

THE
COVENANTER.

APRIL, 1851.

THE FUGITIVE SLAVE LAW.*

It is with unfeigned diffidence that I address you on the topic which has been proposed for discussion—"What is the duty of Christians in relation to the Fugitive Slave Law?" 1. It is but three days since I was invited to speak to you on this law of Congress. My time has been much occupied. 2. The examination of the statutes of the commonwealth is not in the line of my professional functions. I have never been sued in any court, and never have prosecuted any one in any civil action except once, many years ago. That case I lost. However, such thoughts as suggest themselves I shall utter.

In order to know what we ought to do, we should—I. Know the law.

1. It makes no discrimination between the black man and the white. If a slaveholder can find two men to swear, before a magistrate, south of Mason and Dixon's line, that a white man among us is his slave, and it is duly certified, the U. S. officer is bound to deliver him up. The law is imperative. It is difficult, in the slave states, to distinguish between the Saxon race and the African race, in very many cases. They have there mulattoes, quadroons, octroons, sixteenths, &c. The law, in all slave states, is, "*partus sequitur ventrem*," the child's lot is the same as the mother's. If the mother is a slave, although she has fifteen parts Saxon blood, and one only Ethiopian, her son or daughter is doomed to perpetual bondage. Thousands of slaves are not so dark-skinned as many of our free Anglo-Saxons. Every brunette, with black hair, black eyes, and white teeth, by this law is made a slave, provided two loafers can be bribed to swear that she is the property of General Foote. Yes, more: auburn hair, the softest ringlets, and blue eyes, cannot save her, if a *virtuous* slaveholder, of easy conscience, fancies her for a chattel!

2. The commissioner, who decides on the claim, is appointed by a judge of the U. S. Court. This is contrary to the usage and the law of the U. S. government. The heads of departments, the U. S. judges, the postmasters, and other functionaries of the general government, are nominated by the President, and in the more important offices approved by the Senate. The same usage obtains in the state governments. In this case there is no check; a brother or a sister is doomed to slavery, in its most oppressive form, by an irresponsible officer, not elected by the people, but by *one* man.

* Address of Jas. R. Willson, D. D., before a Mass Meeting at Cherokee, Ohio.

3. There is no jury trial. This safeguard of liberty, and even of property in our day, exists in every realm where there is regard to the rights of freemen. It has grown out of the arbitration enjoined on Christians, 1 Cor. ii. 4—"If then ye have judgments of things pertaining to this life, set them to judge who are least esteemed in the church." *

4. The habeas corpus act is stricken down. This law phrase means, you may have the body. It is a relief in mercy to the accused. If any one is seized and imprisoned, the court may release him on bail till he is tried by his peers, or until the evidence of guilt, *sufficient to condemn*, on the trial in chief, is adduced to the grand jury. This law demolishes that rampart of our freedom, and leaves us at the mercy of one man, no matter how untrustworthy.

5. What is still worse, the commissioner is offered a bribe. If he delivers the person seized to the claimant, he receives as an office fee ten dollars; if he rescues him from the grasp of his captor, his reward is five dollars only. Were there ever, even in Spain, any provisions of her inquisitorial courts so base as this legislation of our American republican Congress? Never. What thoughts have Senators, Congressmen, and the President, of the honour or integrity of our free citizens on this side of Mason and Dixon's Line?

6. There is no rebutting testimony allowed. Even a heathen "town clerk" could say—"The law is open, (court days are kept,) and there are deputies; let them implead one another." Acts xix. 33. This was the law practice at Ephesus under imperial Rome. But here, in our Christian State of Ohio, there is no *impleading*. The testimony of strangers—it may be from the lowest depths of pollution—is made final, contrary to the whole law of evidence in our books of jurisprudence. The man in handcuffs cannot be sworn, and can adduce no testimony, in a case, too, where all the dearest interests on earth are at stake. Alas! †

7. There is no appeal. Solomon, speaking by the Spirit of Christ, says—"In the multitude of counsellors there is safety." Always before there was, in this republic, the right of appeal, in all cases, civil and criminal. The frame-work of this republic is essentially Presbyterian, securing the right of appeal. The townships are analogous to congregations, with their sessions, the county courts to presbyteries, the state courts to subordinate synods, and the national tribunals to general assemblies. The subject of appeals was vehemently argued in the Westminster Assembly of Divines. The Episcopalians and the Congregationalists opposed this right. But the divine security prevailed against Episcopal despotism and Congregational oppression. Every attempt to impede the beneficent and free operation of this part of governmental machinery is of the essence of tyranny, whether in church or state. This fugitive slave bill cuts off its helpless victim from all hope of relief in the courts above.

8. All Christians, under pain of a heavy penalty, are commanded to aid in conveying the alleged fugitive into hopeless bondage. Congress, when they enacted this statute, could not but know that more than nineteen twentieths of all people in the sixteen free states believe that negro

* See Jackson's Law Dictionary, Albany, 1832.

† That this was the design of the law, can hardly be denied. In this section the country rebutting testimony is allowed.—Ed. Cov.

slavery is sin against God, and crime against civil society. This law assails one of the dearest rights of freemen.

II. This law, in its object, and in all its provisions, is directly contrary to the statutes of the Lord Jehovah—to all his enactments for securing the rights of man.

1. It is a daring attempt to annul an express statute of God's "*bill of rights.*" Deut. xxiii. 15, 16: "Thou shalt not deliver unto his master the servant which is escaped from his master unto thee. He shall dwell with thee, among you, in that place which he shall choose in one of thy gates, where it liketh him best: thou shalt not oppress him." This is a reiteration and exposition of the statute enacted forty years before. Ex. xxii. 25: "Ye shall neither vex a stranger, nor oppress him." The fugitive was "held to service" in Israel righteously. 1. The God of Israel, who can do no wrong, gave it his sanction. 2. The service was—(1.) voluntary, by the servant's own act, or that of his parents, as apprentices are now held; or, (2.) as a chastisement for crime, as boys in our houses of correction. The law, as all the Bible code does, leans to mercy. A servant held righteously to service scarcely ever runs away, if well treated. God's law presumes that the fugitive has a right to escape, because oppressed.

The slaves are held to service unrighteously. By a law of the United States, slave-trading is declared piracy. Any one who seizes an African, or sells him to a trader, or brings him to the United States, or sells him, or buys him, "is to be hanged by the neck *until he is dead*, as a pirate."—(Gordon's Digest of the Laws of the United States.) The right of the present holder is not, cannot be, better than that of the pirate who made him a slave. Hence, a fortiori, for an evidently stronger reason, it is against God's law to deliver up a runaway American slave.

It is sometimes said ignorantly, yes, often impiously, that Jehovah's law, given to his Israel, is a sanguinary code. Let such blasphemers of the good law of the Lord compare his statute on the rights of those who escape from service with the fugitive law. He is blind who does not see the benevolent spirit of God's law, and the cruelty of the Fugitive Slave Law. The good Lord have mercy on our country. Amen.

2. It repudiates his "*bill of rights*" revealed by the light of nature, written on our intellectual nature, (1.) as it shines in the habeas corpus act. This was wrested by the growing spirit of liberty from European despots. They thrust men into prison on the most frivolous pretences, and there kept them without a trial. The court, on the application of friends, might let the prisoner out on bail. The Fugitive Slave Law admits no application to any court.* The decision of the most base, bribed commissioner, is final. Apply this despotic statute to our wives, husbands, or children, we shall see, however obscure our moral vision, that it contravenes the habeas corpus light of nature. (2.) As nature's light appears in the trial by jury. The safeguard of trial by jury revealed (2 Cor. vi.) was discovered by nations, and resorted to by those who never either cared for or even saw the Bible. The unhappy wanderer, who is caught by the kidnapper, and brought before the vilest commissioner, can have no trial by his peers.

3. This most oppressive law is contrary to the benevolent sympathies

* To this extent the act is allowed here.—ED. COR.

of every human being. The Spirit of God, in his common operations, awakens tender emotions in even bad men. This he does to preserve some appearance of moral order among the basest of nations. What he commands in the Bible—"Bewray not the wanderer," "Feed the hungry," "Clothe the naked," "Relieve the oppressed," "Thou shalt not deliver the servant to his master"—the same Spirit speaks the same benevolent commands in the heart of every good man. The Fugitive Slave Law commands all men in the land "to quench the Spirit," in all these generous and noble emotions. Was there ever a more infamous act? Never.

4. This Fugitive Slave Law makes war on the Spirit of the Lord, speaking from his throne in the enlightened conscience. The conscience of nineteen-twentieths of the free States, and at least three-fourths of the slave, attests, in tones of indignation, its verdict against negro slavery. Who will boast hereafter of U. S. liberty of conscience? The Senate, the House of Representatives, and the President, who enacted this act of high treason against the throne of the Prince of the kings of the earth, meant to force the free and enlightened conscience of this republic to descend from her tribunal to do homage to the Moloch of slavery. The persecuting edicts of Nero, of Louis XIV., of Charles I., of James VII., the trials and condemnation of our Presbyterian fathers by the infamous Bonner and Sharp in their church courts, and of Jeffries on his blood-stained bench, did not more openly make war on liberty of conscience, and on the God of conscience, than Fillmore's truckling Congress does in this act.

III. What is the duty of Christians in relation to this act?

1. Talk against its most unrighteous enactments. There is more done for human rights by talking than by all other means. It were well had we books on talking, as we have many on writing and oratory. Let mothers talk against this bad act to their children, fathers to wives and offspring, teachers to their pupils—even although this would be to talk against the constitution and laws of the United States—and neighbour to all his friends. Show that a death-blow is aimed at the vitality of freedom in the nation.

2. Let the whole north utter her indignant voice in popular assemblies. Let us be thankful it is doing so. Make slavery quail in all her dens when she hears the thunder tones of the free.

3. Remonstrate with Congress—yes, remonstrate. Petition is too feeble a word. Demand of the government—demand, in the name of God, in the name of our holy Christian, Protestant religion, in the name of freedom, to retrace its steps, and abolish this cruel and most unholy statute. I have hardly a shadow of hope that they will regard our remonstrance. Before they passed this act, their conscience was seared as with a hot iron. But the nation will hear. Messiah, our Prince, will hear. He will come and proclaim the acceptable year of the Lord, the year of jubilee.

4. Circulate and print tracts. We ought to have an anti-slavery tract society and colporteurs to sound withal the tocsin, and awake just alarm in the man who yet slumbers.

5. Let the minister of Christ in the pulpit denounce this tyranny. It will be the voice of the Lord warning from "the top of Carmel, which now withers." Far too many ministers pander most basely to the impious behests of slavery.

6. Let all, especially female disciples, pray for the poor fugitives, and for all their trodden brothers and sisters who are groaning under the cruel yoke of slavery, in comparison of which Egyptian bondage was liberty. The effectual fervent prayer of one devout female disciple accomplishes more for the poor victim of tyranny than all our addresses, than all the press, than all the pulpit. "Ask, and ye shall receive."

"God also will a refuge be
For those who are oppress'd,
A refuge will he be in times
Of trouble to distress'd."—Psalm ix. 9.

7. Aid all fugitives. Feed them. Conceal them. Help them by money, and horses, and wagons, and prayer, to the free dominions of the Queen of England.

8. Refuse utterly obedience to this most iniquitous law. The Dragon, the old Serpent, the Devil, and Satan, and slaveholders, intend to persecute. Let us set them at defiance, as Peter and John did the Jewish Sanhedrim. Say to the government as they did, "Shall we obey God rather than man? Judge ye." Jehovah will plead our cause while pleading for the prerogatives of his law and throne. Amen.

SCRIPTURE PSALMS—SCOTTISH VERSION.

MR. EDITOR,—A few days since, I saw a newspaper, of the 9th of Jan., 1851, issued in Scotland. It is the Dumfriesshire and Galloway Herald and Register. It gives an extract from Hogg's Instructor—his history of the metrical version of the Psalms of David. Supposing that it would be interesting to many of your readers, and believing, too, that many of his observations are needed on our side of the water, I send you the extract for the Covenanter.

S. M.

"In 1643, appeared a version of the psalms by Francis Rous, member of Parliament for Truro in Cornwall, and a younger son of Sir Anthony Rous, knight of that county. At this period, as is well known, an attempt was being made to bring about a uniformity in the doctrine, discipline, and form of church government and worship of England and Scotland. A new version of the psalms was designed as a part of the uniformity. The Westminster Assembly was then sitting, and it appears that the subject of a new version of the psalms was recommended to their notice by a resolution of the House of Commons. The version prepared by Rous ultimately received the preference over several others, and was printed by order of the House. In his preface, Rous informs us how carefully he had preserved all that was best in the old version, and that with extreme caution he had introduced his improvements. Rous's version of 1643 is interesting on this account, that, after undergoing much painful revision and elaboration, it was ultimately adopted in Scotland, and is the version which we still sing in our northern kirks. Rous is said to have been a man of great learning and distinction. He was several times returned a member of Parliament, and was one of the lay commissioners to the Assembly of Divines. He was settled in the lucrative appointment of Provost of Eaton College in 1644, which preferment he enjoyed till his death in 1658.