

See p. 35

REV. J. ADAMS'

CONVENTION SERMON

ON

THE RELATION OF CHRISTIANITY

TO

Civil Government

IN THE

UNITED STATES OF AMERICA.

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**THE RELATION OF CHRISTIANITY TO CIVIL
GOVERNMENT IN THE UNITED STATES:**

SERMON,

Preached in St. Michael's Church, Charleston,

FEBRUARY 13TH, 1833.

BEFORE

THE CONVENTION

OF THE

PROTESTANT EPISCOPAL CHURCH

OF THE

DIOCESE OF SOUTH-CAROLINA:

BY REV. J. ADAMS,

**PRESIDENT OF THE COLLEGE OF CHARLESTON, S. CAROLINA;
AND (EX-OFFICIO) HONORARY PROFESSOR OF MORAL AND POLITICAL PHILOSOPHY.**

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SERMON.

Be ready always to give an answer to every man that asketh you a reason of the hope that is in you, with meekness and fear.—*I. Peter*, iii. 15.

Righteousness exalteth a nation, but sin is a reproach to any people.—*Proverbs* xiv. 34.

The kingdoms of this world are become the kingdoms of our Lord and of his Christ ; and he shall reign for ever and ever.—*Revelation* xi. 15.

AS Christianity was designed by its Divine Author to subsist until the end of time, it was indispensable, that it should be capable of adapting itself to all states of society, and to every condition of mankind. We have the Divine assurance that it shall eventually become universal, but without such flexibility in accommodating itself to all the situations in which men can be placed, this must have been impracticable. There is no possible form of individual or social life, which it is not fitted to meliorate and adorn. It not only extends to the more transient connexions to which the business of life gives rise, but embraces and prescribes the duties springing from the great and more permanent relations of rulers and subjects, husbands and wives, parents and children, masters and servants ; and enforces the obligation of these high classes of our duties by the sanctions of a judgment to come. We find by examining its history, that, in rude ages, its influence has softened the savage and civilized the barbarian ; while in polished ages and communities, it has accomplished the no less important end, of communicating and preserving the moral and religious principle, which, among a cultivated people, is in peculiar danger of being

extinguished amid the refinements, the gaiety, and the frivolous amusements incident to such a state of society.

The relation which the prevailing system of religion in various countries and in successive ages, has sustained to civil government, is one of the most interesting branches of the history of mankind. According to the structure of the Hebrew Polity, the religious and political systems were most intimately, if not indissolubly combined: and in the Mosiac Law, we find religious observances, political ordinances, rules of medicine, prescriptions of agriculture, and even precepts of domestic economy, brought into the most intimate association. The Hebrew Hierarchy was a literary and political, as well as a religious order of men. In the Grecian States and in the Roman Empire, the same individual united in his own person, the emblems of priest of their divinities and the ensigns of civil and political authority. Christianity, while it was undermining, and until it had overthrown the ancient Polity of the Jews on the one hand; and the Polytheism of the Roman Empire on the other; was extended by the zeal and enterprize of its early preachers, sustained by the presence of its Divine Author* and accompanied by the evidence of the miracles which they were commissioned to perform. It is not strange, therefore, that when, under the Emperor Constantine, Christianity came into the place of the ancient superstition, it should have been taken under the protection, and made a part of the constitution of the Imperial government. It was the prediction of ancient prophecy, that, in the last days, kings should become nursing fathers and queens nursing mothers to the Church†;—and what was more natural than to understand this prophecy as meaning a strict and intimate union of the Church, with the civil government of the Empire. Ancient usage, with all the influence which a reverence for antiquity is accustomed to inspire, was on the side of such a union. We may well believe, then, that Christianity was first associated with civil government,

* Matthew xviii. 20. † Isaiah xlix. 23. Lowth says of this prophecy: "It was remarkably fulfilled, when Constantine and other Christian princes and princesses, showed favor to the Church."

without any intention on the part of civil governors to make it the odious engine of State which it afterwards became. And if the Roman Emperors had been satisfied to receive and to continue the new religion without distinction of sects, as the broad ground of all the great institutions of the Empire, it is impossible to shew or to believe, that such a measure would not have been both wise and salutary. The misfortune was, that there soon came to be a legal preference of *one form* of Christianity over *all others*. Mankind are not easily inclined to change any institution which has taken deep root in the structure of society, and the principle of the union of *one form* of Christianity with the imperial authority under the Roman Emperors, had acquired too many titles to veneration to be relinquished, when the new kingdoms were founded which rose upon the ruins of the Roman Empire. This principle has always pervaded and still pervades the structure of European society, and the necessity of retaining it is still deeply seated in the convictions of the inhabitants of the Eastern continent.

The same principle was transferred to these shores when they were settled by European colonists. In Massachusetts and some other Northern colonies, no man could be a citizen of the Commonwealth, unless he were a member of the Church as there established by authority of law.* In Virginia and some of the more Southern colonies, the Church of England was established by law.† In this State, legal provision was made for the establishment of religious worship according to the Church of England, for the erecting of churches and the maintenance of clergymen; and it was

* In 1631, the General Court of Massachusetts Bay passed an order, "that for the time to come, none should be admitted to the freedom of the body politic, but such as were Church-members."—1 *Story's Commentaries*, 39, 73.

† 1 Tucker's *Blackstone*, p. 376.—Under the crowns of France and Spain, Roman Catholicism was the religion of Louisiana exclusive of all others. As late as 1797, the instructions of Governor Gayoso to the commandants for the regulation of the province, speak thus:—"Art. 8. The commandants will take particular care, that no Protestant Preacher, or one of any sect other than the Catholic, shall introduce himself into the province. The least neglect in this respect, will be a subject of great reprehension."—*Documents annexed to Judge Perck's trial*, p. 585.

declared, that “in a well grounded Commonwealth, matters concerning religion and the honour of God, ought in the first place, [i. e. in preference to all others,] to be taken into consideration.”*

It is the testimony of history, however, that ever since the time of Constantine, *such* an union of the ecclesiastical with the civil authority, has given rise to flagrant abuses and gross corruptions. By a series of gradual, but well contrived usurpations, a Bishop of the Church claiming to be the successor of the Chief of the Apostles and the Vicar of Christ, had been seen for centuries, to rule the nations of Christendom with the sceptre of despotism. The argument against the use of an institution arising from its abuse, is not valid, unless, when, after sufficient experience, there is the best reason to conclude, that we cannot enjoy the use without the accompanying evils flowing from the abuse of it. Such perhaps is the case in regard to the union between any particular form of Christianity and civil government. It is an historical truth established by the experience of many centuries, that whenever Christianity has *in this way* been incorporated with the civil power, the lustre of her brightness has been dimmed by the alliance.

The settlers of this country were familiar with these facts, and they gradually came to a sound practical conclusion on the subject. No nation on earth, perhaps, ever had opportunities so favorable to introduce changes in their institutions as the American people; and by the time of the Revolution, a conviction of the impolicy of a further union of Church and State *according to the ancient mode*, had so far prevailed, that nearly all the States in framing their new constitutions of government, either silently or by direct enactment, discontinued the ancient connexion.

A question of great interest here comes up for discussion. In thus discontinuing the connexion between Church and Commonwealth, did the people of these States intend to renounce all connexion with the Christian religion? Or did they only intend

* Act of November 30, 1706.

to disclaim all preference of one sect of Christians over another, as far as civil government was concerned ; while they still retained the Christian religion as the foundation of all their social, civil and political institutions ? Did Massachusetts and Connecticut, when they declared, that the legal preference which had heretofore been given to Puritanism, should continue no longer, intend to abolish Christianity itself within their jurisdictions ? Did Virginia and S. Carolina when they discontinued all legal preference of the Church of England as by law established, intend to discontinue their observance of Christianity and their regard for its Divine authority ? Did the people of the United States, when in adopting the Federal Constitution they declared, that “ Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof,” expect to be understood as abolishing the national religion, which had been professed, respected and cherished from the first settlement of the country, and which it was the great object of our fathers in settling this then wilderness to enjoy according to the dictates of their own consciences :

The rightful solution of these questions has become important to the religion, the morals, the peace, the intelligence, and in fact, to all the highest interests of this country. It has been asserted by men distinguished for talents, learning and station,* and it may well be presumed that the assertion is gradually gaining belief among us, that Christianity has no connexion with the law of the land, or with our civil and political institutions. Attempts are making, to impress this sentiment on the public mind. The sentiment is considered by me, to be in contradiction to the whole tenor of our history, to be false in fact, and in the highest degree pernicious in its tendency, to all our most valuable institutions, whether social, legal, civil or political. It is moreover, not known to the preacher, that any serious effort has been made to investigate the relation which Christianity sustains to our institutions, or to enlighten the public understanding on the subject. Under these cir-

* 4 Jefferson's Works, p. 397.

cumstances, I have thought it a theme suitable for discussion on an occasion, when the clergy of the diocese and some of the most influential laymen of our parishes, are assembled in convention. I may well expect to prove inadequate to the full discussion, and still more to the ultimate settlement of the principles involved in the inquiry. But I may be permitted to presume, that when it is once brought to the notice of this Convention, any deficiency of mine in treating the subject will not long remain to be satisfactorily supplied.

The relation of Christianity to the civil institutions of this country cannot be investigated with any good prospect of success, without briefly reviewing our history both before and since the Revolution, and making an examination of such authorities as are entitled to our respect and deference. It is an historical question, and to arrive at a sound conclusion, recurrence must be had to the ordinary means which are employed for the adjustment of inquiries of this kind.

I. The originators and early promoters of the discovery and settlement of this continent, had the propagation of Christianity before their eyes, as one of the principal objects of their undertaking. This is shewn by examining the charters and other similar documents of that period, in which this chief aim of their novel and perilous enterprize, is declared with a frequency and fulness which are equally satisfactory and gratifying. In the Charter of Massachusetts Bay, granted in 1644 by Charles I., the colonists are exhorted by "their good life and orderly conversation, to winne and invite the natives of that country to the knowledge and obedience of the onely true God and Saviour of mankind and the Christian faith, which in our royall intention and the adventurers' free profession, [i. e. the unconstrained acknowledgment of the colonists,] is the principal end of this plantation."* In the Virginia Charter of 1606, the enterprize of planting the country is commended as "a noble work, which may, by the providence of

* Almon's Collection of Charters, p. 63.

Almighty God, hereafter tend to the glory of his Divine Majesty, in propagating of Christian religion to such people as yet live in darkness and miserable ignorance of the true knowledge and worship of God;”—and the Pennsylvania Charter of 1682, declares it to have been one object of William Penn, “to reduce the savage nations, by gentle and just manners, to the love of civil society and Christian religion.”* In the Charter of Rhode Island, granted by Charles II. in 1682–3, it is declared to be the object of the colonists to pursue “with peace, and loyal minds, their sober, serious and religious intentions of godly edifying themselves and one another, in the holy Christian faith and worship, together with the gaining over and conversion of the poor ignorant Indian natives to the sincere profession and obedience of the same faith and worship.”† The preceding quotations furnish a specimen of the sentiments and declarations with which the colonial Charters and other ancient documents abound.‡ I make no apology for citing the passages without abridgment. They are authentic memorials of an age long since gone by. They make known the intentions and breathe the feelings of our pious forefathers; a race of men who, in all the qualities which render men respectable and venerable, have never been surpassed; and who ought to be held by us their offspring, in grateful remembrance. We very much mistake, if we suppose ourselves so much advanced before them, that we cannot be benefited by becoming acquainted with their sentiments, their characters and their labours. The Christian religion was intended by them to be the corner stone of the social and political structures which they were founding. Their aim was as pure and exalted, as their undertaking was great and noble.

II. We shall be further instructed in the religious character of our origin as a nation, if we advert for a moment to the rise and progress of our colonial growth. As the colonists desired both to enjoy the Christian religion themselves, and to make the natives

* Almon, pp. 68. 104.

† Idem, p. 34.

‡ See Note A.

acquainted with its divine blessings, they were accompanied by a learned and pious Ministry ; and wherever a settlement was commenced, a Church was founded. As the settlements were extended, new Churches were established. Viewing education as indispensable to Freedom, as well as the handmaid of Religion, every neighbourhood had its school. After a brief interval, Colleges were instituted ; and these institutions were originally designed for the education of Christian Ministers.* Six days of the week they spent in the labours of the field ; but on the seventh, they rested according to the commandment, and employed the day in the duties of public worship, and in the religious instruction of their children and servants. Thus our colonization proceeded on the grand but simple plan of civil and religious freedom, of universal industry, and of universal literary and religious education.

The Colonies, then, from which these United States have sprung, were originally planted and nourished by our pious forefathers, in the exercise of a strong and vigorous Christian faith. They were designed to be Christian communities. Christianity was wrought

* Scarcely had the Massachusetts' colonists arrived at their new scene of labour, when their thoughts were turned to the establishment of a College ; and in 1636, Harvard University was founded. Dr. I. Mather says :—"The ends for which our fathers chiefly erected a College were, that so scholars might there be educated for the service of Christ and his Churches in the work of the Ministry, and that they might be seasoned in their tender years, with such principles as brought their blessed progenitors into this wilderness. There is no one thing of greater concernment to these Churches in present and after-times, than the prosperity of that society. They cannot subsist without a College."—*Magnalia, B. V.* The inscription, "Christo et Ecclesiæ," on the seal of the University, is at once emphatic evidence, and a perpetual memorial of the great purpose for which it was established. In the year 1662, the Assembly of Virginia passed an Act to make permanent provision for the establishment of a College. The preamble of the Act establishing it recites, "that the want of able and faithful Ministers in this country, deprives us of those great blessings and mercies that always attend upon the service of God ;" and the Act itself declares, "that for the advancement of learning, education of youth, supply of the ministry, and promotion of piety, there be land taken up and purchased for a College and Free School ; and that with all convenient speed, there be buildings erected upon it for the entertainment of students and scholars. In 1693, the College of William and Mary was founded."—*Quar. Register, vol. iii, p. 268.* Quotations of similar import might be made pertaining to Yale, Nassau Hall and in fact, to all the Colleges first established in this country.

into the minutest ramifications of their social, civil and political institutions. And it has before been said, that according to the views which had prevailed in Europe since the days of Constantine, *a legal preference of some one denomination over all others*, prevailed in almost all the colonies. We are, therefore, now prepared :

III. To examine with a good prospect of success, the nature and extent of the *changes* in regard to Religion, which have been introduced by the people of the United States in forming their State Constitutions, and also in the adoption of the Constitution of the United States.

In perusing the twenty-four Constitutions of the United States with this object in view, we find all of them* recognising Christianity as the well known and well established religion of the communities, whose legal, civil and political foundations, these Constitutions are. The terms of this recognition are more or less distinct in the Constitutions of the different States ; but they exist in all of them. The reason why any degree of indistinctness exists in any of them unquestionably is, that at their formation, it never came into the minds of the framers to suppose, that the existence of Christianity as the religion of their communities, could ever admit of a question. Nearly all these Constitutions recognise the customary observance of Sunday, and a suitable observance of this day, includes a performance of all the peculiar duties of the Christian faith.† The Constitution of Vermont declares, that “every sect or denomination of Christians, ought to observe the Sabbath or Lord’s Day, and keep up some sort of religious worship, which to them shall seem most agreeable to the revealed will of God.”‡ The Constitutions of Massachusetts and Maryland, are among those which do not prescribe the observance of Sunday : yet the former declares it to be “the right, as well as the duty of all men in society, publicly and at stated seasons, to worship the Supreme Being, the great Creator and Preserver of

* The author has not seen the *new* Constitution of Mississippi, and, therefore, this assertion may possibly not apply to that document. † See Note C. ‡ Art 3.

the Universe ;*—and the latter requires every person appointed to any office of profit or trust, to “subscribe a declaration of his belief in the Christian religion.”† Two of them concur in the sentiment, that “morality and piety, rightly grounded on Evangelical principles, will be the best and greatest security to government ; and that the knowledge of these is most likely to be propagated through a society, by the institution of the public worship of the Deity, and of public instruction in morality and religion.”‡ Only a small part of what the Constitutions of the States contain in regard to the Christian religion, is here cited ; but my limits do not permit me to cite more.§ At the same time, they all grant the free exercise and enjoyment of religious profession and worship, with some slight discriminations, to all mankind. The principle obtained by the foregoing inductive examination of our State Constitutions, is this :—THE PEOPLE OF THE UNITED STATES HAVE RETAINED THE CHRISTIAN RELIGION AS THE FOUNDATION OF THEIR CIVIL, LEGAL AND POLITICAL INSTITUTIONS ; WHILE THEY HAVE REFUSED TO CONTINUE A LEGAL PREFERENCE TO ANY ONE OF ITS FORMS OVER ANY OTHER. In the same spirit of practical wisdom, moreover, they have consented to tolerate all other religions.

The Constitution of the United States contains a grant of specific powers, of the general nature of a trust. As might be expected from its nature, it contains but slight references of a religious kind. In one of these, the people of the United States profess themselves to be a Christian nation. In another, they express their expectation, that the President of the United States will maintain the customary observance of Sunday ; and by parity of

* Part 1. Art. 2.

† Art. 55.

‡ The quotation here is from the Constitution of New-Hampshire ; (*Part i. Art. 6.*) and the concurrence is substantial, not verbal. The parallel passage in the Constitution of Massachusetts runs thus :—“The happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality, and these cannot be generally diffused through the community but by the institution of a public worship of God, and of public institutions, (instructions) in piety, religion and morality.”—*Part i. Art. 3.* § See Note B.

reasoning, that such observance will be respected by all who may be employed in subordinate stations in the service of the United States.* The first amendment declares, that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."† This leaves the entire subject in the same situation in which it found it ; and such was precisely the most suitable course. The people of the United States having, in this most solemn of all their enactments, professed themselves to be a Christian nation ; and having expressed their confidence, that all employed in their service will practice the duties of the Christian faith ;—and having, moreover, granted to all others the free exercise of their religion, have emphatically declared, that Congress shall make no change in the religion of the country. This was too delicate and too important a subject to be entrusted to their guardianship. It is the duty of Congress, then, to permit the Christian religion to remain in the same state in which it was, at the time when the Constitution was adopted. They have no commission to destroy or injure the religion of the country. Their laws ought to be consistent with its principles and usages. They may not rightfully enact any measure or sanction any practice calculated to diminish its moral influence, or to impair the respect in which it is held among the people.‡

* See Note C.

† The meaning of the term "establishment" in this amendment unquestionably is, the preference and establishment given by law to one sect of Christians over every other. This is the customary use of the term in English history and in English law, and in our colonial history and law. See 3 Story's Comm. 722–731, where the author has commented on this amendment with his usual learning and candour.

‡ It has sometimes been concluded, that Christianity cannot have any direct connexion with the Constitution of the United States, on the ground, that the instrument contains no express declaration to this effect. But the error of such a conclusion becomes manifest, when we reflect, that the case is the same with regard to several other truths, which are notwithstanding, fundamental in our constitutional system. The Declaration of Independence says, that "governments are instituted among men, to secure the rights of life, liberty and the pursuit of happiness;" and that "whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government." These principles lie at the foundation of the Constitution of the United States. No principles known to the Constitution are more fundamen-

If a question could be raised, in regard to the soundness of the view, which has now been taken, of the relation in which our Constitutions of government stand to the Christian religion, it must be settled by referring to the practice which has existed under them from their first formation. The public authorities both in our State and National Governments, have always felt it to be required of them, to respect the peculiar institutions of Christianity, and whenever they have ventured to act otherwise, they have never failed to be reminded of their error by the displeasure and rebuke of the nation. From the first settlement of this country up to the present time, particular days have been set apart by public authority, to acknowledge the favour, to implore the blessing, or to deprecate the wrath of Almighty God. In our Conventions and Legislative Assemblies, daily Christian worship has been customarily observed. All business proceedings in our Legislative halls and Courts of justice, have been suspended by universal consent on Sunday. Christian Ministers have customarily been employed to perform stated religious services in the Army and Navy of the United States. In administering oaths, the Bible, the standard of Christian truth is used, to give additional weight and solemnity

tal than these. But the instrument contains no declaration to this effect ; these principles are no where mentioned in it ; and the references to them are equally slight and indirect with those which are made to the Christian religion. The same may be said, of the great republican truth, that political sovereignty resides in the people of the United States. If then, any one may rightfully conclude, that Christianity has no connexion with the Constitution of the United States, because this is nowhere expressly declared in the instrument ; he ought, in reason, to be equally convinced, that the same Constitution is not built upon and does not recognize the sovereignty of the people, and the great republican truths above quoted from the Declaration of Independence. This argument receives additional strength, when we consider that the Constitution of the United States was formed directly for political, and not for religious objects. The truth is, they are all equally fundamental, though neither of them is expressly mentioned in the Constitution.

Besides, the Constitution of the United States contemplates, and is fitted for such a state of society as Christianity alone can form. It contemplates a state of society, in which strict integrity, simplicity and purity of manners, wide diffusion of knowledge, well disciplined passions, and wise moderation, are the general characteristics of the people. These virtues, in our nation, are the offspring of Christianity, and without the continued general belief of its doctrines, and practice of its precepts, they will gradually decline and eventually perish. See Note D.

to the transaction. A respectful observance of Sunday, which is peculiarly a Christian institution, is required by the laws of nearly all, perhaps of all the respective States.* My conclusion, then, is sustained by the documents which gave rise to our colonial settlements, by the records of our colonial history, by our Constitutions of government made during and since the Revolution, by the laws of the respective States, and finally by the uniform practice which has existed under them.† Manifold more authorities and illustrations might have been given, if such a course had been consistent with the limits which it was necessary to prescribe to myself on this occasion. But the subject is too important to be brought to a close without some further observations.

1st. We cannot too much admire the wisdom displayed by the American people in establishing such a relation between the Christian religion and their political institutions. To have abolished Christianity, or to have shewn indifference to its sacred nature and claims in framing their political institutions, would have been committing a great national sin. It would have been, also, to forget the Divine warning, that “except the Lord build the house, they labour in vain that build it.”‡ To have given a legal preference to any one form of Christianity over another, would have been to depart from the usage of primitive times, and to sanction abuses to which it was no longer necessary to adhere. To have refused to others the free exercise of their religion, whatever this might be, would have been illiberal and at variance with the spirit of the age.§ They wisely chose the middle course;—the only course in

* “All the States of the Union, I believe, (twenty-three of them certainly,) by explicit legislative enactments, acknowledge and declare the religious authority of Sunday.”—*Speech of Mr. Frelinghuysen of New-Jersey, in the Senate of the United States, 8th May, 1830.* † See Note E. ‡ Psalm 127, 1.

§ The Constitution of S. Carolina, contains this provision; “The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter, be allowed within this State to all mankind: *Provided*, that the liberty of conscience thereby declared, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.” The Constitutions of New-York, of the dates both of 1777 and 1821 contain this same

fact warranted by Scripture, by experience and by primitive usage. They rightly considered their religion as the highest of all their interests,* and refused to render it in any way or in any degree, subject to governmental interference or regulations. Thus, while all others enjoy full protection in the profession of their opinions and practice, Christianity is the established† religion of the nation, its institutions and usages are sustained by legal sanctions, and many of them are incorporated with the fundamental law of the country.‡

provision, and as it appears to be frequently misunderstood, the author adds Ch. J. Kent's exposition of it, contained in 8 Johnson, 296. He speaks of it thus:—"This declaration (noble and magnanimous as it is, when duly understood) never meant to withdraw religion in general, and with it the best sanctions of moral and social obligation, from all consideration and notice of the law. It will be fully satisfied by a free and universal toleration, without any of the tests, disabilities or discriminations, incident to a religious establishment. To construe it as breaking down the common law barriers against licentious, wanton and impious attacks upon Christianity itself, would be an enormous perversion of its meaning." The proviso, continues he, guards the article from such dangerous latitude of construction when it declares, that " *the liberty of conscience hereby granted, (declared) shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.* " "The proviso is a species of commentary upon the meaning of the article. The framers of the Constitution intended only to banish test oaths, disabilities and the burthens and sometimes the oppressions of Church establishments; and to secure to the people of this State, freedom from coercion, and an equality of right on the subject of religion. This was no doubt the consummation of their wishes. It was all that reasonable minds could require and it had long been a favourite object, on both sides of the Atlantic, with some of the most enlightened friends to the rights of mankind, whose indignation had been roused by infringements of the liberty of conscience, and whose zeal was inflamed in the pursuit of its enjoyment."

* The great interests of a country may be ranked thus:—1. Its religious and moral interests. 2. The peace of the country both in regard to foreign enemies and internal convulsions. 3. The intellectual interests, or the interests of education. 4. The pecuniary interests.

† The term "established" is here used as well as at p. 11. in its usual and not in its legal or technical sense, see p. 13.

‡ "Let us not forget the religious character of our origin. Our fathers were brought hither by their high veneration for the Christian religion. They journeyed by its light and laboured in its hope. They sought to incorporate its principles with the elements of their society, and to diffuse its influence through all their institutions, civil, political or

2. The doctrine against which I am contending ; to wit, that Christianity has no connexion with our civil Constitutions of government, is one of those which admit of being tested by the absurd and dangerous consequences to which they lead. It cannot be disguised, that a general belief, that Christianity is to receive no regard and no countenance from our civil institutions, must tend to degrade it and to destroy its influence among the community. It has hitherto been believed, that Christian morals, Christian sentiments, and Christian principles ought to form the basis of the education of our youth ; but this belief cannot continue to prevail, if the opinion in question shall once become general. It has hitherto been supposed, that our judges, our legislators, and our statesmen ought to be influenced by the spirit, and bound by the sanctions of Christianity, both in their public and private conduct ; but no censure can be rightfully attached to them for refusing to comply, if nothing of this kind is required by the commissions under which they act, and from which their authority is derived. If the community shall ever become convinced, that Christianity is not entitled to the sustaining aid of the civil Constitutions and law of the country, the outposts of the citadel will have been taken, and its adversaries may successfully proceed in their work of undermining and destroying it. In this country, where the authority of law is comparatively feeble, every enterprise must be accomplished by influencing public opinion ; and the strength of public opinion is irresistible and overwhelming. In fact, under a belief, that such a conviction has been wrought in the public mind, the adversaries of Christianity have begun to break new ground against it ; and this too with renewed confidence of ultimate success. It is announced from stations usually supposed to be entitled to respect and confidence, that the Scriptures of the New Testament expressly forbid all praying in public ;—that the Christian Clergy

literary. Let us cherish these sentiments, and extend this influence still more widely ; in the full conviction, that that is the happiest society, which partakes in the highest degree of the mild and peaceable spirit of Christianity."—*Webster's Discourse at Plymouth, p. 54.*
See Note F.

are an unnecessary and useless order of men ;—and that the setting apart of Sunday, is not authorized in any part of the Christian dispensation. These are novel and sweeping assertions, and they have already been repeated so often, that they sound less harsh than they once did, in the ears of our community. Those who attempt to impose such assertions upon us, must calculate with much confidence, either on our willingness to be deceived, or on our having too little acquaintance with the subject to detect their mistakes, or on our feeling too much indifference to our religion to take an interest in refuting them. Who believes, that without an order of men to administer the sacraments, to illustrate the doctrines and enforce the duties of Christianity, without public worship, and without the general and respectful observance of Sunday, there would be the least vestige of religion among us at the end of half a century. As well might we expect the preservation of public order and civil obedience in the community, if our laws were permitted to remain in the statute-book, without a Judiciary to explain their import, or an Executive to enforce their observance.

3. Let us not forget what is historically true, that Christianity has been the chief instrument by which the nations of Christendom have risen superior to all other nations ;—but if its influence is once destroyed or impaired, society instead of advancing, must infallibly retrograde. This superiority of the nations of Christendom is a fact, and as such can only be accounted for by assigning an adequate cause. “With whatever justice other lands and nations may be estimated,” says Heeren,* “it cannot be denied that the noblest and best of every thing, which man has produced, sprung up or at least ripened, on European soil. In the multitude, variety, and beauty of their natural productions, Asia and Africa far surpass Europe ; but in every thing which is the work of man, the nations of Europe stand far above those of the other continents. It was among them” continues he, “that by making mar-

* *Politics of Ancient Greece*, translated by Mr. Bancroft, p. 1.

riage the union of but two individuals, domestic society obtained that form without which so many parts of our nature could never have been ennobled ;—and it was chiefly and almost exclusively among them, that such constitutions were framed, as are suited to nations who have become conscious of their rights. If Asia, during all the changes of its extensive empires, docs but shew the continued reproduction of despotism, it was on European soil that the germ of political freedom unfolded itself, and under the most various forms, in so many parts of the same, bore the noblest fruits ; which again were transplanted from thence to other parts of the world.” These remarks, though applied by the author to Europe only, have respect equally to the descendants of Europeans on this side of the Atlantic. They are true of all Christian nations. These golden fruits are what Christianity has produced, and they have been produced by no other religion. If, then, we permit this chief cause of all our choicest blessings to be destroyed or counteracted in its effects ; what can we expect from the dealings of a righteous Providence, but the destiny of a people who have rejected the counsel of God against themselves ?* If we refuse to be instructed by the Divine assurance, we shall be made to feel by the intensity of our sufferings, “that righteousness exalteth a nation, and that sin is a reproach to any people.”

4. No nation on earth, is more dependent than our own, for its welfare, on the preservation and general belief and influence of Christianity among us. Perhaps there has never been a nation composed of men whose spirit is more high, whose aspirations after distinction are more keen, and whose passions are more strong than those which reign in the breasts of the American people. These are encouraged and strengthened by our systems of education, by the unlimited field of enterprise which is open to all ; and more especially by the great inheritance of civil and religious freedom, which has descended to us from our ancestors. It is too manifest, therefore, to require illustration, that in a great

* Luke vii. 30.

nation thus high: spirited, enterprising and free, public order must be maintained by some principle of very peculiar energy and strength;—by some principle which will touch the springs of human sentiment and action. Now there are two ways, and two ways only by which men can be governed in society; the one by physical force; the other by religious and moral principles pervading the community, guiding the conscience, enlightening the reason, softening the prejudices, and calming the passions of the multitude. Physical force is the chief instrument by which mankind have heretofore been governed; but this always has been, and I trust will always continue to be inapplicable in our case. My trust, however, in this respect, springs entirely from a confidence, that the Christian religion will continue as heretofore to exert upon us, its tranquilizing, purifying, elevating and controlling efficacy. No power less efficacious than Christianity, can permanently maintain the public tranquillity of the country, and the authority of law.* We must be a Christian nation, if we wish to continue a free nation. We must make our election:—to be swayed by the gentle reign of moral and Christian principle, or ultimately, if not soon, by the iron rod of arbitrary sway.

Nor will it be sufficient for any of us to say, that we have not been active participators in undermining and destroying our religion;—we cannot escape crime, if it shall be destroyed by our neglect or indifference. The guilt of nations which have never been evangelized, for not rendering to Jehovah the glory due to his name, must be very much palliated by their ignorance; which is, in some respects, and in a considerable degree, invincible. But how can we escape, if we neglect, or abuse, or fail to improve the Christian inheritance which has come down to us from our fathers, and which it cost them such sacrifices to acquire. Have we forgotten the saying of our Saviour, that the damnation of Sodom, in the day of judgment, will be tolerable when compared with the sufferings which will, on that day, be inflicted upon Capernaum.

* See Note G.

which had been exalted to heaven by being made the scene of his miracles, but which still persisted in its impenitence?* In the Divine administration, then, the principle applies to nations, as well as to individuals, that their punishment will be severe in proportion to the advantages which they have neglected to improve, and the blessings which they have undervalued and despised. If, therefore, Christianity is permitted to decline among us, we cannot fold our arms in silence and be free from all personal responsibility. As a citizen of our community, no man can escape criminality, if he believes in the truth of Christianity, and still, without making resistance, sees its influence undermined and destroyed.

We are accustomed to rejoice in the ancestry from which we are descended, and well we may, for our ancestors were illustrious men. One of the colonial governors said in 1692, "God sifted a whole nation, that he might send choice grain over into this wilderness."† And the present Lord Chancellor of Great Britain has thus spoken of them:—"The first settlers of all the colonies, says he, were men of irreproachable characters. Many of them fled from persecution; others on account of an honorable poverty; and all of them with their expectations limited to the prospect of a bare subsistence in freedom and peace. All idea of wealth or pleasure was out of the question. The greater part of them viewed their emigration as a taking up of the cross, and bounded their hopes of riches to the gifts of the spirit, and their ambition to the desire of a kingdom beyond the grave. A set of men more conscientious in their doings, or simple in their manners, never founded any Commonwealth. It is, indeed, continues he, the peculiar glory of North America, that with very few exceptions, its empire was originally founded in charity and peace."‡ They were, in truth, men who feared God and knew no other fear.§

In no respect, therefore, were these illustrious men so peculiar, for no trait of character were they so distinguished, as for th

* Matthew xi. 23.

† Am. Q. R. No. xviii. p. 128.

‡ Brougham's Col. Pol. vol. i. p. 59.

§ Je crains Dieu, cher Abner, et n'ai point d'autre crainte.—*Racine*.

strength of their religious principles. The perilous enterprise in which they were engaged, was chiefly a religious enterprise. To enjoy their religion according to the dictates of their own consciences, and to effect the conversion of the native Indians,* we have seen, were the great objects of their toils and sufferings. The principles which supplied them with the high motives from which they acted, were perseveringly taught to their children, and aided by their own bright example, became the vital sentiment of the new communities which they founded. What must have been the strength of the conviction of Christian Truth in the American mind, when the popular names of Franklin and of Jefferson among its adversaries, have not been able *much* to impair its influence. May Christianity, clear and convincing as she is in her evidences, pure in her doctrines, conservative in her moral influences, imperishable in her destiny, the last consolation of those who have outlived all earthly hopes, and the last restraint of those who are above all earthly fear, continue, with her benign reign, to bless our country, to the end of time, the crowning glory of the American name.‡

The conspiracy formed in Europe to destroy Christianity in the last century, has been overthrown and put to shame on that continent, by the overwhelming convulsions, distress and ruin brought upon its guilty nations, through the dissemination of its destructive principles.§ In the whirlwind and storm of this mighty moral tempest, its seeds were wafted to our shores. They have taken root in our land, and we are threatened with their pestilential fruit in disastrous plenty. Infidelity advanced at first in this country with cautious steps, and put on the decorous garb of rational and philosophical enquiry; until at length, having examined its ground and prepared its way, it has assumed the attitude of open and uncompromising hostility to every form and every degree of the Christian faith.

* Note H.

† Note I.

‡ Note K.

§ Mr. Macauley's Speech in House of Commons, April 17th, 1833.

Our regard for the civil inheritance bequeathed us by our fathers, leads us to guard it with the most jealous vigilance. And shall we permit our religious inheritance, which in their estimation was of still higher value and is of infinitely more enduring interest, to be taken from us without a struggle? Are we not convinced, that if our religion is once undermined, it will be succeeded by a decline of public and private morals, and by the destruction of those high and noble qualities of character, for which as a community we have been so much distinguished? * Christianity, in its integrity, will never perish: the gates of Hell, shall never prevail against the Church of God. † But it has perished and may perish again in particular districts of country. Are we accustomed to reflect on the consequences of a decline of the influence of Christianity among us, and along with it, of public and private morals? And on the other hand, are we sensible of the consequences which must attend the introduction and general belief of the infidel system in our land? The Christian and infidel systems have been long known in the world, and their opposite moral effects on mankind, have been manifested by the most ample experience. A tree is not more unequivocally known by its fruit, than are these two systems by the results which they have respectively produced. What has Christianity done for the nations which have embraced it? It has done much, very much. It has diminished the horrors of war. The spirit of ancient war, was a relentless and sanguinary vengeance, which knew not how to be satisfied but by the destruction of its victim. This fell spirit has in a goodly measure, been softened in the conduct of modern warfare. It has meliorated the calamitous lot of captives. Anciently, death, slavery, or an enormous ransom, was their customary doom every where; and this still continues to be the case in all countries not Christian. And when Christian principles, motives and feelings shall have become universal, “glory to God in the highest, and on earth

* Note L.

† Matthew xvi. 18.

peace, good will towards men," will universally prevail.* In arbitrary governments, it has relaxed the stern rigour of despotic sway. It has suppressed infanticide. It has secured the life and limbs of the slave against the caprice or passion of a tyrannical master. The frequent periodical recurrence of a Day of Rest, has elevated the character and meliorated the state of the labouring classes of every Christian country. It has restored the wife from a condition of humiliation and servitude, to be the companion, the associate, the confidential adviser and friend of the husband. It has restored marriage to the standard ordained "at the beginning,"† the indissoluble union of two individuals, called by St. Paul a great mystery symbolical of the spiritual union between Christ and his Church; and has thus furnished the only reasonable security for domestic tranquillity, and the suitable nurture and education of children. Under its influence, the combats of gladiators, the impurities of superstitious rites, and unnatural vices, are no longer tolerated. The poor, the sick and the forsaken, are relieved by the numerous hospitals and asylums which are provided in all countries in which its authority is acknowledged. Moreover, it has been chiefly instrumental in rendering the nations of Christendom superior in virtue, intelligence and power, to all the other nations of the earth. Nor are we to estimate its principal benefits by what is visible. "The Kingdom of God cometh not with observation;" it does not consist in external splendour; its chief influence is unseen, renewing and sanctifying the hearts of the multitude who throng the obscure and humble walks of life. Again, what has Christianity done for our own nation? The answer is once more; much, very much. It was the moving cause which led our ancestors to transfer themselves to these shores, and to procure for us the fair inheritance which we now enjoy. It was

* Milton says :-

"He shall ascend

"The throne hereditary, and bound his reign

"With earth's wide bounds, his glory with the heavens."

† Matthew xix. 4-6.

an intimate and practical acquaintance with the doctrines, history and spirit of Christianity, which imparted to them that entire dependence on God, that unhesitating confidence in the protection of his Providence, that deep conviction of his favour, and those commanding moral virtues which shone in their lives with so resplendent a lustre. Especially it is to Christianity, that we are indebted for the steady self-control, and power of habitually subjecting our passions to the sway of reason and conscience, which have preserved us to this day, a free and a united people. May the future historian never record of us, that becoming wise above what is written, and forsaking the paths of our pious forefathers, we brought the judgments of Heaven upon our guilty land, and were made to drink to the dregs of the cup of national humiliation and shame. And what has Christianity done for us personally? The answer is not only much, very much, but every thing. In infancy it may very possibly have saved us from death by exposure; no uncommon fate wherever Christianity has not prevailed. Born, as we were by nature, children of wrath, she received us by baptism into the fold of Christ, and made us heirs of the promises, the hopes and the consolations of the Gospel. Sensibly alive to the transitory nature of all human connexions, and the instability of all earthly prospects, she provided sureties, who, in case of the demise or default of our natural guardians, might feel themselves responsible for fitting us to receive the Christian inheritance, to which we were admitted in prospect, by baptism. On arriving at years of discretion, she confirmed us in the privileges of our high estate; and as we journey onward in the thorny path of life, she feeds us with "that bread which came down from Heaven," rescues us from temptation, strengthens us amid our infirmities, and animates our weary steps by the kind voice of encouragement. Aided and animated by her divine guidance, when we shall come to the end of our path, we shall not be overwhelmed with fearful apprehensions. We shall contemplate the solitude of the grave without dismay. She will not leave us within its narrow and lonely precincts. She will guide and sustain us through the dark valley

of the shadow of death, and will bring us to mansions of immortality and glory. And what has the infidel system to give us in exchange for the Christian promises, hopes, virtues, consolations and final inheritance which it destroys? What has it done for those who have embraced it? And in case we embrace it, what effects may it be expected to produce on our national destinies, on our domestic tranquillity, on ourselves personally, and “on all estates and orders of men?” We can have no difficulty in answering these questions;—we have the oracular voice of the experience of the last half century. These will be the burthen of its teachings, the fruit of its instructions. By excluding a Supreme Being, a superintending Providence, and a future state of rewards and punishments, as much as possible, from the minds of men, it will destroy all sense of moral responsibility; for, the lively impression of an omnipresent Ruler of the Universe and a strong sense of moral obligation, have, in the history of mankind, always accompanied each other; and whenever the former has been weakened, it has never failed to be followed by a corresponding moral declension. Now what is to preserve an habitual reverence for Almighty God in the public mind, if the institution of public worship ever comes to be disregarded, if the Christian Ministry shall be rendered odious in the eyes of the community, if the observance of Sunday shall be generally neglected, and if the Scriptures shall be brought into general discredit? Yet with just such a state of things we are threatened. Let us not refuse to look at the real nature of the case. The fact is, that a man’s sense of duty, his moral sensibility, is the conservative element of his character; and no man can receive so great an injury himself, or inflict so great a calamity on another, as the impairing or the destruction of this grand principle. Of all unpromising indications in a youth, is not insensibility to moral considerations, the most decisive and unequivocal? When the sense of duty is extinguished in an individual, he becomes a burthen to himself and a nuisance to others, the sport of every wind of caprice and passion. From infecting individuals, a moral taint soon comes to infect a

nation, which now becomes, in the natural order of a descending course, the theatre of every crime which can degrade individuals, disturb society and brutalize mankind. In such a community, all the virtues which procure respect and esteem, and still more, those which elevate and adorn society, must decline and perish. The security of society depends on the conviction which we habitually feel, that those among whom we dwell, are governed in their conduct by humanity, justice, moderation, kindness, integrity and good faith. When these main pillars of moral and social order are overthrown, general confidence between man and man must be exchanged for universal suspicion, every individual will be seized with apprehension and terror, the mild authority of law must cease its reign, and the dark and fearful passions of selfishness, lust and revenge break forth with unbridled violence and fury. During the last half century, where are the achievements of the infidel system to be seen, but in the ruin of hundreds of thousands of estimable families, unexampled distress of nations, general anarchy and convulsions, and in the devastation of much of the fairest portion of the earth. Encouragement of the infidel system among us, will dissolve all the moral ties which unite men in the bonds of society. Circumvention and fraud will come to be esteemed wisdom, the sacred mystery of "plighted troth" will be laughed to scorn, wise forbearance will be accounted pusillanimity, an enlightened practical benevolence will be supplanted by a supreme regard to self-gratification and an insensibility to the welfare of other men, the disregard of Almighty God will be equalled only by a corresponding contempt of mankind, personal aggrandizement will be substituted for love of country, social order and public security will be subverted by treason and violence;—these; and all these have been, and may again be the fruits of the infidel system.*

* Gouverneur Morris resided in France during the first part of the Revolution, and in a letter to President Washington, dated Paris, April 29, 1789, he thus speaks of the state of morals.

"Every one agrees that there is an utter prostration of morals; but this general position can never convey to an American mind the degree of depravity. It is not by any

Finally, let us in the strength of Almighty God, cling with fresh earnestness and new resolution to our religion, as to the last anchor of our hope and safety. "It is not a vain thing for us, it is our life." It is our only imperishable treasure. In it are comprised, at once, the great causes of peace, of virtue, of intelligence, of freedom, of good government and of human happiness.

figure of rhetoric, or force of language, that the idea can be communicated. A hundred anecdotes and a hundred thousand examples, are required to shew the extreme rottenness of every member. There are men and women who are greatly and eminently virtuous. I have the pleasure to number many in my acquaintance; but they stand forward from a back ground deeply and darkly shaded. It is, however, from such crumbling matter, that the great edifice of freedom is to be erected here. Perhaps, like the stratum of rock, which is spread under the whole surface of their country, it may harden when exposed to the air, but it seems quite as likely that it will fall and crush the builders. I own to you that I am not without such apprehensions, for there is one fatal principle which pervades all ranks. It is, perfect indifference to the violation of engagements. Inconsistency is so mingled in the blood, marrow and very essence of this people, that when a man of high rank and importance laughs to-day at what he seriously asserted yesterday, it is considered as in the natural order of things. Consistency is a phenomenon."—*Life by Sparks*, vol. ii. p. 68.

Again, p. 255, under date December 21, 1792, "the morals, or rather the want of morals, in this country, places every one at his ease. He may be virtuous if he pleases, but there is no necessity either to be or to appear so. The open contempt of religion, also, cannot but be offensive to all sober minded men."

For the best expositions of the character of modern infidelity, see Dr. Dwight's *Sermons on Infidelity*.—Burke's *Reflections on the Revolution in France*, works, vol. iii.—*Letters on France and England*, published in the *American Review*, 1811 and 1812.—Rev. R. Hall's *Sermon on Ephesians*, ii. 12.

Const. S. Car. art. 1. §. 33

Del. art. 3.

Verm^t. Ch. 1. art. 2.

Tennessee art. 8. §. 1.

Court v. Kneeland 20 Pick. 206

NOTES.

A.—Page 9.

As the documents here referred to are not easily obtained, it may be useful to subjoin further quotations.

The aim of the crown and of the Colonists in planting Connecticut, is still more strongly expressed than in the case of Massachusetts. The General Assembly of the colony are instructed to govern the people, "so as their good life and orderly conversation may win and invite the natives of the country to the knowledge and obedience of the only true God and Saviour of mankind and the Christian faith: which in our royal intentions and the adventurers' free profession, is the *only* and principal end of this plantation." (*Almon*, p. 30.) The same declaration under considerable variations, is contained in nearly all the colonial charters. In the Rhode Island charter, at p. 39 of *Almon*,—Virginia, p. 93.—Maryland, pp. 115–125.—For the Carolina charters, see *Trott's Laws*, vol. i. pp. xxi. xxxiii. In the Virginia Charter of 1609, it is said, moreover, that "it shall be necessary for all such as shall inhabit within the precincts of Virginia, to determine to live together in the fear and true worship of Almighty God, Christian peace and civil quietness:"—and that "the principal effect which we (the crown) can desire or expect of this action, (i. e. the granting of this charter) is the conversion and reduction of the people in those parts unto the true worship of God and Christian religion." (*Almon*, pp. 91. 92.)

The preamble to the celebrated articles of confederation between the colonies of Massachusetts, New-Plymouth, Connecticut and New-Haven, dated 1643, declares, that "wee all came into these parts of America with one and the same end and ayme, namely, to advance the kingdome of our Lord Jesus Christ, and to enjoy the liberties of the Gospell in puritie with peace;"—and Art. 2d. assigns one object of the league to be, "for preserveing and propagateing the truth and liberties of the Gospell" (*2 Hazard*, p. 1.) A passage from the instructions of the N. E. Company in England, to John Endicott, dated April 1629, speaks thus:—"and for that the propagating of the Gosple is the thinge wee do profess *about* all to be our ayme in setting this Plantacon. wee have bin carefull to make plentiful provision of Godly Ministers, by whose faithfull preaching, Godly conversacon and exemplary Lyfe, wee trust not only those of our owne Nation, will be built vp in the Knowledge of God, but *also the Indians* may, in God's appointed tyme, be reduced to the obedyence of the Gosple of Christ," &c. After mentioning their names and some particulars respecting them, the instructions proceed thus:—"For the manner of the exercising their Ministrie, and teaching both our owne People *and the Indians*, wee leave that to themselves, hoping they will make God's Word the Rule of their Accons, and mutually agree in the discharge of their duties: and because *their doctrine* will hardly bee well esteem-

ed whose persons are not revered, we desire that both by your own example, and by commanding all others to do the like, our Ministers may receive due Honor."—*1 Hazard*, pp. 256, 257.—Further illustrations on the subject of this note may be seen in *1 Hazard*, 46. 82. 103. 117. 134. 148. 151. 155. 160. 184. 203. 259. 300.—For the Commissions of Columbus, John Cabot and his sons, Jacques Quartier, &c see *1 Hazard*, 19. 19. &c.

The value of this note cannot fail to be enhanced, if the author subjoins the sentiments and views of Columbus when he entered upon his adventurous enterprise. The materials are prepared to his hands.

Mr. Irving says, "one of the great objects held out by Columbus in his undertaking, was the propagation of the Christian faith. He expected to arrive at the extremity of Asia, at the vast and magnificent empire of the Grand Khan. He contemplated that, by means of his discovery, an immediate intercourse might be opened with this immense empire, that the whole might speedily be brought into subjection to the Church; and thus, as had been foretold in Holy Writ, the light of revelation might be extended to the remotest ends of the earth." The Queen, also, was filled with pious zeal at the idea of effecting such a great work of salvation. He opens the journal of his first voyage by saying, that their Majesties of Spain (Ferdinand and Isabella) determined to send him to the parts of India, to see the princes, people and lands, and to discover the nature and disposition of them all, and the means to be taken for the conversion of them to the Holy Faith. In his will, moreover, Columbus enjoined on his son Diego, or whoever might inherit after him, "to spare no pains in having and maintaining in the Island of Hispaniola, four good professors of theology, to the end and aim of their studying and labouring to convert to our Holy Faith the inhabitants of the Indies;—and, continues he, in proportion as by God's will, the revenue of the estate shall increase, in the same degree, shall the number of teachers and devout persons increase, who are to strive to make Christians of the natives; in attaining which no expense should be thought too great.—*Life of Columbus*, vol. i. pp. 103. 104. 118.—vol. iii. p. 418.

B.—Page 12.

Some further quotations are made for the benefit of those who may not have a copy of the American Constitutions at hand.

Constitution of Massachusetts, Part i. Art. 3.—"As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through the community, but by the institution of a public worship of God, and of public institutions (instructions) in piety, religion and morality; therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this Commonwealth have a right to invest their Legislature with power to authorize and require, and the Legislature shall, from time to time, authorize and require the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion and morality, in all cases, where such provision shall not be made voluntarily.

And the people of the Commonwealth have also a right to, and do, invest their Legislature with authority to enjoin upon all the subjects, an attendance upon the instructions

of the public teachers, as aforesaid, at stated times and seasons, if their be any one whose instructions they can conscientiously and conveniently attend. All moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any, on whose instructions he attends; otherwise, it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised. And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law; and no subordination of any sect or denomination to another, shall ever be established by law." *Part ii. Ch. v. Sec. i. Art. 1.*—"Whereas our wise and pious ancestors so early as the year 1636, laid the foundation of Harvard College, in which University many persons of great eminence have, by the blessing of God, been initiated into those arts and sciences which qualified them for public employments, both in Church and State; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America, it is declared that the President and fellows of Harvard College," &c.

New-Hampshire.—The Constitution of this State contains provisions, in regard to the Christian Religion, substantially the same with those just quoted from the Constitution of Massachusetts, except so far as these relate to Harvard University. See p. 12. The Constitutions of Vermont and Rhode Island have been sufficiently quoted. See pp. 9, 11.

Connecticut, Art. 7 Sec. 1.—"It being the duty of all men to worship the Supreme Being, the great Creator and Preserver of the universe, and their right to render that worship in the mode most consistent with the dictates of their consciences; no person shall, by law, be compelled to join or support, nor be classed with, or associated to, any congregation, church, or religious association. But every person now belonging to such congregation, church or religious association, shall remain a member thereof, until he shall have separated himself therefrom, in the manner hereinafter provided. And each and every society or denomination of Christians in this State, shall have and enjoy the same and equal powers, rights, and privileges; and shall have power and authority to support and maintain the ministers or teachers of their respective denominations, and to build and repair houses for public worship, by a tax on the members of any such society only, to be laid by a major vote of the legal voters, assembled at any society meeting, warned and held according to law, or in any other manner."

New-Jersey.—The Constitution of this State declares, (*Art. xix.*) "that there shall be no establishment of any one religious sect in this province (this constitution was formed in 1776,) in preference to another, and that no protestant inhabitant of this colony shall be denied the enjoyment of any civil right, merely on account of his religious principles; but that all persons professing a belief in the faith of any protestant sect who shall demean themselves peaceably under the government, as hereby established, shall be capable of being elected into any office of profit or trust, or being a member of either branch of the Legislature, and shall fully and freely enjoy every privilege and immunity enjoyed by others their fellow subjects."

Maryland.—The declaration of rights says, (*Art. xxxiii.*) "that as it is the duty of every man to worship God in such manner as he thinks most acceptable to him, all persons professing the Christian religion are equally entitled to protection in their religious liberty." And again, (*Art. xxxv.*) "that no other test or qualification ought to be required, on admis-

sign to any office of trust or profit than such oath of support and fidelity to this State, and such oath of office, as shall be directed by this Convention or the Legislature of this State, and a declaration of belief in the Christian religion." See also p. 12.

North-Carolina in her Constitution (*Art. xxxii.*) says, "that no person who shall deny the being of a God, or the truth of the Protestant religion, or the divine authority of either the Old or New Testament, or shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office, or place of trust or profit, in the civil department within this State."

So far as these quotations make any distinction between denominations of Christians, the author does not concur with them, but they conclusively shew, that the constitutions from which they are taken, unequivocally sustain the Christian religion.

C.—Page 11, 13.

In *Art. 7th* of the Constitution of the United States, that instrument is said to have been framed, "by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord, 1787, and of the independence of the United States of America, the twelfth." In the clause printed in *Italic* letters, the word *Lord* means the Lord Jesus Christ, and the word *our* preceding it, refers back to the commencing words of the Constitution; to wit, "We the people of the United States." The phrase, then, *our Lord*, making a part of the dating of the Constitution when compared with the commencing clause, contains a distinct recognition of the authority of Christ, and of course, of his religion by the people of the United States. This conclusion is sound, whatever theory we may embrace in regard to the Constitution;—whether we consider it as having been ratified by the people of the United States in the aggregate, or by States, and whether we look upon the Union in the nature of a government, a compact or a league. The date of the Constitution is twofold;—it is first dated by the birth of our Lord Jesus Christ; and then by the Independence of the United States of America. Any argument which should be supposed to prove, that the authority of Christianity is not recognised by the people of the United States in the first mode, would equally prove that the Independence of the United States is not recognised by them in the second mode. The fact is, that the Advent of Christ and the Independence of the country, are the two events in which of all others, we are most interested; the former in common with all mankind, and the latter as the Birth of our Nation. This twofold mode, therefore, of dating so solemn an instrument, was singularly appropriate and becoming. The Articles of Confederation are dated in the same twofold way.

Again, in *Art. 1, Sec. 7, c. 2* of the Constitution of the United States, provision is made, that, "if any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return; in which case it shall not be a law." In adopting this provision, it was clearly presumed by the people, that the President of the United States would not employ himself in public business on Sunday. There is no other way of explaining the fact, that in the case contemplated, they have given him ten business days, during which he may consider a bill and prepare his objections to it. The people had been accustomed to pay special respect to Sunday from the first settlement of the country. They assumed, that the President also would

wish to respect the day. They did not think it suitable or becoming to require him, by a constitutional provision, to respect the day;—they assumed that he would adhere to the customary observance without a requirement. To have enacted a constitutional provision, would have left him no choice, and would have been placing no confidence in him. They have placed the highest possible confidence in him, by assuming without requiring it, that his conduct in this respect would be according to their wishes. Every man who is capable of being influenced by the higher and more delicate motives of duty, cannot fail to perceive, that the obligation on the President to respect the observance of Sunday, is greatly superior to any which could have been created by a constitutional enactment. It is said in the text, that this obligation extends by parity of reasoning to all persons employed in stations subordinate to the Presidency in the service of the United States. This is certainly true, but it is perhaps not putting the argument in its strongest light. The reasoning is quite as much *à fortiori* as *à pari*. The people in adopting the Constitution, must have been convinced, that the public business entrusted to the President, would be greater in importance and variety, than that which would fall to the share of any functionary employed in a subordinate station. The expectation and confidence, then, manifested by the people of the United States, that their President will respect their Sunday, by abstaining from public business on that day, must extend *à fortiori* to all employed in subordinate stations.*

The recognitions of Christianity in the State Constitutions are of three kinds. 1. These instruments are usually dated in the *year of our Lord*, and the same observations which were made on this phrase in the case of the Constitution of the United States, are no less applicable, *mutatis mutandis*, to the Constitutions of the respective States. 2. Nearly all of them refer to the observance of Sunday by the Chief Executive Magistrate, in the same way in which such observance is referred to, in the Constitution of the United States; and, therefore, in regard to them, no further observations are required. 3. Definite constitutional provisions not only recognising the Christian religion, but affording it countenance, encouragement and protection; the principal of which are quoted in the text p. 12, and in Note B. pp. 30, 31. See also p. 13.

D.—Page 14.

This appears to the author the most convincing ground upon which to rest the argument against Sunday mails. The observance of Sunday, and its appropriation to the duties of religion, had been established from the first settlement of the country. Laws were in force and had long been in force, requiring its respectful observance, in all the thirteen States which were originally parties to the Constitution of the United States. No authority over

* The author is happy to sustain his views by the authority of Mr. Frelinghuysen, United States Senator from New-Jersey.

“Our predecessors have acted upon a true republican principle, that the feelings and opinions of the majority were to be consulted. And when a collision might arise, inasmuch as only one day could be thus appropriated, they wisely determined, in accordance with the sentiments of at least nine-tenths of our people, that the first day of the week should be the Sabbath of our government. This public recognition is accorded to the Sabbath in our Federal Constitution. The President of the United States, in the discharge of the high functions of his Legislative Department, is expressly relieved from all embarrassment on Sunday. Both Houses of Congress, the Offices of the State, Treasury, War, and Navy Departments, are all closed on Sunday.” Speech in the Senate 8th May, 1830.

the Christian religion, or its institutions, has been given to the National Legislature by this Constitution. All their measures ought to be consistent with its institutions, and none of them ought to be in violation of them. And until within a few years, our national legislation was, in this respect, suitable and highly commendable. It is not known to the author, that until very lately there existed any Act of Congress requiring a violation of any Christian institution. (*Mr. Frelinghuysen's Speech in Senate*, p. 5.) The Act of 3d March, 1825, section 11th, makes it the duty of every postmaster to deliver letters, papers, &c. *on every day of the week*, at all reasonable hours. (*Gordon's Digest*, 427.) This is the first statute enacted by Congress, authorizing and requiring a violation of the religion of the country. Congress can rightfully make no change in the religion of the nation; but in this instance, they have enacted, that as far as the mail department of the public business is concerned, there shall no longer exist the established (by law) observance of Sunday. This Act does not leave Christianity in the same situation in which it was before it was passed. It employs some thousands in desecrating and destroying an institution peculiar to Christianity. It is, therefore, in the judgment of the author, unconstitutional, and ought to be rescinded. Nor is the argument from the alleged necessity of Sunday mails, any better than the constitutional argument. London is the first city on earth for wealth, business and enterprise; but no mail is opened or closed in it on Sunday. And notwithstanding the immense intercourse between London and Liverpool, no mail leaves the Metropolis for Liverpool, between Saturday evening and Monday morning. (*Mr. Frelinghuysen's Speech in the United States' Senate*, 8th May, 1830.)

It is mentioned above by the author, that a very suitable concern has, in general, been manifested by the Federal Government, to prevent the desecration of Sunday. The rules and regulations of the Army of the United States, present an instance in point. By Art. 2d of these rules and regulations, which every officer, before he enters on the duties of his office, is required to subscribe: "it is earnestly recommended to all officers and soldiers diligently to attend divine service; and all officers who shall behave indecently or irreverently at any place of divine worship, shall, if commissioned officers, be brought before a general court-martial, there to be publicly and severely reprimanded by the President; if not commissioned officers or soldiers, every person so offending, shall for his first offence, forfeit one-sixth of a dollar, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined twenty-four hours; and for every like offence, shall suffer and pay in like manner." (Act of April 10th, 1806, Sec. 1.) (*Gordon's Digest*, Art. 3269.) This Art. is taken almost verbatim from the "rules and orders" enacted by the Old Congress on the same subject. (See Journal of 30th June, 1775.) Will it be arrogating too much, if the author respectfully asks any military commander into whose hands these pages may come, candidly to examine the bearing which the above regulation may rightfully have upon military reviews held on Sunday, and upon marching on Sunday, when the exigencies of the service do not require it? He is under a belief, that military reviews are quite as common on Sunday as upon any other day of the week. He also within a few weeks observed, with regret, a statement in the newspapers, that certain of our citizens went from the city to a neighbouring island, for the purpose of attending a military review on Sunday.

E.—Page 15.

An examination of the journals of the Old Congress has given results on this subject highly satisfactory which for the sake of method may be thus classed :—

1. Days of humiliation, fasting and prayer. June 7th 1775, “Resolved, that Thursday the 20th of July next, be observed throughout the twelve United Colonies, as a day of humiliation, fasting and prayer.” At the same time, a committee was appointed on the subject. June 12th, this committee brought in their report, or proclamation. It occupies an entire page of the journals and concludes thus :—“And it is recommended to *Christians of all denominations* to assemble for public worship, and to abstain from servile labour and recreation on said day.” July 19th.—“Agreed, that the Congress meet at this place to-morrow, and from this place, go in a body to attend Divine service.”—March 16th, 1776, Mr. W. Livingston brought in a resolution for appointing a fast in the colonies, on Friday 17th of May. A part of it runs thus :—“That we may with united hearts, confess and bewail our manifold sins and transgressions, and by a sincere repentance and amendment of life, appease his righteous displeasure, and *through the merits and mediation of Jesus Christ*, obtain his pardon and forgiveness.” As one motive for recommending this day of fasting &c. Congress say, they are “desirous to have people of all ranks and degrees duly impressed with a solemn sense of God’s superintending Providence, and of their duty, devoutly to rely, in all their lawful enterprises, on his aid and direction.” December 9th, 1776, a committee was appointed to prepare a recommendation to the several States, to appoint a similar day. This committee reported on the 11th and on this occasion ;—“the Congress in the most earnest manner, recommend to all the members of the United States, and particularly the officers civil and military under them, the exercise of repentance and reformation ; and further require of them the strict observation of the articles of war, and particularly that part of the said articles which forbids profane swearing and all immorality, of which all such officers are desired to take notice.” See *Journals for June 30th 1775*.—February 27th, and March 7th, 1778 ;—a similar day, (22d April,) is recommended. A part of the recommendation runs thus :—“that at one time and with one voice, the inhabitants may acknowledge the righteous dispensations of Divine Providence, and confess their iniquities and transgressions for which the land mourneth ; that they may implore the mercy and forgiveness of God ; and beseech him that vice, profaneness, extortion and every evil may be done away ; and that we may be a reformed and happy people ; that it may please him to bless our schools and seminaries of learning, and make them nurseries of true piety, virtue and useful knowledge.”—March 20th, 1779, a similar recommendation, a part of which is thus :—“that Almighty God will be pleased to avert those impending calamities which we have but too well deserved ; *that he will grant us his grace to repent of our sins, and amend our lives according to his holy word ; that he will grant us patience in suffering and fortitude in adversity ; that he will inspire us with humility, moderation and gratitude in prosperous circumstances ; that he will diffuse useful knowledge, extend the influence of true religion, and give us that peace of mind, which the world cannot give.*”—March 11th, 1780, is a proclamation for another fast, which in part is thus :—“that we may with one heart and one voice, implore the Sovereign Lord of heaven and earth to remember mercy in his judgments ; to make us sincerely penitent for our transgressions ; to banish vice and irreligion from among us, and establish virtue and piety by his Divine grace,” &c.—March 20th, 1781, another recommendation of the same kind running in part thus :—“that we may, with united hearts, confess and bewail our

manifold sins and transgressions, and by sincere repentance and amendment of life, appease his righteous displeasure, and *through the merits of our blessed Saviour*, obtain pardon and forgiveness: that it may please him to inspire our rulers with incorruptible integrity, and to direct and prosper their councils; that it may please him to bless all schools and seminaries of learning, and to grant, that truth, justice and benevolence, and pure and undefiled religion may universally prevail."—March 19th, 1782, another similar proclamation; a part is thus:—"The United States in Congress assembled, think it their indispensable duty to call upon the several States, to set apart the last Thursday in April next as a day of fasting, humiliation and prayer, that our joint supplications may then ascend to the Throne of the Ruler of the Universe, beseeching Him to diffuse a spirit of universal reformation among all ranks and degrees of our citizens; and make us a holy, so that we may be a happy people; that it would please him to impart wisdom, integrity and unanimity to our counsellors; that he would protect the health and life of our Commander in Chief: that he would take under his guardianship all schools and seminaries of learning, and make them nurseries of virtue and piety; that he would incline the hearts of all men to peace, and fill them with universal charity and benevolence, and *that the religion of our Divine Redeemer*, with all its benign influences, may cover the earth as the waters cover the sea."

2. Days of thanksgiving, gratitude and praise. Journals, Oct. 31st, and Nov. 1st, 1777: it is recommended "to the several States, to set apart a day for thanksgiving, for the signal success lately obtained over the enemies of these United States." After saying that "it is the indispensable duty of all men to adore the superintending Providence of Almighty God; to acknowledge with gratitude their obligation to him for benefits received, &c. the document "sets apart the 18th of December, for solemn thanksgiving and praise," and proceeds thus:—"that with one heart and one voice, the good people may express the grateful feelings of their hearts, and consecrate themselves to the service of their Divine Benefactor; and that together with their sincere acknowledgments and offerings, they may join the penitent confession of their manifold sins, whereby they had forfeited every favor, and their humble and earnest supplication that it may please God, *through the merits of Jesus Christ*, mercifully to forgive and blot them out of remembrance; to take schools and seminaries of education, so necessary for cultivating the principles of true liberty, virtue and piety, under his nurturing hand, and to prosper the means of religion for the promotion and enlargement of *that kingdom which consisteth in righteousness, peace and joy in the Holy Ghost.*" See also Journals of Nov. 7th, 1777.—Nov. 7th, and 17th, 1778, a similar recommendation—Oct. 14th and 20th, 1779, a similar recommendation. The preamble of which after enumerating various causes of national thankfulness, says; "and above all, that he hath diffused the glorious *light of the Gospel*, whereby, *through the merits of our gracious Redeemer*, we may become the heirs of his eternal glory." The resolution, after appointing the 9th of December as "a day of public and solemn thanksgiving to Almighty God for his mercies, and of prayer for the continuance of his favor and protection to these United States," proceeds:—"that he would grant *to his church the plentiful effusions of Divine grace, and pour out his Holy Spirit on all Ministers of the Gospel*; that he would bless and prosper the means of education, and *spread the light of Christian knowledge through the remotest corners of the earth*; that he would in mercy look down upon us, pardon our sins and receive us into his favour, and finally, that he would establish the independence of these United States upon the basis of *religion and virtue.*"—Oct. 18th, 1780, another document of similar import. The last of the

petitions to Almighty God recommended, is, that he will “cherish all schools and seminaries of education, and cause *the knowledge of Christianity to spread over all the earth.*”—Sept. 13th 1781, on motion of Mr. Sherman, a committee was appointed to prepare a proclamation for a day of thanksgiving throughout the United States. Oct. 26th, a proclamation was reported and agreed to. Oct. 11th, 1782, a similar recommendation. Oct. 18th, 1783, a proclamation was prepared and agreed to. This was at the close of the war, and after enumerating the chief causes of national thankfulness connected with the successful result of the revolutionary contest, the document continues:—“And above all, that he hath been pleased to continue to us *the light of the blessed Gospel, and secured to us in the fullest extent the rights of conscience in faith and worship* And while our hearts overflow, and our lips set forth the praises of our great Creator, that we also offer up fervent supplications, that it may please him to pardon all our offences, to give wisdom and unanimity to our public councils, to cement all our citizens in the bonds of affection, and to inspire them with an earnest regard for the national honor and interest; to enable them to improve the days of prosperity by every good work, and to be lovers of peace and tranquillity; that he may be pleased to bless us in our husbandry, our commerce and navigation; to smile upon our seminaries and means of education, to cause *pure religion and virtue to flourish, to give peace to all nations and to fill the world with his glory.*” These sentiments are worthy of our revolutionary Congress at the close of a contest, “on which,” as they well say in the same document, “the most essential rights of human nature depended.”

The following members of Congress, were, at different times, on the committees which prepared the proclamations just reviewed;—Messrs. Hooper, J. Adams, Paine, Witherspoon, R. H. Lee, Roberdeau, Huntington, Scudder, G. Morris, Drayton, Paca, Duane, Root, Madison, Montgomery, Wolcott, Scott, S. Adams, Holten Muhlenberg, Morris, Vanum, Sherman, Williamson. Several of these gentlemen served two and three times on this business. The following gentlemen were Chairmen of the Committees:—Messrs. Hooper, Witherspoon, Roberdeau, G. Morris, Duane, Montgomery, S. Adams, Root. Mr. Duane appears to have written two of the proclamations. Mr. Root two, and Mr. Witherspoon three. It does not appear from the Journals who were on the Committee which prepared the proclamation of Oc. 1st, 1780. In *one* instance, the Chaplains of Congress prepared the proclamation according to instructions from Congress; Journals, Nov. 7th and 17th, 1778. Mr. Witherspoon was the *only* clerical member of the old Congress. Of the three proclamations, of which, being Chairman of the Committee, he may be presumed to have been the author, *no part* is quoted in the above extracts. The same is true of the proclamation prepared by the Chaplains. The above extracts, therefore, contain the religious sentiments, and make us acquainted in some measure with the religious feelings of the lay-members of Congress. The above review warrants some further remarks. 1. The old Congress paid respect to religion by system and on principle. If they were ever without a Chaplain performing daily religious services, it was for a very short time; and it may well be presumed, that Mr. Witherspoon *then* performed the stated divine service. 2. The proclamations do not merely contain general references to a superintending Providence, and a Supreme Creator and Governor of the world, but they usually contain sentiments unequivocally *Christian*. 3. The journals disclose various circumstances which indicate the personal interest taken by the members in the stated and occasional religious services. The proclamations are among the very best specimens of the kind of writing to

which they belong, with which the author is acquainted. It is a noble and sublime spectacle, to see an assembly of such men, making use of all the rightful means in their power to accomplish a transcendently great object, but still depending on the God of Heaven for the ultimate issue.

3. Appointment of Chaplains, their qualifications, duties, &c. The first revolutionary Congress assembled Sept. 5th, 1774, and in an entry on the journal of the 6th, we read, "*Resolved*, That Rev. Mr. Duchè be desired to open the Congress to-morrow morning with prayers." Sept. 7th, 1774. "the meeting was opened with prayers by the Rev. Mr. Duchè." "Voted, that the thanks of the Congress be given to Mr. Duchè for performing divine service." Congress adjourned October 26th, but reassembled 10th May 1775, on the journal of which day, there is this entry:—"Agreed that the Rev. Mr. Duchè be requested to open the Congress with prayers to-morrow morning." May 11th, "Agreeable to the order of yesterday, the Congress was opened with prayers by the Rev. Mr. Duchè." October 23, 1775, on occasion of the sudden demise of Peyton Randolph, Congress resolved to attend his funeral as mourners, and among other things appointed a Committee "to wait on the Rev. Mr. Duchè, and request him to prepare a proper discourse to be delivered at the funeral." July 9th, 1776, "*Resolved*, that the Rev. Mr. Duchè be appointed Chaplain to Congress, and that he be desired to attend every morning at 9 o'clock." October, 17, 1776, "Mr. Duchè having by letter informed the President, that the state of his health, and his parochial duties, were such, as obliged him to decline the honour of continuing Chaplain to Congress;—*Resolved*, that the President return the thanks of this house to the Rev. Mr. Duchè for the devout and acceptable manner in which he discharged his duty during the time he officiated as Chaplain to it; and that 150 dollars be presented to him, as an acknowledgement from the house of his services." October 30th, 1776. Mr. Duchè writes to Congress and requests that, as he became their Chaplain from motives perfectly disinterested, the 150 dollars voted to him, may be applied to the relief of the widows and children of such of the Pennsylvania officers as have fallen in battle in the service of their country. In consequence, Congress orders the money to be deposited with the Council of safety of Pennsylvania, to be applied agreeably to his request. December 23, 1776, "agreeable to the order of the day, Congress elected the Rev. Mr. P. Allison, and the Rev. Mr. W. White, Chaplains. May 27th, 1777, "*Resolved*, that for the future, that there be only one Chaplain allowed in each brigade of the army, and that such Chaplain be appointed by Congress; that each brigade Chaplain be allowed the same pay, rations, and forage allowed to a Colonel in the said corps; that each Brigadier-General be requested to nominate and recommend to Congress a proper person for Chaplain to his brigade; and that *they recommend none but such as are clergymen of experience, and established public character for piety, virtue and learning.*" September 18th, 1777, "*Resolved*, that Chaplains be appointed to the Hospitals in the several departments, and that their pay be each 60 dollars a month, and three rations a day, and forage for one horse. The Rev. Mr. Noah Cook was elected Chaplain of the Hospitals in the Eastern department." Other appointments of Chaplains appear on the Journals for Oct. 1st, 1777.—Jan. 22d, 1784.—Aug. 5th, 1785.—Feb. 2d, 1787.—Feb. 19th, 1788.

4. *Miscellaneous*.—Saturday July 15th, 1775, "on motion, *Resolved*, that the Congress will, on Thursday next, attend divine service in a body, both morning and afternoon. September 15th, 1782, a Committee of which Mr. Duane is Chairman, report on a memorial of R. Aiken respecting an edition of the Holy Scriptures.

“ that Mr. Aitkin has at a great expense now finished an American edition of the Holy Scriptures in English; that the Committee have, from time to time attended to his progress in the work,” &c. “ Whereupon, *Resolved*, that the United States in Congress assembled, highly approve the pious and laudable undertaking of Mr. Aitkin, as subservient to the interest of religion,” &c. Also, “ they recommend this edition of the Bible to the inhabitants of the United States, and hereby authorize him to publish this recommendation in the manner he shall think proper.” Also, Journals Sept. 3, 1788.

The above result is from a careful examination of the Journals of the Revolutionary Congress. A review of the Journals of the new Congress must necessarily be brief and imperfect.

President Washington was inaugurated and took the oath of office, April 30th, 1789, and on the Journal of the preceding day is this entry; *Resolved*, that after the oath shall have been administered the President; the Vice-President and Members of the Senate, the Speaker and Members of the House of Representatives, will accompany him to St. Paul's Chapel, to hear divine service, performed by the Chaplain of Congress” See also Journal of 27th April.

1. *Days of public Humiliation and Prayer.*—May 1st, 1782. “ on motion. *Resolved*, that a joint Committee of both Houses be directed to wait on the President of the United States, to request that he would recommend to the people of the United States a day of public Humiliation and Prayer to be observed by supplicating Almighty God for the safety, peace and welfare of these States.” June 4th, 1794, is a similar entry. On the same subject are entries, July 19th, 20th, and 23d, 1813.—Oct. 29th, Nov. 1st, 4th and 8th, 1814.

2. *Days of Thanksgiving and Prayer.*—Sept. 25th, 1789, “ *Resolved*, that a Joint Committee of both houses be directed to wait upon the President of the United States, to request that he would recommend to the people of the United States, a day of public Thanksgiving and Prayer, to be observed by acknowledging with grateful hearts, the many signal favours of Almighty God, especially by affording them an opportunity peaceably to establish a constitution of government for their safety and happiness.” See also Journal of Feb. 18th, 21st, and March 2d, 1815.

3. *Appointment, &c. of Chaplains*—The House of Representatives met 4th of March, 1789, but a quorum was not formed until 1st April. April 9th, a joint movement of the House and the Senate was made, “ to regulate the appointment of Chaplains.” May 1st, the very day of the inauguration of the President, a Chaplain was elected for the House. Other entries to the same effect are found, Jan. 8th, 1790.—Dec. 8th, 1790, “ *Resolved*, that two Chaplains of different denominations, be appointed to Congress for the present session, one by each House, who shall interchange weekly ” See Dec. 10th, 1790. Oct. 14th, 1791.—Nov. 5th, 1792. The Journals abound with notices of the appointment of Chaplains too numerous to be quoted up to March, 1815, beyond which the author has not the means of examining any of the subjects of this note. It may be stated, however, on the ground of general notoriety, that both Houses of Congress have always appointed Chaplains, that days of national humiliation and prayer, and of national thanksgiving, have been occasionally appointed, and that public worship has been customarily celebrated, during the sessions of Congress, in the Hall of the House of Representatives.

The author proposes briefly to review the legislation of S. Carolina, so far as this subject is concerned, and to extend his enquiries, to the Federal Government, and to the other States, as far as circumstances permit.

The Carolina Charter of 1662-3, granted to the Lords Proprietors "the patronage of all the Churches which might be built in the Province, and the administration of all other things pertaining to Religion, according to the Ecclesiastical Laws of England, together with all and as ample rights, jurisdictions, privileges, prerogatives," &c. A new charter was granted in 1665, by which the former was confirmed and enlarged in some particulars, though not in respect to Religion. By reason of the remote distance of the Province, it was permitted by the Charter to the Lords Proprietors, "to grant at their discretion, fit and reasonable indulgences to all such as really in their judgments and for conscience sake could not conform to the Liturgy and ceremonies of the established Church." This the Charter hopes, considering the distance, will be no breach of the unity and uniformity established in England. Such indulgence was to be granted, however, on condition, that the persons to whom it might be given, "should not disturb the peace and safety of the Province, or scandalize or reproach the Liturgy, forms and ceremonies of the Church of England, or any thing thereunto relating." (*Trott's Laws of S. Carolina*, vol. i. p. 21, &c.) Such was the original fundamental Law of South-Carolina in regard to religion. The Constitutions of Mr. Locke, expanded the provisions just quoted into details; but as they were never adopted in the Province, it is not necessary further to notice them. (*Dalcho's History of the P. E. Church of S. Carolina*, p. 7.—*2 Ramsay*, p. 123.) By comparing, however, the Constitutions from Art. 97 to 106, it seems probable that they were used in compiling Art. 38 of our Constitution of 1778. See *2 Ramsay*, 136.

The Statute of December 12th, 1712, in adopting the Common Law of England as the Law of S. Carolina, (*Grunkel's Laws of S. Carolina*, p. 99,) made Christianity (if it was not so before) a part of our fundamental Law, it being a well established principle that Christianity is a part of the Common Law of England.*

* See 11 Sergeant & Rawle, pp. 400, 401, where the Supreme Court of Pennsylvania says, that "from the time of Bracton, Christianity has been received as part of the Common Law of England. "To this effect, the opinions of Lord Chief Justice Hale, Lord Chief Justice Raymond, and Lord Mansfield, are quoted. The Court refer to the *King vs. Taylor*, 1 Ventris, 293.—*3 Keble*, 607.—*The King vs. Woolston*, 2 Strange, 834.—*Fitzgibbons*, 64.—*3 Burn's Ecclesiastical Law*, 201.

Also, 8 Johnson, 292, where the Supreme Court of New-York quote the same authorities, and add *Tremaine's Pleas of the Crown*, 226, S. C.—*1 Blackstone's Com.* 54.—*1 East's Pleas of the Crown*, 3.—*1 Hawkins B. L. C.* 5.—*The King vs. Williams*, tried before Lord Kenyon 1797, 26 *Howell's State Trials*, 653. *Wood's Institute*, 391.—*The King vs. Waddington*, 1 *Barnwell & Creswell* 26, K. B. 1822.

In the late debate in the House of Commons on Jewish disabilities, April 17th, 1833;—Mr. R. Grant said "Christianity, as now professed, was so recognised by law that no man was permitted to outrage its ordinances, or to trample on its great maxims." Mr. Grant introduced the motion for removing the Jewish disabilities. In opposing this motion, Sir R. Inghs said, "it had been a maxim of the legislature, as well as of our Courts of Justice, that religion was part and parcel of the law of the land." Such language as this, appears to be regarded as a matter of course, in the House of Commons. The author does not perceive, that the sentiment of Mr. Grant and Sir R. Inghs, was contradicted or opposed during the debate. (See *Walsh's National Gazette*, 8th June, 1833.

In addition to the authorities on this point quoted above, the author subjoins the opinion of Mr. Justice Story of the Supreme Court of the United States, contained at p. 20 of his *Dane and inaugural Discourse*, "One of the beautiful boasts, says he, of our municipal jurisprudence is, that Christianity is a part of the

But besides this Statute, incorporating Christianity with our law, we have many others bearing immediately on the subject. The Act of 1712, for securing the observance of Sunday, (*Grimké's Laws*, p. 19.) after reciting that "nothing is more acceptable to God than the true and sincere service and worship of him, according to his holy will, and that the holy keeping of the Lord's Day is a principal part of the true service of God," requires that "all persons shall observe this day, by exercising the duties of piety publicly and privately, and shall resort to their parish Church, or some meeting or assembly for religious worship." The same Act further provides, that "no person shall exercise any worldly labour, or work of their ordinary callings on the Lord's Day, works of necessity and charity excepted;"—and that "persons exposing for sale, on the Lord's Day, any goods, wares, fruits, &c. shall forfeit the articles so offered for sale." Travelling is also forbidden "by land or water, except to some place of religious worship, or to visit and relieve the sick, unless (a person is) belated the night before, or on some extraordinary occasion, to be allowed of by a justice of the peace." It permits no sports or pastimes of any kind on Sundays, and prohibits innkeepers from entertaining any person in their houses excepting strangers. It requires the Church-Wardens and Constables of Charleston, twice on each Sunday in time of Divine Service, "to walk through the town and apprehend all offenders against this Act." All persons are commanded to aid the constables. A penalty is inflicted on any master, mistress or overseer commanding or encouraging any servant or slaves to work on Sunday. No writ, process, warrant, order, judgment or decree can be served on Sunday, excepting in case of treason, felony, or breach of the peace. The service of such writ is to be void, and the party serving the same is to answer in damages to the persons aggrieved. In case any person shall be imprisoned or detained by any writ served on Sunday, he shall be discharged. This entire act contains two quarto pages closely printed, and of course, this sketch is very imperfect. It is very minute in its specifications, and each offence is visited with its appropriate penalty. It is unquestionably at this day a part of the law of S. Carolina. (*Brevard's Digest*, ii. 272.—*Const. of S. Carolina*, Art. 7.) The Act of June 7, 1712 shews the solicitude of our fathers for the salvation of the slaves. It says, "since Charity and the Christian religion which we profess, obliges us to wish well to the souls of all men, and that religion may not be made a pretence, to alter any man's property and right, and that no person may neglect to baptize their negroes or slaves, or suffer them to be baptized, for fear that thereby they should be manumitted and set free; *Be it therefore enacted*, that it shall be and is hereby declared lawful for any negro or Indian slave, or any other slave or slaves whatsoever, to receive and profess the Christian faith, and be thereunto baptized." The Act of 1740, inflicts a penalty of £5 on any person who shall on Sunday, employ any slave in any work or labour, and excepts only

common law, from which it seeks the sanction of its rights, and by which it endeavours to regulate its doctrines. And notwithstanding the specious objection of one of our distinguished statesmen, the boast is as true as it is beautiful. There never has been a period, in which the common law did not recognise Christianity as lying at its foundation. (See the remarks of Mr. Justice Park, in *Smith vs. Sparrow*, 4 Bing. R. 84, 82.) For many ages it was almost exclusively administered by those who held its ecclesiastical dignities. It now repudiates every act done in violation of its duties of perfect obligation. It pronounces illegal every contract offensive to its morals. It recognises with profound humility its holidays and festivals, and obeys them as *dies non juridici*. It still attaches to persons believing in its divine authority the highest degree of competency as witnesses.

See also the *Jurist* for April, 1833, No. 18, p. 347, in which there is an examination of Mr. Jefferson's letter to Major Cartwright. (4 *Jefferson's Works*, 393.) The writer (J. S.) maintains that Christianity is a part of the common law, and reviews the principal authorities on the subject.

“ works of absolute necessity, and the necessary occasions of the family. (*Grimké*, 168.) The Act of 29th July, 1769, for establishing Courts, &c., after specifying particular days for holding courts, says, “ that if any of the days above appointed for holding the said courts, shall happen to be on Sunday, the said courts shall begin on the day following. (*Idem*. p. 269.) The Act of 17th March, 1785, for establishing County Courts, &c. says, that “ it shall not be lawful for any sheriff or other officer to execute any writ or other process on the Sabbath day; and all process so executed shall be void, unless the same shall be issued against any person or persons for treason, sedition, felony, riot, or breach of the peace, on behalf of the State, or upon any escape out of prison or custody.” (*Grimké's Laws*, p. 376.) The Ordinances of the City Council of Charleston, forbid under a penalty, all labour and all pastimes on Sunday. The Marshal is required to pass through the city twice on Sunday to see that order is preserved. It is his duty to seize goods offered for sale. For selling liquors of any sort on Sunday, a penalty is imposed of \$100 for every offence. (*Digest of Ord.* p. 171. 218. 231.)

It has been mentioned, that during the Revolution, or soon afterwards, the greatest part of the States framed for themselves new constitutions of government, and our first Constitution under the new order of things, is dated 26th of March, 1776. This instrument, however, was designed to be “ temporary only, looking forward to an accommodation with Great-Britain,” and contained no special reference to the subject of religion. Our next Constitution is dated March 19th, 1778, and the 38th Section of this document, conveys to us with great distinctness, the sentiments of this community in regard to religion at that time, and continued to be our fundamental Law on the subject until the adoption of our present Constitution in 1790. The section is interesting in itself, and must be in a great measure unknown to the present generation. For this reason, the author feels justified in republishing it entire:—

“38th. That all persons and religious societies who acknowledge that there is one God, and a future state of rewards and punishments, and that God is publicly to be worshipped, shall be freely tolerated. The Christian Protestant Religion shall be deemed, and is hereby constituted and declared to be the established religion of this State. That all denominations of Christian Protestants in this State, demeaning themselves peaceably and faithfully, shall enjoy equal religious and civil privileges. To accomplish this desirable purpose without injury to the religious property of those societies of Christians, which are by law, already incorporated for the purpose of religious worship, and to put it fully into the power of every other society of Christian Protestants, either already formed or hereafter to be formed, to obtain the like incorporation, it is hereby constituted, appointed and declared, that the respective societies of the Church of England, that are already formed in this State, for the purpose of religious worship, shall still continue incorporate and hold the religious property now in their possession. And that whenever fifteen or more male persons, not under twenty-one years of age, professing the Christian Protestant Religion, and agreeing to unite themselves in a society for the purposes of religious worship, they shall, (on complying with the terms hereinafter mentioned,) be and be constituted a Church, and be esteemed and regarded in law as of the established religion of the State, and on a petition to the Legislature, shall be entitled to be incorporated and to enjoy equal privileges. That every society of Christians so formed, shall give themselves a name or denomination by which they shall be called and known in law, and all that associate with them for the purpose of worship, shall be esteemed as belonging to the society so called. But that previous to the establishment and incorporation of the respective societies of every denomina-

tion as aforesaid, and in order to entitle them thereto, each society so petitioning, shall have agreed to and subscribed in a book the following five articles; without which no agreement or union of men upon pretence of religion shall entitle them to be incorporated and esteemed as a Church of the established religion of this State. (*See Locke's Const. Art. 97-100.*)

I. That there is one Eternal God, a future state of rewards and punishments. II. That God is publicly to be worshiped. III. That the Christian Religion is the true religion. IV. That the Holy Scriptures of the Old and New-Testament are of divine inspiration, and are the rule of faith and practice. V. That it is lawful and the duty of every man being thereunto called by those that govern, to bear witness to truth. That every inhabitant of this State, when called to make an appeal to God as a witness to truth, shall be permitted to do it in that way which is most agreeable to the dictates of his own conscience. And that the people of this State may for ever enjoy the right of electing their own pastors or clergy, and at the same time, that the State may have sufficient security for the due discharge of the pastoral office by those who shall be admitted to be clergymen: No person shall officiate as minister of any established Church, who shall not have been chosen by a majority of the society to which he shall minister, or by persons appointed by the said majority to choose and procure a minister for them, nor until the minister so chosen and appointed, shall have made and subscribed the following declaration over and above the aforesaid five articles, viz: That he is determined by God's grace out of the Holy Scriptures, to instruct the people committed to his charge, and to teach nothing, (as required of necessity to eternal salvation,) but that which he shall be persuaded may be concluded and proved from the Scripture; that he will use both public and private admonitions, as well to the sick as to the whole within his cure, as need shall require and occasion shall be given, and that he will be diligent in prayers, and in reading of the Holy Scriptures, and in such studies as help to the knowledge of the same; that he will be diligent to frame and fashion his own self and his family according to the doctrine of Christ, and to make both himself and them, as much as in him lieth, wholesome examples and patterns to the flock of Christ; that he will maintain and set forwards as much as he can, quietness, peace and love among all people, and especially among those that are or shall be committed to his charge. No person shall disturb or molest any religious assembly; nor shall use any reproachful, reviling or abusive language against any Church, that being the certain way of disturbing the peace, and of hindering the conversion of any to the truth, by engaging them in quarrels and animosities, to the hatred of the professors, and that profession which otherwise they might be brought to assent to. No person whatsoever shall speak any thing in their religious assembly, irreverently or seditiously of the government of this State. No person shall by law, be obliged to pay towards the maintenance and support of a religious worship, that he does not freely join in or has not voluntarily engaged to support. But the Churches, chapels, parsonages, glebes and all other property now belonging to any societies of the Church of England, or any other religious societies, shall remain and be secured to them for ever."

This, then, was the state of things when the Constitution of 1790 became the principal branch of our fundamental Law. Now Art. 8th of this Constitution says, "the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter, be allowed within this State to all mankind: Provided, that the liberty of conscience thereby declared, shall not be so construed as to excuse acts of licentious-

ness, or justify practices inconsistent with the peace or safety of this State"* The word "allowed" in this provision is worthy of special notice, and is the key to the just construction of it. It is to be understood in reference to a *preceeding state of things*, that is, chiefly in reference to the 38th Section of the Constitution of 1778. This section had said, that the Christian Protestant Religion shall be deemed and is hereby constituted and declared to be the established religion of this State;" and the 3d Section of the same Constitution had required the Governor, Lieutenant-Governor and Privy Council, all to be of the Protestant Religion. But the Constitution of 1790, required that this state of things should continue no longer. Protestantism was no more to receive any preference. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, was, forever hereafter, to "be allowed" within this State to all mankind. The Constitution of 1790, then, "alters and amends" (*Art. 8. Sec. 2.*) the former Constitution, so far as religion is concerned, chiefly in these particulars—1st. It discontinues all preference for Protestantism over any other form of Christianity. 2d. It "allows" the "free exercise of their religion," whatever this may be, to all mankind. It is too manifest to require argument, that these changes made by the Constitution of 1790, leave the substance of Christianity, that is, Christianity without distinction of sects, precisely as they found it established by the Constitution of 1778. Besides, the Constitution of 1790, contemplates a continuance of the public instruction of the people of the State in the truths of the Gospel; for it refers (*Art. 1. Sec. 23.*) to "Ministers of the Gospel" as a class of men "dedicated by their profession to the service of God and the care of souls," and considers "their functions as a great duty from which they ought not to be diverted."

It only remains to notice the Acts pertaining to this subject, which have been framed since the adoption of the Constitution of 1790. By the Act of 14th February, 1791, the Secretary of State, and various other officers, are required to keep their offices open every day in the year, Sundays, Christmas days, and the Anniversary of the Independence of America, excepted. (*Faust's Acts*, vol. i. p. 22.) By the Act of 19th February, 1791, for building a toll bridge across Edisto River, &c. "all Ministers of the Gospel, and all persons going to and from places of Divine worship, are exempted from any pontage or toll," (*Faust*, vol. i. 131.) and by the Act of 21st December 1792, the same classes of persons are exempted from payment of ferriage, toll or duty. (*Faust*, i. 282.) By the Act of 1807, persons exempted from such payments at public, are also exempted at private ferries. (*Brevard's Digest*, ii. 195.) The author finds the same exemption in the Act of 17th December, 1813, and presumes it exists in all the succeeding Acts pertaining to roads, bridges, ferries, &c. Such exemption is a distinct *legislative* encouragement to an attendance on the ordinances of the Gospel. In the case of *Shaw vs. McCombs*, in 1799, it was decided, all the Justices concurring, that "if a verdict be delivered in after 12 o'clock on *Saturday* night, and recorded on *Sunday* morning, it is void. (2 *Bay*, 232.) In *Bell vs. Graham*, it was decided in 1818, all the Justices concurring, that disturbing an assembly convened for religious worship on Sunday, during worship, is indictable. (1 *Nott & McCord*, 278.) A highly valuable legal friend informs the author, that until twenty-five or thirty years since, it was customary in Charleston to have a "session or assize sermon" at the opening of every Court of Common Pleas and Sessions; and on such occasions, the judge, jury, officers of court and prisoners, all went to St. Michael's Church to attend divine service and hear a sermon. The same custom still exists in the country. The

* For Chief Justice Kent's opinion of the meaning of this provision of our Constitution, which is also contained in the Constitution of New-York, see note at p. 16.

Act of 27th March, 1787, assigns a fee of £3 sterling for every session sermon that shall be preached. (*Dalcho's Hist. of P. E. Church of S. Carolina*, p. 156.)

An annual appropriation of \$2000 is made by the Legislature, for the support of a "Professor of Metaphysics, Moral Philosophy and the *Evidences of Christianity*," in the South-Carolina College established at Columbia. (See the appropriation Acts from 1824 to 1832.) The facts, that such an appropriation is annually made, and that it is made a part of the duty of one of the Professors to teach the "Evidences of Christianity," must indicate the opinion of the Legislature, not only that Christianity is the well recognised religion of the State, but that the State College is a suitable instrument for advancing the interests of this religion in the community, by imparting that knowledge which is calculated to strengthen the foundations of the public belief in its Divine Authority. This could not be more effectually done than by requiring instruction to be given in its "Evidences," in a State Institution, organised on a liberal scale and sustained at the public expense.

Thus the author has reviewed a series of legislative acts and other documents from the first settlement of the State, by which it appears, that Christianity has been made a part of our law, that its peculiar institutions and usages have been legally protected, and uniformly aided and encouraged. Now the laws of any community are the most authentic and most authoritative mode by which the sentiments of that community can be made known. The voice of South-Carolina, then, has been, through her entire history, uniform, distinct, unequivocal in favor of the Christian religion.

Government of the United States.—A very partial examination of our federal legislation has given these results :—

The Act of April 30th, 1816, provides for the appointment of Chaplains to the two Houses of Congress, and assigns their compensation. The Act of April 14, 1818, Sec. 2, provides for the appointment of a Chaplain to the Military Academy at West-Point. By the Act of April 12, 1808, Sec. 7, a Chaplain is to be appointed to each brigade of the Army. The Act of April 23, 1800, Sec. 1, prescribes the rules and regulations for the government of the Navy of the United States. Art. 1. requires all commanders of vessels of war, to shew in themselves a good example of virtue, honor, patriotism and subordination, and to guard against and suppress all dissolute and immoral practices, and to correct all such as are guilty of them. The whole of the 2d Art. will bear quoting. It says : "The commanders of all vessels in the Navy, having Chaplains on board, shall take care that Divine service be performed in a solemn, orderly and reverent manner twice a-day, and a sermon preached on Sunday, unless bad weather, or other extraordinary accidents prevent it ; and that they cause all, or as many of the ship's company as can be spared from duty, to attend every performance of the worship of Almighty God." Art. 3. visits with a severe penalty any officer or other person in the Navy who shall be guilty of fraud, profane swearing, drunkenness, or any other scandalous conduct, tending to the destruction of good morals. (*See Note D.* p. 34.) The author has not found any statute to this effect : he, therefore, states on the authority of Mr. Frelinghuysen, that "the business of the Supreme Court, the highest judicial tribunal of the country, is *by law*, directed to suspend its session on Sunday."—*Senate Speech 8th May, 1830*, p. 5.

The author cannot doubt that an extensive search into the laws of the United States, the Reports of the Courts of the United States, and our immensely voluminous Congressional documents, would be rewarded with proofs equally numerous and gratifying, of regard, respect and aid manifested towards Christian institutions by the Federal Government. Such examination it is not in the author's power at this time to make ;* he will,

* Since the first edition was published, the author has made a partial examination of the documents above referred to. See Note E. p. 35.

therefore, content himself with copying a single instance which has fallen in his way without searching. The Secretary of War, (Mr. Cass,) in his report to the President of the United States, 25th November, 1832, speaking of the Military Academy at West-Point, says, "especially am I impressed with the importance of a proper place of public worship, where all the persons attached to the institution, amounting, with their families, to more than eight hundred individuals, can assemble and unite in the performance of religious duties. In a Christian community, the obligations upon this subject will not be questioned; and the expense of providing a suitable place of worship, especially as a Chaplain is maintained there, cannot be put in competition with the permanent advantages of a course of religious instruction to such a number of persons; a large portion of whom are at that critical period which determines whether the future course of life shall be for evil or for good."

Pennsylvania.—In the case of *Updegraph vs. the Commonwealth*, in 1824, (11 *Sergeant & Rawle*, 394.) the Supreme Court of Pennsylvania extensively reviewed the subject now under discussion, and the author presumes he shall be justified in quoting, with an unsparing hand, from so distinguished a source. The trial was on an indictment for blasphemy, founded on an Act of Assembly, passed in 1700.

The Court said, that "even if Christianity was not part of the law of the land, it is the popular religion of the country, an insult on which would be indictable, as directly tending to disturb the public peace. Christianity, general Christianity, is, and always has been a part of the common law of *Pennsylvania*; not Christianity founded on any particular religious tenets; not Christianity with an established Church, and tithes, and spiritual courts; but Christianity with liberty of conscience to all men. The first legislative act in the colony was the recognition of the Christian religion and establishment of liberty of conscience. It is called "the Great Law." And after quoting it at length, the Court further says, "Thus this wise Legislature framed this great body of laws for a Christian country and a Christian people. Infidelity was then rare, and no infidels were among the first colonists. They fled from religious intolerance, to a country where all were allowed to worship according to their own understanding. Every one had the right of adopting for himself whatever opinion appeared to be the most rational concerning all matters of religious belief; thus securing by law this inestimable freedom of conscience, one of the highest privileges and greatest interests of the human race. This is the Christianity of the common law, incorporated into the great law of *Pennsylvania*; and thus, it is irrefragably proved, that the laws and institutions of this State are built on the foundation of reverence for Christianity. On this, the Constitution of the *United States* has made no alteration, nor in the great body of the laws which was an incorporation of the common law doctrine of Christianity, as suited to the condition of the colony, and without which no free government can long exist. Under the Constitution, penalties against cursing and swearing have been enacted. If Christianity was abolished, all false oaths, all tests by oath in the common form by the book, would cease to be indictable as perjury. The indictment must state the oath to be on the Holy Evangelists of Almighty God." After reviewing a series of decisions made in *Pennsylvania* and elsewhere, the Court continues thus; "It has long been firmly settled, that blasphemy against the Deity generally, or an attack on the Christian religion indirectly, for the purpose of exposing its doctrines to ridicule and contempt, is indictable and punishable as a temporal offence. The principles and actual decisions are, that the publication, whether written or oral, must be malicious, and designed for that end and purpose." After stating that the law gave free permission

for the serious and conscientious discussion of all theological and religious topics ; the Court said, that "a malicious and mischievous intention is, in such a case, the broad boundary between right and wrong, and that it is to be collected from the offensive levity, scurrilous and approbrious language, and other circumstances, whether the act of the party was malicious ; and since the law has no means of distinguishing between different degrees of evil tendency, if the matter published contains any such evil tendency, it is a public wrong. An offence against the public peace, may consist either of an actual breach of the peace, or doing that which tends to provoke and excite others to do it. Within the latter description fall all acts and all attempts to produce disorder, by written, printed, or oral communications ; for the purpose of generally weakening those religious and moral restraints, without the aid of which mere legislative provisions would prove ineffectual. No society can tolerate a wilful and despiteful attempt to subvert its religion, no more than it would to break down its laws ;—a general, malicious, and deliberate intent to overthrow Christianity, general Christianity. This is the line of indication where crime commences, and the offence becomes the subject of penal visitation. The species of offence may be classed under the following heads. 1. Denying the Being and Providence of God. 2. Contumelious reproaches of Jesus Christ ; profane and malevolent scoffing at the Scriptures, or exposing any part of them to contempt and ridicule. 3. Certain immoralities tending to subvert all religion and morality, which are the foundations of all governments. Without these restraints, no free government could long exist. It is liberty run mad, to declaim against the punishment of these offences, or to assert that the punishment is hostile to the spirit and genius of our government. They are far from being the friends to liberty who support this doctrine ; and the promulgation of such opinions, and general receipt of them among the people, would be the sure forerunner of anarchy, and finally of despotism. No free government now exists in the world, unless where Christianity is acknowledged, and is the religion of the country. Christianity is part of the common law of this State. It is not proclaimed by the commanding voice of any human superior, but expressed in the calm and mild accents of customary law. Its foundations are broad, and strong, and deep ; they are laid in the authority, the interest, the affections of the people. Waiving all questions of hereafter, it is the purest system of morality, the firmest auxiliary, and only stable support of all human laws. (See p. 20.) It is impossible to administer the laws without taking the religion which the defendant in error has scoffed at, that Scripture which he has reviled, as their basis ; to lay aside these is at least to weaken the confidence in human veracity so essential to the purposes of society, and without which no question of property could be decided, and no criminal brought to justice ; an oath in the common form on a discredited book, would be a most idle ceremony. No preference is given by law to *any particular* religious persuasion. Protection is given to all by our laws. It is only the malicious reviler of Christianity who is punished. While our own free Constitution secures liberty of conscience and freedom of religious worship to all, it is not necessary to maintain that any man should have the right publicly to vilify the religion of his neighbours and of the country. These two privileges are directly opposed. It is open, public vilification of the religion of the country that is punished, not to force conscience by punishment, but to preserve the peace of the country by an outward respect to the religion of the country, and not as a restraint upon the liberty of conscience ;—but licentiousness endangering the public peace, when tending to corrupt society, is considered as a breach of the peace, and punishable by indictment. Every immoral act is not indictable, but when it is destructive of morality generally, it is,

because it weakens the bonds by which society is held together, and government is nothing more than public order. (*Guardians of the Poor vs. Greene*, 5 Binn. 555.)

"This is the Christianity which is the law of our land, and," continues the Court, "I do not think it will be an invasion of any man's right of private judgment, or, of the most extended privilege of propagating his sentiments with regard to religion, in the manner which he thinks most conclusive. If from a regard to decency, and the good order of society, profane swearing, breach of the Sabbath, and blasphemy, are punishable by civil magistrates, these are not punished as sins or offences against God, but crimes injurious to, and having a malignant influence on society; for it is certain, that by these practices no one pretends to prove any supposed truths, detect any supposed error, or advance any sentiment whatever."

New-York.—The subject to which this note pertains, was further discussed in the Supreme Court of New-York in 1811, in the case of the People vs. Ruggles. (8 *Johnson*, 290.) The trial was for blasphemy. In delivering the opinion of the Court, Chief Justice Kent said, "the authorities shew that blasphemy against God, and contumelious reproaches and profane ridicule of Christ, or the Holy Scriptures, (which are equally treated as blasphemy) are offences punishable at common law, whether uttered by words or writings. The consequences may be less extensively pernicious in the one case than in the other; but in both instances, the reviling is still an offence, because it tends to corrupt the morals of the people, and to destroy good order. Such offences have always been considered independent of any religious establishment or the rights of the Church. There is nothing in our manners and institutions which has prevented the application or the necessity of this point of the common law. We stand equally in need now as formerly, of all that moral discipline, and of those principles of virtue, which help to bind society together. The people of this State, in common with the people of this country, profess the general doctrines of Christianity, as the rule of their faith and practice; and to scandalize the author of these doctrines is not only, in a religious point of view extremely impious, but even in respect to the obligations due to society, is a gross violation of decency and good order. Nothing could be more offensive to the virtuous part of the community, or more injurious to the tender morals of the young, than to declare such profanity lawful. It would go to confound all distinction between things sacred and profane; for to use the words of one of the greatest oracles of human wisdom, "profane scoffing doth by little and little deface the reverence for religion;" and who adds in another place, "two principal causes have I ever known of Atheism;—curious controversies and profane scoffing." (*Bacon's Works*, vol. ii. pp. 291. 503.) The very idea of jurisprudence with the ancient law-givers and philosophers, embraced the religion of the country. *Jurisprudentia est divinarum atque humanarum rerum notitia.* (*Dig. b. 1. 10. 2. Cic. De legibus b. 2. passim.*)

Though the Constitution has discarded religious establishments, it does not forbid judicial cognizance of those offences against religion and morality, which have no reference to any such establishment, or to any particular form of government, but are punishable, because they strike at the root of moral obligation, and weaken the security of the social ties. The legislative exposition of the Constitution is conformable to this view of it. Christianity in its enlarged sense, as a religion revealed and taught in the Bible, is not unknown to our law. *The statute for preventing immorality*, (*Laws* vol. i. p. 224,) consecrates the first day of the week as holy time, and considers the violation of it immoral. *The Act concerning oaths*, (*Laws*, vol. i. p. 405,) recognises the common law mode of ad-

ministering an oath, "by laying the hand on and kissing the gospels." Surely, then, we are bound to conclude, that wicked and malicious words, writings and actions which go to vilify those gospels, continue as at common law, to be an offence against the public peace and safety. They are inconsistent with the reverence due to the administration of an oath, and among other evil consequences, they tend to lessen in the public mind, its religious sanction." In this decision, all the justices concurred.

In the Convention of New-York, assembled in 1821, to revise the Constitution of that State, this decision of the Supreme Court was condemned with unsparing severity by General Root, who said that he wished for freedom of conscience, and that if judges undertake to support religion by the arm of the law, it will be brought into abhorrence and contempt. (*Debates*, p. 463.) In defending the decision of the Court, Ch. J. Kent said: "such blasphemy was an outrage upon public decorum, and if sanctioned by our tribunals would shock the moral sense of the country, and degrade our character as a Christian people. The authors of our Constitution never meant to extirpate Christianity, more than they meant to extirpate public decency. It is in a degree recognised by the statute for the observance of the Lord's Day, and for the mode of administering oaths. The Court never intended to interfere with any religious creeds or sects, or with religious discussions. They meant to preserve, so far as it came within their cognizance, the morals of the country, which rested on Christianity as the foundation. They meant to apply the principles of common law against blasphemy, which they did not believe the Constitution ever meant to abolish. Are we not a Christian people? Do not ninety-nine hundredths of our fellow-citizens hold the general truths of the Bible to be dear and sacred? To attack them with ribaldry and malice, in the presence of these very believers, must, and ought to be a serious public offence. It disturbs, and annoys, and offends, and shocks, and corrupts the public taste. The common law, as applied to correct such profanity, is the application of common reason and natural justice to the security of the peace and good order of society."

Mr. Tompkins, (President of the Convention and Vice-President of the United States,) said; "the Court had never undertaken to uphold by the authority of law, any particular sect, but they had interposed, and rightfully interposed, as the guardians of the public morals, to suppress those outrages on public opinion and public feeling, which would otherwise reduce the community to a state of barbarism, corrupt its purity, and debase the mind. He was not on the bench at the time the decision alluded to took place, but he fully accorded in the opinions that were advanced: and he could not hear the calumnies that had gone forth against the judiciary on that subject, without regret and reprobation. No man of generous mind; no man who regarded public sentiment, or that delicacy of feeling which lies at the foundation of moral purity, could defend such an outrage on public morals, or say that the decision was unmerited or unjust."

In this note, the author has reviewed with some care the legislation of South-Carolina in regard to the Christian religion. He has also quoted several statutes, &c. of the United States on the same subject. He has freely quoted a single decision of each of the Supreme Courts of Pennsylvania and New-York; and also a specimen of the discussion held in the Convention of New-York in 1821. The sentiments of Massachusetts, can be seen in her Constitution quoted above, (p. 30.) and also in the extract from an opinion of the late Ch. J. Parsons, given in Note G. To these it may be well to add the very recent authority of Judge Thatcher of the Municipal Court of Boston, contained in a charge to the Grand Jury of the County of Suffolk, Dec. 1832, p. 6. "you are to present, says he, *all offences*

against religion, public decency, good morals, in profanation of the Sabbath, or in disturbance of those who are met for the public worship of God. Who may not hail with pleasure the return of the Sabbath. The wisdom of the institution is proof of its divine origin. It is a day consecrated by heaven and by the laws of society, for the worship of the Supreme Being, for the rest of man and beast, for the study and contemplation of religious truth, for cultivating the purest moral and social qualities of our nature, and for indulging in the pleasures of devotion, and in the hopes of immortality." The author does not think it necessary or useful to continue his search in regard to other States. He has every reason to believe, that if search were made into the legislation and decisions of the other States, they would be found to speak as decisively on this subject as those whose records he has examined." Notwithstanding the fullness and distinctness which are found in the decisions of Pennsylvania and New-York, their Constitutions contain less in regard to Christianity, than is found in those of most of the other States. As Sunday is peculiarly a Christian institution, laws requiring its observance are a species of test in regard to this subject; and Mr. Frelinghuysen says, that twenty-three at least out of twenty-four States have such laws, (p. 15.) To them the author is able to add, upon the same authority, (Speech in 1830) the Territory of Michigan, which, by an Act of May, 1820, ordains, "that the first day of the week shall be kept and observed by the people of the Territory as a Sabbath, holy day, or day of rest, from all secular labour and employments." The preamble declares, "that in every community, some portion of time ought to be set apart for relaxation from worldly care and employments, and devoted to the social worship of Almighty God, and the attainment of religious and moral instruction, which are in the highest degree promotive of the peace, happiness and prosperity of a people." The author now hopes and believes, that his readers will conclude with him, (See p. 16,) that Christianity (without distinction of sects) is the established religion of the nation, that its institutions and usages are sustained by legal sanctions, and that many of them are incorporated with the fundamental law of the country.

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With a view of illustrating this subject by uniting high authority with great clearness of argument, the author subjoins a part of the opinion of the late Chief Justice Parsons, of Massachusetts, in the case of Barnes vs. First Parish in Falmouth, contained 6 Mass. Reports, p. 404, &c. In this case, the Court had occasion to vindicate Art. 3, Part i. of the Constitution of that State (p. 30.) So far as the Massachusetts' Constitution and the argument vindicating it make a discrimination between Christian denominations, they do not meet the concurrence of the author, but he considers the main positions of the Chief Justice incontrovertible, and his course of reasoning highly instructive and convincing. To the members of the legal profession, it is not necessary to say any thing of this celebrated jurist; and to all others, it is sufficient to say, that in all the qualities which adorn the bench, he may fairly be placed by the side of Holt, Hale, Hardwicke, Mansfield, Scott, Marshall, Kent and Story.

* The object of a free civil government, (says the Chief Justice.) is the promotion and security of the happiness of the citizens. These effects cannot be produced, but by the

* While revising this discourse, the author perceives it has been decided in Vermont, that "no action can be maintained on a contract made on Sunday, it being contrary to the obvious meaning of the statute relating to that day, as well as a violation of moral law."—Gospel Messenger for Aug. 1833.

knowledge and practice of our moral duties, which comprehend all the social and civil obligations of man to man, and the citizen to the State. If the civil magistrate in any State, could procure by his regulations an uniform practice of these duties, the government of that State would be perfect.

“To obtain that perfection, it is not enough for the magistrate to define the rights of the several citizens, as they are related to life, liberty, property and reputation, and to punish those by whom they may be invaded. Wise laws, made to this end, and faithfully executed, may leave the people strangers to many of the enjoyments of civil and social life, without which their happiness will be extremely imperfect. Human laws cannot oblige to the performance of the duties of imperfect obligation; as the duties of charity and hospitality, benevolence and good neighbourhood: as the duties resulting from the relation of husband and wife, parent and child; of man to man as children of a common parent; and of real patriotism, by influencing every citizen to love his country, and to obey all its laws. These are moral duties, flowing from the disposition of the heart, and not subject to the control of human legislation.

“Neither can the laws prevent by temporal punishment, secret offences committed without witness, to gratify malice, revenge, or any other passion, by assailing the most important and most estimable rights of others. For human tribunals cannot proceed against any crimes unless ascertained by evidence: and they are destitute of all power to prevent the commission of offences, unless by the feeble examples exhibited in the punishment of those who may be detected.

“Civil government, therefore, availing itself only of its own powers, is extremely defective; and unless it could derive assistance from some superior power, whose laws extend to the temper and disposition of the human heart, and before whom no offence is secret; wretched indeed would be the state of man under a civil constitution of any form.

“This most manifest truth has been felt by legislators in all ages; and as man is born not only a social but a religious being, so in the pagan world, false and absurd systems of religion were adopted and patronized by the magistrate, to remedy the defects necessarily existing in a government merely civil.

“On these principles tested by the experience of mankind, and by the reflections of reason, the people of Massachusetts, in the frame of their government, adopted and patronized a religion, which by its benign and energetic influences, might co-operate with human institutions, to promote and secure the happiness of the citizens, so far as might be consistent with the imperfections of man.

In selecting a religion, the people were not exposed to the hazard of choosing a false and defective religious system; Christianity had long been promulgated, its pretensions and excellencies well known, and its divine authority admitted. This religion was found to rest on the basis of immortal truth; to contain a system of morals adapted to man in all possible ranks and conditions, situations and circumstances, by conforming to which he would be ameliorated and improved in all the relations of human life; and to furnish the most efficacious sanctions, by bringing to light a future state of retribution. And this religion as understood by protestants, tending by its effects to make every man, submitting to its influences, a better husband, parent, child, neighbour, citizen and magistrate, was, by the people, established as a fundamental and essential part of their Constitution.

“The manner in which this establishment was made, is liberal, and consistent with the rights of conscience on religious subjects. As religious opinions, and the time and manner of expressing the homage due to the Governor of the Universe, are points depending on

the sincerity and belief of each individual, and do not concern the public interest, care is taken in the second article of the Declaration of Rights, to guard these points from the interference of the civil magistrate; and no man can be hurt, molested or restrained in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession or sentiment, provided he does not disturb the public peace, or obstruct others in their religious worship; in which case he is punished, not for his religious opinions or worship, but because he interrupts others in the enjoyment of the rights he claims for himself, or because he has broken the public peace.

“ Having secured liberty of conscience, on the subject of religious opinion and worship for every man, whether Protestant or Catholic, Jew, Mahometan or Fagan, the Constitution then provides for the public teaching of the precepts and maxims of the religion of Protestant Christians to all the people. And for this purpose, it is made the right and duty of all corporate religious societies to elect and support a public Protestant teacher of piety, religion and morality; and the election and support of the teacher depend exclusively on the will of a majority of each society incorporated for those purposes. As public instruction requires persons who may be taught, every citizen may be enjoined to attend on some one of those teachers, at times and seasons stated by law, if there be any on whose instructions he can conscientiously attend.

“ In the election and support of a teacher, every member of the corporation is bound by the will of the majority: but as the great object of this provision was to secure the election and support of public Protestant teachers by corporate societies, and some members of any corporation might be of a sect or denomination of Protestant Christians different from the majority of the members, and might chose to unite with other Protestant Christians of their own sect or denomination, in maintaining a public teacher, who by law was entitled to support, and on whose instruction they usually attended; indulgence was granted, that persons thus situated might have the money they contributed to the support of public worship, and of the public teachers aforesaid, appropriated to the support of the teacher, on whose instructions they should attend.

“ Several objections have at times been made to this establishment, which may be reduced to three: that when a man disapproves of any religion, or of any supposed doctrine of any religion, to compel him by law to contribute money for public instruction in such religion, or doctrine, is an infraction of his liberty of conscience;—that to compel a man to pay for public religious instructions, on which he does not attend, and from which he can, therefore, derive no benefit is unreasonable and intolerant;—and that it is anti-christian for any State to avail itself of the precepts and maxims of Christianity to support civil government; because the founder of it has declared, that his kingdom is not of this world.

“ These objections go to the authority of the people to make this Constitution, which is not proper nor competent for us to bring into question. And although we are not able, and have no inclination to assume the character of theologians, yet it may not be improper to make a few short observations, to defend our Constitution from the charges of persecution, intolerance and impiety.

“ When it is remembered, that no man is compellable to attend on any religious instruction, which he conscientiously disapproves; and that he is absolutely protected in the most perfect freedom of conscience in his religious opinions and worship; the first objection seems to mistake a man's conscience for his money, and to deny the State a right of levy-

ing and of appropriating the money of the citizens, at the will of the Legislature, in which they are all represented. But as every citizen derives the security of his property, and the fruits of his industry from the power of the State; so, as the price of this protection, he is bound to contribute in common with his fellow-citizens for the public use, so much of his property and for such public uses, as the State shall direct. And if any individual can lawfully withhold his contribution, because he dislikes the appropriation, the authority of the State to levy taxes would be annihilated; and without money it would soon cease to have any authority. But all monies raised and appropriated for public uses by any corporation, pursuant to powers derived from the State, are raised and appropriated substantially by the authority of the State. And the people in their Constitution, instead of devolving the support of public teachers on the corporations by whom they should be elected, might have directed their support to be defrayed out of the public treasury, to be reimbursed by the levying and collection of state taxes. And against this mode of support, the objection of an individual disapproving of the object of the public taxes, would have the same weight it can have, against the mode of public support through the medium of corporate taxation. In either case, it can have no weight to maintain a charge of persecution for conscience sake. The great error lies in not distinguishing between liberty of conscience in religious opinions and worship, and the right of appropriating money by the State. The former is an unalienable right, the latter is surrendered to the State as the price of protection.

“The second objection is, that it is intolerant to compel a man to pay for religious instruction, from which, as he does not hear it, he can derive no benefit. This objection is founded wholly in mistake. The object of public religious instruction is, to teach and to enforce by suitable arguments, the practice of a system of correct morals among the people, and to form and cultivate reasonable and just habits and manners; by which every man's person and property are protected from outrage; and his personal and social enjoyments promoted and multiplied. From these effects every man derives the most important benefits, and whether he be or be not an auditor of any public teacher, he receives more solid and permanent advantages from this public instruction, than the administration of justice in courts of law can give him. The like objection may be made by any man to the support of public schools if he have no family who attend; and any man who has no law suit may object to the support of judges and jurors on the same ground; when if there were no courts of law, he would unfortunately find that causes for law suits would sufficiently abound.

“The last objection is founded upon the supposed anti-christian conduct of the State, in availing itself of the precepts and maxims of Christianity, for the purposes of a more excellent civil government. It is admitted that the founder of this religion did not intend to erect a temporal dominion, agreeably to the prejudices of his countrymen; but to reign in the hearts of men by subduing their irregular appetites and propensities, and by moulding their passions to the noblest purposes. And it is one great excellence of his religion, that not pretending to worldly pomp and power, it is calculated and accommodated to ameliorate the conduct and condition of man under any form of civil government.

“The objection goes further, and complains that Christianity is not left for its promulgation and support, to the means designed by its author, who requires not the assistance of man to effect his purposes and intentions. Our Constitution certainly provides for the punishment of many breaches of the laws of Christianity; not for the purpose of propping up the Christian religion, but because those breaches are offences against the laws

of the State; and it is a civil, as well as religious duty of the magistrate, not to bear the sword in vain. But there are many precepts of Christianity, of which the violation cannot be punished by human laws; and as the obedience to them is beneficial to civil society, the State has wisely taken care that they should be taught and also enforced by explaining their moral and religious sanctions, as they cannot be enforced by temporal punishments. And from the genius and temper of this religion, and from the benevolent character of its author, we must conclude that it is his intention, that man should be benefited by it in his civil and political relations, as well as in his individual capacity. And it remains for the objector to prove, that the patronage of Christianity by the civil magistrate induced by the tendency of its precepts to form good citizens, is not one of the means, by which the knowledge of its doctrines was intended to be disseminated and preserved among the human race.

“The last branch of the objection rests on the very correct position, that the faith and precepts of the Christian religion are so interwoven that they must be taught together; whence it is inferred, that the State by enjoining instruction in its precepts, interferes with its doctrines, and assumes a power not entrusted to any human authority.

“If the State claimed the absurd power of directing or controlling the faith of the citizens, there might be some ground for the objection. But no such power is claimed. The authority derived from the Constitution extends no further than to submit to the understandings of the people, the evidence of truths deemed of public utility, leaving the weight of the evidence and the tendency of those truths, to the conscience of every man.

“Indeed this objection must come from a willing objector; for it extends in its consequences, to prohibit the State from providing for public instruction in many branches of useful knowledge which naturally tend to defeat the arguments of infidelity, to illustrate the doctrines of the Christian religion, and to confirm the faith of its professors.

“As Christianity has the promise not only of this, but of a future life; it cannot be denied that public instruction in piety, religion and morality by Protestant teachers, may have a beneficial effect beyond the present state of existence. And the people are to be applauded, as well for their benevolence as for their wisdom, that in selecting a religion, whose precepts and sanctions might supply the defects in civil government, necessarily limited in its power, and supported only by temporal penalties, they adopted a religion founded in truth; which in its tendency will protect our property here, and may secure to us an inheritance in another and a better country.”

To illustrate and enforce his views further on this subject, the author reprints a part of a speech of Alexander H. Everett, late American Minister to Spain, delivered in the Senate of Massachusetts, last winter.

“Without going into general and merely speculative reasoning, I ask, gentlemen, to produce an instance of any considerable State, of ancient or modern times, in which public worship and public instruction in religion have been kept up without the aid of Government. The science of politics is eminently a practical one, and it is rarely safe to adopt any principle that has not been sanctioned by former experience. If gentlemen undertake to maintain, that religion will take care of itself;—that it will be properly supported, whether the Government provide for it or not, let them point out a community in which the experiment has been made and has succeeded. Sir, I apprehend that none will be found. I can say at least, with perfect truth, that in the limited range of my re-

searches into history, I have never met with an account of such instance. In all the most distinguished States, whether of ancient or modern times; one of the principal. I may say indeed, the principal care of the community has been, to provide for the support of religion. In Egypt, Palestine, and the Oriental nations, religion has always been the main object of the Government. In Greece it was the only bond of union, that held together the several members of that illustrious Commonwealth of States. The Amphyc-tionic Council, which corresponded, as far as any part of the Greek Constitution can be said to correspond with it, with our General Government, was authorized to act upon no other subject. In the Constitution of ancient Rome, the same feature is not less apparent, and it is to this very fact that Cicero attributes the remarkable success of the State. 'However much we may be disposed to exalt our advantages,' says this illustrious orator, in one of his addresses to the Senate, 'it is nevertheless certain, that we have been surpassed in population by the Spaniards, in physical force by the Gauls, in shrewdness and cunning by Carthage, in the fine arts by Greece, and in mere native talent by some of our Italian fellow-countrymen; but in the single point of attention to religion we have exceeded other nations, and it is by the favourable influence of this circumstance upon the character of the people that I account for our success in acquiring the political and military ascendancy that we now enjoy throughout the world.' It is needless to add, that in all the modern European nations and their colonies, religion is amply and carefully provided for by the community, and is in fact one of the great objects of the care and attention of the Government.

"In this respect, the experience of the world is uniform and without exception. It is accordingly laid down in general terms, as an acknowledged principle, by one of the most judicious political writers, that no State, whether of ancient or modern times, has ever flourished, of which the foundation was not laid, in one way or another, on religion. The great Lord Chancellor Bacon, whose name alone is almost decisive authority on any one point of general philosophy, in enumerating what he calls the four pillars of Government, three of which are justice, counsel and treasure, places religion as the first in order and importance at the head of the list. The reason why religion is universally and justly represented as assential to the prosperity of States, is not less obvious than the fact. The object of Government is to enforce among individuals the observance of the moral law, and States are prosperous in proportion as this object is attained. But the only effectual sanction of this law is to be found in religion. Hence a Government, which neglects the care of religion, is guilty of the folly of 'promulgating laws unaccompanied with any adequate sanction, of requiring the community to obey without presenting to their minds the motives that generally induce to a prompt and cheerful obedience. Under these circumstances, the only resource left to the public authorities is mere physical force, and experience has abundantly shewn, that this is wholly ineffectual, excepting as an aid and supplement in particular cases, to the moral influences which alone can be depended on for the preservation of the tranquility and good order of society.

"I am aware, that some of our sister States may be regarded as exceptions to the remark, that in all civilized communities, religion has, been a principal object of the attention of the Government. They have in fact been mentioned as such in the course of this debate. It has been said, I believe with truth, that Massachusetts is now the only one of the United States, in which the Legislature is authorized by the Constitution to make any public provision by law for the support of religion. Sir, I for one am proud of the distinction, such as it is. If the sacred guest whose influence has for two centuries, in the

language of Burke, 'consecrated the Commonwealth,' is in future to be banished from our councils, I rejoice that the last lingering traces of her presence will be seen on the soil, which has been, from the beginning of our history, her favorite abode: in the midst of the places that have been rendered famous by the exploits which her influence inspired: on the heights of Dorchester and Charlestown, and the bloody plains of Lexington. But, Sir, the exception is only apparent, and I undertake to say, that there is no community on earth, of which the history illustrates more fully and pointedly than ours, the principle, that those States only have flourished, whose foundations were laid in religion.

"I confess that I have seen with regret and uneasiness an apparent disposition in a part of the community in this as well as in some other countries, to overlook these obvious truths. There are persons, and even parties, who at the very moment when the use of physical force as an engine of government is discredited and abandoned, seem to be laboring with a sort of frantic energy to destroy the influence of all the moral motives that can be substituted for it; more especially religion. The effort now making in this Commonwealth, apparently with a prospect of success, to amend or rather virtually to abolish Art. iii. of the Bill of Rights, is one of the symptoms of the spirit to which I now allude. Another may be seen in the growing inclination to exclude religion from our colleges and other institutions for education. We have seen within two or three years, in another State, a college founded and endowed with princely liberality, but on the scandalous condition, that no clergyman should even set foot within its walls. Such a condition, as being contrary to good morals, is, in my opinion, void, and the bequest might be made to take effect without it. But however this may be, the introduction of it into the will of the founder, and the acquiescence in it by the parties interested, are melancholy indications of the state of public feeling. Even in this section of the country, once, I may say still, the head quarters of good principles, in the selection of persons to be employed in the government and instruction of the principal colleges, a preference has of late years been almost avowedly given to persons of other professions over clergymen. I am aware, Sir, that some pretext is afforded for such a preference and for such an exclusion as the one to which I have alluded in the will of Mr. Girard, by the acrimony with which the different theological parties contend with each other about trivial points of doctrine and discipline; to the utter neglect of the real truths, and above all the deep and sincere religious feeling, which alone (chiefly) are of any importance. But, Sir, whatever plausible pretext may be found for such a tendency, were it even justifiable under all circumstances, in the particular cases to which I allude, its practical results are not the less mischievous. I have said and I repeat, that if, while we abandon the use of physical force as an engine of maintaining order, we also discard the only valuable and effectual moral influences, and leave the individual to the unchecked guidance of his own selfish passions, our institutions will be found to be impracticable, and society will fall into a state of dissolution.

"The gentleman from Berkshire tells us that religion will exist; that it is independent of the aid of Government;—that it will take care of itself. Why, Sir, this is all true, but in what way? Religion takes care of herself by giving stability, permanence, vigour, health, life to the individuals, the families, the communities, that care for her. The individuals, the communities that are penetrated with a truly religious spirit, and exercise the moral qualities which flow from that source only, regularly prosper. They inherit the earth! Those that pursue a different course, as regularly dwindle into nothing and disappear. This, Sir, is the way in which religion takes care of itself. How then does the principle apply to the case in question? If we, Sir, as a community reject re-

ligion, we shall gradually decline from our present prosperous social condition, until the places that now know us, know us no more, and other communities, animated by a better spirit, come up and occupy them in our stead. This is the order of nature, or in other words, the will of Providence, and we can no more expect to escape from the operation of it, than an individual can expect to escape from the usual physical results of intemperance and vice."

III.—Page 22.

Nor were the professions made by the colonists of a desire to convert the native tribes of this country to the Christian Faith, vain and unsubstantial. The labours of Eliot, of Gookin, and of the five Mayhews, are a model of missionary zeal, enterprise, perseverance and self-devotion. In 1674, the single colony of Massachusetts contained not less than 3600 Christian Indians. In 1698, report was made to the commissioners of the Society for Propagating the Gospel, that within the same colony, there were thirty distinct assemblies of Indians, having 36 teachers, 5 schoolmasters and 20 rulers. The whole number of Indians under this arrangement, was 3020. All the rulers, teachers and schoolmasters were Indians; but the teachers were occasionally assisted by the neighboring clergy. A favorable report was given of the improvement and manners of the Indians, of their sobriety, decent dress, and proficiency in reading and writing. Mr. Eliot, often called the Apostle of the Indians, translated the entire Bible, Baxter's Call, &c. into the Indian language. He, moreover, composed and published Catechisms, Primers, Grammars, &c. for their use. Mr. Eliot declared to Mr. Gookin, that he considered himself pledged "to endeavour, so far as in him lay, the accomplishment and fulfilling the covenant and promise, which the people of New-England made to the King when he granted their charters; viz. that one great end of their emigration to the new world, was, to communicate the gospel to the native Indians."—*Quar. Reg.* vol. iv. p. 199-204.

Endeavours for the conversion of the Indians were not confined to individuals. In 1619, twelve years after the first settlement of Virginia, we find this record:—"The King of England having formerly issued his letters to the several bishops of the kingdom, for collecting money to erect a college in Virginia, for the education of Indian children, nearly £1,500 had been already paid towards this benovolent and pious design, and Henrico had been selected as a suitable place for the Seminary. The Virginia Company, on the recommendation of Sir Edwin Sandys, its treasurer, now granted 10,000 acres of land, to be laid off for the University at Henrico." "The first design," says Anderson, "was to erect and build a college in Virginia, for the training up and educating infidel (Indian) children in the true knowledge of God." (*Am. Qua. Reg.* vol. iv. p. 123.) One of the principal designs of the founders of the college of William and Mary in Virginia, was, to provide instruction for the Indians. The Hon. Robert Boyle, one of the Governors, gave large sums of money for this purpose. He was very zealous in this work, sending 400 miles to collect Indian children, "first establishing a school on the frontiers convenient to the Indians, that they might often see their children under the first management, where they learnt to read; paying £500 per annum out of his own pocket to the schoolmaster there; after which they were brought to the college." *Beverly's Hist. of Virginia, quoted in Amer. Quar. Reg.* vol. iii. p. 269.

The original of Dartmouth College in New-Hampshire, was an Indian Charity School, instituted about the year 1754, by the Rev. Dr. Eleazar Wheelock. For several years, with some assistance from others, he clothed, maintained and educated a number of Indian children, "with a view to their carrying the gospel in their own language, and spreading the knowledge of the Great Redeemer among their savage tribes." The charter of the college (granted by George III. in 1769,) also says, in addition to the preceding quotation, that Dr. Wheelock "actually employed a number of them (educated Indians) as missionaries and schoolmasters in the wilderness for that purpose; and that by the blessing of God upon his endeavours, the design became reputable among the Indians, inso-much that a larger number desired the education of their children in said school, and were also disposed to receive missionaries and schoolmasters in the wilderness, more than could be supplied by the charitable contributions in the American colonies." Accordingly contributions were sought and obtained in England. The charter further recites, "that we (the Crown) willing to encourage the laudable and charitable design of spreading Christian knowledge among the savages of our American wilderness, and also that the best means of education be established in our province of New-Hampshire, constitute a college by the name of Dartmouth College, for the education and instruction of youth, of the Indian tribes in this land, in reading, writing, and all parts of learning which shall appear necessary and expedient for civilizing and christianizing children of Pagans, as well as in all liberal arts and sciences; and also of English youth and any others." (*4 Wheaton's Reports*, pp. 519-524.) This college still has a fund appropriated to the education of Indian youths: and there has seldom, if ever, been a time, when there were not some Indian youths members of it, or attached to its preparatory school. Not less than fifteen or twenty Indian youths have received the degrees of this college, and many have passed through the earlier stages of a collegiate education. Occasionally an Indian youth has been graduated at other Northern colleges. Mr. Justice Story says:—(Centennial Discourse) "they (the colonists) were aided by higher considerations, by the desire to propagate Christianity among the Indians; a desire, which is breathed forth in their confidential papers, in their domestic letters, in their private prayers, and in their public devotions. In this object, they were not only sincere, but constant. So sincere and so constant, that one of the grave accusations against them has been, that in their religious zeal, they compelled the Indians, by penalties, to attend public worship, and allured them by presents, to abandon their infidelity. In truth, the propagation of Christianity was a leading motive with many of the early promoters of the settlement; and we need no better proof of it, than the establishment of an Indian school at Harvard College to teach them the rudiments of the Christian faith."

I.—Page 22.

No one individual, perhaps, has contributed so much as Dr. Franklin, towards forming the peculiar traits of the American character. His love of knowledge, his patient industry, his frugality, his moderation, his love of peace, his disciplined temper, his keen sagacity, and public spirit, have deeply impressed themselves on his countrymen. His influence has been unfavourable to religion, by causing many to believe, that morality without the sustaining aid of personal religion, is sufficient for this life, and adequate to secure happiness in the life to come. His early scepticism may be ascribed in some measure to

his injudicious parental education and discipline. The most authentic memorials of his religious opinions, are his letters to the Rev. Mr. Whitefield and President Stiles, the former written in 1753, and the latter in 1790. (*Franklin's Works*, vol. vi. pp. 34. 241.) In the latter, he speaks of Christianity as "the best system of religion and morals the world ever saw or is like to see." To some (unknown) person, who seems to have consulted him in regard to publishing a work against Christianity, he replies by putting the question; "if mankind are so wicked *with religion*, what would they be *without it*?" He advises the same person to burn his manuscript before it is seen by any one else, and to "think how great a portion of mankind consists of weak and ignorant men and women, and of inexperienced inconsiderate youth of both sexes, who have need of the motives of religion to restrain them from vice, to support their virtue, and to retain them in the practice of it till it becomes habitual, which (says he) is the great point for its security." (*Idem*. vi. 243.) He here distinctly admits the necessity of religion to support the morals of the community. In fact, his sound common sense and good feelings, always led him in his more mature years, to discourage all disrespect to religion, and to aid any thing which tended to enlarge its influence. (*Tudor's Life of James Otis*, pp. 386-391.) But the most remarkable proof of his increased sensibility to the value of religion, late in life, is contained in a speech delivered by him in the Convention assembled in 1787, to form the present Constitution of the United States. The Convention had fallen into great difficulties, and the business had come apparently to a stand. In justice to Dr. Franklin, as well as for the sake of its good tendency and intimate connection with this discussion, the speech is attached to this note.

"Mr. President, (says he) the small progress we have made after four or five weeks close attendance and continual reasoning with each other, our different sentiments on almost every question, several of the last producing as many Noes as Ayes, is, methinks, a melancholy proof of the imperfection of the human understanding. We, indeed, seem to feel our own want of political wisdom, since we have been running all about in search of it. We have gone back to ancient history, for models of government, and examined the different forms of those republics, which, having been originally formed with the seeds of their own dissolution, now no longer exist; and we have viewed modern states all round Europe, but find none of their constitutions suitable to our circumstances.

"In this situation of this assembly, groping as it were in the dark, to find political truth, and scarce able to distinguish it when presented to us, how has it happened, Sir, that we have not hitherto once thought of humbly applying to the Father of Lights to illuminate our understandings. In the beginning of the contest with Britain, when we were sensible of danger, we had daily prayers in this room for the divine protection. Our prayers, Sir, were heard;—and they were graciously answered. All of us, who were engaged in the struggle, must have observed frequent instances of a superintending Providence in our favour. To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend?—or do we imagine we no longer need its assistance? I have lived, Sir, a long time; and the longer I live the more convincing proofs I see of this truth, that God governs in the affairs of men; and if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, Sir, in the Sacred Writings, that "except the Lord build the house, they labour in vain that build it." I firmly believe this; and I also believe, that without his concurring aid, we shall succeed in this political building no better than the builders of Babel: we shall be divided by our little

partial local interests: our projects will be confounded, and we ourselves shall become a reproach and a by-word down to future ages. And what is worse, mankind may hereafter, from this unfortunate instance, despair of establishing government by human wisdom, and leave it to chance, war, and conquest. I therefore, beg leave to move, that henceforth prayers, imploring the assistance of Heaven, and its blessing on our deliberations, be held in this assembly every morning before we proceed to business: and that one or more of the clergy of this city, be requested to officiate in that service." (*Franklin's Works*, vol. i. 471.)

The opinion of Washington in regard to the necessity of religion to sustain the morals of a nation, cannot be reprinted too often. In his Farewell Address, he says, "Of all the dispositions and habits, which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labour to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connexions with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle." See also *5 Marshall's Washington*, pp. 44. 57.

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Sir W. Scott, speaking of this conspiracy to destroy Christianity in Europe, and especially in France, says:—"This work, the philosophers, as they termed themselves, carried on with such an unlimited and eager zeal, as plainly to show that infidelity, as well as divinity, has its fanaticism. An envenomed fury against religion and all its doctrines; a promptitude to avail themselves of every circumstance by which Christianity could be misrepresented; an ingenuity in mixing up their opinions in works, which seemed the least fitting to involve such discussions; above all, a pertinacity in slandering, ridiculing, and vilifying all who ventured to oppose their principles, distinguished the correspondents in this celebrated conspiracy against a religion, which, however, it may be defaced by human invention, breathes only that peace on earth, and good will to the children of men, which was proclaimed by Heaven at its divine origin.

If these prejudiced and envenomed opponents had possessed half the desire of truth, or half the benevolence towards mankind, which were eternally on their lips, they would have formed the true estimate of the spirit of Christianity, not from the use which had been made of the mere name by ambitious priests or enthusiastic fools, but by its vital effects upon mankind at large. They would have seen, that under its influence a thousand brutal and sanguinary superstitions had died away; that polygamy had been abolished, and with polygamy all the obstacles which it offers to domestic happiness, as well as to the due education of youth, and the natural and gradual civilization of society. They must then have owned, that slavery, which they regarded or affected to regard with such horror, had first been gradually ameliorated, and finally abolished by the influence of the Christian doctrines:—that there was no one virtue teaching to elevate mankind or benefit society,

which was not enjoined by the precepts they endeavoured to misrepresent and weaken; no one vice by which humanity is degraded and society endangered, upon which Christianity hath not imposed a solemn anathema. They might also, in their capacity of philosophers, have considered the peculiar aptitude of the Christian religion, not only to all ranks and conditions of mankind, but to all climates and to all stages of society.

“Unhappily blinded by self-conceit, heated with the ardour of controversy, gratifying their literary pride by becoming members of a league, in which kings and princes were included, and procuring followers by flattering the vanity of some, and stimulating the cupidity of others, the men of the most distinguished parts in France became allied in a sort of anti-crusade against Christianity, and indeed against religious principles of every kind. How they succeeded is too universally known: and when it is considered that these men of letters, who ended by degrading the morals, and destroying the religion of so many of the citizens of France, had been first called into public estimation by the patronage of the higher orders, it is impossible not to think of the Israelitish champion, who, brought into the house of Dagon to make sport for the festive assembly, ended by pulling it down upon the heads of the guests—and upon his own.” *Life of Napoleon*, vol. i pp. 36. 37.

It is understood, that within a few years, a society of professed infidels has been formed in New-York. (See *Gospel Messenger*, vol. v. p. 217) and the author has observed by the newspapers, that within a few weeks, the birth day of Thomas Paine, has been celebrated in that city:—it is presumed by this society. If these humble pages shall by chance meet the eye of any one who has celebrated the birth day of Mr. Paine, he may, perhaps, be instructed by perusing the following passages from the correspondence of Gouverneur Morris.

Writing to Mr. Jefferson, under date of 21st January, 1794, Mr. Morris says, “I must mention, that Thomas Paine is in prison, where he amuses himself with publishing a pamphlet against Jesus Christ. I do not recollect whether I mentioned to you, that he would have been executed along with the rest of the Brissotines, if the adverse party had not viewed him with contempt. I incline to think, that if he is quiet in prison, he may have the good luck to be forgotten.” (*Life by Sparks*, vol. ii. 393.) Again, under date of 6th March, 1794, Mr. Morris says, “in the best of times, he had a larger share of every other sense than of common sense, and lately the intemperate use of ardent spirits has, I am told, considerably impaired the small stock which he originally possessed. (vol. ii. 409.)

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The 42d of the *Letters on the Study of the Law*, ascribed to the late Sir James Mackintosh, furnishes the most valuable illustrations of this subject. The gifted author was not only distinguished as a jurist and a statesman, but he was familiar with almost every walk of literature and philosophy.

“I am now to treat of religion, and of the claims which it has upon the acknowledgement and support of him, who sustains the character of an advocate in our courts of justice. The worship of a Supreme Cause and the belief of a future state, have not only, in general, been concomitant, but have so universally engaged the concurrence of mankind, that they who have pretended to teach the contrary, have been looked upon in every age and state of society, as men opposing the pure emotions of our nature. This Supreme

Cause, it is true, has been prefigured to the imagination by symbols suited to the darkness and ignorance of unlettered ages ; but the great and secret original has nevertheless been the same in the contemplation of the simplest heathen and the most refined Christian. There must have been something exceedingly powerful in an idea that has made so prodigious a progress in the mind of man. The opinions of men have experienced a thousand changes ; kingdoms that have been most powerful have been removed ; the form of the earth itself has undergone various alterations ; but amidst these grand and ruinous concussions, religion has remained unshaken ; and a principle so consentaneous to the first formation of our nature must remain, until by some power, of which, at present we have no conception, the laws of that nature are universally dissolved. Powers thus singular must have their foundation in truth ; for men may rest in truth, but they can never rest in error. To charm the human mind, and to maintain its monstrous empire, error must, ere this, have chosen innumerable shapes, all, too, wearing, more or less, the semblance of truth. And what is thus true must be also just ; and of course, to acknowledge its influences must be the spontaneous and natural effusion of a love of truth ; and the love of truth either is really, or is affected to be, the character of those who have dedicated themselves to the study of our laws. Thus naturally, even upon the first glance, do the characters of the lawyer and the supporter of religion meet ; the conclusion must be, that he who affects to doubt of the fundamental truths of religion, much more he who dares to decide them, is dissolving by fraud and violence, a tie which all good men have agreed to hold in respect, and the violation of which must render the violator unworthy the esteem and support of his fellow creatures."—pp. 299-300.

"It is the nature of religion to preserve unbroken that secret chain by which men are united, and, as it were, bound together ; and as you are interested in common with the rest of your species in its preservation, particularly does it become you, as a professor of those laws which are one of its instruments, to display an anxiety to guard it from violence or contempt. Yet how do you do this, if you are either *forging doubts yourself, or listening to them who forge doubts of the existence or authenticity of religion !* It is the great aim of those who would overturn the peace and order of mankind to *undermine the foundations of religion, by starting doubts and proposing questions*, which being artfully calculated for every turn, are apt to dazzle and confound the common apprehension, like that famous question of the Elean philosopher ;—Can there be any such thing as motion, since a thing cannot move where it is, nor where it is not ? Yet, by questions of an equally foolish and unmanly nature, do many men, of no inferior learning or capacity, suffer their time and their attention to be miserably wasted ! But do you not perceive the mischievous tendency of such questions ? Do you not see that, by rendering every principle doubtful, they loosen all those sacred obligations by which men are kept within the bounds of duty and subordination ? And shall you, who are continually in public to call out for the interposition of the law against injustice and wrong, be forever in your private parties and conversations labouring to weaken every known and settled principle of justice and of right ?

Give me leave to say, it is a weak pretence that is made use of by those who are thus unworthily engaged, *that they are searching after truth ;* and indeed it is merely a pretence ; for it is curious enough to observe, *that many of these searchers after truth are men who have been employed nearly half a century in this pretended pursuit, and yet have they not settled one single principle ;* nay, they are more full than ever of doubts and conjectures ; and as age and fatigue have exhausted their strength and robbed them of their wit, their questions gain in childishness and folly, what they loose in subtlety and invention ;

nor is this a single case; I never in my life met with *an old searcher after truth*, but I found him at once the most wretched and most contemptible of all earthly beings. The fact is, the men I mean, *are not searching after the truth*; for where is it to be found? or who is to be the judge of it, when every certain principle is shaken or overthrown by which the decision is to be made? They have robbed their own minds of a resting place, and they would reduce the minds of others to the same unhappy and unsettled condition. With this spirit they attack every sentiment whereon men have been accustomed to rely; and as words are the common medium through which ideas are delivered, they play upon the meanings of words, till they have thrown every thing into that confusion which, unfortunately for themselves and for others, is so congenial with their debased inclinations.

“The propagation of doubt, with respect to religion, is at all times an injudicious, and frequently becomes *an immoral act*. He who seeks to destroy a system by an adherence to the pure principles of which, mankind may be kept in peace and virtue, (how delusive soever he may esteem that system to be) without proposing a better for that important purpose, ought to be considered as an enemy to the public welfare. I am here naturally led to consider religion as peculiarly powerful in settling the mind. It is impossible for a great and expanded intellect to be untouched by considerations of so great importance as those which religion presents to the contemplation; it will therefore either decide in certainty, or it will wander in doubt; for, to a thinking mind, what intermediate state can there be? And he that is in doubt, as I have before observed, cannot be at rest; and he who is not at rest cannot be happy. Now if this be true of doubt, the reverse must be true of certainty, which is a contrary influence. And need I point out to you the necessity of such a state to a mind engaged in the pursuit of a science so various and profound as the law? Or, on the contrary, how utterly impossible it is for a mind entangled in scepticism, according to the modern idea of that term, to attend with regularity and happiness to an object so important? Let me advise you to rest satisfied with those clear and fundamental truths upon which so many great and wise men have rested before you: and that, not merely because they have thus rested, for that would not be to be like them, but because they are sustained by your uncorrupted sentiments, and produce clear ideas of the various virtues that adorn and elevate the mind, and also, which is of still greater importance, that stimulate you to the continual practice of them.”—pp. 304-307.

“Why then not be content to argue in this respect from the effect to the cause, and rest satisfied with that as a matter of faith which the reason of man has never yet been able to explain? Reflect upon the thousands who are now in their graves, whose lives were spent in endeavours to ascertain that power which mocked all their efforts and baffled all their ingenuity; learn from them to confide in that first Great Cause, which, though it be hidden from your sight, you most sensibly feel, and against which your feeble arm is raised in vain. What is the grand aim and end of knowledge, but to regulate our practice? And whence is this knowledge primarily to be acquired? from books? from men? No; by contemplation of these, it is true our knowledge may be enriched and augmented; but it must first spring from the secret source of our own bosoms; these let us search with impartiality, and we shall need the assistance of no fine-spun theories, no finesse, no subtlety, to discover the truth; truth is of a certain simple nature, and accordingly all will be certainty and simplicity here.”—pp. 307-308.

“Do you wish to obtain the rare and valuable faculty of solving difficulties and obviating doubts, by the exercise of which obscurity is in a moment rendered clear, and dark-

ness changed into light ! It is to be acquired only by industrious reading and profound contemplation. Do you desire to know upon what subject this power can be most worthily exercised ? I answer, Religion in all its varieties ; of its purity as it came forth from the hand of its Omnipotent Founder, and of its degeneracy under the operation of human influences.—p.311.

Since this form was set up, the author has seen the opinion of Judge William D. Martin in the case of the Town Council of Columbia vs. C. O. Duke and Alexander Marks.

By an Ordinance of Council of 18th July 1833, Duke and Marks were fined each \$12 for opening their shops and selling on Sunday. The relators complained of the ordinance as unconstitutional, and relied for protection against its enforcement, on the first amendment to the Constitution of the United States ;—and more especially on Art. 8. Sec. 1. of the Constitution of this State. (See p. 15.) Judge Martin decided that the ordinance of the Council was constitutional, and accompanied his decision with a luminous and highly convincing argument. (See the Southern Times and State Gazette printed at Columbia, S. C. for Oct. 11, 1833.—Charleston Observer of November 2d, 1833.)

THE END.