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ART. I.—*Notes, explanatory and practical, on the Gospels: designed for Sunday School Teachers and Bible Classes.* By Albert Barnes. *In two volumes. Fourth edition—each edition contains two thousand.* New York and Boston, 1834, 12mo.

THOUGH we hardly have a right to notice, as a new work, one which has been so long in circulation, and with which so many of our readers are familiar, we feel ourselves called upon as Christian critics, to say what we think of Mr. Barnes's expositions. This we shall do as plainly and as kindly as we can. As our object is simply to characterize a book, which is likely to exert a very durable and extensive influence, we shall confine ourselves entirely to an enumeration of the points in which we think it worthy either of praise or censure. We have only to premise that our conclusions have been mostly drawn from the notes on Matthew and John, especially the former, though we have so far compared the rest as to remain convinced, that the first part of the work is a sample of the whole. Throughout our strictures, we shall endeavour to be pointed and specific, referring when we can, to individual examples, both of defect and merit, though it be at the risk of seeming sometimes hypercritical, a reproach which can scarcely

Samuel Miller

Art. III. *New Ecclesiastical Law.* No. 2.

Respect for the author of the foregoing communication, and a conviction of the practical importance of the subject on which he writes, induce us to offer a few additional remarks on the doctrine which he has advanced. We are in no degree more reconciled to this doctrine by any thing that he has said. On the contrary, though we are constrained to acknowledge that he has manifested no small acuteness and ingenuity, as well as zeal, in pleading his cause, we have, still more than ever, a deep and growing conviction that the principles to which he so pertinaciously adheres, are altogether unsound and untenable.

We are glad, however, that our correspondent has made one concession. He acknowledges that, so far as the business of *protests* is concerned, the Synod of Philadelphia, in the case which drew forth our remarks, decided erroneously. In this respect he concurs in our doctrine, namely, that *protests* may be admitted in all sorts of cases, whether *legislative* or *judicial.* And yet even here, he assigns *reasons* for his concurrence, which we think go to the entire overthrow of his whole scheme. This we shall endeavour to make appear presently. We take the liberty of remarking also, that our correspondent was on the committee of the synod which reported in favour of the doctrine concerning protests which he here gives up. We think, as he seems to have been in the minority of that committee, it behooved him, according to the fashion of the day, to make a *counter report;* or, at least, to ENTER HIS PROTEST against the decision of the synod.

Our readers will have perceived, that the position which this gentleman undertakes to establish is, "that *appeals* and *complaints* cannot be constitutionally entertained in our church judicatories except in judicial cases;" that is, except in cases in which there are charges tabled, witnesses cited, a trial had, and a *sentence*, as the result of *process*, pronounced. This doctrine, after all that he has said in its favour, we are more than ever persuaded is unconstitutional, mischievous, and in the highest degree unreasonable. In attempting to show this, if we should fail of convincing our readers that we are right, we shall avoid as far as possible making large demands on their patience.

While our correspondent gives up *protests*, as admissible in all sorts of cases that can come before judicatories, his remarks on their use and application, when employed, convince us, to adopt his own language concerning ourselves, "that he has not bestowed on this subject that careful and critical attention" which is requisite to a correct and intelligent view of the whole system to which this matter belongs.

For, in the first place, while he insists that *appeals* and *complaints* can be admitted only in cases of "discipline," or "judicial" process, and that no warrant for them is found excepting in the chapters which relate to that subject; he forgets that the law of *protests* is found only in the same predicament. It makes a short chapter in the "Book of Discipline," and of course, according to his logic, can be applied only in cases of "discipline," in the technical sense of that term. In his printed defence of the Synod of Philadelphia before the General Assembly, to which he refers us, he dwells on this point, and urges with much emphasis the unreasonableness of looking for rules about "*government*" under the head of "*discipline.*" Now if this argument be good for any thing, it shows that *protests* also are confined to judicial process, as really as *appeals* or *complaints;* for it is only under the department of "discipline" that they are authorized or mentioned at all.* The whole plea, then, for restricting complaints to judicial cases, because they are mentioned only in connexion with such cases, falls to the ground, if it be abandoned in regard to protests. If they stand upon a par as to this point, why make such a mighty difference between them? At any rate, so much is self-evident, that this branch of our correspondent's argument for establishing his restrictive doctrine respecting complaints, by proving too much, proves nothing. For, according to him, *protests*, though defined and admitted only under the head of "discipline," are admissible in all sorts of cases; and yet *complaints*, though found in the same connexion, are not so admissible.

* By the way, our correspondent seems not to be aware of the comprehensive meaning of the word "*discipline.*" One of Dr. *Johnson's* senses of the term is this—"Rules of government, order, method of government." Indeed, our own book defines it—"The exercise of that authority, and the application of that system of laws, which the Lord Jesus Christ hath appointed in his church." This account of the matter is, surely, very far from restricting the application of this term to one particular department of the appropriate business of judicatories.

Again, our correspondent seems to think that *protests* are of little use in judicial cases, because, according to our rules, they can never, taken alone, secure the reversal of any decision against which they are directed; and that therefore their utility is chiefly confined to legislative cases. As if the sole, or even, in general, the chief purpose of protests, were to attain the reversal spoken of, and not rather to exonerate those who present them from any share in the responsibility attached to the decision which they oppose. The truth is, the right of protesting is equally reasonable, and equally precious, in reference to every species of decision. And it appears to us, that the opinion of its comparative inutility in regard to any class of cases, argues not only a narrow, but a radically erroneous view of the whole subject.

We have only to add, in reference to our correspondent's concession with regard to *protests*, that he seems entirely to have overlooked, or to forget the fact, that in the chapter concerning dissents and protests, the following declaration occurs, sec. iv. "A dissent or protest may be accompanied with a COMPLAINT to a superior judicatory, or not, AT THE PLEASURE OF THOSE WHO OFFER IT. If *not* thus accompanied, it is simply left to speak for itself, when the records containing it come to be reviewed by the superior judicatory." Here is a precise, clear, unequivocal declaration, that whenever any members of a judicatory think proper to enter their protest against any decision passed by a majority of their body, they have a right, in all cases, IF THEY SO PLEASE, to accompany their protest with a complaint. We have here no doubtful construction; no questionable inference; but a declaration to the amount of what has been said, *in so many words*, and precluding the possibility of mistake.

It is plain, then, that our correspondent's concession that *protests* may be allowed in all sorts of cases which come before judicatories, cannot in the least degree disembarrass or aid his cause, but the contrary; as before suggested, it appears to us to draw with it the destruction of the whole plan on which he proceeds in interpreting the constitution of the church.

We concur in much of what our correspondent has said as to the distinction between *legislative* and *judicial* cases which may come before our ecclesiastical bodies. There *is*, doubtless, such a distinction; and there was no need of appealing with so much formality and tediousness of quota-

tion, to Dr. *Hill*, either to establish or explain it. On our correspondent's general representation of this subject, we have only two remarks to make. The *first* is, that his enumeration of the different sorts of business which come before ecclesiastical judicatories, is imperfect. He speaks of only two—"*legislative* and *judicial*." He ought to have added a third, viz. "*executive*." We mention this chiefly for the purpose of remarking, that the case of the Second (Assembly's) Presbytery of Philadelphia, which the Synod of Philadelphia voted, one year, not to receive, and subsequently, to dissolve, may be considered as a case falling under this last division, rather than the first, under which this writer constantly places it. Surely it was rather an executive than a legislative act, to dissolve a presbytery; and if our correspondent will only read a little further on, in Dr. Hill, than he seems to have done, he will not only find the third division of duties of which we speak distinctly recognized, but such a statement made of what it comprises, as will certainly induce him to class the particular case to which he so frequently refers, rather in the *executive* department than the *legislative*. We know not that the synod, in what they did in reference to that presbytery, ever undertook to form new statutes, or to perform any act which could, with propriety, in the most lax sense of that word, be called *legislative*.

A *second* remark in regard to this distinction, which holds so prominent a place in our correspondent's communication, is, that, in some instances, it is extremely difficult to decide into which of these three divisions a given case ought to fall. They run into one another; and examples might easily be supposed, concerning which it would be a "moot point," how they ought to be classed; and judicatories might consume days in deciding this question; which would be doubly interesting, and productive of double warmth and extent of discussion, if the privilege of appeal or complaint were supposed to be involved in its solution. Besides, a case which, in its commencement, was predominantly legislative or executive, might, by long protraction, and the complicated movements of inflamed partizans, become involved, and be found to encroach on more than one of the original departments of ecclesiastical business. Thus it is evident that the doctrine which we oppose directly tends, not to simplify the work of judicatories, but to render it more complex; not to save time or trouble, but unnecessarily to

increase the expenditure of both; not to render the rules of our church courts more obvious and easily applicable; but more than ever doubtful, and the subject of endless litigation.

We now proceed to consider our correspondent's survey of the several ways in which causes may be carried from lower to higher judicatories. And here we acknowledge that none of his remarks have surprised us more than those which he makes on the first of these methods, viz. that of "general review and control." "According to the Repertory," says he, "every kind of decision may be carried up in this mode." The Repertory does not, indeed, make any distinction between carrying a decision up, and seeking its reversal: but what could be the object of the one, if it were not to secure the other? Why should an individual require a superior judicatory to review a decision, if he did not seek its reversal? We say this language has surprised us more than we can well express. Has this writer yet to learn that the "Review" here contemplated is the *annual examination of all the records of every judicatory*, except the general assembly, by the next highest, for the purpose of seeing that every thing is done in a regular and constitutional manner? Does he not know that this is supposed, according to the theory of our system, to be actually done by all the church-sessions, presbyteries, and synods within our bounds; that these records are carried up, not by a dissatisfied or complaining individual, who seeks the reversal of any act or acts recorded in them; but, as a matter of course, by the stated clerk of each body, or his deputy; and that not merely certain objectionable decisions, which some persons wish to have reversed, are examined; but every line of the whole records, from the names of the persons present and absent to the statement of the most weighty matters recorded? Such a "Review," we repeat, is taken, or at least *ought* to be taken, by all our judicatories, of all ecclesiastical records, good and bad, regular and irregular, without being called for by any individuals, for special purposes, and passed upon, as a matter of course: even if no correction be wished or thought of, still it is the duty of every subordinate judicatory to send them up for inspection: and this is supposed, in our form of government, always to be done. And when such review is entered upon, it is the duty of the reviewing body, whether prompted to it, or not, to take a faithful notice of every disorderly or otherwise incorrect proceeding, and to give such an autho-

ritative expression of opinion respecting the same as its nature may demand. This the reviewing judicatory is bound to do with regard to all proceedings, whether legislative, judicial or executive. And although, according to the express rules which regulate this review, no decision found on the inspected records, can, in virtue of this inspection be, instanter, reversed; yet the reviewing judicatory is authorized, on the spot, to express such a sentence, and issue such injunctions as may finally lead to a reversal of the inculpated proceedings.

When, therefore, the writer of the foregoing communication, gravely gives it as his opinion, that this method of bringing before a higher tribunal the doings of a lower, was not intended to apply to judicial cases, but chiefly, if not solely, for those of a legislative kind—we confess we scarcely know how to express our amazement: surely such an entire misapprehension of the spirit and scope of this whole provision of our ecclesiastical constitution furnishes but little security for safe exposition and guidance in regard to its less obvious principles.

When our correspondent proceeds to treat of the *second* method of carrying up causes to a higher court, viz. by *Reference*, he indulges in a train of remark little less wonderful than that on which we have just animadverted. He begins by finding fault with the language of our book, for numbering "reference" among the four methods in which a *decision* may be carried before a higher judicatory, when the subsequent definition of a reference is, that it relates to a case "*not yet decided*." This is hypercriticism. The fact is, that in every reference there is a "decision;" not, indeed, of the main question, but still of an important question, viz: How shall the subject be disposed of? When a matter, either legislative, judicial, or executive in its character, comes before a subordinate judicatory, the question immediately arises, what course will the judicatory adopt in relation to it? Shall it be disposed of by a definitive sentence, or judgment in the case; or shall it be referred, for final adjudication, to a higher tribunal? The settlement of this question by a vote in favour of a reference, is a *decision*, which sends up the main question to be ultimately settled, or decided, in the highest sense of the word, by the representatives of a larger portion of the church.

Our correspondent is equally at fault when he undertakes to inform us what is the proper province of this method,

styled "reference." He tells us, that this mode evidently contemplates a *judicial*, and not a *legislative* case. Now, the fact is, if he had said *directly the reverse*, he would have been much nearer the truth. For, as every one who has been much conversant with our ecclesiastical bodies well knows, for one instance of the reference of a strictly *judicial* case, perhaps three, if not five, are of a different class. As, for example, when we tax our recollection for cases of reference, which have been presented within the range of our memory, the cases which first occur to us are such as these: —"Ought the marriage of a man with the *niece* of his deceased wife to be considered as consistent with membership in the Presbyterian Church?"—"Ought Popish baptisms to be deemed valid?"—"Ought a person who is a proprietor of a line of stages which carries the mail, and which runs on the Sabbath, to be received as a member of the Presbyterian Church?"—"Is baptism dispensed by a minister while under sentence of deposition from office, valid?"—"How far, and in what sense, are persons who have been regularly baptized in infancy, and have not partaken of the sacrament of the Lord's Supper, subject to the discipline of the church?"—"What steps ought the church to take with baptized youth, not in communion, but arrived at the age of maturity, when such youth prove disorderly and contumacious?"—"Are those parents entitled to the privilege of having their children baptized, who live in the constant neglect of the Lord's Supper?"—"Ought unbaptized persons to be permitted to vote in the election of Ruling Elders?"—"Ought baptisms administered by Socinians to be considered as valid?"—"Is it proper to admit slave-holders to membership in the Presbyterian Church?"—"Ought baptism, on the profession and promise of the master, to be administered to the children of slaves?" We do believe that four out of five, if not nine out of ten, of all the references which have been made to our Synods and General Assembly, for forty years past,—and quite as often in proportion, since we adapted our amended forms of process as before;—have referred to these questions of legislative, rather than judicial character. They have been sent up, as our judicatories are wont to express it—*in thesi*—that is, without reference to particular individuals, but for the purpose of establishing, and making known, with regard to each of the points specified, such general principles, as may guide all our judicatories in similar cases.

It is not only certain that such, in all periods of the history of our judicatories, has been the nature of a great majority of the "references" sent up for decision; but it is also perfectly manifest that such might be expected to be, and, in general, ought to be their nature. For it is much more about general principles than individual acts, that our ecclesiastical bodies are apt to be at a loss. It was just such a case that was sent up, in the apostolic age, by the church of *Antioch*, to the Synod of *Jerusalem*. It was properly a "reference;" and the question to be decided was, not a case of judicial process, in the sense of our correspondent; but whether Jewish observances were obligatory on all the followers of Christ.

As conclusive proof, in his estimation, that "References" contemplate "judicial" and not "legislative" cases—our correspondent alleges that all the language used in prescribing the law on this subject, decisively ascertains that this is the case. It is said to be a "*judicial*" representation of a case, &c.;—it is represented as being sent up either for mere advice, or ultimate "*trial;*" in the latter case, it submits the whole "*cause*" to the final judgment to the superior judicatory; and it is made the duty of the judicatory sending the reference, to transmit with it all the "*testimony,*" and other documents which may be necessary for an enlightened decision. Now these terms—*judicial—trial—cause—testimony*—are considered by our author, as clear proofs that judicial cases only are intended, and that references are proper only in such cases. We must again express our surprise at all this! The word "judicial," in this connexion manifestly means a representation made—not by individuals, but officially and formally by a "judicatory." And the other terms cited to show the same thing, it is perfectly evident, only ascertain that whenever the case of reference happens to be one of judicial process; and whenever there *is* testimony or other documents which ought to accompany the reference, it is the duty of the referring body to have them all collected, arranged, and carefully transmitted to the body to whom the reference is made. In another connexion, our correspondent lays no small stress on the word "*sentence,*" as a term confined to "judicial" process, and as neither actually used, nor proper to be used, in any other case. He forgets that the word *sentence*, both in common parlance, and in the usage of ecclesiastical jurists, is every day used to signify any decision whatever, of a

judicatory, as well as the final decision of a judicial case, strictly so called. Every reader of the Bible knows, that in the extended debate which took place in the Synod of *Jerusalem*, on the reference from *Antioch*, James stood up and said—"Wherefore my SENTENCE is that we trouble not them which from the Gentiles are turned to God."

When our correspondent comes to speak of *Appeals*, he still lays himself open to equal animadversion. We, of course, recognize the fact that the range of cases in which appeals can be admitted, is much more limited than that of *references* or *complaints*. A part of the unquestionable law on this subject is, that "an appeal can in no case be entered but by one of the original parties." And, therefore, the cases are comparatively few in which appeals are admissible, excepting in judicial cases properly so called. But we insist that, in all cases in which there *are* "parties," whatever may be the nature of the sentence which is considered as injurious, whether predominantly legislative, judicial, or executive, an appeal may be entered. We cannot see that our author has made the least approximation towards a proof of the contrary. He arrays, indeed, with great formality the several steps by which a regular appeal is directed to be taken up and prosecuted;—the *sentence* appealed from;—the *reasons* assigned for the appeal;—the *whole record* of the proceedings of the inferior judicatory in the case, including *all the testimony;*—the pleadings of the *original parties* in the case, are all to be heard, in a certain prescribed order:—and he confidently infers, that where *all* these are not found, and, of course, cannot be produced, there can be no appeal. To exemplify and confirm the principle for which he contends, he adduces the case of the Second Presbytery (the Assembly's) of Philadelphia, which the Synod of Philadelphia, more than a year ago, passed an act to dissolve. This act our correspondent calls a "*legislative* act;" (we think he would have been nearer the truth if he had called it an *executive* one,) and he confidently asks—where were the "original parties" in this affair? Where the "sentence" pronounced? Where the "regular trial?" Where the "testimony" to be produced and read, agreeably to the rules respecting appeals? We always regretted the appeal of that Presbytery from the Synodical act. Had we been among its members, we should have voted against an appeal to the General Assembly, and have urged a quiet submission to the Synod's pro-

ceeding. But we cannot doubt that the Presbytery had a constitutional right to appeal; and that, by appealing, it secured a constitutional existence until the appeal was issued. If we were asked—who were the "original parties" in this appeal? We should say, *the Synod was one*, and the *Presbytery the other*. If it be asked, what was the "sentence" appealed from? We reply, *the act of dissolution*. If the "testimony" be inquired for, we answer—*the records* of the respective bodies showing the order they took in the case, fully answer all that is essential in regard to this demand. As to the show of argument by which our correspondent attempts to prove, that neither the Synod nor the Presbytery could possibly be considered as original parties in this appeal, we think that, with all his acuteness and ingenuity, he has lost himself in a mist of his own creation. We cannot perceive a semblance of force in his reasoning. Surely it is little less than mockery to say, that the Presbytery was a part of the Synod appealed from, and, therefore, could not, on this principle, appeal. Of all pleas this is the last that ought to be urged in this case by the Synod or her representatives. She had refused to acknowledge the Presbytery as a part or her body, or to allow its members any of the privileges connected with that relation; but the moment that her acts toward this same Presbytery begin to be regarded as injurious, and measures are instituted to obtain redress, she claims the Presbytery as a part of herself, and denies that it has a right to seek redress.

In his remarks on the cases in which *complaints* are admissible, our correspondent reproduces, in substance, the same pleas which we have already seen to be so unavailing. He refers to the section in which complaints are represented as sometimes proper, and some of the cases stated in which they are justifiable. A few of these cases are stated in the rule, obviously, as a *specimen only* of many which might have been enumerated. Now, the use which our correspondent makes of this specification is, that complaints can be admitted in *no other cases* than those which are specified. It surely cannot be necessary formally to refute this reasoning. Had the drafters of those rules professed to specify *all* the possible cases in which complaints might be admitted, the enumeration would have been endless; and, after all, would have been left imperfect, and liable to cavil when new cases arose. Nothing of this sort, therefore, was attempted. When complaints are brought up in cases strictly

"judicial," in the sense of our correspondent, where there has been an accuser, a regular trial, an array of testimony, &c., then the regulations respecting the "parties," the "trial," and the "testimony," are to be strictly observed: but where a different set of circumstances, and an essentially different nature characterize the complaint, its admissibility is surely not vitiated by the absence of circumstances of which its character is not susceptible.

We have now, perhaps, dwelt sufficiently on the arguments drawn by our correspondent from the provisions and language of our Book of Discipline. We think he entirely mistakes the meaning and scope of both; and that, if his interpretation were adopted, it would lead to multiplied evils. He seems, indeed, tacitly to admit, that the actual *usage of the church* has been always and uniformly against him; but that the *letter of the constitution, as it now stands, is clearly in his favour.* Our amended form of government and discipline has been in operation not quite fourteen years. The administration under it has been conducted, in part, during the whole of this time, by aged ministers, who acted under the old book for many years; and who, though they assisted in forming the regulations as they now stand, were totally unaware that these regulations contain such principles as have been recently alleged. Which the public will deem most worthy of confidence,—the advocates of these new opinions and "new measures," extracted from documents, never understood, as they seem to think, even by their framers, before; or men who have had longer experience in the application of ecclesiastical rules, and have not been unwarily betrayed into the adoption of new-fangled principles, by an honest desire to obtain new weapons for carrying favourite points,—is a question which we presume not to answer. This much, however, is certain, that if our judicatories have been misunderstanding and perverting our present constitution for the last fourteen years,—*some*, at least, of the most experienced, sagacious, and vigilant of our ministers, have been altogether unaware of the fact, and strangely ignorant of the work of their own hands: for every line in the new Book of Discipline was examined, discussed, and deliberately adopted, by one of the largest and wisest of our General Assemblies, and afterwards deliberately adopted by a majority of our Presbyteries; and yet no one ever heard, until within a few months, of the marvellous discoveries of its meaning which ingenuity has extracted.

We will not trespass on the patience of our readers by insisting in detail on the unreasonable and mischievous nature of some of the principles assumed by our correspondent. We have, perhaps, said enough on this point in our last number. True, indeed, if the constitution of our church declares in favour of the doctrines which we oppose, let it be faithfully obeyed until it is altered. But it does not so declare. And we are persuaded, that the more these doctrines are brought to the test of examination and experiment, the more they will be found to obstruct the regular and salutary course of ecclesiastical order, and to increase cavil, doubt and litigation, without diminishing the number of ecclesiastical suits. Our correspondent, indeed, seems to think that if the plan which he recommends were adopted, the number of appeals and complaints brought up to our higher judicatories would be greatly diminished. We do not think so. Restless, revengeful and turbulent men would always find some method of perplexing and distressing our church courts with their exhaustless perverseness and malignity. If shut out at one door, they would leave no ingenuity or labour unemployed to obtain admission at another; and if rules were formed to exclude them altogether, it would be at the serious expense of denying relief to injured and worthy applicants.

Our correspondent seems to consider some of the language used in our last number, on this subject, as unduly severe; as not only reflecting on himself and on the synod of Philadelphia, but also as involving an uncivil imputation against a large portion of the last General Assembly, who declared themselves in favour of his doctrine. We certainly intended no such imputation; but we cannot, in order to avoid the appearance of it, retract our opinions. We were astonished to find our correspondent expending so much ingenuity, eloquence and zeal in support of his doctrine before the last Assembly. We were still more astonished to see so many grave, experienced and able members of that venerable body giving their votes to sustain it. And, most certainly, our astonishment was not diminished when we found the synod of Philadelphia going still further in the same track. There are men who took this ground in both those bodies, at whose feet we should be willing to sit and learn; but we cannot bring ourselves to believe that their judgment in that case formed any part of their wisdom. We are the friends of Socrates and the friends of Plato, but we hope, still more devotedly the friends of Truth.