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WM. LLOYD GARRISON, EDITOR.

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THE LIBERATOR.

LETTERS FROM HENRY C. WRIGHT.

INVERKEIRK, (Tyrol,) July 19, 1845. 9 o'clock, A. M.

Market.

A bright, sunny morn. The market full of the peasantry from all the country round, with a great supply of meat, of wild and domestic animals, and of fruits and berries of all kinds. The most abundant item of fruit is the *nectarine*; and cheap, three and four to be had for a cent, in value. Every thing is cheap. No need of any one going hungry or cold here. There is no market-house—the buying and selling all done in the open air, on benches and tables placed on the side-walks, and around and in a large square. The appearance of the people impresses me very favorably, as to their social and domestic habits. People who appear so neat and tidy in the market, especially the *sellers*, must have comfortable and happy homes. Their dress, especially that of the women, is most singular. Instead of handkerchiefs tied fantastically about their heads, in the fashion of the women of Salisbury and Lynn, or a cap, as is the fashion of Scotland and Ireland, the women here uniformly wear *hats*, like the men, or caps made of wool or cotton, dyed blue, and running up to a peak. The people from the country, with fruit and vegetables, usually wear a straw hat, or a cap

From the Boston Atlas.

ANNEXATION OF TEXAS.

DUTIES OF THE NORTH.

To the Editors of the Atlas:

Gentlemen—The following letter is from the well known sort of a well known sire, John Jay, the first Chief Justice of the Supreme Court of the United States—the friend and adviser of Washington. The immediate reason of Judge Jay's correspondence with me was a letter which I wrote him a few months weeks since, asking him whether he still held the same opinion in regard to the duties of the North, in case of the annexation of Texas, which he had expressed to me, in a letter written about three years since. Perhaps you are aware that Judge Jay has always opposed the doctrine of Disunion, and has now, during his long life, never, I believe, hinted, he feels called upon to take the same stand proposed, likewise, by the venerated Dr. William Ellery Channing, in his recent publication, "The Duties of the Free States." For my own part, it seems to me that Texas is not yet annexed; and, moreover, that she will not be, if the North will do her duty. Still, there is every thing to fear, when we consider the recreant Democracy of the Free States, and the recent inefficient, tame action of our Whig Legislature.

Respectfully your friend,

H. I. BOWDITCH.

LETTER FROM JUDGE JAY.

NEW-YORK, 19th March, 1845.

MY DEAR SIR:

I rashly promised you a long letter, in reply to your inquiry, whether I retained the opinion expressed years ago, that the annexation of Texas ought to lead to a dissolution of the Union. The promised letter was commenced, but, after covering about twenty pages, I gave it up in despair, finding that I was writing a little book, instead of a letter. In the meantime, also, I was neglecting various engagements which were pressing upon me, and demanding immediate attention. Hence, I must beg you, to accept a short summary—a short table of contents, of the 'little book' I was about inflicting on you.

I. The toleration of slavery by the Constitution did not call for dissolution. The evil was partial, and confined within certain limits; and its ultimate extinction, while so carefully provided for, was hoped for.

II. *Every* violation of the Constitution does not justify dissolution. It may be unimportant in its consequences, may happen through inadvertency, may be doubtful in its character—may be sanctioned by a few, only, and may be capable of future correction.

III. The annexation of Texas (supposing it to be consummated,) is a clear, deliberate, fraudulent, wicked, and irremediable violation of the Constitution.

1. Mr. Calhoun and his party contended that it was unconstitutional for Congress to do indirectly what it had no right to do directly. They, therefore, brought the tariff act was unconstitutional in its *form*, being avowedly a revenue act, yet, because its *real object* was the encouragement of domestic manufactures, a power not given to Congress. It was a great violation of the Constitution, as, in their opinion, to justify forcible resistance, civil war, and dissolution of the Union.

2. Mr. Calhoun, and all the South, have, with one voice, insisted that Congress had no power to legislate respecting slavery; and hence, the right of petition, and the freedom of debate, were trodden down, in obedience to the mandates of slaveholders. Yet, both Mr. Calhoun, and his predecessor in office, Mr. Hayne, have officially declared, in the name of the Federal Government, that the *real object* of annexation was the protection of slavery; that declaration has been reiterated in the newspaper, and by the legislatures of various slave States, and its truth is denied by no man of common veracity.

3. Not only is the *object* of annexation unconstitutional, immoral, and detestable, but its *form*, unlike that of the Tariff Act, is a palpable violation of the express provisions of the Constitution. Under the old articles of confederation, provision was made for admission into the confederacy of States, to be *formed out of the national territory*. This provision was transferred to the New Constitution, by a simple grant of power to admit *new* States. No one ever had a doubt of the meaning of the grant, and it plainly enable, that, in treaties with foreign nations, England, France, Texas, or Mexico, is as contemptible as it is wicked.

A country between two independent nations is, by universal consent, called a TREATY. Hence, it was not till it was discovered that the Senate could not be prevailed on to ratify a Treaty of Annexation, by the constitutional majority of two-thirds, that another mode of effecting the object was devised. This is the true and only reason for the ridiculous fiction of a Joint Resolution—a profligate nullification of the treaty-making power of the Senate. But the expedient adopted by the Senate in derogation of its own power, and accepted to by the other House, is, if possible, a still more profligate and impudent infraction of the Constitution. 'The President is authorized to send a copy of the Texas, to negotiate, under his instructions, a *Treaty of Annexation*; and then this treaty is at his discretion to be submitted for ratification, either to the Senate alone, or to the Senate and House of Representatives. In other words, if he thinks a majority of two-thirds can be obtained in the Senate, he may adhere to the forms of the Constitution; otherwise, he may trample them under foot. In the first case, the result of the negotiation is to receive the name of a Treaty; in the other case, it is to receive the name of *Articles!* And, all this the President is empowered to set aside the constitutional prerogative of the Senate, by dubbing a national contract 'Articles,' instead of a Treaty. In perfect consistency with this iniquity, $100,000 are placed at the President's disposal, professedly to pay the expense of the mission to Texas. Who can doubt that this money is intended for bribes in Texas, should bribes be found necessary?

4. This treason against the Constitution has been long meditated and most deliberately perpetrated, and with nearly the unanimous consent of the whole slave region.

5. The wrath given to the Constitution is utterly incurable. Slavery has burst the bounds within which it was sure to perish, and now glories with the prospect of curing illimitable regions. Slavery by every possible means not forbidden by the law of God. The Constitution is converted into an instrument of cruelty, oppression, and blasphemy. It has ceased to be the Constitution, which I have, on various occasions, sworn to support.

6. The Constitution, as now mutilated, and used by the slaveholders, would never have been adopted by the people of the United States.

V. Consequences of Annexation.

1. The indefinite extension of slavery.*

2. The indefinite extension of the Southern boundary of the United States, and the indefinite seizure and plunder of the Mexican Provinces.

3. The control of the Federal Government by the slaveholding interest.

4. The sacrifice of the rights and interests of the North to Southern policy.

5. The rapid extension of political and social corruption, consequent on the extension of the slave power.

6. The denial to citizens of the North of all constitutional protection against the cruelties and arrogance of the slaveholders. Already are our colored citizens hunted like wild beasts, and reduced to slavery; and our white citizens threatened with death if they presume to express on Southern soil, opinions adverse to human liberty; and our official agents, sent to the South to procure a hearing before the judicial tribunal of our country, of our complaints and grievances, are ignominiously driven away, and have passed for treading them as filth, if they presume to return, although armed with commissions from sister and independent States.

* Mr. Walker, the great agitator is behalf of Texas, now rewarded by a seat in the Cabinet, contemplates, as the consequence of annexation, the progress of slavery through *Texas* into Mexico, and Central and South America!!!

1. Mr. Wise boasted in Congress that annexation would extend slavery to the Pacific, and lead to the plunder of the treasures of Mexico.

The slaveholders are now emboldened to commit these outrages by their alliance with the Northern democracy. What will they not do when they govern by their own inherent strength?

7. The ultimate rebellion of the North against its task-masters, and probably a violent and bloody dismemberment of the Union.

VI. Dissolution must take place, and the sooner the better.

1. We are not bound to maintain the Union *for the sake of the slaves*. The morals and happiness of our children and posterity ought to have more weight with us, than the vain hope of liberating the slaves who are hereafter to people Texas, California, Yuticau, &c., &c.

2. It is far more probable that a continuance of our present connection will *enslave the North*, than that it will free the South.

3. A separation will more easily be effected now than when the relative strength of the South should have been greatly augmented. Hereafter we shall be as serfs rebelling against their lords. *Now*, if the North pleases, we may dissolve the Union without spilling one drop of our blood. Who will hazard the assertion that this may be done forty years hence?

4. How a dissolution is to be effected—how a new confederacy is to be formed—what States shall compose it,—are questions which time alone can solve. Let us avoid, as wholly unnecessary and inexcusable, any resort to physical force.

5. The South has been allowed to concentrate on the altar of slavery, and was ready, if necessary, to offer up the Union itself to the same bloody fiend. Remember Mr. Rhett's toast, 'Disunion before Union.' Remember the resolution passed at the mass meeting at Beaufort, South Carolina, in 1844. 'If we are not permitted to bring Texas into our Union peaceably and quietly, we are resolved to then we solemnly announce to the world that we *will dissolve the Union sooner than abandon Texas*.' This certainly looks like a strong moral feeling among the slaveholders, and we are thus warned that the Union can only be maintained as an auxiliary to human bondage.

VIII. Present duties of the North.

1. To regard the constitutional privileges relative to fugitive slaves as utterly revoked and abolished.

2. To provide against the danger, whatever may be his office or condition, who may have any agency, whatever in the apprehension or surrender of a fugitive.

3. To punish every person who within our territory may exercise, by deed, mortgage, or otherwise, any authority over human beings.

4. Whenever any of our colored citizens are imprisoned at the South, on account of their complexion, to seize an adequate number of the citizens of the State concerned in committing the outrage, who may be found on our soil, and to hold them as hostages for the liberation and full compensation of said colored citizens.

5. To petition Congress and the State Legislatures to take measures for an amicable dissolution of the Union.

Thus, sir, I have given you a brief outline of my views on this momentous subject. I could have fortified my assertions by a numerous array of facts and quotations from the pamphlet, in conversing with others, I have been surprised to find how many agree with me in opinion. From all I see and hear, I am inclined to think that Congress has given the Union its death-blow. It may languish for a while, but its fate is sealed. I can make great allowances for the slaveholders. They have acted under the pressure of supposed personal interest—in accordance, so far as relates to the maintenance of slavery, with the habits and principles of their ancestors, and for the most part, with the teachings of their spiritual guides. But what can be said to extenuate the turpitude of our Northern democrats? To the judgment of history, of their own consciences, and of their God, I leave them.

I am, dear sir,

Yours, very respectfully,

WILLIAM JAY.

H. I. BOWDITCH, M. D.

THE UNITED STATES MORE GUILTY AS TO THE SLAVE TRADE THAN BRAZILS.

The system of maritime police, by which we sought to prevent the slave trade, was first referred to by the right honorable gentleman (Mr. Gladstone;) and how stands the case as regards the conduct of the United States? Not, indeed, with reference to that measure? Brazil agreed to grant you the right of search, and, if it be found impossible to exercise that power, the impediment has been imposed by the United States. What that opinion of the present government is as to that power, we know from the letter of Lord Aberdeen, which has published the other day. I believe I state correctly the spirit of that letter, when I say the opinion of the noble earl, as there expressed, is that the right of search is the most effectual means of suppressing the slave trade, and that he entertains very great doubt whether any other effectual mode can be devised for the suppression of the trade. To this system of maritime police, which, as I think with great humanity and wisdom, the government of Brazil agreed to accede to, the United States, Brazil submitted. The United States refused to submit to it, and by such refusal deprived the system, to a great extent, of its importance and efficiency; nay, they even contested the right of visit, which, I will venture to say, was perfectly consistent with the law of nations, and is every part of the continent of Europe they have been accustomed to search their ships, maintain agents, to excite an opposition to it. You cannot have forgotten General Cass's letter. You cannot doubt that, if Brazil had agreed to submit, led to the right of search, the outcry in France against the exercise of that power would never have been excited. But when one maritime nation makes it a point of honor to resist the exercise of a power you cannot wonder that any country, in which there exists a feeling of national pride, should be unwilling to submit to its exercise. Sir, I will maintain you cannot wonder that any country, in which there exists a feeling of national pride, should be unwilling to submit to its exercise. Sir, I will maintain that it will free the South.

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BOSTON, APRIL 11, 1845.

OATHS AND AFFIRMATIONS—THE RIGHTS OF CONSCIENCE.

In another column may be found an account of the imprisonment of a truly conscientious and very estimable citizen of New Bedford, Mr. William C. Coffin, by Justice Spooner of the Police Court of that town, for being unwilling to violate his conscience by taking an oath or affirmation, preparatory to giving his testimony in a criminal action.

The case is one that ought to arrest the attention of every person in the Commonwealth, striking a mortal blow, as it does, at the rights of conscience and personal freedom, and subjecting the innocent and upright to the treatment of felons.

The testimony of Mr. Coffin was wanted in the particular instance specified. Believing that, by the Christian law, he was forbidden to swear, or to affirm in the manner prescribed, he stated to the Court his religious scruples, and declined being sworn; declaring, however, 'I am willing to tell all that I know, as one who revered the truth for its own sake.'

This announcement seems to have deeply affected the Judge, as his language indicates—'I am very sorry *you* cannot swear—I am disposed to respect your scruples—I do not doubt your sincerity—I will go as far as I can, &c. How far *could he go?* To this extent—to order Mr. Coffin to be committed to jail for ten days, for a contempt of Court, though he believed him to be conscientious, and a man of unquestionable integrity.

The plea of the Judge, in justification of the act of injustice and violence he was about to commit, was—'It will not do for me to let the prisoner go, in consequence of your refusal to testify; I must continue the case, in obedience to the law which requires you to testify.' Certainly, he had no option in the matter. His duty was imperative; his hands were tied; his reason, conscience and judgment, however strongly impressed with this exhibition of Christian firmness and fidelity on the part of the witness, could not be heeded, and the law at the same time vindicated. With an apparently saddened spirit he exclaimed—'I am very sorry the laws are so made;' yet being so made, and he having sworn to administer them, he must enforce them, just or unjust, tyrannical or oppressive; so he ordered Mr. Coffin to be sent to jail, 'for contempt,' as the sentence says, according to the legal prescription in every such case. Now, the Judge knew, beyond a doubt, that Mr. Coffin intended nothing of contempt or contumacy toward the Court; but was actuated by a good spirit, however much in error he may have been as to his religious duty, or his interpretation of the Sermon on the Mount. His language was, 'The New Testament says, *Swear not at all.* I CANNOT DISOBEY THE CHRISTIAN LAW.' A most pertinent text, quoted reverently, and applied sinuously. Now, here is a strange spectacle—a citizen, standing in the presence of professed believers in Christianity, charged with contempt of Court, and punished as a criminal, for declaring that 'he cannot disobey the Christian law'! Tell it not in Burmah! publish it not in the lands of the sun! Stick, then, in the freedom of conscience secured to the people of this Commonwealth; such the peril impending over personal liberty, in all cases where there is not a willingness to 'disobey the Christian law,' in accordance with a most oppressive statute.

A short time since, I was summoned as a witness in a civil suit, in the Court of Common Pleas. On being told to hold up my hand and take the oath, I declined doing so, for the reason given by Mr. Coffin. Like him, also, it was repugnant to my feelings to affirm, for reasons which will be given in the progress of the discussion of that question. Strangely for me, my testimony was not indispensably necessary; but, if it had been, or if the Court had chosen to inflict the penalty, I might at the present time have been torn from my family, and confined like a felon in Leverett-street jail. Every hour, I am living under this threatening liability; and there are many others, who, on account of conscientious scruples, are placed in similar peril. I am fully persuaded that the people only need to have their attention called to this subject, to make them demand a repeal of this tyrannical statute. At the next session of the Legislature of this State, I intend to memorialize that body for the abolition of all oaths and affirmations, at least in all cases where there are conscientious scruples against taking them; and I hope to be sustained in the effort by all who claim to be the friends of truth, equity, and religious freedom.

In a speech delivered by DANIEL O'CONNELL, in Exeter Hall, London, in 1833, that distinguished man, alluding to Massachusetts, said—'It is a State to which our ancestors fled from the tyranny of England—and the work of all tyrants—the *odious attempt to interfere between a man and his God*—a tyranny that I have in principle helped to put down in this country, and wish to put down in every country upon the face of the globe. It is odious and insolent to interfere *between a man and his God; to refer with law* the choice which the conscious maker of its mode of adoring the eternal and adorable God. I cannot talk of toleration, because it supposes that a boon has been given to a human being, *is allowing him to have his conscience free.*' This panegyric is not merited, except in a comparative sense; for a man is not allowed in all cases to have a conscience free, in this Commonwealth, but is sometimes punished for having a conscience,—as in the case of Mr. Coffin. If, in one instance, conscience may be trampled upon, it may be in all others. It is not a mere arbitrary stretch of power to make a penal law, even in one God, that it is to punish as a crime an unwillingness to testify in a manner which the conscience believes is contrary to the will of God. It is in vain to pretend, that the safety of property or the welfare of society requires the legal form of giving testimony; for this is to say, in other words, that the enjoyment of individual liberty is not compatible with the public good, and, therefore, that the rights of the minority are not absolute but conditional—dependant upon the sovereign will and pleasure of the majority. It is yet to be proved that legal forms are of any real benefit to society. That, in a multitude of cases, they are useless, vexatious or oppressive, is a fact too notorious to need any proof.

It has been granted that the defence set up by Justice Spooner,—namely, that he had no discretionary power in the case, to release the prisoner, i. e. imprison Mr. Coffin for contempt of Court,—was legally valid. But does it clear him from all moral accountability? Does it prove that he was not accessory to a cruel and tyrannical act? Does it place him in any better position, comparatively, than that which Pilate occupied at the trial of Jesus? Pilate said unto them, What will ye then that I shall do unto him whom ye call the King of the Jews? And they cried out again, Crucify him. Then Pilate said unto them, Why, what evil hath he done? And they cried out the more exceedingly, Crucify him. And so Pilate, *willing to content the people, &c.* And he took water, and washed his hands before the multitude, saying, I am innocent of the blood of this just person: see ye to it.' I have yet to learn that Pilate was not guilty as one of the crucifiers of Jesus, notwithstanding this ablution of his hands, and his regret at the necessity laid upon him by his office to be a participant in that dreadful deed. Justice Spooner appears to have felt himself placed in a similarly painful dilemma. A worthy citizen stood before him, of whose integrity he had no doubt, whose conscientious scruples he believed to be sincere, whose word he would have taken any where; and to send him to prison for refusing to violate his conscience, and to disregard the Christian law, was an act that was revolting to his feelings. Yet what could he do? Like Pilate, (and this allusion is not made invidiously, but to illustrate the case,) he was not prepared to resign his office; and therefore he must condemn and punish the innocent. Will the Judge of all the earth hold him guiltless, because, in this instance, he was 'willing to content the people' of Massachusetts, as Pilate was the people of Judea?

A most instructive lesson is taught by this occurrence. A flood of light is poured by it on the inherent and positive immorality of filling any judicial station on any such conditions as are imposed by the governmental power. Soberly, I do not see why, on the score of principle, and in the eye of absolute morality and justice, it is not as culpable to be a Judge in this Commonwealth, as it is to be the leader of a banditti, subject to its prevailing will and purpose. Every judge is bound, to see that the laws of the State are duly enforced. Whether those laws are right or wrong, it is not for him to enter into question. If convinced that they are barbarous or unchristian, he can only say, as did Justice Spooner—'I am very sorry that the laws are so made'—'The only remedy is to apply to the Legislature—that is a matter for them, not for me.' If the courts of law are not comfortable to Christianity, it may be proper to bring the subject before the Legislature. He does not know, and it would be treason for him to know, any higher power than the Legislature of Massachusetts, subordinate to the Constitution. He is bound to know and obey no other law. The mandates of the Legislature are his standard of justice and mercy, and beyond these he must not go one hair's breadth, at the peril of impeachment. He must be ever ready to change with the vacillating legislation of the Commonwealth. If, to day, it makes that a criminal act, which yesterday was innocent, he must expound and enforce the law accordingly, be its absurdity or its profligacy what it may. Thus, he surrenders his understanding, conscience and heart to the will of men, and, consequently, deems it his duty to obey men rather than God. He knows not, from one session of the Legislature to another, what he may be called to do. If, by a decree of that body, he must now send a person to prison, who will not give his testimony on oath or affirmation, for conscience sake; by another decree he may be called to send to the stake, any one who refuses to bear arms, for his country in the battle field, for conscience sake. He may plead, that he is not responsible for the laws; that it is his duty simply to expound them; that the legislative and judicial departments of the government are not identical;—but the plea is worthless. He holds to the doctrine, that might makes right; that the majority have a right to rule over the minority, and to make such laws and to affix such penalties to them as they please; that the laws must be obeyed and executed; that the legislature may properly enact those laws; that the judicial station which he fills is indispensable to the administration of the government. Hence, he is to be held responsible for the legitimate results of his own principles, and cannot shield himself from condemnation on the plea that it is not for him, as a judge, to decide on the moral character of the law.

But this is a digression. I hardly throw out these opinions in order to awaken attention to a very important subject—trusting that if they are fallacious, they will be refuted by those who perceive their fallacy.

Why should the custom of administering and taking oaths be universally abandoned? For the following, among other reasons:—

1. Those who profess to have 'put on Christ,' and to be governed by the Christian law, are assuredly prohibited from taking oaths. In his Sermon on the Mount, Jesus taught nothing more explicitly or more emphatically than the prohibition of this practice. Mark his language:—'Ye have heard that it hath been said by them of old time, Thou shalt not forswear thyself, but shalt perform unto the Lord thy oaths. But I say unto you, SWEAR NOT AT ALL:—neither by heaven; for it is God's throne: nor by the earth; for it is his footstool: neither by Jerusalem; for it is the city of the great King. Neither shalt thou swear by thy head, because thou canst not make one hair white or black.' It will be observed that the prohibition covers the whole ground. It does not merely refer to the manner of administering an oath, or to vain oaths swearing, nor to swearing falsely, but to swearing at any time, or for any purpose, even truly. It reads, 'Swear not AT ALL'—but before he lays it down, Jesus quotes the passage, 'Thou shalt not forswear thyself, but shalt perform unto the Lord thine oaths' from Leviticus 19. 12; Numbers 30. 2; Deuteronomy 23. 23)—and then repudiates each and all of them, however sacredly they might be performed unto the Lord. 'For it is manifest that if truth may not be attested by an oath, no oath may be taken.'

But Jesus did not stop here. He proceeded as follows:—'But let your communication be, Yes, yea; Nay, nay.' 'This,' says Dymond in his able essays on this subject, 'is remarkable: it is positive superadded to negative commands. We are told not only what we ought not to do, but what we ought to do. It has indeed been said the expression, 'your communication,' does the meaning to apply to the ordinary course of life. But to this there is a fatal objection: the whole prohibition *sets out* with a reference, not to conversational language, but to solemn declarations on serious occasions. Oaths 'to the Lord' are placed at the head of the passage; and it is too manifest to be insisted upon, that solemn declarations, and not every-day talk, were the subject of the prohibition.'

The grand reason for this change is given in the declaration—'Whatsoever is more than these, COMETH OF EVIL.' Evil, then, is the foundation of oaths; and that which is built upon evil *cannot be good.*

So much for 'the Christian law' on this subject, which was quoted so reverently by Mr. Coffin, but which Justice Spooner thought had 'no reference to swearing before a court of justice!' Let him examine the Scripture afresh.

Similar were the views of the early Christians.—'The old law,' says Basil, 'is satisfied with the honest *keeping* of the oath, but Christ cuts off the *opportunity* of falsehood, by the prohibition of perjury,' says Tertullian, 'since *swearing itself* is unlawful to Christians.' Chrysostom says, 'Do not say to me, I swear for a just purpose; it is no longer lawful for thee to swear, either justly or unjustly.' He who, says Gregory of Nyssa, 'has contributed murder by taking away anger, and who has driven away the pollution of adultery by subduing desire, has expelled from our life the cause of perjury by forbidding us to swear; *for where there is no oath, there can be no infringement of it.*'

2. It is an improvement set for a court, or any other body of men, to summon God as a witness to their dealings, for purposes of vengeance, as though he could be made a party in the case at their bidding, and could know nothing of the matter without their calling upon him! The obligation to speak the truth cannot be increased by any form or device, however legally resorted to.

3. Good men—the honest and truthful—do not need to be put under oath. Bad men—the immoral and abandoned—will not regard an oath, and can never be brought, by giving evidence beyond the probabilities of the case. Besides—when was it ever known that the latter objected to taking an oath, for conscience sake? They are always ready to be sworn! It is invariably men of true self-respect, of deep conscientiousness, of strong religious principle, who object to this degrading and unchristian practice.

4. To take an oath implies that, were it not administered, it would not be so wicked to testify falsely. But this is to strike at the basis of moral rectitude, and to make the duty of probity dependant upon circumstances. What can be more pernicious than the prevalence of this idea in society?

5. It is wrong to make a man swear that he will tell the truth, the whole truth, and nothing but the truth, while on the stand; because he will be at a loss to know how much is implied by that promise; because his memory may be notoriously defective, so as to involve him in apparent and even real contradiction, while his intentions are perfectly upright; because his position, as a witness, may be to him embarrassing beyond expression, questioned and cross-questioned as he is liable to be in the most jesuitical and merciless manner by the counsel employed, so that he is made in a calm and unbiased state of mind, but feels bewildered, often alarmed by the extraordinary array that meets his troubled gaze; because his anxiety to be literally correct in his testimony may be the very cause of his giving it in an incoherent manner. Now, it is wrong to cause any man's veracity, veracity and self-possession to pass through this terrible ordeal, 'under the pains and penalties of perjury.' The practice, moreover, is as useless as it is pernicious—no possible good resulting from it to any one, but much positive evil—and therefore it ought to be abolished. Nothing short of perfect, and aiming to be civilized, to say nothing of 'the Christian law.'

But as, in this Commonwealth, the Legislature has not made it imperative that the oath shall be taken, where there are conscientious scruples against taking it, but allows an affirmation to be given in its place, it is not necessary to dwell any longer on this portion of oaths, as though the consciences of good men were not regarded on that particular point. It will be seen that Mr. Coffin objected to affirming, as well as to taking an oath. This will excite general surprise, and by the unreflecting or uninquiring will be regarded as an act of folly or obstinacy, which nothing can justify. Whether he has been needlessly scrupulous or not, the fact that he chose to be separated from his relatives and friends—from the domestic fire-side and the endearments of home—to run the risk of a long imprisonment, rather than submit to an action—to be shut up in prison, and deprived of the pure air of heaven and personal freedom—should inspire great respect for his firmness, his integrity of soul, and his willingness to suffer much rather than do wrong, (as he conceives it to be,) and should lead to a thorough inquiry into the principle, practically exemplified in his case. For a long time, I have felt similar scruples in regard to affirming in the manner required by law,—not for all the reasons which influenced me to refuse to take an oath, but because it seems to me equally at war with the spirit of Christ's prohibition, and equally derogatory to the character of every honest man. I have no doubt that there are many others who cherish the same objections, and that their number is steadily increasing. All these, be it remembered, are constantly liable to be summoned to testify, under the pains and penalties of perjury; they must be sent to prison for constructive 'contempt of Court.' Is there any necessity for such a law?

It may be argued, that as there is a wide difference between the act of taking an oath and that of affirming—as the former is an appeal to God, and the latter nothing more than a promise to tell the truth, 'under the pains and penalties of perjury'—as the Quakers, who have always borne a faithful testimony against oaths, do not object to the form of affirmation legally substituted—it is absurd to have any conscientious scruples respecting the latter, and therefore the law ought to continue in force, and not to be abrogated, in accordance with the religious whims of individuals as to what constitutes 'the Christian law.'

To this mode of reasoning it is sufficient to reply, that though there is a difference between the oath and the affirmation, as alleged, it is a difference more in the form than in the substance or design—they being regarded by the government and the people as equally essential to the procuring of true evidence, equally binding upon the conscience of the witness, equally safe for the Commonwealth. The one keeps in countenance and perpetuates the other—just as the moderate use of intoxicating liquor perpetuates intemperance.

Again—there are those who conscientiously believe that the same Christian law which prohibits swearing, also forbids the inflicting of 'pains and penalties' on offenders. It is explicit on this point in the case as in the other. 'Ye have heard that it hath been said, An eye for an eye, and a tooth for a tooth. But I say unto you, that ye resist not evil: but whosoever shall smite thee on thy right cheek, turn to him the other also.' Now this language, if it has any prescribes, implies something more than a passive acquiescence to the infliction threatened, in case of being detected in testifying falsely: it is virtually sanctioning that infliction as just and right on the part of the government, and, therefore, it forbids, not do: hence, to compel them to affirm, on peril of imprisonment—nay, more, to force them to invoke that punishment upon themselves—is palpably an oppressive act.

The fact that the Quakers do not object to the form of affirmation, proves nothing more than that they say as positively that unusual and highly efficacious form of words, as they do in the case of an oath. I am not yet convinced that their conscience is to be the guide of my own, or that it is necessarily innocent to perform that which they see no evil in doing. To their own Master they stand or fall. I honor them greatly for the many noble testimonies which they have borne against oaths and all wrong; and I have no doubt that they will be led to see that, in consenting to be put under affirmation, they have departed from the simplicity of the law of Christ—'Let your communication be, Yes, yea; Nay, nay; for whatsoever is more than these, [whether oath or affirmation,] cometh of evil.'

To say, that it is a religious whim to object to affirming, is to say that conscience is to be governed by the statute book, and punished severely whenever it interferes with popular usage. Hence, that it must take no cognizance of the will of God, and has no higher duty to perform than to obey the State.

Doubtless, many will sincerely regard the position taken by Mr. Coffin as either whimsical or fanatical; possibly it may be so; but is it deserving of punishment, as though he had committed a heinous crime?

So, many think the Quakers unnecessarily squeamish in refusing to be sworn; but no one now thinks of putting them in prison on that account. The Constitution very properly respects their conscientious feelings, and provides a remedy. Let that body go one step further, and allow all those to testify who are scrupulously unwilling to take an oath or to affirm, without any legal penalty.

This is indeed a serious matter. By an absurd requirement, eminently conscientious persons are now prevented from giving testimony in cases where human life and property are at stake, and placed on a level with felons.

Oh! it is wrong not refuse to testify. 'I am willing to tell all that I know,' he said. That was just what the Court wanted; but the law would not allow him to do so, unless he would first—*violate his conscience!* As if, having done this act of violence, his word could then be relied upon—and not till then!

Oh! it is wrong to refuse to take oaths and affirmations, not only for conscience sake, but BECAUSE THEY ARE WHOLLY USELESS. Of what avail is the plea of the prisoner, '*Not guilty*,' in determining his criminality? None. Neither the judge nor the jury are influenced by it. They proceed to a trial, on the facts carefully as though he had not made any response. It is a mere form, but one not less pernicious than it is ridiculous; for it tempts the guilty to lie, that he may have a chance to escape through some legal technicalities, or defect in the evidence. It ought to be abolished for its iniquity and folly.

Of what avail is it that the witnesses have affirmed or taken the oath? Is their testimony rendered more credible on that account? No. The court proceeds to try the case precisely as though they had complied with no such requisition. The verdict is rendered, not upon the fact that they testified under oath or affirmation, but upon the coherency of the evidence, the probabilities of the case, and the general character of the witnesses for probity. By no other standard could there ever be rendered a verdict! For, if the fact that the witnesses on one side have been sworn, makes their evidence decisive; then the fact that the witnesses on the other side have been sworn, proves them to have testified truly; and as they utterly contradict each other, it would be absurd for the plaintiff and defendant are in the right! Such are some of the absurdities of law.

THE SABBATICAL QUESTION.

We have given, on the last page of our present number, the views of Archbishop Whately, of Dublin,—one of the strongest men in the whole Episcopacy—respecting the perpetuity of the Sabbath, under the Christian dispensation. The work from which we have taken these extracts has never been printed in this country, and is not within the reach or knowledge of Episcopalians generally. We have been able to procure a copy of it with much difficulty. It will be seen that his reasoning is strong and profound, logician entirely agrees in opinion with Luther, Melanchton, Calvin; Tyndale, Whitby, Foster, Paley, Belsham, Priestly, Fox, Penn, Roger Williams, and other distinguished lights in the religious world, that the Sabbath was strictly a Jewish institution, and therefore, is not binding on Christians at the present day. The religious observance of the first day of the week is, he contends, an institution of the Church, and useful and necessary to its order and edification, (a position which we think is unreliable,) but it is not to be regarded as a Divine institution, and that too are many persons who will be glad to obtain them in a convenient shape, we shall put these views of Archbishop Whately in a tract form, copies of which may be obtained of Bela Marsh, 25 Cornhill, by the hundred of dozen, at a low rate.

☞ In this connection, we publish the following letters from those eminent Christians, Daniel Webster and Henry Clay, written in reply to one announcing that they had been elected an honorary member of the Baltimore Sabbath Association. The whole correspondence is a satire on Christianity.

WASHINGTON, March 3, 1845.

DEAR SIR:

I feel greatly honored by your communication, which I received on my return to this city from the North on Monday, and I request you to present to my friend, Mr. Williams, for causing me to be made a member of the Baltimore Sabbath Association.

The longest life, the most highly to estimate the importance of a proper observance of the Christian Sabbath, and the more grateful I feel toward those who take pains to impress a sense of this importance on the community. The Lord's day is the day on which the Christian Church, as such, offers its public worship throughout the Christian world. And, although we live in a reading age and in a reading community, yet the preaching of the Gospel in the form in which human agency has been and still is most efficaciously employed for the spiritual improvement of man. The preaching of the Gospel implies, to them was an evidence of his mission which the Author of Christianity himself proclaimed. And to the public worship of God, and the preaching of the Gospel, the observance of the Sabbath is obviously essential.

I am, dear sir, with much regard,
Your obedient servant,
(Signed) DANIEL WEBSTER.
Charles W. Ridgely.

ASHLAND, March 7, 1845.

DEAR SIR:

I have received your obliging letter, informing me that, by the contributions of two ladies of Baltimore of the requisite sum for the purpose, I have been made a member for life of the Baltimore Sabbath Association. As you do not inform me of the names of the ladies, I must request you to be my organ to communicate to them my respectful acknowledgments for this proof of their kind regard and esteem, and to assure them that I share with them in sentiments of profound reverence for the Sabbath, as a religious institution, and I share with them in the hope that all laudable endeavors to inculcate the proper observance of it may be crowned with success.

I have much pleasure for the copy of the pamphlet containing the proceedings of the Association, which you forwarded to me.

I am, with high respect,
Your friend and obedient servant,
H. CLAY.

ELEVENTH ANNUAL MEETING OF THE AMERICAN ANTI-SLAVERY SOCIETY.

The Eleventh Annual Meeting of the American Anti-Slavery Society will be held in the city of New-York, on TUESDAY, May 6th, and will probably be continued for four days, or longer, if deemed best. Of the importance of having a large delegation from various sections of the country on that occasion, it is scarcely necessary to speak. The mission of the Society is to pioneer the way for all parties and sects to come up and assist in the abolition of slavery; and every annual meeting has been rendered famous for its increasing energy, steady progress, and invincible determination. Never has our cause stood in more need of combined, systematic, organized action than at the present crisis. Let as many brave hearts and free spirits assemble at the approaching anniversary as possible, that unusual and mighty efforts may be put forth, sagaciously and harmoniously, to agitate the country afresh the ensuing year. As the time is short, let our friends be arranging their affairs with reference to the meeting accordingly.

WM. A querist in the last number of the Non-Resistant asks—'If we acknowledge there have been wars by the divine command, how are we to determine that war in no case, and under no circumstance, can be any other than direct murder?' At the close of his letter, he appears to be very anxious to lead us to intimate that wars derive any support from the gospel of Christ.' It seems to us, that he has answered his own question by this admission, unless he believes the 'gospel of Christ' is susceptible of change or abrogation, like the Old Dispensation, and may therefore in some future time, though it does not now, sanction war.

Let us slightly change the form of his interrogation:—If we acknowledge there have been persons put to death, by the divine command, for cursing their parents, how are we to determine that they may never again be treated in the same manner? Or, thus—If we acknowledge that the Canaanites were put to the sword, by the divine command, for their idolatrous and cruel conduct, how are we to determine that exterminating other idolatrous nations in the same manner may never again be a religious duty on the part of believers?

If he answer—the spirit, example, precepts and spirit of Christ all clearly determine this matter, and these admit of no change; then our reply to his interrogation is precisely similar. Christ was the Prince of Peace, and, consequently, Christians will turn their swords into ploughshares, and spears into pruning-hooks, and to put a stop to the effusion of blood—to save men's lives, not to destroy them.' Hence, under his reign, and in his kingdom, and among his followers, war can never in any case be right; whatever may have been allowed under the Old Dispensation.

A DEMOCRATIC (!) CANDIDATE. The Hon. (!) Isaac Toucey is one of the Democratic candidates for re-election to Congress in Connecticut. The Hartford Freeman records the following among his extraordinary merits:—

MEMORANDA OF ISAAC TOUCEY.

1. He voted 'That Congress ought not to interfere in any way with slavery in the District of Columbia;' Feb. 8, 1836.

2. He voted for Pinckney's Gag Resolution, which virtually abrogated the right of petition; May 26, 1836.

3. He voted for the admission of Arkansas as a Slave State; June 13, 1836.

4. He voted for Hawes's Gag Resolution; Jan. 18, 1837.

5. He voted for Atherton's Gag; viz., 'That every petition, memorial, resolution, proposition or paper, touching or relating in any way, or to any extent whatever, to slavery as aforesaid, or the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid on the table without being debated, printed, or referred.' Dec. 12, 1838.

6. He voted that John Quincy Adams was out of order, because, in discussing the contempt cast upon the right of petition, he referred (merely referred, mark!) to a petition purporting to be from slaves; June 21, 1838.

☞ Read the noble Letter of Judge Jay.

LETTER TO HENRY CLAY.

NEW-BEDFORD, 3 mo. 31, 1845.

FRIEND GARRISON:

I send these this, not for any particular merit that it contains, but to exhibit to others, that I sometimes pay write to the 'great men' of the South, and keep them fixed *pecular* institutions, and their social relations with us and with the world. Suppose one person in a hundred, in New-England, should write letters to the South, and show them the growing indignation with their oppressive laws; it would not only shorten the day of slavery, but it would make the slaveholders despise themselves, to think they had ever been placed in such a condition; and it is on that account I send this extract. I. C. R.

NEW-BEDFORD, 11 mo. 16, 1844.

HENRY CLAY, *Ashland, Lexington, Ky.*

* * * I now rejoice with thee, not at thy defeat in the late canvass, where ignorance and falsehood have taken precedence of, or over virtue and knowledge, by demagogues appealing to the base passions of the populace; but, I rejoice with thee, to think now thee is forced from political turmoil, in which thee has spent a long life, and perhaps most of thy time, in vain, to the cause of slavery. The laws, in utter disregard of the rights of the human, or divine, of mankind, and the laws of the land, have made it, in the last canvass, a political crime, for any man to speak, or even to think, in favor of the rights of the human race, and, in the last session of Congress, it was made a crime, for any man to even pray for the rights of the human race. There is yet room for thee to shine brightly on the page of moral history, if thy mind, mighty in political affairs, should turn towards redeeming our land from the foul stain upon our escutcheon, American Slavery.

I do not say that *Americans* is any worse than *Algerine*, or any other nation, in the world, for a nation that is holding up to other nations, that we have the freest institutions of any nation on the globe—and for us to hold three millions in bondage—it certainly looks worse. History always speaks highest of virtuous actions; hence, I wanted thee should fully redeem what thy friends have set forth—and if possible go beyond, so that they may be fully gratified.

It is not my business, nor do I intend to dictate to thee, in this letter, what to do, or what is best for thee to do; but I long to see all the mighty minds in this nation at work to remove from our otherwise blessed land the foul stain.

From my moral and religious education, my heart has always leaped high at the sound of redemption from slavery, of any person, or any number of persons, in this or any other country; and perhaps that is the reason why I feel more for the brotherhood of the race than some others appear to.

It is really a pity, to my mind, for any moral subject to be mixed with politics; and I would that I could extricate the anti-slavery movement from the political movements, and then bring the moral and religious influence of the land to bear upon slavery. Could that event, the system would not live one year—I mean, if our religion was according to the morality of Jesus Christ. But our religion is our politics, and our code of morals our Constitution, and it will take a long time to change them.

I have looked forward, through all that has been said to the contrary, for thee to do something that would set the wheels going towards emancipation. It seems to me there are thousands, who are waiting some great example, to induce them to emancipate their slaves. They have not moral courage to do it of themselves—need a leader. * * * *

Respectfully, I. C. RAY.

WILLIAM GOODELL.

MR. EDITOR:

William Goodell, I see, is writing some letters in the Friend of Liberty Press to Gerrit Smith, about the Constitution. The whole argument betrays the most admirable ignorance of the first principles of law, about which he is trying to talk, as well as of common sense. But the purpose for which I would call your attention to the letters, is to ask you to have in them another proof that Liberty party has OTHER DESIGNS THAN THE MERE ABOLITION OF SLAVERY.

Note, also, that though Mr. Goodell enlarges on the zeal with which that party espouses the free colored man's right of suffrage, they *knowingly* selected for their candidate for the Vice-Presidency, a man who would give the colored man that vote! Beautiful consistency!

But the most emphatic and important sentence is the last, (which please print in capitals,) and coming from such a man as Goodell, it shows which way the wind is going to blow. If Gerrit Smith has any of his old honesty left, we look to see him quit his more wicked allies—

1. I think you may rightfully claim that some of your late views in the Liberty Press, are 'new doctrine' in the Liberty party. Is it so?

1. The doctrine that Liberty men ought to disband that party, and go into the Whig party, on the conditions you have specified?

2. That to promote the abolition of slavery is the only proper object of the Liberty party, and that no other—not even the protection of our colored brethren, *nor giving them the right of suffrage*—was *thought of*—when the Liberty party was organized.'

Is it true, that Liberty men have been, particularly the last part of the second item. What! did not the question the candidates' on *the colored right of suffrage* come up, in the election of

POETRY

From the Boston Courier.

MARS.

BY E. H. BACON.

'Where art thou going, young soldier?
I am going to fight the battles of my country!
Go on, young soldier! The blessing of God be upon thine arms.' LA MENNAIS.

Love you the Fiend of War!
His trumpet-clangor and his sulphur breath!
Love you his tourney-field,
Wet with the dew of blood, and rich with death!

Love you his maniac eye!
His reeking sword-arm and his iron tread!
Love you the dulled ear,
Clinging all hideous to his helmet red!

Love you his marble heart,
Cheering the slaughter when the fee is flying!
Love you his icy laugh,
That mocks sweet Pity when the brave are dying!

Love you the orphan's wail,—
The mother's shriek—the young wife's bitter tear,
When lies the soldier dead,
The sky his pall, and the cold earth his bier!

Love you the roaring flame,
Leaping in fury o'er the city's wall!
Love you the smothered cry,
When the high domes of the thronged temples fall!

Love you the desert waste,
Strewn with black columns and with ashes grey,
Marking where War hath gone,
Crushing all life along his smoking way!

Lo, from the towering hills
A living avalanche comes rushing down!
Whelming the vale below,
The lowly hamlet and the gilded town!

In rain—in—And now
In plains dense the armed host moves on!
Cannon and bayonet,
And flashing cymbal, glittering in the sun!

Look forth upon the plain!
Thousands meet thousands, and the battle-cry
Like the dread thunder comes,
Shaking the earth and echoing through the sky!

Nor, now that Night
Folds carefully her wings around the world,
Is the fierce clamor hushed,
Nor trumpet stilled, nor blood-red banner furled!

Ah, when the smiling dawn
Shall peep all merry o'er the mountain's height,
Full sorely will she weep
To look on the fell carnage of the night!

Then shall the raven come,
And call his fellows to the crimsoned feast:—
The panther and the wolf,
And screaming vulture, murder's royal high-priest!

And year with changing year
Will roll its seasons o'er that battle-field;
Till all are turned to dust,
Steeds and their riders—bridle-rein and shield.

Then, touched with martial fire,
The poet, as he treads the plain along,
Will tell of warlike deeds,
And crown grim Slaughter with a wreath of song

And War shall rise anew,
Waked by the music of his thrilling lyre,
To fill the Earth with blood,
And sear its pleasant vales with fire and fire!

O, that the hard no'er
Been tuned to Glory's worship! It should be
Sacred to mild-eyed Peace,
Her elive sceptre and sweet harmony!

THE MAN-THIEVES HAVE TRIUMPHED.

The following spirited lines, says the Saco Union, were written by a member of the democratic party. We are sorry, with the writer, that it is now him to be an individual of some note in that party.

TEXAS IS OURS! The nation again
Has added one link to the bruised bondman's chain!
The contest is o'er; there's peace after war;
The man-thieves have triumphed—Hurrah! Hurrah!!

TEXAS IS OURS! The vow on our lip
Is heard with the shout of the slave-driver's whip;
And the North and the South, in fraternal embrace,
Both stand on the necks of the African race.

Hark! list to the cannon, whose bellowing shout
From our Kennebec hill-tops exulting rings out—
While the South answers back from her blood-sprinkled plains,
Fling out the Folk banner, and let it unfold
O'er the block where our brethren and sisters are sold.

Ha! ha! hear the music—as proudly it waves
O'er the shouting of Locos—the shrieking of slaves.

TEXAS IS OURS! The man of our choice—
The leader of millions—Democracy's voice—
While the weight of each glory for him set apart
Crushes deeper his heel in Humanity's heart—

Steals the image of God from its soft cradle sleep,
Where the wings of our eagle triumphantly sweep,
And measures his gains by the number of scars,
Where the iron and whip show the stripes and the bars.

TEXAS IS OURS! We've stood o'er our proud neck
To the Southern *slave tyrant* of imperious beck,
With our brows in the dust, 'mid the lowest of them
Who kiss off the blood from their garments' red hem.

Hurra! On our altars, all streaming with blood,
We've made a new offering in mockery to God;
And the idol in Liberty's temple we've shrined,
Feeds fat on the hearts of the bondmen we bind.

REFORMATORY.

ARCHBISHOP WHATELY'S ESSAYS.

On some of the Difficulties of the Writings of St. Paul.

ESSAY V.

THE ABOLITION OF THE LAW.

There are very many passages relative to the Mosaic law scattered in the writings of the Apostle Paul, (especially in the Epistle to the Romans, and in those to the Galatians, and to the Hebrews,) whose most obvious and simple interpretations, at least, would seem to imply the entire abolition of that law, by the establishment of the Gospel. For instance, Rom. vii, 6, "But now we are delivered from the law, that being dead wherein we were held."

It cannot be denied that he (Paul) does speak, frequently and strongly, of the termination of the Mosaic law, and of the exemption of Christians from its obligations, without ever limiting and qualifying the assertion so as to make even hinting at a distinction between one part which is abrogated, and another which remains in full force. It cannot be said that he had in his mind the Ceremonial law alone, and was alluding only to the abolition of that; for in the very passages in question, he makes such allusions to an, as evidently show that he had the moral law in his mind; as, for instance, where he says, 'The law was added because of transgressions.' 'By the law was the knowledge of sin:' with many other such expressions. And it is remarkable, that even when he seems to feel himself pressed with the mischievous practical consequences which either had been, or he is sensible might be, drawn from his doctrines, he never attempts to guard against these by limiting his original assertion;—by declaring that though part of the law was at an end, still part continued to be binding; but he always inculcates the necessity of moral conduct on some *different* ground. For instance, 'What shall we say then? Shall we continue in sin that grace may abound? God forbid.' He does not then add that a part of the Mosaic law remains in force; but urges this consideration, 'How shall we, who are dead to sin, live any longer therein? Know ye not that so many of us as were baptized into Jesus Christ, were baptized into his death? Therefore we are buried with him by baptism into death: that like as Christ was raised up from the dead by the glory of the Father, even so we also should walk in newness of life.' 'Knowing this, that our old man is crucified with him, that the body of sin might be destroyed, that henceforth *we should not serve sin.*' And again, 'Shall we sin because we are not under the law but under grace? God forbid. Know ye not, that to whom ye yield yourselves servants to obey, his servants ye are to whom ye obey, whether of sin unto death, or of obedience unto righteousness?'—being then made free from sin, ye became the servants of righteousness.' And such also is his tone in every passage relating to the same subject.

Now let us inquire, what is the obvious interpretation of the Apostle's words, and admit the entire abrogation, according to him, of the Mosaic law; concluding that it was originally designed for the Israelites alone, and that its dominion was ceased when the Gospel system commenced; and we shall find that this concession does not go a step towards establishing the Christian proposition, that moral conduct is not required of Christians. For it is evident that the natural distinctions of right and wrong, which the consciousness of every man retains where they were. These distinctions, not having been introduced by the Mosaic law, cannot, it is evident, be overthrown by its removal; any more than the revelation of the moral law at Sinai had implied the destruction of the Mount Sion whereon it was built. The Apostle does indeed speak, in some passages, of the law as having been a guide and instructor in matters of morality; as where he says, 'I had not known sin but by the law;' but that this must not be understood in the literal sense of the law giving that no moral obligation could exist, or could be understood, independent of the Mosaic revelation, is evident not only from the nature of the case, but from his own remarks in the same Epistle, relative to the Gentiles, which have not the law, being capable of *'doing by nature* the things contained in the law, which show the matter bearing witness, and their thoughts accusing or else excusing one another;' and of their 'knowing' (in cases where they commit sin) 'that they who do such things are worthy of death.'

To say, therefore, that no part of the Jewish law is binding on Christians, is very far from leaving them at liberty to disregard all moral duties. For in fact, the very definition of a *moral* duty, *implies* its universal obligation, independent of all *enactment.* The precepts respecting worship, the Sabbath, and other ceremonial observances, we call *positive* ordinances; meaning, that the things in question became obligatory when *they were commanded*—such commandment to love one's neighbor as oneself, on the contrary, we call a *moral* precept, on the very ground that this was a thing *commanded because it was right.* And it is evident, that what was right or wrong in itself before the law existed, must remain such after it is abrogated. Before the commandments to do no murder, and to honor one's parents had been delivered from Mount Sinai, Cain was cursed for killing his brother, and Ham for dishonoring his father; which crimes, therefore, could not cease to be such, at the Jewish, as any consequence of the abolition of that law.

Nor need it be feared that to proclaim an exemption from the Mosaic law should leave men without any moral guide, and at a loss to distinguish right and wrong; since, after all, the light of reason is that to which every man must be left, in the interpretation of that very law. For Moses, it should be remembered, did not write three distinct books, one of the Ceremonial Law, one of the Civil, and one of the Moral; nor does he hint at any such distinction. When, therefore, any one is told that a *part* of the Mosaic precepts are binding on us, the question is, 'Is he ask what are the Moral precepts, and how to distinguish them from the Ceremonial and the Civil, with which they are mingled, the answer must be that his conscience, if he consult it, will decide the matter at least as well. So far, consequently, from the conclusion that it is so abrogated, will hardly be any longer open to doubt; being evidently the most agreeable to the Apostle's expressions, and most consistent, and unrestrained sense. And, indeed, the very Law itself indicates, on the face of it, that the whole of its precepts were intended for Israelites exclusively; (on which supposition they cannot, of course, be binding on Christians,) not only from the intermixture of civil and ceremonial precepts with moral, but from the manner in which the ten were delivered, last are delivered. For instance, there cannot be any duties more clearly of universal obligation, than that of the two first of the ten, which are the duties of honoring parents; yet the precepts for both of these are so delivered as to address them to the children of Israel exclusively—'I am the Lord thy God, who *brought thee out of the land of Egypt*, out of the house of bondage; thou shalt have none other Gods but me.' And again—'Honor thy father and thy mother, that thy days may be *long* in the *land which the Lord thy God giveth thee.*'

The simplest and clearest way, then, of stating the case with respect to the present question, is to lay down, on the one hand, that the Mosaic Law was limited both to the nation of the Israelites, and to the period before the Gospel; but, on the other hand, that the moral obligation of morality, which, among other things, it inculcates, are, from their own character, of universal obligation; that, as on the one hand, the Jewish Sabbath (and the sacrifices) it is free from the observance of those commandments which are called moral,' so, on the other hand, it does not follow, that the commandments of the Mosaic Law that he is bound to obey them, but because they *are* moral. Indeed, there are numerous precepts in the laws, for instance, of Solon and Mahomet, from a consideration of which no Christian man can pretend to an exemption; yet, though we are bound to practise almsgiving and several other duties thus enjoined, and to abstain from murder, for instance, and false witness, which these lawgivers forbid, no one would say that a part of the Koran is binding on Christians; since their conduct in determining the authority of the Koran, but by the nature of the case.

WHATELY'S VIEWS ON THE SABBATH QUESTION.

NOTE A, TO ESSAY V.

I have already hinted at the suspicions that some persons, who do not really believe the Mosaic Law relative to the Sabbath to be binding on Christians, yet think it right to encourage or tacitly connive at that belief, from a sense of expediency, in thus upsetting the minds of the common people. Indeed, I know as a fact, respecting several persons, who are in reality, quite with myself, in this matter, they fully coincide with my views on the present question, though they judge it not advisable, at present at least, to come forward and avow their opinion. But there are others, who, I fear, maintain the same tenet from sincere conviction. Some again there are, who conceive the observance of the Lord's day, and the observance of the Sabbath of the Decalogue, but on a supposed command given to all mankind at the creation; the force of which, as it was antecedent to the Mosaic law, cannot, of course, be affected by its abolition. These views, though I cannot coincide in them, are not, it is plain, at all at variance with what has been said in the 5th Essay.

But the opinion, that Christians are bound to the hallowing of the Lord's day in obedience to the fourth commandment, goes much further. It implies that there is a *part*, at least, of the Mosaic law binding on Christians; I should say, the *whole*; for, since the fourth commandment is, in the language of morality, but a *positive* precept, it being a thing in itself indifferent, antecedent to any command, whether a seventh day, or a sixth, or an eighth, be observed). I cannot conceive how the consequence can be avoided, that I was are dobtors to keep the whole law,' ceremonial as well as moral. 'The dogma of the 'Assembly of Divines at Westminster,' that the observance of the Sabbath is part of the moral law,* is no utterly unintelligible. Yet unless we assent to this, adopting some such sense of the term 'moral' as it is difficult even to imagine, I do not see on what principle we can consistently, (I speak of the fourth commandment, and yet claim exception from the prohibition of certain meats, and of blood, 'as the things necessary for strangers,' in the Ceremonial law. But to those who fear that the reverence due to the Lord's day would be left without support, should we deny the obligation of the Mosaic law, I would say, the consideration of the ground of which I would alone be sufficient to show their apprehensions are entirely groundless.

1st. There is no mention of the Lord's day in the Mosaic law.

2d. That the power of the Church bestowed by Christ himself, would alone (even independent of Apostolic authority) be, in my opinion, at all events, sufficient to sanction and enforce the observance.

To seek, therefore, for support for an institution which is therefore, in itself, the work of Christ, and which, consequently, he has promised to bind in heaven,' among the abrogated ordinances of the Mosaic law, where after all it is not to be found, is to reject the foundation of rock to place it on one of sand: it is to 'seek for the living among the dead.'

3d. saying that there is no mention of the Lord's day in the Mosaic law, I mean, that there is only no mention of that specific festival which, Christians now keep in lieu of the Jewish rest, in memory of our Lord's resurrection on the morning following the Jewish Sabbath, but that there is not (as has sometimes been incautious ly stated) no mention of the Jewish Sabbath, the seventh day, in the Mosaic law. Throughout the whole of the Old Testament, we never hear of keeping holy *some one* day in every week, but the seventh day, as the day on which God 'rested from all his work.' The difference, accordingly, between the Jews and the Christians, is not a difference in the seventh day; (this would be a matter of no importance.* Our computation is the same as theirs. They, as well as we, reckon Saturday as the seventh day of the week, and they keep it holy in memory of God's resting from the work of creation; we keep holy the *first* day of the week, as the first, in memory of our Saviour's rising from the dead on the day after the Sabbath.

Now, surely, it is presumptuous to say that we are at liberty to reject a divine command, whose obedience we admit to be binding on us, on the ground that it matters not whether this day or that be set apart as a Sabbath, provided we obey the divine command respecting the Sabbath. On the contrary, if we should remember, of 'Jezebelin, the son of Nebat, who made Israel to sin,' was a matter of no moment, yet, if he ordered the day of the 10th month, *'ten day that he had decreed of his own heart.'* The Samaritans, 'who worshipped they knew not what,' perhaps acted on a principle, which, if it be carried out, would, when Moses proposed to 'wash in the rivers of Damascus, and be clean,' instead of Jordan. Our river is as good as another; one mountain is good as another; one day of the week is as good as another, *except when there is a divine command which specifies one*; and then, it is our duty not to alter or question a divine command, but to consider whether it extends to us, and, if it does, to obey it.

I cannot, therefore, but think that the error was less, if we should, in obedience to the scriptural injunction relative to the Sabbath to be binding on them, obeyed it just as it was given, (provided they did not, contrary to the Apostle's injunction, Rom. xiv, 3, 'judge or despise their brethren who thought differently,) than of those who, admitting the eternal obligation of the precept, yet presume to alter the day, on the ground, (I allege that the we allow that the 'tradition of the Church' is competent to change the express commands of God, we must, of course, be ranked among the followers of the Romanists) and this, while we censure them for presuming to refuse the cup to the laity of the Lord's supper, on the authority of their Church, tradition, and yet, we do the same thing at least, in this 'tradition' of the Church, and in pleading tradition in behalf of sunday-worship, &c.

In the present case, there is not even any tradition to the purpose. It is not merely that the Apostles left us no command perpetuating the observance of the Jewish Sabbath, (changing the day from the seventh to the first: such a change certainly would have been authorized by their express injunction, and by nothing short of that; since an express divine command is always required, if it be only by the same power, and by the same distinct revelation by which it was delivered.) But not being the Jewish Sabbath, it is not, in fact, the 'this' and for