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**Art. I.—PRESBYTERIAN ELEMENTS OF OUR
NATIONALITY.**

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THE vital and permanent elements which are assimilated in our nationality were derived from various sources. While, as a general rule, they had originally much in common, they were by no means homogeneous. There were marked diversities and peculiarities in New England Puritans, Dutch, Swedish, and Welsh colonists, Huguenot exiles, Scotch-Irish emigrants, and the Episcopalians of Virginia and the Carolinas. In what now constitute the Middle States, there was a preponderance of Presbyterians, and yet along with these were to be found many Quakers and Episcopalians. President Stiles, a few years before the Revolution, made an estimate of the relative strength of the Congregational Churches of New England and of the Presbyterian Churches outside of it, and, according to his calculation, the latter were but about one-fourth of the aggregate of both, or, in other words, the Congregationalists outnumbered the Presbyterians by three to one. If we concede to non-Presbyterians, who heartily co-operated in the region south of New England, a strength equal to that of the Presbyterians, we shall conclude that the latter were numerically one-fifth of the active Revolutionary force of the time.

cut), New Jersey, and Barbadoes, in such crowds and numbers that many have died in transportation," and that a company of Scotchmen, arrested at a private meeting in London, were banished and transported to New Jersey, sixty of them dying upon the passage.

But the fortunes of these exiles, or the spirit and sympathies of those who, during the next generation, followed them to this country, we have not here space to trace; nor can we present the relations of Irish Presbyterianism to the despotism that sought to crush it. These matters must be deferred till another time. But we have seen very distinctly the attitude, the principles, and the claims of Presbyterianism in Scotland. While the Prelatists of England and Scotland were rivaling each other in serf-like adulation of royalty; while they were striving to break down all the safeguards of popular rights and civil and religious liberty; the Presbyterians of Scotland, unawed by power, unappalled by a persecution scarcely paralleled in horror in any age of the world, were bearing aloft the banner of Christ's crown and covenant, and making that banner, at the same time, the banner of human rights and the banner of the "Glorious Revolution" of 1688.

Art. II.—CIVIL AND RELIGIOUS LIBERTY IN TURKEY.

By Rev. E. D. G. PRIME, D.D., New York.

RARELY in the history of Empires do we find movements in the direction of personal freedom and security working downward, from the sovereign to the people; and there is probably no instance in modern times in which the usual order of things has been more notably inverted than in the history of the Ottoman Porte. Here, in the West, we are accustomed to think and to speak of the Turkish as the worst government in existence; as founded in despotism, and administered without regard to human rights. But, notwithstanding its despotic character and the venality of its officials of every grade, a

movement has been going on during the reigns of the last three or four Sultans, which, in all the circumstances, is truly wonderful. The current of the Empire, from its founding, has been in the line of absolute power, and yet there has been an undercurrent in the opposite direction which has effected great changes. For nearly a hundred years Turkey has been taking steps toward the correction of abuses and in the direction of personal liberty; and the peculiarity of the movement is, that it did not originate with the people, but with the Sultans. Measures of reform and constitutional guarantees have emanated from the throne, and have been administered in the face of all precedent, without the show of revolutionary demand on the part of the people.

To appreciate the character of these organic movements, it must be borne in mind that the Ottoman power is essentially intolerant, as well as despotic. It is patriarchal in its origin and genius, but the Koran is a part of its fundamental law, and Islam knows no such thing as toleration. The sword at the beginning was its chief argument. Like Popery, it allows no dissent. Mohammedanism has never admitted the principle of human liberty, not even the liberty of the human soul. This makes the action of some of the later Sultans, and the constitutional changes of the last reign, the more noteworthy.

It is not our design to defend the character of the Turkish government; nor to apologize for its administration; nor to discuss the question whether it is capable of being so reformed as to make it a desirable government for any of its multifarious classes of subjects; nor to speculate upon the probabilities of its speedy dissolution.* Our object is to place on record, and in the form of continuous history, some incidents of the reigns of the later Sultans, and especially to present a documentary chronicle of the several edicts in the line of religious freedom, which, in this complete and connected form, is not, so far as we are aware, anywhere accessible to the general reader.

* Few are aware how long Turkey has been thought by her physicians to be in a state of rapid decline. The familiar title of "the sick man" is at least two centuries and a half old. So long ago as 1622, Sir Thomas Roe, then British Ambassador, applied to Turkey the language that is now so common the world over. He wrote: "It has become, like an old body, crazed through many vices, which remain when the youth and strength are decayed."

For the full understanding of the documents that follow, it may be necessary to explain the anomalous character of the existing government of Turkey. The Sublime Porte, of which the Sultan is the absolute head, is supreme, but only the Turks and other Moslems are directly subject to its authority. The Greeks, Armenians, Jews, etc., residing in Turkey, intermingled and composing a large part of the population, have severally their own governments, each nation constituting, to a limited extent, an *imperium in imperio*. By the fundamental, though unwritten, law of the Empire, each one of these nations was long ago organized into a separate community, and though tributary and actually subject to the Sultan, each one manages its own affairs, civil and religious, and criminal as well, very much as if there were no other government in the Empire. The Armenians, for example, who are descendants of the ancient Armenian race, have a Patriarch, nominated by themselves, though appointed by the Sultan, and ranking with the higher Turkish pashas. As head of the Armenians, he is held responsible for the government of his nation, and for this purpose is invested with almost unlimited authority. He is nominally subject to the Sultan, but so long as he secures the collection of the taxes and their payment to the Turkish authorities, he is seldom interfered with. Every subject of the Empire, who is not a Mussulman, must be enrolled in one of these communities.

The irresponsible character of the government through all its departments naturally led to great abuses of power, which the easy-going disposition of the Turk had not force to remedy or resist. No measures of reform seem to have been even meditated until the accession of Sultan Abdul-Hamid. His reign, which extended from 1774 to 1789, was an exceedingly unhappy one. He was harassed by wars with Russia, and constantly threatened with the partition of the Empire. But, even in the midst of impending dangers from without, he was so much affected by the unhappy state of things at home, that he drew up an extended document, containing a full history of his reign, with reflections upon the condition of affairs, and suggestions for the correction of existing evils. Being unable to enter upon the work of reform, he left his suggestions as a legacy to his son and successor.

Selim III. came to the throne in 1789. Foreign wars, and

especially the aggressions of Austria and Russia, prevented his giving much attention to internal affairs until by the Treaty of Jassy, which was signed Jan. 9, 1792, peace was concluded with Russia by a cession of territory. Selim then, apparently without suggestion from abroad, in opposition to the selfish interests of his officials throughout the Empire, and in defiance of remonstrances and warnings, vigorously took up the work of reform. But he paid the penalty of his generous and bold attempt in the loss of his own liberty, and then of his life. The Janizaries, who had long held the sword of power, and who had ruled even the Sultans, conspired with the ministry, mutinied, dethroned Selim, consigned him to prison and then to the bowstring, and placed a tool, in the person of Mustapha IV., upon the throne, which he occupied as nominal ruler for a few months, when he, in his turn, was deposed and executed.

In 1808 Mahmoud II. became Sultan, and, notwithstanding the fate of his predecessors, even while occupied with foreign wars and the revolt of some of his chief provinces, took up the work which had been inaugurated by Selim III. Although strenuously opposed by the fanatical Turks, he instituted numerous changes in the administration of affairs; he closed the Courts of Confiscation, one of the chief engines of oppression; he abolished numerous systematic extortions; he established a juster system of taxation; he took away from the Pashas the power of life and death; in short, he reorganized the government, civil and military. The fiercest opposition that he encountered in this work came from the Janizaries, who, by their military organization, had entrenched themselves, and who were alike the Jesuits and the Thugs of Islam. Mahmoud never ceased to watch them. At length, becoming convinced that either he or they must perish, and that in their triumph all his efforts for the amelioration of the Empire must fail, he enacted the terrible tragedy of the 15th of June, 1826, by which, in the heart of the capital and in their own barracks, they were put to the sword, at the very moment that they were conspiring to dethrone him; and the power and the name of the Janizaries were exterminated together. Mahmoud continued to struggle with foreign and domestic foes until, through the revolt and successes of Mohammed Ali, of Egypt, the Empire seemed on

the very verge of destruction. He died in his palace without having heard of the heaviest disasters that had befallen his army and navy. His death was the occasion of scarcely concealed joy on the part of the more fanatical Mohammedans, especially of the Moslem priesthood, who were as hostile to all measures of reform as were the Janizaries themselves.

Abdul-Medjid came to the throne in 1839, at the age of sixteen, and scarcely had the sacred sword—the symbol of the religious, civil, and military power of the Sultans—been girded on, when he issued the first of that series of constitutional guarantees which distinguished his reign, and which are among the most remarkable acts recorded in the history of the Ottoman Empire. Although this edict was in direct pursuance of the measures of reform which had been undertaken by the two preceding Sultans, it was not secured without foreign influence. The condition of the Empire had become so desperate, owing to the successes of Mohammed Ali, and the threatening attitude of Russia, that the ministerial advisers of the young Sultan were compelled, in seeking foreign aid, to counsel concessions to the spirit of freedom that was abroad. The Powers of Europe demanded some guarantee for the better administration of affairs, in return for placing a check upon the ambition of the Czar. And above all these influences was that Unseen Power, mightier than Sultans or Kings, which had been preparing the way for the establishment in Turkey of the Kingdom that is destined to triumph over all the earth.

On the 2d of November, 1839, the young Sultan, Abdul-Medjid, assembled at his palace the vassals of the Empire—not merely the Mussulmans, but the deputies of the Greeks, the Armenians, etc., together with the foreign ambassadors—and in the presence of this august assembly ordered his Grand Vizier to read the first formal Bill of Rights granted by the Sultans, the Magna Charter of the Ottoman Empire. He then set the example to his officials by taking the oath of fidelity to the new instrument. This Charter is known as the Hatti Sherif of Gül Hané, so called from the garden of the seraglio in which it was promulgated. Its proclamation constitutes an epoch in the history of Turkey and of Mohammedanism. Although it did not directly relate to religious affairs, it placed Mohammedans, Christians, Jews, and Pagans on

the same footing in regard to civil rights. The following is the complete text of this important document :

HATTI SHERIF OF GUL HANÉ.

(Translation.)

“It is well known that, during the early ages of the Ottoman Monarchy, the glorious precepts of the Koran and the laws of the Empire were ever held in honor. In consequence of this the Empire increased in strength and greatness, and all the population, without exception, acquired a high degree of welfare and prosperity.

“For one hundred and fifty years a succession of incidents and various causes has checked this obedience to the sacred code of the law, and to the regulations which emanate from it, and the previous internal strength and prosperity have been converted into weakness and poverty ; for, in truth, an empire loses all its stability when it ceases to observe its laws.

“These considerations have been ever present to our mind, and since the day of our accession to the throne the thought of the public good, of the amelioration of the condition of the provinces, and the alleviation of the national burdens have not ceased to claim our entire attention. If we take into consideration the geographical position of the Ottoman Provinces, the fertility of the soil, and the aptness and intelligence of the inhabitants, we shall attain the conviction that, by applying ourselves to discover efficacious methods, the result which, with the aid of God, we hope to obtain, will be realized within a few years.

“Thus, then, full of confidence in the help of the Most High, supported by the intercession of our Prophet, we consider it advisable to attempt by new institutions to attain for the provinces composing the Ottoman Empire the benefits of a good administration.

“These institutions will principally refer to these topics :

“1. The guarantees which will insure our subjects perfect security for their lives, their honor, and their property.

“2. A regular method of establishing and collecting the taxes.

“3. An equally regular method of recruiting, levying the army, and fixing duration of the service.

“In truth, are not life and honor the most precious blessings in existence? What man, whatever may be his detestation of violence, would refrain from having recourse to it, and thereby injuring the government and his country, if his life and honor are exposed to danger? If, on the contrary, he enjoys perfect security in this respect, he will not forget his loyalty, and all his acts will conduce to the welfare of the government and his fellow subjects.

“If there is no security for their fortune, all listen coldly to the voice of their Prince and country ; none attend to the progress of the common weal, absorbed as they are in their own troubles. If, on the other hand, the citizen possesses in confidence his property, of whatever kind it may be, then full

of ardor for his own affairs, the sphere of which he strives to extend in order to increase that of his own enjoyments, he daily feels his love for his Prince and his country growing more fervent in his heart. These sentiments become within him the source of the most laudable actions.

“It is of the highest importance to regulate the imposition of the taxes, as the State, which in the defense of its territory is forced into various expenses, cannot procure the money necessary for the army and other branches of the service, save by contributions levied on its subjects.

“Although, thanks to God, our subjects have been for some time delivered from the scourge of monopolies, falsely regarded hitherto as a source of revenue, a fatal practice still exists, although it can only have the most disastrous consequences: it is that of the venal concessions known by the name of *Iltizim*.

“Under this system the civil and financial administration of a province is entrusted to the arbitrary will of an individual, that is, at times, to the iron hand of the most violent and covetous passions; for, if the administrator is not good, he cares for nothing but his own advantage.

“It is, therefore, necessary, that in future each member of the Ottoman Society should be taxed in a ratio to his fortune and his ability, and that nothing further should be demanded from him.

“It is also necessary that special laws should fix and limit the expenses of our forces on land and sea.

“Although, as we have said, the defense of the country is of paramount consideration, and it is the duty of all the inhabitants to furnish soldiers for this end, it is necessary to establish laws to regulate the contingent which each district should furnish, according to the requirements of the moment, and to reduce the time of active military service to four or five years, for it is both committing an injustice and inflicting a deadly blow on the agriculture and industry of the country, to take, without regard to the respective populations of the districts, more from one and less from another than they are able to furnish, at the same time it is reducing the soldiers to despair and contributing to the depopulation of the country to retain them during their whole life in the service.

“In fine, without the various laws, the necessity of which has been recognized, the Empire can neither possess strength, nor wealth, nor prosperity, nor tranquillity. On the contrary, it may hope for them all from the existence of these new laws.

“For this reason, in future, the cause of every accused party will be tried publicly, in conformity with our divine law; and, until a regular sentence has been pronounced, no one can put another to death, secretly or publicly, by poison, or any other form of punishment.

“No one will be permitted to assail the honor of any one, whosoever he may be.

“Every person will enjoy the possession of his property of every nature, and dispose of it with the most perfect liberty, without any one being able to impede him. Thus, for example, the innocent heirs of a criminal will not be

deprived of their legal rights, and the property of the criminal will not be confiscated.

“These Imperial concessions extend to all our subjects, whatever religion or sect they may belong to, and they will enjoy them without any exception.

“Perfect security is, therefore, granted by us to the inhabitants of the Empire, with regard to their life, their honor, and their fortune, as the sacred text of our law demands.

“With reference to the other points, as they must be regulated by the concurrence of enlightened opinions, our Council of Justice, augmented by as many new members as may be deemed necessary, to whom will be adjoined, on certain days which we shall appoint, our minister and the notables of the Empire, will meet for the purpose of establishing the fundamental laws on these points relating to the security of life and property and the imposition of the taxes. Every one in these assemblies will state his ideas freely and give his opinion.

“The laws relating to the regulations of the military service will be discussed by the Military Council, holding its meeting at the palace of the Seraskier. As soon as the law is decided upon, it will be presented to us, and in order that it may be eternally valid and applicable, we will confirm it by our sanction, written above it with our Imperial hand.

“As these present institutions are solely intended for the regeneration of religion, government, the nation, and the Empire, we engage to do nothing which may be opposed to them.

“As a pledge for our promise, we intend, after having deposited this in the hall which contains the glorious relics of the Prophet, in the presence of all the Ulema and Grandees of the empire, to take an oath in the name of the Almighty, and cause the Ulema and Grandees also to swear to that effect.

“After that, any one of the Ulema or Grandees, or any other person whatsoever, who violates these institutions, will undergo, without regard to rank, consideration, or credit, the punishment appointed for his guilt when proven. A penal code will be drawn up to this effect.

“As all the functionaries of the Empire will receive from this day a suitable salary, and those whose functions are not at present sufficiently rewarded will be advanced, a rigorous law will be passed against the traffic in favors and appointments, which the divine laws reprove, and which is one of the principal causes of the decay of the Empire.

“The enactments thus made being a complete renovation and alteration in ancient usages, this Imperial rescript will be published at Constantinople and in all the towns of our Empire, and will be officially communicated to all the Ambassadors of friendly Powers residing in Constantinople, in order that they may be witnesses of the concession of these institutions, which, with the favor of the Almighty, will endure forever.

“May, the all-powerful God have us all in his holy keeping !

“May those who commit any act contrary to the present institutions be the objects of the divine malediction and eternally deprived of every kind of happiness !”

Not long after the issuing of this memorable decree, the sincerity of the Turkish Government in the work of reform and freedom was put to a severe test. A young Armenian, who for some purpose had declared himself a Mohammedan, recanted and resumed his hereditary religion. Fearing the consequences of his recantation he fled to Greece. After a short absence he returned to the Turkish capital, where he was apprehended as an apostate from Islam. The most strenuous efforts by terror and bribery were made to induce him again to confess that "there is one God and Mohammed is his prophet," but without success. He was beheaded, and his body exposed in the public street for three days. Previous to his execution the representatives of the several Christian powers of Europe (chief among whom was that noble advocate of religious freedom, Sir Stratford Canning, now Lord Stratford de Redcliffe) exerted themselves to the utmost to save his life, but without avail. After the execution these representatives united in a remonstrance to the Sultan, and demanded a pledge that no one who had been born a Christian should suffer death for such a cause. After a long correspondence between the Ambassadors and their respective governments, some of which took high and strong ground on the subject, the English Ambassador obtained from the Ottoman government the following pledge :

"The Sublime Porte engages to take effectual measures to prevent, henceforward, the execution and putting to death of the Christian who is an apostate.
"March 21, 1844."

Two days later, Sir Stratford, in a personal interview, obtained a more comprehensive and still more important pledge from the Sultan himself :

"Declaration of His Highness, the Sultan, to Sir Stratford Canning, at his audience on the 23d of March, 1844 :

"Henceforth neither shall Christianity be insulted in my dominions, nor shall Christians be in any way persecuted for their religion."

It was of this pledge that the English Ambassador made the declaration, that "It seemed little less than a miracle, and God alone could have brought it about." No one who is familiar with the nature and history of Mohammedanism, and the character of its representative, the Ottoman government, can fail to be impressed with the truth and force of this remark.

When the great religious revival among the Armenians, known as the Protestant Reformation in Turkey, occurred in connection with the labors of the American missionaries, and converts to the truth began to be multiplied, the bitter hostility of the Armenian ecclesiastics was aroused and communicated to the mass of the people. It soon resulted in sharp persecution. The Evangelical Christians were excommunicated; their names were cast out as evil; they were cut off from all the ordinary means of livelihood, the people being forbidden to have any intercourse with them, to give them employment, or to render them any assistance; they were defamed and maltreated by their former brethren, and even by their own kindred; they were stoned in the streets; they were cast into prison by the Patriarch, and being, in the eye of the law, under his jurisdiction, they had no redress but in an appeal to the Sultan, which, in their poverty and their friendless condition, could promise no result.

In this state of things, the leading Protestant Powers represented at Constantinople took up the cause of the persecuted, and through their influence the Turkish government was induced to take another important step in the direction of religious toleration. A decree was issued in 1847, constituting these Christians a distinct community, under the title of Protestants, freeing them from all obligation to their former Patriarch, giving them a government of their own, which was decidedly republican in form, and putting them on the same footing with all other religious communities. This Charter is not only interesting in its chief aspect, its relation to the Protestants, but also as an explanation of the peculiar system of government which exists in Turkey.

PROTESTANT CHARTER OF 1847.

(Translation.)

“ To His Excellency, the Pashah Comptroller of the City Revenue :

“ Whereas, The Christian subjects of the Ottoman Government professing Protestantism, have experienced difficulty and embarrassment from not being hitherto under a special and separate jurisdiction, and naturally the Patriarch and the Heads of the sects from which they have separated not being able to superintend their affairs; and

“ Whereas, It is in contravention to the supreme will of His Imperial Majesty, our Gracious Lord and Benefactor (may God increase him in years

and power!), animated, as he is, with feelings of deep interest and clemency toward all classes of his subjects, that any of them should be subjected to grievance; and

“*Whereas*, The aforesaid Protestants, in conformity with the creed professed by them, do form a separate community:

“It is his Imperial Majesty’s supreme will and command, that, for the sole purpose of facilitating their affairs and of securing the welfare of said Protestants, the administration thereof should be henceforward confided to Your Excellency, together with the allotment of the taxes to which they are subjected by law: that you do keep a separate register of their births and deaths in the bureau of your department, according to the system observed with regard to the Latin subjects; that you do issue passports and permits of marriage, and that any person of established character and good conduct chosen by them to appear as their Agent at the Porte for the transaction and settlement of their current affairs, be duly appointed for that purpose.

“Such are the Imperial Commands which you are to obey to the letter.

“But although passports and the allotment of taxes are placed under special regulations which cannot be infringed upon, you will be careful that, in pursuance of his Majesty’s desire, no taxes be exacted from the Protestants for permits of marriage and registration; that any necessary assistance and facility be afforded to them in their current affairs; that no interference whatever be permitted in their temporal or spiritual concerns on the part of the Patriarch, monks, or priests of other sects; but that they be enabled to exercise the profession of their creed in security, and that they be not molested one iota, either in that respect, or in any other way whatever.

“RESHID, *Grand Vizier*.

“November 15, 1847.”

Although this Firman was a recognition of the Protestant Christians as a distinct community, making them entirely independent of their persecuting brethren, it had one grand defect: it was ministerial in its origin and authority. Being issued by the Grand Vizier, without the express sanction of the Sultan, it was liable, according to the organic law of the Empire, to be repealed. Should such a result take place, the Protestants would be thrown back into the hands of their former Patriarch, as the head of the Armenians, now doubly exasperated by their course; or into those of the Greek Patriarch, if they had been connected with the Greek Church; and their last state would thus be worse than the first. By the same friendly influence a new Charter was obtained in 1850 from “His Imperial Majesty, Sultan Abdul-Medjid,” to be of supreme and perpetual authority. It did not supersede, but confirmed, the former. It is as follows:

IMPERIAL PROTESTANT CHARTER OF 1850.

(Translation.)

“To my Vizier Mohammed Pashah, Minister of Police at my Capital, the honorable Minister and glorious Counsellor, the Model of the World, and Regulator of the Affairs of the Community, who, directing the public interests with sublime prudence, consolidating the structure of the Empire with wisdom, and strengthening the columns of its prosperity and renown, is the recipient of every grace from the Most High. May God prolong his glory :

“When this Sublime and August Mandate reaches you, let it be known that,

“*Whereas*, Hitherto those of my Christian subjects who have embraced the Protestant faith have suffered inconvenience and difficulties, in consequence of their not being placed under a separate and special jurisdiction, and in consequence of the Patriarchs and Primates of their old creeds, which they have abandoned, naturally not being able to administer their affairs and

“*Whereas*, In necessary accordance with my Imperial compassion, which extends to all classes of my subjects, it is contrary to my Imperial pleasure that any one class of them should be exposed to trouble ; and

“*Whereas*, By reason of their faith, the above-mentioned already form a separate community, it is, therefore, my Royal compassionate will, that, by all means, measures be adopted for facilitating the administration of their affairs, so that they may live in peace, quiet, and security.

“Let, then, a respectable and trustworthy person, acceptable to and chosen by themselves, from among their own number, be appointed, with the title of ‘Agent of the Protestants,’ who shall be attached to the department of the Minister of Police.

“It shall be the duty of the Agent to have under his charge the register of the members of the community, which shall be kept at the police. The Agent shall cause to be registered therein all births and deaths in the community. All applications for passports and marriage licenses, and special transactions of the community, that are to be presented to the Sublime Porte, or to any other department, must be given under the official seal of this agent.

“For the execution of my will, this, my Royal Mandate and August Command, has been specially issued and granted from my Imperial chancery.

“Hence, thou, the minister above-named, in accordance with the explanations given, will execute to the letter the preceding ordinance ; except, that as the collection of capitation tax, and the delivery of passports are subjected to specific regulations, you will not do anything contrary to them. You will not permit any thing to be required of them, on pretence of fees or expenses, for marriage licenses or registration.

“You will see to it that, like the other communities of the Empire, in all their affairs, and in all matters appertaining to their cemeteries and places of worship, they should have every facility and needed assistance. You will not

permit that any of the other communities should in any way interfere with their rites, or with their religious concerns, and, in short, in no wise with any of their affairs, secular or religious; that thus they may be enabled to exercise the usages of their faith in security.

“And it is enjoined upon you not to allow them to be molested an iota in these particulars, or in any others, and that all attention and perseverance be put in requisition to maintain them in quiet and security. And in case of necessity, they are permitted to make representations regarding their affairs through their Agent to the Sublime Porte.

“When this, my Imperial will, shall be brought to your knowledge and appreciation, you will have this August Edict registered in the proper department, and cause it to be perpetuated in the hands of the above-mentioned subjects, and you will see to it that its requirements be always executed in their full import.

“Thus be it known to thee, and respect my sacred signet.

“Written in the holy month of Moharrem, A. H. 1267 (Nov. 1850).

“Given in the protected city of Constantinople.”

Notwithstanding the issuing of these Ministerial and Imperial Firmans, it was found that the persecution of the Protestant Christians by their former co-religionists, did not altogether cease, especially in the interior. This persecution was believed to be instigated by Jesuit or Russian agents. Some of the Turkish governors in the provinces failed to exert their official power for the protection of those who were authorized to demand protection, and on representation being made at the capital, still another Firman was issued by the Sultan in 1853, copies of which were sent to all the Protestant chiefs or headmen in the Empire, and also to the governors, with strict orders that it should not be disregarded. It reaffirmed the determination of the government to protect the Protestants and was designed to make it clearly understood that the Charter which had been given them was a reality and would be enforced.

IMPERIAL FIRMAN OF 1853.

“Let attention be given to the unchangeable, constant, and perpetual execution of the provisions contained in this, my High Firman; and let care be taken not to contravene it.

“To Sdepan, the chosen and honorable Vakeel of the Protestant Christian community! May your honor be increased! When my High Firman reaches you, know that the all-just and sovereign God, the gracious giver of good, according to his divine, excellent, and boundless goodness, having caused my Imperial and August person to reign in regal glory; and having elevated me to the lofty and Imperial rank of Caliph, I give thanks and glory that so many cities and diverse classes and subjects, nations and servants,

are committed to the hand of my most just Caliphate, as a special divine trust. Wherefore, in accordance with the benevolence due from my civil and spiritual power, and also in conformity with the excellent custom of my Sultan-ship and my sovereignty, being favored by the divine goodness and aided from above, since my succeeding to the happy Imperial throne, I have used all my care to secure perfect protection to each class of all the subjects of my government, and especially, as in all former times, that they may enjoy perfect quiet in the performance of religious rites and services, without distinction, in accordance with my true and honest Imperial purpose and my benevolent will; and my Imperial government, continually and without ceasing, watches for the same.

“And since the good and useful effects of these measures are at all times plainly manifest, it is my Imperial desire that no improper or disorderly thing, of whatever kind, be thoughtlessly occasioned to the faithful subjects of my kingdom of the Protestant faith, and that the special privileges granted by my Imperial government, concerning religion and matters pertaining to it, be in all respects perpetually preserved from all detriment. And as it is my Imperial will that no injury, of whatever kind, or in whatever manner, come upon them, therefore, this most righteous Imperial edict has been written, that those who act against it may know that, exposing themselves to my royal indignation, they shall be punished. Notice has been given to the proper authorities, so that there may not be the least ground of excuse, if there should happen in any way a neglect of this ordinance.

“And this, my firm decree, has been issued from my Royal divan, to make known and establish it as my Imperial purpose, that this thing shall be carried into full and complete execution. Wherefore, you, who are the above-mentioned Vakeel, on learning this, will always move and act in accordance with the demands of this, my High Firman, and carefully abstain from anything at variance with these things; and if anything shall occur contrary to this, my decisive order, you will forthwith make it known to the Sublime Porte. Know this to be so, and give credence to my Imperial cypher.

“Written in the last of the month Shaban, 1269.”

The war between Turkey and Russia, which began on the Danube in 1853, and was ended in the Crimea in 1856, in which the armed interference of Great Britain, France, and Sardinia saved Turkey from dismemberment, if not from falling entirely into the possession of Russia, was overruled to securing still greater concessions in behalf of religious liberty. This last movement was not spontaneous on the part of the Sultan, nor was it a mere act of gratitude for the aid he had received from the Allied Powers. It was due chiefly to the diplomatic skill and perseverance of Lord Stratford de Redcliffe, whose services in the cause of religious liberty, and whose hearty countenance and support of Christian missions during his long resi-

dence at the Turkish capital can never be overestimated. He was fully sustained by his own government in demanding this last Imperial concession. While the matter was under advisement, the Earl of Clarendon, British Minister of Foreign Affairs, wrote to Lord Stratford :

“ Her Majesty’s government distinctly demands that no punishment whatever shall attach to the Mohammedan who becomes a Christian, whether originally a Mohammedan, or originally a Christian, any more than any punishment attaches to a Christian who embraces Mohammedanism. In all such cases the movements of the human conscience must be left free, and the temporal arm must not interfere to coerce the spiritual decision.”

These views were frequently urged upon the Porte, and at length, in February, 1856, was issued the celebrated Hatti Humayoun, which is as follows :

HATTI HUMAYOUN OF 1856.

(Translation.)

“ Let it be done as herein set forth.

“ To you, my Grand Vizier, Mehemed Emin Aali Pasha, decorated with my Imperial Order of the Medjidyé of the first class, and with the Order of Personal Merit; may God grant to you greatness and increase your power !

“ It has always been my most earnest desire to insure the happiness of all classes of the subjects whom Divine Providence has placed under my Imperial sceptre; and since my accession to the throne I have not ceased to direct all my efforts to the attainment of that end.

“ Thanks to the Almighty, these unceasing efforts have already been productive of numerous useful results. From day to day the happiness of the nation and the wealth of my dominions go on augmenting.

“ It being now my desire to renew and enlarge still more the new institutions, ordained with the view of establishing a state of things conformable with the dignity of my Empire and the position which it occupies among civilized nations; and the rights of my Empire having, by the fidelity and praiseworthy efforts of all my subjects, and by the kind and friendly assistance of the Great Powers, my noble Allies, received from abroad a confirmation which will be the commencement of a new era, it is my desire to augment its well-being and prosperity, to effect the happiness of all my subjects, who in my sight are all equal and equally dear to me, and who are united to each other by the cordial ties of patriotism, and to insure the means of daily increasing the prosperity of my Empire. I have, therefore, resolved upon, and I order the execution of, the following measures.

“ The guarantees promised on our part by the Hatti-Humayoun of Gül Hané, and in conformity with the Tanzimat, to all the subjects of my Empire, without distinction of classes or of religion, for the security of their persons and property and the preservation of their honor, are to-day confirmed

and consolidated ; and efficacious measures shall be taken in order that they may have their full and entire effect.

“All the privileges and spiritual immunities granted by my ancestors, *ab antiquo*, and at subsequent dates, to all Christian communities or other non-Mussulman persuasions, established in my Empire under my protection, shall be confirmed and maintained.

“Every Christian or other non-Mussulman community shall be bound, within a fixed period, and with the concurrence of a commission composed, *ad hoc*, of members of its own body, to proceed, with my high approbation and under the inspection of my Sublime Porte, to examine into its actual immunities and privileges, and to discuss and submit to my Sublime Porte the reforms required by the progress of civilization and of the age. The powers conceded to the Christian Patriarchs and Bishops by the Sultan Mahomet II. and his successors, shall be made to harmonize with the new position which my generous and beneficent intentions insure to these communities.

“The principle of nominating the Patriarchs for life, after the revision of the rules of election now in force, shall be exactly carried out, conformably to the tenor of their firmans of investiture.

“The Patriarchs, Metropolitans, Archbishops, Bishops, and Rabbins shall take an oath on their entrance into office, according to a form agreed upon in common by my Sublime Porte and the spiritual heads of the different religious communities. The ecclesiastical dues, of whatever sort or nature they be, shall be abolished, and replaced by fixed revenues for the Patriarchs and heads of communities, and by the allocation of allowances and salaries equitably proportioned to the importance of the rank and the dignity of the different members of the clergy.

“The property, real or personal, of the different Christian ecclesiastics shall remain intact ; the temporal administration of the Christian or other non-Mussulman communities shall, however, be placed under the safeguard of an assembly to be chosen from among the members, both ecclesiastics and laymen, of the said communities.

“In the towns, small boroughs, and villages, where the whole population is of the same religion, no obstacle shall be offered to the repair, according to their original plan, of buildings set apart for religious worship, for schools, for hospitals, and for cemeteries.

“The plans of these different buildings, in case of their new erection, must, after having been approved by the Patriarchs or Heads of communities, be submitted to my Sublime Porte, which will approve of them by my Imperial order, or make known its observation upon them within a certain time.

“Each sect, in localities where there are no other religious denominations, shall be free from every species of restraint as regards the public exercise of its religion.

“In the towns, small boroughs, and villages, where different sects are mingled together, each community inhabiting a distinct quarter shall, by conforming to the above-mentioned ordinances, have equal power to repair and improve its churches, its hospitals, its schools, and its cemeteries. Whe

there is question of the erection of new buildings, the necessary authority must be asked for, through the medium of the Patriarchs and heads of communities, from my Sublime Porte, which will pronounce a sovereign decision according to that authority, except in the case of administrative obstacles. The intervention of the administrative authority in all measures of this nature will be entirely gratuitous. My Sublime Porte will take energetic measures to insure to each sect, whatever be the number of its adherents, entire freedom in the exercise of its religion.

“Every distinction or designation tending to make any class whatever of the subjects of my Empire inferior to another class, on account of their religion, language, or race, shall be forever effaced from the administrative protocol. The laws shall be put in force against the use of any injurious or offensive term, either among private individuals or on the part of the authorities.

“As all forms of religion are and shall be freely professed in my dominions, no subject of my Empire shall be hindered in the exercise of the religion that he professes, nor shall be in any way annoyed on this account. No one shall be compelled to change his religion.

“The nomination and choice of all functionaries and other *employees* of my Empire being wholly dependent upon my sovereign will, all the subjects of my Empire, without distinction of nationality, shall be admissible to public employments, and qualified to fill them according to their capacity and merit, and conformably with rules to be generally applied.

“All the subjects of my Empire, without distinction, shall be received into the civil and military schools of the government, if they otherwise satisfy the conditions as to age and examination, which are specified in the organic regulations of the said schools. Moreover, every community is authorized to establish public schools of science, art, and industry. Only, the method of instruction and the choice of professors in schools of this class shall be under the control of a mixed Council of Public Instruction, the members of which shall be named by my sovereign command.

“All commercial, correctional, and criminal suits between Mussulman and Christian, or other non-Mussulman subjects, or between Christians or other non-Mussulmans of different sects, shall be referred to mixed tribunals.

“The proceedings of these tribunals shall be public; the parties shall be confronted and shall produce their witnesses, whose testimony shall be received, without distinction, upon an oath taken according to the religious law of each sect.

“Suits relating to civil affairs shall continue to be publicly tried, according to the laws and regulations, before the mixed provincial councils, in the presence of the governor and judge of the place. Special civil proceedings, such as those relating to successions, or others of that kind, between subjects of the same Christian or other non-Mussulman faith, may, at the request of the parties, be sent before the councils of the patriarchs or of the communities.

“Penal, correctional, and commercial laws, and rules of procedure for the mixed tribunals, shall be drawn up as soon as possible, and formed into a

code. Translations of them shall be published in all the languages current in the Empire.

“Proceedings shall be taken, with as little delay as possible, for the reform of the penitentiary system, as applied to houses of detention, punishment, or correction, and other establishments of like nature, so as to reconcile the rights of humanity with those of justice. Corporal punishment shall not be administered, even in the prisons, except in conformity with the disciplinary regulations established by my Sublime Porte; and everything that resembles torture shall be entirely abolished.

“Infractions of the law in this particular shall be severely repressed, and shall besides entail, as of right, the punishment, in conformity with the civil code, of the authorities who may order and of the agents who may commit them.

“The organization of the police in the capital, in the provincial towns, and in the rural districts, shall be revised in such a manner as to give to all the peaceable subjects of my Empire the strongest guarantees for the safety both of their persons and property.

“The equality of taxes entailing equality of burdens, as equality of duties entails that of rights, Christian subjects, and those of other non-Mussulman sects, as it has been already decided, shall, as well as Mussulmans, be subject to the obligations of the Law of Recruitment. The principle of obtaining substitutes, or of purchasing exemption, shall be admitted. A complete law shall be published, with as little delay as possible, respecting the admission into and service in the army, of Christian and other non-Mussulman subjects.

“Proceedings shall be taken for a reform in the constitution of the provincial and communal councils, in order to insure fairness in the choice of the deputies of the Mussulman, Christian, and other communities, and freedom of voting in the councils. My Sublime Porte will take into consideration the adoption of the most effectual means for ascertaining exactly and for controlling the result of the deliberations of the decisions arrived at.

“As the laws regulating the purchase, sale, and disposal of real property are common to all the subjects of my Empire, it shall be lawful for foreigners to possess landed property in my dominions, conforming themselves to the laws and police regulations, and bearing the same charges as the native inhabitants, and after arrangements have been come to with foreign powers.

“The taxes are to be levied under the same denomination from all the subjects of my Empire, without distinction of class or of religion. The most prompt and energetic means for remedying the abuses in collecting the taxes, and especially the tithes, shall be considered. The system of direct collection shall gradually, and as soon as possible, be substituted for the plan of farming, in all the branches of the revenues of the State. As long as the present system remains in force, all agents of the government and all members of the Medjlis shall be forbidden, under the severest penalties, to become lessees of any farming contracts which are announced for public competition, or to have any beneficial interest in carrying them out. The local taxes shall, as far as

possible, be so imposed as not to affect the sources of production, or to hinder the progress of internal commerce.

“Works of public utility shall receive a suitable endowment, part of which shall be raised from private and special taxes, levied in the provinces which shall have the benefit of the advantages arising from the establishment of ways of communication by land and sea.

“A special law having been already passed, which declares that the budget of the revenue and expenditure of the State shall be drawn up and made known every year, the said law shall be most scrupulously observed. Proceedings shall be taken for revising the emoluments attached to each office.

“The heads of each community and a delegate, designated by my Sublime Porte, shall be summoned to take part in the deliberations of the Supreme Council of Justice on all occasions which might interest the generality of the subjects of my Empire. They shall be summoned specially for this purpose by my Grand Vizier. The delegates shall hold office for one year; they shall be sworn on entering upon their duties. All the members of the Council, at the ordinary and extraordinary meetings, shall freely give their opinions and their votes, and no one shall ever annoy them on this account.

“The laws against corruption, extortion, or malversation, shall apply, according to the legal forms, to all the subjects of my Empire, whatever may be their class and the nature of their duties.

“Steps shall be taken for the formation of banks and other similar institutions, so as to effect a reform in the monetary and financial system, as well as to create funds to be employed in augmenting the sources of the material wealth of my Empire.

“Steps shall also be taken for the formation of roads and canals to increase the facilities of communication and increase the sources of the wealth of the country. Every thing that can impede commerce or agriculture shall be abolished. To accomplish these objects, means shall be sought to profit by the science, the art, and the funds of Europe, and thus gradually to execute them.

“Such being my wishes and my commands, you, who are my Grand Vizier, will, according to custom, cause this Imperial Firman to be published in my Capital and in all parts of my Empire; and you will watch attentively and take all the necessary measures that all the orders which it contains be henceforth carried out with the most rigorous punctuality.”

The proclamation of this Imperial Edict was made by the Sultan, Abdul-Medjid, at the palace of the Porte, with solemn ceremony. There were present the Turkish Ministers, the Council of State, the Grand Mufti, the Patriarchs, Rabbis, and other heads of religious communities. Its proclamation was accompanied with prayer, offered by the Sheik-ul-Islam, that the one God over all would bless this Charter of Equal Rights

to the whole people of the Sultan of every name. It thus became the Constitutional Law of the Empire.

This Hatti Humayoun closes the series of documents issued by the Turkish government, guaranteeing to its subjects equal privileges, and confirming to them a certain degree of religious liberty. Considering the source from which they were issued, it may be safely affirmed that no government has ever promulgated a more remarkable series of constitutional pledges.

This article is already so extended that there is no space to pursue the inquiry as to how far the Turkish government has redeemed its solemn pledges, and our main object has been accomplished in making them a matter of connected history. These documentary expressions by the Ottoman Porte have new interest, in view of the recent reactionary measures that have been adopted. The Turkish government just now is reviving the ancient policy of the Sultans, and acting more in accordance with the principles of Mohammedanism. Taking alarm from the progress of the Gospel in different parts of the Empire, it is seeking to bind the word of God, and to restrict the efforts of Christian missionaries who are laboring to bring men to the knowledge of the truth. It is imposing penalties upon those who, having been followers of the false prophet, become the humble followers of Christ. But Turkey owes too much to Christianity to be allowed to take this backward step. She exists to-day as an independent power, only through the protection of the Christian powers of Europe, and more especially of Protestant England. But for their intervention she would have been portioned out long ago among her neighbors, who have been watching for her dissolution, or waiting for her dismemberment. Were it not for the conflicting interests of the European governments, all of them nominally Christian, the Czar, before another year, would have his winter palace at Stamboul, and the Christmas chants of the Greek ritual would be heard once more in the ancient church, now the Mosque, of St. Sophia. Turkey has no moral right to attempt to turn back the shadow on the dial of time. She has no right to restore the days of persecution which she herself has closed by constitutional charters. Christian nations have no need to employ the force of arms to convince the Sultan of this. If reason and diplomacy fail to secure the fulfilment of

her solemn pledges—some of them, it is true, made under the pressure of adversity—the Christian Powers have only to announce that their protection is withdrawn, and the days of Moslem supremacy in Turkey will be ended.

That God would in his own way secure the spread and speedy triumph of the Gospel in that great Empire, must be the prayer of every Christian heart.

Art. III.—THE RIGHT OF A PROSECUTOR TO APPEAL.

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THIS article is designed to maintain the following proposition: That when a Presbyterian minister is under process for heresy at the instance of an individual accuser, the prosecutor has a right to appeal from a sentence of acquittal.

Four leading objections have been urged against this proposition, to wit: (1.) The common-law maxim, that no one shall twice be put in jeopardy of life or limb for the same offense. (2.) The allegation that the prosecutor in such a case is not an aggrieved party. (3.) The alleged absence of precedents in support of the proposition, and the alleged existence of a precedent which contradicts it. (4.) The objection based on a construction of Chap. vii, Sec. 3, of the *Book of Discipline*.

Objection First.—Among the pleas in bar at the common law is that known as *autre fois acquit*. The principle on which it rests is the well-known maxim, that no one shall twice be put in jeopardy of life or limb for the same offense. It is easy to understand, that while a former acquittal is a good plea against a new indictment for the same offense, it would not necessarily prevent the granting of a new trial for cause shown, and on motion of the prosecutor. And while it is freely conceded that the courts in England* do not grant new trials in criminal

* In this country the doctrine in question has been embodied in the Federal and in the State constitutions. That it was deemed necessary to make the doctrine part of the organic law of the land, goes to show that it was not considered as an absolutely indisputable legal principle.