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TRIAL AND SUSPENSION
OF
HEBER DONALDSON.

DANCING!
IS IT A SIN?

HIS DEFENSE

BEFORE THE PRESBYTERIAN SYNOD OF ERIE.

ORMSTON & HOSEY,
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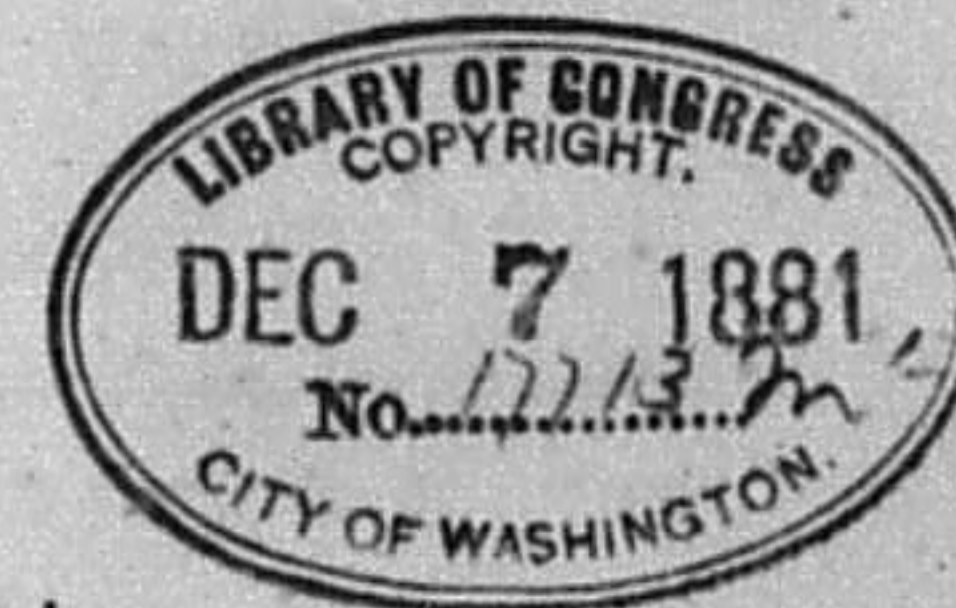
OIL CITY, PENN'A.

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HIS DEFENSE

Before the Presbyterian Synod of Erie, Delivered at Erie,
Penn'a., October 22, 1881.

Minutes of the Session of the Presbyterian Church of Emlenton, Pa., and other
records in the case.



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MINUTES

OF THE

SESSION OF THE EMLENTON PRESBYTERIAN CHURCH.

EMLENTON, PA., March 25th, 1881.

The session met and was opened with prayer.

Members present—A. B. Crawford, R. W. Porterfield, J. B. Engle and the Moderator.

The session having learned that Mr. H. Donaldson, a member of this Church, had engaged in dancing on several occasions contrary to the law and usage of the Presbyterian Church, the moderator was directed to cite him to appear before the Session at a meeting to be held in the Church on Saturday evening, April 9th, 1881, at 8 o'clock p. m., to answer to the above charge.

The Session then adjourned with prayer.

J. McPHERRIN.

EMLENTON, April 9th, 1881.

The Session met according to adjournment, and was opened with prayer. Members present: A. B. Crawford, R. W. Porterfield, J. B. Engle and the Moderator.

J. B. Engle was appointed Secretary.

The minutes of the last meeting were read and approved.

IV.

Mr. Donaldson coming in at this point asked that the minutes be reread which was done.

The charge was read, which is as follows:

H. Donaldson, Esq.:

SIR—You are hereby cited to appear, by order of the Session of Emlenton Presbyterian Church, at a meeting to be held in the Church on April 9th, 1881, to answer to the charge of having danced at Clintonville, on the evening of March 5th, 1881; also at the Opera House in Emlenton on another occasion. The charge is brought by common fame and can be supported by the following witnesses: S. J. Sternburg and wife, Kate Porterfield, Burt Widle, Mrs. Irwin, George Hagerty and others. By order of Session.

J. McPHERRIN, Moderator.

EMLENTON, PA., March 30th, 1881.

Mr. Donaldson asked what authority we had for citing him. The Moderator referred him to the deliverances of the General Assembly of the Presbyterian Church on the subject of dancing from A. D. 1818, to the action of the Assembly of 1876, which reaffirmed all previous actions, and then read the action of the N. S. Assembly of 1843 reaffirmed by N. S. in 1853 and in 1876, and by the United Assembly of 1876. The defendant was asked to answer to the charge and answered as follows:

THE PRESBYTERIAN CHURCH, of Emlenton, Pa., <i>vs.</i> H. DONALDSON.	}	Before the Session, April 9th, 1881.
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And now, April 9th, 1881, the defendant in the above case demurs to the charge brought against him, admitting the facts to be true as stated, but denying that under either the law of God, the law of the General Assembly of the Presbyterian Church, or the law of man, he has committed on offense.

H. DONALDSON.

The Moderator asked the defendant if he was willing to submit to the rules of the Church and refrain from dancing in the future, he answered, "I am willing to submit to the laws of

V.

the Church as found in the Word of God, and the standards of the Church." He then asked to be heard in his defense until he was through. The Moderator informed him that a reasonable time would be given him, that if he was not satisfied with the trial he had the right of appeal to Presbytery, but the defendant persisted in being heard and was permitted to proceed for twenty or thirty minutes. Mr. Porterfield rose to a point of order, stating that we were not here to discuss the points of law in the case, and therefore objected to his speaking further, as it was getting late and his remarks did not meet the demands of the case. The Moderator decided that the point of order was well taken, and called the defendant to order. The defendant, however, persisted in being heard until he was through. He was asked how long it would take him. He said about two hours; on motion the defendant was allowed fifteen minutes longer to make his defense.

At the conclusion of his remarks J. B. Engle and the Moderator were authorized to complete the minutes of the case. Mr. Donaldson then withdrew at his own option, after which the Session reviewed the case and unanimously adopted the following decision:

WHEREAS, Mr. H. Donaldson is guilty by his own confession of the offense with which he is charged, and in the sense intended by the Session in the above indictment; and,

WHEREAS, He refused to submit to the exercise of discipline by the Session in the matter of dancing. It was unanimously resolved that he be suspended from the communion of the Church until he gives satisfactory evidence of repentance.

J. B. Engle was instructed to notify Mr. Donaldson of the decision in his case, and also furnish him with a complete copy of the minutes in his case. The Session adjourned with prayer.

The minutes as completed were read by the Moderator to Mr. A. B. Crawford, and were accepted by him as correct.

Attest: J. B. ENGLE, Clerk.

An appeal was taken from this decision to the Presbytery of Clarion.

VI.

DECISION OF CLARION PRESBYTERY.

Your committee appointed to bring in a minute expressive of the sense of Presbytery in reference to the appeal from the action of the Session of the Emlenton Church in suspending Heber Donaldson from the privilege of the Church for engaging in the social dance until he give good evidence of repentance, report the following:

That this Presbytery refuse to sustain the appeal because the general sentiment of the Church has been always opposed to promiscuous dancing, as opposed to the Word of God and the best interests of the Church, because the General Assembly has many times condemned the practice and warned professing Christians against indulging in such amusement, and because the Synod and our Presbytery have done the same thing.

The vote in Clarion Presbytery was as follows:

To sustain the appeal..... 1.
Not to sustain the appeal..... 22.

An appeal was taken from this decision to the Synod of Erie.

APPEAL TO SYNOD.

OIL CITY, PA., July 5th, 1881.

REV. J. S. ELDER, MODERATOR:—I do hereby most respectfully present my appeal to the Synod of Erie, to be in Session in Park Presbyterian Church in the city of Erie, Pa., on Thursday, the 20th day of October, 1881, at half-past 7 o'clock p. m., from the decision of the Presbytery of Clarion in the case against me, brought before said Presbytery by appeal from the decision of the Session of the Presbyterian Church of Emlenton, Pa., by which I was suspended from the communion of the Church until I gave satisfactory evidence of repentance for having danced at Clintonville on the evening of March 5th, 1881, and at the opera house in Emlenton on another occasion, which appeal was heard

VII.

before said Presbytery at its Session at Oak Grove Church, Clarion county, Pa., on the 29th day of June last, and by the decision of said Presbytery at that time and place, the action of said Session was sustained.

My reasons for taking this appeal are as follows, to-wit:

1. The Presbytery erred in not allowing me to discuss the moral phase of dancing, as my appeal was reported regular by the Judicial Committee, and that question was involved in my reasons for taking my appeal, and by this ruling they presumed me guilty of an immoral act.

2. The Presbytery erred in sustaining the action of the Session, as that with which I am charged does not contain the elements of an offense, either under the laws of God or the laws of the Presbyterian Church.

3. The Presbytery erred in sustaining the action of the Session, as its decision was not supported by the evidence, there being no proof on record that any sin was committed by myself or anyone else, on the occasion in question, at Clintonville on the evening of March 5th, 1881, or at the opera house in Emlenton as charged.

4. The Presbytery erred in sustaining the action of the Session, as its decision is cruel, unjust, and involves the making of new conditions of communion, and the making of conditions of church membership, which are not conditions of salvation.

5. The Presbytery erred in sustaining the Session in that they proceeded immediately by judicial process, without having first resorted to other milder remedies as provided in our Book of Discipline.

HEBER DONALDSON.

VIII.

BEFORE THE SYNOD OF ERIE.

The trial of this case before the Synod occupied two days and resulted as follows :

To sustain the appeal.....	20
To sustain in part.....	3
Not to sustain the appeal.....	73

The following minute was adopted by the Synod :

The Synod of Erie refuses to sustain the appeal of Heber Donaldson from a decision of the Presbytery of Clarion sustaining the action of the Session of the Church of Emlenton suspending him from the communion of the Church, because they believe that although the Session of the Emlenton Church may have acted hastily in the case, its action, nevertheless, was in accordance with the constitution of the Presbyterian Church, the deliverances of the General Assembly, and the teachings of the word of God.

An appeal was taken from this decision to the General Assembly, which meets in Springfield, Ill., the third Thursday of May, 1882.

THE DEFENSE.

Mr. Moderator and Members of this Court:

I have appealed to this Tribunal from the decision of the Presbytery of Clarion, because I verily believe injustice has been done me, and I say to you, as I did to the Court below, "Come let us reason together."

There are many exceptions which might have been taken to the decision of the Session, which was sustained by the Presbytery, that I shall not take advantage of, as they are merely technical; yet, they would be considered in our civil courts.

I will say in beginning that I never took a dancing lesson, and never danced except three or four times at private parties, when none but the best people in the community were invited, and square dancing is all that I ever did attempt.

I understand, from good authority, that it is being industriously whispered that I went with a common crowd to a low tavern, and danced. This is false. We went to Clintonville, a country village, for a sleigh ride, not for a dance. We stopped at a temperance hotel, had supper, and during the evening danced, perhaps for an hour and a half. There were five Presbyterians and three Methodists in the party. There were about eighteen in all, and I think they were as respectable people as the borough of Emlenton possesses.

I attempted to dance a few quadrilles on another occasion at a private, select party at our hall or Opera House. This was

in no sense a ball. It was a small party, and only those especially invited were present. There were no refreshments, and we kept no late hours. I defend myself in this case not because I love to dance, for I have never practiced the amusement enough to become a lover of it, not because I do not wish to be deprived of the mere pleasure of dancing. No, for none of these reasons do I appear before you, but I am here in defense of a principle, which is sacred to me, and that is *liberty of conscience*. When a person is cited to appear before a Church Judiciary, as I have been, it is presumed that he has committed a crime, that he has violated some positive law either human or divine, and brought upon himself the just judgments of heaven, the censure of the Church and of the world, and the reason for such a presumption is, that such instances are so very rare.

My relations with the Church of Emlenton have been of the most friendly nature. I have been a member of that Church for about four years, have worked in the Sabbath School and for the advancement of the Church; have tried to follow the commandments of God and the dictates of my own conscience. I have been cut off from the communion of the Church, and we find in the Book of Discipline, chapter 4th, section 20, that this punishment is applied "only to such gross offenders as will not be reclaimed by the private or public admonition of the Church."

I have been denied a seat at the table of my Saviour, have been robbed of the emblems of His body and blood, denied the privilege of celebrating His death and remembering his dying love. Is it any wonder that I appeal to you? Is it any wonder that I search to find the law that will put in force such a heavy sentence? What have I done? A charge has been brought against me, and what is it? Is it theft? Is it profanity? Is it Sabbath breaking? Is it any sin mentioned in the moral law, or denounced in any portion of the word of God? No! It is none of these, but I am charged with *having danced twice*. There is no defining word. Surely lascivious dancing cannot be implied; but I have admitted for the sake of having this case fully tried, that I danced on two occasions with a few of my

most intimate friends. No attack has been made upon my moral character; no charges of this kind have been presented. This being the case, it would naturally be inferred that the offense with which I am charged is the greatest crime I have been known to commit since I have been a member of the Church, and as no others have to my knowledge been cited to appear before the Session, except one for the same offense, it would be implied that my offense is the most heinous one that has been committed in our Church for years. I do not pretend to be perfect. I do not thank God that I am not as others, for I believe that there is none that doeth good; no, not one. Yet, if I thought that the most grievous sin that has been committed by myself, or the other members of the Emlenton Church, during the last four years is that with which I am charged, I would be inclined to believe in perfect sanctification in this world.

I have been a member of the Presbyterian Church for about thirteen years, and during this time I have tried to live honestly, hurt nobody and render to everyone his due, and this is the first time in my life that I have been summoned to appear before either a civil or ecclesiastical court to answer for my conduct. I recognize the necessity of having laws to govern us in both our civil and religious capacities. Our Church recognizes but one Supreme Ruler in the Universe, and though we have civil and ecclesiastical organizations, they are all subordinate and subject to the Creator of all things. His laws are paramount to all others, and all our moral codes are founded and built upon the moral law, as recorded in Holy Writ, and we find in our Catechism that "the duty which God requires of man is obedience to His revealed will."

The moral law is full and complete. No crime is known to the Christian world that it does not condemn. I believe that the law of God as revealed to us is without blemish, not susceptible of appeal nor capable of amendment, but is pure, just and holy—a perfect guide for our behavior. It is directly addressed to each individual, and the Holy Spirit is the only adequate

interpreter. Each individual is to interpret the Scriptures for himself, with the guidance of the Spirit, and if there are laws in the Church which contradict the teachings of the word of God, we are not bound to obey them.

It is a principle long established that where there is no law there can be no sin. And we read in Romans vii. 7, "I had not known sin but by the law, for I had not known lust except the law had said, 'Thou shalt not covet.'"

In order to suspend a person from the Church of Christ, he must be proven guilty of an offense, which is declared such either by the law of God or the constitution of the Church, and according to the preceding reasoning, if it is not in violation of the laws of God to engage in a social dance at a select party of respectable people, but is made so by the laws of the Church, such laws are void and not binding upon the members of the Church, and they do wrong to obey them, if they believe them to be unjust.

Though I believe that when dancing is carried on in a proper manner it is an innocent amusement; that it is a matter to be left to the conscience of each individual, it is not my purpose to argue the case exclusively from that standpoint, but I shall consider the laws of the Church on the subject.

The first reason given for taking this appeal is as follows:

1. "The Presbytery erred in not allowing me to discuss the moral phase of dancing, as my appeal was reported regular by the Judicial Committee, and that question was involved in my reasons for taking the appeal, and by this ruling they presumed me guilty of an immoral act."

This is not the whole ruling in the case; the Moderator ruled that neither the morality nor the law in the case were under discussion, but this absurd ruling was suppressed from the minutes. It is only part of the record they produce in this

court, but as the Moderator reversed his own ruling, as to the law, I have not insisted upon this correction. As they ruled the morality of dancing not in discussion I have a right to infer that they considered me guilty of a mere act, without either moral or immoral qualities. Viewing the case in that light I have committed no offense. The minute adopted by the Presbytery of Clarion is as follows: "That the Presbytery refuse to sustain the appeal because the general sentiment of the Church has been always opposed to promiscuous dancing, as opposed to the word of God and the best interests of the Church; because the General Assembly has many times condemned the practice and warned professing Christians against indulging in such amusements, and because the Synod and our Presbytery have done the same thing." In this minute they speak of promiscuous dancing, an act with which I am not charged. In this decision I imagine they meant to declare dancing immoral, but they deprived me of the privilege of proving to the contrary. They must have found me guilty on general principles. I appealed to the Presbytery, believing that I had committed no offense against God, and what did this Court of Christ say to me? The Moderator said by his ruling and the Presbytery said by not seconding Dr. Carnahan's appeal, that they thought dancing immoral in itself, or else that it is moral, and I have a right to presume this, and they were not willing to hear any argument on the subject; and yet I am not charged with a sin. I am charged with a mere act, the moral quality of which may not be discussed in Clarion Presbytery. Of course, if dancing is morally wrong in itself and positively forbidden by the laws of God, the Session did right to exclude me. The Presbytery presumed this and sustained the Session on a *mere presumption*; and when they gave their reasons for voting as they did, they discussed the moral phase of dancing at length. But there are still greater errors than this in this decision, and I shall pass to my second reason for appeal, which is as follows:

2. "The Presbytery erred in sustaining the Session, as that with which I am charged does not contain the elements of

an offense, either under the laws of God or the laws of the Presbyterian Church."

I shall discuss the definition of an offense in another part of my argument, and shall next consider,

1st. Is dancing prohibited by the word of God?

2d. Is dancing prohibited by the laws of the Presbyterian Church?

I have searched the Scriptures in vain to find anything which forbids social dancing at a select party, and as this is the kind of dancing with which I am charged, it is not necessary to dwell upon the *lascivious* or other sinful dances, for I condemn dancing in mixed crowds or at large promiscuous balls where all classes can enter, as I do all other rioting and dissipation.

I maintain that the Bible does not condemn dancing, or any other innocent amusement; and we will next consider whether it approves of the practice. It will be admitted that during the ages in which the events recorded in the Scriptures took place, dancing was used as a means of glorifying God; and yet in this enlightened age it may not be used as an amusement, in the bounds of Clarion Presbytery, without offending some members of the Church of Christ.

We read in Exodus xv. 20 that after Pharaoh had been drowned in the Dead Sea that "Miriam, the prophetess, the sister of Aaron, took a timbrel in her hand, and all the women went out after her with timbrels and dances." Israel sang one to another in dances, saying, "Saul hath slain his thousands and David his ten thousands." We read in ii Samuel vi. that "David danced before the Lord with all his might," and we read again in Eccl. 3 chap., that "There is a time to mourn and a time to dance." But some tell us that there are no instances in the Scriptures where men and women danced together, but I think you will find that they did by reference to Jeremiah xxi. chap., but we will admit, if you please, that the men and women never danced together in Bible times, and you must admit, if you are

familiar with the customs of the East during that age, that men and women did not associate with each other. Men did not even go on the streets with their wives, and it was this ancient idea that it is sinful for the sexes to associate, that caused the men and women to sit on opposite sides of the churches in this country forty or fifty years ago; and I believe this is still the case at some places within the Clarion Presbytery.

We will now turn over to the New Testament and see what we find there. Our Saviour's parables were given us to illustrate and teach us the great truths of the Bible, and it will surely be admitted, that no practice would be introduced into a parable except such as is pure and sinless; for if such were the case the lessons taught would not be pure. With this view of the case permit me to remind you of the parable of the Prodigal Son, which is called the "pearl of the parables." We read in Luke xv that when the Prodigal Son returned, the kind, forgiving father said: "Bring hither the fatted calf and kill it and let us eat and be merry." "Now his elder son was in the field and as he drew nigh to the house he heard music and dancing." It does not say that they prayed or praised God, but it does say they had music and dancing, and we are to accept these plain words as they are usually understood, and in no other way. This parable represents the sinner's return to the Heavenly Father, and Christ our Saviour our Redeemer represents that father as having a dance and making merry at his own house, and yet I am suspended from that same Saviour's fold for trying to dance. Now the Session that suspended me and the Presbytery that sustained their action in order to maintain their position, must say that our Saviour, our Redeemer, introduced a sinful, low, unchaste, impure practice into a parable in which he meant to illustrate the poor, humble, repenting sinner's return to a merciful, kind and forgiving Holy and Omnipotent Almighty Jehovah. How many are willing to take this position? You must assume it or sustain my appeal.

But there are those who will tell us that dancing is prohibited by such passages as "Abstain from all appearance of evil;"

“Be not conformed to this world;” “Deny thyself, take up thy cross, &c.” Are we sure that these utterances mean dancing? Apply these rules strictly and institute judicial process whenever common fame says they have been violated, and our Churches will be changed from places of prayer and praise into mere police courts, as was the case during the seventeenth century in the Presbyterian Church in Scotland. Any one familiar with the procedure of the Kirk Session of Scotland, knows well the effects of judicial prosecutions in the Church, and I consider my case but a relic of that age. During that period “Abstain from all appearance of evil” was construed into abstain from everything that has the appearance of leading to evil. By the adoption of this principle you transform every member of the Church into a monk, and bring to naught the true principles of Christianity as taught by Christ. One of the rules for the construction of a statute in our civil law is, “Penal acts must be strictly construed,” and I presume the same rule will apply in the ecclesiastical courts; therefore we cannot construe vague and obscure passages to mean dancing. Why did not the Allwise “who knoweth all things,” and according to the doctrines of our Church “hath foreordained whatsoever cometh to pass,” not say, “Thou shalt not damn” when he said “Thou shalt not kill,” and because he has said “Thou shalt not commit adultery,” can we by any custom or usage construe the word adultery to mean dancing, which is not of a lascivious nature?

But it is contended that the command “Abstain from all appearance of evil” makes every amusement sinful which may lead some to sin or cause one to stumble. You will observe that in the Scriptures dancing, timbrels, songs, harps and all instruments of music are spoken of together, and if we reason logically and as the Church did in the seventeenth century, we must conclude that if it is wrong to make merry and have dancing when a son that has been long absent returns, it is wrong to have music on such occasions. Even music was forbidden by our Church in the seventeenth century, but it is contended that dancing leads to sin, is introduced in dens of infamy, and is one

of the inducements used in houses of ill-fame to entice the young men to lust and debauchery. This may be true, and, admitting it, the sin is not in the use but in the abuse of it, and conceding this to be a good argument let us see where this line of reasoning will lead us. Visit the beer gardens and see if you will not hear sweet music. Visit the houses of prostitution and see if you will not find pianos, harps and other instruments for producing melody. You will hear sweet songs from the lips of the most depraved in such habitations.

As this cannot be denied, if you wish to assert that all amusements which may lead to evil, and are frequently associated with evil, should not be indulged in on any occasion, you must say it is a sin to sing and make melody in your hearts to the Lord, a sin to sing for amusement, a sin for a mother to chant a sweet lullaby to her sleeping babe. Even a look may be made sinful, for we read in Matthew that “Whosoever looketh upon a woman to lust after her, hath committed adultery with her already in his heart.” Now if all things which may lead to sin are sinful, we must not look at a woman for fear we lust, for, if we would never look we would never lust. I consider dancing in its purity as sinless as a look, a smile, or a song. The sin is in the abuse of it. Hence, if you do not abuse it you do not sin. “To the pure all things are pure.” “Shame to him who evil thinks.”

Is there not vile literature, and is this any reason why we should stop the printing press and suppress the publication of the Bible? Are there not obscene pictures which lead the youth astray, and is this any reason why we should not have pictures of our relatives and friends? Are there not marriages which result in evil, and is this any reason why we should prohibit matrimony? Put in force the principle that all practices are evil which may lead to evil and see where you will end. You must interfere with the strongest ties of nature and forbid a mother to kiss her babe. You would deprive us of books, of money, of food, of music and of song. You would stop the increase of mankind and thereby depopulate the globe.

If you argue that dancing is only mentioned in the Bible as an act of worship, but that as an amusement it is a sin, you must treat music in the same way, as they are placed side by side by the inspired writers by our Saviour, and were treated alike by the divines of the seventeenth century. Surely the sweet, mellow voice of a blushing maiden, mingled with the merry notes of a piano, would as quickly entice a young man to enter a den of infamy as the gay, giddy dance; and as the music causes him to enter, as it no doubt frequently does, surely it causes him to be led astray, according to this mode of reasoning; for if he would never enter he would never fall.

Apply this principle and you hush all the melody in the world. What is more ennobling than music? What would the dance be in its absence? It is the music that enchants the soul and makes the dance a source of enjoyment. Apply these principles and the sweet notes of the Church organ will be heard no more; the singing of sweet hymns must be forbidden. Yes, and even more. If these principles were put in force we would be prevented from praising God in song, and the chorus of heaven would be hushed. But it is contended that by dancing we cause others to offend, and to prove this 1 Cor., viii, 13 is quoted, where Paul says, "Wherefore if meat make my brother to offend, I will eat no meat while the world standeth." Dr. Hodge, in commenting upon this, says:

"It is morally obligatory therefore to abstain from indulging in things indifferent when the use of them is the occasion of sin to others. This is a principle the application of which must be left to each man's conscience in the fear of God. No rule of conduct founded on expediency can be enforced by Church discipline. It was right in Paul to refuse to eat flesh for fear of causing others to offend, but he could not have been justly exposed to discipline had he seen fit to eat it. * * * When a thing is right or wrong, according to circumstances, every man must have a right to judge of these circumstances."

I endorse this. Dancing is right or wrong according to circumstances, and I think I am competent to judge in the fear of God under what circumstances I should dance. My conscience is

my guide. Paul says, 1 Cor. xxix: "Why is my liberty judged of another man's conscience?"

In Romans xiv we read, "Let not him that eateth despise him that eateth not; and let him which eateth not judge him that eateth; for God hath received him." "Who art thou that judgeth another man's servant?" "Let every man be fully persuaded in his own mind." The Session of Emlenton and the Presbytery of Clarion have judged me, and I believe I have been wrongfully judged. Have I offended the brethren in the Church? Can I be excluded from Christ's fold because I did an act which some few *imagine* is a sin? Am I to be governed by my own conscience, or by that of others? Did not Christ offend the Pharisees by eating with the Publicans, and did he do wrong?

The idea that during the time in which the Bible was written the sexes did not dance together, and that it is now a sinful amusement because they intermingle, is almost too absurd for comment. I will say that the presence of ladies is indispensable at all social parties. There is nothing more refining, more elevating and ennobling to a young man than associations with pure, virtuous women. What would our festivals and Church sociables be without women? How would our prayer meetings and revivals prosper without their presence and co-operation? There was a time in the history of the world when women were excluded from society, but the idea that they are not socially equal to men is passing away with many other ideas of the dark ages. Why should the presence of women in the dance be any more likely to excite the passions and awaken impure desires, than at Church festivals, mite societies, or in the kissing plays, which are permitted in all the country Churches where they believe social dancing to be a sin? Yet these plays are particularly popular in the Emlenton Church. Now, I believe I have shown that the Bible does not condemn dancing, or declare it a sin, and I believe I have proven that if dancing is innocent in itself, though it may lead some to sin, yet there is no sin in the moderate use of it. In further proof of my position I wish to

quote three syllogisms given by Rev. J. W. Kerr, M. D., of Port Gibson, Miss., in his tract entitled "The Discipline of Dancing."

FIRST.

- 1st. "That which may be practiced in religious worship with acceptance to God cannot be in its nature immoral.
- 2d. "Dancing is practiced in religious worship with acceptance to God. See Ex. xv; ii Sam'l xi.
- 3d. "Therefore, dancing cannot be in its nature immoral."

SECOND.

- 1st. "That may be lawfully done for purposes of amusement which is in its nature moral.
- 2d. "Dancing is in its nature moral.
- 3d. "Therefore, dancing may be lawfully done for purposes of amusement."

THIRD.

- 1st. "That which is in accord with social morality may be lawfully done by the sexes together.
- 2d. "Dancing is in accord with social morality. Ecc. iii, 4; Jer. xxxi. 4-13; Luke xv. 22-32.
- 3d. "Therefore, dancing may be lawfully done by the sexes together."

These syllogisms I consider not susceptible of being answered, or proven false.

Now, according to the principles laid down in the former part of my argument, as dancing is not prohibited, but is endorsed by the Bible, and is not *malum in se*, but is in itself innocent, even though our Church might enact positive laws prohibiting it (which it has not done, however), we would not be bound to obey such laws, as God's laws are paramount to all others. Yet I shall not rest my case upon this alone, but will proceed to consider, secondly:

Is dancing prohibited by the laws of the Presbyterian Church?

My answer to this question is, that social dancing at a select party consisting of respectable people of both sexes, whether held in a hall or a private house, is not contrary to the laws of the Presbyterian Church, and as it will surely not be contended

that I engaged in any other kind of a dance, it is only necessary to prove that my answer to the proposition is correct.

The original Synod of our American Presbyterian Church in the year 1729 solemnly adopted the Westminster Confession of Faith and Catechism as the doctrinal standards of the Church; and these I consider the constitution of our Church.

The only reference in these to dancing is found in the answer to the 139th question in the larger catechism. In this answer we find among other sins forbidden, "lascivious songs, books, pictures, dancings, stage plays and all other provocations or acts of uncleanness either in ourselves or others." Lascivious means lustful and lewd, and it will surely not be contended that my dancing partook of any such evil qualities. No such charge is made. No such crime appears on the record, nor can it be proven. Surely I am not one of that class Paul speaks of in Eph. 4 chap., "who being past feeling have given themselves over unto lasciviousness to work all uncleanness with greediness;" and yet I am cut off as a worldling, and *publicly* declared unfit to commune with the people of God because I tried to dance. There is a law in our Church prohibiting lascivious dancing, and we will next consider whether social dancing, such as that in which I engaged, is prohibited by the laws of the Church.

I maintain that the Presbyterian Church recognizes God as the Supreme Ruler of the universe, and that it is subject to and is governed by his laws, as recorded in his word; that the legislative and judicial powers in the Church are separate and distinct; that the constitution of the Church is subordinate to the divine law; that all Church power is only "ministerial and declarative;" that no Church ought to pretend to make laws to bind the conscience; that the General Assembly is wholly judicial and executive in its nature, and has no power to legislate in matters of doctrine or discipline; that deliverances of the Assembly in a strictly judicial capacity are the only ones that can be enforced by judicial process, such as that which brought me before the Session; that the General Assembly has never made a

deliverance on promiscuous social dancing in a strictly judicial capacity; that all its deliverances on the subject have been *in thesi*, and therefore can be considered as only didactic, advisory and monitory, and not subject of judicial process. I assert these principles as true, and ask your attention while I proceed to prove them by citing standard authorities of the Church. I will first quote from Dr. Hodge's Systematic Theology, vol. 1, page 183:

"All that Protestants insist upon is that the Bible contains all the extant revelation of God which he designed to be the rule of faith and practice in his Church, so that nothing can rightfully be imposed on the conscience of men as truth or duty, which is not taught directly, or by necessary implication in the holy Scriptures. This excludes all unwritten traditions not only, but also all decrees of the visible Church, all resolutions of conventions or other public bodies declaring this or that to be right or wrong, true or false."

Again on page 184 we find the following:

"What Protestants deny on this subject is, that Christ has appointed any officer, or class of officers in his Church to whose interpretation of the Scriptures the people are bound to submit as of final authority."

This proves conclusively that no deliverances of the General Assembly are binding or capable of being enforced as laws. Dr. Hodge's Theology is the best authority in the Church. I will now read from the Confession of Faith and from the commentaries upon it by Rev. A. A. Hodge, D. D.

I will read from the Confession of Faith, chap. 1, sec. vi.:

"The whole counsel of God, concerning all things necessary for His own glory, man's salvation, faith and life, is either expressly set down in the Scriptures, or by good and necessary consequence may be deducted from Scriptures, unto which nothing at any time is to be added, whether by new revelation of the spirit or traditions of men."

I will next read sections ix. and x. of the same chapter:

IX. "The infallible rule of interpretation of the Scripture is the Scripture itself." * * * * *

X. "The Supreme Judge, by which all controversies of religion are to be determined, and all decrees of councils, opinions

of ancient writers, doctrines of men, and private spirits are to be examined, and in whose sentence we are to rest, can be no other but the Holy Spirit speaking in the Scripture."

Dr. A. A. Hodge, in commenting upon these sections, (Com. on Confession of Faith, pp. 66, &c.,) says:

"These sections teach:

1st. "That the infallible and only true 'rule' for the interpretation of Scripture is Scripture itself.

2d. "That the Scriptures are the Supreme Judge in all controversies concerning religion." * * * * * That they are complete as a revelation in themselves, and are not to be supplemented or explained by light drawn from any other source."

"The Holy Spirit who inspired the Scripture is the only adequate expounder of his words, and he is promised to all the children of God as a Spirit of light and truth. In dependence upon His guidance, Christians are of course to study the Scriptures, using all the helps of true learning to ascertain their meaning; but this meaning is to be sought in the light of the Scriptures themselves, taken as a whole, and not in the light either of tradition or of philosophy."

"The Protestant doctrine is: 1st. That the Scriptures are the only rule of faith and practice. 2d. (a) Negatively, that there is no body of men qualified or authorized to interpret the Scriptures, or to apply their teachings to the decision of particular questions in a sense binding upon their fellow Christians; (b) Positively, that the Scriptures are the only authoritative voice in the Church, which is to be interpreted and applied by each individual for himself, with the assistance, though not by the authority of his fellow Christians. Creeds and confessions, as to form, bind only those who voluntarily profess them; and as to matter, they bind only so far as they affirm truly what the Bible teaches, and because the Bible does so teach."

Dr. Hodge, in commenting upon chap. xix: of the Confession, (Com., page 340 &c.,) says:

"The ten commandments teach love to God and to man, and on these, the Saviour said, hang all the law and the prophets.—Matt. xxii, 37-40."

"Christ said, that if a man keep this law he shall live.—Luke x., 25-28."

Have I broken one of God's commandments? If not,

Christ says I "shall live," but this Session and Presbytery say I shall not eat at his table.

I will next read from the Confession of Faith, chap. xx., sec. 2:

"God alone is Lord of the conscience, and hath left it free from the doctrines or commandments of men which are in anything contrary to his word, or beside it, in matters of faith or worship. So that to believe such doctrines or to obey such commandments out of conscience is to betray true liberty of conscience, and the requiring of an implicit faith and an absolute and blind obedience, is to destroy liberty of conscience and reason also."

This is from the old Confession of Faith. Can you dispute the authority?

Dr. Hodge, in commenting upon this section, says:

"These sections teach the following propositions:

1st. "God alone is Lord of the human conscience, which is responsible only to His authority.

2d. "God has authoritatively addressed the human conscience only in His law, the only perfect revelation of which in this world is the inspired Scriptures. Hence God himself has set the human conscience free from all obligations to believe or obey any such doctrines or commandments of men as are either contrary to or aside from the teachings of that word."

3d. "Hence, to believe such doctrines, or to obey such commandments as a matter of conscience, is to be guilty of the sin of betraying the liberty of conscience and its loyalty to its only Lord; and to require such an obedience of others is to be guilty of the sin of usurping the prerogative of God and attempting to destroy the most precious liberties of men.

"Protestants insist that God has given only one, and that a perfect rule of faith and practice in scriptural matters in the inspired Scriptures, and that he has hence set free the human conscience from all obligations to believe or obey any such doctrines or commandments of men as are contrary to or aside from the teachings of that word.

"We have already proved that Scripture is at once a complete and perspicuous rule of faith and practice and supreme judge of all controversies. It hence follows self-evidently, (a) that nothing contrary to Scripture can be true; (b) that nothing in addition to what is revealed or commanded in Scripture can be binding upon the conscience, and (c) that, since the Scrip-

tures are perspicuous, every believer is personally responsible for interpreting Scripture and judging of all human doctrines and commandments by Scripture for himself.

"That it is a great sin, involving at the same time sacrilege and treason to the human race, for any man or set of men to arrogate the prerogative of God and to attempt to bind the consciences of their fellow men by any obligation not certainly imposed by God and revealed in his word.

"At the same time it is a sin of disloyalty to God, and a violation of our own nature as moral and rational beings, to yield to any such imposition, and to accept as a matter truly binding the conscience anything not authoritatively taught and imposed in the Scriptures."

I will next read from the Confession of Faith, chap. xxxi. sec. 1.

"For the better government and further edification of the Church there ought to be such assemblies as are commonly called synods or councils; and it belongs to the overseers and other rulers of the particular churches, by virtue of their office and the power which Christ hath given them for edification and not for destruction, to appoint such assemblies and to convene together in them as often as they shall judge it expedient for the good of the Church."

In commenting upon this section Dr. Hodge says, (Com. page 506):

"But the third great principle of Presbyterianism, as stated in the preceding chapter, is that the whole Church of Christ on earth is one in such a sense that a smaller part is subject to a larger, and a larger to the whole. It has one Lord, one faith, one baptism. The principles of government laid down in the Scriptures bind the whole Church. The terms of admission and the legitimate grounds of exclusion are everywhere the same.
* * * * * Everyone who is properly received as a member of a particular Church becomes a member of the Church universal. Everyone rightfully excluded from a particular Church is excluded from the whole Church."

Again he says:

"While every particular Church has a right to manage its own affairs and administer its own discipline, it cannot be independent and irresponsible in the exercise of that right. As its members are the members of the Church universal, and those whom it excommunicates are, according to the Scriptural theory, delivered unto Satan and cut off from the communion

of the saints, the acts of a particular Church become the acts of the whole Church, and therefore the whole has a right to see that they are performed according to the law of Christ."

You are to decide whether they have in this case.

But, I have been told that I knew persons had been subjected to discipline in the Church of Emlenton for dancing, a number of whom were suspended, and that it is a rule of that particular Church. Now, according to Dr. Hodge, "the terms of admission and the legitimate terms of exclusion are everywhere the same." There is no such a thing as State rights in the Presbyterian Church. It is a fact that cannot be denied that Presbyterians dance in every city in this Synod and retain their standing in the Church, and in Brookville, in Clarion Presbytery, nearly the whole Church dance and retain their standing. The Church of Emlenton has no right to make independent laws, and if it thus usurps the prerogative of God, no member of the Church is bound, nor is it his duty to submit to such usurpation. This Church would do as the Pharisees, "Shut up the kingdom of Heaven against men." Matt. xxiii., 13.

Now, according to the State rights theory, if a man lives in one of our cities, or in Brookville, he can dance and retain his standing in the Church, and when he dies he will be saved, but if he should be so *unfortunate* as to move to Emlenton, although he should conduct himself just as circumspectly as he did at his former place of residence, if he should even try to dance, as I did, he will be suspended from the Church, and if he does not repent, he will be finally excommunicated and "*handed over to Satan.*" Now, if this theory is true, would not a man's chances for being saved depend more upon his place of residence than upon his moral character? And if this is true, would it not be wise in Satan to encourage emigration to Emlenton?

If there is a law in the Church of Emlenton empowering the Session to issue process and suspend me from the Church for dancing, every member of the Church in this Synod who has danced at a single party should be dealt with in the same way,

and if they are not brought to justice the Sessions will be neglecting their duty, according to the decision of *Clarion Presbytery*. If all who dance at respectable parties are unfit to commune until they repent, we must conclude that all who dance and do not repent will be finally lost, and yet there are ministers in Clarion Presbytery who know nearly all their members dance, and yet they institute no proceedings against them, but vote to exclude me. "Consistency, thou art a jewel." If it is right to dance in one Church and not in another, why not draw the line so the members may know when they may indulge. In cities of the first class dancing is allowed and promiscuous kissing is considered very improper, but in the *rural* districts the opposite view is held; dancing is considered a sin, while the latter is a pleasant pastime. If dancing is forbidden in all its forms in the Church, we want to know it, and we want the law enforced in all the Churches.

I will now read from the Confession of Faith, chap. xxxi., sec. iii:

"All Synods or Councils since the Apostle times, whether general or special, may err and may have erred; therefore, they are not to be made the rule of faith or practice; but to be used as a help in both."

In commenting upon this, Dr. Hodge says:

The powers of Synods and Councils are purely ministerial and declarative; i. e., relate simply to the declaration and execution of the will of Christ. They are, therefore, wholly judicial and executive, and in no instance legislative."

I will now read from Forms of Government, chap. 1, sec. v and vii:

V. "That while under the conviction of the above principle, they think it necessary to make effectual provision, that all who are admitted as teachers be sound in the faith; they also believe that there are truths and forms with respect to which men of good characters and principles may differ. And in all these they think it the duty, both of private Christians and societies, to exercise mutual forbearance toward each other."

VII, "That all Church power, whether exercised by the body in general, or in the way of representation by delegated

authority, is only ministerial and declarative, that is to say that the Holy Scriptures are the only rule of faith and manners; that no Church Judicatory ought to pretend to make laws to bind the conscience in virtue of their own authority."

I will next read from Form of Government, Chap. xii, sec 1.

"The General Assembly is the highest judicatory of the Presbyterian Church."

These quotations are from the old Confession of Faith, and need no comment. Have I not proven my position? Have I not proven that *liberty* of conscience is one of the *inalienable* rights of a Presbyterian, that Gods laws are paramount to all others, and each individual is to interpret these laws for *himself*, with the guidance of the Holy Spirit, and that the General Assembly and all Church Councils are wholly Judicial in their nature, and have no power to make laws to bind the conscience?

Have I not convinced you that I have a right to interpret the Scriptures, and if I can conscientiously engage in a social dance, that no Church or individual has any right to interfere with me?

The more I study the laws and constitution of our Church, the more I admire and appreciate it. The sovereign power is vested in the Creator, his revealed law is its guide; and it is directly addressed to each individual in language so plain that he has but to believe and be saved.

I will again read from Form of Government, Chap. xii, Sec. v.

"To the General Assembly also belongs the power of deciding in all controversies respecting doctrine and discipline, of re-proving, warning, or bearing testimony against error in doctrine, or immorality in practice, in any Church, Prebytery, or Synod."

You will observe that the Assembly has power to decide controversies respecting discipline, but it has no power to legislate or *create offences*. I maintain that there is only one way that the decisions of the General Assembly can be enforced or become binding upon the churches even when they are in accord with the Bible; and that is when the Assembly decides upon a particular case regularly brought before it from an inferior judicatory.

The Assembly may make deliverances and give advice and counsel; but there is a great difference between these and legislation. Laws *must* be obeyed, and may be enforced. We obey advice or counsel at our option. Blackstone says, "Counsel is only matter of persuasion, counsel acts upon the willing law upon the unwilling."

The principle which I wish to establish in this: Although all the ministers in the church may have been preaching upon dancing, and denouncing it from the pulpit in the strongest language for the last three hundred years, and have admonished the members of their churches not to engage in the social dance, which they consider one of the greatest evils of the day; and although this Synod and the General Assembly may have made deliverances and passed resolutions condemning dancing in the strongest terms, and although they may have directed the sessions to administer discipline when members engage in the social dance, *none* of these nor the whole combined will bind any individual member of the church, or make him the subject of judicial procedure in case he refuses to follow such advice. You may ask why this is true. I answer, simply because social dancing is not prohibited by the word of God, or by the constitution of the church, and since any law or judicial decision, if there were one, would be unconstitutional and void, *a fortiori* would a mere resolution of a church court made *in thesi*, without reference to any particular case, be of no effect, and it is surely utterly absurd and contrary to all the principles of both our ecclesiastical and civil courts to attempt, to put such resolutions or deliverances in force by judicial prosecution.

Although the General Assembly has no law-making power it may make deliverances and give opinions in regard to the construction of the laws of the church as found in our standards, and these are of two kinds, judicial deliverances and deliverances *in thesi*. Our assembly has never made a judicial deliverance upon the subject of social dancing such as mine. I shall next notice the assembly's deliverances *in thesi* upon the subject, that

is, those not made in a strictly judicial capacity, nor with reference to any particular case, but which are mere resolutions passed in answer to overtures sent up by the Presbyteries.

The New School Assembly took action in 1843 and resolved that "promiscuous social dancing is entirely unscriptural, eminently and exclusively that of the world, and improper and injurious for professing Christians," and at the close they call for the faithful and judicious exercise of discipline upon the part of church sessions where members have been guilty. This was reaffirmed by the New School Assembly in 1867.

In 1860 the Old School Assembly adopted the following:

"That while the pleasures of the ball room and theatre are primarily intended by the dancing and stage plays forbidden in the answer to the 139th question in the larger catechism, the spirit of the prohibition extends to all kindred amusements, which are calculated to awaken thoughts and feelings inconsistent with the Seventh Commandment, as explained by our Saviour in Matt. v 27-28."

"That while we regard the practice of promiscuous social dancing by members of the church as a mournful inconsistency, and the giving of parties for such dancing on the part of the heads of Christian families as tending to compromise their religious professions, and sending of children to the dancing school as a sad error in family discipline, yet, we think that the session of each church is fully competent to decide where discipline is necessary and the extent to which it should be administered."

Although the matter is here referred to the church sessions, they cannot be independent in the exercise of this power. They are limited by the constitution. The Assembly cannot delegate power to the sessions which it does not possess.

In 1876 there was another deliverance to the same effect, reaffirming all previous deliverances, which closes as follows:

"And further counsel church sessions to arrest this evil so far as practicable by wisely guiding the enthusiasm and activity of the younger members of the churches by both precept and example into the many forms of useful service now providently presented to all who delight to serve and honor Christ."

These are mere resolutions of a church court, and denounce dancing as an *inconsistency*, not as a *sin*. Discipline is to be

wisely administered. Has it been in my case? These are not laws and cannot be enforced, and I think it is not only an error but a *great sin* for any session to attempt to enforce them by judicial process. But admitting for the sake of argument that the General Assembly meant its deliverances *in thesi* to become binding upon the churches let us see if they have been adopted by the churches.

In Form of Government chap. xii, sec. vi we find the following:

"Before any overture or regulation proposed by the Assembly to be established as constitutional rules shall be obligatory on the churches, it shall be necessary to transmit them to all the Presbyteries and to receive the return of at least a majority of them in writing approving thereof."

Now, I ask if the deliverances of the Assembly on promiscuous dancing have ever been sent to all the Presbyteries for their approval?

I answer, that not one of them has either been sent for approval, or been approved by a majority of the Presbyteries in accordance with the section read; hence it follows self-evidently that they are no part of the constitutional law of the church. Not binding on the churches, and *surely* not on private members of the church.

The Assembly asks that the matter receive attention, that those that dance be *rebuked* and *admonished*, but even this is optional with the session. Taking this view of the case, where is the so called law prohibiting dancing? The law that was *emphatically* read to me before the session? It has been scattered like chaff to the winds. *There is no such law*. The law by which I was condemned and suspended has faded into *advice*, a mere *thought* of a church court. Because the Assembly thinks dancing is wrong am I *bound* to think so too, or leave the church? And if I do not repent, although I conscientiously think I did right, am I to be excommunicated "and handed over to Satan?" Surely no tribunal as cruel as Judge Jeffreys' would so decide. If you are not convinced that there is no law to sus-

pend a person from the church for the mere act of dancing have you not a reasonable doubt of it? And am I not to have the benefit of the doubt? If church sessions are empowered to decide when discipline is to be applied and the extent to which it should be applied, regardless of the constitution, there is no limit to their power. If this theory is a good one they might torture and even burn me and still be executing the laws of the church. The sessions are bound to follow the word of God and the constitution of the church when they administer discipline, and in these only *lascivious* dancing is forbidden.

I shall next consider my third reason for appeal, to-wit:

3. "The Presbytery erred in sustaining the action of the session, as its decision was not supported by the evidence, there being no proof on record that any sin was committed by myself or any one else on the occasion in question, at Clintonville on the evening of March 5, 1881, or at the opera house as charged."

In order to consider this let us view this case in particular for a short time.

When I was cited before the session of Emlenton to answer to the charge of having danced twice, I asked by what authority I was summoned to appear, and was referred to the deliverances of the General Assembly upon the subject. This was the only authority produced, and the deliverances were declared to be the law on the subject.

Having admitted the facts as stated in the charge, but denying that there was any law to condemn me, I asked to be heard until I was through, but this privilege was denied me. I was not allowed to discuss the question of the law of the church, as the moderator decided that there was no dispute about that. I was asked by the moderator the following question: "Are you willing to submit to the rules of the church and refrain from dancing in the future?" I answered, "I am willing to submit to the laws of the church as found in the word of God and the standards of the church." I am still willing to do so, and abstain from all lascivious dancing, but this is all the laws of the

church prohibit, and I will *never* willingly submit to being suspended from the church of my choice upon the authority of mere *resolutions*, passed by a court, which do not contain the first elements of law.

My sentence states that I "refused to submit to the exercise of discipline by the session." I refer you to the record. This is not true. This alone should reverse their sentence. I said I was willing to submit to the laws of the church, and I am *still* willing to do so, but it was not willingly that I appeared in answer to a citation only lawfully used to bring to justice the "notorious and scandalous." They also pronounce me guilty "*in the sense intended by the session*," but not expressed. This is something existing in their own minds, conceived for the purpose of suspending me from the church.

There were no witnesses called in my case. My answer to the charge is all that appears on the record, and there is no sin either charged, proven or admitted; and there is no evidence that there were any evil effects came from my actions.

Presuming that I never sinned would I not be perfect, prepared for heaven itself? And since it has not been proven that I sinned or tempted others on these occasions, or that my dancing had any evil effects in the church, am I to be *presumed* guilty; suspended from the church of Christ upon a mere presumption? I should be presumed innocent until I am proven guilty.

I will next consider my fourth reason for appeal, viz:

4. "The Presbytery erred in sustaining the action of the session, as its decision is cruel, unjust, and involves the making of new conditions of communion, and the making of conditions of church membership which are not conditions of salvation."

Had I been reprimanded I would not have felt that I was so deeply wronged. Had I been suspended six months it might still have been better for me to have endured the unjust torture, but I am suspended until I repent, when to say I repent would be a *lie*. This is practically expulsion. According to the

decision of the session and Clarion Presbytery abstinence from dancing must be a condition of communion in our church. Let us inquire if it is.

Christ instituted the Lord's Supper "to be observed in His church unto the end of the world, for the perpetual remembrance of the sacrifice of Himself in His death; to be a bond and pledge of communion with Him." We read in I Cor. ii Chap.: "But let a man examine himself, and so let him eat of that bread and drink of that cup." And when Christ instituted the supper He said: "Drink ye all of it." Now the question is, who is to be excluded from the Lord's table? We read in the Confession of Faith, Chap. xxix, Sec. vii, as follows:

"Wherefore all ignorant and ungodly persons, as they are unfit to enjoy communion with Him, so they are unworthy of the Lord's table, and cannot without great sin against Christ, while they remain such, partake of these holy mysteries, or be admitted thereto."

All but the ignorant and ungodly are to examine themselves and come. Am I ignorant? Am I ungodly? Who is here to prove me such? If I am not, I have a right to examine myself, and though I should come like the poor Publican, praying for mercy, I have a right, a *God given right*, to come, and he who would bar the door against me usurps the prerogative of God and dishonors the church of Christ.

Rev. Robert Shaw in commenting upon the Lord's Supper in his Exposition of the Confession of Faith, page 328, says:

"Temporal judgments may be still inflicted for the profanation of this ordinance, but those of a spiritual nature are chiefly to be dreaded. This being the case it must be the duty of office bearers of the church to be careful in excluding the ignorant and ungodly from this ordinance."

According to this author, although I am *ignorant* and *ungodly* the office bearers should be careful in excluding me. I wish to cite one passage from the Directory of Worship, Chap. ix, Sec. 1. After speaking of baptized youth in the church we find the following: "When they come to years of discretion, if they be free from scandal, appear sober and

steady, and to have sufficient knowledge to discern the Lord's body, they ought to be informed that it is their duty and their privilege to come to the Lord's Supper." Now I ask, can a person against whose moral character no charge can be brought be said to be unsober or scandalous, simply because he engaged two or three times in an amusement innocent in itself, which some *think* may lead to sin, but which did not in this case? Your decision in this case may answer this question. I was baptized when about four years of age, and it was under the provisions of our constitution last read that I was received into the church. Now I ask, where is abstinence from dancing made a condition of communion? I can find no such conditions either in the word of God or our standards. The Bible gives me the privilege of examining myself. I am answerable to God if I "eat and drink unworthily." Yet this session and Presbytery take it upon themselves to *examine me*; to cast the mote out of my eye. If I am responsible for my conduct, they are responsible to God for their judgment of me.

I shall next consider the last clause of my fourth reason for appeal. Dr. A. A. Hodge in his History of Creeds and Confessions says: "A church has no right to make anything a condition of membership which Christ has not made a condition of salvation. The church is Christ's fold. The sacraments are the seals of his covenant." Is not this conclusive? Who is willing to assert that abstinence from dancing is a *condition of salvation*? The session of the Emlenton Church has made it such, and Clarion Presbytery has sustained its action, and if abstinence from dancing is not a condition of salvation, according to Dr. Hodge it cannot be a condition of Church membership. Why, according to these principles, Clarion Presbytery must make a new version and change that verse of promise to read: Believe in the Lord Jesus Christ, *don't dance* and thou shalt be saved.

I shall now pass to my fifth and last reason for appeal, viz:

5. "The Presbytery erred in sustaining the session, in that they proceeded immediately by judicial process without having

first resorted to other milder remedies, as provided in our Book of Discipline."

We find in the Book of Discipline, Chap. I, that "Discipline is the exercise of that authority, and the application of that system of laws which the Lord Jesus Christ hath appointed in His Church." Discipline is used in two senses in our constitution. One is that of judicial prosecution, such as that applied in my case, the other is that of inspection, remonstrance, rebuke and private admonition, such as recommended by our Saviour in Matt. xviii, 15-17, where He says: "Go and tell him his fault between thee and him alone." Christ's treatment of the adulteress, as recorded in St. John, shows that He did not approve of harsh means; and it also shows that those who punish others should carefully examine themselves before they administer torture, "He that is without sin among you, let him cast the first stone at her." They didn't admonish, they didn't rebuke me, but they cried *stone him!*

I will read from the Book of Discipline, Chap. I, Sec. iii:

"An offence is anything in the principle or practice of a Church member which is contrary to the word of God, or which, if it be not in its own nature sinful, may tempt others to sin, or mar their spiritual edification."

We also find in Section v of the same chapter, that "the exercise of discipline in such a manner as to edify the Church requires not only much of the spirit of piety, but also much prudence and discretion." I wonder if it was pure unadulterated piety that caused this session to institute these proceedings? Now, I proved that social dancing is not contrary to the word of God, and it has not been proved that I tempted others to sin or marred their spiritual edification, hence I have committed no offence. But suppose that I did, have they proceeded legally?

We find in the Book of Discipline, Chap. iv, Sec. i. the following: "When all other means of removing an offence have failed the judicatory to which cognizance of it properly belongs shall judicially take it into consideration."

In Book of Discipline, Chap. 2, Sec. i, we find that "private

offences are such as are known only to an individual, or at most to very few," and we find Chap. iii, Sec. i, that "a public offence is that which is attended with such circumstances as to require the cognizance of a Church judicatory," and in Sec. ii we find that "this is always the case where an offence is either so notorious and scandalous as that no private steps could obviate its injurious effects, or when though originally known to one or a few the private steps have been ineffectual, and there is obviously no way of removing the offence, but by means of judicial process."

In my case they didn't rebuke me, they never named the subject to me, but they issued a citation commanding me to appear before the session. According to the authorities read judicial process cannot issue unless all other remedies have failed, or in cases where the offence is notorious and scandalous.

This being the case the proceedings in this case are irregular from the beginning, wholly unconstitutional and should be reversed. Christ says "if thy brother trespass against thee, rebuke him."

The session accuse me of violating a deliverance of the General Assembly, and yet they have trampled on the constitution, the constitution they have sworn to be governed by.

But these arguments were answered in Presbytery by citing Sec. iv of Chap. iii, of the Book of Discipline, which is as follows:

"Where any person is charged with a crime not by an individual or individuals coming forward as accusers, but by general rumor, 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."

Now there is surely a great difference between a crime and an offence, and the distinction is clearly made in this section. This refers to horse stealing, assault and battery, burglary or other crimes. Will you rank dancing with these, as a crime of like grade, as a notorious and scandalous crime? Does not our catechism teach that some sins are more heinous in the sight of God than others? One minister of Clarion Presbytery argued

with me that the words offence and crime are synonymous terms in the Discipline. How utterly absurd! But some may say that whenever an offence is public the private steps need not be taken. This is only the case when the offence is notorious and scandalous. The idea that whenever we publicly offend a brother in the church we are subject to judicial prosecution is too absurd for consideration. Christ publicly offended the Pharisees, and did he do wrong? You must either denounce the mere act of dancing at a private party as a crime, *notorious* and *scandalous*, or admit that the proceedings in this case are irregular. They were bound to come and admonish me first; for if dancing is an offence at all it is one of the grade which is not in itself sinful, and should receive the milder form of discipline.

I believe that I have already proven that I have not broken any command of God, or law of the Church; but if that is not clear to you, I have surely proven that dancing, such as I attempted is not subject to judicial procedure in the Church, but in order to strengthen and cement my arguments more firmly I will offer still more testimony on the case.

I will cite a similar case to mine, and the only one that has ever been tried in the Courts of our Church, north or south. I refer to the case of Frank E. Block, of Atlanta, Georgia. I will say before citing this case, that the Church was not divided until 1861, and the deliverance of 1860 and all former deliverances wherein the matter of discipline in cases of worldly amusements was referred to the Sessions, are in force in the Church south. In 1865 the Church south condemned the social dance, and in 1877 made a lengthy deliverance, in which it condemned parlor dancing, and all other kinds, as evil, and again referred the matter of discipline to the Sessions.

If under our deliverances a person can be suspended from the Church for *social* dancing, *surely* he could be under those of the Church south; but to prove to you that even in the south, where the deliverances are so explicit, no member can be sus-

pending for social dancing, I cite the Block case. This case was tried before the Session of the Central Presbyterian Church of Atlanta, Georgia, February 8th, 1878. The following is the charge:

"WHEREAS, it is reported, by common fame, that Mr. Frank E. Block, a member and deacon of this Church, has been guilty of violating the laws of this Church, in reference to worldly amusements, in this, that, first, the said F. E. Block, did, on or about the 27th of December last past, give an entertainment at his residence on McDonough street, in this city, at which dancing was permitted and encouraged. Second, that the said F. E. Block, by his own act, by thus encouraging a violation of the laws of the Church has tempted other and younger members of the Church to sin."

Mr. Block admitted he had a party at which dancing was permitted, but denied the existence of a law to punish him. He was suspended from Church privileges until he should "give evidence of repentance for this offence and make promises of reformation for the future."

He took an appeal to Presbytery but the Session was sustained. He then appealed to the Synod, which met at Atlanta, Georgia, in 1878, and after a trial of five days he was reinstated.

The Moderator of the Session, Dr. Leftwich, appealed to the General Assembly, but did not prosecute the appeal. The Atlanta Presbytery, in order to have the matter definitely settled sent up an overture to the General Assembly, which you will find with the answer on pages 23 and 24 of the minutes of the Assembly of the Church south for 1879. I will read this deliverance.

The Committee on Bills and Overtures reported overture No. 5, which was adopted unanimously.

Overture No. 5. From the Presbytery of Atlanta, asking the Assembly for definite instructions upon the following points, to-wit:

"First—Are the deliverances of 1865, 1869 and 1877 on the subject of worldly amusements to be accepted and enforced as law by judicial process?

"Second—Are all the offences named in them to be so dealt with, or are exceptions to be made?"

"Third—Are the deliverances of all our Church courts of the same nature, so far as the bounds of these respective courts extend?"

In answer to these questions the committee recommended the adoption of the following minute:

"First—This Assembly would answer the first question in the negative, upon the following grounds:

"First—That these deliverances do not require judicial prosecution expressly, and could not require it, without violating the spirit of our law.

"Second—That none of these deliverances were made by the Assembly in a strictly judicial capacity, but were all deliverances *in thesi*, and therefore can be considered as only didactic, advisory and monitory.

"Third—That the Assembly has no power to issue orders to institute process, except according to the provisions of the Book of Discipline, Chapter vii in the old, and Chapter xiii, Section 1, in the revised book; and all these provisions imply that the court of remote jurisdiction is dealing with a particular court of original jurisdiction, and not with such courts in general. The injunctions, therefore, upon the Sessions to exercise discipline in the matter of worldly amusements are to be understood only as utterances of the solemn testimony of these Assemblies against a great and growing evil in the Church. The power to utter such a testimony will not be disputed, since it is so expressly given to the Assemblies in the Form of Government Chap. xii, Sec. 6, of the old and in revised book of Church order Form of Government Chap. v Sec. 6, Art. 6, and this testimony this Assembly does hereby most solemnly and affectionately reiterate.

"In thus defining the meaning and extent of the action of former Assemblies, this General Assembly does not mean, in the slightest degree, to interfere with the power of discipline in any of its forms, which is given to the courts below by the constitution of the Church; or to intimate that discipline in its sternest form may not be necessary, in some cases, in order to arrest the evil in question. The occasion, the degree and the kind of discipline must be left to the courts of original jurisdiction, under the checks and restraints of the constitution. All that is designed is to deny the power of the Assembly to make law for the Church in the matter of 'offences,' or to give to its deliverances *in thesi* the force of judicial decisions.

"Second—The second question which is, 'Are all the offenses named in the deliverances of 1865, 1869 and 1877 to be dealt

with in the way of judicial process, or are exceptions to be made?" needs no answer after what has been said in answer to the first.

"Third. In answer to the third question relative to the nature and authority of our different Church courts, this Assembly would say, that the nature and authority of all our Church Courts are the same, so far as the bounds of these respective courts extend, subject, of course, to the provisions for review and control of the lower courts by the higher. The power of the whole is in every part, but the power of the whole is over the power of every part.

The perplexity about the nature of the deliverances in question has arisen from confounding two senses in which the word discipline is used in our constitution. One is that of 'judicial process,' the other is that of 'inspection, inquest, remonstrance, rebuke and private admonition.' (Form of Government Chap. iv, Sec. 3, Art. 4.) The one is strictly judicial or forensic; the other is that general oversight of the flock, which belongs to the officers of the Church, as charged by the Holy Spirit with the duty of watching for souls. The one cannot be administered at all, except by a court of the Church; the other, while it is a function of that charity which all the members of the Church are bound to possess and cherish for each other, is yet the special and official function of the rulers, to be exercised with authority toward those who are committed to their care. In the judgment of this Assembly, great harm is done by the custom of identifying, in popular speech, these two forms of discipline, or rather by forgetting that there is some other discipline than that of judicial process. Many an erring sheep might be restored to a place of safety within the fold by kind and tender, yet firm and faithful efforts, in private, who might be driven farther away by the immediate resort to discipline in its sterner and more terrifying forms. The distinction here asserted is recognized in the Word of God, and in our Constitution, in substance at least, in the direction given for the conduct of Church members in the case of personal and private injuries. (See Chap. ii, Art. 3, of the old Book of Discipline, and Chapter i, paragraph 4, of the revised, also Matt. xviii, 15 and 16.) If scandal can be removed or prevented in such cases, more effectually oftentimes, by faithful dealing in private with offenders, than by judicial process, it does not appear why similar good results may not follow from the like dealing in the matter of worldly amusements."

I endorse the whole of this deliverance and consider that it corroborates me in every statement I have made in regard to the

deliverances of our Church courts. You are not bound to accept this as authority, but you must accept it as the united voice of the whole Southern Church, and I consider it conclusive. This must be successfully overturned or my appeal sustained. In the former part of my argument I proved my statements by the Bible, the Confession of Faith and the Commentaries of Dr. Hodge, and now I am supported by the whole Church South. If the Session of Emlenton and Clarion Presbytery are right, I am wrong; Dr. Hodge is wrong; the Church South is wrong, and the General Assembly is not only a legislative body but its resolutions even may be enforced as laws. What members of this court is willing to take this position? I have never danced since the evening we were at Clintonville for a sleigh-ride, and I do not know that I ever will again. It might have been proper for the Session to have called upon me, and talked kindly to me, but this they did not do but *sued* me without any warning.

By sustaining my appeal and reinstating me you will not say that it is morally right to dance, nor that members of the Church may dance all they please in the future. Not at all. You can solemnly reiterate all your former deliverances on the subject, as the Church south did in 1879, and *still* say that social dancing, such as I engaged in is not subject of judicial process in the Church, and that the Session did not proceed according to the Book of Discipline in this case. If they had proceeded regularly the sentence is not supported by the evidence even if there were a law positively forbidding dancing. I do not ask you to make a decision indorsing dancing, or that would injure the Church or cause the youth to be led astray in paths of sin and folly, but you are only to decide whether or not I have committed a notorious crime, such as should deprive me of my Church privileges. That you give my case a fair consideration irrespective of former opinions is all I ask.

Have I not proven enough, and more than enough to sustain my appeal and reinstate me? I have the Bible, the Con-

fession of Faith, with the commentaries of Dr. Hodge, and the whole Southern Church to sustain me.

He who asserts that my arguments are not logical and conclusive must *trample* upon the Word of God, *trample* upon the Confession of Faith, *trample* upon the decision of the Church South and *trample* upon my conscience. I believe I have treated this subject fairly and fully and ask that you carefully consider my arguments.

In reviewing this case I ask you to consider:

First—Whether the proceedings have been constitutional and regular.

Second—Whether they have been wise, equitable, and for the edification of the Church.

Third—Whether my appeal should not be sustained, and I reinstated in the Church.

In arguing this case I believe that I have clearly proved:

1. That God is the Supreme Ruler; that His laws are paramount to all others, and are to be interpreted by each individual for himself with the guidance of the Holy Spirit, "who is the only adequate expounder of the Word of God," and that "the duty which God requires of man is obedience to his revealed will."

2. That the laws of God do not forbid dancing, except it be of a lascivious nature.

3. That the theory that all practices innocent in themselves which may lead to sin are sinful, is utterly false.

4. That there is no harm in the moderate use of that which is acknowledged to be innocent in itself.

5. That dancing may be lawfully used for purposes of amusement.

6. That it does not appear on the record that I either sinned myself, or tempted others to sin.

7. That though there is a law in our Church forbidding

lascivious dancing, there is none to prohibit social dancing at a select party of respectable people, and if there were it would be unconstitutional and void.

8. That the General Assembly has never declared dancing an offense in a strictly judicial capacity. That all its deliverances upon the subject have been *inthesi*, and cannot be enforced by judicial process, because they do not specifically require it; and if they did, such deliverances would be unconstitutional and void.

9. That there are two kinds of discipline. The one advisory, didactic and monitory—the other that of judicial process; and if any discipline should have been administered in my case, it should have been the former and milder kind.

10. That though the Assembly meant its deliverances on dancing to become binding as constitutional laws, they have not been approved by the Presbyteries in accordance with our constitution.

11. That liberty of conscience is one of the inalienable rights of man. That all Church power is only ministerial and declarative, that no Church judicatory has power to make laws to bind the conscience by virtue of its own authority; that there is no body of men qualified or authorized to interpret the Scriptures, or to apply their teachings to particular questions in a sense binding upon their fellow Christians; that by submitting to the decision of the Session in this case, which I believe to be wrong, I would have been “guilty of betraying the liberty of conscience, and its loyalty to its only Lord;” and that “no rule of conduct founded on expediency can be enforced by Church discipline.”

12. That the terms of admission and the legitimate terms of exclusion are everywhere the same, and one Church cannot make independent rules for its own government.

13. That abstinence from dancing is not made a condition of salvation, hence cannot be made a condition of Church membership.

14. That abstinence from dancing is not made a condition of communion either by our Saviour or by our standards, and that it is only “such gross offenders as will not be reclaimed by the private or public admonition of the Church, that are cut off from the communion of the Church.” (Book of Discipline, Chap. ix; Sec. 10.)

15. That in all cases where the offence is not “notorious and scandalous,” all other remedies must be tried before judicial process is instituted.

16. That though social dancing may be an evil in the Church, and in some cases subject to the milder forms of discipline, such as “rebuke and admonition,” it is not subject of judicial process.

When you consider this case *remember* that you are dealing with my sacred rights, rights which none but God can give or take away. *Remember* that there rests upon you an *awful* responsibility. You are called upon to decide whether I am to be cut off from the communion of the Church, denied the privilege given me by my Saviour or be restored to my place in the sanctuary, and again be considered a child of Christ. *Remember* that “the spirit itself beareth witness with our spirit that we are the children of God.”

Remember that if my name has been recorded in the book of life, no earthly hand can blot it out. *No!* If my name has been written above and made indelible by the blood of Christ, no *earthly power* can erase it. My name may be expunged from the Church record below, but not from that above. I may be persecuted, I may be tortured and punished, yet “I am persuaded that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature shall be able to separate us from the love of God which is in Christ Jesus our Lord.”

Mr. Moderator, and members of this Court, feeling as I do, that I have done no evil, committed no sin, violated no law of God or of the Church, that I have been *wronged*, have been

robbed of my sacred rights, robbed of my standing in the Church, robbed of the sealing ordinances; that a reproach has been unjustly brought upon my good name and upon my Christian character, I appeal to you for redress.

I appeal in the name of the Creator, whose laws I believe have been violated, and His prerogative usurped without authority.

I appeal in the name of the Divine Law, as I believe its plain teachings have been disregarded.

I appeal in the name of my conscience, which I will be compelled to violate, or be driven from the Church of my choice.

I appeal in the name of public opinion, which loudly denounces such proceedings.

I appeal in the name of the constitution of the Church, which I believe has been wholly ignored, *trampled* upon and considered of no effect.

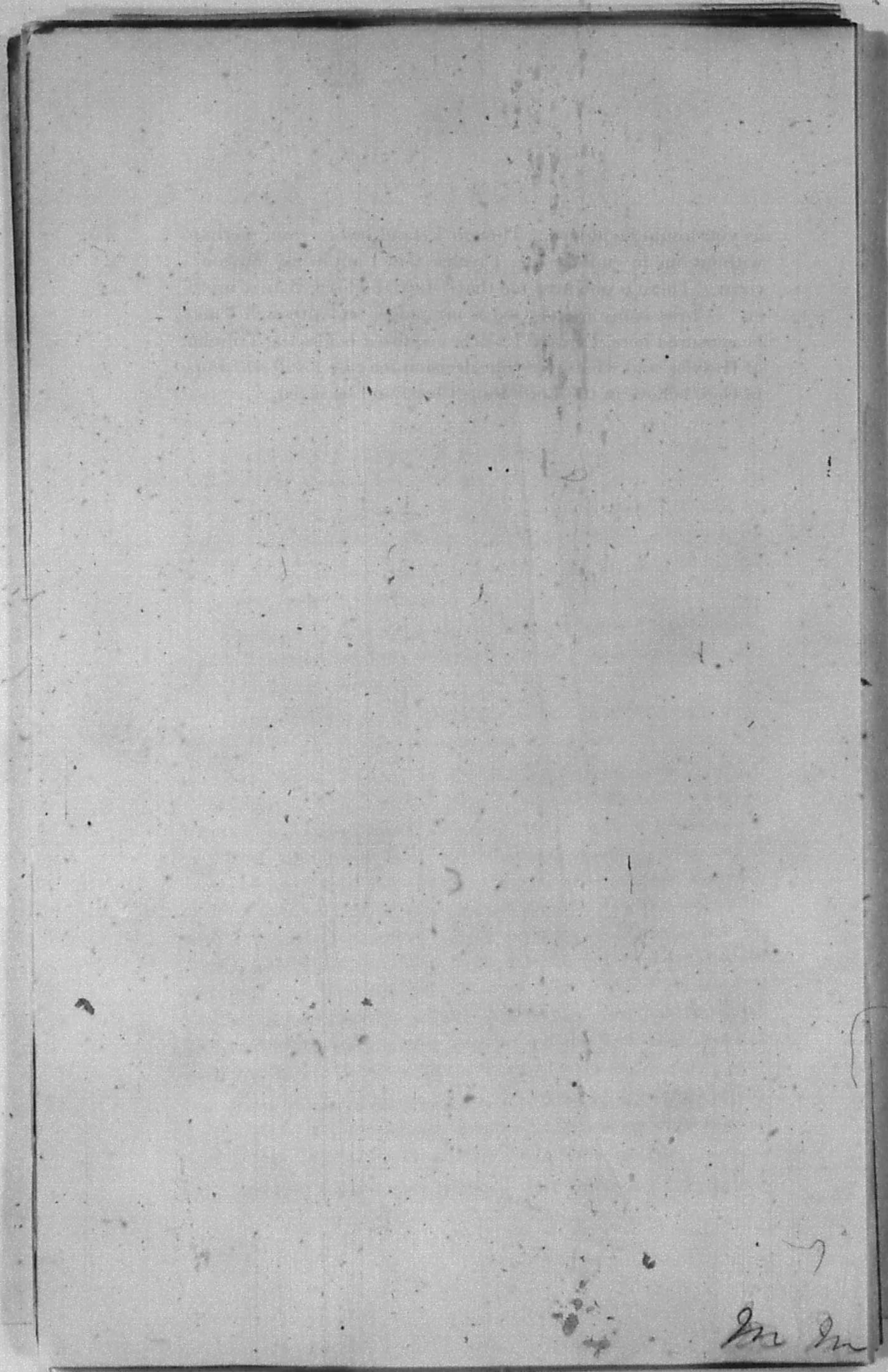
I appeal in the name of *reason*, every rule of which I believe has been violated by the Session and Presbytery.

I appeal in the name of the Presbyterian Church, in which I was born, at whose sacred altar I was consecrated to God in baptism in my childhood; in whose holy courts I gave myself to Christ, and have been shielded and sheltered with *bright* hopes of heaven for over thirteen years. They would force me to leave this holy place, this gate of heaven, my Saviour's fold. Will you, can you sustain the Presbytery? I plead not for mercy, but for justice. Will you, *can* you blot out my name? Will you, *can* you bid me "go serve other Gods?" I implore you to consider, reflect, ponder well before you bar the door. Have I been an idler in the Lord's vineyard? I have tried to discharge my duty in the fear of God.

If my position is not sustained in the Courts of the Church, I only wish that my defense be made known to an unprejudiced world, and I will abide the decision of public opinion.

And now I am done I leave my case with you. Judge me

as you would be judged. Though I stand before you, perhaps without one to endorse me, I realize that I am in my Saviour's court. There is one near me that "sticketh closer than a brother." Christ is my friend, God is my judge, and although I may be censured here, I *believe* I will be acquitted before the Tribunal of Heaven, and what ever your decision may be I will *still* hope in God, believe in the Lord Jesus Christ and be saved.



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