Remarks before the Missouri Annual Conference, in 1839, on the admission of the testimony of colored persons in ecclesiastical investigations, by Silas Comfort.

It cannot be denied that this question involves principles which are vastly important, both in theory and practice. It manifestly involves, though indirectly, not only the civil relation of the colored people, as they stand connected with society generally, but also their moral relations, as they stand connected with the Church. Civil degradation most probably is generally associated with moral dagradation; but we conceive not necessarily, nor always in the same degree; because a man or a community, sunk in the deepest civil degradation, may be raised through the transforming energy of the gospel to a state of high moral elevation. There is nothing in the nature of things which renders it impossible for a person under the deepest civil disablities to be under the strongest moral influence, or to enjoy a high state of moral renovation.

But, on the contrary, it will not be denied that this is far from being the case with colored persons generally; nor can this high state of moral culture be predicated of all classes of white people. With regard to some classes, they stand on the ground exactly parallel, or at least no higher than the ordinary classes of the colored population. Their civil relations may be superior, but their moral culture and elevation may be the same, or even inferior.

Let it be remarked, again, that the investigation of the moral conduct of church members is a moral, not a civil transaction. And, for this reason the Discipline of the Church and the New Testament must be regarded as the criteria of correct procedure, and not the civil statutes of the state or the community, unless indeed they clash with each other; and, when this occurs, expediency may require us to swerve from the former in order not to violate the latter. But in such cases it is not difficult to see that a sacrifice

of justice and truth would be the natural, if not in most cases the unavoidable consequence.

But, on the contrary, the civil institutions of any country cannot clash with the principles of ecclesiastical jurisprudence laid down in the New Testament, where the church and the state are not united, and where the latter does not interfere with the former. When the state does not prescribe to the church, she does not interfere or in any way prohibit the church from conducting her disciplinary policy according to her own adopted rules and regulations. And, for this reason analogies between civil and ecclesiastical rules and forms of adjucdication can only hold good to a limited extent. This must be so while one is a civil process, conducted on principles and according to rules laid down in the civil code of the State, and the other is a moral and ecclesiastical procedure, conducted on principles and ~~rules~~ according to rules laid down in the New Testament and in the Discipline of the said Church, and for purposes purely moral and religious.

And, moreover, this is evidently the ground which the Discipline of our own Church occupies on the subject. Hence the Discipline gives the colored ministers all the privileges of other ministers "in district and quarterly conferences, when the usages of the country do not forbid it"(page 189, part 2, section 10). But with regard to colored members, as far as has come to our knowlege, we have not had the first instance in which the State legislature has interposed with regard to their church membership. Therefore, as far as the main principle itself is involved, it is clear that the church may allow her own members to give testimony for and against, according to scriptural and disciplinary criterion, in all her judicatories.

But, to this it may be answered that ~~e~~<u>expediency</u> may render it improper to admit the testimony of colored men in church judicatories; and, therefore, their testimony should be indiscriminately rejected. To this may be replied that there may be cases where expediency may <u>require</u> the admission. Because it is not to be un-

understood,- it will not prove true in practice by any calculation founded on experience and ordinary probabilities,-that their testimony will oftener be called for <u>against</u> an accused member than <u>in his favor.</u> While, on the one hand, without such testimony cases and circumstances are supposable when it would be impossible for the church to purge herself from unworthy members; so, on the other hand, it is equally supposable that cases may occur with circumstances thrown around them, when the unjustly accused and innocent white man may be compelled to lie under a vile imputation, or be actually convicted of an offense, if not allowed to exonerate himself by the admission of the testimony of colored men. The rule, therefore, works both ways. It may operate as much in favor both of the church and individuals as against either.

The question of the personal credibility of the witness is a matter separate and distinct from the simple admission of such testimony. The latter is a question of <u>law</u>, to be decided by the judge; the former, one of <u>fact</u>, to be decided by the jury. And, were it demonstrable that colored people are entitled to less credibility than white people, it would only prove that we should be the more cautious in the application of such testimony, and that we should always analyze it with greater scrutiny. But it can never be a reason for the total rejection of every colored person's testimony, members of the church, as well as others, from church judicatories.

By a careful examination of this subject it is not difficult to see how far the civil condition of the slave is affected by the question at issue. The fact is, at least so it appears to us, that the civil institution of slavery is left by this question just where it was before, and where we unhesitatingly say it should be left,- with the civil government of the respective states where the institution has obtained. This is the view which our church has adopted on this subject, and on which she acted when the question was pressed upon her attention at the last General Conference (in 1836). And any departure from this principle by any minister in matters

of a responsible character, would be to incur personal responsibility. But by strictly adhering th that acknowleged standard, he standa or falls with the church. Nor would it be either just or generous, by mere construction, to involve him in questions founded on principles which he unqualifiedly and uniformily discards, or to throw upon him imputations of a serious nature leading to certain liabilities of a reckless, unmeasured and unrestrained character, simply from the grounds occupied by mere questions of law, arising in the course of his administration, on which he is called, in the discharge of his duty, to give his official decision. But, if in such official decision he is wrong, let him stand corrected by the constituted and proper authorities of the church. By these he must stand corrected or sustained, which can be done without derangement to the interests, harmony or unity of the church.

One reflection will set this question in the clearest light. It is the province of the administrator, no matter what his grade of office in the church, to <u>adjudicate</u> on the case which is brought before him, and not to <u>legislate</u>. This, in our church, is the exclusive province of the General Conference, which is the only council, body or assembly invested with legislative powers; and which is organized only once in four years, and exists no longer than its actual sessions for the time being. Therefore the administrator, whatever may be the peculiar phases and circumstances of the case, must simply apply such lawsas already exists on the subject. Nor does it readily appear how he can be convicted of mal-administration, while he does not travel out of the charter based on Scripture and the Discipline of the Church.