of this interesting Board presented to the Assembly, by its Secretary, the Hon. Walter Lowrie, it appears that during the past year the Board has had but two agents permanently in the field: that its receipts have been \$60,324 32, (subject to a discount on uncurrent money of \$2,416 03,) and its expenditures \$59,039 82. Eight new missionaries have been sent out to different stations. Preaching the gospel, the superintendence of schools, the distribution of religious publications continue to employ the time of the missionaries at all the different stations, and the prospect of success is becoming constantly more encouraging. The committee to whom this report was referred recommended the following minute, which was adopted.

The important document submitted to the examination of your committee, is one which in the cause it advocates, the facts and information it offers, and the appeals it contains, is well calculated to awaken peculiar emotions in the breasts of the members of this General Assembly, and those of the officers and members of our church generally. The sentiments of gratitude and praise to God for having permitted our church to take an honoured place in the ranks of the consecrated hosts of God, which are now moving forward in the glorious enterprise of the world's conversion, and for the success with which he has been pleased thus far to crown her efforts to send forth the riches of his salvation to distant portions of the earth. The feelings of a common and solemn obligation resting upon us and our successors in this communion, collectively and individually to persevere in this hallowed enterprise, and renew and augment our contributions and our prayers until the spiritual dominion of the world is given to Christ, and the promised triumphs of his grace are realized among all nations. And it is also calculated to awaken the feelings of sorrow in our hearts, and grief and self-abasement before God, that we are as a community and a generation of Christians doing so little in proportion to our ability and our obligations to the Saviour of the world, for the benighted and perishing heathen—that so many of our churches seem unanxious and unwilling to share in the blessing which God will surely shed forth upon those, and those only, whose hearts and hands are open for the spread of the Redeemer's kingdom: and that the exertions of our Board are to so great an extent circumscribed and restrained by the want of necessary funds to carry on the work. Our condition and our duty as a denomination, in respect to this department of our work, plainly show that the state of the world must be still more plainly laid before our churches, missionary information far more extensively disseminated, obligation to Christ, and the interests of his kingdom more earnestly inculcated, and the duty and blessedness of fervent and persevering prayer for the spread of his everlasting gospel more constantly set forth and urged upon the followers of Christ. In view of these considerations, the committee would propose the following resolutions, viz:

1. *Resolved*, That the annual report of the Board be approved and referred to the Executive Committee for publication and distribution among the churches, as extensively as may be found practicable.
2. *Resolved*, That the Foreign Missionary cause obviously claims from our church a great augmentation of funds, and this Assembly cordially approve of the suggestion that an effort be made to raise and place at the disposal of the

Board the sum of \$100,000, for the expenses of the coming year, and that sum, or more, annually thereafter—believing that such an offering would eminently redound to her own temporal and spiritual welfare, as well as to the glory of God.

3. *Resolved*, That in order to call the attention of our churches in a special manner to such an endeavour, and to the throne of grace to humble ourselves before God, and implore the aids of his Holy Spirit and his blessing upon the cause of Missions in general, the first Monday of October next be and the same hereby is appointed and set apart as a day of public instruction on the subject of Foreign Missions, and of supplication and prayer throughout the bounds of our church, to the intent that our past sins and neglects may be duly recognized and deplored—our duty to the brethren distinctly set before the churches; our dependance upon the grace of God in this matter clearly presented, and the influences of the Holy Spirit upon ourselves and our Missionary stations fervently invoked. And it is herein further recommended to all our Presbyteries to take order for a similar observance, and with a similar view, on the second Monday in January, annually.

4. *Resolved*, That this General Assembly highly approve of the proposal of the Executive Committee to establish a small monthly paper, to be denominated *The Foreign Missionary*, to be afforded to subscribers at the small sum of twelve and a half cents per annum, exclusive of postage, in the belief that with little exertion on the part of Pastors and Church Sessions, there may be annually circulated among our people and the youth, and children of our congregations and Sabbath schools, from 50 to 100,000 copies of a work thus calculated and adapted to furnish a great amount of select Missionary information.

On motion of Mr. Duty,

Resolved, That this General Assembly earnestly recommend to the Bishops and Elders under its care to take special pains in directing the attention of the children and youth of the church to the great subject of Missions. And in order to do this more effectually, advise the formation of Juvenile Missionary Societies wherever practicable, in every Sabbath school throughout the bounds of the church.

On a subsequent day on motion of the Rev. E. B. Smith, the following minute was adopted:

The General Assembly impressed with the importance of making more decided and prompt efforts to secure from all the members of its communion, systematic contributions to the funds of the Board of Foreign Missions, HEREBY ENJOINS on all the Presbyteries which have not already anticipated such action, 1st. To require of every pastor and minister supplying a church, and of the Sessions of all vacant churches, the adoption of some plan by which, if possible, all the members of their respective congregations shall hear the claims of this great Christian charity, and annually enjoy an opportunity of contributing to its sustenance, to the extent of their ability, however limited; and 2d. To embody in their annual presbyterial report to the General Assembly, an account of the diligence of the Presbytery and the success of its efforts in this matter.

The greatest interest in the successful operation of this Board was expressed by the members of the Assembly. As usual, the subject of agencies was more or less alluded to. This is such an easy topic of declamation, and is in itself so generally unpopular that it is not a matter of surprise that even the small number of agents in the service of this and

our other Boards should be a matter of complaint. The object to be accomplished by agents, is to bring the duty of contributing to the various religious enterprises of the church before its members in all parts of our land, and to forward their offerings to the officers appointed to receive them. We have in our Presbyteries, our ministers, elders and deacons, an organization and men, which would seem to preclude the necessity of the expensive machinery of agents. But those who know much of human nature, even when partially sanctified, or who open their minds to the lessons of experience, know that men need to be roused and urged to discharge even acknowledged duties. There is no Christian in the land who does not admit the duty of contributing to the Bible, Tract, Missionary, and other religious and benevolent enterprises of the day; but have these enterprises ever been started or carried on, without this duty being pressed both upon ministers and people, and the opportunity for the present discharge of it, being presented to them? Besides, we are all creatures more or less of habit. Men who have grown up, and become old without forming the habit of giving, or of urging others to give, are not easily brought by their own persuasions to undertake the duty. We know a congregation which now gives a larger salary to its pastor than it ever gave before, and gives to benevolent objects more than it formerly gave to its minister; simply because its present pastor has been formed under the influences of the present instead of the past century. We say this in no disparagement of our elder ministers. They may be in many respects much better men than their children; but as to the single point of missionary and other cognate enterprises, they cannot in general be expected to take the interest in them, or to devote the time to them, which may be fairly demanded of men who have heard of little else since the day of their spiritual birth. Agencies, therefore, are a necessary evil in the beginning of every benevolent work. One of their best effects is to render themselves unnecessary. They awaken a spirit and induce habits which enables the church to do without them; and the sooner that time arrives the better. But we trust there are few who are prepared to say, Let the heathen perish, rather than have agents to gather the means of sending them the gospel. We can hardly conceive it possible that any good man, who wishes well to the object of any of our Boards, should speak against them, discourage their operations, refuse to give or hinder others

from giving, merely because he differs from his brethren, as to whether, there should be two agents, or one, or none at all; whether the organ of the church in these matters should be called a Board or a Committee; or whether it should be located in one place or another. If we are never to do good until every body thinks as we do and is willing to submit to our directions, whatever good is to be done, will be done without our co-operation, and without our sharing in the blessing. While speaking of this subject of agencies, we will drop an idea, which perhaps has been before suggested in these pages, and that is, that it seems to us important, that our agents should have it for their object not so much to collect money, as to rouse the churches and organize the means of collecting it. If our church sessions would take this matter in hand, and appoint a collector to present to every member of the congregation, once a year, the opportunity of contributing to each of our Boards, there would be no need of agents; and the best way in which an agent could labour, would be to get the sessions engaged in this very work.

Board of Domestic Missions.

Though the past year has been one of unprecedented pecuniary embarrassment, yet this Board has been able to extend its operations and to close its annual account free of debt. Its receipts were \$35,909 73; its expenditures \$32,083 50, leaving a balance in the Treasury of \$3,826 23 cents, which however is not more than sufficient to meet the demands already due. The number of missionaries employed is two hundred eighty-six, and of congregations or missionary districts supplied, more than eight hundred. There have been added to these churches more than two thousand members, on examination, and on certificate about fifteen hundred. Sixty new churches have been organized; and not less than sixty houses for worship have been erected or are now building. More than five hundred Sabbath schools are reported, and about the same number of Bible and catechetical classes. What a blessed work! Who can estimate the benefits to the present and to coming generations from the labours of this Board for this single year! It may be that some other enterprises address themselves more powerfully to the imagination, or even to some of the feelings of our hearts, but surely there can be no work more really important than planting the gospel, with all its life-

giving influences, contemporaneously with our rising villages and cities of the west. It is when a community is forming that it receives its character, which it rarely fails to transmit from generation to generation. If our country is to be a Christian land, the institutions of the gospel must keep pace with the growth and extension of our population. If orthodox Christians do not send the truth, others will be sure to send error. We are labouring for all coming ages. May our church be found, in this matter, faithful to her high vocation.

The following resolutions were adopted in reference to the report of this Board.

1. *Resolved*, That this General Assembly is called upon to express its gratitude to God, that amidst the almost unexampled embarrassments of the times, he has enabled their Board of Domestic Missions to prosecute the work entrusted to them, not only without diminution but with increased success.

2. That the employment of two hundred and eighty-six ministers, preaching the everlasting gospel in more than eight hundred congregations, and in twenty-three States and Territories; the addition to the visible church of more than two thousand souls, by the instrumentality of these ministers led to Christ; the gathering of sixty new churches, and the erection of sixty or more houses of worship; the instruction of twenty thousand youth in Sabbath Schools and in the Catechisms of our church; and the wide dissemination of the books of the Board of Publication, by the labours of these ministers, through so many new and destitute settlements during the past year, are striking proofs that this Board is one of the most important and useful agencies of the church for the extension of the Redeemer's kingdom through the earth.

3. That the condition of the population of wide portions especially of our Southern and Western States, not only justifies but *requires* the employment of evangelists engaged in itinerant labours, and that Pastors are called upon, in all such regions, to inquire if they cannot extend their labours beyond the bounds of their own congregations, occupy new stations for preaching, gather new churches, and with the consent of their own people, spend some portion of their time in missionary labours.

4. That it behoves our several Presbyteries to take a careful survey of the territory within their respective bounds, inquire whether the population residing there is fully supplied with the ordinances of the gospel and in habitual attendance on the worship of God, and to take such measures as their wisdom may suggest to establish at all proper points the preaching of the word and the ordinances of God's house.

5. That the Report of the Board of Missions be approved by this Assembly, and be recommended to the attention of our Synods, Presbyteries, churches, and members, and that it be returned to the Board for publication as they shall see fit.

Board of Education.

It appears from the report of the Board of Education that the whole number of young men assisted by it up to this date is one thousand seven hundred and forty-five. The number of new candidates added during the year is

ninety, the whole number under its care, three hundred ; of these one hundred and nine are in their Theological course, one hundred and twenty-two in college, fifty in school, and nineteen engaged in teaching.

We greatly rejoice in the increasing prosperity of this branch of our benevolent efforts. This Board has various prejudices to encounter peculiar to itself. Even some good men think that we have ministers enough, although churches, and destitute regions in every part of our land are earnestly calling for some to declare to them the way of life, and when the heathen world is but just entered upon. Others think that candidates for the ministry should be left to support themselves. If so, we see not why the same may not be said of ministers. The candidate devotes himself as really to the service of the church as the minister does. He gives up the prospect of worldly emolument, and consecrates his time and talents to Christ, and is therefore as much entitled to be sustained in preparing for the work, as those who have entered on the active discharge of the duties of the ministry. Besides, we may be assured that if we do not aid those who are seeking the ministry in our own church, we shall soon find our young men taken from us, and brought up under influences hostile to all that is peculiar in our doctrine and discipline. Unless this board therefore be vigorously sustained, our Boards of Domestic and Foreign Missions will soon find themselves without labourers ; and our whole vocation as a church will remain unaccomplished.

The Assembly adopted the following minute, in relation to this subject.

Whereas, the General Assembly, at its last meeting, seeing that the number of their candidates for the ministry was from year to year diminishing, felt constrained to recognize their entire dependance on God for their increase, and the impotence of all human organizations without the divine blessing. And whereas, under this sense of dependance, the last General Assembly earnestly recommended to all the churches to betake themselves to the Lord of the harvest in fervent and importunate prayer, on a day fixed upon for that purpose ; and as we find from the Report of the Board of Education that God has in a very remarkable manner answered those prayers in a speedy and large increase of candidates for the ministry—therefore

Resolved, 1. That this Assembly do not ascribe this success to the wisdom or efficiency of their plans of operation, but entirely to the blessing of God, and do therefore call upon the churches to give him all the glory.

Resolved, 2. That the Assembly regard this but as the first fruits of a great and glorious harvest which they may reap if they faint not ; and that while they should render thanks for mercies received, *they should pray without ceasing* till the number of labourers is sufficient to gather the great harvest. They would therefore earnestly recommend to all their ministers and churches that

on the first Sabbath in November, the same day of the year in which our God has heard our prayers, united thanksgiving and praise be rendered to his adorable name for his condescension and grace: and that at the same time fervent and importunate prayer be offered that he would continue to pour out his Spirit, and even more abundantly, and incline the hearts of many more to preach the gospel to a perishing world.

Resolved, 3. That on the same day, if convenient, it be recommended to all our ministers to preach on "the influence of a pious and learned ministry on the temporal and eternal happiness of mankind, and the necessity for increasing such a ministry."

Resolved, 4. That inasmuch as God has heard our prayers, and increased the number of the candidates under the care of our Board of Education, and we trust will grant us a still larger increase, it is the *indispensable duty* of our churches to provide for them the necessary aid in the prosecution of their studies. This can probably be better accomplished by bringing the churches more universally to co-operate in this work, than to strive for larger contributions from those churches which now give liberally. It is therefore enjoined on all the Presbyteries to adopt such measures as they may deem best, to secure the accomplishment of this purpose. Also, that the Synods inquire whether the Presbyteries have taken due order on this subject.

Resolved, 5. That the General Assembly earnestly recommend to the Board of Education, to avail themselves, as far as possible, of our system of ecclesiastical organization, believing that with the wise and hearty co-operation of our inferior judicatories, they can most economically and successfully carry forward their great enterprize. The Assembly would also express their great gratification that so many pastors have rendered, and propose to render gratuitous services to the Board, and would warmly recommend to all who have it in their power to render such services, to do it willingly, and thus save the Board from what may otherwise be indispensable—the employment of more agents.

Resolved, 6. That the Assembly deem it of great importance that all the Presbyteries should take upon themselves directly the important duty of selecting, examining, and recommending to the patronage of the Board all the beneficiaries belonging to their churches, and of watching over them during every stage of their progress in their preparation for the ministry, agreeably to the general principles stated in their Annual Report.

Finally, that the Report be approved, and referred to the Board for publication.

Board of Publication.

This Board have, during the year, added thirty-three new volumes to their list of publications, containing fifteen millions of pages, besides about four and a half millions pages of new editions of former publications. The annual sales amount to about sixteen thousand dollars.

The following minute was adopted in reference to the operations of this Board:

Resolved, 1st. That this Assembly regard with approbation the wisdom and energy manifested by the Board in the discharge of their important duties.

2. That it be recommended to the Board to publish a series of works suited to children and youth.

3. That the funds committed by the church to the Board of Publication ought to be managed upon the principle of yielding a nett yearly revenue of about six per centum per annum upon the actual amount of its whole capital.

And the Board is hereby recommended to adhere to a system of rigid economy, in every department of its outlay, so as to effect the object now contemplated, and yet afford their publications at the lowest rate.

4. That all the churches in our connection which have not hitherto taken up a collection for this Board are hereby enjoined to do so in order to perfect its endowment; that the Board take the necessary steps to secure such collection; and that the Synods be, and they are hereby directed to call the Presbyteries to account as to their diligence in promoting this collection.

5. That the report be referred to the Board to be published under their direction.

The only points which gave rise to debate were the following: The committee reported a resolution recommending to the Board to form depositaries of their books at certain central points, and to employ voluntary or paid agents to distribute their publications among the people. This suggestion was made, at the request of many of the western members, who felt great difficulty in getting the books from the depositary at Philadelphia. The Assembly declined adopting this resolution, on the ground that as it was an experiment involving a good deal of risk, it had better be left to the unbiased judgment of the executive committee.

We feel convinced that the plan suggested above may be carried out in a manner consistent with the safety of the funds committed to the care of the Board, and that unless it, or something equivalent is adopted, the circulation of their books must continue to be limited and uncertain. The sales of our Board are about sixteen thousand dollars; those of the American Sunday School Union sixty-five thousand; those of the Tract Society two hundred thousand; and those of the Methodist-Book Concern, we know not how much, but confessedly very large. What is the reason of this great disparity between the sales of our Board and those of other societies? There are doubtless many reasons for this difference. Our enterprise is in its infancy; our field of operation is much more limited; our publications, many at least of them, are of a higher, and less popular grade. Admitting the force of these and similar reasons, we think the chief cause of the difference, is our mode of conducting our operations. It requires no argument to prove that thousands of people will buy a book if presented at their doors, who will never think of sending a thousand miles for it; and therefore unless we can devise some way of having our books made accessible to the people, we might almost as well not publish them. If other societies do this without loss or with a profit, it is certain the thing can be done.

And we hope the Board will gradually, but perseveringly make the attempt.

The resolution recommending the Board to conduct their operations on the plan of endeavouring to realize a profit of six per cent. on their capital, and to practice the strictest economy, gave rise to a long debate. No objection was urged to either part of the resolution; but the discussion took a wide range, bringing under review the past operations of the Board, the wisdom of their selection of books, the price of their publications, the economy of their mode of conducting business. On all these points we believe the Assembly were satisfied that the executive committee had discharged their duties in a manner to entitle them to the thanks of the church. That every body would be pleased with all their books, or with all their plans, no one could expect. Some complain of their books being too small, others of their being too large; some of their being too various, others of there not being a sufficient variety; some of their being got up in too costly a style, others of their not being done well enough. It is always so, where there is a multitude of masters, and the gentlemen composing the committee must be content to do the best they can, and then be blamed on inconsistent and contradictory grounds. Still in the end, Wisdom will be justified of her children.

Resolutions explanatory of the Acts of 1837 and 1838.

Dr. Phillips from the committee of bills and overtures, presented the following minute, which was unanimously adopted:

Whereas it is believed by this Assembly that there are ministers, and churches, and private Christians within our bounds holding the same doctrines and maintaining the same church order with us, but who from a misapprehension of the Acts of the Assembly of 1838, are not in our communion; and whereas, as it is expressed in Act II. adopted by that Assembly, it was never the intention of the General Assembly to cause any sound Presbyterian to be permanently separated from our connexion, but it is and always has been the desire of the church, that all who really embrace our doctrine, love our order, and are willing to conform to our discipline should unite with us; and, moreover, as the General Assembly has no idea of narrowing, but would rather expand its geographical limits, so as to unite in bonds of most intimate fellowship every evangelical Christian likeminded with ourselves, through every portion of our beloved country; therefore,

Resolved, (1), That it be and is hereby declared by the General Assembly, that in requiring an adherence to our church on the Basis of the Assemblies of 1837 and 1838, they did not create nor introduce any new Basis of Presbyterianism, but require an adherence to the true and only basis of our organization and communion, viz. the doctrinal standards and constitution of our church as

founded on the word of God, a deplorable departure from which had been suffered through the operation of the plan of union.

Resolved (2), That it was not then and is not now required of those who would adhere to us as a branch of the Church of Christ, that as a term of membership in this church, they should approve of the Acts of the Assembly of 1837 and 1838, but simply that they should recognize the church as then and subsequently constituted as the Presbyterian Church of the United States of America, and acknowledge their subjection to its judicatories.

The acts here referred to have certainly been not a little misapprehended, and it is to be feared quite as much misrepresented. They have been held up to odium as cutting off from the church multitudes of ministers and members without charge and without a trial. The truth is, however, they cut off no one from the church. The General Assembly is charged with the duty of seeing that the constitution is adhered to in every part of our bounds, in the organization of all our courts, and in the exercise of their respective powers. The constitution prescribes how a presbyterian church, Presbytery and Synod are to be organized and the Assembly is bound to see that these prescriptions are conformed to. Now it was notorious that there were a multitude of churches, many Presbyteries and several Synods, made up of presbyterians and congregationalists, in which the latter, though not adopting our standards, not acknowledging subjection to our courts, exercised all the rights of membership, governing us with a rod of iron and refusing subjection to any of our rules. This flagrant absurdity and injustice it was the simple object of those acts to correct. They required nothing more than that the churches, Presbyteries and Synods which claimed to constitute the presbyterian church, should conform to the constitution of the church and separate themselves from their congregational members. If the churches and Presbyteries in western New York, had in obedience to our standards, effected this separation, and appeared before the Assembly, as regularly constituted, not a minister or member would have been deprived of his rights. But those Presbyteries met in convention, and resolved that they would not separate from the congregationalists, and yet would claim for themselves and the congregationalists the right to sit in all our courts and administer our laws. We do not believe a more unreasonable claim was ever made in any age of the church. This was the claim that was resisted. It was not a question whether presbyterians should be admitted, but whether certain presbyterians should be allowed to introduce into our courts, men

who never adopted our standards, for the purpose of increasing their own power, and subjecting the true members of the church to their control. We believe the time is coming when this whole transaction will be viewed in its true light, and when those who have made such an outcry about persecution, will be seen to be unreasonable men justly disappointed of their prey.

These acts, therefore, proposed no new test of ministerial or Christian communion, they created no new basis, they simply required that those who joined us should acknowledge that the presbyterian church without the congregationalists and those who adhered to them, was the presbyterian church still.

The Peoria case.

This was a complaint of the first church in Peoria against the Synod of Illinois for having dissolved that church contrary to the wishes of the people and of the Presbytery of Peoria, and for various other acts of the Synod in reference to the case. This cause had, in one form or another, been before several successive Assemblies, had consumed a great deal of time, to very little purpose, and given the lower judicatories a great deal of unnecessary trouble. As there is no principle of general interest involved in the case, we abstain from doing any thing more than giving the vote of the Assembly, which it must be confessed is not very consistent with itself; as it first refused to sustain the complaint, and then says that its main ground, viz. the dissolution of the church, was well founded. This inconsistency arose from the manner of taking the vote. There was so much in the course pursued by the complainant that the Assembly could not approve, and so many of the grounds of the complaint which they considered futile, that they did not feel at liberty to sanction by a simple vote to sustain, what they were disposed to censure. It was obvious however from the subsequent vote, that a majority of the house were disposed to sustain one, and that the principal ground of complaint. A preceding Assembly had directed the Synod of Illinois to send a committee to Peoria, to endeavour to remove existing difficulties and to unite the contending parties. The Synod, as it seems to us, in the exercise of a wise discretion, instead of sending a committee, send a commission with full powers; and this commission, when they got on the ground, finding, according to the best information they could

get, that the first church of Peoria had only a nominal existence, thought that the best way of removing the difficulties in the case, was to dissolve both the existing churches, and to organize a new one. In this decision they were sustained by the almost unanimous voice of the Synod. But in this the majority of the Assembly thought they erred, and hence the vote, that follows :

1. Shall the complaint be sustained? Yeas 46, nays 52. So the complaint was not sustained.

2. *Resolved*, That the censure which was laid by the Assembly of 1840 upon the Rev. Mr. Kellar, the Presbytery of Peoria, and the Synod of Illinois, be and the same is hereby removed. Adopted unanimously.

3. *Resolved*, That the Synod of Illinois and its commission erred by transcending their powers and the directions of the General Assembly of 1840, when they dissolved the First Church of Peoria. Yeas 55, nays 43.

4. *Resolved*, That the Presbytery of Peoria be and it is hereby directed to restore the name of the aforesaid First Church of Peoria to its roll, the same being, and it is hereby declared to be a constituent part of the Presbytery of Peoria and of the Synod of Illinois. Yeas 56, nays 38.

5. *Resolved*, That to prevent all further misconstruction, the church of Peoria created by the commission, as approved by the Synod of Illinois, be and it is hereby recognized and declared to be the Second Church of Peoria.

Appeal of the Rev. Archibald McQueen.

The Rev. Archibald McQueen having married the sister of his deceased wife, was, for that offence, suspended by the Presbytery of Fayetteville, from the gospel ministry and the sealing ordinances of the church. From this sentence Mr. McQueen appealed, by permission of his Presbytery, to the General Assembly. When the case was called up, there was a disposition manifested on the part of some of the members to have the consideration of it referred to the Synod of North Carolina, or to the next Assembly. The absence of the appellant, the want of suitable counsel to act in his behalf, the importance of the question at issue, were urged in favour of one or the other of these courses. But as the appellant had requested permission to bring his case immediately before the Assembly, as he had excused his personal attendance, and begged the court to appoint some member to act as his advocate, the house thought that justice to him and the interests of the church required that the cause should be decided without unnecessary delay.

Believing the following remarks of the N. Y. Observer in reference to this case to be just, we transfer them to our pages. "Probably no discussion in any late ecclesiastical meeting has been attended with more solemn interest than

that in the General Assembly last week. The subject was approached with deep sensibility, and with a strong conviction of the necessity of settling the law of the church in reference to incestuous marriages. The question was discussed both in reference to the particular case in hand, and on general principles, and a decision made in the fear of God, which will produce a powerful sensation in the church of which this Assembly is the highest judicatory. As the action of the Assembly will be subject of much remark, and as we were present at the discussion, it may be proper to state that we never heard a debate in any deliberative body, conducted with more profound solemnity, with a greater apparent desire to know the mind and to do the will of the Lord, and with more freedom from the excitement of human passion, either for or against the accused. Those who spoke against Mr. McQueen bore the highest testimony to his character and usefulness, in all relations but this; the counsel against him said that Mr. McQueen was his most intimate friend, and with deep emotion he commended him to the sympathies of the Assembly, if those could be indulged consistently with the constitution of the church and the word of God.”*

We feel somewhat at a loss what to do in this case. It has been our custom to present our readers with a summary of the leading arguments on either side of the important subjects discussed in the Assembly. But on the present question we feel we cannot do justice to the arguments either for or against the appellant. Dr. Krebs, having been appointed to act as Mr. McQueen’s advocate just as the cause was called up, had no adequate opportunity to prepare himself for the discussion, and deserves great credit for the exertions which he made to present every thing which could make for his client. Still many of his arguments were stated hypothetically; some are inconsistent with others urged on the same side, so that we are really at a loss to know on what ground the advocates of the appellant would choose to rest his cause. Some took the ground that there is no law in the Bible against incest; others that the law once given on this subject is no longer in force; others admitting it to be in force, denied that it prohibited the particular marriage under consideration. Then as to the other side of the question, though we have satisfactory reports of some of the speeches, we have nothing but a meagre out-

* New York Observer, June 11, 1842.

line of the argument of Dr. Breckinridge, which was by far the ablest speech delivered during the whole discussion. We think it due to ourselves to say this much, as an apology for the unsatisfactory character of the following account of the debate.

It was admitted that the Confession condemns the marriage now under consideration, but it was contended that this does not preclude an appeal to the Bible which is our only infallible standard. The constitution of the church itself recognizes the propriety of this appeal to the word of God. No man can be disciplined for any thing but an "offence," and an offence is defined to be, "anything in the principles or practice of a church member, which is contrary to the word of God; or, which, if it be not in its own nature sinful, may tempt others to sin, or mar their spiritual edification. Nothing, therefore, ought to be considered by any judicatory as an offence, or admitted as a matter of accusation which cannot be proved to be such from scripture, or from the regulations and practice of the church founded upon scripture, and which does not involve those evils, which discipline is intended to prevent." Discipline ch. 1, sec. 3, 4. And in the Form of Gov. ch. 1. sec. 1, it is said, "God alone is the Lord of the conscience; and left it free from the doctrine and commandments of men, which are in any thing contrary to his word, or beside it in matters of faith or worship." Again in sec. 7. "The holy scriptures are the only rule of faith and manners; that no church judicatory ought to pretend to make laws to bind the conscience in virtue of their own authority; and that all their decisions ought to be founded upon the word of God." It is plain, therefore, from our own standards, that the accused has a right to put himself on trial on the word of God, and challenge his accusers to make it clear by that rule that he is guilty of an offence which calls for the censure of the church.

The Presbytery freely admit this right on the part of the appellant, for in answer to his allegation that the scriptures do not condemn the marriage of a man with his wife's sister, they say, "This indeed would be a good reason for appeal if it could be proved, and would justify the reversal of the sentence."

Besides, a distinction must be made between what is fundamental in the confession and what is of minor importance. This idea was strenuously urged by Mr. Stanton, in behalf

of the appellant. Our standards say that Christians should not marry with infidels, papists, or other idolaters; nor with persons notoriously wicked in their lives, nor with such as maintain damnable heresies; yet who ever heard of a man or woman being subjected to censure for such a marriage. There are many other things of a like nature, which never have been and which cannot be enforced to the letter. The infallibility of creeds and confessions is a doctrine which none but the church of Rome has ever asserted. If we receive the interpretations of the framers of the Confession as infallible, we do what they themselves never dreamed of asking at our hands. The church of Rome claims nothing more. This Confession is but the declaration that the framers believed thus and so; and among other things they asserted, as a fundamental doctrine, that the consciences of men were to be free and untrammelled.

We have a right then to appeal to the Bible, and this appeal should not be decided by prejudice. Brethren may have a strong prejudice against such marriages, but this proves nothing. Others think them peculiarly desirable. Nor is it enough to say that all antiquity condemns them, that the Reformers with one voice pronounced them unlawful. The Reformers erred in many things, they believed in witchcraft; they justified persecution; they retained more or less of the errors of the church in which they had been brought up, and of the age in which they were born. Their opinions are no authority for us. Nor is this question to be decided by expediency. Some who admit that there is no law of God in force against such marriages, contend they are unlawful because inexpedient. But this is mere matter of opinion. A man is not to be condemned, for acting against the opinions of other men. If you cannot show a *Thus saith the Lord*; if you cannot produce an express command of God prohibiting the marriage in question, the appellant cannot be condemned.

In turning to the Bible, it may well be questioned whether there is now, or ever was any law upon the subject of incestuous marriages. We know that the sons of Adam married their own sisters, without incurring any guilt. Such marriages were then obviously in accordance with the divine will, and therefore cannot be in themselves sinful. Abraham married his half sister, and was not regarded as sinning in so doing. It is plain from the history of Absalom and Tamar, that their marriage, though children of the same father, was

considered as a thing that might lawfully take place. Again, in certain cases, God commanded a man to marry the widow of his deceased brother, which is a clear proof that such connexions are not in themselves wrong.

The laws in the 18th and 20th chapters of Leviticus, which are supposed to refer to incest, have no reference to marriage, but relate to certain aggravated forms of fornication and adultery. The word translated wife, means wife, a woman whose husband is living, and not a widow. The Hebrew word for widow is not used throughout these chapters. The sense therefore of Lev. xviii. 16, is plain. Thou shalt not take thy brother's wife, not widow. Nothing is here said of widows; for the *usus loquendi* of the Hebrew scriptures gives us an entirely different word to signify a widow or a woman deprived of her husband. So in the case of Herod, who was reprov'd for having his brother Philip's wife, it was adultery and not incest that was condemned.

This view of the case sweeps away all ground of charge against the accused, and makes even the canon of the church a nullity. For as the Confession only condemns marriages within the degrees prohibited in the word, if the Bible contains no prohibitions on the subject, the Confession condemns nothing. The matter is therefore left, as the Bible leaves civil and ecclesiastical governments, to be decided by the views and exigencies of society. And as the marriage in question is not condemned by the law of the land, it cannot be regarded as calling for any ecclesiastical censure.

This is stable and consistent ground. It is ground which has been taken by distinguished theologians and jurists. But if it be conceded that the 18th and 20th chapters of Leviticus do relate to marriage, then we assume that they have no authority over us; they belong to the Levitical law, which Christ has abrogated. The laws supposed to relate to marriage occur in the midst of enactments purely ceremonial or municipal, and it is altogether arbitrary and unauthorized for any man, or set of men, to take a code of laws and retain what they please and throw out what they please, and then expect their expurgated code to be received as of divine authority. If this law is binding, it is binding in all its parts; we must not wear linsey-woolsey garments, nor sow diverse seed in the same field, or raise a mixed breed of cattle; we must punish theft with forced restitution, per-

sonal injury according to the *lex talionis*, and adultery with death. With the Levitical law, considered as law, we have nothing to do. God never gave it for a law to us. The moral precepts which it contains we receive, because they are moral, but not on the authority of the Levitical law; and if we receive some of the precepts of the judicial branch of that law, it is not because they are found in Leviticus, but because their general equity recommend them to our adoption. It is the business of the state, and not of the church, to determine what particular parts of the judicial law, as human regulations, we must be under.

But if we could be driven from this position, if it could be proved that Leviticus 18th and 20th relate to marriage, which we doubt, and that they are binding on us, which we deny, we have the still stronger ground that the marriage of a man with the sister of his deceased wife, is no where forbidden in the Levitical law. So far from its being forbidden, the lawfulness of it is expressly implied. Thou shalt not take a wife to her sister, to vex her, besides the other in her life time. The limitation "in her life time," is a clear intimation that after the death of one sister, the other may be taken.

As it is and must be conceded that there is no express prohibition of the marriage in question in the word of God, on what ground can such a prohibition be contended for? On the ground of construction, or inference. Similar marriages are forbidden, therefore this is unlawful. But against this mode of argument we protest. It is inconsistent with the very nature of prohibitory statutes. Such statutes curtail our liberty as rational beings, or as members of society, it may be for wise reasons, but then they must be construed strictly. We should not be exposed to constructive offences; or held as sinners for doing what the law no where forbids.

Besides, the minuteness of the law, and its irregularity, its running much further in one direction than in another, show that it was the design of the lawgiver to include whatever he intended should be included. The law does not mention one case in each degree of relationship, and leave others to be inferred; but the maternal aunt is specified as well as the paternal aunt; the father's daughter and mother's daughter are both mentioned. Why is this, unless the law meant to be explicit, and to leave nothing to implication, nothing to construction?

It will hardly be denied that the foregoing considerations render it at least doubtful whether the marriage under consideration is forbidden in the word of God. The fact that so many wise and good men in every age of the church have held this marriage to be lawful, shows that it is at least a doubtful point. What other point of morals is thus a matter of dispute? Who doubts whether theft and drunkenness are crimes? Who would hesitate a moment in inflicting the censures of the church for such offences, or who would think it proper to certify to the good character of the offender, or to profess so much pain in visiting him with the punishment he had justly merited? It is evident that those who condemn Mr. McQueen, still think him a good man, and yet they charge him with a great crime, and in bringing the charge they profess such peculiar pain, as shows that they do not feel the offence to be so heinous as their sentence would imply. This consideration alone should lead this Assembly to pause before they sustain the action of the Presbytery. It is not right to condemn a man for an act the criminality of which is matter of doubt. It is a serious matter to deprive a minister of his right to preach the gospel, or to exclude a brother from the table of the Lord. It is saying as far as we can say it, that he is unfit for heaven; that he deserves to be excluded from the communion of saints here and hereafter. We should remember, said Mr. Stanton, that we are criminals, sitting in judgment upon a criminal; we should remember the words of Christ, and imitate his long suffering and disinclination to pronounce judgment upon his people. This General Assembly should be slow to pronounce that to be incest which no former Assembly had ventured thus to stigmatize; especially as enlightened public opinion will be against the judgment. The matter will not rest here; it is a question in which all the world is interested; and the decision of this house will have to sustain a severe ordeal. It is in vain for any body of men to attempt to legislate against public sentiment, in such cases as this; and we may rest assured that public sentiment will never sanction the suspicion and excommunication of a minister for an act which so large a portion of the Christian world regard without disapprobation.

The argument in support of the action of the Presbytery, was substantially as follows. This Assembly has been called upon to pause before it proceeds to condemn the marriage of a man with the sister of his de-

ceased wife; brethren have spoken as though we were about to do something heretofore unheard of. If this were true, it would create a strong presumptive argument against the righteousness of such a decision. It is in the highest degree improbable that a decision of a question of religious morals, contrary to the general judgment of the Christian world, and the uniform practice of the church should be in accordance with the will of God. We believe that his will is so clearly revealed, that on all questions of morals of practical importance, the general judgment of the people of God, will be in accordance with the will of God. We grant then to the advocates of Mr. McQueen that if they can make it appear, that the general judgment of Christian men has been favourable to the marriage under consideration, they have the vantage ground, from which it must be exceedingly difficult to dislodge them. And on the other hand, we call on them to concede, that if the reverse is the fact, then the probability is on the other side. If the great mass of Christian men in all ages have united in thinking such marriages wrong, then the probability is that they are wrong. At any rate we are not to approach the consideration of this subject under the prejudice that we are innovators, that we are introducing some new rules of morals, or taking ground which had not before been assumed. It will not be denied that the earliest records of the ancient church, relating to this subject, condemn the marriage under consideration. By the apostolic constitutions, no man who had married the sister of his wife, could ever be admitted to the ministry; and by the early councils, the parties to such connexions were excommunicated from the church; so that this became as settled a point in ecclesiastical law as any other connected with the whole subject of marriage. Indeed the language of our Confession is a literal version of the old canon law, on this point. As this law was of authority in all the western churches before the reformation, so the various Protestant communions adhered to its provisions as far as our Confession retains them. It is a matter of history that when the question was submitted by Henry VIII. of England to the universities of France, Germany, and Italy, whether such marriages were lawful, they almost with one consent answered in the negative. The great matter in dispute was not so much the lawfulness of such connexions, as the dispensing power of the Pope. The Romanists in many cases maintained that the Bishop of Rome had authority to dispense with the law of God in this,

as in other cases; but they could not deny what was the law of the church on the subject. From the Reformation to the present time the general law of Christendom has remained unchanged. The Lutheran churches, the church of Holland, the church of England, the church of Scotland, our own church have one and the same general rule on this subject. So far from a tendency prevailing to relax this law, it has of late years been rendered more stringent. Before 1835, the marriage of a man with the sister of his deceased wife, was in England merely voidable; but since that date it is void, and the children illegitimate.

Now as to our own church. As early as 1717, the Rev. Mr. Wotherspoon presented for the consideration of the Synod the case of a member of his church who had married his brother's widow, and the Synod decided unanimously that the marriage was unlawful, and that the parties must be excluded from the church.

In 1761, the following minute was adopted in reference to the marriage of a man with the sister of his deceased wife. "Though the majority of Synod think that the marriage is incestuous, and contrary to the laws of God and the land, and agree that it is sinful and of dangerous tendency; yet, inasmuch as some learned men are not so clear as to this point, it is agreed to resume the consideration hereof next year." The following year the Synod resolved, "That as the Levitical law, enforced by the law of the land, is the only rule whereby we are to judge of marriages, whosoever marry within the degrees of consanguinity or affinity forbidden therein act unlawfully, and have no right to the distinguishing privileges of the church; and as the marriages* in question appear to be within the prohibited degrees, they are to be considered unlawful, and the persons to be suspended from special communion, while they continue in this relation."

In 1772, the Synod say in reference to a different case, "After mature deliberation, the Synod declare their great dissatisfaction with all such marriages as are inconsistent with the Levitical law, which in cases matrimonial, we understand to be the law of our nation, and that persons intermarrying in these prohibited degrees, are not only punishable by the laws of the country, but ought to suffer the censures of the church."

* These marriages were, of a man with his half brother's widow, and of a man with his wife's sister.

In 1782, the Synod restored to the communion of the church Anthony Duchane, who had married his wife's sister, after he had been under suspension for three years. This decision was protested against, and the next year remonstrances having been presented against this judgment, the Synod, "Declared their dissatisfaction with all such marriages as are inconsistent with the Levitical law, and that persons marrying within the degree of consanguinity prohibited in that law, ought to suffer the censure of the church, and they further judged, that although the marriage of a man to two sisters successively, viz. to one after the death of the other, may not be a direct violation of the express words of that law, [which nobody affirms], yet as it is contrary to the custom of the protestant churches in general, and an evidence of great untenderness towards many serious and well disposed Christians, and may, through the prejudices or generally received opinions of the members of our church, be productive of very disagreeable consequences, the persons contracting such marriages are highly censurable, and the practice ought to be disallowed in express terms by the Synod, and we do therefore condemn such marriages as imprudent and unseasonable. Yet as some things may be done very imprudently and unseasonably, which when done ought not to be annulled, we are of opinion that it is not necessary for the persons whom this judgment respects, to separate from one another, yet they should not be received into the communion of the church, without a solemn admonition at the discretion of the church to which they belong. And the Synod publicly recommend it to all their members to abstain from celebrating such marriages, and to discountenance them by all the proper means in their power."

With regard to this decision it may be remarked, first, that the Synod so far from taking the modern ground that the Levitical law of marriage, is no longer in force, reassert the contrary doctrine. Secondly, that they restored the appellants in this case after a three years' suspension on the ground, that the marriage in question was not prohibited "by the express words of that law." Thirdly, they declare their disapprobation of such marriages, and urge their ministers never to celebrate them. That is, though the Bible had not expressly prohibited them, men ought to forbid them. Fourthly, this decision, as far as we know, stands entirely alone on our records; there is no

other instance either before or since, in which the higher court has felt at liberty to remove the censure inflicted by a lower court, for the marriage in question.*

Several other cases of questionable marriages were from time to time referred to the General Assembly for their decision. These, as far as they are mentioned in the Digest, were cases of a man's marriage with his wife's niece or half niece, a far more doubtful case than the present one. The common decision of the Assembly was to refer them back to the inferior judicatory, with directions to dispose of them as the interests of religion in their churches required. In 1821, the case of a man who had been excluded from the privileges of the church on account of his marriage with his wife's sister, was brought before the Assembly and decided as follows :

Resolved, 1, That, in the opinion of this General Assembly, the marriage of a man to the sister of his deceased wife, and all similar connexions, are highly inexpedient, unfriendly to domestic purity, and exceedingly offensive to a large portion of the churches.

2. That it be, and it hereby is earnestly enjoined upon the ministers, elders and churches of our communion, to take every proper occasion to impress the sentiments contained in the foregoing resolution, on the public mind, and by all suitable means to discourage connexions so unfavourable in their influence on the peace and edification of the church.

3. That while the Assembly adopt the opinion and would

* We have before us a letter relating to this case, dated November 16th, 1782, written by the Rev. Robert Cooper of Pennsylvania, to the Rev. James Waddell of Virginia ; in which he says, "The vote was carried in favour of Duchane and his wife ; for it 16 ; against it 10 ; 4 or 5 non liquets. Mr. James Finley and myself entered our protest against the decision, others entered their dissent. Several of the older members who attended the Synod were absent when the vote was taken, being employed as members of the corporation of the Widow's Fund. . . . Those who carried the vote in favour of this marriage were mostly juniors ; among whom were all the three sons of Rev. Robert Smith ; their father, though absent when the votes were taken, yet approved the decision. I suppose the old man was gained over by the great learning, abilities, and eloquence of his son Samuel, who made a learned speech respecting [the case] at two or three successive meetings of the Synod. The other principal speakers on that side, were Dr. Patrick Allison of Baltimore, and Mr. Joseph Montgomery. This you will see is a new discovery in discipline. I understand some of your youth have collected some fragments or pieces of what in New England they call New Divinity. If they should incline to import the whole cargo, and set up shop for themselves this modern decision of Synod might contribute something to a new assortment of discipline accommodated to their new doctrines."

enforce the injunction above expressed, they are by no means prepared to decide that such marriages are so plainly prohibited in scripture, and so undoubtedly incestuous, as necessarily to infer the exclusion of those who contract them from church privileges, they therefore refer the case of Mr. Vance back again to the session of the church of Cross Creek, agreeably to former decisions of the General Assembly in similar cases, to be disposed of in such manner as the said session may think most conducive to the interest of religion.

The General Assembly in 1827 adopted the following report in reference to an analogous case. "The committee on Mr. McCrimmon's appeal from the decision of the Presbytery of Fayetteville, confirming his suspension from the communion of the church, for having married his deceased wife's sister, reported, that in their opinion no relief can be given to the said McCrimmon without an alteration of the Confession of Faith, ch. 24, sec. 4, the last clause of which declares that "the man may not marry any of his wife's kindred nearer in blood than he may of his own." But inasmuch as a diversity of opinion and practice obtains on this important subject, your committee beg leave to submit the following resolution, viz:

Resolved, That the Presbyteries be and thereby are directed to take this matter into serious consideration, and send up in writing to the next General Assembly, an answer to the question, whether the above clause of our Confession shall be erased?

In answer to this call only eighteen of the whole number of Presbyteries voted for the erasure, thus fixing, if anything could fix, the law of the church on this subject. With what propriety then can it be said that the Assembly is about to pronounce a new decision, to give a new interpretation to our Confession, to set a new precedent. The appellant calls upon the Assembly to do what it has declared it cannot do, and what the Presbyteries by an overwhelming majority said they shall not do. We are not therefore to be represented as innovators. We are acting on the defensive; we are refusing to do what every other Assembly has refused to do, viz. to remove the censure inflicted by an inferior court for the offence under consideration. We are not only adhering to our own laws, and to our own usages, but we are standing up for the common law and practice of Protestant Christendom, against modern

innovations. We are insisting that the defence which the word of God, the judgment of the Christian world, and the laws of the Christian church, have erected around the domestic circle, shall not by our instrumentality be broken down. If then we err in this matter we err with our fathers, and with the great mass of the Christian world. The Parliament of Great Britain has within a few months, promptly refused to legalize such marriages, and the church and the public have sanctioned their decision. Let the charge of innovation lie, therefore, where it should lie, upon those who in opposition to the general judgment of the church, desire to make our Confession on this subject a dead letter.

Another prejudice with which we have to contend in approaching this question is, that it is not a matter of much importance: if the marriage is prohibited in the Levitical law it must be for some peculiar reasons, for it is not itself an evil; if not desirable, it is at least harmless. Now there is *prima facie* evidence that this view of the subject is incorrect, from the fact that the Christian world for so many ages, and with so much unanimity, has regarded this marriage as an evil of such magnitude as to require its prohibition both by the civil law and the canons of the church. It will not do, to answer that this is only another evidence of the force of prejudice, and of the influence of the church of Rome. We are not so much wiser than all other men. The marriage in question was forbidden before there was a Pope in Rome; it was prohibited by the Reformers with greater zeal than by the Romanists; it has continued to be forbidden in the most protestant, and most enlightened nations of the earth. It is great presumption, therefore, for us to stigmatize as narrow prejudice what has been and still is the general judgment of Christian men.

If a man were to marry his own sister, it is admitted that he would be an object of universal execration, he would be driven from society as unfit for social converse with men. Why is this? Men say they have a natural horror of such connexions. But what is the origin of this horror? It did not exist in the family of Adam, nor in the breast of Abraham, nor among the Egyptians and Persians. It arises from the fact that under the influence of the scriptures, the feelings which attend the relationship of brother and sister are inconsistent with those which belong to the matrimonial connexion; so that any such connexion implies a violation

of the holy charities of domestic society. Every man knows that his feelings towards his sister are in their nature different from those which he has for his bride. Both are pure, they share alike in the approbation of God, but they are incompatible; and the attempt to blend them is felt to be a kind of sacrilege, and therefore is universally and justly viewed with absolute abhorrence. To this must be added the instinctive perception of the consequences of allowing such marriages. Every family would become a den of impurity; every social virtue would be blasted in the bud; and society itself would become too corrupt, not only to deserve existence, but to be able to exist. But why are such results to be apprehended? Because all experience teaches that habitual, familiar, confidential intercourse, such as must and should exist among members of the same family, between young persons of different sexes, who are allowed to intermarry, is, among the mass of men, inconsistent with the preservation of purity. This is the principle on which every father acts with regard to his sons, and every mother with regard to her daughters. Is there any mother who would allow her daughter to associate with a stranger, on the same terms that she associates with her brothers? Would any parent send his children to a boarding school where youth of both sexes were promiscuously associated? Is not the experiment at Oberlin regarded as an opprobrium in a Christian community? It is useless, however, to argue a point which is universally conceded. Then the only question is, whether the intercourse between a man and his sister-in-law is of the kind just specified? As a general rule it is so in fact, it is so of right, and in a multitude of cases, it is so of necessity. He calls her sister; she calls him brother. He is her brother *IN LAW*, that is in the sight of the law of God and man. They are near relations; their interests, their affections, their friendships are all implicated in one inextricable web. She feels that she has a right to his affection and protection; she cannot help loving him as the husband of her sister; she has a right to a sister's place in his family, for marriage does not dissolve her relationship to his wife, who is still her sister, with whom she is entitled to all a sister's intercourse and fellowship. You cannot, therefore, place her in the position of a stranger; and you have no right to do it, if you could. She is a near relative, and must be regarded and treated as such. Is she then to have all the rights and privileges of a sister, without

a sister's protection? Is she to be a sister in all relations but one, and as to that one, a stranger? This is in the first place impossible; and in the second, if possible, in the highest degree dangerous. It is impossible, because the affection which belongs to her as a sister-in-law is inconsistent with any conjugal relation; just as the affection due from a brother to his own sister is incompatible with any such relation. If you sanction the marriage of a brother and sister-in-law, you render it impossible that they should feel towards each other as brother and sister-in-law ought to feel; and as in virtue of their relation they can hardly fail to feel. You place them in a false position; one set of feelings belongs to their relation as brother and sister, and another to their relation as persons who may intermarry. This is a state of things which cannot exist. If a wife's sister is not to look upon her brother-in-law as a brother, then she cannot allow him a brother's rights, nor receive a sister's privileges. She will shrink from him as from every other man. She will become a stranger in her sister's house, and to her sister's children; and yet this is from the nature of the case impossible. It is inconsistent with the constitution of our nature, with the constitution of society, and with the will of God, that persons should be placed in such relation to each other, that they cannot feel and act as becomes that relation, in one of its aspects, without violating the feelings which belong to it in another aspect. That is, it is an attempt to violate the fundamental principles of Christian society to place a woman in the relation of a sister to a man, and yet allow him to marry her.

But suppose it was possible for a woman to occupy these inconsistent positions, what would be the consequence? We are not about to turn prophets, we will simply say what every one will admit, and that is, that such a case would be a violation of the principle on which every father, every mother, every brother, every sister, every man and every woman acts, in every other case; and that is, that a woman ought not to associate with any man whom she can marry, as she associates with a brother. No virtuous woman could do it; no mother would permit it, and in point of fact it never is allowed. No parent permits a daughter to live in the house of a stranger, for months or years, often in the absence of his wife, often alone. Yet this may be done and is done in the case of a brother-in-law, with perfect impunity; the sister feels as secure as on the

hearth of her own father. And why? Because she knows that her sister's husband is, in the sight of God, her brother. This is her protection. It is felt to be enough, but it is acknowledged by all men to be necessary. If you destroy faith in this divinely appointed relationship, you destroy this protection; and you make what was before right and innocent, indelicate and evil: you force the woman to look upon a man as a stranger, whom the constitution of society and her own heart declare to be her brother; you banish her from her sister's house; you break the bonds of relationship which God himself has established for the solace and blessedness of life.

It has been said that a man must be a wretch who would regard with any improper feeling, an inmate of his own house. This we consider as mere affectation. Very few men are wretches in the sense here intended. Evil, in such cases, is rarely the result of design; it is the silent, insidious effect of constant intercourse, of unsuspecting confidence, of indulgence in familiarities, innocent in the supposed relation, but dangerous if the sacredness of that relation be denied. Besides, we are to remember that laws are made not for the peculiarly good, but for all mankind; and Christ has taught even his own children daily to pray, *Lead us not into temptation.* It is the universal conviction of men, every where manifested by their practice, that it is a temptation for any man to associate with any woman whom he may marry, as he associates with his own sister. We hold therefore it is clear that to allow a man to marry his sister-in-law is inconsistent with the relation in which, by divine appointment, they stand to each other. The affections which arise out of this relation are inconsistent with the conjugal connexion. The intercourse which it authorizes and necessitates is incompatible with domestic purity, if marriage is allowable. To sanction such connexions must lead to loss of confidence in families; to breaking up some of the most sacred relationships of life; and to casting upon the world those who have a right to an asylum in the house of a sister.

This is said to show that the law of God which forbids marriage between near relations, is not an arbitrary command. It is not a matter of little importance. It has its foundation in the essential principles of our nature; and in the constitution of society. Men may legalize such marriages, but they never can cease to be violations of the law of nature, that is, to be inconsistent with the order and con-

stitution of nature as established by God. A parent and child, a brother-in-law and sister-in-law cannot intermarry without doing violence to the feelings which of right and of necessity belong to those relations, and without undermining the foundations of Christian society. We ought not therefore to approach the investigation of the scriptures on this subject, as though we were searching for something which ought not to be there. The very reverse, according to the common judgment of mankind, is true. The Christian world has acted on the principle that any relationship, which of right and of necessity leads to such intercourse as subsists between brothers and sisters, is in its nature, a bar to marriage.

Let us then examine what has been said as to the doctrine of scripture on this subject. It is obvious that the main ground of defence of the marriage in question, is that the Bible contains no law against incest. To this ground the advocates of the appellant were constantly driven back; for it evidently matters little whether it be denied that the Bible contains any law on the subject; or that the law once given is no longer in force: in either case, we are without a divine rule of duty as to this matter. It must excite surprise that this position can be assumed by any who maintain, on the one hand, that no man or set of men can make laws to bind the conscience, that God has retained dominion over our moral nature as his sole prerogative, and left the conscience free from all human authority; and upon the other, that for parents and children, or brothers and sisters to intermarry is a horrid sin. But why is it a sin? Where there is no law there is no transgression. If God has not forbidden such marriages they are not sinful. God may reveal his will either by the light of nature, or by his word. But we as Protestants believe that the Bible is the only infallible and the sufficient rule of faith and practice, and that whatever cannot be proved from scripture, cannot be enjoined either as a matter of faith or duty. To affirm therefore that there is no law in the Bible against incest, or that that law is not now in force is to affirm that incest is no sin.

But in the second place this opinion does violence to the plain and necessary sense of scripture. The command, 'Thou shalt not approach any who is near of kin to thee,' admits of no interpretation that does not include marriage. It forbids all approach, such as is here referred to, whether

in wedlock or otherwise. The opposite interpretation which would confine the law to adultery or fornication, is not only inconsistent with the plain meaning of the words, but with the whole design and character of the passage. Why should the lawgiver, who had said, Thou shalt not commit adultery, give this long enumeration of kindred? All are included in the general prohibition, why then specify mother, step-mother, sister, half-sister, sister-in-law, &c. &c.? And why, after affixing death as the penalty of adultery, should the milder penalty of excision from the people, or dying childless, be attached to many of the offences here referred to? The mere fact that the whole Jewish and Christian world has from the beginning understood these chapters of marriage, is a proof of the extremes to which the advocates of the new doctrine are driven to sustain their views. It has been argued that because the word wife and not widow is used in these laws, they must be understood of women whose husbands were living. But this argument is contradicted by scriptural usage; the widow of a man is often called his wife when her marriage with another is spoken of. Thus Genesis xxxviii. 8: And Judah said unto Onan, go in unto thy brother's wife and marry her. Deuteronomy xxv. 5: The wife of the dead shall not marry without unto a stranger. Verse 7: If a man like not to take his brother's wife, then his brother's wife, &c. So also in other places, as Ruth iv. 5, 1 Sam. xxvii. 3: It is obvious therefore that there is no force in this objection.

The reference indeed of Lev. chapters 18 and 20, to marriage, is so obvious and necessary, that few adopt the contrary opinion, it is much more commonly assumed that these laws though relating to incest, are no longer binding. Then we are in the extraordinary position already mentioned; professing to regard the scriptures as a perfect rule of duty, we maintain that there is a most important class of obvious and destructive sins which it no where forbids. Or rather what all mankind is forced to regard as sin, the advocates of this opinion must hold to be no sin at all. To say that a thing is sinful, and yet not contrary to the law of God, is a contradiction in terms. To say a thing is sinful, and yet not forbidden in the scriptures, is to deny the sufficiency of the scriptures as a rule of duty. We must therefore either admit that these laws are binding, or assert that it is no sin for a father to marry his daughter, or a brother his sister.

But besides this *reductio ad absurdum*, it is evident from

the nature of these laws that they are of permanent obligation. It has been said indeed that they are positive laws. But what is a positive law in the strict sense of the term? It is confessedly a law which has no foundation either in the nature of God or the nature and constitution of things, but which rests entirely on the express command of the law-giver. There may be and doubtless there are reasons for all such commands, but they are reasons arising out of peculiar and temporary circumstances. It is characteristic of positive laws, that they are not obligatory until expressly enacted, that their binding force is temporary, that they might not have been enacted at all. The laws of Moses are full of commands of this nature, which were given in view of the peculiar circumstances of the Hebrews, and of the design of the old economy. Such were the commands regarding circumcision, clean and unclean meats, sacrifices, and festivals.

But it is on all hands admitted that besides these positive and temporary laws, the Old Testament contains laws of perpetual obligation. Is not the whole decalogue binding upon us? And why? Not because of its re-enactment in the New Testament, for it is not there re-enacted. Its perpetual authority is simply recognized, or taken for granted. Why then do we assume that the ten commandments are still binding? It is because they express the will of God in reference to those duties which arise out of our permanent relations to him and to our fellow men. The command to love God must be always binding because God is always supremely excellent; the command to honour our parents is always binding because children are always indebted to their parents for existence and support. The same remark may be made in reference to a multitude of precepts relating to our duty to the aged, the infirm, the destitute, the afflicted. It has been said that these precepts are binding not because they are in the Levitical law, but because they are in their nature moral; that there are moral precepts in the laws of Confucius, which is no proof that his code is binding upon us. But there is this infinite difference between the two cases. The precepts of Confucius are the expression of his opinion as to what is right in certain cases; the precepts in Leviticus are the declaration of God as to what is right. We may differ from Confucius, we dare not differ from God.

It is evident, therefore, that the Levitical code contains

laws of three different classes. First, those which are the expression of the will of God in reference to the peculiar circumstances of his ancient people; secondly, such as are expressions of his will in reference to duties of men in their relation to himself, or which arise out of his own nature; and thirdly, such as regard their permanent relations to each other. To which of these classes any particular command belongs, is to be determined partly from its nature, and partly from the reasons assigned for the command. These means are found to be sufficient, for there is scarcely any difference of opinion on the subject, except in reference to marriage, which some would except from the operation of a principle of interpreting the divine law which they admit in all other cases. They acknowledge that the command to love God, to honour our parents, to venerate the aged, to succour the afflicted, are binding not merely because such things are expedient, but because they are the commands of God, expressions of his will, having relation to nothing in the peculiar circumstances of the ancient Hebrews, but to permanent relations among men. The command, thou shalt have no other gods before me; thou shalt not kill; thou shalt not steal; thou shalt not commit adultery, were uttered upon Mount Sinai to the assembled multitudes of Israel; but the voice reaches to us; it reaches to all men, because it declares the duties not of Jews but of men. The same voice has said that near relatives must not intermarry; on what possible ground can the authority of this command be evaded? There is nothing in its nature to limit it to any one age or people. It is enforced by no reasons which are special and temporary. It declares the duty of relatives as relatives, as plainly as the command, thou shalt not steal, declares the duty of men as men. If one expresses the will of God, so does the other.

It is constantly argued that these laws cannot be moral and permanent, because it was sometimes right to violate them. It was right in the family of Adam; and right in the case of a brother's widow who was childless. It is said that what is sinful never can be made right. It is obvious that this argument proves too much. If the command that one brother should take the childless widow of another brother as his wife, proves that it is not wrong for a man to marry his sister-in-law, then the command to the immediate sons of Adam to marry their sisters, proves that it is right now for brothers to marry their sisters. This objection is

founded upon the confusion of two very different things. There are things which are inherently and essentially wrong, and can in no possible case be right; as hatred of God and malevolence towards men. The prohibitions of such things arise out of the very nature of God, and are as immutable as that nature. But there are other things which are wrong only in virtue of a divine prohibition; and this prohibition may be founded either on temporary considerations, or such as are permanent. But in either case, whenever the prohibition is removed or the opposite commanded, the guilt of the action ceases. It was a sin in any Israelite not to circumcise his child on the eighth day; but if God commanded any one to defer the rite or omit it altogether, it was of course his duty to comply. It was forbidden to the Hebrews to labour on the Sabbath, but in many cases, labour on that day was a duty. These are cases of positive commands. But further than this, it is sinful to take the property of others without their consent, but if God commanded the Israelites to take the property of the Egyptians, it was right for them to do so. It is a sin to kill a human being, yet God commanded the Hebrews to extirpate the Canaanites. We all admit that bigamy is a sin, but if any man will produce a command of God to marry two wives, no one will deny his right to do so. It is a sin for a brother to marry his sister, but if required by a divine command, it is a sin no longer. Thus, also, if any one can produce a divine command to marry his sister-in-law, the lawfulness of the marriage will be readily admitted. All these commands belong to the same class; they all express the will of God as to duties of men in the permanent relations of society, and are therefore of permanent obligation; yet any one or all of them may be set aside by him in whose hands are all his creatures, and whose nature and relations, and the resulting duties may be modified at will. That an Israelite, therefore, under peculiar circumstances and for specified reasons was commanded to marry his brother's wife, no more proves that the general law on this subject is not binding, than the command to Abraham to sacrifice Isaac proves that the command, thou shalt not kill, is not moral and permanent.

That the Levitical law of marriage is still binding upon us, we think is proved by what has already been said. It is the expression of the will of God in reference to relationships which still exist among men. It tells us what is

the duty of near relatives. It tells us that brothers and sisters must not intermarry, not because they were Jews, but because of their relationship. It extends the prohibition to all who are near of kin, because they are near of kin. It is as much a law for us therefore as any other expression of the will of God. The binding authority of this law is recognized in the New Testament, just as the continued obligation of the original law of marriage is recognized. We find no express assertion that marriage must be between one man and one woman, but the expression of the will of God at the creation, is held to bind all ages and nations. Thus though there is no express declaration that near relatives must not marry, it is plain from the language of the apostle to the Corinthians, that he considered the original revelation on this subject as still our rule of duty.

The only remaining question is, whether the marriage of a man with the sister of his deceased wife is prohibited by this law? Perhaps nothing has contributed more effectually to produce the impression of the lawfulness of such marriages, than the translation of Leviticus, xviii. 18, adopted in our version. "Neither shalt thou take a wife to her sister, to vex her, besides the other in her life time." In the margin the translation is, *one wife to another*. If the former version is correct, then the implication would seem to be, that though it was unlawful to have two sisters at the same time, as wives, it was lawful after the death of a wife to marry her sister. If the translation in the margin is correct, there is of course no ground for this inference. There would probably be no dispute as to the meaning of this text, were it not for the impression that polygamy was lawful under the old dispensation. We know however from the authority of Christ that it never was lawful; that God in the beginning having made one man and one woman, thereby expressed his will against polygamy. That good men through ignorance sometimes violated this law, is no proof that it was not binding. It should be remembered also that the cases of polygamy recorded in the scriptures are comparatively few. The practice was by no means common among the Hebrews, and long before the advent seems to have ceased entirely. It has been supposed impossible that such men as David and Solomon should have erred in this matter, if there had been any express prohibition on this subject in the law of Moses. We give the ancient church however far too much credit for attention to

the law of God as contained in the pentateuch, if we suppose that all its prescriptions were rigidly observed. We know on the contrary that the law of Moses for many generations, was more or less neglected, and that even the pious portion of the people were far from observing all its directions. Besides, there is no more difficulty in reconciling the piety of David with his violating the law of Moses, than with the admission that his conduct was contrary to the revealed will of God. Those were times of ignorance in which God winked at many departures from his own law. Things that are wrong in virtue of a divine prohibition, even when that prohibition is founded upon the nature of things as constituted by God, are obviously less wrong when the prohibition is imperfectly revealed, or partially suspended.

That this verse is a prohibition of polygamy, or that the marginal translation gives the true sense of the passage, seems plain from the fact that though the common Hebrew idiom "a man to his brother" or "a woman to her sister," occurs between thirty and forty times in the Bible, in no case has it any other meaning than "one to another." Why then should this uniform usage be violated in this solitary case? Who would presume to rest any doctrine on a translation at variance with the uniform sense of the words in all other passages of the Bible? This is the more unwarrantable, inasmuch as the sense is perfectly simple and natural, if the words be taken in their ordinary meaning. "Thou shalt not take one wife to another, to vex her, to uncover her nakedness, besides the other in her life time." One wife besides the other, is to say the least, as natural, as one sister besides the other. This passage, therefore, if explained according to the common rules of interpretation, gives no sanction to the marriage in question.

But as it is admitted that these chapters contain no prohibition in express words of the marriage of a man with the sister of his deceased wife, the question whether such marriage is prohibited depends upon the manner in which the law is to be interpreted. If the cases therein mentioned are to be taken as specific instances, which exclude all others, then this marriage is not prohibited. But if those cases are given only as examples of the degrees within which marriage should not take place, then this connexion is forbidden. As every thing at last turns upon this point, it is obvious that we must have better authority than our

own, to decide upon the rule of interpretation. If the law does not explain itself; if it does not make it plain what it means to allow and what to forbid, we cannot give it the force of a divine rule. In turning to the law we find it begins with a general prohibition of marriage between those who are near of kin; and by kin we are to understand relationship in general, because nearly two to one of the specifications which follow relate to affinity and not to consanguinity. This law, therefore, as explained by itself, forbids marriage between near relations whether by marriage or by blood.

Again, when we come to examine the specifications, we find that the degree of relationship is the very ground of the prohibitions. A man must not marry his half sister because she is his sister, verse 11; a man must not marry his aunt, because she is nearly related to his father or mother, v. 12; a man must not marry his brother's wife, because she is so nearly related to his brother; a man must not marry the daughter or grand-daughter of his wife, "because they are her near kinswomen: it is wickedness:" v. 17: relationship to his wife, is the very ground of the prohibition. Is not this a plain, explicit declaration that it is wrong in the sight of God for a man to marry the near kindred of his wife?

Besides, if we adopt the other rule of interpretation, a father may marry his own daughter. (Leviticus xviii. 17, forbids the marriage of a man with his mother, and not that of a daughter with her father, as it would seem from our version to do. The sense is plain by comparing v. 7 with vs. 8 and 16.) Now, as we know no rule of duty to bind the conscience but the word of God; and as that word, if interpreted on the principle contended for, does not forbid the grossest of all forms of incest, such incest can be no sin. But as it is a sin of the most shocking character, as all admit, this principle of interpretation, must be false.

In reviewing this case, therefore, we think it plain that the word of God does contain a law against incest; that the law is binding upon us, and that this law, as interpreted by itself, does forbid marriage between a man and the near kindred of his wife.

Much has been said as to the severity of the sentence pronounced by the Presbytery. But according to our Book the case admitted of no other penalty. A mere reprimand would have answered none of the ends of punishment. The Presbytery was bound to express by their sentence

that the marriage in question, was in their judgment contrary to the law of God, and to the standards of the church, and in a high degree injurious to the peace and purity of society. Exclusion from the privileges of the church, under such circumstances, is the only adequate penalty, and it is the one which in all churches has in such cases been inflicted. This suspension must continue until the party gives evidence of repentance. What evidence is, in this case, to be deemed satisfactory rests with the discretion of the Presbytery. No one will doubt that incest is an offence which admits of various degrees. It is founded upon degrees of kindred, and as these degrees are very different, so the offence of marrying those who are nearer to us is greater than that of marrying those who are more remote. No man can believe that the marriage of a man with his aunt is an act of the same turpitude as his marriage with his mother or daughter would be. And as a sister is nearer than a half-sister, or a sister-in-law, so the degree of turpitude of the offence depends on the degree of relationship. As therefore the offence differs, so should the penalty. We find that in the ancient church the penalty for the marriage of a man with his wife's sister, was excommunication for a term of years; for marriage with his own sister it was final excision from the church.

This opens a question however which was not before the Assembly. That body had simply to decide whether it would remove from the appellant the censure inflicted by his Presbytery; and in deciding this question in the negative, we believe they decided agreeably to the word of God, the standards of the church, the general sentiment of the Christian world, and as the best interests of society imperatively demanded.

Report of the Committee on Psalmody.

In 1838 the Assembly appointed a committee to revise and correct the book of Psalms and Hymns in common use and to report to the Assembly of 1839. Several of the members of this committee declined to act and others were appointed in their places; the working members of the committee were Dr. W. W. Phillips, Dr. R. J. Breckinridge, Dr. C. C. Cuyler, Rev. John Gray, and subsequently Dr. W. M. Engles and Dr. Krebs; by whose labours a hymn book was finally prepared and laid before the Assembly. When the report was called up for consideration Dr. Howe moved

that it should be approved, and be allowed to be used in the churches. Dr. McFarland moved that it be referred for examination to the Presbyteries who should report their suggestions for its amendment to the committee in time to enable them to make a final report to the next Assembly. This motion was lost by a vote of 57 to 50. The Assembly then proceeded to vote on the book in detail, long enough to show that such a body was utterly unfit for such business. A motion was then made to refer the book to the same committee with directions to make such alterations as their own judgment or the suggestions of others might dictate, and to report it together with the book of Psalms to the next Assembly. This motion prevailed. On the day before the close of the sessions Mr. Smith moved a reconsideration of the last mentioned vote, which motion requiring two-thirds, was lost. Dr. Breckinridge then moved, That in view of the minute of the Assembly of last year and this year in regard to the new Psalm and Hymn Book, the Assembly order that the Committee on the said book be and they hereby are authorized to go on, and, at their discretion print the book containing the Psalms now in use together with the new selection of Hymns which has been laid before this Assembly. And the book so printed shall be laid before the next Assembly and is authorized to be used in the churches. Yeas 59, nays 11.

2. *Resolved*, That our ministers and members individually, and the Presbyteries are invited to communicate to this committee such suggestions as may appear best to them before the first day of December next, addressing their communications post paid to the chairman, Rev. Dr. W. W. Phillips, New York, and the committee shall not put the book to press before the first day of December next. Yeas 60, nays 11.

These resolutions were obviously out of order, as the Assembly had made a different disposition of the book, by a vote which they refused to reconsider. However, we are in favour of the majority having their own way; and as a large majority of the house were in favour of final action on the subject we are glad the matter has been thus disposed of. The responsibility resting on the committee is very great, and it is probable they will execute their task as much to the satisfaction of the churches, as any committee would be likely to do. But we are free to confess that there are many things in the book laid before the Assembly which we think

ought not to be there ; hymns which we consider unsuitable for the worship of God. Some of them are mere sentimental effusions ; some exhortatory addresses to sinners ; some objectionable from the lightness of their measure, and others for their want of all poetic excellence. As this is a matter in which every body is concerned, every body thinks he has a right to be pleased, and therefore feels that he has a right to find fault. We trust that the impossibility of pleasing every body will not lead the committee to determine to please nobody.