

T H E
A M E R I C A N M U S E U M,

FOR NOVEMBER, 1788.

The VISITANT.

(Continued from page 320.)

No. VI. *On modesty, bashfulness, diffidence, and the contrary qualities.*

WHY do we dislike the man who expects from us too great a regard to his own merit? I think the answer is obvious, because, by preferring himself, he undervalues us; self-love immediately takes the alarm, and refuses his demand. Forwardness is like a painter, who would point out to us the beauties of his own performance; but we choose rather to discover them ourselves, that our admiration may seem to arise from our own discernment. The opposite quality to this is modesty, a term that bears sometimes a very vague signification; which is owing, in some measure, to this, that its appearance is frequently counterfeited by qualities of a different nature. The terms, modesty, bashfulness, and diffidence, are often used indiscriminately; it may not be amiss, therefore, to enquire into the origin, nature, and merit of the qualities to which they properly belong.

The duties of humility may be divided into two sorts; the first are those which forbid us to entertain too high an opinion of our own perfections; the others enjoin a proper sense of our failures and imperfections. Upon these branches of humility, are founded the two first of the abovementioned qualities. Modesty is that virtue which keeps us from expecting, as a right, the esteem and veneration which our good qualities seem to deserve: and it is evident that modesty must appear universally amiable, because goodwill and approbation are a tribute in our own power, and we choose to bestow them as we please.

As modesty is founded on humility, so they are inseparably connected; we cannot form the idea of an humble

man, without supposing him, at the same time, modest; nor of a modest man, without supposing him humble; for he, who has a proper sense of his own merits, will not challenge an undue esteem for them, and his not doing this is a sure evidence that he has a proper sense of them.

Bashfulness is that quality which discovers to men the sense we have of our own failures and imperfections. The vice directly opposed to it is impudence. The bashful man is ashamed of his faults; but the impudent man is not sensible of them. Bashfulness is frequently esteemed a foible; which may easily be accounted for, because it supposes some fault, without which it would not exist; but I choose rather to call it a virtue, for we are pleased to see men conscious of their defects, and this acknowledgment is the best apology they can make for them. Sometimes, however, we are sensible of all the appearances of bashfulness, without any fault in ourselves which can give rise to them. This proceeds from sympathy; we suppose ourselves in the situation of the person who occasions our confusion, and have the same sensations which we think he ought to feel.

I think modesty and bashfulness may be always known from each other by the distinction I have laid down, viz. that the latter produces in us the disagreeable idea of some defect which occasions it, and therefore gives us pain, although it is, at the same time, engaging; but the former gives us a pleasure, which is not attended with this disagreeable idea. And this leads me to observe, that our admiration of bashfulness extends no farther than to this single good quality; but we cannot admire modesty, without admiring, at the same time, those virtues from which it derives its value.

The other quality, which has passed for modesty, is diffidence; this is **not**

is established, let an act of congress be passed, to prevent any person being chosen or appointed into power or office, who has not taken a degree in the federal university. We require certain qualifications in lawyers, physicians, and clergymen, before we commit our property, our lives, or our souls to their care. We even refuse to commit the charge of a ship to a pilot, who cannot produce a certificate of his education and knowledge in his business. Why then should we commit our country, which includes liberty, property, life, wives, and children, to men who cannot produce vouchers of their qualifications for the important trust? We are restrained from injuring ourselves, by employing quacks in law; why should we not be restrained in like manner, by law, from employing quacks in government?

Should this plan of a federal university, or one like it, be adopted, then will begin the golden age of the united states. While the business of education in Europe consists in lectures upon the ruins of Palmyra, and the antiquities of Herculaneum, or in disputes about Hebrew points, Greek particles, or the accent and quantity of the Roman language, the youth of America will be employed in acquiring those branches of knowledge, which increase the conveniencies of life, lessen human misery, improve our country, promote population, exalt the human understanding, and establish domestic, social, and political happiness.

Let it not be said, "that this is not the time for such a literary and political establishment. Let us first restore public credit, by funding or paying our debts, let us regulate our militia, let us build a navy, and let us protect and extend our commerce. After this we shall have leisure and money to establish a university for the purposes that have been mentioned." This is false reasoning. We shall never restore public credit, regulate our militia, build a navy, or revive our commerce, until we remove the ignorance and prejudices, and change the habits of our citizens: and this can never be done, till we inspire them with federal principles, which can only be effected by our young men meeting and spending two or three years together in a national

university, and afterwards disseminating their knowledge and principles through every county, township, and village of the united states. Till this is done—senators and representatives of the united states, you will undertake to make bricks without straw. Your supposed union in congress, will be a rope of sand. The inhabitants of Massachusetts began the business of government by establishing the university of Cambridge, and the wise kings in Europe have always found their literary institutions the surest means of establishing their power, as well as of promoting the prosperity of their people.

These hints for establishing the constitution and happiness of the united states upon a permanent foundation, are submitted to the friends of the federal government in each of the states, by a private

Citizen of Pennsylvania.



Observations on capital punishments: bringing a reply to an essay on the same subject, published in the American Museum for July, 1788, page 78.

To the printer of the American Museum.

I Send you some strictures on a small performance lately published in the Museum, in which the author, under the specious and popular pretext of humanity, endeavours to shew that it is altogether unreasonable and antisciptural, to punish any crime, even malicious and wilful murder, by death. The author of this opinion has not concealed himself, and, in his own judgment, had no reason to do so. He glories in the sentiment, and expects, that within a century hence, all mankind will be of the same opinion with him, and wishes that his performance may live so long, to testify to these humane people, who are to come into future existence, that there was at least one man in the year 1788, who was as enlightened and humane as they will be. He further hopes, that the history of our wheelbarrows, whipping-posts, and executions for murder, will appear as cruel, inhuman, and unreasonable to posterity, as the cruelties of the darkest ages past, now appear to us. He is a gentleman possessed of many amiable quali-

ties, for which I and others honour him; and I will not pronounce him a sceptic or socinian: but there is reason to think he has been trifling and sporting with their writings, and, either from their books or conversation, has, in some unlucky and unguarded moment, imbibed some of their principles, without seeing the connexion of these, with others which, I am persuaded, he would abhor.

It merits our attention, that this author hath displayed not only against punishing murder by death: he has also published a piece against all public punishments, such as labour on the highways and streets; and declares it as his fixed opinion, that all such punishments should be inflicted in some solitary desert; and yet, (how consistently let all men judge) he affirms, that the sole design of punishment, is reformation. I suppose he means the reformation of the offenders only, who are in the hands of justice: but it is clear, that the end of punishment is much more expanded. It is intended to be a warning to all, to be a terror to all evil doers, even those who are not yet in the hands of justice, that they also may reform, and indeed to strike a becoming reverence of the laws, into the minds of all; to give majesty, energy, and force to government, in order to prevent the perpetration of crimes. But how shall this important end be gained on his plan? How will men be alarmed and warned, if the penalty of the law be executed only in solitude? he replies, the community at large will hear of it, and says, that hell-torments are invisible to us, and yet produce terror on the minds of men, and even alleges that the report produces a greater effect than the sight would; that is, men are more afraid of hell-torments, by only hearing the report of them, than they would be by actually beholding them. I apprehend few men, in their senses, will believe this. I am certain, I have never been half so much alarmed and affrighted, by all the reports I have read or heard, about persons in an agony of horror and despair, as I have been by the sight of such a one. And by a parity of reason, says he, it will produce greater terror to hear of a man being chained to the wheel-barrow, whipped, or hanged,

than to see it. I believe this to be contrary to the experience of all men. I have heard several persons declare, that they have been so affected and moved, at the sight of public executions, that they would never go to see another: and indeed to hear of them, is sufficient for thoughtful virtuous persons: but by no means for men hardened in wickedness. Society is in little danger from the first class; and in great hazard from the last. But, as I said, it is the glory of scepticism, to attack the plainest principles of common sense, and overturn or render doubtful the most certain facts. Besides it may be remarked, that on his plan, very few would even hear of the punishment: it might be published in the newspapers, once or oftener: but few comparatively read them. The novelty of the thing might call up the attention of some, for a few moments: but it is a proverbial saying, founded in truth and experience, "out of sight—out of mind." In short, I can see no method, that will be successful to give any degree of efficacy to punishment on his plan, or render his similitude of hell-torments, in any respect, to his purpose, unless he can provide a number of orators, daily to traverse the country, and declaim on the errors of the wheel-barrow, the whipping-post, &c. within the precincts of the solitary mountain, where he proposes to fix his pandemonium. The apostle, I fancy, understood human nature as well as he or I. He says, "them that sin, rebuke before all, that others may fear;" apply the rule to civil government, and it is, "them that commit crimes, punish before all, that others may fear."

I will now proceed to consider the point in question between him and me, viz. whether it be inhuman, unjust, and contrary to scripture and reason, for civil communities to annex the penalty of death to their laws against wilful and malicious murder, and for magistrates inflexibly to execute it? He says it is so, I on the contrary, affirm, that it is most just, scriptural, reasonable, and necessary; and instead of being inhuman, is really the means of divine appointment to support humanity; and have no doubt but that, with candid men, I shall incontrovertibly establish the point. My arguments

shall be drawn from scripture, from reason, from providence, and the universal consent of mankind, and the consent of the murderers themselves, when in their right minds. After attempting to establish the position by argument, it will be proper to shew the weakness and inconclusiveness of our author's reasoning.

It is customary with the Socinian sceptics, to undervalue the Old Testament, as not applicable to the present dispensation; and to consider the New Testament as their only rule; and happy would it be, did they even allow it the efficacy of a rule. But their conduct in this is very absurd and inconsistent. The apostle evidently spake of the Old Testament, when he said to Timothy, "From a child thou hast known the holy scriptures, which are sufficient to make the man of God perfect, fully furnished to all good works. All scripture is given by divine inspiration, and is profitable for doctrine, reproof, correction, and instruction in righteousness." The reason is obvious and cogent: the New Testament was not composed when Timothy was a child. Any person who understands the bible, but with a moderate degree of perspicuity and accuracy, will readily see, that the Old Testament and New are constituent parts of one whole; pillars of the same arch, which cannot stand without one part bearing on and supporting the other. There is an unity of design throughout the whole. That there are several things in the Old Testament typical and prefigurative of the Messiah, is granted. But were the immutable laws of justice and equity typical? Surely not. Our author discovers much weakness in saying, "May not the punishment of death, inflicted on murderers by the Mosaic law, be intended to represent the demerit and consequence of sin?" What occasion, what necessity for such a type, when men were dying daily, and some with as great agony as a violent death could create, some by earthquakes, a stroke of lightning, or by other accidents? If none had died, except by legal executions, until Christ came in the flesh, there would be some shadow of reason in what he says. But what necessity of a type of death, when

death, the demerit of sin, was continually present before their eyes? This is to sport with the divine word, it is mere travelling.

The first proof of our point, which I shall mention, is the decree of heaven announced to Noah. Genes. 9, 5, 6. "And surely the blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man, at the hand of every man's brother will I require the life of man." But how? It follows: "whoso sheddeth man's blood, by man shall his blood be shed, for in the image of God made he man." Our author cannot say, that this is a Mosaic, a ceremonial, and typical institution. It was given long before the days of Moses. He cannot say, that God alone has the right to dispose of human life by an immediate stroke of his own hand, and that courts of justice, by punishing murder with death, invade God's prerogative, because here he commits this work, as a sacred trust, into the hands of such courts. He says "at the hand of every man's brother will I require the life of man." But how? By his own immediate interposition? No, this would be a miracle, and out of the ordinary course of nature. The supreme being governs the world by divine institutions, laws, and ordinances, and by appointing magistrates as his ministers to execute them. Therefore it follows, "whoso sheddeth man's blood, by man shall his blood be shed." But this author tells us, that the rev. mr. Turner alleges, this is only a prediction of what should generally happen. I could almost warrant it, that this same mr. Turner is a Socinian sceptic. But I ask, does the text bear any such appearance? Let any one read both the fifth and sixth verses, and determine. It carries with it all the authority and majesty of a statute, of a divine ordinance, never to be repealed. But supposing what mr. Turner alleges were true, is the prediction given forth with any signature or token of disapprobation? This is always the case when any thing sinful or immoral is predicted, as when it is said, "He that leadeth into captivity, shall go into captivity. He that taketh the sword, shall perish by the

sword." The difference between the modes of expression is very manifest. The ordinance given to Noah is majestic, authoritative, and mandatory. The other sentences are general, and carry the very air of a prediction. But I affirm, were it only a prediction, it is a prediction with an infallible mark of divine approbation stamped on it. "Whoso sheddeth man's blood, by man shall his blood be shed." Why so? For what reason? "For in the image of God made he man." If, according to our author, it had been only a prediction, accompanied with the disapprobation of heaven, the reason would have been very different. It would have been, for man is, or will be a savage, a monster of cruelty and injustice, so cruel and sanguinary, as to put to death that harmless animal who murders his brother.

Our author himself is in doubt about Mr. Turner's explication, and attempts another, viz. mankind at the time this command was given, were in the first stage of society, or in the savage state. But what becomes now of his argument drawn from the procedure of the Almighty with Cain who slew his brother Abel? He infers from this, that as the Almighty did not put Cain to death by his own hand, therefore civil society should also let murderers go free, or at least not put them to death. I shall have occasion afterwards to examine this his argument from Cain's case. Mean time, let me put him in mind, that surely the world was younger, and society more immature, in Cain's time, than in Noah's; and therefore, by his rule of reasoning, in a more savage state. And I will leave it to all men of sense and honesty, whose judgments are not warped by some favourite and false hypothesis, to decide, if they were to land on some unknown continent, where different nations resided; and observed, that in one nation, deliberate and malicious murder was never punished by death, but with some slight punishment, such as confinement, labour, or a commutation of a pecuniary nature: in another it never failed of meeting with condign punishment, or blood for blood; which of the two nations would they deem the most savage? I am certain

common sense would consider the first as most barbarous, and the most remote from civilization, justice and equity.

In the book of Numbers, chap. 35, 16—19, we have the policy of the Jewish state on this head set before us. Jehovah resumes the statute given to Noah, incorporates it with the body of the national laws, and establishes it by his divine authority in the most solemn manner. Ten times, within the compass of a few verses, it is repeated, "The murderer shall surely be put to death, and thou shalt take no satisfaction for the life of a murderer." The reason is given, and a weighty one it is, "So ye shall not pollute the land with blood; for blood defileth the land, and the land cannot be cleansed of the blood shed therein, but by the blood of him that shed it." Mr. Turner may, if he please, call this only a prediction of what should happen, not what ought to take place: but I think few will believe him. And if our author should call it a typical and ceremonial precept, I think as few will believe him. It would be too tedious to mention all the passages in which the original institution given to Noah is recognized and approved. I shall only notice one or two more taken from the Old Testament. Proverbs 28, 17. "A man that doeth violence to the blood of any person, shall flee to the pit, none shall stay him." Ezekiel 18, 10—13. "If a man beget a son that is a robber, and a shedder of blood, the son shall not live, he shall surely die, his blood shall be upon him."

Let us now cast our eye to the new testament. But before I proceed to this, it is necessary to remark, that Jesus Christ did not act as a civil legislator. He did not appear as an earthly prince, or to set up a temporal kingdom in this world. His kingdom is spiritual, and consists in righteousness, and peace, and joy in the Holy Ghost. He refused to be made an earthly king. He prescribed no modes of national and civil government, gave no political laws to civil society, did not intermeddle with the police or governments of states; this was altogether foreign to the design of his mission. He gave laws to his church, his own kingdom, which is redeemed by

his blood, called and sanctified by his spirit. And it is clear, that ecclesiastical laws have no temporal penalties annexed to them. "It has been said, (says this divine legislator) 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 the one cheek, turn to him the other also." &c. *Math. 5, 38—39.* All this is right and proper in the church, and were a member of Christ's church to commit even murder, and were he by some means or other, either not to be noticed by the state—or, when tried, on account of the want of evidence, or some other cause, acquitted in a civil court, it would be wrong in the church to put him to death, even though he should confess the crime or scandal before the church. Yea, on his giving proper evidence of repentance, the church would not, and could not, according to the laws of Christ, cast him out of her communion; and I doubt not, but some, who are justly executed by the state, may die in full communion with the church, and go to heaven. The church can ask no more than sufficient signs of repentance, or tokens of the person's reconciliation to God. There is nothing punitive or vindictive in her censures. She knows nothing of civil pains or penalties. Church discipline is called in scripture a bewailing or lamenting over the offender. But how will this apply to civil policy, or the government of temporal kingdoms? it is absurd thus to blend ecclesiastical discipline with civil policy, or to confound the spiritual kingdom of Christ with the kingdoms of this world, and the laws of the one kingdom with the laws of the others. After making this remark, it is sufficient to ask, does Christ any where condemn the laws of civil society which put murderers to death? does he annul or repeal them? does he thus intermeddle with the governments of men, or give the least hint that such a law in civil society is cruel and unjust? it is certain, that the political system of Moses put the murderer to death; does Christ annul or repeal it? No, he declares, he came not to destroy the law. All the rant and noise, then, about its being contrary to the spirit of christianity, must go for nothing, ex-

cept to prove the injudiciousness of its authors. It is contrary to the spirit of christianity, to commit murder: but perfectly agreeable to it, to put the murderer to death. For Jesus Christ evidently recognizes and approves the original statute given to Noah.— This he does, *Math. 22, 6,* "And the remnant took his servants, and slew them: and when the king heard thereof, he was wroth, and sent forth his armies, and destroyed these murderers." It is in vain to say, that this is a parable, and that the king represents the Almighty himself; for it may be asked, in what do kings and magistrates represent God? Doubtless in having the power of executing the laws, wielding the sword of justice, and punishing the wicked. They are God's viceregents, his ministers, and revengers, to execute wrath on him that doeth evil. "By me," says God, "kings reign, and princes decree justice." And it is manifest that Christ speaks of the king's conduct as proper and just, and the destruction of the murderers as altogether righteous. The apostle Paul, in his speech before Festus, the Roman governor, recognizes, and approves it. *Acts 25, 11.* "If I be an offender," says he, "or have committed any thing worthy of death, I refuse not to die." But according to our author, Paul was a fool, a savage; for none of the sons of Adam can commit a crime worthy of death by the hands of men: and therefore if Paul had committed even the barbarous crime of murder, he ought to have refused to die. But O! how wise does the humanity of sceptics and socinians make them!

The same is evident from *Rom. 13,* "Let every soul be subject to the higher powers; for there is no power but of God: the powers that be, are ordained of God. Wilt thou then not be afraid of the power, do that which is good, and thou shalt have praise of the same; for he is the minister of God to thee for good. But if thou do that which is evil, be afraid, for he beareth not the sword in vain, for he is a minister of God, a revenger to execute wrath upon him that doeth evil." The sword is an instrument of death; it is, by a figure well known in rhetoric, put for the execution of the sentence of death. Now, says Paul,

the magistrate is ordained of God, he bears the sword, and bears it not in vain. He has the power of executing death on the transgressors of the law. He is a revenger to execute wrath on him that doeth evil, and surely if any crime can deserve death, murder deserves it. I shall not add any more proofs from God's word: but will only say, heaven forbid! that ever this gentleman's humanity should take place and prevail in our land, for, according to the scriptures, it would defile the land with blood.

It is delightful to observe the coincidence of reason with the doctrine of revelation on this subject.

1. Civil government is certainly moral government, and by it God carries on his moral government of the world. The moral sense, or the indelible impression on the human heart, of right and wrong, of the immutable principles of justice and equity, is just the authoritative voice of God in the soul. It is the divine law ruling in the heart, and wherever the divine law rules, we may safely say, there is the divine government. Now does the crime of murder deserve the stroke of death immediately from the hand of God? This our author does not deny. Therefore I affirm, that the civil magistrate ought to execute it; because he is the minister of God's moral government. It pleases the Supreme Being to conduct the government of this world by a delegated administration, or a subordinate series of secondary causes. The finger of the Almighty is concealed under that thin veil: but it is no less the work of God on that account, and the execution of justice by God's ministers, is God's execution of it, and avenging justice is not excluded from this idea, for says the apostle, the civil magistrate, who is undoubtedly God's officer, "is a revenger to execute wrath on him that doeth evil." I know it will be objected to this argument, that many other crimes deserve death by the immediate stroke of the divine hand, and that according to this, civil rulers ought to execute it. The only answer that this merits, is, Do these crimes come as properly within the magistrate's province? Are they as really political injuries to society, and of as great magnitude? If they be; doubtless

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the magistrate ought to punish them in the same manner. But perhaps no crime is a political injury to society equally with murder, and it is certain that none comes more properly under the cognizance of civil authority. Other crimes ought to be punished proportionally to their malignity. Scepticism is nearly allied to atheism. Sceptics exclude the Supreme Being from the government of his own world. They do not see, and will not acknowledge him in his own institutions and laws. They separate created agency from the idea of the divine agency therein, even in those instances where the creature acts according to a divine institution, or by the authority of the divine law. They detach the idea of God's majesty and authority from civil magistracy, which is certainly his institution. Thus, though God be present and visible in all his works, they are so blind, as not to see him in any.

2. It will not be denied by our author, that the grand design of the social union, or of the compact which forms society, is, to protect life, property, and liberty; life as much, if not more than any other of the two. This is an incontrovertible principle. If indeed life was never in danger, and could not possibly be so in the social state, there would be no reason to make the preservation of it an end of the social compact: but all men know that this is far from being the case. If all men were perfectly holy, just, and good, I will not say, that there would be no need for law and government among them; but I am certain, there would be no necessity for coercion, compulsion, or punishment. Laws with severe penalties annexed to them, are made for the lawless and disobedient, for the ungodly and for sinners, for unholy and profane, for murderers, for manslayers; and such there ever have been, and will be in society. Therefore the protection of life is a grand and principal end in the social compact, and institution of civil government. But the compact which is designed to protect life, must in the very nature of things, imply a power to take away the life of the aggressor; because in many cases the life of the innocent could not otherwise be protected. This I think all men must

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grant. Our author can deny none of these principles. He cannot deny, that the lives of good men are often in danger from the cruelty, injustice, and ferocity of the bad; nor can he deny that it is the chief end of the institution of civil government to protect the lives of the good; and it is equally certain, that in many cases their lives cannot be protected in any other way, than by taking away the life of the aggressor. All this is diametrically opposite to his nostrum, that men in no cases whatsoever have a right to take away the life of a fellow creature.

3. The social compact is such, that the life, property, and liberty of the whole community, are collected into one common stock, and are committed to the protection of the civil magistracy. This compact is founded on the immutable principles of justice and equity, that is, the life, property, and liberty of each member, shall be safe, while he continues obedient to the fundamental laws of society, and no longer. If these laws be violated by him, he forfeits one or all of these, in proportion to the demerits of his crime. All this is made known to all the members of society, in the penalties annexed to the laws. The preservation of life is the principal object in this compact, as has been said, and the law established for this purpose, is every man's dearest birth-right, and highest privilege. All that a man hath, will he give for his life. If then, it be on certain conditions only, that society engages to protect life; surely, if these conditions be violated, the obligation on society to protect the violator's life, is annihilated by his own consent. He can have no claim to his life by the social compact. Society is under no obligation to protect him. And if he be not protected by society, the relations of the murdered will naturally take vengeance, in doing which they would be warranted by the divine law, and also by society's dropping the protection of him. This would be their right, in a state of nature. But this method of procedure would involve greater difficulties, and perhaps be the occasion of fresh murders; wherefore it is much better to commit the power of executing the sentence of death on him, to the magistracy of the country, than

to leave it in the hands of individuals.

Our author, I suppose, has never had a father, a brother, a wife, or a child murdered by the cruel hands of any ruffian. It is an theory with him. But if ever it be his lot (which may providence prevent) to have a beloved son violently murdered, he will feel otherwise than he does now; his fictitious humanity will evaporate before the strong and irrefragable feelings of nature, and perceptions of justice and equity; and his vanity, which prompts him to write in opposition to almost all men, whom he represents as fools and savages, will vanish as chaff before the whirlwind.

4. To punish murder with death, exactly coincides with the grand end and intention of civil government, which is chiefly to prevent crimes. I say chiefly, because there seems to be something more in it. It is the opinion of many, and I cannot see that it is ill-founded, that on some occasions, public justice requires a sacrifice; the majesty of the laws requires it; and without admitting it, the law must appear a very ductile, pliable, trifling thing; instead of having stability, it must be as a reed shaken before the wind. The laws of civil society, founded on the immutable principles of justice, are God's laws; civil courts are his courts; civil magistrates are his ministers. This is the uniform voice of reason; wherefore, on some occasions, I believe, public justice requires a sacrifice. But however this may be, I am certain, that to prevent the commission of crimes, is the principal design of the institution of civil government. How shall this be done? no doubt all previous pains should be taken to form the manners of the people to religion and virtue: but these pains may prove, and often do prove ineffectual. Some men are as the horse or mule, which have no understanding, whose mouth a bridle must command, lest they come near to us. An assassin commits murder. Must we leave it in his power to commit more? he invades God's prerogative, takes away the life of his fellow creature, against law, against justice, without authority; and from the base principles and motives, robs society of a valuable, useful member, whom to-

ciety was under the strongest obligations to protect; robs a tender wife of her husband, perhaps a young, helpless family, of an indulgent parent, and commits all this outrage against the laws of God and man, only to gratify his horrid, diabolical passions. Shall the monster live? Shall society run the hazard of his repeating his iniquity? Forbid it, justice! Forbid it, heaven! by his death, God is glorified, the law honoured, public justice satisfied, the land cleansed from blood, and society secured in peace and safety; for while it is effectually put out of his power to repeat his transgression, it is a solemn and awful warning to others, to beware of splitting on the same rock.

5. It is founded on strict justice. The ancient law, "an eye for an eye, a tooth for a tooth," is not a ceremonial precept, nor typical. In the name of wonder, of what could it be a type? It stands on the immovable foundations of strict justice, equity, and truth. Christ, indeed, repeats it in his church, for there is nothing punitive or vindictive in the censures of the church. Signs of repentance or reconciliation to God are all that is requisite in his spiritual kingdom: but will this author say, that Christ repealed it in civil communities? Did he intermeddle with the policy of states or commonwealths? Did he erect a temporal kingdom in this world? Surely not. The members of his church are, and must be the members of civil communities. Did he advise them not to submit to the laws of equity in such societies? No, his word every where enjoins the contrary. This author will allow, that if he have lent his neighbour a sum of money, it ought to be repaid to him, and that with interest too. He will admit of money for money, pound for pound, and ox for ox; why not, then, eye for eye? Because, he will say, it will be of no service to injured innocence, that the guilty suffer. Herein he is mistaken; it will be the means of preserving the injured person's other eye, and is of infinite service to society, as a caveat against such outrages. And I am of opinion, that greater exactness and promptitude in punishing crimes of inferior magnitude, might tend much to prevent the necessity of capital punishments. From

all which, we may justly infer, that blood for blood, or life for life, is a most just and necessary law; and in proportion as our bodily members and life are more precious and important than property, so should the laws for their preservation, be more strict and severe, and more inflexibly executed.

6. His scheme is either altogether inefficient to gain the purposes of civil government, or it will be most savage, barbarous, and cruel. He is for punishing the murderer with labour. But it is self-evident, that he cannot labour with his hands and feet in chains, nor without a guard continually waiting on him. If his hands and feet be loose, the blood-thirsty wretch will have it in his power to commit murders without end; the life of every man near him will be in danger. He knows the worst that can befall him. Men cannot by the law make his condition more afflictive and miserable, than it is, and it is well known, that when a man has once imbrued his hands in blood, he will not be very scrupulous about repeating the horrid transgression; evil habits grow fast. All men enter the dark path of vice with fear; but as they advance, they become more bold, and assume courage. Or if he be for confining the criminal continually in a dungeon and in irons, this would be to kill him by inches; it is like putting him to death in a slow manner, on the rack or wheel; which would be most barbarous and savage indeed; and like delighting in human misery. And I do not see, but that on his absurd principles of humanity, he must starve him to death, for otherwise, the desperate creature may have it in his power at one time or another, by one means or another, to murder at least the person who supplies him with food. Our author throws out one very shocking idea, "Let him live, (says he) to support by his labour that family which he has robbed of a father, or other valuable member." I will put a question home to his feelings, supposing a midnight robber were to murder him, while sleeping securely, as he vainly imagined, under the protection of the laws, how would his lady and children relish the food which, in this case, and on his plan, might be called the price of his blood?

Finally by a divine and yet a human institution, viz. marriage, we lawfully receive life. By a divine and yet a human institution, viz. civil government, our life is preserved, and therefore, by a similar institution, or by divine and human laws, the life of a murderer may be lawfully taken away. The whole course of divine providence favours and supports this opinion. God, in innumerable instances, makes it manifest, that he is not an idle or careless spectator of the wickedness of men. The footsteps of the divine majesty may be clearly traced in his government of the world. He makes it evident that verily there is a God who judgeth in the earth. This is wonderfully verified in the almost universal detection of the unnatural crime of murder, and in bringing the perpetrators to condign punishment, by a chain of providences, which the wisdom of man had no hand in forming, and of which the criminal himself had neither the smallest foresight nor fear. Many such examples are on record, and incontrovertibly authenticated: and I wish they had all been preserved, and might in future be so. It would be for the interest of nations to preserve and publish authentic registers of such things.

Finally, the universal consent of mankind, and the consent even of the murderers themselves, when in their right minds, confirms the argument. All nations, in all ages, have agreed in this truth, that the murderer should not be permitted to live, Jews, Heathens, Mahometans, and Christians, barbarous and civilized nations unanimously concur in it. The barbarians, on the island Melita, now Malta, said of Paul, when they saw the viper fasten on his hand, "surely this man is a murderer, whom, though he have escaped the dangers of the sea, yet vengeance suffereth not to live." It is like one of these self-evident truths, to which reason assents as soon as it is proposed. It seems to be almost as evident as that there is a God, a providence, that God is righteous and just, and will, in his holy providence, avenge the guilty, and reward the righteous. And I think it cannot be denied, that in the ordinary course of his government, he doeth this by the

agency and ministry of his creatures, though sometimes he may step out of his ordinary way. By the ministry of angels, he destroyed Sodom and Gomorrah; and by the ministry of honest and upright magistrates, he cuts off the wicked, administers moral government, and supports order and justice among men. It is wrong in this writer to combat the divine institutions, the divine laws, and the immutable principles of justice and equity: or to attempt to overthrow the eternal foundations of God's moral government. Such sentiments appear nonsensical to men who consider what they say, or maturely think, before they affirm. He indeed attempts to enervate this argument, by alleging that all nations have agreed in favouring slavery: but even supposing this were true, it will not prove the inclusiveness of the other argument. Because nations are not perfect; this will not prove that there is nothing good about them. Because they have been wrong in too much encouraging slavery, this will not prove, that they are wrong in believing the existence of a Supreme Being, and administering justice. But on his plan, we should have slavery in abundance, because a slight punishment would multiply murders, and according to his plan, all murderers must be for ever slaves. But it is not true, that the encouraging of slavery has been, and is, as universal as the punishing of murder by death. Far from it. And I appeal on this head to all men acquainted with the history both of the past or present ages. It is needless to enter on the detail, it is a notorious truth. It is true that all ages, in all nations, have seen the necessity of supporting the relation of master and servant; and this is a relation divinely instituted, and essential to the existence and welfare of society. Slavery is carrying the divine institution beyond its due bounds; it is only a partial abuse of a good and lawful thing. But what degrees are there in death? I believe indeed that the punishing murderers with torture, and putting them to unnecessary pain, as in the recent instance at Martinico, is an abuse of the divine institution on this head, similar to that of abusing the lawful relation of master and servant

to slavery. He further says, that the empress of Russia, the king of Sweden, and duke of Tuscany, do not punish murder by death: and for this reason, he calls them the wisest legislators in Europe. A fine reason indeed! and can it be so, that the supreme wisdom in legislation shines in the barbarous nation of Russia, which but a few years ago only emerged from the deeps of barbarism, and attained any tolerable degree of civilization? or can it shine with such lustre in the dark regions of Sweden, their near neighbours? or among the bigotted superstitious papists of Tuscany? I can scarcely believe it. I wish our author had dilated more on what he has so bluntly asserted. He should have given his authority, and mentioned what they have substituted in the place of the common punishment. I am not sufficiently acquainted with the internal police of these nations, to contradict him; and yet I am not altogether willing to take his word for it, without further illustration. Punishments of some kind they must have. Are there no public executions in these nations? it would be absurd to put any others to death, and spare murderers. Perhaps it is horrid cruelty that actuates them. Possibly they throw them into the mines, to die there by inches. Is the spirit of christianity more powerful among the Russians and Swedes, than any where else? there is little reason to think it. If the fact be so, I am apt to think, it is owing to the imperfect administration of justice among them. It is certain, that the great czar, Peter the first, was not squeamish about taking away life. He ordered a nobleman to immediate execution, for only kissing the hand of his queen, as he helped her out of her coach; and took care next day to take the queen to see the fight. He used to hang up in dozens, the robbers that infested his kingdom, and left them on hooks fastened through their ribs, to writhe out their lives in the most excruciating torture. He was not very squeamish neither, about making war on his neighbours. The present empress thinks not much of shedding the blood of thousands of Turks, and of her own subjects, in a contention about the right of dominion over a small corner of this earth.

And I wonder what this wife christian princess has done with her husband, whose throne she usurped some years ago, while she quietly slipped him out of the way of her ambition! All the world knows the mad bloody freaks of Charles XII. of Sweden; and these very humane people are now falling pell-mell on their humane and wise neighbours the Russians.

On this head, I may mention the consent of murderers themselves. Very few comparatively have been executed for the crime of murder, who have not confessed their guilt, and that their punishment was just. Some, who have died sincere penitents, who have been divinely illuminated and blessed with faith in Christ, and hopes of pardon and eternal life, in full possession of their reason, perfectly in their right minds, and possessing the spirit of Christ, have, with the utmost contrition and humiliation, acknowledged the justice of God and man in their punishment. The penitent thief on the cross, who probably had been concerned with Barrabas in sedition and murder, speaks to this purpose. "We suffer justly for our faults," says he. I will mention another, who was executed at Cambridge, near to Boston, a few years ago. This man's name was A———r W———c. He murdered the master of a small coasting vessel at sea, but was soon apprehended. As he owns himself, he had invented various ways to charge the guilt on a passenger in the vessel; but after being secured in prison, he fell under a most powerful work of conviction, and finally obtained comfort, by being enlightened in the knowledge of the way of salvation by faith in Christ's blood, and the mercy of God to the chief of sinners through that blood. He then freely confessed his guilt: on his trial before the court, he was told, that pleading not guilty, was no more than putting himself on trial by his country. "I know it, says he, I know it. But my conscience tells me, that I am guilty before God and man, and therefore I will confess it, though I believe, added he, the evidence would not be sufficient to convict me. I deserve to die by the law of God and man. I have forfeited my life to justice, and I

don't wish to retain it. He pleaded guilty twice before the court, and did in the most believing, penitential, melting, and joyful frame, full of faith and of the Holy Ghost: but invariably confessed the justice of his sentence. I have now in my study, the sermon preached before his execution, and two printed letters written by him in prison, which fully attest these facts; and would depend more on such a solemn certain evidence as this, than on the sophisticated arguments, false reasoning, and deceitful colouring of all the sceptics and sociinians, from the beginning of the world to the end of time; though on this alone, I do not rest the weight of my argument.

(*To be continued.*)



The Pennsylvania farmer's letters.
By the hon. John Dickinson, esq.

(*Continued from page 378.*)

LETTER III.

My dear countrymen,

I REJOICE to find that my two former letters to you, have been generally received with so much favour by such of you, whose sentiments I have had an opportunity of knowing. Could you look into my heart, you would instantly perceive a zealous attachment to your interests, and a lively resentment of every insult and injury offered to you, to be the motives that have engaged me to address you.

I am no further concerned in any thing affecting America, than any one of you; and when liberty leaves it, I can quit it much more conveniently than most of you. But, while divine providence, that gave me existence in a land of freedom, permits my head to think, my lips to speak, and my hand to move, I shall so highly and gratefully value the blessing received, as to take care, that my silence and inactivity shall not give my implied assent to any act, degrading my brethren and myself from the birthright, wherewith heaven itself "hath made us free."

Sorry I am to learn, that there are some few persons, who shake their heads with solemn motion, and pretend to wonder, what can be the

meaning of these letters. "Great-Britain," they say, "is too powerful to contend with; she is determined to oppress us; it is in vain to speak of right on one side, when there is power on the other; when we are strong enough to resist, we shall attempt it; but now we are not strong enough, and therefore we had better be quiet; it signifies nothing to convince us that our rights are invaded, when we cannot defend them; and if we should get into riots and tumults about the late act, it will only draw down heavier displeasure upon us."

What can such men design? What do their grave observations amount to, but this—"that these colonies, totally regardless of their liberties, should commit them, with humble resignation, to chance, time, and the tender mercies of ministers?"

Are these men ignorant, that usurpations, which might have been successfully opposed at first, acquire strength by continuance, and thus become irresistible? Do they condemn the conduct of these colonies, concerning the stamp-act? Or have they forgot its successful issue? Ought the colonies, at that time, instead of acting as they did, to have trusted for relief to the fortuitous events of futurity? If it is needless "to speak of rights" now, it was as needless then. If the behaviour of the colonies was prudent and glorious then, and successful too; it will be equally prudent and glorious to act in the same manner now, if our rights are equally invaded, and may be as successful. Therefore it becomes necessary to enquire, whether "our rights are invaded." To talk of "defending" them, as if they could be no otherwise "defended" than by arms, is as much out of the way, as if a man having a choice of several roads to reach his journey's end, should prefer the worst, for no other reason, but because it is the worst.

As to "riots and tumults," the gentlemen who are so apprehensive of them, are much mistaken, if they think, that grievances cannot be redressed without such assistance.

I will now tell the gentlemen, what is, "the meaning of these letters." The meaning of them is, to convince the people of these colonies, that they

T H E
A M E R I C A N M U S E U M,

For D E C E M B E R, 1788.

The VISITANT.

(Continued from page 393.)

No. VII. *Remarks on the fair sex.*

MY professed regard for the fair sex has occasioned various conjectures, as to my character. Many conclude, that I have studied philosophy more than the ladies, and that I judge too hastily from appearances. Some imagine, that the indefatigable industry with which I have applied to whatever regards the fair sex, must proceed from an unaccountable partiality, and they think this has too far prejudiced me in their favour: and hence there are those, who think that I am one of the more serious sort of their daily attendants; and some that I am an old bachelor, who has devoted his life to their service, in the character of a general admirer. Others again suppose, that this boasted knowledge in female affairs must be a mere pretence, which I have insinuated to give a sanction to my sentiments: they insist, that I discover but little acquaintance with the female mind: and some things, which I have advanced, gave occasion to a gentleman of figure in the *beau monde*, to make a shrewd guess—that I was never married.

Whence proceed the unfavourable sentiments, which are generally entertained of the fair sex?—I believe, that, among other causes, the following will be found to be of great influence;—that the ladies, in their endeavours to please, do not always make a proper distinction between admiration and esteem.—There are qualities, which are the objects of our admiration, and not the objects of our esteem; and therefore the most effectual steps to excite the former, may not have the least tendency to engage the latter. I beg leave to enquire, whether a lady is not to be looked on as an intelligent creature, and whether the qualities, which we may expect in her

in consequence of it, are not to possess the first rank among her accomplishments?—certainly they are; and it evidently follows, that all the pains, which a woman can take to attract the admiration of the world principally to accomplishments independent of these, are spent to make her appear less important than she really is; insomuch that, should a man allow more admiration to these inferior qualities, than is due to them, yet still he may have less esteem for the woman than she merits. As I would do all that lies in my power, to instruct my fair readers in the art of pleasing, I must request them to pay a particular attention to this distinction: for, whenever it comes to be a prevailing fault among the ladies, that they appear to pride themselves most upon accomplishments, which have very little connexion with the virtues of the mind—men are naturally led to imagine, that such accomplishments are the most important of female excellencies; and hence they entertain sentiments of the sex, which tend to undervalue them.

When a woman appears too fond of the charms of her person, we call her vain:—vanity consists in valuing ourselves upon accomplishments, which are of little importance. We look upon those, who are addicted to vanity, as persons of a narrow mind; and hence it is, that this vice is the object of our contempt as well as our aversion.

Now, what is the consequence of this female vanity?—Why, men form their idea of a woman's merit, according as she excels in those qualities, which inspire it. Such a lady is an agreeable figure, when she moves in a minute; and therefore she is called a fine woman. Another walks the streets with a grace;—"what an excessive fine woman!"—cries every fool that sees her. A young lady comes into company with a pretty face, after

The gift of the governor and society of Fort St. David, to the author of the Farmer's Letters, in grateful testimony of the very eminent services thereby rendered to this country, 1768.

On the inside of the top—
The liberties of the British colonies in America asserted with Attic eloquence, and Roman spirit,

by
John Dickinson, esquire,
barrister at law.

On the inside of the bottom—
Ita cuique eveniat,
ut de republica meruit.

On the outside of the bottom—A sketch of Fort St. David.

To which the following answer was returned.

Gentlemen,

I VERY gratefully receive the favour, you have been pleased to bestow upon me, in admitting me a member of your company; and I return you my heartiest thanks for your kindness.

The "esteem" of worthy fellow citizens is a treasure of the greatest price; and as no man can more highly value it than I do, your society in "expressing the affection" of so many respectable persons, for me, affords me the sincerest pleasure.

Nor will this pleasure be lessened by reflecting, that you may have regarded with a generous partiality, my attempts to promote the welfare of our country; for the warmth of your praises, in commending a conduct you suppose to deserve them, gives worth to those praises, by proving your merit, while you attribute merit to another.

Your characters, gentlemen, did not need this evidence, to convince me, how much I ought to prize your "esteem," or how much you deserved mine.

I think myself extremely fortunate, in having obtained your favourable opinion, which I shall constantly and carefully endeavour to preserve.

I most heartily wish you every kind

of happiness, and particularly, that you may enjoy the comfortable prospect of transmitting to your posterity those "liberties dearer to you than your lives," which God gave to you, and which no inferior power has a right to take away.

JOHN DICKINSON.

Observations on capital punishments: being a reply to an essay on the same subject, published in the American Museum for July 1788, page 78.

(Continued from page 453.)

HAVING now established the point proposed, by the authority of scripture, of reason, from providence, and the general consent of mankind in all nations and in all ages, yea from the consent of the murderers themselves when in their right minds, I shall proceed to shew the weakness and inconclusiveness of our author's reasoning.

He says, "it is a violation of the first political compact;" for, says he, "men have absolute power over their property and liberty, but not over their lives." I have made it appear, that the very contrary is true: that the social compact is such, that the power to defend the life of the innocent, necessarily involves a power to take away the life of the aggressor; for, on many occasions, it could not otherwise be done; and it is not good sense, to say, that men have an absolute power over their property and liberty, but not over their lives; because it is certain, that our property and liberty are at God's disposal, as much as our lives. "The earth is the Lord's, and the fulness thereof." When the Chaldeans and Sabeans took away the property of Job, he devoutly acknowledged the hand of providence in it. When Joseph was sold into Egypt, he said, "God sent me before you, to preserve life; it was not you that sent me hither, but God." And we have no more moral power or authority to dispose of our property and liberty in an unlawful manner, than of our lives; we are regulated and restrained, in both, equally by the divine law. We may not dispose of any of them in an unjust manner, or against law and equity. We may not use them, but

in conformity to the will of God; and must be accountable to him, for the use, or abuse, of them all.

If we may then commit the protection of property and liberty to the care of civil society, according to divine law, with equal propriety we may commit to it the protection of life, according to that law; and indeed life is the principal thing committed to the protection of society. To preserve it from violence, is the chief object, the principal design of the institution of civil government; and the preservation of the others, is only a subordinate concern. What will liberty and property avail a man, if his life be not safe? "All that a man hath, will he give for his life." And what is this committing of it? if it be done according to the divine law, or on conditions conformable to it, it is committed to the protection of that law itself; that is, to God's protection: for God, in his moral government of the world, does not act by his own immediate agency or interposition, nor by force or compulsion, but by laws, by statutes, and ordinances, given to men; by reason, moral suasion, and the authoritative institution of order, justice, and moral government among them. And if we commit the preservation of life to society in a conditional manner, which is certainly the case, this necessarily implies, that if we violate the conditions or terms, on which we hold it, society is no longer under any obligation to protect it; which amounts to the same thing, as to take it away. The fundamental laws of society are these conditions, and particularly this is one of them, that we do no violence to the blood of our neighbour. Take away this fundamental law, and immediately society rushes to ruin: no man's life is safe. When any one, then, violates this fundamental condition, on which all hold the tenure of life, he forfeits his life by the social compact, and by his own consent.

Our author's scheme would involve society in total confusion and ruin. He would make the tenure of life absolute and unconditional. He says, men can never forfeit it by the law of society. Then the preservation of no man's life is a fundamental law or condition of the social

union; for, if my neighbour may injuriously take away my life, while none has a legal right to take away his for the crime, it is clear, that all men are in the same predicament. Another may do the same to him, and another to another, and each to all; thus no man's life is safe. And then one of two evils must follow, perhaps both; assassination or murder, must become common: or the administration of justice be placed in the hands of individuals. And, if we hold life by an absolute and unconditional tenure, I cannot see, but that we must hold liberty and property in like manner, and cast never forfeit them; for all are committed to the protection of society in the same manner; and this would set aside punishment altogether, and, in effect, repeal all the laws of society; for take away the penalty from a law, and you immediately repeal it. This would introduce universal anarchy and ruin. Thus an unconditional and absolute tenure would amount to none at all.

But if he allow of punishments, he must also admit a ratio between crimes and punishments. It would be absurd, to make the punishment of murder, the highest crime that can be committed against society, the same with the punishment of trespass or theft. I have, on this principle, sometimes questioned the propriety of punishing burglary or highway robbery with death: but am dissident even here. It argues much folly, self-conceit, and presumption, to arraign the wisdom of the wisest men in all ages and nations, and set up my wisdom as superior to theirs. It is certain, that these crimes naturally lead to the perpetration of murder, and are often accompanied with it. But this is not all. We are apt, in balancing this matter, to put in the one scale, the robber's life, and in the other, only his neighbour's property; and then say, what is a little property to life? But this is not weighing things justly. It is not the property taken away, that ought to be balanced against the robber's life; no, the property is perhaps recovered—but it is the order, the peace, the quiet, and safety of society; and then it may be asked, what is one man's life, or the lives of a thousand, what

compared to this? Indeed this object is of such magnitude, that it is the grand and ultimate end of all government.

Our author is for leaving the life of the murderer to the judgment of God alone; "for, says he, God is the proprietor of our life." But God is the proprietor of our property and liberty likewise. Why then not leave these also to the judgment of God alone? A thief steals my goods, a robber assaults me on the highway, and takes my money. Why prosecute them at law? Is it only to obtain restitution? But the stolen goods often cannot be restored; and though they be restored, the criminal is justly punished, to deter him and others from the like crimes. Restitution is not the end of punishment. A neighbour owes this gentleman a debt, which he will not pay; God is the giver and disposer of our property: his providence over-rules all these things. Why does he prosecute at law? Why will he have money for money, pound for pound, and not blood for blood? It is true, that taking away the life of the murderer will not restore the life of the murdered: but it may save, and certainly does tend to save, the lives of thousands.

Besides, it ought to be considered, that civil magistracy is an ordinance of God; courts of justice are his courts; just laws are his laws; honest magistrates are his ministers. There is no power but of God; "the powers that be, are ordained of God; they are ministers of God for good:" and when they judge according to his law, it is not man's judgment, but God's. He gives the decision, and his minister announces and executes the sentence. The magistrate bears the sword, and wields it for God, and he bears it not in vain.

It is said, Cain, who murdered his brother Abel, was permitted to go free by God himself, and that this is a pattern for us to follow. This argument proves too much, more than our author would wish: for Cain was not even put under confinement, which he allows to be necessary. But this argument is of no force; for it may be asked, where was the body politic, to put him to death? There was but one other man in the world, after A-

bel's death; and for a long time afterwards, there were none but Adam and Cain. What civil compact had been formed? What social laws established? Where was the force, requisite to execute the sentence of death? The Almighty would not execute it by an immediate stroke of his own hand; because he intended to establish society, and secure its safety, on another foundation, viz. to commit its protection to magistrates, and entrust them, as his ministers, with the execution of the laws. But he put a mark of his highest displeasure on Cain, drove him from his presence, pronounced him a fugitive and vagabond on the earth. And, as men only began then to exist on the earth, this may be a reason, why God spared him, that the world might not be too long unpeopled, and over-run by wild beasts. But, I doubt not to affirm, that Cain himself, after his posterity were multiplied and formed into a regular society, would see the necessity of punishing murder with death, and accordingly punish it.

I find, from conversation with the amiable gentleman, whose opinion I am constrained to oppose, that, to make his scheme hang together, or bear the appearance of consistency, he declares against all wars, defensive as well as offensive; and I once put the question to him, would you not defend your house against a midnight robber? Yes, said he, I would shut my door. We must suppose your door to have been shut at midnight, before the robber came; and he, not regarding this circumstance, attempts to break through it. What will you do then? Will you make no resistance? The very shutting of the door is to make some resistance. And what is a fleet on the sea, and an army on land, raised for the defence of a country? What is it but shutting the door? The united states are a house too large in its dimensions, to be shut with a door of boards or brass, or even a wall of stone. Therefore, there is no other way to defend such a house, but by a fleet and army: and a fleet and army that durst not fight, would be a solecism. And strange it must be, if we may lawfully destroy our enemy in battle, and not by a judicial process.

Many who scruple the lawfulness of war, have no doubt about the

legality of judicial proceedings, even to the death of the criminal. Offensive wars are, doubtless, contrary to the spirit and precepts of christianity; but mere self-defence is not liable to the same objection. Christianity was never intended to overthrow or subvert the immutable laws of nature, such as that of self-preservation. Had deists found such an absurdity in it, they would have triumphed more in this, and with more just reason too, than in all their other arguments. Do those men, who pretend to be friends to it, at a friendly part, in charging such absurdities on it? Jesus Christ, it is clear, while he does not intermeddle with the policy and laws of states, and is far, infinitely far, from giving encouragement to wars and violence, at the same time allows of self-defence. "He that hath no sword, (says he) let him sell his coat, and buy one." I shall introduce here a remark made by Mr. Jenyns in his treatise on the internal defences of the christian religion. "To the judicious omission of these false virtues, we may add that remarkable silence, which the christian legislator every where preserves, on subjects, esteemed, by all others, of the highest importance—civil government, national policy, and the rights of war and peace: of these he has not taken the least notice, probably for this plain reason, because it would have been impossible to have formed any explicit regulations concerning them, which must not have been inconsistent with the purity of his religion, or with the practical observance of such imperfect creatures, as men, ruling over, and contending with each other: for instance, had he absolutely forbid all resistance to the reigning powers, he had constituted a plan of despotism, and made men slaves; had he allowed it, he must have authorized disobedience, and made them rebels; had he, in direct terms, prohibited all war, he must have left his followers an easy prey to every infidel invader; had he permitted it, he must have licensed all that rapine and murder, with which it is unavoidably attended."

There is indeed one thing, which, perhaps, I should have noticed before: Christ gives particular directions concerning divorce, and regulates it

otherwise, than it was in the Jewish church. "Moses, (says he) for the hardness of your hearts, permitted you to put away your wives." But marriage is not properly a civil institution; it is a natural one. By it, families are formed, not nations. Christ knew, that but few, comparatively, of the real members of his spiritual kingdom, would be the rulers of the kingdoms of this world. "Not many mighty, not many noble are called:" but it was necessary to allow to all the members of his church, the help of marriage; and indeed marriage is the foundation of a succession in the church, as well as in the state. It was therefore necessary to establish it in the church, in its purity, to rectify the abuses of it, and reduce it back to its original institution immediately after the creation of Adam and Eve.

Polygamy prevailed exceedingly among the oriental nations, and divorce is its inseparable attendant. The Jews were a small nation, separated from all the rest of the world, by peculiar laws and institutions, delivered in the oracles of inspiration, committed to them. They were encompassed with other nations, exceedingly differing from them in customs and laws, and particularly with respect to marriage. These nations, as might have been expected, had no small influence upon their manners; and polygamy itself was not entirely kept out of the nation. But it never prevailed nearly so much among them, as among some of their neighbours. "This time of ignorance God winked at." A high degree of perfection, at such a time, and in such circumstances, was perhaps impossible among the Jews. A law in the highest degree perfect, rigorous and strict, on the head of marriage and divorce, infinite wisdom did not think proper to give at that time. The Jewish state was also the church of God, and indeed the only visible church which he then had on earth; and as, on account of the hardness of their hearts, divorce was permitted by the law given to Moses, in some cases, in which it would be altogether improper to admit it in the church of the new testament, which enjoys a far superior degree of light, and higher privileges every way; Jesus Christ acted with infinite propriety, in reducing the law

to perfection, on that head, in the new testament church.

Our author quotes Ez. 20, 25. "I gave them statutes, that were not good; and judgments, whereby they should not live." The phrases, good and evil, must be often understood in very different senses. It is granted, that the Jewish dispensation was not the most perfect; it was introductory to the christian œconomy, which far excels in glory. But it would be dreadful to say, that any statute, morally evil; or contrary to the eternal and immutable principles of justice, was established by divine authority. Penal evil is of a different nature. I suppose the culprit does not feel it good to be whipped, nor the murderer to be hanged; and yet it is just; and the administration of justice is essentially good to society. He gave Moses "a statute, that was not good" in this sense, when he said, Numb. 25, 4. "Take all the heads of the people, and hang them up:" and when, (as in Deuterom. 27.) He threatened direful curses on their disobedience, and obliged them to say, "amen," to every curse; in these instances he gave them "judgments by which they should not live," but die. No doubt of it: those who will not be bound by the precept, must endure the penalty; and in this sense of evil, it may with propriety be said, "Shall there be evil in the city, and the lord hath not done it?"

Our author farther says, "the punishment of murder; by death, is contrary to reason, and to the order and happiness of society." I have proved it to be perfectly agreeable to reason, and necessary to the order and happiness of society. But, says he, "It lessens the horror of taking away life." It is clear that his argument here, rests not on death itself, because that daily takes place among men, according to the ordinary course of nature: but on the manner of it, viz. by a judicial sentence; "this, says he, familiarizes men to violence:" the drift, then, of his reasoning must be this: that, to assure a man, if he commit murder, he must suffer a premature, ignominious, and violent death, is a strong temptation to make him commit the crime. I fancy, however, that few men will believe this. It is contrary to experience, and to

all the principles of nature. Death is the king of terrors, and an ignominious and violent death, preceded by all the solemnities of a formal judicial trial, and attended with all the majesty and awful pomp of the executive authority, must be much more terrible. And I firmly believe, it is a powerful restraint on thousands, that holds them back from the commission of the crime, which would bring them to it.

"But, says he, it produces murder, by the influence it has on people, who are tired of life." This is, like the former, a groundless assumption, a mere hypothesis. None of those unhappy people, who are so wretched as to be weary of life, ever, I believe, murdered an innocent person, just for the purpose of bringing themselves to an ignominious end. They know, that they can accomplish the dreadful work, by their own hands in secret. W—m B—le of Weathersfield in New-England, indeed, murdered his wife and four children: but, immediately after, destroyed himself. He gloried in dying a deist, as appeared from some of his papers, left behind him. In these he declared, that he had long premeditated the dreadful tragedy; and averred, that it was from tenderness and compassion to his family, that he had determined to destroy them. It is probable, that he was not only a deist, but what is commonly called a mortal deist: or believed, that he and they should have no existence after death. There is some reason to think, from the manuscripts which he left behind him, that he was altogether a sceptic, not only with respect to divine revelation, but also with regard to the principles of natural religion, the doctrine of providence, the immortality of the soul, and a future state. And yet, I remember, he says in some of his wretched scrawls which were printed, that, from frightful dreams, with which his poor unhappy lady had been troubled, and which she had mentioned to him, and from other incidents, he fancied, that heaven gave intimations of approving his design. This, at the time when I read it, put me in mind of the inconsistency of lord Herbert, the great apostle of deism in England, mentioned by

dr. Leland. He, it seems, went to his knees, and devoutly prayed, that God would give him a revelation, whether it were his will, that he should publish his book against all revelation.

His third reason is like the former; it is altogether imaginary. "Punishing murder by death, (says he) multiplies murders, by the difficulties, which it creates, of convicting persons, who are guilty of it. Humanity, revolting at the idea of the severity and certainty of a capital punishment, often steps in; and collects such evidence in favour of a murderer, as screens him from justice altogether, or palliates his crime into manslaughter," &c. I believe this perversion of justice, and abuse of law, may, on some occasions, be chargeable on some of the gentlemen at the bar, who, for the sake of reward, and to acquire a character of ability, wrest facts and pervert the law. But the very contrary is the truth, with regard to the great body of the people; for, mankind, in general, conceive such a horror at the unnatural crime of murder, that almost all men are anxious to detect and secure the perpetrator, and bring him to condign punishment. This is undoubtedly the truth; experience proves it; for, few murderers, comparatively, escape seizure. All men are ready and forward to seize and lay fast such an enemy to society. And few, I believe, who are brought to trial, fail to meet with condign punishment.

He says further, "The punishment of murder by death, is contrary to the operations of universal justice, by preventing the punishment of every species of murder; quack doctors, frauds of various kinds, and a licentious press, often destroy life." As to quack doctors, I shall not say much. Perhaps they sometimes kill: but probably their prescriptions are generally innocent. The people, who deal with them, do not know the qualities of medicine. They may be imposed on by any thing, that has the name. If quacks get money, they gain their purpose; and if they may get it as well by innocent things, as by pernicious, they would be downright demons to give the latter. However, I wish they could be restrained;

and also wish, that our amiable author would, on proper occasions, discover as much zeal against quack preachers, who go about, poisoning the souls of men, as he manifests against quack doctors. As for frauds, and a licentious press murdering people, it must argue great weakness in any persons, to be so moved with the loss of property, or even by the illiberal abuse of a licentious press, as to take away their lives on that account. Besides, when the press becomes very licentious, it carries the antidote in the poison; for, by and by, nobody regards it. But the amount of his reasoning here, were it all real, is just this; that because we cannot punish all murderers, therefore we ought to punish none; which is to say, that because men cannot administer justice perfectly in this world, therefore they ought to administer none. But the truth is, that, while the supreme governor will take care to preserve so much of a just distribution of rewards and punishments in this life, as clearly to discover the foot-steps of his divine majesty, in the government of the world; he will also permit so much imperfection unavoidably to blend with it, as to announce to us, and be at all times a sufficient memento, that the day is approaching, when he will sit judge alone, and render to every man according to his works. Quack doctors and others will then meet with their deserts.

I have now answered, I think, in one part or another of this essay, every thing worthy of notice in our author's performance. I was loth to enter on the disagreeable task; as I have a strong aversion to scribbling, and particularly controversial scribbling. The author, whom I have opposed, I love and esteem on many accounts: and believe, that he wishes to promote the good of society, even in what he has written—But, *humanum est errare*. If I have in any thing, misunderstood his meaning, or misrepresented it, I can say with integrity, I did not intend it, and would gladly hope there is not too much asperity in any thing I have advanced; though indeed it is almost impossible to manage a controversy, without provoking on one side or the other—If our composition be languid and dull, it is despised; if lively and

animated, it is apt to fling. I have endeavoured to tread the middle path. My reasons for writing on this subject, are these—Liberty in the united states is verging fast towards licentiousness. I see government in a relaxed and feeble state. I see the magistracy, as well as the gospel, even in the hands of good men, treated with neglect and contempt. Religion, the only sure basis of good government, is entirely set aside, as an unnecessary thing: its necessity to government is, with many, not so much as a question; that is, they can see no necessity at all for it. Dr. Price, and some other writers, have contributed their endeavours to bring us to this. Humanity is become the popular cry! Weak men join in the cry, to gain the applause of the unthinking; but, as understood, it degenerates into nonsense. Liberality, in religious sentiments, is become as popular and common a cry! But what is this liberality of sentiment? It is, with too many, a total indifference about religion; with many more, a high contempt of it. We are become so wise, as to see, that even the tolerant zeal of our forefathers, for the support of religion, was absurd bigotry and folly. We can do without it—But, if we once should arrive at such a state, as to lose all reverence for God, and all dread of civil government too, all regard both to divine and human laws, we will soon feel the consequences, and they must be tremendous!

In fine, I cannot help expressing my wishes, that our author, who is truly amiable on many accounts, and (I believe) a sincere friend to humanity and society, would, for the future, abstain from hazarding such sentiments. I wish it for his own sake. They cannot honour him.—To treat the word of God, as if it gave an uncertain sound, or were obscure, where it is altogether explicit; to treat the wisdom of the wisest men, as if it were folly and savage cruelty, cannot honour him. I wish it, for the sake of the community, of which I am a member; for I am certain, it can receive no benefit from such publications. No man is fit for all things. Our author, I doubt not, understands his own profession; but I am persuaded, that he would make

but an indifferent legislator or divine. It would be well for us all, to remember the ancient adage—“*Nesulor ultra crepidam.*” I wish ever to be a friend to humanity—but let it be a rational and judicious humanity. Humanity of this kind is the image of God on man. May it increase more and more! But that humanity, which would overturn the pillars of justice, order, and good government, the laws of God and man, I deprecate as the worst of evils! Humanity, that would spare murderers, would be the most shocking inhumanity and cruelty to the religious, sober, and virtuous part of the community. For, if the wicked may destroy the life of the innocent, while no power on earth can lawfully touch the life of the wicked, injustice is more powerful than justice; lawless outrage more mighty than legal government; Satan stronger than the Almighty; the war between the kingdom of justice and the kingdom of injustice, quite unequal; and the advantage entirely on the side of iniquity, which would soon establish its throne. Here would be an evil in civil society, for which there would be no adequate remedy. Every man has the physical power of destroying the life of his neighbour. Strange indeed it must be, if there be no moral authority or power, lodged with society, adequate to restrain this brutal force—if every man may kill his neighbour, while no legal authority can touch the life of the murderer—all men are exposed to lawless outrage, private assassination, and revenge; which would introduce absolute anarchy, and soon exterminate the whole human race.

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Case of Thomas Philpot, who was tried and condemned, in the court of king's bench, Dublin, for indenting servants for America.

ON the 26th of May last, a cause came on, before lord chief justice Earlsfort, sir Samuel Bradstreet, judges Henn and Bennet, wherein the king was plaintiff, against Thomas Philpot, mariner, for endeavouring to entice and inveigle certain manufacturers and artisans to leave Ireland, and emigrate with him, as redemptioners, to George-town, and o-