

# FAITH AND "THE WORKS" IN THE TRIAL OF DAVID SWING, HERETIC

By  
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*From the days of Bishop Cheney and Robert Collyer down the seventy-five years to those of Edward Scribner Ames and Preston Bradley, the church has, I believe, been well represented in this Club, so it seems strange that it should have been left to one of the unordained members, and one whose formal religious life can only be described as having been short and shabby, to present a slightly belated report of the Swing trial. However, the subject holds a peculiar interest for me because of the fact that the prosecutor in the case was a close friend and brother in the cloth of my father, and I still remember the awe which that church dignitary inspired in me during his occasional visits at the parsonage where the first seven or eight years of my life were spent. Later, I was to know him from a respectful distance as college president and professor of ethics and still later, briefly, in his old age and retirement when he seemed completely to have divested himself of the aspects of God's district attorney.*



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OVER the afternoon teacups in the archbishop's study a callow young curate startled His Grace with this extraordinary question: "Do you ever stop to consider where we would be if it weren't for sin?" There is no record of the prelate's reply, but it seems unlikely that he showed any great concern about a continuing supply of that essential material for his craft. Outside of religious ritual the word itself now finds little use except as in a Coolidgean aphorism or a stage line in which a worldly matron refers to "living, as we used to say, in sin." The word does appear, shall we say, thrice, in the report of the Council of Churches convention in Amsterdam last summer, and that is by no means an archaic document. But less than three generations ago the sin of heresy still possessed enough vitality to become the ground for an ecclesiastical *cause célèbre* which attracted national attention and shook the Presbyterian church to its foundations. The trial took place in Chicago in 1874, when the city was struggling to rise from the ashes of the great fire. Under those circumstances the humiliation of many of its more literate citizens by a sensational religious row might have been too much to bear

had not the Chicago Literary Club been organized in that same year; and it seems altogether fitting that one of its founders should have been a man taken in heresy, for heretic he was and a good and resounding one, though most of his brethren would not have it so.

After a few years of not too successful teaching at Miami University, Oxford, Ohio, David Swing had accepted the pastorate of the Westminster Church in Chicago, which shortly thereafter combined with the North Church to form the Fourth Presbyterian Church. Swing's original and imaginative thinking had led him far beyond the Calvinistic dogma on which Presbyterian doctrine was based and which was zealously upheld by the more conservative of its ministers. The majority of his congregation, which included men of substance and women of fashion, found no fault with Swing's views and had become deeply attached to him. His sermons were published regularly in the Chicago daily papers, and his contributions to religious periodicals and other publications were widely read and discussed.

Another recent addition to the Chicago Presbytery of that time was Francis Landey Patton, a young Bermudian (never naturalized during a long career in the United States), who was teaching at McCormick Theological Seminary and was also editor of a church publication, *The Interior*. He has been well described as a brilliant and scholarly speaker whose sharp but kindly wit and cleverly worded phrases were delivered in a rasping intonation which somehow gave them such added force as to make them almost irresistible. A faithful adherent of the Old School of the church, Patton had for some time been noting Swing's theological utterances with growing sus-

picion and, perhaps, a certain amount of religious relish. Finally, without any warning of his intention or any attempt by personal appeal to convince Swing of the heretical character of some of his statements, Patton filed formal charges against him before the Chicago Presbytery.

In Charge First, Patton declared that Swing had not been zealous in maintaining the truths of the Gospel or faithful and diligent in the exercise of his duties as a minister. This charge was supported by twenty-four specifications, among them the following:

The use in his sermons of vague and equivocal language in reference to such doctrines as the Person of our Lord, regeneration, salvation by Christ, the Trinity, and the fall of man, which might be construed as in accordance with Unitarian theology. Leading Unitarians had affirmed that Swing's preaching was substantially Unitarian. Consequently, he had not preached the doctrines of Christianity, the Trinity, justification by faith alone, the eternal punishment of the wicked.

He had lectured in aid of a Unitarian chapel and in so doing had denied the deity of our blessed Lord. This chapel was erected in memory of the dead wife of Swing's friend, Robert Laird Collier, one of those wicked Unitarian ministers.

Swing had also preached a sermon in praise of John Stuart Mill on the Sunday after the death of that so-called "well-known atheist."

Swing had at sundry times spoken disparagingly of the Trinity, predestination, the Person of Christ, baptism, the Christian ministry, and the vicarious sacrifice and, by

ridicule, irony, and misrepresentation, showed that he did not value them.

He had declared that the value of a doctrine is measured by the ability of men to verify it in their experience. Thus, in allusion to the Trinity, he had said: "Man has not the power to taste the oneness of three or the threeness of one and see that it is good."

He had denied the divine inspiration of Scripture when he said: "If you, my friend, are standing bewildered to-day amid the statements of science and Genesis about earth or its swarms of life, recall the truth that your soul cannot taste any theory of man's origin."

He had used language which inculcated a phase of a doctrine known as "Evolution," or "Development."

He had said: "When we come to moral ideas, we are compelled to do without any standards. In this abandonment there is no charge of falsehood cast upon the old mysteries; they may or may not be true."

In published sermons Swing had made false and dangerous statements regarding the Being and attributes of God, such as: "Perfect assurance is just as impossible to a free religionist or an atheist as it is to the Christian. Remember, therefore, that there is no moral idea of beauty or love or soul that may not be denied and that the assurance that there is a God is always logically equal to the opposite belief."

He had dealt flippantly with infant baptism by saying: "The nations await, with tears of past sorrow, a religion that shall, indeed, baptize men and children, either or both, but counting this as only a beautiful form, shall take the souls of men into an atmosphere of Jesus."

He had used language in regard to Socrates and Penel-

ope which was contrary to the Confession of Faith, as follows: "There is no doubt the notorious Catherine II held more truth and better truth than was known to classic Greece—held to a belief in a Saviour of whose glory that gifted man knew nought, yet, such the grandeur of soul above mind that I doubt not that Queen Penelope of the dark land and the doubting Socrates have received at heaven's gate a sweeter welcome sung of angels than greeted the ear of Russia's brilliant but false-lived queen."

He had repudiated the idea of a call to the ministry by stating that the lawyer is called to his profession and the merchant to his business just as much as the minister to the duties of his office, and both are natural outgrowths of circumstances.

Respecting Old Testament sacrifices, Swing had said: "Not knowing that what God most wished was a pure heart in his children, they loaded his temples with their jewels and raiment, and his altars with their lambs."

In his sermon on John Stuart Mill he had shown his indifference to the evidences of revealed religion and the distinguishing doctrines of Christianity when he said: "That Mr. Mill did not accept the orthodox creed is not what a liberal world need regret the most, but that he revealed little of the religious sentiment and hope, is what we must confess to be a shadow on his memory."

Swing had taught that faith saves because it leads to holy life; that salvation by faith is not peculiar to Christianity; is not a creation or invention of the New Testament but is a law that has pushed its way into the New Testament from the realm without.

He had taught that men are saved by works, as when

he said: "There is nothing society so much needs today as, not divine righteousness, but human righteousness. . . . Heaven is a height to which men climb on the deeds of this life."

He had denied the plenary inspiration of the Bible when he stated in a published article: "The prominence given to the One Hundred and Ninth Psalm in my remarks arises only from the fact that it has long been a public test of any given theory of inspiration. Most young men," he said, "even in the Presbyterian church, know that the historian Froude said of this psalm: 'Those who accept the One Hundred and Ninth Psalm as the word of God are already far on their way to auto-da-fés and massacres of St. Bartholomew,' " and, Swing added, "while they may, for a time, reject these words, they will soon demand a theory of inspiration very different from the indefinite admiration of the past."

And again the specifications in Charge First set forth that Swing had characterized the battles of the Israelites as engaged in with the approval and by the command of Jehovah and surpassing in cruelty those of Julius Caesar.

Under Charge Second it was stated that Swing did not sincerely receive and adopt the Confession of Faith of the Presbyterian church as containing the system of doctrine taught in the Holy Scriptures. In the specifications under this charge it was claimed that Swing had stated to Rev. Robert Laird Collier, Unitarian, that he agreed with Collier in his theological views but that he thought it best to remain as he was for a time as he could thereby accomplish more good for the cause.

In a sermon at the Fourth Church, Swing had made statements implying disbelief in the doctrines of election,

perseverance, original sin, vicarious sacrifice, and the deity of Christ. In this sermon he had asserted the futility of expending "missionary gold" on indoctrination of the heathen world in sectarian ideas, which, he said, "are rapidly dying out by our own firesides." The Church of England, he added, "cares little for the apostolic succession in a land where the Brahmin can so far outdo it in the quantity and absurdity of holy touchings and holy pedigrees. And there the Calvinist conceals his five points, for the crowd of Indian philosophers can always propose ten points far more obscure. Blessed era it will be when we shall be as fully ashamed in America of the things that divide as we are when our feet touch India or Japan."

Over Patton's objection, the charges and specifications as read were referred to a judicial committee for examination as to conformity to the rules concerning trial of cases of infidelity as laid down in the Book of Discipline of the church. On April 21, amended charges were submitted by the committee and were accepted by the Presbytery. On May 4 the trial was opened by the moderator, Rev. Arthur Mitchell, with forty-four ministers and twenty-six lay commissioners from churches of the Presbytery in attendance. Rev. George C. Noyes was appointed counsel for the defense. The moderator reminded the members of "their high character as judges of a court of Jesus Christ" and warned the prosecutor that, if he failed to prove his charges, he would himself be subject to censure as a slanderer of the gospel ministry in proportion to the malignancy and rashness appearing in the prosecution.

In a complete record of the proceedings published by Jansen McClurg and Company of Chicago there is no

reference to admission of press representatives. However, the charges must have been made public without delay as they were immediately dealt with at length in a lecture by Colonel Robert G. Ingersoll, in which he castigated the Presbytery as though a verdict of guilty were certain to be the outcome. Commenting on Swing's alleged offense in praising John Stuart Mill, Ingersoll said that if Mill and Robert Collyer had been present at the burning at the stake of Servetus by Calvin's order, they would have extinguished the flames with their tears. But, had the Presbytery of Chicago been there, they would have quietly turned their backs, divided their coattails and warmed themselves. This was a hasty prejudgment of the case, and it is to be hoped that Colonel Bob made amends for it later. (The Collyer of this hypothetical episode was apparently no connection of the aforementioned Robert Laird Collier, as their surnames were spelled differently. Robert Collyer was one of the Chicago Literary Club founders. Both men were Unitarian preachers and warm friends of Swing.)

Following the moderator's opening remarks, Swing pleaded not guilty in a statement in which he complained of the vagueness of the charges, admitted the authenticity of the quotations from his writings, but protested their use out of their context; avowed himself an adherent of the New School of the church but denied being in conflict with the Evangelical Calvinistic doctrines of his denomination. Explaining his relations with the so-called "liberal churches," Swing said that the only valuable theory of life is that of good will toward all men and to decline to speak, as he was asked to do, on behalf of a Unitarian chapel, would do more harm to such good will

than it would do good to an orthodox theology or harm to a liberal creed. The pulpit, he said, possessed no power of authority such as that of civil police in medieval times, so it must disseminate its ideas through friendship, and "he will persuade most men whose heart can gather up the largest and most diverse multitude into the grasp of its pure affections."

Then Swing offered what he called the grandest reason for a kind regard for the liberal sects. The alleged offense of the lectures on their behalf must, he said, "be based on the assumption that the Unitarians are outcasts of God, in spite of the character of such men as Channing, Elliott and Peabody, and the Christlike lives of thousands in the congregations of that denomination." The idea, he continued, that "these brethren are doomed to wrath beyond the tomb I wholly repudiate." It was, however, his conviction that their version of the gospel was not as correct as that last announced by the Evangelical Alliance. It might be assumed, he believed, that salvation is granted only because of the expiatory atonement; but if such salvation were limited only to those who fully apprehended that concept, it would be available only to philosophers and then only to those who had made no intellectual mistake.

Continuing his pleading, Swing replied to the charge of his infidelity to Presbyterianism that he regarded the creed as only the highest wisdom of a particular time and place, subject to gradual obsolescence without formal repeal, as is the case with state laws. Thus he distinguished between Presbyterianism as formulated in past times and what he called "Presbyterianism actual." To call conventions every few years to amend or repeal various ar-

ticles would entail excessive expense and continual debate. Meanwhile, as individuals could not be slaves, the Presbyterian church had permitted its clergy to differentiate between the church actual and the church historic. (One can see Professor Patton's Lewisian eyebrows rise at that pronouncement.) Thus, Swing said, in his peculiar ministry, being unwilling to pass over such baneful and darkly fatalistic formulas as infant damnation in silence, he repeatedly stated to persons critical of the church that the Presbyterian church had left such doctrines behind and that her religion was purely evangelical and not a religion of despair. In his opinion the church's terrific doctrine of hell had become an actual source of infidelity. "It must be confessed," he said, "that the church theology of the last century was chiefly to blame for the general apostasy from the ancient faith which then began." Quoting Lessing, he added: "The chief authorities in pulpits and institutions of learning were promoters of Rationalism. . . . For this spirit we theologians have only ourselves to thank."

Swing closed his pleading by saying: "Beloved brethren, holding the general creed as rendered by the New School theologians, I will, in addition to such a general statement, repeat to you articles of belief upon which I am willing to meet the educated world, and the skeptical world, and the sinful world, using my words in the evangelical sense: The inspiration of the Holy Scriptures; the Trinity; the divinity of Christ; the office of Christ as a mediator, when grasped by an obedient faith; conversion by God's spirit; man's natural sinfulness; and the final separation of the righteous from the wicked.

"I have now read before you an outline of my public

method and of my Christian creed. It is for you to decide whether there is in me belief sufficient to retain me in your brotherhood. Having confessed everywhere that the value of a single life does not depend upon sectarian relations, but upon evangelical or Christian relations, I am perfectly willing to cross a boundary which I have often shown to be narrow; but going from you, if such be your order at last, it is the Evangelical Gospel I shall still preach, unless my mind should pass through undreamed of changes in the future.

"From the prosecutor of this case I would not withhold my conviction that he has acted from a sense of duty; therefore to him, and to you all, brethren, I extend good will, and hope that, in a wisdom religious and fraternal, you will be enabled to do what is right in the sight of God."

Some twenty witnesses had been cited to testify in the case, but only three ministers and eight laymen took the stand. Of these witnesses, all but two or three were clearly determined to do their utmost to prevent Swing's conviction. Patton subjected them to prolonged rapid-fire examination, confusing and entrapping some on questions of theology but meeting his match in one or two lawyers and businessmen. Rev. J. H. Trowbridge showed where he stood when Patton offered in evidence a letter reading as follows:

*Rev. John Crosier.*

DEAR BRO.:

Yours containing \$2.00 is received. As to Brother Swing's sermon, the notice of it was taken from the report in the Times and how much it was obscured or misrepresented I do not

know. Swing is a queer genius. He probably would not let us have his MS. We who know him and love him, believe he is all right at bottom, and yet he troubles us a good deal by his dubious or one-sided statements of things. But he gets hold of men that no one else can reach, and we don't wish to harass so good and able a brother unless we are compelled to. I don't know but he will force the Presbytery to call him to account; but I know he regards himself as orthodox.

Yours fraternally,

J. H. TROWBRIDGE

A little later Trowbridge said: "The letter was written a year and a half ago when I did not understand Brother Swing as well as I do now, or think I do."

W. C. Goudy, Esq., testified that in a sermon on the Christian ministry he had heard Swing ridicule the idea of a divine call but added that the preacher had described the call to the ministry as the highest because of its influence and opportunities. Under cross-examination Goudy admitted that Swing had indicated his belief that God called all men to their work. When asked whether he believed that Washington was called by God to lead the American republic, Goudy hedged—said that that was a question of ethics he did not pretend to testify about.

George A. Schufeldt testified that in 1867 or 1868 he had published an article in the *Chicago Tribune* in which, in criticizing one of Swing's sermons, he had attacked what he called the dark side of Calvinism. In reply he received a letter from Swing, stating that a public discussion of the points raised would be of interest to no one but that he would be glad to hear from Schufeldt. The latter replied that, while the Calvinistic doctrines might have been tolerated in the sixteenth century, they were

unworthy of the intelligence and advanced condition of the human mind, were monstrous to man and repulsive to God, and could not be believed by any man unless he were schooled in the ruts of a dead theology and had not enough reflection to get out of them. In his reply to this letter, Swing had drawn a tree, the trunk of which represented the Christian religion, and the branches the established doctrines thereof, predestination, total depravity, salvation by grace, infant damnation, etc. Two or three of the branches were drawn dropped down as though dead. These withered branches, Swing said, represented doctrinal points which he had abandoned.

Questioned in regard to his religious beliefs, Schufeldt began to develop his own agnosticism with obvious satisfaction, whereupon Patton intervened to say that the witness's religious opinions were of no interest and were out of order. The moderator overruled the objection. There then ensued a prolonged attempt to determine by examination, the letter in question having been destroyed in the great fire of 1871, just how many branches there were on that tree; what doctrines they were shown to represent; whether the Calvinist five points were included; how many and what branches were dead. Twice the witness said that if some gentleman would enumerate the five points of Calvinism in their order it might help him to answer some of these questions. Swing called upon the prosecutor to do so. The moderator ruled that the witness must tell all he remembered without assistance. The taking of testimony of witnesses for the prosecution ended without shedding further light on the grafting of this theological hybrid.

Horace F. Waite, lawyer, and an elder of the Fourth

Church, was called as the first witness for the defense. Waite testified to the orthodoxy of Swing's sermons with particular reference to the divinity or deity of Christ, the Trinity, final separation of the righteous and the wicked, the atonement, punishment of the wicked, and the defects of the Unitarian faith. On cross-examination the prosecutor endeavored without much success to show that Waite did not know the difference between doctrines of the Presbyterian, Unitarian, and Universalist faiths. Patton's persistent efforts to obtain a categorical answer as to the evangelical character of a quotation from one of Swing's sermons met with vigorous resistance and ended with nothing more definitive than: "I do not think it is very unevangelical." Other testimony taken over a period of several days covered similar ground.

After the last witness had been heard, the prosecutor opened his argument with apologies for his intrusion into the affairs of what he assumed to be a prosperous and harmonious church organization with a popular leader. Patton then appealed to the court not to shrink from any risk where truth and the injured cause of the crucified Lord were at stake and asked his brethren to put aside all personal considerations and to bring a judicial frame of mind to consideration of the subject. The charges brought against Swing were, he said, in the form of a traverse of his ordination vows and must be judged by the standards and doctrines of the Presbyterian and not by those of any other denomination. He admitted that there had been a division in the church but pointed out that the reunion in 1868 had been based on the Westminster Confession of Faith and that not even in that court would the latest deliverances of the General Assembly be ques-

tioned. Perhaps anticipating that if he did not do it someone else would, he stated further that the terms of reunion proposed called for maintenance of the integrity of the Calvinistic system but were not accepted until the words "government and discipline of the Presbyterian Church as contained in the principles and rules of her policy" were substituted for "the Calvinistic system."

In addressing himself to the charges, Patton took the Presbytery to task for approving, by the action of individuals, Swing's departure from one or more doctrines of the Confession of Faith and his assertion that the church was actually a very different thing from what it was in its formulated theology. Alluding to what he called Swing's frivolous reference to the Trinity, Patton said: "That is not the Trinity. That is Unitarianism. I do not want anyone to leave anything to my conjecture when God speaks." Patton introduced numerous quotations from Swing's sermons as examples of equivocation and insisted that in Swing's teaching the antithesis was between sin and holiness. "You are bad and therefore made to suffer. Be good and you will be happy. No word of expiation and pardon through the vicarious atonement. Damnation, to him, simply means the natural consequence of sin."

Belaboring Swing for his vague interpretations, Patton actually commended Unitarian leaders for their honesty and forthrightness, coming out and saying what they thought, and he exclaimed in exasperation: "What I wish Professor Swing to do is to tell us what he means." Whether or no Patton possessed any feeling for poetry, it becomes evident as one reads the record of this trial that, at least in his theology, he was a literalist and Swing's

poetic treatment of religion simply infuriated him, while Swing's nature was such that it was impossible for him to deal with the subject in any other way. Perhaps many of Swing's church members were equally unable to understand him but were the willing captives of his eloquence, humility, and human kindness. Patton demanded a categorical affirmation of belief from a man incapable of such simplification of a concept of infinite proportions. And for one to say, as Swing did of John Stuart Mill, that in reading him "you feel that the light around you is not that of lightning, but of a morning sun shining, not as any terror, but in benevolence," would, in Patton's view, not mitigate the fact that Mill grew up without any religious beliefs whatever.

In his argument Patton touched only briefly on the Socrates, Penelope, and Catherine triangle by saying that the point at issue was not an antithesis of Socrates and Penelope, and Catherine, in perdition, but Swing's assumption that, while they were all in heaven, the classic couple got there first and received the sweeter welcome.

Patton gave Swing a "going over" for stating that Adam was a typical savage when the Confession of Faith said he was created in the image of God with an immortal soul and with knowledge, righteousness, and true holiness. Swing interrupted Patton to ask whether Adam had any missionary societies or asylums with which to glorify God. To this Patton retorted, "There wasn't anybody to go to. There weren't any heathen."

The slaughter of the Canaanites by the Israelites as rhapsodized in the One Hundred and Ninth Psalm, which Swing had compared to the cruelties of Julius Caesar, was disposed of by Patton by saying that if you grant that

God commanded the Israelites to do as they did, you are impeaching the Almighty if you say that their actions were wrong. Other doctrinal points of greater length than interest concluded the prosecutor's argument.

In the afternoon session of the same day, counsel for the defense, Rev. Mr. Noyes, opened his argument by expressing his sorrow that so soon after the happy reconciliation of the Old and New Schools of the church this great and sore trouble had arisen, "threatening storm, wrath, and ruin." And he was constrained to add that because of illness he feared his strength might be insufficient to enable him to continue his argument throughout the session. It is significant that later the same day the moderator was compelled for the same reason to ask for an early adjournment. One can well imagine that these responsible leaders of the Chicago Presbytery were sick at heart at having this unwanted controversy and the attendant publicity forced upon them by an uncompromising young zealot who fancied himself as the chosen implement of the divine will. As neither the moderator nor the defense counsel was forced to abandon his duties, it may be that their ailment would have been diagnosed as just dyspepsia or biliousness, but present-day internists would probably have classified them as psychosomatics, suffering from peptic ulcers.

Noyes attacked the charges and specifications as being negative, indefinite, and so defective that they would never be sustained in a court of justice. He objected to the second charge in particular as arraigning the defendant for what he thinks—trying to draw an impossible line between faithfulness and unfaithfulness, instead of setting forth the facts. He vigorously defended Swing's

right to express his admiration for John Stuart Mill, stating that Christianity does not demand of its adherents that they refuse to acknowledge the laudable ideas and acts of unbelievers. If Patton, he said, subjected the language of Christ to the same torture that he applied to that of Professor Swing, he could easily prove that Christ was a teacher of false doctrines. "It is hard to be patient," he continued, "with a critic so unreasonably captious, so grossly unfair, so absurdly whimsical."

Again, Noyes expressed his indignation that Patton demanded a formal censure of Swing for lecturing in behalf of a chapel in memory of Mary Price Collier, the wife of his Unitarian friend, recalling that on a memorable occasion the venerable Dr. Hodge, of Princeton Seminary, gave his public support to the Roman Catholic church, which, Noyes said, it had been the fashion of Protestants, and perhaps of the prosecutor, to denounce as the mother of harlots, Babylon of the visions of the Apocalypse.

When the Presbytery reconvened the following day, May 15, although he too was suffering from ill-health, Swing asked and received permission to relieve his counsel of some of his burden by addressing the court himself and began by quoting several passages from his sermon on John Stuart Mill. When Mill died, he said, our statesmen had just been breaking their hearts over the pursuit of presidential honors. Greeley and Chase had both died of grief over lost honors. "Hence," Swing said, "if it were not for such men as Mr. Mill coming here and there in human life, we might fail to know what that thing called soul is. I do not know where, in the public men of our land, we can see so well the picture of human dignity. Swayed out of balance by a love of office and gold, dis-

turbed by a storm of bad passions, our public men reveal the soul, not in nobleness, but in some shape that begs for pity and forgiveness. . . . Stuart Mill, though an atheist, carried, in all his thoughts, and in all his life, every germ of Christianity except his personal belief." Swing then asked what the prosecutor had been doing about Mill's case. Had he proclaimed his belief that Mill had been sent to perdition for all eternity? No. Instead he had preached a sermon at McVicker's Theater in which he rejoiced that Louis Agassiz, on some occasion, had acknowledged a supreme being and just barely escaped being an atheist. Why had Patton not fulfilled his ordination vows by consigning the great naturalist to perdition because he had not accepted the Westminster Confession of faith? On the contrary, he had held up Agassiz as a Christian and scientific man.

Swing asked the indulgence of his brethren for dealing with the case of "dear Penelope and Socrates" with some levity, for, said he, "it had not in it one particle of solemnity." He added that, a few years before, the General Assembly had offered a prize for the best tract on the condition of the heathen in the future world, and Dr. Smythe, of South Carolina, had won it by saying that all those heathen who live up to the light of their best knowledge might hope for happiness beyond. Then he accused Patton of having unwittingly arraigned Jesus Christ, who, by analogy, referred to Catherine, Penelope, and Socrates when he said: "Woe unto thee, Chorazin, for it shall be more tolerable for Tyre and Sidon in the day of judgment than for thee."

In reply to the charge that he approved of the theory of evolution, Swing stated that on the same Sunday on

which Patton was proving the divinity or deity of Christ, he did not know which, from the date Anno Domini, claiming that no nation would reckon its years from anything but a God, and thus teaching the divine origin of Mohammed, the Olympiads of Greece, and of Romulus and Remus, he, Swing, was trying to overthrow the Spencerian calculations by stating that it is certainly not a myth that there is a human race, so there must have been a first pair with a first home and a creator at hand, and this pair must have made a first move in sin or virtue, and there could be little doubt as to the line of conduct followed, judging by the subsequent history of the race. And against the theory of progress of the animal kingdom to the state of moral consciousness of man was the fact that, in the thousands of years of recorded history, no animal had shown any indication of such a transition. Even the highest order of Quadrumana had done nothing toward the formation of a language, building school-houses, or starting a country newspaper, and if six thousand years gives nothing, what will six million years give?

The One Hundred and Ninth Psalm Swing described as the military hymn of the Israelites, appropriate for a period when the church advanced by exterminating, not by persuading, its enemies. It was superseded by the Sermon on the Mount, which proclaimed everlasting principles. No blood had ever been shed because of that document. What he asked was that men of Patton's high position develop some theory of revelation that a young man can take to his heart and not say, when asked: "What about the One Hundred and Ninth Psalm?" "You go and mind your business, young man. That is inspired." Such answers, Swing said, make infidels, cover the world with

them. And he noted that God would not let David build the temple because his hands were made bloody in those wars which were extolled by the psalmist. He defined Patton's theology as one based on the concept of God as a simple despot, an enormous power rushing into a moral world, destitute of intelligence and humanity, a God not to be thought or inquired about, for that would be rationalism. Swing believed that God is a sovereign, but a reasonable sovereign, and that "beneath all his commands, there will, for the most part, be some beautiful reason forever unfolding itself." And he suggested that if his ordination vows demanded that he live a life of ignorance and stupidity, destitute of all inquiry, the sooner he was relieved of them the better.

Resuming his argument, Defense Counsel Noyes drew attention to the scornful and contemptuous manner in which the prosecutor read excerpts from Swing's writings, in contrast to his dignified and respectful rendering of quotations from those of the Unitarian, James Freeman Clarke. He charged that in his efforts to prove Swing a liar Patton had defied the authority of the General Assembly, which had directed that the accused in such cases should have the privilege of defining the meaning of his own language. Of the oral testimony he asserted that the prosecutor virtually had none, so completely did the statements of most of the ministers and elders among his own witnesses tend to refute the charges.

On the subject of the theory of evolution or development, Noyes represented Patton as believing that the Christian system cannot advance to any greater degree of perfection than that already attained, a strange manifestation of the crusading spirit. On the other hand, Dr.

Henry B. Smith of Princeton, an acknowledged leader in the Presbyterian church, had asserted that Christianity has all the criteria of development which the evolutionists claim for their theory—inward force, natural selection, survival of the fittest, limitless possibilities.

Closing his argument, Noyes appealed to the presbyters to base their verdict on the evidence and not on the arguments of either side, as would be expected of the jury in a civil court. And while disclaiming any intent to threaten, and only "in the language of sorrowful foreboding and prophecy," he stated his belief that a decision for the prosecution would rend again the church which had so recently and so happily been reunited.

In his closing argument Patton did little more than restate the points advanced in the charges and in his first exposition of them, with variations on his theme of equivocation and obscurity, rising to considerable heights of exasperation with his poetic victim's flights of imagination and quite unmoved by their beauty. And in his peroration he warned the presbyters that the eyes of the Presbyterian church were upon them as never before in her history. "She expects," he said, "every man to do his duty to the end that the flag of Presbyterianism be kept at the masthead and not brought to the deck." This little Trafalgar touch seems to have been Patton's closest approach to poetry in the course of the trial.

At the session of May 18 a resolution was adopted providing that the roll of the Presbytery be called and that each member be given the privilege of expressing his opinion on the case. Twenty-seven ministers, seven elders, and two corresponding members availed themselves of this opportunity. One member, who clearly

sided with the defendant, asserted that great harm might result from a hasty verdict of guilty and that, where there was an element of doubt, it would be far better to err on the side of liberty in religious interpretation. A bold and poetic preacher, he said, is bound to use expressions that are open to criticism. Swing did not profess to be a theologian. His mind was described as semipoetical, semi-philosophical. His circumstances were unusual in that after the Chicago fire he had preached once each Sunday to great masses of people, many of whom were not his regular hearers and not believers, and he worded his sermons for these occasions so as to obtain the maximum acknowledgment of revealed religion from such persons, his more doctrinal discourses being given to his congregation on Wednesday evenings.

On the subject of salvation by works Patton was asked why he had not arraigned Christ for saying that in the final judgment the Son of Man would say to those on his right hand, "For I was an hungered, and ye gave me meat."

The opinion was expressed that Swing's preaching was perhaps too exclusively human, just as that of some other ministers could be said to be a dangerous exaggeration on the divine side. It was charged by a member that the men behind the prosecution were among those who opposed the reunion in 1869 and that they were now violating the terms of the compact; that the trial was part of a plan to purge the church of its more liberal element. As to the charge that Swing accepted the theory of evolution, it was contended that the Presbytery had no jurisdiction over opinions on questions of science.

One presbyter, arguing against too strict adherence to

the language of the Confession of Faith, asserted that, according to the doctrine of ruin by sin, Adam, after the fall, should have been a "distorted, crippled, and rheumatic fellow." On the contrary, he believed that Adam was "just as handsome and fair, and his wife just as pretty, after the fall as before."

Immediately after the expression of opinions by the presbyters, the roll was called under the supervision of a committee appointed for the purpose. The result was a total of sixty-one votes cast, of which fifteen were in favor of, and forty-six against, sustaining the first charge, and thirteen for, and forty-eight against, sustaining the second charge. Thereupon, Patton gave notice of his intention to file an appeal with the Synod of Illinois North; but, before he could do so, Swing asked by letter that his name be removed from the roll of the Presbytery, which meant withdrawal from the Presbyterian church. So much publicity, he said, had been given him as a departure from the faith that he no longer felt at home in what he called the old household where the ties had been those of Christian brotherhood rather than theology. Frequent attacks based on some dead dogma or over the middle of a sentence, or over some Sabellian or Mohammedan word had caused him great unhappiness. An appeal by Patton would rob the synod and the assembly of the peace needed for calm review and restatement of doctrine. Only a mania for war to the knife could induce anyone to undertake such an appeal as that contemplated by the prosecutor. The noble attitude taken by the Presbytery in its verdict was, Swing said, lesson enough and battle enough for some time to come.

After his resignation as pastor of the Fourth Church,

which followed in 1875, Swing left the city for rest and consideration of plans for his future; but it was not long before he was recalled by a group of fifty laymen, who organized the nondenominational Central Church. Swing accepted election as pastor, and services were held in McVicker's Theater until 1880, when Central Music Hall, the largest auditorium in the Middle West, was erected and became the home of that vigorous and popular religious institution.

Thus the heresy trial had brought Swing, the defendant, to "exciting public notice" and had enormously and deservedly extended his influence in the field of liberal religious thought, a result which must have brought little satisfaction to his prosecutor. Until his death in 1894, the poet-preacher, as he was called by his biographer, Rev. Joseph Fort Newton, held forth every Sunday to audiences of some three thousand persons from the same platform which, on other occasions, was graced or disgraced, as you prefer, by Adelina Patti, Matthew Arnold, James Russell Lowell, Oscar Wilde, Henry Ward Beecher, Father Tom Burke, Conan Doyle, Hall Caine, Israel Zangwill, Governor Altgeld, Robert Ingersoll, Prince Kropotkin, Clarence Darrow, and many other notables.

It seems hard to believe that Dr. Patton, in his later years, never regretted his attack on Swing. That he did modify his views on doctrinal questions is evidenced by a reported assertion to some of his students that "the fate of the pagans might not be so dark as formerly pictured." Learning of this magnanimous concession, Swing exclaimed in an essay in the *Chicago Journal*: "At last! Socrates, Plato and dear Penelope have permission to as-

semble at the gates of heaven and listen to some good music."

In 1887, in spite of objections by influential alumni to a man "with a white lawn tic, a frock coat and the pallor of a monk," and feeling against him in certain quarters because of the Swing trial, Patton was elected president of the College of New Jersey, which, in 1896, became Princeton University. Here he seems to have made a deliberate effort to humanize himself, shaving off his side whiskers, attending football practice, and so far abandoning the doctrine of total depravity as to indorse the honor system in examinations. In 1897, when a New York newspaper attacked the university for tolerating a bar in the newly built Princeton Inn, and the New York State Synod joined the hue and cry, Patton announced: "I am going to fight this out if I have to fight the whole Presbyterian church. While I hold my place as head of your Alma Mater, I will do what in me lies to keep the hand of ecclesiasticism from resting on Princeton University." Had David Swing been living then, he might well have descended to the vernacular to ask: "Who's totally depraved now?" But Swing had died without the satisfaction of seeing his antagonist discard some of the very weapons with which he had done his utmost to destroy the preacher whom he had brought to trial.

And, apparently, man's inhumanity to man still seems to find its place even in the clergy, for we read in a recent report of one of our foremost Protestant seminaries the statement that one reason why it is difficult to obtain and hold assistant ministers is that "most pastors make the lives of their assistants hell." So, if the metaphysician heal not himself, he may one day find himself dealing

with the United Evangelical Assistant Pastors of America. Let the boss pastors then give heed to the record of such a man as David Swing, who could not have made life hell for any living creature, and whose philosophy of religion is perhaps best summarized in this, his own saying: "To restore the picture of Jesus, you must select some modern leader of the people, someone in a fresh but historic grave, and, having seen how some one sentiment ruled all his life, multiply that power by a thousand, and you have the Leader of Galilee."

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