

Papal Baptism is valid. The arguments of the majority were replied to in detail in the minority report. The minority deems it impolitic to urge to extremity differences which will further alienate the Catholic people from Protestantism.

The reports were accepted, and a debate ensued, and upon a motion made by Dr. Waterbury, to adopt the report of the majority. At 12 o'clock, a motion to indefinitely postpone was negatived.

The Rev. Mr. Riley submitted the following resolution as an amendment to the motion to postpone the subject.

"Resolved, That in view of the great diversity of opinion and of practice in the Presbyterian Church on the subject of Popish Baptism, and in view of the previous action of the Assembly, it will be inexpedient for the present Assembly to take action in the case."

Rev. Dr. Brainard opposed the adoption of the majority report, and hoped the matter would be left with the consciences of those who were to be benefited by it.

Mr. Taylor, of Cleveland, during a speech upon baptism, stated that if he was a Minister he would tell his flock the whole truth, and that is, if they believed not upon the Lord Jesus Christ they would be damned. He did believe that baptism was essential to salvation. The debate was continued up to the hour of adjournment. — *N. Y. Express.*

Leaving the above specimen of liberality to speak for itself, I must be permitted to say that Senator Cass has been exceedingly infelicitous in one of the examples by which he would illustrate the hardships of American Protestants in Catholic countries in regard to this matter of Christian burial. He tells us of a Protestant who was at the point of death at San Diego, and who was so anxious to be buried in a consecrated place of sepulchre, that he consulted the American Minister as to whether he should not make a profession of Catholicism with a view to secure the right of such interment. The minister, like an honest man, dissuaded him from such a course, founded on such a motive. But still the Senator tells us that the ceremony of recantation was performed in *extremis*, and that the dying man, by this nominal change of faith, secured for his body, after death, a resting place in the consecrated cemetery. From all which statement by General Cass the obvious inference is, that the poor man either became sincerely a Catholic, which he had a right to do, or died a hypocrite, a traitor to his conscience and his God, thereby sacrificing his soul for sake of a grave.

I think the Senator from Michigan has been still more unfortunate in his allusion to some distinguished personage in Spain, supposed to be a woman, if not a lady. I hope the public will excuse me for not referring to this language, since he himself avows, in the exordium of his reference, that it is "painfully disgusting." In this General Cass was not mistaken. If he had spoken as of his own knowledge, even on this "painfully disgusting" subject, no man would dispute his testimony. But he speaks on the authority of the *London Times*. The editor of that paper, however, instead of giving utterance from human tongue to this assault upon woman, allowed it to pass into universal circulation, from the leaden lips of his iron-hearted journal. Nor could he have imagined that any man, especially an American Senator, would repeat what he had published except under the pressure of some grave necessity, requiring that for ends of public justice, the depravity of woman as well as of man should be made as public as possible. Such weighty reasons Gen. Cass must no doubt have had, but he has made no allusion to them.

The first person whose acquaintance I made on this earth, was a woman. Her pretensions were humble, but to me she was a great lady—nay, a very queen and empress. She was more; she was my earliest friend; my visible, palpable, guardian Angel. If she smiled, approval on me, it was as a ray of Paradise shed on my heart. If she frowned disapproval, it seemed like a partial or total eclipse of the sun. Gratitude for all her kindness to me compels me to enter my humble plea, and protest against any rash judgment degrading to one of her sex, who has not had the benefit of trial or self-defence. For this reason, as well as for others which it is not necessary that I should adduce, I take the liberty of saying that I for one do not believe the accusations of the *London Times*. That paper is the most powerful organ in the world of its own kind either to destroy or build up any character or any cause whether public or private. If God should ever permit the noble, but oftentimes perverted capacities of the human intellect to elevate a wrong cause to a perfect equality with a right cause; an unjust cause to a perfect level with a just one; a false cause to an equality with a true one; such are the immense resources within its reach for procuring in regard to all causes; the very kind of information from abroad which it desires; and such its gigantic powers, in manipulating, if I can use the term, this terrible Anglo-Saxon tongue of ours; that the feat of destroying in the minds of its readers, all distinction between right and wrong would be accomplished by the *London Times*. I do not say that it is more disposed to embrace a wrong cause instead of a right than any of its contemporaries, I only suggest that its powers of maintaining a wrong cause are greater than theirs; and the temptations to do so will be graduated according to the scale of its powers.

It has been my pleasant duty when in Europe at different times within the last fourteen or fifteen years, to defend, according to my feeble ability, not only our American institutions, but also our individual statesmen against the testimony of the *London Times*. In its issue of Feb. 7, 1842, it charges one of the latter with "audacious unfairness of argument"—it charges that "to attempt to fight under false colors, to pervert, and misrepresent with a kind of bowing and scraping appearance of candor, is a characteristic of his composition." It sneers at his designating itself as a "high authority"—it does "not know whether most to admire at the audacity of his misre-

presentation or at the admirable coolness, the innocent, gentlemanly superiority with which he carries it off." In its issue of January 9th, 1846, it describes the same American statesman and his supporters as "the noisy demagogues of a faction"—it hopes that "the Republics of America is not sunk so low as to be driven into hostilities by such men as he." In its issue of Feb. 18, 1846, allusion is made to the same American statesman, though his name is not mentioned, as "one who panders to a sanguinary passion."

Now this American statesman is no other than General Cass. And this is the testimony of his chosen witness against some unprotected female residing beyond the Pyrenees. If the authority is good against her, who can reject it, as against the Senator from Michigan? I beg leave to reject it indignantly as against both or either; but as it affects General Cass, he has cut himself off from the privilege of rejecting by having endorsed in the Senate of the United States the testimony of a chosen witness, who has described his character in terms so little flattering.

The portions of General Cass' speech with which I am most pleased are his quotations from jurists, whether their names be Pufendorf or Vattel. In them there is no confusion of ideas—although Vattel complains of such confusion as being one of the difficulties against which jurists and publicists have to contend. Besides this, I could hardly desire better arguments to refute General Cass than he himself has had the patience and industry to produce. If time permitted, I should enjoy as a pleasant recreation the privilege of analysing the speech of the distinguished Senator. I think it would be no difficult task by means of a critical distribution or rather classification of his arguments *pro* and *con*; to prove that the ill digested parts of the complex subject which he had taken in hand, are on the whole so equally balanced, that if each could be logically arranged, under its own appropriate head, and either set off, according to its weight and measure against its opposite, the several positions of this great production would be found so mutually effective in their destruction of each other, that no positive result would remain, except that General Cass is, what every body knows, a statesman of great benevolence, having a great respect for the American people, especially the majority.

The Senator from Michigan, maintains the supremacy of individual conscience, but he nullifies that supremacy according to his definition of conscience, by limiting the right to follow its dictates, and subjecting that right to the prohibition of Law, human or divine. Now if the conscience of the individual is supreme, and the law of the land of any country is supreme also, which supremacy shall give way to the other. These are the premises laid down by General Cass, but unfortunately he has left the conclusions to be drawn from them, respectively to destroy or annihilate each other. His idea of conscience is not that it is a superior and indestructible, independent, moral faculty in the human soul, enabling every man to distinguish and choose between what seems to him good and evil, but that conscience gives right to the individual to act out, or manifest in words or deeds its interior dictates. On the other hand, he arms the civil authorities of all countries with the acknowledged right to control outward actions; so that by confounding outward actions with conscience itself, he betrays and hands over that sacred principle to be judged of, and controlled by magistrates and civil governments. His first ebullition in favor of conscience is the proclamation that his purpose is "not merely to protect a Catholic in a Protestant country, a Protestant in a Catholic country, a Jew in a Christian country, but an American in all countries." General Cass professes to speak and act in regard to this subject, on the ground of principle. Principle is neither Catholic nor Protestant, nor Jewish nor Christian—at least in the sense in which it has been employed by him. Principle, if anything, is universal. And since General Cass has attributed to what he calls an American, something like a special prerogative, he ought to show some grounds why an American, here classified under the head of religious denominations, should have any special or exceptional preference. Four religious denominations are mentioned, namely: Catholic, Protestant, Jew, and Christian. This nomenclature General Cass may explain. Its terms, theologically considered, are, at least, intelligible.—But when he comes to rank an American as a representative of a fifth sect, I really do not understand what he means.

If an American, as such, has a right to protection in all countries, why not also a European, an Asiatic or an African? It seems, according to him, that religious denominations, in general, should be treated by *condescension* with kindness in all countries, but when a man professes the American religion, which General Cass has not explained, such a man has a pre-eminence right to special protection everywhere—that wherever he appears in foreign lands the sovereignty of the State, in regard to all questions pertaining to religion, must fall back, the moment he proclaims himself an American. And it shall be understood that when he arrives on the shore of such country, with a full measure of American atmosphere, American sun-beams, and American religion according to Mr. Cass, sufficient for his consumption during the period of his passage through, or sojourning within that country, he shall have the right to say, and do what he thinks proper, provided always it be according to the dictates of his conscience.

If this doctrine can obtain, several consequences which Mr. Cass had tried to guard against in other parts of his speech must necessarily follow. Every nation has the real or supposed element of sovereignty within itself. But if the rights of conscience are supreme, and an American is to be protected every-

where in acting out its dictates, then the sovereignty of such nation must give way to the sovereignty of his conscience. What then? Two sovereignties are immediately in conflict. Which shall yield to the other? If the sovereignty of the State must give way to the Sovereignty of the individual, provided that individual be an American, then let foreign sovereign States hide their diminished heads, for it is obvious that two rival sovereignties cannot both prevail in the same State. Then, if that be the case, as the Senator seems to anticipate, let us proclaim at once, that all the nations of the earth are already prospectively annexed to the United States; and that the evidence of the occasion which will make it decent and proper for their own interests that they should strike their flags, will be the appearance of an American on their shores. The only trouble in connection with this patriotic purpose is, that when we define our rights hastily, whether as regards a principle, or an international boundary line, it may happen that after having asked more, we may finally be compelled to take less. Whether as regards private contracts or public treaties, it is a well known law that it requires two or more parties to make a bargain. It must be within the recollection of Gen. Cass, that a few years ago, we had fixed a north-western boundary line on which we had determined to stand or fall. But this was before the consent of the other party had been obtained; and when the matter came to a bargain, we allowed the other party to undefine our position, and to slide us off from our chosen line to another two or three hundred miles south of it.

I have been quite amused at the eloquent denunciation by General Cass, of absurd maxims and wicked pretensions on the part of civil governments, to control conscience, to dictate or prescribe to their subjects what they shall believe. In that part of his great speech I have the pleasure to agree with him. It is probable however that he thought, as many of his readers will have thought, that he was denouncing Catholic Principles. The fact, however, is directly the reverse. The jurists and the governments that fell under the real weight of his censure, were of his own school. A brief retrospect of the condition of Europe both previous to, and since the Reformation, will make this point clear. All the States of Europe had been Catholic. The people of those States had but one religion. That religion was older than their civil governments. Consequently, their civil governments never dictated to them what they should believe. And when General Cass speaks of the arrogance and impiety of civil governments dictating to their people what they shall believe or what they shall not believe, he makes perhaps without being aware of it, an exception in favor of Catholic governments, down at least to the period of the Reformation. The civil laws of those countries, were, in many respects exclusive and intolerant. But then, since all, (for I might use the word all, though occasional exceptions arose,) were of the same faith, and had no desire to change; the laws were substantially innocuous in the absence of objects on whom they might be executed. Then came the Reformation. The Reformation resulted in the formation of States on the anti-Catholic or Protestant basis. In these the form of the new religion was determined on by the civil Governments. I am not aware of a single Catholic State, except perhaps, it be Spain, which has since passed any laws especially directed against Protestants. On the other hand, I do not know a single Protestant State in which the government did not attempt and carry out by special laws those very acts which General Cass so eloquently denounces. When General Cass finds jurists sustaining such pretended rights of the civil government, he may be sure that they do not belong to the school of St. Thomas Aquinas, or Suarez, or the other great publicists that have been so numerous in the Catholic Church. These were men who never put on the philosopher's cloak with the view of playing the tribune either towards their countrymen or their race. They were men who derived their principles of human law, of government, whether civil or ecclesiastical, from the same supreme and eternal source.—They flattered neither kings nor people. They feared God and feared few besides. They were not the men who wrote of the divine right of kings. They held that government is by divine right, but that the individual sovereign or ruler in such government is of human right. And if it had been possible for Gen. Cass to have consulted their pages, he would have discovered, that they maintained the rights and dignity of human nature from the highest to the lowest member of society.

There is no difference between General Cass' conception of conscience as a moral faculty and mine.—He however betrays the rights and liberty of conscience, as I understand it, by identifying this moral faculty with the outward actions which are supposed to manifest its dictates from within. No civil government that ever existed has or ever had either the right or the power, physical or moral, to coerce or extinguish man's conscience. It is beyond the reach of government. They might as well attempt to pass laws regulating the exercise of memory, as regulating the decisions of man's conscience. This freedom of conscience, however, General Cass has identified with outward action, and on the other hand, by recognising the rights of civil government to control the outward actions of men, he has betrayed conscience into the hands of the magistrate. All human law has for objects either persons, or things, or acts; and beyond these human legislation cannot go. Conscience, according to my distinction, does not come within the reach of law, but as understood and represented by General Cass, he hands it over into the domain of civil government, and confounds it with things over which that government has acknowledged rights and legitimate power of interference. I am bound, therefore, to vindicate the liberty of con-

science in reply to the dangerous doctrines of Gen. Cass.

When the early Christians appealed to the Roman Emperors through the Apologies of their Justins and Tertullians, pleading for liberty of conscience, they did not thereby claim the right to do all the good in their outward actions which their consciences would have approved. They pleaded that they might not be compelled to do any act which the law of God and the law of their consciences had forbidden. At one time for instance some glorious confessor of the Christian name, was called upon by the civil magistrate to offer sacrifice to the pagan gods. He refused, because he had a higher law in his conscience. What then? He was put to death—he became a martyr. At another time, some tender Christian virgin was required to sacrifice her chastity—she refused, and was sent to the wild beasts. In some instances, indeed, torture caused the Christian to fail; and to obey men rather than God. But in all this, which is an extreme case, had the whole strength of the Roman Empire, power to destroy the "rights of conscience," the "liberty of conscience," the "freedom of conscience," in the heart of either of these glorious martyrs or this supposed apostate? Assuredly not. General Cass thinks that if "the sentient being" is exposed to physical sufferings the freedom of conscience is in great danger, if not absolutely lost. Every one knows that this is an erroneous position. It is only when human weakness yields to suffering in such circumstances, that conscience asserts her highest power. The individual feels himself degraded in his own estimation. Conscience told him at the moment of his yielding to a sinful compliance, making his declaration contrary to hers, that he was a base hypocrite; and that same conscience did not fail to vindicate the sovereignty by her continued frowns and reproaches.

General Cass has not taken the pains to distinguish the whole office of conscience. It may be expressed in brief words. The whole duty of man is to "avoid evil and do good." Now although evil and good are relative terms and not judged of at all times and in all places by the same standard, nevertheless, conscience is the faculty whereby the distinction is made. A thing may seem morally evil to a man. He can not do it, without sinning, offending God, and offending his own conscience. Another thing may appear good, and there is no obligation on him to do it, even though his conscience approve, unless the circumstances warrant its performance. The decalogue says "Honor thy father and thy mother." This is an affirmative precept, which requires that at proper times, and in proper circumstances, we shall honor our parents; but does not require that we should be always thus occupied. "Thou shalt not steal." This is a negative precept, and there is no time, or place, or circumstance, in which it is lawful for us to steal. So in the order of negative precepts a man may not do without sin, any act which the voice of his conscience tells him is wrong. He may, indeed, have an erroneous conscience and be mistaken as to the intrinsic morality of the act, but still until his conscience shall have been enlightened, or as General Cass expresses it "improved," he must abide by its dictates, and avoid doing what it has ruled to be unlawful. Hence, if any Protestant, American or not, who travelling or sojourning in a Catholic State, should be called upon by the civil power to make a declaration or to do an act which his conscience condemns, he cannot comply. Let us suppose him to be required to swear that he believes in the Pope's supremacy. Being a Protestant, his conscience will oblige him to refuse. And in consequence of this refusal, physical torture be applied, one of two things will happen—that he will suffer the torture or be loyal to conscience, or that he will betray conscience by swearing to a lie. If anything of this kind should be attempted in a Catholic country, or any act required which any American's conscience condemns, Gen. Cass will find me ready to vote for the employment of an American Army and Navy to punish that nation which would impudently dare to commit so unlawful an outrage. Not because the man's conscience had been violated, for that is impossible; but because the law of such country would have gone beyond the boundaries of all human law since these relate not to the faculties of the human soul, but to outward persons, things, and acts.—And as the person here supposed would have done no act bringing him under the law; his right of person would have been violated, and it would become lawful for his country to inflict condign punishment on the nation or parties so violating it.

But whilst no civil government or power on earth has a right to require, that a man shall do a sinful or immoral act, it does not by any means follow, that governments are bound to permit a man to act outwardly what his conscience tells him is good. In the one case, his conscience decides for himself alone.—In the other case, its dictates would prompt him to deeds for others, by doing what he supposes good, whether it be suitable for others or not. Here, civil governments have a right to come in and say, "Let us see about that." They have a right also to refer to their laws as a rule for personal conduct. If the individual still imagines that his conscience requires him to do some act forbidden by the law, but yet highly praiseworthy; in his estimation, he can make the experiment, but he must abide the consequences.

But in General Cass' view of conscience there is no distinction or but a fallacious one between conscience acting for the individual, forbidding him to do an evil act, and conscience dictating to him to do good, or what he may think good, without regard to others, wherever he may find himself. If this principle were carried out, I fear that strange exhibitions of individual zeal would become very frequent. If the supposed American should happen to be a Mormon, he will have a right to carry out the dictates of his conscience in all countries. If he should happen to be a Millerite, visiting Rome, it shall be his privilege to pitch his tent in front of St. Peter's Church; then and there, under the protection of General Cass' doctrine, to speak and act, according to the dictates of his conscience. He will undertake to prove that the end of the world is at hand.—And by applying figures, which never lie" to the Book of Daniel; and of Revelations, and elucidating the subject still more by exhibiting appropriate drawings of the "big horn" and the "little horns," with various references to the "number of the beast, descriptive of Anti-Christ,—prove clearly that his doctrine is right. In the meantime, it might happen that this supposed Anti-Christ, the Pope, would be looking down from some window of the Vatican, unable to interfere lest his Government should be understood as violating the rights of American conscience, as shadowed forth by General Cass.—I am not unmindful that General Cass has ascribed very high powers, and in my judgment, extravagant