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No. IV.

ART. I.—*A Discussion of the question, Is the Roman Catholic Religion, in any or in all its Principles or Doctrines, inimical to Civil or Religious Liberty? And of the question, Is the Presbyterian Religion, in any or in all its Principles or Doctrines, inimical to Civil or Religious Liberty?* By the Reverend John Hughes of the Roman Catholic Church, and the Reverend John Breckinridge of the Presbyterian Church. Philadelphia: Carey, Lea & Blanchard. 1836.

(Concluded.)

WE have been reluctantly compelled, for want of room, to extend our review of this subject to a third number. But we hope that the intrinsic importance, and (to American citizens) the peculiar interest of the question discussed, will plead our apology.

Now it cannot (to repeat a remark already made)—it cannot be said that the language which describes the church as a commonwealth, and her ministers as governors and magistrates—her members as subjects—heretics as rebels and enemies, is *figurative*; because the figure cannot be carried out. The punishment of heresy required by the laws of the church is in fact capital; and Luther was condemned by Leo

every Christian, philanthropist and patriot amongst us. Our population is augmenting rapidly. Our new recruits must be indoctrinated in the principles upon which our civil and religious liberties rest. The enemy is among us sprinkling his tares. The friends of liberty must not allow themselves to be outdone by him. They have now the vantage ground, and God and our country require them to maintain it.

Sam. S. Winchester

ART. II.—*A Course of Legal Study, addressed to students and the profession generally; by David Hoffman, Jur. Utr. Doct. Gottingen.* Second edition, re-written and much enlarged. In two volumes, 8vo. pp. 876. Baltimore. Joseph Neal. 1836.

THIS work prescribes a thorough course of legal reading, which would require for its accomplishment, about seven years of patient and careful study. It also prescribes several shorter courses, to suit the taste and circumstances of the student. Under each title of the law, such works and portions of works, as are appropriate to it, are named; with a succinct, but satisfactory account of their character and authority in the profession. This work has received the strongest commendation from many of the most eminent jurists in this country: and is regarded as highly important and useful, not only to the tyro in law, but to men of long and high standing in the profession. The author was for a long time professor of law in the University of Maryland, and filled his chair with great credit to himself, and lasting benefit to those who received his instructions. In this work, as well as in his professional and professorial performances, he discovers a vast amount of legal and miscellaneous learning, and an intimate acquaintance with the books he describes.

We have long wished to see a similar work on theological reading, in all its branches; believing as we do, that it would greatly facilitate the student in his inquiries, and afford important aid to all, whose profession or inclination leads them to investigate religious or moral subjects. We are aware that a few brief and imperfect sketches of a theological course, have, at different times, been given to the public, but in our judgment, they can make no pretensions to such a place in theological training and education, as the work before us unquestionably occupies in the legal novitiate.

Another important advantage which would accrue to the student and young preacher, from such a work, is the aid it would afford them in selecting suitable books for their libraries. A young preacher, of limited pecuniary means, should be very cautious in the selection and purchase of books, lest he exhaust his funds in the purchase of works which will avail him but little, in the prosecution of his appropriate studies. Salutory counsel and wise direction in this matter, would be invaluable to him.

Our author quotes Dr. Watts as saying that 'the world is full of books, but there are multitudes which are so ill written, they were never worth any man's reading; and there are thousands more which may be good in their kind, yet are worth nothing when the month or year, or occasion is past for which they were written. Others may be valuable in themselves for some special purpose, or in some peculiar science, but are not fit to be perused by any but those who are engaged in that particular science or business; it is, therefore, of vast advantage for the improvement in knowledge, and saving of time, that a young man should have the most proper books for his reading, recommended by some judicious friend.'

He also says of Martin Luther, who, by uniting method with industry, attained an eminence in learning, unknown to the age in which he lived, that "he compares indiscriminate and immethodical readers to such as have no fixed habitation, who dwell every where, reside in no place, and cannot be said to belong to any country. He advises students to confine their attention to the most learned, methodical, and well selected authors, and by no means to distract themselves with too great a variety of books. Indeed, a judicious selection of nutriment seems no less requisite to the enlargement and invigoration of the mind than of the body; for, as Lord Bacon quaintly observes, 'some books are to be tasted, others to be swallowed, and some few to be chewed and digested; that is—some books are to be read only in part; others to be read, but not curiously, and some few to be read wholly, and with diligence and attention. Some books, also, may be read by deputy, and extracts made of them by others; but that would be only in the less important arguments, and the meaner sort of books.' "

When a student leaves the seminary, his knowledge of theology, as a science, is necessarily very limited and imper-

fect. He gets but a mere outline, which he is expected to fill up by subsequent study and research. While in the seminary, his time is so much occupied with the routine of duty, that he has but little left, to make himself acquainted with books, or to avail himself of those facilities which a large and well selected library would afford under other circumstances. We are not now advocating the idea that a clergyman should be a mere man of books, far from it. He should be eminently a practical man. But if he would, at the same time, become a sound and thorough divine, he must become acquainted, to a great extent, with the various writings in his profession. He is neither advised nor expected to read every book that has been written on the various points of theology, for of the making of books, and especially of *such* books, there is no end: and it is both impossible, and would be unwise if possible, to read more than a very small portion, and those selected with great care and judgment. One of the resolutions which our author proposes to students of law, and which might be adopted with great advantage by theological students, is "to keep constantly in view the essential distinction, between *reading* and *studying*; two things often confounded; and that as to elementary books especially, the safest rule is, *multum legendum, non multa.*" But it is important that the student should know what books have been written on the countless topics connected with theology, and in what manner those topics are treated, so that they may become books of reference, to which he may turn with ease, whenever an occasion requires it. Such a knowledge of books as that which we have now described, is essential to eminence in the two other learned professions; and we see not how the study of theological bibliography can be safely dispensed with by the divine, if he would aspire to an extensive acquaintance with his science, and to eminent usefulness in his profession. "The researches of the learned," says our author, "as well as of students, are sometimes retarded by the want of even this species of acquaintance with books: a student, therefore, can scarce begin too early to familiarize himself with the sources of knowledge in every branch of his science. To know even the existence of a book, and its general object, is a greater approximation to knowledge than may at first appear obvious." If, therefore, students would treasure up in their minds, and note down in a suitable book, the various *sources* of information on theological subjects, and make

themselves familiar with the analysis or general outline of all the theological works they may meet with, they would be furnished with a magazine from which they could draw such information as the occasion demanded.

The art of study chiefly consists in two things. 1. A strict regard to method. Without this, the knowledge which a student may acquire by immethodical reading, will be unavailable and void, because without form. It will be "*rudis indigestaque moles*." This species of reading enervates the mind, and renders it incapable of patient and severe study. 2. The art of study consists in having some point in view, to which all the student's researches should be aimed. *Subjects* should be studied rather than *books*. These should be used only as helps to understand those. This will secure a concentration of thought and reading on one point, and the result will be like gathering the solar rays into a focus, it will be *effectual*.

"The art of study," says our author, "is, no doubt, a nice one; and is capable, perhaps, of being reduced to a system. Mr. Gibbon remarks that Salmatius had read as much as Grotius, perhaps more. But their different modes of reading made the one, an enlightened philosopher; and the other, a pedant, puffed up with useless erudition. He attributes the ignorance, sometimes found even in great readers, to their neglect of method, and to their not having proposed to themselves an end to which all their studies may point. The habit of skipping irregularly from one subject to another, in his opinion, renders them incapable of combining their ideas, weakens the energies of their mind, generates a dislike to application, and even robs them of the advantages of natural good sense. If this be the unhappy result of not possessing the art of study, the evil must be still greater, when the student has no acquaintance with the sources of knowledge; their various connections and dependencies; and the best authors who have treated the numerous departments which compose his science."

Error in doctrine is the result of ignorance, and the sad defection which we are called to witness in this day, has mainly grown out of the ignorance of young divines. Puffed up with self importance, and filled with conceit, they send forth a crude and undigested mass of mixed truth and error, and felicitate themselves with the idea of starting something *new*, *not knowing* that all they teach, both true and false, has a thousand times been taught since the Christian era.

If the authors of new discoveries in theology, would carefully consult the writings of other ages, they would find, perhaps to their mortification, certainly to their advantage, that others have been before-hand with them in the matter.

In the work before us the theologian will find much to interest and instruct him. The character of our church judicatories renders it important that those who compose them, should have some acquaintance with the great principles of law. And in this work may be found sources of information on topics frequently introduced and discussed in ecclesiastical courts. There are certain great principles which pervade all laws, and are essential to their vitality and force. These should be familiar to all those who may be called on from time to time to legislate for the church of Christ. An unwise and inefficient law, is often the source of greater vexation and injury to the body governed by it, than even the want of a good one. No human institution is perfect, and the mind of man cannot compass by anticipation, the endless variety and number of exigencies wherein a wise and wholesome legislation will be needed, and cannot therefore, provide beforehand for every case of difficulty that may arise. Hence the wisest system of human laws has grown out of the necessities of society as they occurred, and consequently, has grown up with society itself, as it advanced from one degree of refinement and civilization to another. The exigencies of society have, as they successively arose, suggested the appropriate laws which they required. But it is the duty of legislators, whether civil or ecclesiastical, to furnish themselves with such information, as will enable them to execute their high and important commission, in the wisest manner, and to the greatest possible advantage to those for whom they act.

There are, also, certain great principles of interpretation, which are applicable to all laws. These, too, should be familiar to those who, as judges in a court of Jesus Christ, are required to expound and apply the laws of the church. In the administration of these laws, the personal rights of individuals are often involved. Reputation, character, and usefulness may be at stake. And the occasion demands the utmost caution, wisdom and sense of justice, in those who are intrusted with so momentous a concern.

Ignorance of the great principles of interpretation, sometimes leads good men to resort to their own private views of expediency in determining what should be the judgment of

the court in any given case. When once this course is adopted, those whose province it is to interpret the existing laws, begin to wander in the wide but forbidden paths of judicial legislation.

To show the importance and bearing of these remarks, let us farther state as our judgment, that in cases, strictly judicial, our judicatories can adopt no principles unknown to the constitution, for the time being, existing. They cannot, in that capacity, make new laws. It is their limited province to expound, administer, and execute the law as it is. This we understand to be in accordance with that great principle of liberty—Governments derive their just powers from the governed. The laws are indirectly made by those who are bound by them. When a party is on trial he is justly excluded from any participation in the judgment to be pronounced in his own case. So that if, while thus excluded, a new law, or principle, to suit his case, should be made or adopted, he would be deprived of the inherent right of participating in the enactment of a law by which he is to be bound. To enact a law, under such circumstances, is to declare the party on trial, innocent of transgressing any law existing at the time that he is said to have offended; and involves the court in a dilemma, the horns of which are, innocence of the party accused, or absurdity in the accusation itself, that is—either the party is innocent, or he has transgressed a law which had no existence at the time the offence is alleged to have been committed, which is absurd. In order, virtually, to enact a law under such circumstances, it is not necessary that it be formally and professedly done, for such an interpretation of the existing law, as amounts to the enactment of something new, is judicial legislation, perpetrated under the cover of judicial interpretation. This brings to bear upon the party accused, the most odious principle of absolute despotism. It is making a law expressly for the very party who is excluded from all participation in its enactment.

Our judicatories are liable to the practice of this injustice in various ways: for example; if, when the party accused is arraigned, no fair interpretation of the law or constitution, will bear out the judgment of guilty, and the court, with the view of reaching and punishing the alleged offence, should adopt such a construction of the law as will effect this object, it amounts to judicial legislation, and the proceeding is marked by every trait which may characterize injustice.

The court may be sincere and honest in their purpose, and verily think they are doing God's service, but this mode of accomplishing that purpose, is not the less oppressive and wrong, on that account. No plea of expediency or necessity can avail to change the unrighteous aspect of the case. No want of adequate provision in the constitution, for the case before them, can justify the court in enacting an *ex post facto* law. If the original framers of the constitution have been guilty of oversight, neglect, or ignorance, in the work assigned them, shall another be made to suffer *judicially* the consequences of their error or omission? This is one of those cases where even a guilty person should go unpunished, rather than be punished unconstitutionally and unlawfully. All violence done to the constitution, is an injury inflicted on the whole body or community who are governed by it; and supposing that they have suffered by the alleged offence, still it is better that they should suffer by one offence than by two. The constitution is a shield of protection, and a bond of union; and if this be violated or infringed, confidence in it, as a security against oppression, is shaken, if not destroyed.

Besides: the party accused subjected himself to the government of this constitution as it exists, in its plain and obvious import; and not to that temporising construction of it, which the undefined, uncertain, and shifting views of expediency or policy may suggest. There is no fixed and acknowledged standard of expediency, by which the defects of a written constitution may be arbitrarily supplied, or its supposed excrescences lopped off, to suit the emergencies of a particular case.

Every one who is subject to our ecclesiastical laws, became so by his own choice: and his voluntary subjection to these laws, is the giving up of a portion of his original liberty, with the view to secure a specified advantage. It is entering into a contract or covenant, by which one party alienates certain rights, and by which the other secures to the former, certain privileges, by way of an equivalent. This agreement should be so construed, as that neither party may overreach, or take an unfair advantage of, the other. And it is evident that only such control, both in kind and extent, can be exercised by the one over the other, as is granted by the terms of the contract, and as arises out of the dereliction of liberty, contained in the contract itself. In regard to civil courts, Powell, in his essay upon the law of contracts and agree-

ments, says that "it is absolutely for the advantage of the public at large, that the rights of the subject should, when agitated in a court of law, depend upon *certain* and *fixed* principles of law; and not upon rules and constructions of equity, which when applied there, must be *arbitrary* and *uncertain*, depending, in the extent of their application, upon the *will* and *caprice* of the judge."

The author of an essay on the Trial by Jury, remarks that "it must be apparent, on the slightest view of the subject, that if the judge be either *incapacitated* by *want of knowledge*, from deciding according to law, or *disposed*, by *inclination*, to make his own notions of equity the rule of his decisions; the *Judge* then becomes, in fact, a *Legislator*: *his will* is substituted for law, and his judicial acts assume the shape of legislative acts. Law, in this case, would be truly a strange and capricious thing: for depending, as it would, upon the arbitrary opinions of a multiplicity of judges, in their various and separate tribunals, the law would be nothing more than what their several *wills*, prompted perhaps by interest, by partiality, or by want of knowledge,—might choose to make it." These remarks will apply strictly to our ecclesiastical courts: for if expediency or policy be the rule of interpretation, or if different constructions of the constitution be adopted by different judicatories, through ignorance of the great pervading principles of jurisprudence, whether of legislation or interpretation; then what is declared to be constitutional and right in one synod, may be held to be unconstitutional and unjust, in another.

Whatever species of reading and reflection will tend to remedy this evil, and prevent this mischief, surely claims the attentive consideration of every clergyman and elder in the Presbyterian church.

New and doubtful constructions of the constitution, should be proposed with careful premeditation, and encouraged with great caution. One innovation commonly paves the way for many others: and however harmless may be the first, there can be no security for the character of the rest that may follow. "The power of the legislature," says the writer of Junius' letters, "is *limited*, not only by the rules of natural justice, and the welfare of the community, but by the *forms* and *principles* of our *particular constitution*."

Judge Patterson, in his charge to the jury, in the case of Vanhorne's lessee vs. Dorrance, remarks that "the *constitution* is the origin and measure of legislative authority. It

says to legislators—thus far shall ye go, and no farther. Not a particle of it should be shaken; not a pebble of it should be removed. Innovation is dangerous. One encroachment leads to another; precedent gives birth to precedent; what has been done, may be done again; thus *radical principles* are gradually broken in upon, and the constitution eventually destroyed.” Washington, in his address to the people of the United States, says, “Towards the preservation of your government, and the permanency of your present happy state, it is requisite, that you not only discountenance irregular oppositions to its acknowledged authority, but also that you resist with care, the *spirit of innovation* upon its principles, however specious the pretexts.”

We do not, in all this, wish to be understood as pleading for the introduction of rigid technicalities, into our ecclesiastical courts. For although they may be important and useful in the forms of legislative and judicial proceedings, yet they are sometimes burdensome, unnecessary, and may become unfavorable to truth and justice. They should be our servants, not our masters. Nor would we contend for that literal construction of the constitution which is servile, or which would render the instrument itself unmeaning or contradictory: “*qui haeret in litera, haeret in cortice.*”

Such a course of reading as might be selected from the work before us, on points intimately connected with ecclesiastical jurisprudence, would not only store the mind with useful and available information, but would also train and discipline it for wielding that knowledge in the most effectual manner. Such reading habituates the mind to close thought, comprehensive views of a subject, systematic investigation, lucid analysis and sound deduction. It enables the mind to see the gist of an argument, to lay hold on the strong points of a case, and to detect the sophistry of a subtle debater. Who has not witnessed the deference which is paid, even though it be sometimes involuntary and reluctant, to the opinions and arguments of distinguished legal characters, in our ecclesiastical courts? Who has not seen the results of that mental training of which we speak, in the power which such speakers have exerted over the minds and judgments of the rest of the body?

Such training also greatly assists the mind in the investigation and elucidation of the doctrines of the gospel, especially such as are couched in forensic terms, and imparts to pulpit performances, perspicuity and method, as well as

depth and solidity of thought. It is, undoubtedly, the solemn duty of every minister of the gospel, to avail himself of all the helps within his reach, both in preparing for, and in discharging the duties of his high office, both in the pulpit, and in the judicatories of the church. And our object, in this article, is to call the attention of such, to this important subject. The great object of education, is not so much the multiplication of ideas, as the proper training and cultivation of the mind. It is to discipline the mind, and teach it how to think, how to study, how to acquire knowledge, and how to use it to the best advantage, when acquired. The course of reading, and the mental discipline which we have recommended, certainly falls within the notion of theological education: and we hope to see the day when it will be regarded as an essential part of it.

But we must return from this digression to a farther notice of the work before us.

Immediately after the Præm, we have Dr. Johnson's celebrated prayer, before the study of law. "Almighty God, the giver of wisdom, without whose help, resolutions are vain, without whose blessing, study is ineffectual, enable me, if it be thy will, to attain such knowledge as may qualify me to direct the doubtful, and instruct the ignorant, to prevent wrongs, and terminate contentions; and grant that I may use that knowledge which I shall attain, to thy glory, and my own salvation; for Jesus Christ's sake. Amen."

Then follow a few short resolutions to be adopted by the student, one of which is, "to avoid, rigidly, all STUDIES on the Sabbath." And another—"to give due attention to my religious studies." The introduction of this prayer, as well as other matters contained in this volume, give pleasing evidence of the author's disposition to blend the sanctity of religion with the severity of legal study, and to throw around the practice of his profession the hallowed influences and restraints of true piety. The Bible is placed conspicuously at the head of the course, and the note which accompanies it, shows the author's high estimate of its importance in the legal, as well as in all the other professions of life. This note occupies nearly twenty octavo pages, and of course is too long to be here inserted, but it is well worthy of an attentive perusal, and contains much information, and many sources of information, relative to the sacred volume, calculated to be highly useful to the theological, as well as the law student. This note treats of the importance of the bible

to lawyers and legislators. Of the purity and sublimity of its morals; its eloquence and poetry, &c. The author then states the difficulties which must be encountered in perusing the sacred volume with profit, and under each head refers the reader to such works as will tend to obviate these difficulties.

In noticing the political writings of Thomas Paine, our author thus speaks of him. "Eminently endowed with intellectual force, and possibly with virtue, at the time he rendered such valuable services to the cause of American independence, we have only to deplore his subsequent loss of mind and of morals, when he drank in all that was infamous and wicked in the demoniac philosophy of the early revolutionists of France; and became as remarkable for his crusade against religion, as he had been in his noble exertions in the cause of freedom."

The auxiliary subjects, as they are called, are full of interest to all who seek after knowledge; and the sources of information, under each head, are exceedingly valuable, and may be useful in every profession. These auxiliary subjects are—1. The geography, and civil, statistical and political history of the United States. 2. Forensic eloquence and oratory. 3. Legal biography and bibliography. 4. Legal reviews, &c. 5. Codification and amendments of law. 6. Medical jurisprudence. 7. Military and naval law. 8. Logic. 9. Professional deportment. An appendix contains the author's views and advice in regard to note-books, debating societies and moot-courts, &c.

Under the head of professional deportment, our author recommends a series of resolutions to the young practitioner, which, if adopted and adhered to by the profession generally, would relieve it of much of the odium which in the popular judgment (or prejudice, as the case may be) now attaches to it. From the fifty given, we can only insert a few, and we do it not only for the purpose of showing the moral cast of the work itself, but also to spread them before the eyes of some whom they may essentially benefit.

Resolution X. reads thus, "Should my client be disposed to insist on captious requisitions, or frivolous and vexatious defences, they shall be neither enforced nor countenanced by me. And if still adhered to by him, from a hope of pressing the other party into an unjust compromise, or with any other motive, he shall have the option to select other counsel."

Resolution XI. "If, after duly examining a case, I am per-

suaed that my client's claim or defence (as the case may be) can not, or rather ought not, to be sustained, I will promptly advise him to abandon it. To press it further in such a case, with the hope of gleaning some advantage by an extorted compromise, would be lending myself to a dishonourable use of legal means, in order to gain a *portion* of that, the *whole* of which I have reason to believe would be denied to him both by law and justice."

Resolution XII. "I will never plead the statute of limitations, when based on the *mere efflux of time*; for if my client is conscious he owes the debt, and has no other defence than the *legal bar*, he shall never make me a partner in his knavery."

Resolution XIII. is of the same character, relating to the plea of "*Infancy*."

Resolution XV. "When employed to defend those charged with crimes of the deepest dye, and the evidence against them, whether legal or moral, be such as to leave no just doubt of their guilt, I shall not hold myself privileged, much less obliged, to use my endeavours to arrest or to impede the course of justice, by special resorts to ingenuity—to the artifices of eloquence—to appeals to the morbid and fleeting sympathies of weak juries, or of temporizing courts—to my own personal weight of character—nor finally to any of the overweening influences I may possess, from popular manners, eminent talents, exalted learning, &c. Persons of atrocious character, who have violated the laws of God and man, are entitled to no such special exertions from any member of our pure and honourable profession; and indeed, to no intervention beyond securing to them a fair and dispassionate investigation of the facts of their cause, and the due application of the law. All that goes beyond this, either in manner or substance, is unprofessional, and proceeds, either from a mistaken view of the relation of client and counsel, or from some unworthy and selfish motive, which sets a higher value on professional display and success, than on truth and justice, and the substantial interests of the community.

Such an inordinate ambition, I shall ever regard as a most dangerous perversion of talents, and a shameful abuse of an exalted station. The parricide, the gratuitous murderer, or the perpetrator of like revolting crimes, has surely no such claim on the commanding talents of a profession, whose object and pride should be the suppression of vice, by the vindication and enforcement of the laws. Those, therefore, who

wrest their proud knowledge from its legitimate purposes, to pollute the streams of justice, and to screen such foul offenders from merited penalties, should be regarded by all (and certainly shall be by me) as ministers at a holy altar, full of high pretension, and apparent sanctity, but inwardly base, unworthy, and hypocritical—dangerous in the precise ratio of their commanding talents, and exalted learning.”

Resolution XXXII. “If my client consents to endeavours for a compromise of his claim, or defence, and for that purpose I am to commune with the opposing counsel, or others, I will never permit myself to enter upon a system of tactics, to ascertain who shall overreach the other, by the most nicely balanced artifices of disingenuousness, by mystery, silence, obscurity, suspicion, vigilance to the letter, and all the other machinery used by this class of tacticians, to the vulgar surprise of clients, and the admiration of a few ill-judging lawyers. On the contrary,—my resolution in such a case is, to examine with great care, previously to the interview, the matter of compromise; to form a judgment as to what I will offer, or accept; and promptly, frankly, and firmly to communicate my views to the adverse counsel. In so doing, no lights shall be withheld that may terminate the matter as speedily, and as nearly in accordance with the rights of my client as possible; although a more dilatory, exacting, and wary policy might finally extract something more than mine own, or even my client’s hopes. Reputation gained for this species of skill is sure to be followed by more than an equivalent loss of character: shrewdness is too often allied to unfairness, caution to severity, silence to disingenuousness, wariness to exaction, to make me covet a reputation based on such qualities.”

Resolution XXXIII. “What is wrong, is not the less so from being common. And though few *dare to be singular*, even in a right cause, I am resolved to make my own, and not the conscience of others, my sole guide. What is morally wrong, cannot be professionally right, however it may be sanctioned by time or custom. It is better to be right with a few, or even none, than wrong, though with a multitude. If, therefore, there be among my brethren, any traditional moral errors of practice, they shall be studiously avoided by me, though in so doing, I unhappily come in collision with what is (erroneously I think) too often denominated the policy of the profession. Such cases fortunately occur but seldom,—but when they do, I shall trust to that moral firm-

ness of purpose which shrinks from no consequences, and which can be intimidated by no authority however ancient or respectable.”

Resolution XLI. “In reading to the court or to the jury, authorities, records, documents, or other papers, I shall always consider myself as executing a *trust*, and as such, bound to execute it faithfully and honourably. I am resolved, therefore, carefully to abstain from all false, or deceptive readings; and from all uncandid omissions of any qualifications of the doctrine maintained by me, which may be contained in the text, or in the notes. And I shall ever hold that the obligation extends, not only to words, syllables, and letters, but also to the *modus legendi*: all intentional false emphasis, and even intonations, in any degree calculated to mislead, are petty impositions on the confidence reposed; and whilst avoided by myself, shall ever be regarded by me in others, as feeble devices of an impoverished mind; or as pregnant evidences of a disregard for truth, which justly subjects them to be closely watched in more important matters.”

The foregoing is a fair specimen of the fifty resolutions recommended by our author, to students of law, for their adoption. And, to use the quaint but expressive language of Lord Coke, they are worthy of being written in letters of gold, but far more worthy of being faithfully adhered to.

Although the last resolution in this series requires the other forty-nine to be read twice every year during professional life, yet we would respectfully suggest the following, as the fifty-first and concluding one, namely.

Whereas it is lamentably true, in consequence of human weakness and imperfection, that the best resolutions often fail to bind the conscience and control the purpose, when strong temptations to disregard them assail the mind and heart, I am resolved to place no dependence upon my own firmness and ability to adhere to the foregoing resolutions, but to seek habitually, by prayer to God, that grace and strength from on high, which alone can enable me to do so.

If these resolutions be rigidly observed, the young practitioner might indulge the hope, expressed in a note to the 49th, “of attaining eminence in his profession, and of leaving this world with the merited reputation of having lived an honest lawyer.”

It were well for the cause of religion, and the reputation of the clergy, if similar resolutions were adopted, and regard-

ed by all who compose our ecclesiastical judicatories. It is a mournful fact, that sometimes the great Christian duties of courtesy and candour, seem to be lost sight of, in the heat of debate, and in the zeal to accomplish some sinister or party purpose. The spirit of innovation and radicalism is closely allied to that of chicanery and disingenuousness. A reckless fanaticism spurns the restraints of Christian decorum, and leaps over the barriers even of truth and justice. Hence, our judicatories have sometimes of late, been the theatre of the most humiliating exhibitions of bitterness, strife, and crimination. A wide departure from sound doctrine, with a professed attachment to the truth; a determined hostility against that which by promises and profession we are bound to love and cherish, and a relentless persecution of those whom religion, station and denominational relationship, make it our duty to love and honour, force upon the mind the painful suspicion of insincerity in the professions and declarations of some, who occupy the responsible station of Christian ministers; and the unworthy means, the petty artifices, and the low cunning of the wiley demagogue, to which they resort to avoid detection, and to conceal their purpose, leave no room for doubt, that they are awfully deficient in the spirit of vital godliness, as well as of high-minded and honourable deportment. Let not those, therefore, decry the legal profession, or any of its members, for adroitness in overreaching, and tact in deception, whose own conduct, under far more aggravating circumstances, would disgrace the meanest pettifogger: but let them rather receive the rebuke, "physician heal thyself." The legal practitioner is exposed by his profession, to multiplied and strong temptations, which it is in vain to expect unsanctified men always to resist. But there are many honourable exceptions to the charge so often brought against the profession, and who are ornaments to the bar, and shining lights in the Church. We must not identify the profession with the misconduct of some of its unworthy members; for, while we are no apologists for the latter, we are prepared to adopt, in regard to law, in its most extensive sense, the oft quoted and eloquent language of the judicious Hooker, "Of law there can be no less acknowledged, than that her seat is the bosom of God, her voice the harmony of the world; all things in heaven and earth do her homage, the very least as feeling her, and the greatest as not exempted from her power; both angels and men, and creatures of what

condition soever, though each in different sort and manner, yet all with uniform consent, admiring her as the mother of their peace and joy."

ART. III.—*Lectures illustrating the Contrast between true Christianity and various other Systems; by William B. Sprague, D.D., Minister of the Second Presbyterian Congregation in Albany, New-York: Daniel Appleton & Co. 1837. pp. 386.*

J. W. Alexander

DR. SPRAGUE holds the pen of a ready writer. It seems to give him little trouble to throw off a volume of several hundreds of pages. And as he is a ready, so he is a useful writer: his opinions seldom furnish occasion for just censure; and his style is so free from blemish that there is little left for the critic but to applaud. The only fault which we remember to have heard charged against his style is that it is so smooth as often to be deficient in vigour. But whatever may be the fact in regard to former publications, we are of opinion that the lectures now before us furnish no evidence of the fault in question: they are evidently written, not only in a style of uncommon perspicuity, but with point and force. It was our design before this time to give a review of this publication, which seems not yet to have attracted as much attention as the importance of the subjects treated, and the excellence of the composition demand; but by the press of other matters our space has been so pre-occupied, that we could not find room for many things which we wished to lay before the public.

These lectures furnish much correct and valuable information respecting the false systems of which they treat; and will, we think, be hereafter considered by the judicious part of the Christian public, as a production of Dr. Sprague's pen, which has as good claims to become a standard work in our Theological literature, as any other with which he has favoured the world. The lectures are eight in number. The following are their titles, in the order in which they are arranged: 1. Christianity contrasted with Atheism. 2. Christianity contrasted with Paganism. 3. Christianity contrasted with Deism. 4. Christianity contrasted with Mohamedism. 5. Protestant