

SUBSTITUTE FOR CANON

BISHOPS AGAIN TAKE UP THE MARRIAGE QUESTION.

Discipline of Divorced Persons Agreed Upon—Deputies Are Still Discussing Section 4.

SAN FRANCISCO, Oct. 11.—The question of marriage and divorce was before the house of the Episcopal Church of America today. The bishops adopted a substitute for the proposed canon 27, providing for the discipline of persons marrying again, after being divorced. The principal change made by the substitute is the provision that such person may receive the sacrament on the written consent of a bishop. The house of deputies began the eagerly awaited debate on section 4 of proposed canon 27, which virtually prohibits the remarriage in the church of divorced persons. The debate was continued until adjournment. The discussion will be resumed Monday. The only vote reached during the day was on a proposed modification of Dr. Huntington's amendment, provided for determining the cause of divorce in the case of a divorced person applying to be married. This was defeated. Dr. Huntington declaring that his amendment sufficiently covered this matter. The debate throughout was characterized by great earnestness and some of the speeches were marked by real eloquence. The day was extremely warm, and there was a constant fluttering of fans in the gallery. Several times a disposition to adjourn was shown, but this was quickly suppressed by the chairman's gavel.

Five Missionary Bishops. Five missionary bishops were voted for and nominated today by the house of bishops to the bishopric of Alaska, where the final election must take place. On the assembling of the house of deputies today an attempt to take up matters on the calendar in advance of their order was promptly rebuffed, showing a disposition to proceed with the regular order, which gives first consideration to the canon on marriage and divorce and other prominent subjects.

At 11:30 the house went into committee of the whole on the new marriage and divorce canon. An attempt to strike out a requirement of section 3 that, in recording a marriage the canon shall state the ages of the parties, was defeated. A requirement that when practicable the parish register record should be signed by the married parties and the witnesses was, after considerable objection, retained. Section 3 was then adopted as a whole. This brought the controversy down to the famous article 10, which forbids the marriage of persons divorced for cause not existing before their former marriage—a practical bar to the remarriage of divorced persons by the Episcopal Church.

Mr. Lewis, of Pennsylvania, arose to correct a misapprehension of the purpose of this canon. He explained that it does not propose to prevent any one from all from being married. It only proposes to forbid ministers of the Episcopal Church to marry any divorced persons whatever whose former husband or wife is still living.

An Amendment Offered. Rev. Dr. Huntington offered an amendment intended to except the innocent party in a divorce obtained for the cause of adultery when the fact is made to appear by a certified record from the court granting the divorce. He supported his proposal by an appeal to the authority of Jesus Christ, which he said could be attacked except by the assistance of what is known as the "higher criticism," and this could be fully answered if the need arose.

Richard H. Battle, of North Carolina, argued strongly for Dr. Huntington's amendment, as being in accordance with the Scriptures, and free from the charge of impracticability.

Thomas C. Elder, of Virginia, urged that evidence regarding divorce should be sought for in the whole record rather than in the decree of the court alone, which would not be made to appear on the ground for the divorce, and moved an amendment to that effect. Dr. Huntington said he saw the point raised by Mr. Elder, and accepted the amendment offered by him.

Edward G. Bradford, of Delaware, advocated the passage of the section just as it came from the house of bishops. He said the conditions of society and common decency required such strict legislation as is proposed. Rev. Dr. Greer, of New York, cited the fact that more divorces were granted in this country than in all countries of Europe together. Every consideration of the social conditions of our country, of the sacredness of the home, and of the teaching of the Scriptures, led him to oppose Dr. Huntington's amendment, and to favor the measure just as it came from the house of bishops.

Rev. Dr. Plake, of Rhode Island, said the eyes of the whole country was upon the action to be taken by this convention in this great matter, and appealed for the support of the deputies for the original measure.

Held It Unscriptural. Rev. Dr. McKim, of Washington, spoke with a very solemn sense of responsibility. He had deep sympathy with the motive beneath the canon as it came from the bishops, but he did not intend it would accomplish the end intended. It was revolutionary legislation in the church. He differed with those who, with the church of Rome, held marriage to be absolutely indissoluble. The claim was unscriptural, he said. He cited Bishop King, of Litchfield, England, as unable to regard marriage as indissoluble. This view was supported by Bishops Lightfoot, Woodworth and Trench. They thought it a proposition to nullify the teaching of Christ.

Dr. Buechler, of Long Island, held that the proposed measure did not have the warrant of Holy Scripture as found at least in St. Matthew, nor did it command the warrant of common sense and moral judgment.

Rev. F. A. Deronest, of Springfield, urged that the prayer book service already contemplated just what the canon would require.

Rev. Dr. Ashton, of Western New York, also held that the law of the church was already defined in the prayer book as making marriage indissoluble.

Rev. Dr. Foley, of Central Pennsylvania, acknowledged himself a convert since coming to San Francisco to the stricter view of the case, largely because the holy standard to him is demand a firm stand, he said, is now required to influence a right public opinion on this subject in the direction of domestic and civic righteousness.

William H. Adams, of Western New York, denounced the laxity of laws of divorce in most of the states. The church certainly had the right to legislate on stricter lines than those of the civil law, but he regarded the proposed restriction as an unwarranted interference with the rights of the people.

John P. Thomas, Jr., of South Carolina, where no divorces are allowed by the state law, said the law of the church should correspond with the high standard adopted by his state and always recognized there except during a few years of the reconstruction period.

Ex-United States Attorney-General

George H. Williams, of Oregon, opposed all restrictions upon the subject by the church. He would leave all such restrictions to the civil law.

E. D. Bassett, of Rhode Island, said there were two principles involved. What can we do for the purity of our homes? And what did our Lord say upon the subject under discussion?

"I say," he said, "that the sanctity of the home has been grossly violated in very many cases. In such cases, the guilty should indeed be punished, but the innocent should be allowed to go free." Rev. M. M. Benton, of Kentucky, did not think pity for innocent women should influence the house in this matter. Rev. Dr. Huntington, of New York, moved to withdraw his acceptance of certain amendments to his amendment, and to speak upon that amendment as originally proposed by him. He added: "In our quest for sanctity, let us not forget justice. There are innocent parties in some of these cases under discussion to whom consideration ought to be shown." Rev. Dr. Davenport, of Missouri, agreed with Dr. Huntington, and called attention to the common fallacy regarding the expression in the marriage sentence "Let no man put asunder." He said the true meaning of the Lord was that the then consent of the church was that any man might on his own volition put his wife away should not be allowed. There was then no other way of divorce. That sentence, however, was not essential to the marriage, still less was it the right of any person to demand it. He would, therefore, favor the canon because it would relieve the clergy from the position of judging as to the innocence of an applicant for his office.

A Greater Evil Than Divorce. Rev. Dr. Nevins, of Rome, thought the proposed canon a very poor remedy for the evil complained of. His observation in a country where no divorce is allowed taught him that the evil was greater than where divorces were allowed. "Adultery is a greater evil than divorce," said he. Rev. Dr. John Fulton said no man living could claim the authorship of this canon. He wished to express his approval of the canon and his approval of the amendment, although he believed the innocent party had a perfect right to marry and be innocent of offense in doing so. He declared, however, that the marriage edicts of the church was not essential to the marriage, still less was it the right of any person to demand it. He would, therefore, favor the canon because it would relieve the clergy from the position of judging as to the innocence of an applicant for his office.

Rev. Dr. Alsop did not favor making the law more rigorous than strict righteousness demands, the following of the Lord's demands. He cited the instances of the failure of extreme Sabbatarianism and prohibition and ecclesial under the Roman canon to accomplish what they sought after, as an argument against too great rigidity in this matter.

Mr. Elder's amendment to Dr. Huntington's amendment was then put to a vote and lost. The committee then rose and reported progress to the house.

It was decided that the house should next go into committee of the whole on this subject Monday at 10:30 o'clock. The messages from the house of bishops were read, covering the nominations for missionary bishops and notifying the house that it had disagreed in its actions on article 10 and on the "Huntington amendment" to article 10 of the amendments to the constitution.

The house then adjourned.

In the House of Bishops. The morning session of the house of bishops was presided over by Bishop Deane, of Albany. After the service of holy communion the first business in order was the nomination of five missionary bishops to the bishopric of Alaska.

The balloting resulted in the choice of the following: Rev. Charles H. Battle, of North Carolina; Rev. Charles H. Battle, of North Carolina; Rev. Charles H. Battle, of North Carolina.

Rev. Charles H. Battle, chosen to be the first missionary bishop of the Philippines, is a native of Ontario, and a graduate of the Toronto Theological School. Since 1882 he has been assistant minister of St. Stephen's Church in Boston, St. Paul's Church in Buffalo, and has also served in West Booth, Maine.

Rev. Frederick William Kaetzel, who was chosen to go to the Olympia district, is a member of the present house of deputies, and is about 40 years old.

Rev. William C. Elder, chosen for the new district of Porto Rico and adjacent islands, is a native of Lynchburg, Va. For some time he has been in charge of a mission in Brazil.

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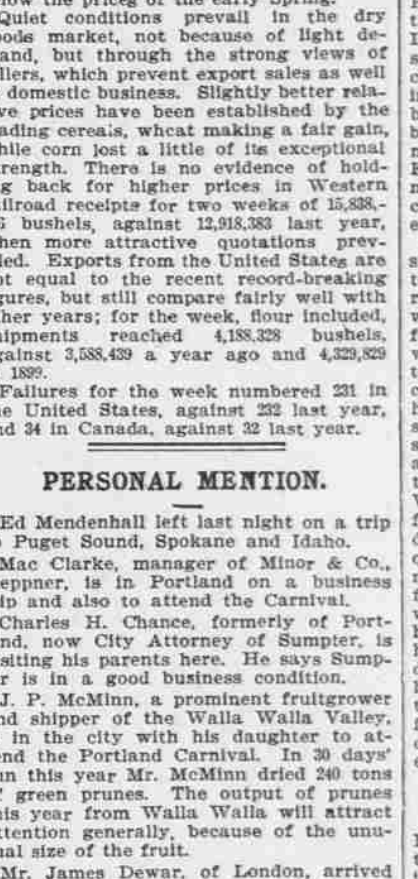
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