

254

A
SPEECH

Prepared for Delivery

BEFORE THE
SYNOD OF NORTH CAROLINA,

October, 1839,

ON THE REFERENCE TO THAT SYNOD

By the Presbytery of Fayetteville

OF THE CASE OF
THE REV. SIMEON COLTON.

BY THE REV. COLIN M'IVER,

A MEMBER OF THAT PRESBYTERY AND SYNOD.

CHERAW:
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MDCCCXL.

PREFACE.

OF the following Speech, only some detached parts were delivered before the Synod. Such parts as the author deemed most important and necessary to the full elucidation of the subject herein discussed, were unavoidably omitted in the delivery, in consequence of a decision of the Moderator of Synod, on a point of order, by which, all remarks on Mr. Colton's defence before the Presbytery, were declared to be improper. Although the author considered this decision, as alike erroneous and unjust; yet, for various prudential reasons, he declined making any appeal to the Synod; and submitted to the Moderator's judgment, even under the serious disadvantage, of making, at the time, a very meagre, and to himself at least, unsatisfactory representation of the case.

With this simple statement, he sends his speech to the Press, from a desire to make some of his brethren, who have heretofore had no opportunity of examining this interesting case, somewhat acquainted with its merits. May the Divine blessing attend the effort.

SPEECH, &c.

MODERATOR:

What I said, in reference to the subject now under consideration, when this painful process was before the Presbytery, was chiefly founded on a few brief notes, which I hastily wrote, at the Clerk's table, during the delivery of Mr. Colton's diffuse and elaborate defence. Since that time, the defence I speak of has, after having undergone its author's revision, and probably his best corrections, passed through the press; and I have had, as it is to be presumed, that you, Sir, and the other brethren of this Synod have also had, an opportunity of giving it a leisurely perusal; and I think it not inconsistent with the character of my office, as an ambassador of Christ, and the duty I owe to his church, to trouble you, and my brethren of this Synod, with a few additional remarks, on so extraordinary a performance. Extraordinary I esteem it, Sir, not from the tendency of any thing that it contains, to inform the inquiring mind, or to enlighten the darkened or bewildered understanding, (for I find it entirely destitute of every such quality,) but from the rare and conspicuous combination it exhibits, of the distinguishing qualities of the author's mind,—inasmuch, that, had it been, like its predecessor, "sent out anonymously," "that it might stand on its own merits," there would, probably, be little or no difficulty in ascertaining its paternity. In this sense, Sir, it has, certainly a just claim to the appellation of an *extraordinary* performance. At *all* times, Moderator, but especially while acting in the capacity of *Judges*, we are bound to be *just* to *all*. From no one, whatever be his character or conduct, are we at liberty to withhold his just due. Even from one, whose conduct, I am constrained, from an imperious sense of duty, to view with disapprobation, I never will consent to withhold, that to which he has a lawful and equitable claim. I frankly acknowledge, therefore, that, in my judgment, those productions of The Rev. Simeon Colton's pen, which occupy so large a portion of this pamphlet, are altogether inimitable. He has a style of composition which is peculiar to himself; and if the man is any where to be found, who is capable of being his successful imitator, I must give him credit for a larger share of ingenuity, than is possessed by any, with whom it has ever fallen to my lot to become acquainted.—Yes, Sir: Those productions are, indeed, unique. Whoever carefully analyzes them, will find them to be a singular compound, of glaring in-

consistencies, gross perversions, fallacious reasonings, and other kindred qualities. That, of which, at one time, the author professes his utter abhorrence, and labours to hold up to the abhorrence of all his readers, at another time, he exemplifies, most conspicuously, in his own conduct. There is scarcely any thing, against which, he labors to excite the indignation of his readers, with more vehement zeal, than dictation; and yet, in the productions of his pen now under consideration, we find a variety of specimens of the most arrogant dictation. So prominent, indeed, does this characteristic feature appear, that I have heard the remark made, once and again, by men of strong intellect and sound judgment, that a stranger, to hear Mr. Colton's defence read, would naturally suppose,—not that the Presbytery were trying him, but, that he was trying the Presbytery. But, that I may detain you no longer with introductory, or general remarks, I proceed to select, for more particular examination, a few specimens of these singular writings.

In the printed introduction to his "Defence and Pleadings," he tells us, that his "defence was commenced by examining a few witnesses, to shew, that the report of the committee made on the pamphlet at Beth-car church, was acted upon, without proper examination." The question, here, is, Did he *succeed*, in proving the fact which he here asserts? If he did, I readily grant, that his defence was, indeed, well begun. But, Moderator, it must be borne in mind, that *asserting* is *one* thing, and *proving* quite another. But, let us inquire into his success, in this particular. The record of the testimony which he here refers to, is printed on Page xi of the pamphlet; and I will take the liberty of submitting this testimony, together with his comments thereon, to the judgment of this Reverend Synod. Here, Sir, is the testimony. "The following interrogatories were addressed to Mr. McCallum, and answered as follows:—

"*Question.*" "Were you at Beth-car church, at the meeting of Presbytery in April, sitting as a member?"

"*Answer.*" "Yes."

"*Q.*" "Did you hear a report of a committee read on the subject of a Pamphlet called Presbuteros?"

"*A.*" "I did."

"*Q.*" "Had you ever read the pamphlet called Presbuteros, previous to that time?"

"*A.*" "I had not."

"The same interrogatories were addressed to Mr. McDonald, and the same answers were given."

On this testimony, Mr. Colton, in his defence, Page 28 of the Pamphlet, makes the following comments. "You have heard the testimony of two of the members of that Presbytery, given here under oath. They say first, that they voted for the acceptance of the report, and at the same time say, that they never read, or saw the pamphlet, till after the report was accepted. You have also the declaration of the very minister who introduced the business before the Presbytery, that he had not read

the pamphlet till he came to that place. The space of time intervening between the introduction and acceptance was short, too short for any comparison, or examination of the subject. No comparison was made, and very few could have known whether the references were correct or not. What then shall be said, or thought of men thus giving a vote in a solemn assembly, and professedly in the fear of God, when they did not even know whether the charges they were approving were true or false? What shall we say of men, who give their vote to condemn a book as false and slanderous, when they had never read a sentence in that book, and could not testify, that a single condemned sentence was there? The whole proceeding is of such an extraordinary character that it requires the greatest stretch of charity to believe that men acted honestly, who acted thus. First condemn a book as containing all sorts of evil; then single out an individual and call upon him to say whether he is the author or not. And this too done by some, who till that time did not even know that there was such a book in existence, and before any had sufficient opportunity to examine and compare the extracts with the original. Even ministers of the gospel, not only countenancing, but directly joining in this short hand proscription, and condemnation, without examination!!" See also P. 39.

"I cannot, however," says Mr. Colton, "dismiss this paper, without offering a few remarks upon the manner in which it was got up. Its history is worthy of notice. At the meeting of the Presbytery at Bethcar church, a member, after making some remarks upon the general character of the pamphlet, proposed that a committee should be appointed to examine its contents and make a report at that meeting, and asked that he might be allowed to nominate that committee. This request was granted. The committee was appointed, and the person placed at the head, in whose hand writing the report appeared. In a time far too short to admit of being written at that place, the report was made, thus proving beyond all question, that it had been previously prepared, and got up for the occasion. The circumstances alluded to, also shew that the business had been a matter of previous consultation and arrangement. And judging from the whole complexion of the affair, it is obvious there had somewhere been a CAUCUS, that, in this caucus, a plan had been concocted, to bring up this pamphlet, pass censure upon it, and endeavour to compel the author to come out and avow himself, and thus cut him off from the Presbytery. That such a plan was concocted, and known to the leaders of the party, is further proved, from an intimation given in a piece published in the Fayetteville Observer a little time previous to the Session of Presbytery over the signature of '*A bona fide Presbyterian.*' That piece is understood to have been written by a person, who is in the secrets of the party. In that, the author, after throwing out a torrent of invective against Presbuteros, and hinting, who the author might be, remarked that he might have an opportunity, at '*the coming Presbytery, to make his declaration.*' The obvious import of the hint thus given is, that such arrangements were

making as would compel the author to declare himself in opposition to the Presbytery. The refusal, however, to answer the question relating to authorship, if put, prevented any decisive action at that time, and compelled the movers of the measure to undertake the proof by a process of adjudication."

Such, Moderator, is the manner, in which Mr. Colton seems to have persuaded himself, and if he could, would persuade the public, that we acted, in this important matter, without due examination. That he might have no ground to complain of injustice, or any pretence to talk about "garbling," I have quoted all his comments on our act, respecting the pamphlet of Presbuteros. Alas! Sir, How very criminally did the brethren act, in presuming to hold a previous consultation, without first consulting Mr. Colton! But who is there, Sir, in this Reverend Synod, not blinded by prejudice, that cannot at once perceive, that all this vituperative declamation is alike *irrelevant and erroneous* as well as *UTTERLY DESTITUTE OF THE SLIGHTEST CLAIMS TO SOLIDITY*? It is *irrelevant*, because even without inquiring whether the Presbytery, at Bethcar, acted either on slight or solid ground, the positions on which he here insists, even if he could clearly establish them, could have no application whatever, to the proceedings of the Presbytery, at Fayetteville, before whom, his defence was delivered. For, at that meeting, and sometime before the delivery of his defence, the pamphlet of Presbuteros, at full length, was read, in the hearing of all the Presbytery, by the stated clerk, and in a voice so clear and distinct, that it must have been sufficiently impressed on the mind of every person, disposed to listen to it, with due attention. The declamation I here notice, is also *erroneous*, because, it not only takes for granted what remains to be proved, but asserts that, which has not, even the shadow of a foundation for its support. Where, Sir, is the evidence, that there was any one in the Presbytery, at Bethcar, "who, till that time, *did not even know that there was such a book in existence*," as the pamphlet of Presbuteros? I venture to say, Sir, that, if there be any evidence of this, it is to be found, only in Mr. Colton's fertile imagination. True, there were some of the members, who, till that time, had never *read* it, and probably, had never seen it,—but *all* had *heard* much about it, and about the mischief it was producing; and it was this fact, which created the necessity for making that famous pamphlet, a subject of inquiry and investigation. And, after all, Sir, what proof has he furnished, "that the report of the committee made on the pamphlet at Bethcar church, was acted upon," as he asserts "without proper examination?" Wonderful proof, indeed! He has proved, that, *out of from 25 to 30 members* who attended that memorable meeting, *there were as many as two*, who voted for the acceptance of the report, without having read the pamphlet!! Does this prove, that *there was a majority in Presbytery who had not read it*? No one will pretend that it does; and if it does not, with what face can he say, that *the Presbytery* acted, in this case, without proper examination? He thinks, however, that he has accom-

plished much, in the way of proving his position, when he says, "You have also the declaration of the very minister who introduced the business before the Presbytery, that *he had not read the pamphlet till he came to that place.*" True, Moderator :—but, it spoils the triumph of this, to be reminded of the fact, that that same minister, at the same time declared, that he *had* read the pamphlet, and that *carefully*, so carefully as to be pretty well satisfied of its paternity, *before he introduced the subject in Presbytery.* But, Sir, aside from this entire failure of proof, it is easy to perceive, that his irrelevant and erroneous strictures on this transaction, are UTTERLY DESTITUTE OF THE SLIGHTEST CLAIM TO SOLIDITY. To be convinced of this, it is only necessary to advert, for a moment, to the palpable, and I must add, inexcusable ignorance, not only of the usages prevailing in the Presbyterian church, but even of the universal practice of all deliberative assemblies, civil or ecclesiastical, which his remarks on this topic so conspicuously betray. Of what use or advantage is it, Sir, to appoint committees to examine documents, and report on them, if no credit is to be given to their quotations, or statements, or representations? And who does not know, that it is the common practice, in secular bodies from the State Legislatures to Congress, and in Ecclesiastical bodies, from our Sessions to our General Assembly, to appoint committees for the examination of documents, to act and vote on their reports, without thinking it necessary, previously to read the documents reported on? Is it not possible, Sir, clearly to ascertain the sentiments of an author, by due attention to an expression of these sentiments, embraced in quotations, fairly made, from a book which he has published,—without reading every word contained in that book! The Rev. John Newton, of excellent memory, was once urged to read a book, which, on glancing over a few pages of it, he had discovered to be erroneous, but he declined reading it, and when the question was proposed to him, how he could, with a good conscience, pronounce it erroneous, without having previously read it, he made this very sensible reply. "I know, beyond a doubt, that 2 and 2 are equal to 4. And if the title page of a large and unwieldy folio were to inform me, that it was the author's design to prove, that 2 and 2 are equal to 7, I should not consider myself under an obligation to submit to the irksome drudgery of reading 1000 folio pages, before I could warrantably pronounce it an absurdity." Yet, according to Mr. Colton's views, Mr. Newton was guilty of great injustice, in acting under the influence of such reasoning. And so, also, according to Mr. Colton's ideas of justice and propriety, the General Assembly of the Presbyterian church in 1810, must have greatly erred, when they condemned the doctrines of the Rev. Wm. C. Davis's Gospel Plan, barely on the report of a committee whom they had appointed to examine Mr. Davis's Book, inasmuch as every member of that assembly had not read Mr. Davis's large Octavo, from beginning to end. But will this Reverend Synod, sanction such superficial reasoning? Sir, I trust not. Mr. Colton has, in his defence, made many remarks, with a view of shewing the incom-

petency of the Presbytery to try him, merely because, of the two modes pointed out in the constitution of our church, in which an offence may be brought before a judicatory, the Presbytery have chosen to try him, by common fame. But as most of these remarks, have been fully answered in Presbytery, and especially by my worthy brother, the Rev. Alex'r. M'Iver, I do not think it necessary, at this time, to make them a subject of much more animadversion. There is, however, one paragraph which the accused has written, with the design, as I presume, of illustrating this point, which I look upon as in itself so much of a curiosity, that I cannot resist the desire to make it the subject of a passing notice. It is found on the 20th page of the pamphlet; and is thus expressed: "Further: The existence of a trial implies a right of appeal in case the judgment does not meet the approbation of the parties. In the present case, the right of appeal can be exercised only on one side. If the defendant wishes, he may appeal from the decision made in this court. But to suppose the Presbytery can appeal from their own judgment, is an absurdity; and to talk of *Fama Clamosa*, as appealing, is nonsense. Had there been only an inquiry into the correctness of a rumor, as ought to have been the case, there would have been no occasion for an appeal on the side of the plaintiff; for all that could happen against that side would be an acquittal of the defendant, for want of evidence.— But, by instituting a charge and trial, is implied that the plaintiff may be aggrieved by the decision as well as the defendant. In that condition, the present plaintiff can have no appeal."

On this paragraph, it is obvious to remark, that, in its general complexion, it has much more the appearance of an objection urged, by some cavilling enemy of Presbyterianism, to a particular provision in the constitution of our church, than, to any thing which can properly belong to the defence of a Minister of that church, under trial, complaining of a violation of that constitution, in conducting the process against him. As to the distinction which Mr. Colton makes, in this paragraph, and elsewhere, between an inquiry and a process, it is a distinction, not known to our Constitution. There is, by the Constitution of the Presbyterian church, no other method known, of inquiring into the truth of any scandal or offence, but the institution of a Process. But, it seems, somewhat singular, that a *defendant* should complain, that, *in case of a decision favourable to himself*, there should, in consequence of the mode of trial instituted, be, in his apprehension, no *plaintiff*, who may be at liberty to *appeal* from that decision, to a superior court. Methinks, Moderator, this is carrying *disinterested benevolence* to an extent far beyond what I should be led to expect, from the man who now stands arraigned, at the bar of this Synod. But, as this seeming defect appears somewhat to distress him, I shall endeavour to afford him some relief, by pointing out to him a constitutional provision, which seems to have escaped his attention. It is, then, one, among the many excellencies of the Constitution of the Presbyterian church, that it secures, to every aggrieved individual, a judicial hearing. Even in such a case as

the one now pending before this Synod, this redress is open to any and every person, who may be disposed to seek it. Does Mr. Colton ask, where it is to be found? Let him open our Book of Discipline, ch. VII. S. IV. S, S. III and V.; and he will find it, in these words: "The judgment of an inferior judicatory may be favourable to the only party who has been placed at their bar, or the judgment in question may do no wrong to any individual, or the party who is aggrieved by it may decline the trouble of conducting an appeal. In any of these cases, no appeal is to be expected. And yet, the judgment may appear to some of the members of the judicatory, to be contrary to the Constitution of the church, injurious to the interests of religion, and calculated to degrade the character of those who have pronounced it. In this case, the minority have not only a right to record, in the minutes of the judicatory, their dissent from this judgment, or their protest against it, but they have also a right to *complain* to the superior judicatory. This complaint brings the whole proceedings in the case, under the review of the superior judicatory; and if the complaint appears to be well founded, it may have the effect, not only of drawing down censure upon those who have concurred in the judgment complained of; but also of reversing that judgment, and placing matters in the same situation in which they were, before the judgment was pronounced." You perceive, then, Moderator, that, in regard to this matter, Mr. Colton has hitherto been disquieting himself in vain. He may now, Sir, dismiss his grief on this score, and take consolation from the fact, that, should a majority of this Synod acquit him of the charge and specifications, under which we are now trying him, and should the minority consider the judgment, by which such acquittal may be secured, "contrary to the Constitution of the church, injurious to the interests of religion, and calculated to degrade the character of those who have pronounced it," such minority will have a right to complain to the General Assembly, and that body may reverse their judgment.

At the close of Page 20, Mr. Colton speaks of what he calls the "Indictment," as not being "well laid." Possibly, this may be true. It fell to my painful lot, to prepare the instrument he thus designates; and it becomes me to speak with diffidence, of my own performance; and, as I was not bred a lawyer, it is possible, I may not have drawn it up, with careful reference to all those technical formalities usually required by *civil* courts; yet, I believe, that no very *essential flaw* can be found in it; and if, in the discharge of the painful duty, to which, in the Providence of God, we are now called, we keep constantly before us, the essential requisitions of the *great code of laws*, which we have adopted to govern our faith and practice, I mean, the statutes of our Divine Lawgiver, as recorded in the Bible, and reduced to a system in the Standards of the Presbyterian church,—we need not be over solicitious; if some small subordinate formalities should happen to be overlooked. But, let us inquire, for a moment, how Mr. Colton supports his assertion, when he affirms, that "the indictment," as he calls it, is not well

laid?" In the commencement of Page 21, he thus speaks of it. "It is said to be founded on chap. XX. S. IV. of the Confession of Faith. That article has reference to the publication of principles, which are so marked in their character as to be subversive of Gospel purity and truth. It relates to the publication of Infidel sentiments, and such notorious heresies as Antinomianism, Unitarianism, or Universalism;—not to "opinions given upon controverted points, about discipline or church politics." Let us now, Moderator, look at the language of the Confession of Faith, in the article referred to, and see, how far we may safely confide in Mr. Colton, as an Interpreter of that book. "And because the powers which God hath ordained, and the liberty which Christ hath purchased, are not intended by God to destroy, but mutually to uphold and preserve one another; they who, upon pretence of christian liberty, shall oppose any lawful power, or the lawful exercise of it, whether it be civil or ecclesiastical, resist the ordinance of God. And for their publishing of such opinions, or maintaining of such practices, as are contrary to the light of nature, or to the known principles of christianity, whether concerning faith, worship, or conversation; or to the power of godliness; or such erroneous opinions and practices, as either in their own nature, or in the manner of publishing and maintaining them, are destructive to the external peace and order which Christ hath established in the church; they may lawfully be called to account and proceeded against, by the censures of the church." This, Moderator, is the passage, in our Confession of Faith, which, Mr. Colton would persuade us, if he could, should be restricted in its application, to 'the publication of Infidel sentiments, or such notorious heresies as Antinomianism, Unitarianism, or Universalism.' But, Sir, let me ask, is there a candid member of this Synod, who does not clearly perceive, that it extends much further? Does any man inquire, what part of this passage, is properly applicable to what Mr. Colton has published, in the Letters of "Presbuteros?" Let him look at the concluding clause; and he may read these words:—"such erroneous opinions and practices, as either in their own nature, or in the manner of publishing and maintaining them, *are destructive to the external peace and order which Christ hath established in his Church.*" Mr. Colton's interpretation of this passage, however, is pretty much of a piece with his other interpretations of some parts of our Book of Discipline. Somewhere, about the middle of Page 21 he says, "The Book of Discipline requires, that, *in all cases of charge*, there should be frequent conferences with the accused, to endeavour to bring him to a sense of his guilt." Where, Moderator, does our Book require this? Mr. Colton refers us to ch. V. S. XIV. Let us look at it. "A minister under process for heresy, or schism, should be treated with christian and brotherly tenderness. Frequent conferences ought to be held with him, and proper admonitions administered. For some more dangerous errors, however, suspension may become necessary." Is this, Sir, a requisition of "frequent conferences"—"*in all cases of charge?*" To me, this is by no means clear.

But, perhaps, Mr. Colton will say, it is a requisition, in *one* case of charge; and that he has a right to *presume* or *infer* from this, that it was intended to extend to *all* cases, unless I can prove the contrary. Well, Sir, altho' I do not think it altogether fair, thus to throw the *onus probandi* upon me, when there is nothing, either in the text or context that can give the least countenance to the inference in question, I will even assume the *onus probandi* in this case, and refer Mr. Colton to chapter III. S. IV. "When any person is charged with a crime, not by an individual, or individuals, coming forward as accusers, but by *general rumour*, the previous steps prescribed by our Lord in case of private offences, are not necessary; but the proper judicatory is bound to take immediate cognizance of the affair." Although Mr. Colton ought to have known, that this article of our Book of discipline clearly proves, that the privilege of being conferred with, in cases of charge, was not at all applicable to his case; yet, in his defence, he complains dolefully of the neglect of it. In Page 49, he says, "None of those steps have been taken, which christian kindness, the Gospel, and our standards require. The end of discipline is the good of the offender, as well as the purification of the church. For this reason, it is suitable, and the gospel requires, that the accused be treated with the utmost kindness; that *frequent conferences be held with him*, in order that he may be reclaimed. How CAN MY BRETHREN EXCUSE THEMSELVES FOR THIS NEGLECT, IN THE PRESENT CASE, if the conduct for which I am censured, is so censurable as is presumed? Will they say they supposed this would be useless? How do they know that? *Can any brother on this floor say, he has ever found me unwilling to receive advice?*" But, Moderator, although he has made this pathetic complaint to the Presbytery, I presume, he will hardly thus complain, of the Presbytery, to this Synod. It may, perhaps, be proper for me to state, in this connexion, that, although I was, all along, clearly convinced that he had no right to the privilege here claimed, yet, since the last meeting of the Presbytery,—inasmuch as the process against him was still pending, and inasmuch as he still professed to be accessible and open to conviction, I prevailed upon myself, once and again, voluntarily to extend to him this claimed privilege; and although I must do him the justice to say, that he received me courteously, and seemed to take in good part, the frankness with which I addressed him, I must, nevertheless, add, that, in relation to the offence, for which he now stands, arraigned, at the bar of this Synod, I left him, at the close of each visit, just as incorrigible as the Presbytery found him, when he stood at their bar. There is, Moderator, one position, taken by Mr. Colton, on which he lays considerable stress; and as he has, by urging it with much zeal, and vehemence, and pertinacity, made something of an impression on the minds of others, it may, perhaps, deserve a more extended notice, than any to which I have heretofore adverted. The position I here refer to is this:—that, by our act, at Beth-car church, on the 19th of April last, we have prejudged the cause, the trial of which, we commenced in Fayetteville, on the

10th of July last. You will perceive, Sir, that this position, is an inference, which Mr. Colton draws from the character of our act, at Beth-car church; and the question now is, is that inference a just one? Does it *necessarily* follow, from the fact, with which he would connect it? What, Sir, was the amount of our act, at Beth-car church? We reviewed and condemed, an *anonymous* pamphlet,—the production of an *unknown* author, and we told our churches, that, in our opinion, that pamphlet, contained allegations of a false and slanderous nature. Does it follow from this, Sir, that we, at the same time, pronounced the Rev. Simeon Colton, guilty of falsehood and slander? You might, with equal justice, infer, that we had pronounced the Rev. Thomas Chalmers, D. D. of Edinburgh, in the Kingdom of North Britain, guilty of blasphemy. No, Sir, it does not, it cannot, necessarily follow. True, Sir, after we had condemned the pamphlet, we adopted a minute, in which we recognised the fact, that *common fame* attributed the authorship of it to him; and, for a very important reason which we stated in that minute, we declared, that we considered it his duty to inform us what the fact was, as to the truth or falsehood of the report: but Moderator, neither does it follow, even from this fact, that we prejudged the cause which is now pending before the Synod. What, Sir! Because we recognise the existence of a report, which is operating to the prejudice of a man's character, and ask that man whether the report be true or false, does it follow, that, by the act of proposing this question, we virtually pronounce the report to be true, or even believe it to be true? No, Sir: The inference would not be just, even if this question had been proposed, in the prosecution of a process, instituted against him. What, then, perhaps, Mr. Colton will ask, is the true or just inference, from the institution of a process, founded upon common fame? I answer, the true inference is, that the accusation of common fame is, in our judgment, doing much injury; and that, therefore, we have, from a sense of duty, adopted the determination to prevent the prevailing report if possible, from doing further mischief by ascertaining its truth or falsehood, to the end that, if false, the falsehood should be exposed, and if true, that the church might be purged from the scandal, which it had created. That this reasoning is not fallacious, appears very evident from the fact, that there have been repeated instances of judicial processes, founded on rumour, which have resulted in the honorable acquittal of the parties implicated, and in their restoration to the full confidence and affection of their brethren. But, Sir, aside from this reasoning, let us inquire, what, on this subject, is the present settled doctrine of our church? We shall find it, Sir, embraced, in a Resolution of the General Assembly of 1835, in the following explicit, absolute, and unequivocal terms.

“Resolved, That, in the judgment of this General Assembly, it is the right, and may be the duty, of any judicatory of our church, to take up, and if they see cause, to bear testimony against any printed publication which may be circulating within its bounds, and which, in the judgment

of that judicatory, may be adopted to inculcate injurious opinions : And this whether the author be living or dead,—whether he be in the communion of the church or not,—whether he may be a member of the judicatory expressing the opinion, or of some other. A judicatory may be solemnly called upon to warn the churches under its care, and especially the rising generation, against an erroneous book, while the author may not be within their bounds, or immediately responsible, at their bar; and while, even if he *were* thus responsible, and within their reach, they might not think it necessary to arraign him as a heretic. To deny our judicatories, as guardians of the churches, this right, would be to deny them one of the most precious and powerful means of bearing testimony against dangerous sentiments, and guarding the children of the church against *‘that instruction which causeth to err.’* The writer of such a book, may reside at a distance from the neighborhood in which his work is circulating and supposed to be doing mischief, or he may be so situated that, even if it be proper to commence process against him, it may not be possible to commence, or, at any rate, to issue that process within a number of months. In the mean while, if the right in question be denied, this book may be scattering poison, without the possibility of sending forth an effectual antidote. Indeed, it may be indispensably necessary, in cases which may easily be imagined, to send out such a warning, even though the author of the book were fully acquitted from the charge of heresy.”

These sentiments of the General Assembly of 1835, it is proper here to remark were formally adopted, by the Presbytery of Fayetteville, as their own sentiments; at their meeting, at Ashpole church, in the Spring of 1836. By these sentiments, then, they were thus, if I may so speak, under a double obligation to be governed, in their own proceedings; and it is easy to see, how strictly conformable to these views, was the course which the Presbytery pursued, in the case, of which Mr. Colton, has, in his defence, once and again, so heavily complained. And here, Sir, I cannot help adverting to a memorable fact, connected with the Presbyterian adoption of the Assembly's resolution, just quoted, which, in my opinion, deserves Mr. Colton's serious consideration. Before I state the fact, however, I would premise, that, in his defence, and elsewhere, he seems to discover no small ambition, and anxiety to be considered as a man of kindred spirit with our late beloved Brother Douglass, the praise of whose eminent piety, including meekness, modesty, humility, and other distinguishing christian graces is, deservedly, in all the churches. With what justice he sets up a claim to be so considered, is a question of too great delicacy, for me, at this moment, to decide; and therefore, I will not undertake it; yet what I am about to state, may, probably afford some illustration of the point. The fact, to which I advert, is this. At the meeting of our Presbytery, at Ash-pole church, in the Spring of 1836, a committee was appointed to examine the printed minutes of the Assembly of that year, and make report of whatever might appear, properly to claim the attention of the

Presbytery. It fell to my lot to be the chairman of that committee; and it became, of course, my privilege to draw up the report. The Assembly had settled several important and interesting questions, in opposition to those loose notions of Ecclesiastical policy, which had, for some previous years, by some restless spirits, been urged, with pertinacious zeal upon the churches. Among the principles, which the Assembly had thus established, were these embodied in the resolution I have now quoted. While drawing up the report I was required to exhibit, I had little or no hope of its adoption; for I felt constrained, by a sense of duty, to recommend to Presbytery, the adoption of the principles established by the Assembly, inasmuch as I considered them sound principles, and such as I believed to be required, by a regard to the safety of the church. A majority of the Presbytery had, at the previous meeting, erroneously, in my judgment, rejected the "Act and Testimony;"—a proceeding to which, Mr. Colton now refers, with exultation, (see his defence P. 46) as one in which he, and the beloved and lamented brother spoken of, had acted unitedly; and with the recollection of this fact, I had no very sanguine expectation of persuading the Presbytery to adopt my views of the subjects, calling for their consideration. I prepared the report, however, according to my own conscientious views of propriety and duty; and submitted it to the Presbytery. After the report was read, and the Moderator had inquired, how it should be disposed of, or what should be done with it, there was perfect silence in Presbytery, for, I believe, something like two minutes. At length, however, very contrary to my expectation at the time, Brother Douglass arose, and, in that deliberate, impressive manner, which was so characteristic of him, he said, "Moderator, I move you, that the report which has been submitted, be adopted, without alteration. I make this motion, Sir,—not because the principles therein proposed to be established, are such as I, if I consulted my inclination alone, would desire to adopt;—but, because I have a good reason to believe, that a majority of the Ministers and Office bearers of the Presbyterian church now desire, that we should, henceforth, be regulated by these principles; and I cheerfully *acquiesce* in *their* choice, rather than *insist* on *my own*." The motion was seconded; and it was carried unanimously. Mr. Colton was present at that meeting; but I am not certain that he was present at this stage of business; for if I recollect aright, he was not with us at the commencement of the meeting. I have been thus minute and particular, in detailing the circumstances connected with this fact, and I have called it a memorable fact, because, it has been distinctly and strongly impressed upon my memory, and I doubt not but that many other brethren, who were present on the occasion to which I now allude, will fully confirm my statement. I have said, Sir, that this memorable fact, does, in my opinion, deserve Mr. Colton's serious consideration; and I suppose, he will now fully understand, why I said so. By this time, I presume every unprejudiced member of this Synod will clearly perceive, that, had he been, what he so anxiously desires

the Southern community to consider him,—*a man of kindred spirit with the late Rev. James Walter Douglass*, he should not have been, this day, before us, on trial. Mr Colton labours hard, to fasten upon *us*, the *blame* of this trial; but, Sir, *he himself*, is the only one, to whom this blame properly belongs. I am sure, that nothing was ever done with greater reluctance, than the institution of this Process;—but it could not have been avoided, unless the Presbytery could have consented to be unfaithful to the great Head of the church, by basely betraying his interests. When we took up the subject of the anonymous pamphlet, at Beth-car church, much as we disapproved of Mr. Colton's past *waywardness of temper*, we had no disposition to question his *veracity*; and therefore, when we adverted to the prevailing report, respecting the authorship of it, and gave him to understand, that we thought it to be his duty to inform us whether he was the author or not,—if he had then denied the authorship,—notwithstanding the report was “accompanied with strong presumption of truth,” we would have taken it for granted, that common fame was mistaken; and we would have published to the world, an authoritative contradiction of the allegation, and exhorted our people not to believe it, unless accompanied by undeniable proof. We are glad, however, for his sake, that he did not expose us to the temptation of doing this; as it now appears, from his own confession that the report was well founded, and I only mention the state of the case I have now given, founded on my knowledge of the principles on which we acted, for the purpose of shewing, how much mistaken he was, as to the *disposition* of the brethren towards him. And again, on the other hand, if when so fair an opportunity was given him, he had frankly acknowledged the authorship, and had told us at the same time, that he had propagated the sentiments contained in the pamphlet, without being duly aware of their injurious tendency; and that he regretted the error, and would not again repeat it, such a becoming course, on his part, would have afforded us all necessary satisfaction; and neither he nor we, should have had any further trouble: Or, even if he could not conscientiously do this,—if he had, at that time, peaceably withdrawn, he would, by so doing, have saved himself and his brethren, a large amount of trouble, vexation, and heart-burning. So that, as far the *origin* of this process is concerned, he cannot, with the least shadow of justice, blame any one so much as his own restless, unhappy and infatuated self.

In Page 22, after having made various exceptions to the action of the Presbytery, some of which I have already noticed, he alleges, that the constitution of the church, gives him the privilege of staying our proceedings; and then, affecting an extraordinary degree of forbearance, as if he were granting us a great favour in allowing us to try him, he professes to waive his privilege. But what, Moderator, if it should, on investigation, be found, that this Privilege, is nothing more than a mere creature of his own inventive fancy? Where, Sir, is this privilege granted to him? He refers us to Chapter VII. S. 3. S. 4. Let us look at what our constitution there says; and see if it be any thing like

a privilege to stay our proceedings. "Appeals may be, either from a part of the proceedings of a judicatory, or from a definite sentence." Is this, Sir, any thing like a "privilege to stay our proceedings?" Surely, no one will venture to say so, but Mr. Colton himself;—and yet this is the way in which he seems to have indulged himself in the habit of taking for granted, that we can neither read nor understand, the Constitution of the Presbyterian church.

Mr. Colton affects to be greatly embarrassed by the *necessity* which, he supposes, is laid on him, *to plead his own cause* before the Presbytery. "I cannot conceal," says he, (P. 22) "that in entering upon this defence, I feel no little embarrassment, arising from the peculiar situation in which I am placed. An accused man labours under peculiar difficulties, in attempting to defend himself. *Delicacy* forbids, that he should say many things of himself which an indifferent person might say for him. Beside this, the very condition in which he stands, renders him an object of suspicion, and causes the remarks that he offers to fall with less weight upon the ear of his judges, than if they came from one employed in his stead. *Compelled, however, as I am, by the Constitution of the church, to appear by myself*, not having the aid of professional counsel, the court will, I trust, consider the circumstances, and receive the remarks that are made, with candid and unprejudiced feelings, allowing to the argument, the full force, to which it may be entitled."

It is, Moderator, enough to excite a smile, to hear Mr. Colton talk about "*delicacy*;" for those who are acquainted with him are well persuaded, that that is a quality to which he is an utter stranger; and, indeed, Sir, scarcely a more convincing proof of this fact need be desired, than the paragraph I have just now quoted, taken in connexion with his own conduct, during his trial before the Presbytery. "*Compelled, as I am*" says he, "*by the Constitution of the church, to appear by myself*." A person, ignorant of our constitution, might be led to infer from this, that he was, by that instrument, cut off from any opportunity or privilege, of being heard, by any voice but his own. Let us inquire into the justice of this representation. Our Book of Discipline, Chapter IV. S. XXI, contains the following provision. "If any accused person feel unable to represent and plead his own cause to advantage, he may request any Minister or Elder, belonging to the judicatory before which he appears, to prepare and exhibit his cause, as he may judge proper. But the Minister, or Elder engaged, shall not be allowed, after pleading the cause of the accused, to sit in judgment, as a member of the judicatory." If, Sir, Mr. Colton laboured under such mighty embarrassment, for want of counsel, or as he would persuade us and the public that he did, why did he not avail himself of *this* provision of the constitution? Will he say, that there was no Minister or Elder in the Presbytery, sufficiently favourable to his cause, to undertake such a service? No, Sir, he dare not say so. There was the Rev. Evander McNair, and there was the Rev. William Brobston, both men of popular talents, and both known to be favourable to his cause, and there

was, among the Eldership, Mr. Henry Elliott, who, in one of the public prints, and his own favourite public print too, has recently been represented as a "HOST IN HIMSELF." If he had applied to either of these, I doubt not, but he could have been readily supplied, with a willing, and an eloquent advocate. As he had been, however, suddenly, it is to be presumed, seized by an irresistible paroxysm of "delicacy," I suppose he could not think of requesting either of those gentlemen to *give up the privilege of voting*,—but, surely, it would be paying *any one of them* but a poor compliment, to suppose, that his speech would not outweigh *more than one vote*. The constitution does, indeed, declare, that "*No professional counsel shall be permitted to appear and plead, in cases of process, in any of our ecclesiastical courts*," and this part of the Constitution is to him so offensive, that he cannot refrain from betraying his dissatisfaction with this prohibitory part of it; first, by misrepresenting it;—then by doing all he could to evade its spirit; and moreover, when he found that he could not succeed in his efforts to evade its letter as well as its spirit, he must needs complain heavily of the Presbytery because they did not co-operate with him, in this unworthy effort. He misrepresents the constitution, by alleging that it "*compelled him to appear by himself*," in the very face of a plain provision of a contrary character; and he did all he could to evade its *spirit*, by having a lawyer constantly at his elbow, whispering, in his ear, at every convenient interval, hints not fitted to facilitate the progress of fair investigation, but rather adapted to embarrass the court; and to obstruct the proper exercise of salutary adjudication. And, as if this were not enough, Sir, he has recourse to an ingenious device, to evade, even the *letter* of the constitution. Observe, Moderator, that the constitution, in allowing him to have his cause exhibited by another, expressly requires, that that other, be a "*minister or elder, belonging to the judicatory, before which he appears*." And how could he continue to evade this? I will tell you, Sir. At the commencement of the trial, his friend, Mr. George McNeill, makes a motion, that the Rev. Rufus Wm. Bailey, a minister not belonging to the judicatory, be invited to sit with the Presbytery, as a corresponding member. The Presbytery, perceiving the design of this, reject the motion; and Mr. Colton, finding himself thus foiled, gives vent to his resentment, in the following language, which is to be found in Page 50, of the defence. "The unprecedented occurrences that have taken place since the trial commenced, are of a character by no means calculated to induce a belief of the existence of kind feelings, and of a disposition to afford a fair and impartial trial. The refusal to admit the Rev. Mr. Bailey to a seat as a corresponding member, is unprecedented in the history of Presbyterian fellowship. It is an intimation of distrust, that amounts to an impeachment of his ministerial character, and manifests a want of courtesy to the Presbytery, of which he is a member. The refusal, also, to receive his explanatory letter, is a still greater manifestation of the want of courtesy, and betrays a suspicious disposition altogether

beneath the dignity of christian ministers, sitting in a solemn assembly." I do not quote this passage. Moderator, for the purpose of replying to it. 'This, I should indeed think "beneath the dignity of a Christian Minister;" but I presume, Sir, that you, and this Reverend Synod, can be at no loss to judge, whether this language breathes a becoming spirit, or such as the author's peculiar attitude, and the relation in which he stood to those of whom he thus spoke, ought to have inspired.

In the course of his defence, Mr. Colton has, once and again, alleged, affirmed, and re-asserted, with as much seeming confidence as if his assertions were accompanied with perfect demonstration, that the Presbytery have utterly failed, in exhibiting the requisite proof of the things they have laid to his charge. In page 25, he says, "Here, then, has been an *entire failure*, in the very *out-set* of the prosecution;" and in page 40. he says, "In a review of the whole evidence, you *cannot fail*, I think, to perceive, that the prosecutors have *entirely failed*, in proving every point necessary to sustain their charge." Moderator, I know not, how *others* may feel themselves affected, or operated upon, by such brow beating as this; but, as for my single self, I am free to say, that it moves me not, even the amount of a feather's weight; and I feel firmly persuaded, that this Reverend Synod will require something far more convincing than the mere *ipse dixit* of the Rev. Simeon Colton, before they will consent, that the abundant mass of evidence now before them, shall be considered, treated, and pronounced, as amounting to nothing. I proceed, therefore, directly to inquire, what the Presbytery have laid to his charge; and whether the matter contained in the pamphlet, of which he has avowed the authorship, contains sufficient evidence, to substantiate that charge. He is charged, Sir, with "conduct highly censurable, and very unbecoming a minister of Christ, in giving currency to allegations of a false and slanderous nature, against the church, and her duly constituted authorities, having a tendency to bring the church, and her office bearers generally, into public disrepute." The first specification, under this charge, embraces the authorship, character, and circulation of a pamphlet, bearing the signature of "Presbuteros," and the second embraces the time, and territorial limits of its publication. As the authorship, circulation, and publication of that pamphlet, have all been acknowledged, we need extend our inquiry no further than to the *character* of that production, as summarily described in the general charge, referred to in specification 1st, and somewhat more systematically described, in the act of the Presbytery, adopted at Beth-car church. I will ask you, Sir, and my brethren of this Synod, to take a candid view of the evidence which the Presbytery has exhibited, in this act; giving all due weight to whatever has been urged by Mr. Colton, in the shape of argument against it; and, if I am not greatly deceived, by the time we get through a fair investigation of the case, this Synod, or at least a large majority thereof, shall be fully satisfied, notwithstanding all Mr. Colton has said to the contrary,—that the charge is substantiated, beyond all reasonable doubt. But, before I

enter on this investigation, I must spend a moment or two in the removal of a stumbling block, by which Mr. Colton has attempted to obstruct our progress, on the very threshold of our inquiry. It is to be recollected that the charge is prefaced with the statement of the fact, that the Presbytery had found "considerable excitement prevailing, in various places within the limits of the churches under their care, and especially within the limits of the congregation of Fayetteville; occasioned, as was generally believed, by a series of offensive acts of the Rev. Simeon Colton;" and that, to this statement, is annexed, the expression of the Presbytery's conviction, that it was their duty "to investigate the cause of this injurious excitement, to purge the church from the scandal to which she was exposed." From this preface to the charge, Mr. Colton infers, and zealously contends, that it is incumbent on us to "*prove the existence of the excitement*" here referred to; and that, if we fail to prove this, we have no right to institute a charge against him, on the ground of common fame. In other words, he insists upon it, that we were bound to call witnesses judicially before us, to testify to this excitement; and to record their testimony. Now, in regard to this singular demand, my first remark is, that Mr. Colton has here mistaken *our* province for *his own* privilege. What was intended by our discipline, as a guide for us, to regulate our own course, in some specified cases, Mr. Colton has taken for granted, was designed for his security, and the security of others similarly situated. Now, this is an entire mistake. When we charge a person with an offence, on the ground of *general rumour*, it is incumbent on us, indeed, *to be satisfied, for ourselves*, that is, to have a reasonable conviction *impressed upon our own minds*, of the existence of that *rumour*;—but it never was designed, or contemplated, that we should be bound, first to furnish convincing evidence of the fact to the person who was the subject of the rumour, before we could charge him with the offence: for, if this were so, no charge, on this ground, could ever be brought; and the proviso made in our constitution for arraigning persons on this ground, would thus be a mere nullity. My next remark is, that the evidence we had on this subject, was the best evidence we could have had,—evidence even superior to the testimony of witnesses, and such as no testimony of this kind could possibly overthrow,—I mean, the evidence of our senses. And, my third and last remark, on this unwarrantable demand is, that the only *rumour*, with which, at this time, we have any thing to do, is *the rumour concerning the authorship of the pamphlet*; and as he himself has saved us the trouble of examining witnesses to prove the truth of this, by his own explicit acknowledgment, his demand, of course, falls to the ground.

The way, Moderator, seems now to be clear, for directly approaching the interesting inquiry immediately before us. Has Mr. Colton, in his six letters over the signature of "Presbuteros," given currency to allegations of a false and slanderous nature, against the church, and her duly constituted authorities, having a tendency to bring the church,

and her office bearers generally, into public disrepute?" This is the principal question, referred, by the Presbytery of Fayetteville, to this Synod, for final adjudication. In reply to this question,—the Presbytery affirm;—Mr. Colton denies;—The Presbytery specify;—Mr. Colton controverts their specifications. Let us now look at both sides of this question; and, as Judges of a Court of Jesus Christ, let us endeavour, by lawful and just means, to judge righteous judgment.

The Presbytery say,

1. That "the said pamphlet contains charges against those who acted with the General Assemblies of 1837 and 1838; which they do not hesitate to pronounce FALSE AND SLANDEROUS. "Of this description," they say, "is the following sentence." P. 7, l. 34 and 35, of the pamphlet before us: "*All discussion was forbidden, by the demand of the previous question.*" "This broad assertion" say the Presbytery, "has reference to the resolutions of the Assembly of 1837, declaring the Synods of the Western Reserve, of Utica, of Geneva, and of Genessee, to be no longer any part of the Presbyterian Church; and yet, it will be seen, from the Assembly's recorded and published Minutes, pages 437, 438, and 439, that every thing that was done, in relation to these resolutions, "*after debate,*" and moreover, the delegates of this Presbytery to that Assembly, if called upon, will testify, that the very persons who most loudly complained of the "*demand for the previous question*" consumed by far the greater part of the time, taken up in such debate." In reply to this plain, unvarnished statement, Mr. Colton employs a page and a half of empty declamation, in which, among other quibbles and sophisms, he would endeavour to persuade us, that because, forsooth, the word ALL, is, *sometimes*, in scripture, used in a limited sense, *therefore*, it must necessarily be understood, in a limited sense, as he used it, in the pamphlet. But it is needless to spend time in refuting his laboured and vain advocacy of a reckless assertion, which so many members of this Synod are able to refute, by the testimony of their own senses. I consider it as proved, then, that this assertion of Mr Colton's, viz: "*All discussion was forbidden, by the demand of the previous question,*" is FALSE. "On the same page," say the Presbytery, "the majority of the Assembly are charged with a desire to have a majority in a succeeding Assembly, as the governing motive of their acts, in relation to the four Synods. The charge runs in these words: "*Irregularity in their constitution was the alleged excuse; but the real object evidently was, to secure a vote in the Assembly of the following year.*" "Proof," say the Presbytery, "of the slanderous character of this assertion, is derived from two sources. The first of these, in the language of the resolutions complained of; and the other may be drawn from the professions of those who took a leading part in the support of these resolutions; men, whose professions, to say the least of them, are quite as worthy of public confidence, as are the professions of any of those who oppose their views." How does Mr. Colton meet this? He says, P. 30, "In reply to this remark of the pam-

phlet, the report refers, for refutation, to the resolutions of the General Assembly on this subject. Now, in these resolutions, *no reference is made to the motive prompting the act.* They neither affirm nor deny what is said in the pamphlet. They therefore prove nothing, and contribute nothing toward either proving, or disapproving the assertion." Moderator, how will this random remark, (for it is 'the safest name I can give it,) agree with the Assembly's 2d resolution? In that, they say "That the *solicitude* of this Assembly on the whole subject, and its *urgency* for the immediate decision of it, are *greatly increased* by reason of the *gross disorders* which are ascertained to have prevailed in those Synods," &c. Is there here "no reference made to the *motive* prompting the act?" There are, surely, "none so blind, as those who *will not see.*" Another quotation of the same character, which the Presbytery make, is the following: "One step more is only wanting, to erect the scaffold, and bind the victim to the stake." In Page 32, he has the impudence to speak of this quotation, as "as a specimen of garbling and false construction" which "shews that the writer was more disposed to make a selection for effect, than to give a fair representation of the views of the author." This unworthy insinuation, like others of a like description which I shall probably pass over unnoticed, must recoil on his own head, for none but the slave of inveterate prejudice can fail to perceive, that no quotation was ever more fairly made.

The Presbytery have referred to another passage, which represents the reform measures, as *leading to Popery*, and as *muzzling inquiry*; and which censures the desire to spread our own peculiarities, as horrible *bigotry*. In referring to these sentiments contained in the pamphlet, they were not given as specific quotations of *the author's very words*, but as a correct representation of his views; and any impartial man who will carefully examine them, will find them so; but, forsooth, because, through oversight a slight mistake was made, in the Presbytery's references to the pages where these views are to be found, Mr. Colton, in his reply, not only repeats his unfounded complaint about "*garbling,*" but also makes a great parade about the unimportant mistake made in referring to the pages, although he is constrained to acknowledge, that the sentiments referred to are found in the pamphlet, though not exactly in the Pages referred to by the Presbytery. It is thus, Sir, that "*drowning men catch at straws.*"

Another passage was quoted, or referred to, by the Presbytery, in which "the minority were made to govern the majority"; and this was said to be "an assumption of power which places the body proposing and defending it, in the rank of Popes and counsels of darker times." In reply to this quotation, Mr. Colton (P. 33) repeats his stale and unfounded charge of "*garbling,*" and furnishes about half a page of miserable sophistry, which I shall not now stop to examine, but leave him to writhe under the lash of the merited castigation which was given him for this, by Brother Smith and Brother Alexander McIver.

The Presbytery had said, that, in the pamphlet, the Editor of the

"Watchman of the South," was charged with *deliberate hypocrisy*. It is true, indeed, Sir, that the *very words* 'deliberate hypocrisy,' in connexion with that Editor's name, are not to be met with in the pamphlet; but, as I shall presently shew,—*that which constitutes the charge of deliberate hypocrisy*, is certainly to be found there, by implication as clear and conclusive, as is the position, that 'a circle may be described from any centre, at any distance from that centre';—or any other of the Postulates of Euclid. Yet, Mr. Colton, in his reply, (P. 33 and 34) labours hard, by bestowing some forced compliments on Dr. Plumer, to shew that we had misrepresented what he had said, and concludes that part of his defence, with this bare-faced challenge: 'Whoever,' says he, 'examines the passage, to which reference is made, and compares it with the language of the report, will find, that it is not only *'garbled*, but, that the reference drawn from it, *has no foundation in the pamphlet.*'

Now, Moderator, that this challenge may be fairly met, let us look at the language of his pamphlet. Here, sir, are his own words, in reference to the Watchman. You will find them in Page 8 of the pamphlet now before us. "In one sweeping denunciation, all opposers are set down as Pelagians, and though the charge has been often and publicly denied, and the publisher called on for proof, yet he offers none; *but still goes on, with shameless effrontery to repeat his charge, evidently expecting, that the story will gain such credit by repetition among his readers*, as to be regarded as undoubted truth." And again: "These little hints are to prepare the way, to fix prejudices on the *minds of the people, and secure their belief in the assured fact, till they shall become ready to sanction all measures against such heretics, under the name of purifying the church.*" Sir, let me ask, is it not "shameless effrontery," in the author of this language, to say, that "the reference drawn from" the passage, by the Presbytery, "has no foundation in the pamphlet?" To what else, Sir, than to "deliberate hypocrisy," could such conduct as is here portrayed, be properly and consistently ascribed? Suppose for a minute, Moderator, without inquiring into the knowledge I now possess of your orthodoxy, that I should call you "*Pelagian.*" It is obvious, that I must, necessarily do this, either *sincerely* or *hypocritically*. You publicly *deny* the charge. If I bring the charge against you *sincerely*, how would any rational man expect me to meet your public denial? Would it not, naturally and justly be expected, that I would meet it, either by *proving* from sentiments that you had either preached or published, that you *were* a Pelagian; or, if I could not do this, by stating my reasons, no matter whether cogent or feeble for believing you to be a Pelagian? And, on the other hand, if I had brought the charge against you *hypocritically*, or knowing you to be orthodox, and could find it in my heart to do so *deliberately*, what else could be expected from me, than, that I should *still go on, with shameless effrontery to repeat my charge, ardently expecting that the story will gain such credit by repetition among my readers* as to be regarded as undoubted

truth; and that I should give "*these little hints to prepare the way, to fix prejudices in the minds of the people, and secure their belief in the assumed fact, till they shall become ready to sanction all measures against such heretics, under the name of purifying the church?*" Sir, Mr. Colton in this instance presumes too much upon his own management and draws too large a draft upon our simplicity and credulity. I might, Moderator, in this manner, investigate all the other exceptions which the Presbytery have made to the pamphlet, and shew, to the satisfaction of every unprejudiced mind, that they have clearly proved all that they have asserted; but, I do not think it necessary, at present, to proceed to the remaining items, inasmuch as, I apprehend, that what I have already said will be sufficient to satisfy this Synod, that Mr. Colton has certainly given currency to allegations which to say the very least of them, are not true. But, inasmuch as we have affirmed, of these allegations, not only, that they are not true, but also, that they are "*of a slanderous nature,*" it may not be amiss to inquire, whether this point be not also established, as firmly and conclusively as the other. And in order that Mr. Colton may have no cause to complain of injustice or unfairness, I will premise, that I perfectly agree with him, when he says, (P. 25,) that "*in all cases where the Constitution has given no determined rule to be employed in a trial,*" it is proper for us "*to be governed by the usages of civil courts, in similar cases.*" To accommodate him, Sir, I will even go further, and allow their full force, to the quotations he has given us, from eminent writers on *civil law*. To this end, I will here repeat his quotations; but I shall also take the liberty of supplying his lack of service, by adding a few more. In Page 26, he cites the following authorities. "*The great English Jurist, Blackstone, defines slander to be the maliciously and falsely uttering any slander, or false tale of another, which may endanger him in law, or exclude him from society, or impair his trade. Words spoken in a friendly manner, as by way of advice, admonition, or concern, without any tincture, or circumstance of ill will, are not actionable; for, in that case, they are not maliciously spoken.*" Starkie on Evidence, Vol: II, Page 880, says "*Malice is essential to the offence. This malice consists in the intention to effect the particular mischief.*" Chief Justice Parsons, one of the first Jurists of our country, says, "*A libel is a malicious publication, tending to blacken the reputation of one, and expose him to public hatred, contempt, or ridicule.*" Mass's Report, Vol. IV. P. 168. Selwyn says, "*Although that which is written may be injurious to the character of another, yet, if it be done BONA FIDE, or with a view of investigating a fact in which the party making it is interested, it is not a libel.*" Wheaton's Selwyn, P. 241. "*These authorities,*" says Mr. Colton, "*are sufficient to shew, that in order to make out a crime of slander, there must be undoubted evidence of malice, or a wicked intention to do mischief. It is not enough, that the declamation made be a misrepresentation:—There must be evidence, that it was made, with a malicious or wicked design.*" In all this, Sir, I perfectly agree

with him; and I will now add a few more authorities, for the purpose of illustrating and confirming a position, which, probably he had no great anxiety to establish, viz. that there may be abundant evidence of malice, and such malice, too, as constitutes slander, where there is no direct avowal of malicious intent.

Starkie, in addition to what is quoted from him by Mr. Colton, says "And as in all other cases, what a man *intends*, must be inferred from what he *does*, so, if nothing appear, from which the intention is to be collected, except the publication of the libel itself, unexplained by any context of circumstances,—if the very terms of the document itself tend to scandalize, degrade, and injure the individual, or to excite to acts of outrage and sedition, the *intention*, on the part of the defendant to effect those objects must *necessarily* be *inferred*, without the aid of *extrinsic* proof."

Selwyn, who is also quoted by our brother, says, in a subsequent part of his work, "Express malice need not be proved. If the charge be false, malice will be implied." Wheaton's Selwyn, Vol. 2, P. 976.

Again: "As there is a difference between the malignity and injurious consequences of slanderous words *spoken* or *written*,—the one being sudden and fleeting, the other permanent, deliberate, and disseminated with greater ease; many words, which, if spoken, would not be actionable, are actionable, if published, in the way of libel. Hence, the word *swindler*, if *spoken* of another (unless in relation to his trade or business) is not actionable. Hence, also, the publication of a letter containing verses, in which the plaintiff was called an *itchy old toad*, was deemed a libel. So, the publication of a letter, in which the Plaintiff was stated to be one of the most infernal villains that ever disgraced human nature, has been held actionable, without proof of special damage." "Malice is express, or implied." "Where a publication is *defamatory*, the law *infers* malice, unless any thing can be drawn from the circumstances attending the publication, to relent that inference."—McNally, on Evidence, P. 650.

Again: "In an action for oral slander or libel, the proof of malice, either results from the slander itself, or is matter of extrinsic evidence. When the slander or libel stands unexplained by any collateral evidence, which indicates the intention of the party; and no light is derived from the occasion and circumstances attending the publication, by which the mind of the author can be read, the court and jury necessarily derive their inference from the words themselves, reading and understanding them, according to their plain import and meaning in their usual, ordinary sense. If the natural tendency and import of the expressions used be, to vilify, defame, and injure, then, according to every principle of reason and justice, the defendant must be taken to have acted maliciously; that is, with a view to effect those consequences, to which the means which he has used, naturally and obviously tend."—Starkie, Vol. II, P. 861.

"It is a question for the jury, whether the defendant has not made

false assertions in point of fact, for injurious purposes, or exceeded the bounds of fair and legitimate criticism for the purposes of personal slander, or used the occasion, as a mere colour and pretext, for venting his malice." See Starkie and Selwyn.

"It is no answer to the action to shew, that the words were spoken carelessly, wantonly, or in jest. It has been well observed, that the mischief to the reputation of the party grieved, is in no wise lessened by the merriment of him who makes so slight of it. A wanton disregard of the feelings and interests of others, is perfectly consistent with malice, in every sense of the word; and a man does not the less intend to injure another, and therefore his act is not the less malicious, because his primary object is, to derive some private gratification or emolument to himself." 1. Hawk. P. C. C. 73, 34.

"A libel, is a malicious publication, expressed in printing or writing, tending to injure the reputation of another, and thereby exposing such person to public hatred, contempt, or ridicule. So a publication which renders a man ridiculous, tending either to blacken the memory of one dead, or the reputation of one who is alive." Jacob's Law Dictionary. Art. Libel.

"A libel is the greatest degree of scandal; and does not die like words which may be forgotten; but is more heinous, as its circulation of the slander is more extensive, and derives, too, an additional degree of malignity, from its being done premeditatedly." Espinasse, Vol. 2, P. 240.

"A writing, though with feigned names, may be a libel. So, if done, in a taunting or ironical manner." Espinasse, Vol. 2, P. 244.

"Whatever renders a man ridiculous, or lowers him in the esteem or opinion of the world, amounts to a libel; though the same expressions, if spoken, would not have been defamation, as to call a person, in writing, an *itchy old toad*." Wilson's Report, Vol. 2, P. 403.

"It is actionable to charge a man, in a public capacity, or office, with principles inconsistent with his office; as to say of a justice of the peace, that he was a Jacobite, or for bringing in the Pretender." Espinasse Vol. 2. P. 227.

[A COLLOQUIUM OF THE MEMBERS OF ASSEMBLY.]

"Libel is a contumely or reproach, published, to the defamation of the government, of a magistrate, or of a private person." Com. Dig. tit. Libel A.

"On indictment for seditious Libels, the word *false*, in the only sense, in which it seems necessarily applicable, is included in the word *malicious*." McNally, Page 650.

"Every freeman has an undoubted right to lay what sentiments he pleases before the public. To forbid this, is to destroy the freedom of the press;—but, if he publishes what is *improper*, *mischievous* or *illegal*, he must take the consequence of his own temerity. To punish any dangerous or offensive writings, which shall, on a fair impartial trial, be adjudged of a pernicious tendency, is necessary for the preser-

vation of peace and good order, of government and religion,—the only solid foundations of civil liberty. The will of the individual is still left free;—the *abuse* only of that free will, is the object of legal punishment. To censure the *licentious*, is to vindicate the *liberty of the press*.” Law Dictionary, tit. Libel IV., Blackstone’s com. P. 152--3.

“If every dreamer of innovations may propogate his projects, there can be no settlement;—if every murmurer at government, may diffuse discontent, there can be no peace; and if every sceptic in Theology may teach his follies, there can be no religion. The remedy against these evils, is to *punish the authors*; for it is yet allowed, that every society may punish the publication of opinions which that society shall think pernicious.” Johnson, in vita Milton.

I have, Moderator, been thus copious, in my extracts from authors of the *legal profession*, because Mr. Colton, in his defence, and particularly, in his concluding epeech, in Presbytery, appears to have discovered an unconquerable fondness for, what he calls ‘THE COMMON LAW.’ Here, Sir, I trust, I have given him COMMON LAW, to his heart’s content: And, if we try his letters, by the principles here laid down, I rather apprehend, that his exulting reliance on this city of refuge, will end, in sad and mortifying disappointment. Let us throw a few handfuls of his highly valued metal into this crucible; and see, whether it will come out, as worthless trash, or as ‘*gold tried in the fire*.’

1. In Letter III, P. 6, of the pamphlet before us, the author, in his efforts to rouse the indignation of his readers, against the leading measures of the Assemblies of 1837 and 1838, and against those who appear in their defence, urges among other objections to those measures, ‘the *precipitancy*, with which they were urged and carried;’ and calls it, ‘such a precipitation as shews, that the actors looked only at the *end*, without stopping to consider the means for producing it.’ What is this, Sir, but a plain intimation, that the authors and advocates of those measures, were acting on the wicked and detestable maxim, that ‘the *end* sanctified the *means*;’ and that it was to them, a matter of no consequence what *means* they used in accomplishing their object, or whether the *means* used, were *lawful*, or *unlawful*, provided their desired *end* could be secured? And who, Moderator, that knows the character of the leaders of those Assemblies, but must pronounce this intimation the grossest slander? Do not ‘the very terms’ used here, Sir, to adopt the language of Starkie, ‘tend to scandalize, degrade, and injure the individuals referred to;—‘to villify and defame’ them? Then, mark the emphatical inference, Moderator, for it is the language of the same eminent Jurist. ‘Then, according to every principle of reason and justice, the defendant must be taken to have acted maliciously; that is, with a view to effect those consequences, to which the means which he has used, naturally and obviously tend.’ And, indeed, Sir. Mr. Colton, elsewhere, *more than intimates*,—he rather *charges*, in no obscure terms, the detestable principle here referred to, on the Assembly of 1837. Towards the close of the 4th Paragraph of Letter V, P. 15,

he says, "If it be said that the exigency of the case justified such a course, what is this but saying that the *end* justifies the *means*! And if that be a doctrine, on which men are to act, where is the security of society? What becomes of government, and who can stand as guaranty for the rights of individuals?" Who will venture to say, Sir, that there is no slander here? No one, Moderator, will venture to say so, that has any knowledge of the real character of the good men whom Mr. Colton had the hardihood, thus wantonly to assail. 2. Again, Sir, in Letter III, P. 7, we find this bold assertion, having special reference to the doings of the Assembly of 1837. "Particular sentiments were denounced, as heretical, *which were never found to be held by those, on whom they were charged.*" Is there a single word of truth, in this reckless sentence? No, Sir;—Not one word. Then, Sir, is it a *slanderous*, as well as *false* assertion; for according to McNally, "on an indictment for seditious libels, the word *false*, in the only sense, in which it seems necessarily applicable, is included in the word *malicious*;" and according to Selwyn, 'Express malice need not be proved. If the charge be false, malice will be implied.'

3. Once more, Sir: Towards the conclusion of Letter V, on Page 15, we find this sentence, having reference to the measures of the Assemblies of 1837 and 1838. "Confirm the measures of the two Assemblies named, and you introduce a principle, which, sooner or later, may be brought to bear upon you with tremendous force, and which, in all probability, will become to you, the means of ruin." What could be the object of the author, Sir, in penning this sentence, and sending it to the press? Can any man, in his senses, fail to perceive, that he could have aimed at nothing else, than, in the language of Starkie, "to excite to acts of outrage, and sedition" against those Assemblies, and their advocates? It follows, then, most unequivocally, that this is slander of an aggravated character.

Moderator, if there be any difficulty in exhibiting before this Reverend Synod, in a perspicuous and striking light, the "allegations of a false and slanderous nature," to which Mr. Colton has 'given currency,' I am well assured, when I glance over the letters of 'Presbuteros,' that this difficulty arises not, either from scantiness or inaptitude of materials, but only from such an *abundance* of them, as puts *selection* to a stand. I trust, however, that the few specimens I have here given, taken in connexion with those on which some of my brethren have animadverted in Presbytery, will be sufficient to satisfy this Synod, that the charge exhibited by the Presbytery, against the Rev. Simeon Colton, and referred to this Synod, for final adjudication, has been substantiated beyond all reasonable doubt.

I have said, Moderator, that the productions of Mr. Colton's pen now before us, when carefully analyzed, would be found, a singular compound, of glaring inconsistencies, gross perversions, fallacious reasonings, and other kindred qualities. Let me now, Sir, on a slight review of the whole, afford this Synod an opportunity of just glancing at

a few of these distinguishing characteristics. And first, let us look at a specimen or two, of his inconsistencies. In publishing his pamphlet, he had a special object in view; and, as he wished not to be disappointed in its accomplishment, he announced that object to his readers, in language sufficiently intelligible. It is manifest, however, that, at that time, he was very far from anticipating a judicial investigation of his conduct, in issuing his publication. But now, since after the lapse of several months, he must meet this investigation, the best expedient his ingenuity can devise is, to presume upon our forgetfulness in relation to his original announcement; and draw our attention to something else, which he could, more easily, and with a greater show of confidence defend. Accordingly, in his defence P. 26, speaking of his pamphlet, he repeatedly tells us, that 'its professed object is to enlighten the public mind.' Yes, Sir: He *has* 'enlightened the public mind,' with a witness; and he is, doubtless, sufficiently familiar with History, to recollect, that many have been *sent to the tower*, for thus enlightening: But, Moderator, was this *in reality*, his *professed* object? When he sat down to write his six letters, was it his sole design, fairly, calmly, and dispassionately, to investigate the leading measures of the General Assemblies of 1837 and 1838, and, in a clear, lucid, and convincing manner, to shew, that these measures were in conflict with our adopted Ecclesiastical Constitution, and with the genius of true Presbyterianism? Was this his real—was it even his professed object? No such thing, Sir. At the very outset of his undertaking, he announced to his readers, a very different object. Turn to the 5th paragraph of his first letter, and you will find his object, thus explicitly set forth: 'It is not my purpose,' says he, 'to undertake a discussion respecting the constitutionality of the acts of the Assembly of 1837 and '8. This discussion has already become so protracted, that it has become tiresome. My design is, to notice some things in these acts, and connected with them, which seem to strike at the very foundation of those privileges, which, as citizens of a free country, we have deemed invaluable.' In other words, Sir, his object was, to influence the public mind:—his design, evidently was,—to hold up the proceedings of the Assembly, in such a light, as to excite a general alarm, and rouse popular indignation against the church. Who can compare what, on this subject, he says in his defence, with what he announces in his pamphlet, without perceiving in it, a glaring inconsistency? Of the same malicious spirit, Sir, which is apparent in the announcement of his object, as just noticed, we find a further specimen, in a part of the 8th paragraph of Letter IV, where he thus expresses himself: "There is a powerful *engine*, which, if brought into operation with all its force, will accomplish all that could be done, by the renewal of the grand inquisition. It is public opinion. To get possession of this is obviously the aim of those who advocate the reform measures." And, again, towards the close of that same paragraph, he adds, 'And to warn you against the machinations of these professed friends of reform, is

one object I have in view. Beware of a Popery, that seeks the sanction of its measures, in a biassed public opinion.' It would seem, then, Moderator, that, should the judicatories of the church enlist *public opinion*, in favor of their own institutions, and against those who would innovate upon them, or depart from their true spirit,—to do so, would be highly criminal in Mr. Colton's eyes:—it would be, to resort to 'machinations,' against which, he must needs 'warn' the people; but, yet, this 'powerful engine,' in his *privileged hands*, can be wielded against the church, *with perfect innocence*. He warns the people, against the General Assembly; for presuming to wield this 'powerful engine,' in their own favour; and yet, *his sole object*, in these letters, is to turn the current of *public opinion* against the Assembly, and against all their advocates, for attempting to possess themselves of an 'engine,' which, if the public would permit him, *he would claim as exclusively his own!!!* Here, Sir, in my judgment, we may readily recognise,—not only *glaring inconsistency*, but also—MALEVOLENCE, SELF CONCEIT, AND IMPUDENCE COMBINED. And yet, Sir, the very man, who in his letters, employs this insulting language,—'To warn you, against the *machinations* of these *professed friends of reform*, is the object I have in view,' I say, Sir; the very man who employs this insulting language, in reference to men, to whom he owes both respect and allegiance, is the same man who, in his defence, Page 44 and 45, has the 'shameless effrontery' to assail us with this challenge. And is there *any* thing *indecorous*, in the language of the pamphlet? Is there any thing approaching to *coarseness*, or *vulgarity*? Have I used *hard names*, or treated my opponents in a *contemptuous* manner?' Surely, Moderator, it is with an ill grace, such a challenge as this can be given, by the man, who, not only in his pamphlet, has used the insulting language which I have already quoted, but has, even in his defence, aggravated this offence, by impudently saying to his judges, as he stood arraigned before them, (P. 50.) 'To say nothing of the *right*, what must be thought of the *modesty* of a court, sitting in judgment, in a case, where all must admit, they are concerned in the result?' Sir, I do not believe, that, even within the whole length and breadth of this LAND OF LIBERTY, there is to be found, a judge of a *civil* court, who properly regards the dignity of the bench, who would not punish, with imprisonment, if not with stripes, the man, arraigned before him, who would dare to address him, in *such* language. Yet, Sir, the Presbytery of Fayetteville, patiently bore this, and much more of a similar character, from the Rev. Simeon Colton. Let him remember, Sir, that it is a principle of that *common law* for which he so fiercely contends, that 'if he publishes what is *improper*, *mischievous*, or *illegal*, he must take the consequence of his own temerity;—and that "to censure the licentious, is to vindicate the liberty of the press." Another inconsistency, which appears to me to demand attention, is a short sentence, found in his defence, Page 49, compared with the whole tenor of his six letters: On the page I have just named, I find this language, so

different from what I would naturally expect from the author of the Letters of 'Presbuteros.' 'I love my brethren, and for many reasons, feel strongly attached to them.' What! Love brethren, whom he stigmatizes, as the promoters of 'usurpation,' and as the advocates of 'an assumption of power, which can find no sanction, among a people where freedom reigns,' and whom he places 'in the rank of Popes, and councils of darker times?' How can he find it in his heart to love *such* brethren? Yet, he assures us, he 'loves his brethren.' Moderator, I cannot forget, while making this assurance of Mr. Colton's a subject of remark, how grievously my Brother Peacock offended him, by using some expressions, that seemed to call in question his sincerity, in regard to orthodoxy; and therefore, possibly, it might offend him, still more grievously, were I therefore to follow Brother Peacock's example, by calling in question the sincerity of this profession of love: yet, I confess, that, when I find myself, in common with my brethren, represented, in an inflammatory pamphlet, as 'muzzling the spirit of free inquiry,' as breathing 'the true and genuine spirit of Popery' as exemplifying 'Popery itself revived,' and as participating in 'an effort that would not disgrace the Pope himself,' I cannot help considering such representations, as strange, passing strange evidences of 'love.' I next notice, Moderator, a single instance, out of many to which I might refer you of gross perversion. The Presbytery had charged him with saying, in his pamphlet, that 'moral suasion' is the only way in which a church can be reformed. The evidence of his having said so, is found in the 2d paragraph of Letter III. There, he says, 'There are two ways, in one of which, all attempts at reformation have been persecuted. One is through the arm of power; the other by moral suasion, or the force of truth. The former is the mode usually adopted in arbitrary governments. The latter only is consistent with the condition of a free people.' In his defence P. 36, he maintains, that his position is correct; and for proof, refers to our form of Government, Chapter I, S. 8, where it is said, that 'Ecclesiastical discipline must be PURELY MORAL, or spiritual, in its object, and not attended with any civil effects;' and that 'it can derive no force whatever, but from its own justice, the approbation of the public, and the countenance and blessing of the head of the church universal.' Now, this, I call, *gross perversion*; for, who does not know, what Presbyterian cannot, at once perceive, that the 'moral suasion' for which he contends, both in his pamphlet and in his defence, is very different from any thing spoken of in our Constitution;—that it is restricted to mere advice and instruction, and entirely rejects every thing like discipline, subjecting persons to exclusion from church privileges?

As to *fallacious reasonings*, I may say, Sir, without danger of mistake, that, in his defence, these are to be met with, in rich abundance. Out of a vast multitude, Sir, let me select, but a single instance. In Page 22, he says, 'the Presbytery have said, that the pamphlet contains falsehood, slander, and error, and now they bring forward their own

asserting, to prove the truth of the charge they make against me. Or, in other words, they pass judgment upon what I wrote, condemn it, as false and slanderous, then make out a charge of slander against me, and bring their own former vote to prove the charge. The case, therefore, is prejudged. The Presbytery first vote that I am guilty, and then proceed to try me, and make their vote the evidence on which to condemn me.' Who, Moderator, cannot see the fallacy of this reasoning?' 'The Presbytery have said, that *the pamphlet* contains falsehood, slander, and error.' What pamphlet, Moderator? 'The pamphlet *written by Mr. Colton*? Did we say, before the process was instituted, that, a pamphlet, *written by Mr. Colton*, contained these things? No, Sir, he would not, at that time, acknowledge our right, even to ask him, whether he was the author, or not; "And now, they bring forward *their own assertions*, to prove the truth of the charge they bring against me.' 'When, Sir, did the Presbytery bring forward *their own assertions*, to prove the truth of the charge they brought against him? Never, Sir, at any time, did they do so preposterous a thing as this. Mr. Colton himself does, indeed, very often *assert*; and presumes on the credulity of others to receive his *assertions* for *proofs*; but the Presbytery, in every instance in which they pronounce judgment on any thing which they have thought proper to assert, invariably accompany their *assertions* with the requisite *proofs*. 'They pass judgment upon what I wrote, condemn it, as false and slanderous, then make out a charge of slander against me, and *bring their own former vote to prove the charge*. The case, therefore, is prejudged." We did, indeed, Moderator, pass judgment upon what *somebody* wrote, and condemned it as false and slanderous; but, we passed, at that time, no judgment upon *the writer*; for we did not, then, certainly know, who he was. Nor was it necessary, in order to ascertain whether the publication was false and slanderous, or not, that we should know, who the author was. The judgment we then pronounced, was altogether independent of the authorship. But, it seems, that because he has, since, acknowledged the authorship, *therefore*, we pronounced *him* guilty, when we condemned the *publication*!! Was ever any proposition more absurd? How was it, Sir, that we did this? Why, he says, we '*bring our own former vote*, to prove the charge.' What bare faced *assertion*! At what stage of this painful process, did we ever appeal to any *former vote*, to prove *any* charge? No, Sir, we appealed, in the commencement of this process, and we appeal *now*, to the *character of the publication*; and it is, surely, not the less *false* and *slanderous*, because he acknowledged that he wrote it, than it would have been, void of such acknowledgment. This, Sir, is a fair sample of his reasoning; and this Synod can be at no loss to judge, whether it be solid or superficial. But, let us take a momentary glance at a few more samples of these rare productions of his pen.

In Page 27, he says, 'It is a *primary law of interpretation*, that every man is to be allowed to be his own interpreter: That is, every man is to be allowed to explain what he means, in what he says, or writes.'

If this be true, Moderator, then, we never can safely ascertain the meaning, intent, or design of any publication, until the author comes, and tells us, what he meant by it. This is, indeed, a very convenient law of interpretation, for one who writes what has a tendency to give offence; for, according to this law, no matter what he writes,—if it be in any way called in question, he has nothing to do, but to explain away its offensiveness. He may write, and publish, for example, in such a manner as to excite a resistless torrent of popular indignation against this Synod; and, when called to answer for it, all he has to say is, ‘Brethren, I did indeed, represent you to the public, as tyrannical, and oppressive; and, in reference to a particular act of yours, I did say it was ‘an effort that would not disgrace the Pope himself;’—but, all I meant by this was, merely to say, that I *love* you, as brethren, and for many reasons, I am *strongly attached* to you ’ The law of interpretation, Sir, which would admit of his acting such a part as this, may be convenient enough for *him*; but I apprehend, that *this Synod* will be disposed to give the preference to that *old fashioned* law of interpretation, which requires, that every publication should be taken, *in the natural and obvious sense of the language, in which it is conveyed*.

Moderator, I will hurry over a few other little things. In Page 98, in replying to Brother Alex. McIver, who had very properly represented the question before us, as simple, and of easy solution, Mr. Colton gasconades, and flourishes, in this manner. ‘It is evident, however,’ says he, ‘that the Moderator and others who have spoken on the same side, do not feel quite so well satisfied with this summary course of proceedings, as they would wish others to think they are.—There are, evidently, some misgivings in their mind; some qualms of conscience about the correctness of their course. Else why so much pains to defend what, they say, has been proved—why so much pains to make good, former acts, which, they say, are not to be called in question?’ In return, Moderator, I reply, Who need ask, why? Has not Mr. Colton *produced considerable excitement*? And has he not, thus, *created a necessity* for shewing, how unreasonable it is, to yield to his *inflammatory declamation*,—to give it no worse name?

Mr. Colton has repeatedly called upon us, to shew any proof of *malicious intent*, in any thing that he has said. I have already, Sir, referred you to sufficient evidence of this, to be met with, in several instances, in the Letters of ‘‘Preshuteros.’’ Suffer me now, Sir, to shew you a *conspicuous* instance of it, *even in his defence*, where we would naturally expect, that he would be peculiarly careful to avoid every thing of the kind. In Page 37, he uses the following inflammatory language, the design of which, no unprejudiced man can mistake. ‘‘Give to the Church,’’ said he, ‘‘the right of excluding members at pleasure, and what more efficient step can be taken toward establishing unlimited authority over conscience and personal liberty? The design of excluding men from the church, is to fix upon them a mark of disapprobation, and thus to present the individual in an unfavourable light before the public. The effect is to fix public opinion against him. And when

public opinion is brought to bear upon an individual with its full weight, who is sufficient to sustain the load? If, then, the meaning of the expression in the reply be, that the church may use coercive means, it is a fearful assumption of power, and *the people of this country ought to be every where apprised, that there is a new principle to be brought into operation, WHICH THREATENS DESTRUCTION TO THEIR FREEDOM.*" Sir, if this paragraph contains no evidence of *malicious intent*, it is difficult to find such evidence, any where. And I am constrained to conclude, that it is from a disposition nothing better, than he has so often dwelt upon the Beth-Bar act, with the view of insinuating, that, in the present process, his case is necessarily prejudged. In his last speech, P. 102, he thus raves on the subject. "They write," says he, "all sorts of sins against an anonymous author, and now come here and say, that I am the man who was intended in all they wrote." Once for all I reply, to this stale slander, *They* did not say so, Mr. Colton, until you first said so *yourself*.

In page 51, he furnishes us with an opportunity of ascertaining *what sort of a Presbyterian he is*. He says, "I would render the General Assembly a mere *advisory body*, and transfer all the business of an Ecclesiastical Judicatory to the Synods of the separate States, as better able to understand the wants, and manage the concerns of the different sections, than the present unwieldy body, holding its Sessions, in a distant part of the country." He would, thus, Sir, if he had *his* way, strip Presbyterianism of one of her most attractive features; and, in effect, convert the *General Assembly* into a *Congregational Association*; or, as our venerable Father, Dr. Green, once expressed it—he would *congregationatize the Presbyterian Church*.

In page 99, he complains heavily of my good brother Peacock, for suggesting any doubt of his sincerity, in declaring what are his doctrinal views, and yet, sir, if you will look at the 5th paragraph of Letter IV, and at his defence of that paragraph, Page 37, you will, I think, find, some evidence, that is by no means equivocal, of *strong, very strong sympathy, with doctrinal error*. I maintain, sir, that, how vehemently soever a man may *preach* the truth, and profess to believe it, and rely upon it for salvation, he cannot have a very sincere, or warm, or ardent *love* for that truth, when he is ever ready to defend, and shield from merited discipline, those who assail and vilify it.

As to his coarse personal abuse of your humble servant, which is found in Page 50, I pass it over, as unworthy of reply. I am, I trust, too well known to my brethren of this Synod, to need a defence against such low scurrility. I confess, however, that I cannot so easily pass over the unmanly rudeness with which he has assailed some of my younger brethren, who are not so well known to this Synod.

But, sir, it is no new thing to find Mr. Colton treating his brethren uncereemoniously. In every instance, in which his conduct is animadverted on, with the least severity, it is not enough for him to *complain*, but he must needs *misrepresent, abuse, and vilify*. My brother McLaurin had said, (P. 62 and 63) "The writer of the pamphlet, near the

close of it, gives you to understand, that, with the reformers, and their measures, he has no fellowship whatever." Here, Moderator, you will perceive, is a *meré reference* to the pamphlet, without any pretence to make a *quotation* from it. "The writer," &c. gives you to understand." It is, here, proper to inquire, whether, in the reference, any *injustice* has been done to Mr. Colton. Let us see. The passage to which brother McLaurin here refers, is found in Page 18 of the pamphlet. Mr. Colton's very words are these: "With such measures, and with such a spirit as has been exhibited in this miscalled work of reformation, I can have no fellowship." Now, Moderator, let me ask, what great injustice has here been done? If Mr. Colton can have no *fellowship* with the *measures* alluded to, and if he can have no *fellowship* with the *spirit* exhibited in them, can we *understand* from this, or does this *give us to understand* any thing less, than that he has no *fellowship* with the *Authors* of such *measures*? Or, at least, I would inquire, Is it *monstrous injustice* to arrive at so *natural a conclusion*? Yet, this excited the nervous sensibility of Mr. Colton to such a degree, that, in page 99, he broke out upon Brother McLaurin, in the following very polite manner: "Another gentleman, (Rev. Hugh McLaurin,) deserves a severe rebuke. He undertook to make a quotation from the pamphlet. The words he used were these:—'*The writer of the pamphlet, near the close of it, gives you to understand that with the reformers, and their measures, he has no fellowship.*' He was told that he had not quoted correctly, and the error was shown to him. He acknowledged it, but he goes on and continues the same assertions. To what can I attribute this, but to a wilful determination to endeavor to mislead the public, and create prejudice against me? Can a man be honest, who does this? The error does not respect a matter of opinion. It is a matter of fact. The gentleman knows it, and in continuing his assertion, furnishes but too much evidence of a want of moral integrity." I think it proper, Moderator, here to inform the Synod, that this paragraph, which, in the pamphlet before us, appears as a part of Mr. Colton's concluding speech, was not actually spoken in *Presbytery*, but was afterwards written by him, in preparing that speech for the press, and was consequently intended for the public eye. It therefore,—to use the language of *Espinas*—"derives an additional degree of *malignity*, from its being done *premeditatedly*." It contains, in my judgment, *gross misrepresentation, actual falsehood, and vile abuse*:—*gross misrepresentation*, in saying, that Brother McLaurin "undertook to make a quotation from the pamphlet," when his words shew he undertook no such thing, and, after all, gave the true sense of the passage to which he referred;—*actual falsehood*, in ascribing to Brother McLaurin an acknowledgment which he never made—and *vile abuse*, in wantonly impeaching Brother McLaurin's *moral integrity*. I have already, Moderator, had occasion, more than once, to advert to Mr. Colton's unprovoked attack upon my Brother Peacock. "Whatever be his claims to a knowledge of religion, he gives unequivocal evidence, that he knows but little about decency, or good manners." Let it be remembered, Moderator, that the author of

this language, is the same man, who, in Pages 44 and 45. has, with a confidence which would seem to defy contradiction, appealed to us, to say, whether, in what he had written, there was "any thing *indecorous*, or any thing approaching to *coarseness* or *vulgarity*;"—whether he had "*used hard names*, or *treated his opponents in a contemptuous manner*;" and let those who are most familiar with his writings and speeches, judge of his fitness for reading lectures to his brethren, on "*decency*" and "*good manners*." And, Sir, it aggravates the offensiveness of the passage I here refer to, that it was not, as it purports to be, spoken in Presbytery, but written after the adjournment of Presbytery, and printed in the pamphlet now before us, where no reply to it could appear. Perhaps some may be disposed to allege, that, as one of the committee appointed to superintend the publication of the pamphlet, I am myself to blame, for suffering this extraneous matter to appear. I am happy, Sir, in being able to inform this Synod, that, on this topic, I have satisfied our Presbytery, as will appear from the following record. And here, Sir, it may be worth while to inquire what that Brother had said, to call forth his splenetic ebullition. In Page 60, Brother Peacock had expressed himself, thus: 'Mr. Colton, on yesterday, made a very zealous profession of love to Calvinism, and to Presbyterian church polity. How, Sir, are we to estimate the value of this zealous profession? We may, possibly, be assisted in the estimation, by connecting it with the remarkable fact, that all the New School have been notorious for their profession of orthodoxy. My doctrine is, that a man's principles may be best ascertained, by observing what his practice is; for we may always safely take it for granted, that a man's practice will be in accordance with his faith. This is the doctrine of our confession of faith, and also of the Bible. *'By their fruits ye shall know them.'*—*'A pure fountain will send forth pure water.'* *'A good tree will bear good fruit.'* This, Moderator, is the head and front of Brother Peacock's offending. And, who, Sir, that has been at all enabled to profit by observation and experience, but must acknowledge, that his remarks are just and appropriate? Nor, Sir, has Mr. Colton, in my judgment, the least ground to complain that these remarks were called forth by his profession of orthodoxy. Has he not, in his pamphlet, unblushingly appeared, as the Apologist of *Mr. Barnes, and of other kindred errorists*? And need it surprise him, if a recollection of this fact, and a comparison of it with the conduct of errorists, in all ages, should lead to a suspicion, that his profession of Orthodoxy, is worth but little? Yet, in Page 90, he suffers his resentment to transport him almost to madness.

Although the general tenor of his defence, exhibits abundant manifestation of a contumelious spirit towards his brethren of the Presbytery, yet in page 23, with characteristic consistency, he makes a very affecting appeal to their sympathy. "My character," says he, "my prospects in life, and a family dependant on my daily exertions, are at issue; and it is for you to decide, whether I shall go on peaceably in endeavoring to discharge my duty in society, or whether I shall be constrained to buffet the troubled waters till I can find a place of security, or perhaps during the remaining short period

of my life." To this pathetic paragraph, two remarks, each of them very brief, by way of reply, naturally occur. The first is, that the *sympathy* due to distressed individuals and families, and the *justice* due to the suffering church of Christ, are altogether separate and distinct topics of reflection and action; and the other is, that, a reasonable foresight of the sad prospect to which he here refers, and which he so pathetically deprecates, is a consideration which ought to have dissuaded him from a course, so likely to bring about what he has so much dreaded, rather than a consideration, which he could, with any propriety, address to us, as an inducement; basely to betray the best interests of the Redeemer's Kingdom. In page 24, he says, "The great Head of the church will not leave his house unprotected, should the measures you wish to establish, *utterly fail*; but you have *no assurance*, that the evils occasioned by a *wrong decision*, can ever be repaired"! Here, he takes for granted, two things: One is, that what we deem essential to the best interests of Zion, is *a matter of small consequence, in comparison with the protection of his individual reputation*; and the other is, that *any decision against him*, must, of necessity, be a *wrong decision*; and consequently must be fraught with *incalculable evils*. Sir, the question is here a pertinent one. What could, possibly, conduct him to either of these conclusions, but *the most consummate self conceit*?

In page 27, after making several abortive efforts to support his unjust and unfounded complaint of 'garbling' his pamphlet, he says, 'These positions, I admit, indicate a liberty taken with another, which, not only shews an unfairness of dealing but such a license, as borders upon a *defect in moral principle*.' Moderator, I confess, I can fix no softer terms, in which to qualify *this language*, than to call it a *flippant ebullition of SHAMELESS IMPUDENCE*.

In page 99, speaking of the Moderator of Presbytery, he says, "He seems evidently to labour under an impression, that his coadjutors have entirely failed in their argument; and under this impression, he deems it his duty to leave the chair, and step forth to help them in their weakness." For this language, Sir, I have no milder title, than to call it the language of *unbridled insolence*.

Mr. Colton would have you to believe, that he is very unwilling to be considered as connected, *doctrinally* at least, with the *New School* party. In page 47 of his defence, he says, 'with the New School party, *so far as errors in doctrine are concerned*, I have *no fellowship, or sympathy of feeling*.' And yet, in his last speech, p. 103, he appears to discover no small ambition to be looked upon as holding a conspicuous rank, and making a considerable figure among them. And, in order that, in thus shining as a chief of the party, he may be found in honourable company, he ventures, with characteristic modesty, to compare himself with the Apostle Paul, whom he calls 'a zealous *New School Preacher*,' and the Presbytery with the persecuting Jews, whom he speaks of under the title of 'the *Old School party*.' What, Moderator, will this Synod think of the temper and disposition which would prompt one holding the commission of a Minister of Christ, to make such a *profane misapplication* of a portion of sacred history, as Mr. Colton has here made, of a passage contained in the 24th chapter of the Acts of the Apostles? Such conduct, Sir, is, in my judgment, open to the severest reprehension. Let me ask, Sir, in this connexion—for I think the question is certainly pertinent.—Why should a man, who, like him who now stands at our bar,—openly and perseveringly rebels against the decisions of the highest court of the church to which he belongs, and whose ingenuity has been taxed, to bring its authority into contempt,—I say, Sir,

—Why should *such* a man, think it modest, or appropriate, to associate himself with the Apostle of the Gentiles, whose whole life and writings exhibit a pre-eminent example of support of, and submission to the powers that be, both civil and ecclesiastical? O, Modesty! whither hast thou taken thy flight?

It may, perhaps, Moderator, shed some further light upon the character of this extraordinary man's writings, to select a few short sentences from his letters, and contrast them with some passages in his defence. In Letter I, he says: 'Yield to no man's *dictation*, but read and decide for yourselves.' In Letter III: 'No man has a right to *dictate* to others, what he shall believe.' 'There is so much of the spirit of *dictation* accompanying these measures,' (meaning the measures adopted by the Assemblies of 1837 and 1838);—there is such an appearance of coercion, as to render them the just subject of jealousy to all who regard the rights of conscience, and the value of their privileges, as citizens of a free country.' 'Terms, it is true, were *dictated* to them, but with these, they must comply, without asking a reason, or remain for ever in a separate state.' 'All these things have gone forth in a spirit of dictation, resembling more the decrees of the Star-chamber, than the doings of an Assembly, collected peaceably to consult on measures for building up the Redeemer's kingdom.' In Letter IV. 'Yes, among the wonders of the 19th century, and in a country boasting of its freedom, there have been measures adopted, of so clear and decided a character, as to leave no doubt that there are those in the church, and that professedly a Protestant church too, who are willing to undertake to dictate to men, not only what they may think and speak, but ready to proscribe those who dare to act, and think, and speak in opposition to their writings and feelings;' and in Letter VI. 'In carrying out the plan, a spirit of proscription and dictation, nearly resembling that of Popery has been exhibited.' 'The Assembly claims the right, not only of advising, but of dictating to the inferior judicatories, what they shall do' and has 'undertaken to control and prescribe terms and rules which are at variance, with all the principles of a free government.' To read these extracts. Sir, one would naturally suppose, that there was hardly any thing conceivable, more offensive to their author, than a spirit of dictation, and that no consideration whatever could ever induce him to deviate a hair's breadth from the strictest *modesty*. By looking at his defence, however, we are led to a different conclusion, and find that in relation to this matter, he considers himself a privileged man. Listen, now, Moderator for a moment, and hear how this *hater of dictation can himself dictate*. In Page 46, he gives utterance to the following dictatorial language. 'Were I to offer you my advice concerning the best means of putting an end to this agitation, and the evils you apprehend, I would say, *dig a grave, and bury the whole matter as quick as you can*.' And in Page 51, he further says, 'If you say the charge is not sustained,' (which, of course he would advise us to say) 'the whole excitement of which you complain in the preamble, will probably soon die away, and we shall soon see things returning to the quietness of a calm. We may then go on to co-operate with each other, in our respective callings, and labour unitedly in building up society, and promoting the welfare of the Redeemer's Kingdom.' In Page 49, he says, 'To be put down by dictation or authority, is not my nature.' No, Mr. Colton: We know it is not. It is much more your nature to dictate. But who, Moderator, has attempted to put Mr. Colton down, by dictation or authority? Surely, it was not the Presbytery; for, so far were they from this, that they listened to his inflammatory speeches, with a degree of patience and forbearance, truly astonishing.

Let me give you, Moderator, a few more brief extracts from his defence, illustrative of his predominant temper, and I have done. In Page 48, he

makes a shew of submission to those measures which he has so strenuously opposed, on the ground of their being now settled by legal decision; but, from the limits he proposes to himself, it will be found, that this is but a mere shew of submission. He says "The measures of reform proposed by the Old School Assembly, I have never considered as settled, till the decision of the Court in Bank, in May last. That decision established the character of the Assembly, and of course, gave the sanction of legality to their acts. *And shall that decision remain unaltered by the decision of any higher court of review, the acts of the Old School Assembly must be taken as laws, by which the church is to be governed.*" Here, you perceive, Moderator, is the limit of his submission; for, we are herein given plainly to understand, that, *should the existing decision hereafter be altered, by the decision of a higher court of review, he will no longer regard the acts of the Old School Assembly as laws by which the church is to be governed; and consequently, he will not be governed by them.* In Page 51, he says, in reference to the present process. "If you say the charge is sustained, you place all those who differ in opinion from you, on the defensive, and compel them to use every possible exertion to sustain themselves before the public." In Page 53, speaking of his publications, he thus boasts of their effects. "Already, the seed sown has taken deep root; it will spring up—it will produce an effect, which no effort can restrain." In the same spirit, he thus expresses himself in his last speech in Presbytery, Pages 104 and 105. "Possibly," says he, "you have expected I should come before you, as a high court, to beg for mercy. No, Gentlemen, I have done you no wrong. I have offended, neither against the law, nor against the church, nor against Cæsar. I am not here as a felon, to plead guilty, and sue for mercy. I am before a court constituted of my equals. I am here with those, whom, notwithstanding all that has been said to the contrary, I regard as a party in the case. I stand here with my accusers, face to face. No man can look on these proceedings, and be at a loss whence all these accusations against me originated. *The miserable subterfuge of putting forth FAMA CLAMOSA*, as the scape goat, to bear all the sins of this trial, is unworthy of the high minded disciple of Jesus Christ. It shows a want of courage to meet the contest, or that the real prosecutors are ashamed to appear in their appropriate character." Moderator, I seriously propose the question to you, and to my brethren of this Synod, is it becoming, in a Presbyterian Minister, thus, not only to abuse the court before whom he stands arraigned, but also to stigmatize the constitution of the church, to which he belongs, and to whose judicatories, he is answerable for his conduct? In Page 105, he goes on to say, 'I have, all along, considered the Presbytery as a party. If you say you are not, why, then have you tabled these charges? Why did you not take the ordinary course of a court of inquiry?' In reply, Moderator, I ask, in my turn, why is not Mr. Colton better acquainted with the Constitution of the Presbyterian church? He concludes his last speech, in the following language, Page 105 and 106. 'All I ask of you, gentlemen, is, that you give a decision founded on evidence, on such evidence as you would take to guide your proceedings, were you sitting as jurors under a solemn oath, on a trial, involving the life of a fellow being. I ask, that you will be guided by the eternal principles of justice, laid down in the BIBLE, and drawn out into practice, in the COMMON LAW of the land. A decision, founded on such principles, and an evidence according to their principles, is all I ask; and such a decision, I trust, you will have the *magnanimity* to give.' Yes, Sir, for once at least, in his life he acted wisely, in making his appeal to our *magnanimity*; for, to shew him any clemency or mercy, after the antiperperation and abuse, in which he has

so liberally indulged himself, does indeed require a degree of forbearance, to which he can have no just claim, and which can only be the result of genuine christian magnanimity.

Thus, Moderator, have I endeavored, by taking a plain, common sense view of these productions of the Rev. Simeon Colton's pen, to ascertain, and exhibit before this Synod, their true character: and I persuade myself, that I have presented sufficient evidence, not only of the fact, that he has given currency to allegations of a false and slanderous nature, against the church, and duly constituted authorities, having a tendency to bring the church and her office bearers generally; into public disrepute;" but, moreover, that his whole demeanor, during the progress of this painful trial, has been marked, by such an unbecoming, unsubdued, unhumbled, unhallowed and contumacious spirit, as imperiously demand of this Reverend Synod to subject him, to that wholesome discipline, provided by the church, for the correction of those who have offended against her laws. I pray God, that this whole affair may terminate in the adoption of such measures, as He may bless, for the promotion of his own declarative glory, the effectual conviction, reformation, and return to duty, to comfort and to usefulness of the brother who now stands at our bar, and the ultimate purity, spiritual prosperity, united harmony, and permanent peace of our beloved Zion.