

The Press and General Review

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THE PUNISHMENT OF DEATH FOR THE CRIME OF MURDER, RATIONAL, SCRIPTURAL, AND SALUTARY. BY WALTER SCOTT, F.R.S.E. AND THEOLOGICAL TUTOR IN ALKEDALL COLLEGE, BRADFORD, YORKSHIRE.

The subject of capital punishment for the crime of murder is treated, in the pages of Mr S's pamphlet, as a grave theological question. This we aver in its true character. The anti-capital interpreters of the law aim to divest it of this character, and thus clear the way for reaching bold and plausible conclusions, and for enlisting public sympathy with views which they so zealously advocate. On the other hand, the author of the work before us has carefully and devoutly examined the scriptural argument for the practice of taking away life, and has made a direct appeal to the law and to the testimony. He strongly eschews the method of many in dealing with this portion of our penal code. They speak of it in terms of unmeasured reprobation; they profess to fortify their statements by the ceaseless reiteration of a few scriptural passages, wrested in frequent instances from their legitimate connexion; they speak of the genius of our common Christianity as inimical to capital punishment under any circumstances; they represent execution as a lingering remnant of a barbarous, age or the custom of savage feudalism, unworthy of a civilized state; and in the terms of a prevailing but morbid sensibility, coupled with the calculations of a politico-moral utilitarianism, they content that putting to death according to law, is an ill-judged, evil-working expedient, and is worthy of no higher designation than "legalized murder." The subject is often treated in this fashion from honest conviction, and good motives we would respect, though they may take a wrong direction. But for the abolition of a great law which was originally framed by direct divine authority, and for the repeal of which we think we have no decisive intimation in the Bible, we cannot accept as a warrant loose and declamatory statements. The pamphlet of Mr. S. we regard as a timely and powerful contribution towards the settlement of a question which men in general would dispose of without a direct appeal to the Scriptures. We view the subject as a pure Bible question, requiring considerable biblical knowledge and power of its satisfactory elucidation. It has fallen into the hands of one who has the needed requisites for its full and impartial discussion. A brief outline of the author's argument may be given.

"The infliction of capital punishment for the crime of murder, is right in itself, or accordant with the principles of justice, and is even required by them."

This first proposition is not largely expanded. It is supposed to embody a view too obvious to be denied—a view confirmed by the fact that God established capital punishment amongst the Jews, and therefore the law must have been right in itself, or "accordant with the principles of justice," and also from the nature of the crime of murder. "The loss of life by the hand of violence, is the loss of all earthly good, and oftentimes the loss of well-being in the life to come. In endeavoring then to ascertain the nature and degree of the punishment which the murderer deserves, and which the civil magistrate ought to inflict, the intrinsic enormity of the crime should be considered and estimated; and if this is done, it surely must be granted that murder deserves death. The punishment is not too great for the offence,—does not rise above its demerit. Universal conviction seems to have pronounced a universal verdict, that equity requires eye for eye, life for life. The most polished and humane nations have adopted the law of capital punishment for the shedding of human blood."

The next proposition, to the illustration of which Mr. S. has brought the weightiest arguments, and has occupied the largest portion of his pamphlet, is, "The legal infliction of death in the case of murder, is sanctioned, nay, required, by the Scriptures." Great stress is laid on the passage in Genesis; it is placed as the basis of the scriptural argument: "And surely your blood of your life will I require; at the hand of every beast will I require it, and at the hand of man, and at the hand of every man's brother will I require the life of man. Whoso sheddeth man's blood, by man shall his blood be shed, for in the image of God made he him." Had this passage been found in the category of judicial laws enacted by Moses, and found nowhere else, like them it might have been regarded as the expression of a repealed law; but existing long before the Jewish theocracy commenced, and containing a great principle of the divine government, it must be of universal application. To regard the passage as an early prophecy relative to what would take place for many ages to come, seems contrary to the whole drift of the chapter, and involves the supposition that men are now attempting to make God a false prophet. A very weighty reason for the infliction of death on the murderer is given in the words just cited, "For in the image of God made he man." In almost all nations where capital punishment has existed, this reason has been entirely overlooked; it has had nothing to do in the appointment of the punishment, and therefore, if the words are a prophecy, the proph-

ey is yet to receive its fulfilment. The language indicates God's abhorrence of a deed which crases his own image from man, also the care and solemnity with which he has fenced human life from the assaults of violence, and we cannot but think a permanent and immutable the atoning of righteous retribution to every one who wantonly deprives a fellow creature of his existence. The taking away life for the shedding of blood was one of the earliest institutions of divine appointment among the post-diluvians. It existed for nearly a thousand years prior to the Mosaic economy, and it stands forth recorded as an enactment apart from every thing ceremonial. What, we ask, was there so very peculiar in that early age of the world which demanded the existence of capital punishment? and what is there so peculiar at the present time that demands the repeal of the law? It is affirmed, that all preceding dispensations were preparatory to the gospel. We admit this; but the great principles of the divine government are invariable in their nature and application, and mercy, neither under the law nor under the gospel, is ever dispensed at the cost of justice. If the law in question were adopted by God in the earliest period of the world, and were so ably upheld for so many ages, and that which mankind were comparatively in a rude and barbarous condition, we ought to pause ere we lift up our hand for its immediate and final abrogation, under a dispensation of augmented light and privilege. The increase of spiritual blessings increases the desert of punishment.—If God saw right to take away life in the case of murder long before the economy of the gospel was established, we see not how it is wrong under the gospel to do so, unless it can be shown that there is an annulment of that law. If there are special reasons which can be assigned against its continuance, as there can against many of the judicial laws of Moses, or if there is any direct command in the New Testament to that effect, then we ought earnestly to contend for the repeal of capital punishment. If this cannot be done, attempts at repeal are man's weak efforts to improve upon God's legislative wisdom. To maintain that executions have a degrading tendency, and a positively baneful influence on public morals, has appeared to us a reflection on the divine character. If such is the influence on society in a highly cultivated state like our own, its influence must have been far greater on the post-diluvians and the Jews who were comparatively ignorant and barbarous. The preceding remarks embody Mr. S's arguments derivable from the passage in Genesis.

Another passage on which he lays considerable stress is in the Book of Numbers xxxv. 30. "Whoso killeth any person, the murderer shall be put to death." "Moreover ye shall take no satisfaction for the life of a murderer, which is guilty of death, but he shall surely be put to death." "So you shall not pollute the land wherein ye are: for blood, it defileth the land, and the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it." Mr. S contends that many of the judicial laws of the Israelites were founded on the nature of things, and on the permanent relations of society, and are on that account such as all nations might and indeed should adopt. Our opponents have taken exception to any argument for capital punishment derivable from the preceding passage. The objection stands thus: The judicial laws of Moses, which made the violation of the sabbath, a adultery, and disobedience to parents, punishable with death, have, it will be admitted by all, been repealed. Why, it is asked, make the law in the case of murder an exception to this act of repeal? It stands in the same category as the preceding Mosaic enactments, and has then fore the same authority for its annulment. We reply, that the method in which the sacred writers speak of the crime of murder, and the various reasons which they advance for its punishment, show it to have in it something special, something which does not belong to the judicial laws in general.

Should the argument derived from the speciality of the case be rejected, we think the whole force of the preceding objection is lost, from the fact that the law in relation to murder was established long before the Jewish economy existed, and therefore does not stand on the same footing as the enactments concerning adultery, breaking the sabbath, &c. This is a distinction which the opponents of capital punishment and it very convenient to overlook.—The great argument for taking away life is not derivable from the consideration that such a law is to be found in the judicial code of Moses, but that such a law had a long previous existence; and from the position which it occupies in the Bible, it appears to us to assume a permanent and immutable shape. Taking the preceding view, we see not how Mr. S's logic compels him, as it has been somewhat boastfully and flippantly affirmed, to advocate the putting to death "the murderer, the adulterer, the blasphemer, the profane swearer, the sabbath breaker, the idolater, the disobedient son, witches, wizards," &c. To confound two things so radically distinct indicates either unfairness in argument or dulness of discrimination.

TO BE CONTINUED.

There is no condition of human life so high as to be beyond the reach of the arrows of affliction.

THE POST OFFICE.

From the Christian Times.

Is it possible that, in eight-and-forty hours the absolute authority of Lord John Russell—the paid servant of the Crown as the executive power of the British nation—shall have compelled the officials of a large national establishment either to violate the law of the God of Heaven, or to surrender their only probable means of livelihood? Doubtless, in one respect, it is possible. There are, unhappily, on every hand abundance of needy men, who have nothing, or who would gladly increase the little which they have, and who are quite ready to step into the places of those whom conscience shall require to resist the Premier's command,—and thus, at least in a clumsy way, facilitate the accomplishment of the irreligious purpose. It is possible, also, to resist all these practical suggestions, which show how the postal business of the nation may be carried on conveniently to the utmost point that is convenient to the Divine law, and ruthlessly to require that the Post-office clerks shall be crushed into coercion under the heaviest absolute domination, or turned out and ruined. But is it possible that Lord John Russell will suffer him quietly to follow out his plan to such results? Let him take the case of his own domestic servants: would he for any possible convenience what, verily command them to cut down a tree, or sweep a chimney, for him on the Sabbath-day and cashier them if they refused?

But will the Parliament of these realms sanction the daring impiety? Or, will the Queen, when she considers the solemn engagements of her coronation oath, allow any body of the public servants, who entered on the public service on totally different, on avowed Christian principles, and without a shadow of fear that they should ever be coerced into sin against God, to be guilty, by compulsion, of as direct and criminal disobedience of the Divine command, as if they had bowed before the golden image on the plains of Dura? The earnest cry of the nation, in all respectfulness, and through every legitimate channel has gone up to these lordly autocrats, who seem to have no notion of being contradicted, however widely they go astray. The clergy, with their Archbishop and with the metropolitan Bishop at their head,—the merchants and bankers, led by the Lord Mayor,—the thousands of the people of all denominations—have entreated that, in the crisis of the receding of a chastening dispensation, they might not be recklessly involved in the national breach of a solemn law, with respect to which God is, and has shown himself, most especially, a jealous God. While they ask respectfully, in a matter which, at all events, has professed reference most peculiarly to their convenience—while they declare that they want no advantage which might be supposed to result from a small breach of the command, they surely ought to be listened to by the Executive, which exists only for the carrying out of the expressed will of the nation. At all events they should be listened to by the three legislative estates of the realm. And if the voice of the nation, so deliberately, rationally, and deliberately expressed, is to be disregarded—which we cannot suppose to be possible—there appears no more cursive and effectual mode to harness the bands of society, to bring authority and created and adventitious power into disrepute, and to hasten a dissatisfied people onward towards anarchy and confusion. It may seem possible, just now, for our self-installed Lord Admiral to bare his arm, and draw his sword on the quarter-deck of the good ship "Britannia," and cry *Sic rolo, sic juro*; and to all the remonstrances of common sense and pity from his crew and his officers, to answer, *Stat per ratione voluntas*; but while the people have the command of the living God on their side, he will find that mere pertinacity with out principle will avail nothing. The waves of the ocean and the boisterous wind are beyond his control; and if, in a moment of delusion, he should attempt impossibilities, he will have to surrender his commission before the advancing waters, and resign his command. The deliberate and unalterable will of the British people has gone forth.—We will observe thy laws, O God, and reverence thy Sabbaths. Arise, O Lord, plead Thou thine own cause! Remember how foolish men blaspheme Thee daily!"

MILLIONS FOR MARS AND MITES FOR THE MESSIAH.

By a volume recently published in London, entitled, "The Year Book of Christian Missions," it appears that there are no less than twenty-five large denominational Societies in the several Protestant countries of Europe and America, devoted entirely to Foreign Missions. Of these, nine are found on the continent, ten in England and Scotland, and six in the United States. The aggregate amount annually expended by these Societies, for the objects of their organization, is estimated in round numbers at £593,000, of which about £32,000 are contributed on the Continent, £460,000 in England and Scotland, and £100,000 in the United States.—"The enterprise," says an American writer, "is the offspring of the noblest and most comprehensive form of christian charity, and though now scarcely half a century old, even in its oldest operations, it has produced the most mag-

nificent results, and is already beginning to change the destinies of the human race." There is something very encouraging to the christian in these facts and statements, and there is much therein to suggest reflection and pensive musing. It is not a matter of trivial or commercial estimation, to ascertain precisely the dimensions of the "noblest and most comprehensive form of christian charity," which this late age and generation of the world has produced. It is a fact of sad significance, that this enterprise, which is beginning to change the destinies of the human race, is scarcely half a century old, though the divine command that ordained it was given eighteen centuries ago. Then, the sum total of all the contributions of Protestant Christendom to this enterprise, though liberal and yearly increasing, seem small when compared with the annual contributions of christian nations to enterprise of an opposite character. For instance, these christian nations of Europe and America, expend every year in preparations for war, £60,000,000. This amount, when compared with "the most comprehensive form of christian charity," stands thus:

For preparations for war per day, £548,000. For preaching the gospel of peace to the heathen, £1,640. or to make the comparison more distinct, one pound sterling for preparations for war between christian nations, against one half penny for evangelizing the Pagan world, and bringing myriads of benighted idolaters to the sceptre of the Prince of Peace! or, millions for Marts and mights for the Messiah!

THE MOSQUITO QUESTION

"Much better would it be for the United States and British Governments to unite cordially in good understanding, and make the canal across the Isthmus at their joint expense, if it can be made, and those become benefactors to his continent and to all mankind, than to quarrel about the right of way, thus defeating the project, perhaps, the one claiming through the Nicaragua Government, which has the sovereignty *de jure*," the other through a miserable, naked, stupid savage, whom, to their great glory they have set up as a sovereign Prince, and furnished him with a pair of breeches for his coronation—the first he ever wore."

THE PROSPECTS OF SLAVERY IN THE NEW TERRITORIES.

(From the National Era.)

It will be observed that we proceed on the assumption that the final action of the Convention in California on the subject of slavery, will conform to its action in committee of the whole.—This is highly probable, though not certain.

But, let us not deceive ourselves. this question of slavery in relation to the territories is by no means settled. We only begin to see the slawing of the day—a day which may yet be turned into night.

Were there no other territory but California—were its boundary distinct, its area of reasonable extent, we should entertain no doubt of its easy admission as a State, with a slavery-excluding constitution. The members of Congress from the free State would be united, and perhaps few senators and representatives from the South would so far trample under foot their favorite doctrine of State rights, as to vote against it.

The question, however, will not be presented in this simple form. California comprises an area of 448,000,000 square miles; what shall be the boundaries of the new State? At the latest dates, the convention had not settled the question. Deseret in her constitutions strikes out a boundary which gives her a port on the Pacific, and nearly three fourths of the present Territory of California. In examining the various projects of boundary, submitted in the California convention, we find none that proposes to take less for the new State, than half of the territory, and the entire Pacific coast.—We presume the Territory of Deseret will be carefully excluded from all access to the coast.

Now the territorial Government of the latter, will be submitted to the same Congress, which will be called on to decide upon the State Government of the former. The one expressly excludes slavery; the other says nothing about it and thereby virtually tolerates it. Is it to be supposed that slaveholders will acquiesce in the admission of a State which, grasping the larger portion of the territory, shuts slavery out of it, without an attempt to extend the boundaries, and compel the recognition of the Government, of a Territory, which in fact leaves open the door to slavery? It is obvious that the question, so far from being settled, is now so complicated and circumstanced, as to furnish the upholders of slavery an opportunity for enforcing a most dangerous compromise.

Who advised the people of Deseret to form a Territorial instead of a State constitution? And how happens it, that emigrants as they are from free States, they have studiously omitted any reference to slavery in their new Constitution? Are the opponents of slavery-extension willing to recognize and establish the Territorial Government of Deseret, without the Proviso, because California has prohibited slavery? Have they not hitherto rejected all projects of compromise, and will they now give up one half or more than half of the Territory of California to slavery for the sake of saving the other.