THE SOUTHERN

PRESBYTERIAN REVIEW.

VOL. XII.—No. III.

OCTOBER, MDCCCLIX.

ARTICLE I.

REVISED BOOK OF DISCIPLINE.

The Revised Book of Discipline, by having been reported to the last General Assembly, has become, in some sort, the property of the Church; and as its fate will, in all likelihood, be settled by the next Assembly, it is a matter of grave importance that the principles it embodies should be rightly understood, and the grounds and tendencies of the changes introduced in it set in their true light. It has already been subjected to a severe criticism—a criticism extremely kind in its spirit and temper to the authors of the book, but without the slightest mercy or favor to the peculiarities of the book itself. The contrast between the courtesy with which the members of the Committee, personally considered, have been treated, and the freedom with which their production has been handled, may be taken as an apt illustration of the genius of Presbyterianism, which teaches charity to the man without concessions to his errors, and which, while it repudiates all human authority, endeavors to observe the maxim: Prove all things; hold fast that which is good. We thank our brethren for the good opinion they have expressed of us. Indeed our modesty might have been shocked at the laudatory terms which they have

permitted themselves to use, had we not felt that the praise was materially qualified by the estimate they have put upon our work. It is very flattering, no doubt, to be called able and wise, even in the positive degree; but the edge is somewhat taken from the compliment, when in the next breath it is added, that these able and wise men have done nothing but blunder. It is a sublime thing to be a mountain, but a mountain laboring to bring forth a mouse has no great cause of self-congratulation. The brother to whom Robert Hall so warmly expressed his thanks for the benefit he had received from his sermon, was highly elated at the moment; but his self-complacency was not likely to be dangerous, when he came to learn that the real secret of the eminent usefulness of his discourse was its transcendent meanness. Our brethren, too, have been very considerate in tempering their praises of us, so as not to make them snares to our vanity. They have left us nothing whereof to glory. They have so dexterously mixed the antidote with the poison that we can take their physic without the risk of any serious inconvenience. On one occasion we heard it gravely maintained that the book was bound to be a bad one, because its authors were very able men. The idea seemed to be that they had a reputation to maintain, and as the burning is an easier road to fame, than the building of a temple, they were under a very strong temptation to immortalize their names by the cheap expedient of doing mischief, when they found the prospect very remote of doing any good. To meet and break up and have it said that such men had done nothing was what they were not likely, for a moment, to brook. We think that we can relieve the minds of our brethren who are troubled on this score. The Committee expected just about the glory they have received. They have erected about as big a monument as they ever expected to raise, and the inscription which their friends have put upon it, though not precisely the one they would like, is precisely the one that they looked for. They had a crazy kettle to mend, and they never aspired to any higher distinction on account of their labors in this line, than that of respectable tinkers. They thought that they knew where the crack was, and they, perhaps, persuaded

themselves that they had succeeded in stopping it. But they were, at the same time, so fully aware of the perverseness of human nature, that they made up their minds, in advance, to hear it gravely alleged, that the vessel went into their hands in a perfectly sound state, and left them as leaky as a sieve. Accordingly the book is said to be a failure. It has been condemned, without benefit of clergy, as setting at nought the rules of logic, trampling under foot the most cherished principles of the Church, exposing her to the jeers of enemies, the triumph of rivals, and the pity of her friends; and to crown all, making it absolutely certain by its bungling provisions for securing the ends of justice, that in almost every trial, prejudice shall rule the hour. The marvel is, how any men, with an ordinary share of common sense, and common integrity, let alone wise and able men, could have been betrayed into such self-evident folly. The truth is, we think our critics have made a mistake. The praises which they have bestowed upon the Committee, they ought to have given to the book, and the censures which they have so freely dealt out to the book, we are afraid would not be misplaced if applied to the persons of the Committee, though we confess that we should be very sorry to believe, whatever we may think of ourselves, that our brethren were so fully in possession of the truth. We have hardly yet reached that stage in humility in which we are content that all the world should know how weak and foolish we know ourselves to be. But whatever may be our capacities, (we speak as a member of the Committee,) whether we belong to the weak and foolish things of the world, and things which are not, or to the strong and wise and noble, we insist upon it that the book is, upon the whole, a good one—that the old cracks in the vessel have been honestly stopped, and that no new ones have been made. We ask our brethren to give us a hearing in behalf of our poor, persecuted bantling.

We propose to indicate and classify the nature of the changes which have been introduced into the new book, and, as we go along, to discuss the principles which pervade them, and which have rendered some of them so obnoxious to some of our brethren.

I. The first class of changes to which we shall refer, consists in the lopping off of redundancies. Short as the old book is, it is rendered unnecessarily diffuse by a style of composition altogether unsuited to the nature of the work. Presbyterians are proverbially fond of the sermon, and the old book bears very decisive marks of this denominational peculiarity. Instead of being simply a book of definitions, of forms and of rules, which a manual of discipline, as contradistinguished from a Confession of Faith, or a manual of devotion, ought to be, it mixes up with its legal technicalities moral harangues on the importance of the subject, or the necessity of cultivating a right spirit and temper. It stops to preach when it should only prescribe a form of process. What it says is all very good. Only we insist that it is not said in the right place. It would have been just as reasonable to have interspersed an occasional prayer, or to have introduced one or two hymns, by way of encouraging a devotional frame. The doctrine upon which discipline is founded, and the motives with which it should be enforced, must all be presupposed, and the only effect of introducing these matters into a book of forms is to swell its dimensions and to increase the difficulty of finding what one wants. If, as the Edinburgh Review once suggested to Mrs. Sherwood, the moral had been printed in a different type, the inconvenience would not be so great, as one would then know at a glance what to skip; but it certainly is provoking, when you are in search of a rule, to have to wade through a homily before you can get at it. The new book has omitted many of these sermons. It has retained enough to authenticate its Presbyterian parentage—and endeavored to retain them where they were likely to be least annoying. We humbly suggest that this change is a real improvement—and we cannot but think, that he who has mastered the Confession of Faith, the Larger and Shorter Catechisms, and the Form of Government, will stand in need of no further preaching when he comes to the Compend of Discipline.

The old book was sometimes very tedious in coming to a point. The new book has attempted to shorten the process. The whole chapter of New Testimony, which, in the old book,

occupies nearly two pages, and is spread over seven sections, is, in the new book, condensed into a single paragraph, without the sacrifice of a single idea. The Chapter of Actual Process has likewise been materially reduced, with all the advantages of definite and precise statements over wearisome circumlocutions. We mention these as specimens of the changes under this head—and if it is desirable that a manual of Discipline should be brief, pregnant and pointed, we do not see on what ground these changes can be consistently condemned. They might have been carried much further. If the Committee had been preparing out and out a new book, instead of trying to amend an old one, well known and familiar, they would not only have omitted all the sermons and moral harangues, but they would have consulted a still greater brevity and point in the rules and definitions which they retained. But something was due to the familiarity of the Church with old forms of expression, and to the associations of reverence which naturally cleave to a legacy from the past.

II. Another class of changes respects the supply of omissions. The old book is a curious illustration of the maxim, that extremes meet. It often speaks where it ought to be silent, and is silent where it ought to speak. It is even profuse of words where there was no occasion for a single syllable, and as silent as the grave, where the occasion demanded an articulate utterance. These omissions the Committee have endeavored to supply, and no one who has not compared their work, chapter by chapter, and section by section, with the old book, can form any idea of the contributions which, in this respect, they have made to the logical completeness of the Discipline. These additions may be referred to several heads, which we shall proceed to signalize.

1. The first embraces those cases in which the new book explicitly enunciates what was contained in the old book only by implication. For example: the old book defines offences, and proceeds to distribute them, according to their greater or less notoriety, into two classes, public and private. Subsequently another class is introduced, personal offences, and yet not a word is said in explanation of their nature, or of the

grounds of distinction betwixt them and private offences. A two-fold principle of classification is implied, but only one is expressed. The Committee have supplied the omission, and if they have done nothing more, have at least rendered the book consistent with itself. So in relation to prosecutions on the ground of common fame, the old book implies that the first step shall be to ascertain that a common fame really exists, but it has nowhere made this a law. Yet it is one of those things which ought to have been clearly stated. There have been instances in which rash and malicious men, under the pretext of common fame, have subjected their brethren to vexatious and annoying prosecutions, when the only common fame that existed was the scandal of wicked and suspicious enemies.

But the most important implication of the old book to which the new has given a distinct and articulate utterance, is in reference to the great principle of ecclesiastical inquest; that every church court has the inherent right to demand and receive satisfactory explanations from any of its members concerning any matter of evil report. Nothing has surprised us more than the manner in which this doctrine has been received. It has been branded as "a new principle," "as unjust, hazardous and extra-judicial." "No good," we are told, "can result from this exacting, star-chamber mode of inquiry." Nothing but "mischief" is anticipated "from the revised suggestion." It has been hitherto unknown to the Presbyterian Church; and no court of law, in a free country, has ever ventured to practice upon it."* Now the simple question is, what is the principle in which the right recognized in "the revised suggestion" is grounded? Nothing more nor less than that the church courts are the spiritual guardians of the people. Their right to institute process and to inflict censures is founded in the same relation. The Lord has made them overseers of the flock. They must keep their eye upon their charge, and the very nature of their trust implies that they have all the power which is necessary to execute it. The Christian people are, in some sort, their children, and as a father has the inherent right

* Dr. Van Renselaer's Remarks, p. 14–15.

to interrogate his children in reference to their conduct, so a church court has the right to institute inquiries, as well as to sit in judgment upon issues actually joined. It is not an inquisitorial, vexatious, star-chamber power. It is to be exercised in the spirit of love, for the glory of God, and for the honor and good repute of the Church. Every man whose good name has suffered unjustly ought to rejoice in the exercise of it, as it gives him the opportunity of vindicating his character without subjecting him to the shame of being arraigned for crime. The guilty ought to rejoice in it, as it is a means of bringing them to a sense of their sin, and of leading their minds to repentance. We were greatly astonished to find it made an objection to this power, that it might require men to criminate themselves. If they have done wrong, this is precisely what a church court ought to try to do, and it never will succeed in doing them any good until it reduces them to this point. In spiritual jurisdiction, self-crimination is no evil. In civil courts, it may be the parent of tyranny and injustice; but a spiritual court is for edification; a civil court for justice. A spiritual court aims at producing and fostering a given state of heart; a civil court is for the protection of rights. Spiritual courts are for the religious education and culture of the people—a species of moral schoolmaster; civil courts for the safety and order of the commonwealth. Spiritual courts can censure, but not punish; civil courts punish without censuring. The spiritual court is entrusted with the keys—the symbol of the power of search and investigation; the civil court is armed with the sword. To reason from the rights of one to the rights of the other is therefore absurd. Cæsar is no model for Christ.

That the principle is no new one, but imbedded in the very nature of spiritual jurisdiction, will be obvious to any one who will reflect but a moment upon the right of a church court to cite offenders before it. Whence came that right, and for what purpose does it exist? Is it not obviously one manifestation of the common life of the Church, and one form in which the interest of each in all is signalized? What is the Church but a company of brothers, and are we not our brothers' keepers?

But it is replied, that while this common relation is admitted, the only safe mode in which the inherent right of supervision can be exercised is by regular judicial process? That remains to be proved. Indeed a species of inquest must be resorted to before a court can be put in possession of the facts which justify process. Rumor may charge a man with crime—this rumor must be investigated. Now, is it the doctrine of our brethren, that a court may question, if it chooses, every other man in the community touching the rumor except the only man who is most deeply concerned in it? Has it no right to ask and receive his explanations? Has it no right to exact of him that he shall deal honorably and frankly with it, and that if he has done wrong he shall confess it and repent; and that if he has been injured, his brethren may be placed in a condition to vindicate his name? If this is tyranny, we only wish that there was more of it in the Church; and we shall rejoice to see the day when every session and every Presbytery shall be a star-chamber after this fashion. The notion that this inquest makes an invidious distinction between the suspected man and his brethren, when they are all, in truth, on a footing of equality, overlooks the fact that the equality has been disturbed by the existence of grounds of suspicion. The parties are no longer on the same moral level, and one design of the inquest is to rectify the change.

Whether new or old, "the revised suggestion" is found almost *totidem verbis*, in the Form of Government. In chapter IX, of the Church Session, it is said: "The Church Session is charged with maintaining the spiritual government of the congregation; *for which purpose they have power to inquire into the knowledge and Christian conduct of the members of the church.*" As all our courts are radically one, they all possess inherently the same powers. What the session can do in reference to its subjects, every other court can do in reference to those immediately responsible to it. If the right of inquiry is essential to spiritual government, it must inhere wherever a spiritual government is to be maintained.

If now this power is odious and tyrannical, the framers of our constitution have been guilty of a grievous injustice to

the people, and our brethren who denounce the principle chime in with the ancient enemies of Calvin in representing his discipline at Geneva as a shocking and monstrous inquisition into the privacies of individual or domestic life. The terms in which he and his system were reproached, for maintaining the very doctrine which is said to be new, are strikingly similar to those in which the revised book has been assailed—a clear proof that genuine Presbyterianism has the same difficulties to encounter in every age.

2. Another class of omissions, not very unfrequent in the old book, is that of details which experience has shown to be necessary in the execution of its general provisions. We shall mention a few instances. The old book makes no allusion to the case in which a party accused evades a citation by removal or concealment; yet this is a case from which gross scandal may result, and which ought to be provided for in every sound system of discipline. The new book supplies the defect. The old book nowhere requires an issue to be joined—a capital omission in a judicial trial; the new book insists that the accused shall plead. It makes a case, before it invokes the judgment of the court. The old book leaves indeterminate what constitutes an appearance in cases of appeal. The new book gives a precise rule. We think there can be little doubt, that these amendments are all for the better. The first must commend itself at once to the common sense of every member of the Church. Scandalous offenders are not to be permitted to outrage the Christian name, and then screen themselves from all testimony against themselves and their crimes by dodging an officer of the court. The case of a deliberate and open refusal to obey a citation, which the old book provides for, is not so aggravated as the mean and skulking cowardice which seeks to sin behind a shelter. That an issue ought to be joined is plain to all who are familiar with the history of trials. To say nothing of other advantages, the saving of time is an immense gain. When there is a series of specifications, it may be that all but one shall be admitted—it may be that some are admitted as to the facts, but justified as to the offence—it may be that none are denied, and the issue

is joined on the question of crime. Is it nothing to save a court the time and trouble and vexation of proving what the party has not denied, or of entering into matters of fact, when the sole question is a matter of Christian morality? Then, as to an appearance in cases of appeal, what a saving of time, trouble and expense, when the appellant is allowed to appear in writing—and how just is this arrangement to many who can ill-afford the means of attending the sessions of the General Assembly. These additions may seem to be minute and trivial, but they are like the pins which hold together the beams of a building; they are the details of justice.

3. To this general head may be referred the omission to provide for the case in which a party confesses his guilt. The idea of hearing argument, examining witnesses, and proceeding through all the formalities of a trial, when the very point to be proved is admitted, is simply absurd. There are men who are so impregnated with the maxims of the common law, that they can scent nothing but tyranny in the doctrine of Christ and His Apostles, that men should confess their sins, and that Christian men should confess them to one another. Proof is necessary only when the facts are denied, and the new book has recognized a man as a competent witness in his own case, when his testimony is against himself. If he says that he has been drunk, or has lied, or cheated, or committed fornication, the new book says that you may deal with him as guilty of these crimes. This strikes us as the verdict of common sense, though we heard it gravely maintained in the last Assembly, that a man's confession of a crime was no satisfactory evidence of his guilt, unless two or three persons had seen him commit it, or circumstances strongly corroborated his assertion.

4. To the same class belongs the case in which an offence is committed in the presence of the court. Trial is unnecessary, when the judges are already in possession of the facts. If the formalities of process should be resorted to, these very judges are the men that must appear as witnesses; and we should be brought back by a circuit to the very point from which we set out. There is certainly no need of trial—there may be need of delay. That is a matter to be determined by the wisdom

of the judicatory. The new book does not require that the judgment shall be instantly rendered; all that it dispenses with is the idle ceremony of appearing to investigate what is perfectly notorious. If the court finds itself in a condition not to pass an impartial and deliberate judgment, it may postpone the matter until its passions have subsided and reason resumes her supremacy. Some cases may be imagined in which the judgment ought to be rendered on the spot—in which the language of indignation is the language of justice, and the only language in which a fitting testimony is uttered against the sin. Other cases might require delay. There is a defect in the provision of the new book as it was originally adopted, in not giving to the offender the opportunity, if he desires it, of being heard in his defence. This defect was remedied in the late meeting of the Committee at Indianopolis, and the section, as reported to the General Assembly, gives, both to those who confess and those whose sin is in the presence of the court, the privilege of a fair hearing in explanation or extenuation of their conduct. They are at liberty to speak for themselves.*

5. Another omission of the old book, which the new one supplies, is in reference to the charge of a suspended minister. In the case of a deposed minister the old book provides that his congregation shall be declared vacant, but the important practical question, whether the suspension of a minister dissolves his pastoral relation to his flock, is left unanswered.

III. A third category to which changes in the new book may be referred, pertains to what may be called an extension of privileges. For example, parties are permitted to testify; in trials before a session the accused may employ any communicating member of the Church as counsel, instead of being restricted to members of the court, and gross irregularities in an inferior judicatory may be brought to the notice of the superior by memorial, as well as by common rumor. These

* The Committee also altered sec. 1, chap. iv, of the new book, so that a failure to plead should not, as first proposed, be considered as a confession, but should cause the trial to take place according to the provision in section 4.

changes seem to have received the general approbation of the Church. One of them is so obviously a matter of frequent necessity, and all of them so intrinsically reasonable, that we shall not occupy the time of our readers with any further discussion of their merits.

IV. A fourth class of changes in the new book consists in the removal of anomalies and incongruities which disfigured the old. The Committee have endeavored to adjust the system so that the parts shall not only be consistent with one another, but with the Confession of Faith, the Larger and Shorter Catechisms, and the Form of Government. They have sought, in other words, to make the frame of our Discipline not only coherent and homogeneous with itself, but coherent and homogeneous with the whole scheme of our doctrine and order. The old book does not hang well together.

1. The first of these changes occurs in the definition of an offence. The old book either goes beyond the Scriptures, and makes that to be a ground of prosecution and judicial censure, which the word of God neither directly nor indirectly condemns, or is guilty of gross tautology. It either makes human opinion co-ordinate with Divine authority, or it is a play of words. The whole section in the old book is: "An offence is 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.*" The clause in italics is omitted in the new book. In the first place, it is directly contradictory to the Confession of Faith, if it means to teach that there is any other standard of duty than the word of God. "The whole counsel of God," is the emphatic language of the Confession, "concerning all things necessary for his own glory, man's salvation, faith and life, is either expressly set down in Scripture, or by good and necessary consequence may be deduced from Scripture; unto which nothing at any time is to be added, whether by new revelations of the Spirit, or traditions of men." Again: "God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men, which are, in anything, contrary to His word, or beside

it in matters of faith and worship." Now the rejected clause either means that the Word of God, directly or indirectly, condemns those things which, though not inherently wrong, become accidentally sinful, or it does not. If it means this, it is unnecessary. It begins a classification of crimes, and abruptly terminates with a single order. If this is not its meaning, it is wholly unpresbyterian and unprotestant. It sets up a new and independent rule of life. In either case, it ought to be rejected. In the next place, as a rule, it is altogether too vague and too susceptible of perversion and abuse. It makes the consciences of others, and not our own, the guide of our actions, and brings us under bondage to others precisely where God has left us at liberty to pursue, according to our own judgment, the law of charity. Who was competent to say, that Paul ought to have circumcised Timothy, and not have circumcised Titus, but Paul himself? One man is offended if a brother happens to take a glass of wine; and we have known serious scruples about the lawfulness of holding communion with those who played upon a flute. Must the Church censure all who chance to be associated with brethren so deplorably weak, without recognizing the duty of humoring their follies. The whole case is one outside of discipline—it is a case of liberty—and of liberty to be used for the glory of God and for the real interests of His people—and as a case of liberty, must be determined by the individual in dependence upon grace. The more complicated the condition of society becomes, and the more diversified the forms which superstition, weakness, or will-worship may assume, the more stringently should the Church feel the obligation to keep exclusively to the word of God. We have no right to make terms of communion which the Master never made, or to enforce laws which He never knew. Jesus Christ is the only king in Zion—the Bible, the only statute book He has given to his people, and whatever is beside, or contrary to it, is no part of the faith or duty of the Church.

2. It strikes us as an incongruity in the old book, that it makes no allusion to the Westminster standards in determining what constitutes a matter of offence, whether in reference to

faith or practice. It refers us at once and exclusively to the Bible, as if we had not already settled as a Church what the Bible teaches on these points, and solemnly agreed to walk together according to this interpretation. The constitution of the Church is its own sense of the terms of communion prescribed by our Lord—its own sense of what we are alike bound to believe and bound to do. It is under that Constitution that we become a separate and distinct denomination. Obviously, therefore, the standards of a church ought to be its immediate appeal, when a member is charged with walking disorderly. Has he transgressed the law, as that church understands it? This question can only be answered by showing how the Church understands it, and that only by an appeal to its standards.

A writer in the April number of this Review has objected to this feature of the new book—1st, on the ground that the provision is ambiguously expressed, leaving it doubtful whether two standards are meant, the Bible and the Westminster Formularies, to either of which the appeal may be made in determining an offence, or whether only one is meant—the Westminster Formularies; and 2d, on the ground that no human expositions of the ethical teachings of the Bible can contain an adequate rule of life.

As to the first of these objections it is enough to reply, that even if the clause were ambiguous, no possible confusion could arise. If a thing is proved to be wrong directly from the Bible, our Confession of Faith requires us to condemn it. That accepts the whole Word of God as the absolute, authoritative rule of faith and practice. If a thing is shown to be wrong from our standards, we, as Presbyterians, have declared, that it is so taught in the Sacred Scriptures. To us the propositions are identical: Whatever the Bible condemns, our Confession of Faith condemns, and whatever the Confession of Faith condemns, the Bible condemns. They are the same authority; the Confession is nothing except as the Bible speaks in it and through it; and in adopting it, we have averred it to be an honest and faithful interpretation of God's teachings. If the Bible and the Confession were independent of each other, or

were inconsistent with each other, then difficulty might arise. But as long as their relation is that of original and translation, of cipher and interpretation, it is a matter of no moment to which a man immediately appeals. But it certainly is a convenience to have the teachings of the Bible reduced to a short compass, and announced in propositions which are, at once, accepted without any further trouble of comparing texts.

But, in the next place, we deny that the clause is ambiguous. It admits grammatically of but one possible interpretation. It means, and was intended to mean, that, to us Presbyterians, nothing is heresy which is not repugnant to our standards of doctrine; and nothing is unlawful which is not repugnant to our standards of practice. We have given to the world a creed in which we undertake to condense what God requires us to believe, and what God requires us to do. We have expounded the Law and the Gospel, Faith and Duty, and we have solemnly agreed to accept this exposition as the constitution of our Church. This creed, in its whole compass, covers all that we believe to be necessary to the salvation and spiritual prosperity of the soul. It is, therefore, the standard by which we are to try and to judge one another.

As to the second objection, we have only to say, that it applies as fatally to the Bible as to the Westminster Formularies. "These standards," it is said, "do not profess to be exhaustive in their enumeration of disciplinable offences. The circumstances of mankind vary so infinitely, that if a statute book were to enumerate, specifically, all the offences which will arise in all time, the world would not hold the books which should be written."* All this is very true, and, therefore, one would think we are not to look in the Bible for any such chimerical attempt. This is precisely the ground on which Paley has constructed his argument, to show the insufficiency of the Scriptures as a complete rule of practice, and the necessity of supplementing them with philosophical speculations. Paley is certainly wrong, but it is as certainly true, that the Westminster standards are no more at fault, upon this particular point of a complete

* South. Pr. Rev., April, 1859, p. 42.

enumeration of all possible offences, than the Scriptures themselves. How, then, do the Scriptures become a perfect rule? The brother tells us, and tells us very correctly. It fixes general principles, illustrates them by appropriate examples, and gives us the key to the discovery of duty in the complicated relations of life. To do this, it is said, "requires infinite wisdom." Granted. But after infinite wisdom has done it, what is to hinder man from repeating it? If the general principles of the Bible, as found in it, are exhaustive, what prevents the same principles from being exhaustive when they are transferred to the Larger Catechism? If complete in one place, why not in the other? It is precisely these principles of the Bible, as illustrated by concrete cases, that are embodied in the ethical teachings of our standards. We have added nothing to them—we have taken nothing from them. We have only collected them from the divers parts of the sacred volume in which they are scattered, and reduced them to method and system. But it seems that we are at liberty to deduce necessary inferences from Scripture, but not from the Confession of Faith? Why not? Has the brother to learn that a necessary inference is no addition? That it is part and parcel of the premises from which it is drawn? Does he not remember that all analytical judgments are essentially identical, and that in necessary inference we only explicitly enunciate what was previously implicitly affirmed. This law of inference, therefore, applies to all general propositions wherever they are found, divine or human, inspired or uninspired. We cannot see, therefore, the force of the objection. If the general rules of the Bible are complete and exhaustive in themselves, they are as complete, when collected and arranged by human skill, as when they lie scattered through a multitude of volumes.

3. Another anomaly, which the new book has abolished, is that of making the inferior courts, in appellate jurisdiction, parties to a new issue. The incongruous nature of our present judicial system is not generally apprehended. In every appeal there are two issues, two sets of parties, and may be two judgments. The secret of this complication is that every

appeal not only transfers the case to a higher tribunal, which ought to be its sole legitimate effect, but is construed into an impeachment of the court below, raising an issue in relation to its integrity and judicial fairness. The appellant appears, not only to represent the merits of the case to which he was an original party, but to expose the demerits of the court that refused him justice. He is at once a suitor and a prosecutor. Both issues are tried at the same time, and so blended that they constitute but one apparent case. Hence the appellant is heard in a double capacity, and the lower court in its own defence; and when the final sentence is rendered, the book distinctly contemplates, that both issues shall be fairly considered, and that the lower court shall be censured if found guilty of maladministration. Now the complication of two such issues is simply monstrous. To try at the same time, and in the same breath, the question of individual right, and the question concerning the official integrity of a judge, is an outrage upon common sense. And yet this is what the old book does. The inferior courts are arraigned at the bar of the higher to defend themselves; and it is mercifully provided, that "if they appear to have acted according to the best of their judgment, and with good intention;" that is, if they succeed in showing that they have not been knaves, they may escape with their necks—"they incur no censure." "Yet, if they appear to have acted irregularly or corruptly, they shall be censured as the case may require." What can show more clearly than this passage, that the lower court is on trial for its character? The writer, in the April number of this Review, insists that this must be the case from the very nature of an appeal.* "When the individual who was cast, appeals or complains, *against whom*, we pray, does he appeal or complain? Not surely against the accuser, (where there is a personal accuser.) The complaint is *against the judicatory which cast him;* as he conceives, unjustly. And when his appeal or complaint is entertained, by the higher court, what is the thing which is investigated? Is it not *the sentence passed be-*

* Page 69.

low? The body appealed from, or complained against, the body whose that sentence was, is surely then a party to the question." In all this there seems to us a singular misconception. The design of the appeal is to transfer the case to a higher court. It removes it from one tribunal to another. The appellant, no doubt, thinks injustice has been done him, but all that he transfers, or ought to be allowed to transfer, is the identical case upon which the lower court sat. The higher tribunal must have before it precisely what the lower had—the same issue—the same testimony—the same circumstances. The operation of the appeal is nothing more nor less than to introduce the question to another court—it is the removal of the cause. The issue before the higher court is not the sentence of the lower, absolutely considered, but relatively to the merits of the case. It is through a full and patient consideration of the case, that the final conclusion is reached, either sustaining or reversing that sentence. The principle upon which the law of appeals rests is, that truth and righteousness are likely to be elicited by the care, deliberation and exemption from passion implied, in submitting a cause to successive tribunals. One court is a check upon the other, as in representative assemblies, one chamber checks another. The thing to be secured is the contemplation of the subject from different points, and aloof from the influences of prejudice and passion. A bill passes the House of Commons, and is sent to the Lords. The Lords may adopt or reject it—but their vote is no censure upon the Commons—it is only a part of the process by which rash and hasty legislation is prevented. So when a case is decided in a lower court, it may be carried to a higher, and reversed. This reversal implies no censure upon the lower, but is the result of the system by which the fullest and most impartial consideration is secured to the complaints of every suitor. Appellate jurisdiction is a contrivance of political wisdom for approximating as nearly as possible to the unbiassed verdict of truth and reason. What passes through the successive courts is *the case* that the parties at first made out, and it passes, like a bill, from one chamber to another, and then from both to the supreme executive. Our brother seems to think

that the motives of the appellant give us a clue to the real nature of an appeal. No doubt his end is to gain his case; but the end of the system is to do justice. If his views were to control the matter, there would be no necessity of any court.

If the views which we have given of appellate jurisdiction are correct—if the successive courts are only judges of one and the same case—if it is the case which passes from one to the other—it is clearly preposterous to make the courts pass with the case, and to originate a new case at every step of the transfer. There is a way for trying the lower courts—the old book provides for it, and the new book still more completely—but when they are tried, no other issues are mixed up with the process.

As a logical consequence of expunging the features of the old book which made the lower courts parties, the new book has also abolished the rule which deprives those members of the upper court that were also members of the lower court, of their right to deliberate and vote on questions transferred from the lower to the upper. The denial of this right was grounded in a false assumption, touching their relations to these questions. When they are restored to their true position they are restored to all their privileges. That they cannot be ejected from the court consistently with the laws of Presbyterian government, will be evident from a brief review of the fundamental principles of our system. In some States, appellate courts are composed entirely of new judges, in others they are constituted by a council composed of all the judges in the court below. The end in both cases is to secure the deliberation of different minds. There must be a different body. It is immaterial whether the difference depends upon an absolute difference in the persons of the judges, or upon modifying elements which are likely to introduce new views, to suggest new considerations, and to repress the influence of prejudice and partiality. So fullness and impartiality of consideration are gained, it is of little moment how it is done. Now, in the Presbyterian system, the courts run into one another—all the higher are combinations of the lower. The Presbytery is an union

of sessions—the Synod is an union of Presbyteries—and the General Assembly is, or ought to be, an union of Synods. It is not possible, therefore, to constitute an appellate court of new and independent materials; the members of the lower, from the very nature of the system, must enter into the higher. The only thing that we can do, is to mar the integrity of the system by excluding the members of the lower court, as the old book has done, in cases of appeal and complaint and general review. To the extent that we do this, we depart from the theory of our polity. Now the question is: Does justice require such departure? Is impartiality more likely to be secured by making the court consist wholly and exclusively of different persons, or by a mingling of the same persons with such a number of others as to make the body really though not absolutely different? To our minds, though the question is not without difficulty, and has embarrassed the wisest legislators, the full working of our own system is, in relation to spiritual causes, a divine answer. It is well to have the lower court represented, because in that case the views which prevailed in it are likely to be brought out, and when presented in the spirit of judicial deliberation, are likely to receive their full measure of consideration. The new members will have their views, and when both sets of opinions are canvassed and discussed, in the love of truth and with a single desire to do justice, the probability is, that a righteous sentence will be rendered.

Should it be objected that the judges from the lower court are under strong temptations, to forget their duties as judges, and to set themselves as partizans to vindicate their first decision, the answer is threefold. 1. If their opinions, at first, were honestly and dispassionately formed, they are very possibly correct, and no harm will be done, even if they should urge them with some degree of vehemence. If they were not deliberately formed, then these men are not fit to sit in any court, and the argument is as cogent for expelling them from the court below as from the court above. 2. In the next place, the best way to make them partizans, is to treat them as partizans; and the best way to preserve in them the spirit and

temper of judges, is to treat them as judges. Presume them to be honest and you hold out a motive for being honest. Let them know that the church trusts them, that it has confidence in their integrity, prudence and impartiality, and they must be desperately corrupt, if they do not strive to justify this good opinion. 3. In the third place, to exclude them from the court is not to exclude them from an influence upon its decision. All that you accomplish is to exempt that influence from all responsibility. They have tongues, and their brethren have ears, and who is to hinder them from whispering in the lobby of the court? The real question, therefore, is between a responsible and an irresponsible influence. One or the other, from the very nature of our system, we must have. It is not enough to eject the members of the lower tribunals from the house. We must send them home, or rather prevent them from coming to the appellate court.

But, after all, this dread of prejudice and partizanship is not justified by the experience of the Church. It is a rare thing that any man, under the solemn sanctions of judicial responsibility, perverts judgment; and surely in religious assemblies corrupt judges must be the exception and not the rule.

Our brother, in the April number of the Review, contends that the court should be composed exclusively of new judges, because, if we understand his argument, that is what the appellant expects. If the wishes of the appellant, as we have already intimated, are to determine the organization of the court, the problem would very soon be solved. We apprehend, too, that he would care very little of what judges it was composed, provided they were favorable to him. At any rate, we doubt very seriously whether, if it should so happen that none of the judges of the lower court were present, but those who voted on his side, he would enter his protest against their sitting, as a mockery of justice. His feelings and his wishes should have no influence in the matter. He might prefer entirely different judges, but if that arrangement should not seem to be most conducive to the ends of justice, his preferences must be disregarded.

It has been further objected to the rule of the new book

that, under it, cases may happen in which the lower court really determines the decision of the upper. In the first place, these are extreme cases, and must be very rare. And even were this an evil, it must be remembered that no system can provide against all inconveniences. Under the present book, the highest court of the Church has been on the eve of making itself supremely ridiculous by contradictory decisions upon the gravest matter, involving the very essence of the Gospel, and that at the very same sessions. The same court, almost in the same breath, was almost made to say that white was black and black was white. In the case of Dr. Beecher, when the New School Synod of Cincinnati was out of the house, and the great orthodox Synod of Philadelphia in the house, the Assembly was prepared to be true to its doctrines. In the case of Mr. Barnes, when the Synod of Philadelphia was out of the house, it betrayed the cause of its Master. Here the decision of the court was a greater evil than all the inconveniences likely to result from the new book. But we are not prepared to admit that the extreme case which our brethren have put is an evil. If the lower court was a large one and its decision nearly unanimous, or by a large majority, the presumption is that the decision was right. A numerous Presbytery, covering an extensive range of country, is not likely to be misled by prejudice or passion in a case in which very few of them can feel a personal interest, or be seduced by local considerations. They took it up in the spirit of judges of a Court of Jesus Christ—they knew nothing of it until issue was joined before them. Why should their verdict be suspected? If it is a case of general interest, and one likely to enlist the passions of the Presbytery, it is incredible that the other Presbyteries of the Synod should fail to be present, if they were persuaded that the original judgment was wrong. But take the extremest supposition. This large Presbytery rules the Synod—the remedy is at hand. No single Synod has a preponderating influence in the General Assembly. We do not see, therefore, that any mischief can result from the new rule. It preserves the symmetry of our system—diminishes the motives to partiality and prejudice and represses the exercise of an irrespon-

sible influence, and secures the fullest consideration and the widest comparison of views. It treats our ministers and elders as honest men, and does not allow a brand to be put upon their characters because an appellant is not content with their decision. It supposes that they were upright judges in the court below, and presumes that they will be equally upright in the court above.

These two changes in relation to the posture of the lower courts have greatly simplified our process of appellate jurisdiction. They have settled the everlasting controversy about original parties—they have abolished the long speeches of the lower courts and they have rendered clear as noonday the whole order of proceedings. Those who have witnessed the confusion, embarrassment and waste of time, occasioned by the anomalies of the old book, can appreciate the value and importance of the changes. Three judicial cases were tried before the last Assembly and there was not a difficulty in which the house was involved, and it was often involved in difficulty that could possibly have arisen, if the new book had been in force. A prominent member of the Assembly, and one by no means favorable to the revision, candidly acknowledged to us that, in the matter of judicial proceedings, the new book was almost absolutely perfect.

V. There yet remain to be considered three provisions of the new book, two of which are confessedly innovations, while the other belongs to the category of omissions. We shall begin with it. We allude to the rule in relation to an application to withdraw from the communion of the Church. That this is a case not provided for in the old book will be manifest to every one who calls to mind, that the only instance in which it makes confession a ground of conviction is the case of a minister of the Gospel, and there the confession is supposed to take place after the charges have been tabled—it is a part of the pleading. Here the offender is not a minister, but a private individual—here there is nothing in the life to be the basis of a charge—the offence is known only to the guilty person and his God and, without his own confession, his name might stand as fair as that of any other man in the Church. The unbelief of the

heart must be manifested by overt acts or, in the sense of the old book, it is not an offence susceptible of discipline. It cannot be reached. There are no witnesses to prove it and confession is not admissible. The guilty individual may, indeed, abstain, as while he is in an unconverted state he ought to abstain, from the sacrament of the supper. He may be arraigned and suspended for *this* irregularity—but the charge of abstaining from the Lord's supper is a very different thing from the charge of not being converted. We aver, then, that the old book makes no provision for the case. And yet the experience of the Church has shown that some provision is needed. The Committee, therefore, assumed no superogatory task, when they undertook, according to their best judgment, to supply the omission. Is their remedy a wise one? We have examined carefully all the objections that have been raised against it, and we do not recollect to have seen one which was not founded in radical misconception. The rule has been represented as giving men a right to withdraw from the Church at pleasure—as releasing them from their solemn covenant obligations—as reducing the Church to the condition of a voluntary society into which men go, and from which they depart, when they choose—as putting an end to all discipline by affording a convenient shelter of retreat from it and, worst of all, as sanctioning the notion that unbelief is no sin, but that a frank and manly confession of it entitles the reprobate to special indulgence.

Whether men, under any circumstances, have a right to withdraw from the Church is a grave question, and a question which cannot be answered without a precise definition of terms. If the meaning be whether they can apostatize without sin, whether God holds men guiltless for abjuring His authority and His Son, the answer is plain as day. As before Him, they have no right, and to concede it to them is to confound the eternal distinctions of guilt and righteousnes. But if the question be, whether men have a right to prevent them from announcing their apostasy, and that is the true aspect of the question in relation to the Church, the answer may be different. If a man has renounced his God and Saviour in his heart, whether the

Church has a right to interpose and say you shall not renounce the profession of your faith, is a very different thing from legitimating either act. The right of a man to do a thing, and the right of others to hinder him, are entirely distinct, and yet, from the poverty of language, we are often compelled to represent the non-right of others to hinder as his right to do. It is a right only in relation to them—only in the sense that they are bound not to interfere. But important as this question of withdrawal is, the Committee have not touched it; the rule, on the contrary, is directly against the possession of any such absolute right. In the first place, the unconverted offender is distinctly treated as guilty of an offence. It is a case without process—the process is superseded by confession—the man is convicted upon his own showing. This surely does not represent him as unblamable and unreprovable in the eye of the court. The offence, moreover, is just as distinctly unbelief—not being converted. Now, the rule prescribes a penalty to be inflicted by the court. The man does not withdraw, but the session is required to deal with him according to his guilt. What is the penalty? It is exclusion, judicial exclusion from the communion of the Church for an indefinite time. This is the plain import of striking his name from the roll of communicating members. A definite suspension would be absurd, because he can never be restored to the communion until he gives evidence of a change of heart; excommunication would be too harsh, as it might repel him from all those influences under which his continued connection with the Church would probably still keep him. The only thing to be done was to say, that he could no longer be a communicating member—he must take his place with the other baptized persons who are not yet prepared to redeem their vows to God. It is presumed, of course, that the pastor and session will deal with him frankly and honestly, that they will endeavor to impress him with a sense of his grievous guilt and of his awful danger, and that they will earnestly exhort him to seek at once the reconciliation of his heart with God. But, as the new book was not commissioned to preach, it contented itself with prescribing the manner in which such cases, alas! too common, should be dealt

with. Before this simple exposition every objection vanishes into air. No leave is given to withdraw from the Church, for the man does not withdraw—there is no release from covenant obligations, for the man is treated as an offender for not fulfilling them—no evasion of discipline, because discipline is actually exercised—the guilty party is solemnly, and by the sentence of a court of Jesus Christ, excluded from the fellowship of the saints, because the love of God is not in him. The sentence, too, is an awful one, the most awful that can be pronounced on earth, save that of excommunication.

2. The change which has provoked most opposition is that in relation to the baptized, non-communicating members of the Church. A hue and cry have been raised against us as though we had ruthlessly turned the lambs of the flock head and heels out of the fold, and sent them to wander on the mountains, and left them a prey in the wilderness. We are denounced as having struck a blow at the root of infant baptism more terrible and fatal than any which our Ana-baptist brethren have been able to administer. We are amazed at the mischief we have done. And we should have no comfort, did we not believe that the ghosts which have frightened our brethren are the spectres of their own troubled fancies. We think it can be shown that the new rule has put the children in a better condition than it found them—has put infant baptism upon a higher ground than it occupied before, and has solved a question in relation to which the perplexity of Paedo-baptist churches has been a standing scandal. We think that the tables can be turned, and that it can be conclusively shown that the mischief is all on the side sustained by our brethren, and the good on our own. The core of the question is, whether church membership necessarily involves subjection to judicial prosecution. It is admitted, on all hands, that these baptized persons are members, bona fide members of the Church. The new rule asserts this as positively as the old. It is alleged by our brethren that, if members, they must be liable to process. It is not a question whether they are under the government, guardianship and training of the Church, or whether they are under its discipline, in the wide and comprehensive sense of that term, as includ-

ing the whole process of moral and spiritual education—this also the new rule positively asserts. It omits the word *discipline*, because that term in a manual of forms and processes would convey the narrow idea of judicial investigation, but it retains the thing as completely as equivalents can express it. The sole point, therefore, is whether the class of members in question can be cited, tried and condemned for offences; or, in the words of the book, are the proper subjects of judicial prosecution. It is said that they must be, or their church membership is purely nominal. Now, subjection to discipline (we use the word in its narrow sense) is either a privilege, or it is not. If it is a privilege, the argument of our brethren assumes either that church membership carries with it a right to all privileges, or that there is something peculiar in this privilege which makes it universal. Upon the first assumption, they are clearly at fault, as these same persons are excluded from the privilege of the Lord's Table. If all church members are entitled to all privileges, then all church members have a right to communicate. If exclusion, on the contrary, from the Lord's Table does not contradict church membership, why should exclusion from discipline contradict it? The argument in this form proves too much, and therefore proves nothing. The universal proposition on which it rests is clearly false. If, on the other hand, there is something in the nature of judicial prosecution which requires it to be an universal privilege, the peculiarity ought to be pointed out; and that has not been attempted. All that our brethren have achieved in the way of argument, has been to repeat the syllogism: All church members are entitled to all church privileges. The persons in question are church members, therefore, they are entitled to all privileges. But let us suppose that discipline is not a privilege, but a disability. What is there in the nature of church membership which makes it inconsistent to exempt a certain class from a specific disability? Must all be subject to precisely the same conditions—to the same pains and penalties? If some members of the Church can be excluded from a privilege to which others are entitled without prejudice to their church membership, why may they not be exempted from a penalty to

which others are exposed, without jeopardy to their relations to the Church? Surely the argument is suicidal, which reasons from the naked fact of church membership to the other fact of subjection to discipline, as it would equally conclude in favor of a right to the Lord's Table.

The truth is, in every Commonwealth, there may be peculiar privileges and peculiar disabilities. Rights and privations may alike be conditioned by the qualifications and characters of the subjects. It is so in the Church. All are not entitled to be made ministers, ruling elders or deacons—these are privileges which belong to special qualifications—all are not entitled to the privilege of the Lord's Supper, that also depends upon a special qualification, the ability to discern the Lord's body. Now, if it should appear that subjection to judicial process involves also a special condition, then it would follow that this also, call it disability or privilege, cannot be universal. Now we contend that it does imply just such a condition—that to those who profess no faith in Christ it is as unmeaning and absurd to dispense the spiritual censures of the Church, as it would be to tie a dead man to the whipping post and chastise him with rods. The possession or non-possession of faith divides the Church into two classes so widely apart, that it is simply ridiculous to think of treating them in the same way. The great end which the Church is to aim at, in reference to the first, is their edification, their growth in grace, their continued progress in the Divine life. What it primarily seeks, in relation to the first, is their conversion to God. One class is already alive, and are to be dealt with as living men—the other is dead, and the whole scope of spiritual effort is to bring them to Him who can quicken the dead. Discipline is for the living and not for the dead. It is not an ordinance for conversion, but an ordinance for repentance. Its design is to recover the fallen—to arrest the backslider—it is the rod with which the shepherd gathers the scattered sheep who have strayed from the fold. It is the solemn caveat against their sins which God has directed his Church to utter in the ears of his erring people. Our brethren have perpetrated two mistakes in reference to the nature and ends of discipline. In the first place they regard

it as a punishment of the offender. This is a serious error. There are no punishments in the Church of God, it is founded upon a dispensation of grace and not of law—and discipline is a merciful provision, a kind and fatherly chastisement by which a son, not a slave, is made sensible of his follies. It is not the act of a judge pronouncing on the intrinsic demerit of the crime and giving the award of justice, but the voice of a parent, employing just such tones of rebuke as are likely to arrest attention. When men show by their contumacy that they were not sons, they are then cut off from the Church, on the very ground that they are incapable of discipline. Excommunication is, in its last analysis, a solemn declaration that the professions of the party which brought him under discipline are false, and that he who was mistaken for a sheep has turned out to be a wolf. It is the act of separating from discipline him who is not qualified to profit by it.

The other error is that judicial process is a means of conversion. That God might bless it to that end, as he can overrule any providence we are not disposed to deny, but that he has appointed it for that end in His word is more than has yet been proved. Not a case can be found in the New Testament in which the subjects of censure were not regarded as professing brethren.

There is, therefore, no logical inconsistency in exempting non-communicating members from judical prosecution. On the contrary, if faith is an indispensable condition of the benefit of discipline, the paralogism would be in making them subject to it.

What, then, it may be asked, is the real relation of these persons to the Church? what the significance, or what the value of their membership? We answer, in the terms of the new rule, they are under its government and training. We answer in the terms of our Directory, "they are under the inspection and government of the church, and are to be taught to read and repeat the Catechism, the Apostle's Creed and the Lord's Prayer. They are to be taught to pray, to abhor sin, to fear God and to obey the Lord Jesus Christ. And when they come to years of discretion, if they be free from scandal, appear

sober and steady and to have sufficient knowledge to discern the Lord's body, they ought to be informed, it is their duty and their privilege to come to the Lord's Supper." But if they are not free from scandal, nor sober, nor competent to discern the Lord's body, what then? The silence of the book evidently implies that they are to stay where they are—they are still to be pressed with the motives and claims of the Gospel, but no government is to be exercised over them, but that which looks to their conversion. This, as we understand it, is the doctrine of the Directory, and it is the clear common sense view of the case. They are brought into the Church as a school in which they are to be trained for Christ; and they are kept as pupils until they have learned the lesson they were set to acquire. And as their relation to the Church is through their parents, the Church exercises its watchful care over them in their infant years through the family. It exacts of their parents that they shall bring them up in the nurture and admonition of the Lord, and maintain a christian inspection over their deportment and habits. When they are released from parental government, the pastor and elders and all the faithful followers in Christ are to bring to bear every proper influence in bringing them to recognize their solemn obligations to the Saviour. The thing to be aimed at is, as we have said, their conversion, and whatever power is exerted must be exerted with reference to that end. From the circumstance that they are not professors of religion, their irregularities bring no scandal upon the Church. They do not claim to be in Christ and their excesses are consequently no reproach to His name.

But it may be said that the Church owes these duties to all sinners, and that these baptized persons have no advantage over the rest of the world. This, however, is a grievous error. Their baptism has brought them as contradistinguished from others, in the same relation to the promises of the covenant in which circumcision brought the Jew as contradistinguished from the Gentile. To them belong, in a special sense, the oracles of God, and "to them pertain the adoption, and the glory, and the covenants, and the giving of the law, and the service of God, and the promises." They can plead the promises

as an unbaptized sinner cannot plead them. God is nigh to them for all that they call upon him for. The Scriptures evidently distinguish unbelievers into two great classes—those who are nigh and those who are afar off. These terms do not express so much differences of moral character as different relations to the covenant. In the time of the Saviour the Jew was nigh—the Gentile was afar off, though the Gentile might have been, and often was, a better man than the Jew. But the Jew was nearer to God—he was consecrated by covenant adoption. In the present age, the baptized unbelievers are nigh, and the unbaptized afar off. The Gospel must be preached to all but, as in the beginning, it was *first* to the Jew and *then* to the Gentile, first to the nigh and then to those afar off, so now it must first be preached to the baptized and then to the unbaptized. The bread must first be given to the children and then to the dogs. The covenant is the birthright of the seed of believers. If, then, it be asked, what profit is there of baptism? we answer, much every way. And, in point of fact, the whole history of the Church is a glorious illustration that baptism is not an idle ceremony—that the privileges to which it entitles are, in innumerable cases, sealed to its subjects. Then, too, what an argument does it put into the mouths of God's servants in pressing upon baptized unbelievers the Saviour's claims! The vows of God are upon them—they have been consecrated to the Lord—and when they pervert their faculties and strength to the service of themselves or the world, they are guilty of a more aggravated profaneness than could have been imputed to the Jew, if he had gone into the temple and taken the vessels of the sanctuary and perverted them to his private use. What an appeal lies in this consideration! Then the value of their privileges, the nearness of God to them, the significance of their baptism, what motives are here? To this must be added the enormity of guilt which they contract by unbelief. They cannot sin like other sinners. They cannot be exalted to Heaven and then expect a gentle fall. Is it nothing to be in a situation to be addressed by arguments and motives and considerations like these? Beyond controversy it is a great privilege to be a member of the visi-

ble Church; and, beyond controversy, the despising of such a birthright is no common crime.

Let us contrast with this view of the case that taken by our brethren. They would have these persons when they arrive at years of maturity, if they resisted all private and personal efforts for their conversion, duly cited and arraigned to show cause, why they had not given their hearts to God. If, after repeated admonitions and counsels and prayers, they persisted in impenitence, they are to be solemnly excommunicated and their relation to the Church as absolutely abolished as if they had been born heathens and publicans. Now what will be the effect, the inevitable effect of such proceedings! Some it would make hypocrites; they would come to the Lord's table and put on a show of religion to avoid the annoyance of this species of discipline. Some would treat the whole thing with contempt, and others would be exasperated against the very name of the Church. The thing is so revolting that no living, spiritual Church has ever attempted to carry it out. The theory suits only that condition of things when there is no real faith, and when formal observances are all that distinguish the professor of religion from other men. The tendency would be to bring about just this state of things. The Church would be made up of decent professors without grace. We should soon have the reign of moderatism. The effect, too, in bringing infant baptism into disrepute by making it the badge of what many would consider a disgraceful bondage, deserves to be seriously weighed by those who appreciate the importance of the ordinance.

Others, to avoid the difficulties connected with discipline, maintain that these persons are self-excommunicated—that their continued impenitence is an actual renunciation of their church membership. And yet the very persons who teach this doctrine are loudest in the clamor against the right of a poor, self-deceived sinner to withdraw. Excommunication can only be pronounced by a court, and that is a sufficient answer to the theory.

The doctrine of the Committee is encumbered with none of these difficulties—it is consistent with itself, consistent with the

nature of infant baptism, and defines intelligibly and scripturally the status of these people. The Church of God, as a visible external institute, is made up of two classes of members—this results from the very nature of its organization through families. One class consists of true believers, or those who profess to be such—the other of their children who are to be trained for God, and for that purpose are blessed with pre-eminent advantages. They are to be retained as pupils until they are converted. If they should continue impenitent, the Church does not revoke their privileges, but bears with them as patiently as her Master. They are beloved for the fathers' sake. This host of baptized children is, however, the source from which her strength is constantly recruited. The Church contains a sanctuary and an outer court. True believers are in the sanctuary, others in the outer court, and the sanctuary is constantly filled from the court. Our brother, in this review, is grievously mistaken when he says that the idea which lies at the basis of the new rule is, "that it is unreasonable to exercise a church government over a man, to which he has not given his own voluntary assent." The idea is, that it is unreasonable to exercise a kind of government wholly unadapted to his condition and circumstances—it is unreasonable to treat a child like a man—a sinner like a saint—an unbeliever like a professed follower of Christ. The reviewer has more than once used language which implies that the rule abolishes *all* exercise of government in relation to the persons in question. For example: "If we roundly assert, as even the revised discipline does, that all baptized persons are members of the Church, we see little consistency in then exempting a large class of them from its government." But who has done that. Not the new book, for that expressly asserts that they "are under its government and training." The only thing from which it exempts them is a particular species of government, for which they are not yet prepared. But we have said enough upon this point to put the reader in possession of the grounds and spirit of the change. We believe that it exactly represents the feeling of the Church, and that it has only to be understood to be generally and cordially adopted.

The only other change which we might be expected to notice, the change in relation to the competency of witnesses, as it has elicited no censure, and seems to be in keeping with the progress of civil jurisprudence, we shall pass without comment.

Upon the whole, we are prepared to commend the new book as a real improvement upon the old. It has pruned away redundancies and supplied many important omissions—removed incongruities and contradictions to the general tenor of our system—extended privileges which experience has shown to be important—cleared up ambiguities, and reduced our Discipline to a logical completeness and coherence which it did not profess before. It has simplified the process of appellate jurisdiction, and cleared a high way for our upper courts where all before was rocks and thorns. We do not say that the book is perfect—but we do say that it is a better book than the old one, and, therefore, worthy of adoption by the Church. Candor, however, compels us to acknowledge that, in our judgment, it is marred by one remarkable incongruity. The section on appeals is out of harmony with the principle on which the specific difference of the various modes in which a cause may be removed from a lower to a higher court depends. We have four methods of removal. The distinction between these does not depend upon the nature of the cause, or the effect of the transfer, but upon the *parties* who bring the matter to the attention of the higher court. When the higher court itself, by virtue of its own inherent power of inquest, brings the matter before it, we have then a case of review and control. Here it is evidently the party originating the inquiry which determines the nature of the remedy. When a lower court transfers a matter, either for advice or decision, we have a case of reference—the party presenting the cause to the higher court being still the differential idea. The complaint is the remedy of any man whose zeal for the glory of God and the prosperity of His kingdom prompts him to seek the redress of errors and irregularities in any of the subordinate tribunals—the party is still the differential idea. In consistency with this idea, the appeal ought to have been exclusively a remedy for personal grievances, and confined to an injured party. Had

this restriction been made, the system would have been logically complete.

The effect of an appeal in arresting all further proceedings is not a part of its specific difference, but the natural consequence of the relation of the parties. They are presumed to be *injured*. Their rights have been invaded, and until this point is settled, it is manifestly fit that no further steps should be taken. A man may be trusted with the care of his own personal immunities, and his judgment on that point should be respected until it is proved to be wrong. The case is different with questions of general interest—one man there is as competent a judge as another, and it is highly inexpedient to leave it in the power of a few to clog the wheels of the Church upon mere abstract differences of opinion. Thus much we have felt bound to say. But the abatement is a trifle compared with the advantages which the new book offers. Even with this defect, our system is well nigh perfect. Every member of the Church has free access to our higher courts, and if wrong is done, the whole Church is to blame if redress is not sought and obtained.

ARTICLE II.

LIFE AND WRITINGS OF MAIMONIDES.

Opera Maimonidis. 8 vols. in 4. Folio. Vienna.

While the Israelites can boast of a host of Rabbins, highly distinguished in the various branches of literature; in the great man of whose life and writings we are now going to treat, they have produced a profound philosopher and divine, whose literary fame has elicited for him that immortal and well-known Jewish proverb, "From Moses to Moses, there was none like to Moses," *i. e.*, from the great Lawgiver to Moses bar Maimon.