

THREE SPEECHES OF THADDEUS STEVENS

EDITOR'S NOTE

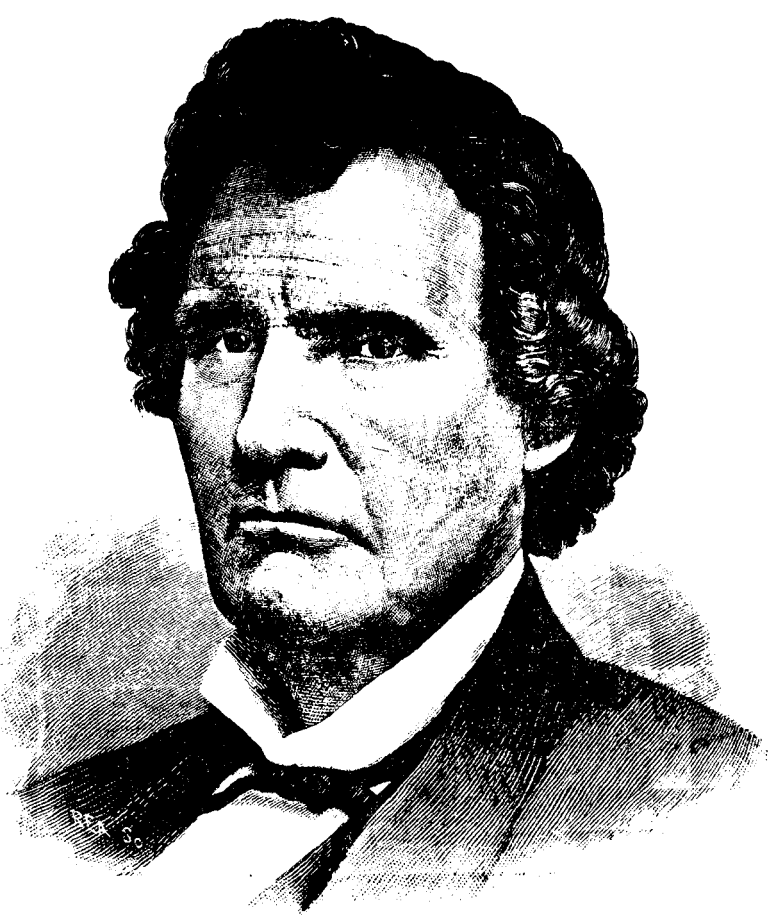
He who reads the biographical accounts and analyses of Lancaster County's famous congressman of the Civil War era invariably encounters references to the speeches of Thaddeus Stevens, but rarely are his better addresses presented for the reader. It is our purpose to reproduce here three of Thaddeus Stevens' speeches. He made many, many addresses before the courts and legislative assemblies, and nearly all of them were brilliant, cleverly-developed, and well-laden with stinging barbed wit and florid classical allusions. The speeches presented here are the

**SPEECH OPPOSING DEBILITATION OF THE PUBLIC SCHOOL
ACT (1835)**

**SPEECH ADVOCATING STATE ENDOWMENT OF COLLEGES
AND ACADEMIES (1838)**

**PLEA FOR RELIGIOUS LIBERTY IN PENNSYLVANIA, BEFORE
THE PENNSYLVANIA SUPREME COURT, (Specht v. The
Commonwealth, 1848)**

Toward the end of his life Stevens claimed his speech which saved and strengthened the Public School Act of 1834 was his finest achievement. In 1835 the violent hostility of the Pennsylvania Germans, the Roman Catholics, the Quakers, and the Episcopalians to the Public School Act left little doubt in the minds of most state legislators what their course should be — if they expected to be re-elected. The Senate voted overwhelmingly to repeal the Public School Act, and the House, from which Stevens had been absent for some time, contained less than a handful of Representatives who favored the school act. Suddenly arriving at Harrisburg, Stevens announced he was going to fight for the school act, whereupon he charged into the House, proposed an amendment strengthening the Act of 1834, and launched into his famous speech. Probably no other speech before a legislative body before or since that time had greater effect. When the speech was ended, a tremendous ovation shook the chamber, and Stevens' amendment passed by a two-third's majority.



THADDEUS STEVENS

Born April 4, 1793

Died August 11, 1868

Dartmouth College, 1814

Admitted to the Bar, 1816

Pennsylvania Assemblyman, 1833-1835, 1837, 1841

Member, Constitutional Convention, 1838

Moved to Lancaster from Gettysburg, 1842

Whig Congressman, 1849, 1853

Helped organize Republican Committee of Lancaster County, 1856

Republican Congressman, 1859 until his death, 1868

Father of Reconstruction Act

Chairman of House Managers for impeachment of President Johnson

Nominated for 41st Congress after his death, 1868

Speech Opposing Debilitation of the Public School Act of 1834

Mr. Speaker — I will briefly give you the reasons why I shall oppose the repeal of the school law. This law was passed at the last session of the Legislature with unexampled unanimity, but one member of this house voting against it. It has not yet come into operation, and none of its effects have been tested by experience in Pennsylvania. The passage of such a law is enjoined by the constitution, and has been recommended by every governor since its adoption. Much to his credit, it has been warmly urged by the present executive in all his annual messages delivered at the opening of the Legislature. To repeal it now, before its practical effects have been discovered, would argue that it contained some glaring and pernicious defect; and that the Legislature acted under some strong and fatal delusion, which blinded every man of them to the interests of the commonwealth. I will attempt to show that the law is salutary, useful and important; and that consequently, the last Legislature acted wisely in passing, and the present would act unwisely in repealing it. That instead of being oppressive to the people, it will lighten their burdens, while it elevates them in the scale of human intellect.

It would seem to be humiliating to be under the necessity, in the nineteenth century, of entering into a formal argument to prove the utility, and to free governments, the absolute necessity of education. More than two thousand years ago, the Deity, who presided over intellectual endowments, ranked highest for dignity, chastity and virtue, among the goddesses worshipped by cultivated pagans. And I will not insult this House or our constituents by supposing any course of reasoning necessary to convince them of its high importance. Such necessity would be degrading to a Christian age and a free republic!

If then, education be of admitted importance to the people under all forms of governments; and of unquestioned **necessity** when they govern themselves, it follows, of course, that its cultivation and diffusion is a matter of **public** concern, and a duty which every government owes to its people. In accordance with this principle, the ancient republics, who were most renowned for their wisdom and success, considered every child born subject to their control, as the property of the state, so far as its education was concerned; and during the proper period of instruction, they were withdrawn from the control of their parents, and placed under the guardianship of the commonwealth. There all were instructed at the same school; all were placed on perfect equality, the rich and the poor man's sons, for all were deemed children of the same common parent — of the commonwealth. Indeed, where **all** have the means of knowledge placed within their reach, and meet at common schools on equal terms, the **forms** of government seem of less importance to the happiness of the people than is generally supposed; or rather, such a people are seldom in danger of having their rights invaded by their rulers. They would not long be invaded with impunity. Prussia, whose form of government is absolute monarchy, extends the blessing of free schools into every

corner of the kingdom — to the lowest and poorest of the people. With a population equal to our whole Union, she has not more than 20,000 children who do not enjoy its advantages. And the consequence is, that Prussia, although governed by an absolute monarch, enjoys more happiness and the rights of the people are better respected than in any other government in Europe.

If an elective republic is to endure for any great length of time, every elector must have sufficient information, not only to accumulate wealth, and take care of his pecuniary concerns, but to direct wisely the legislatures, the ambassadors, and the executive of the nation — for some part of all these things, some agency in approving or disapproving of them, falls to every freeman. If then, the permanency of our government depends upon such knowledge, it is the duty of government to see that the means of information be diffused to every citizen. This is a sufficient answer to those who deem education a private and not a public duty — who argue that they are willing to educate their own children, but not their neighbor's children.

But while but few are found ignorant and shameless enough to deny the advantages of general education, many are alarmed at its supposed burthensome operation. A little judicious reflection, or a single year's experience, would show that education, under the free school system will cost more than one-half less, and afford better and more permanent instruction than the present disgraceful plan pursued by Pennsylvania. Take a township of six miles square and make the estimate — such townships, on an average, will contain about 200 children to be schooled. The present rate of tuition generally (in the country) is two dollars per quarter. If the children attend school two quarters each year, such township would pay \$800 per annum. Take the free school system — lay the township off into districts three miles square; the farthest scholars would then have one mile and a half to go, which would not be too far. It would require four schools. These will be taught, I presume, as in other states, three months in the winter by males, and three months in the summer by female teachers; good male teachers can be had at from sixteen to eighteen dollars per month and board themselves; females at nine dollars per month. Take the highest price, eighteen dollars for three months would be

	\$54.00
And then for females, at \$9 for 3 months	\$27.00
	<hr/>
Each school would cost	\$81.00
Four to a township	x 4
	<hr/>
	\$324.00
The price now paid for the same is	\$800.00
Saving for each township of six miles square,	\$476 per annum.

If the instruction of 200 scholars will save by the free school law \$476, the 500,000 children in Pennsylvania will save \$1,190,000. Very few men are aware of the immense amount of money which the present expensive and partial mode of education costs the people. Pennsylvania has half a million of children, who either do, or ought to go to school six months in the year. If they do go, at \$2 per quarter, their schooling costs two millions of dollars per annum! If they do

not go when they are able, their parents deserve to be held in disgrace. Where they are unable, if the state does not furnish the means, she is criminally negligent. But by the free school law, that same amount of education, which would now cost two millions of dollars could be supplied at less than one-third of this amount. The amendment which is now proposed as a substitute for the school law of last session, is, in my opinion, of a most hateful and degrading character. It is a re-enactment of the pauper law of 1809. It proposes that the assessors shall take a census, and make a record of the **poor**; this shall be revised, and a new record made by the county commissioners, so that the names of those who have the misfortune to be **poor men's children** shall be forever preserved, as a distinct class, in the archives of the country! The teacher, too, is to keep in his school a **pauper book**, and register the names and attendance of scholars. Thus pointing out and recording their poverty in the midst of their companions.

Sir, hereditary distinctions of rank are sufficiently odious, but that which is founded on poverty is infinitely more so. Such a law should be entitled "an act for branding and marking the poor, so that they may be known from the rich and the proud." Many complain of this tax, not so much on account of its amount, as because it is for the benefit of others and not themselves. This is a mistake. It is for **their own benefit**, inasmuch as it perpetuates the government, and ensures the due administration of the laws under which they live, and by which their lives and property are protected. Why do they not urge the same objection against all other taxes! The industrious, thrifty, rich farmer pays a heavy county tax to support criminal courts, build jails, and pay Sheriffs and jail keepers, and yet probably he never has and never will have any direct personal use of either. He never gets the worth of his money by being tried for a crime before the court, allowed the privilege of the jail on conviction, or receiving an equivalent from the Sheriff or his hangman officers! He cheerfully pays the tax which is necessary to support and punish convicts; but loudly complains of that which goes to prevent his fellow being from becoming criminal, and to obviate the necessity of those humiliating institutions.

The law is often objected to because its benefits are shared by the children of the profligate spendthrift equally with those of the most industrious and economical habits. It ought to be remembered, that the benefit is bestowed, not upon the erring parents, but the innocent children. Carry out this objection and you punish children for the crimes or misfortunes of their parents. You virtually establish castes and grades founded on no merit of the particular generation, but on the demerits of their ancestors. An aristocracy of the most odious and insolent kind — the aristocracy of wealth and pride.

It is said that its advantages will be unjustly and unequally enjoyed, because the industrious, money-making man keeps his whole family **constantly** employed, and has but little time for them to spend at school; while the idle man has but little employment for his family and they will constantly attend school. I know, Sir, that there are some men, whose whole souls are so completely absorbed in the accumulation of wealth; and whose avarice so increases with success that they look upon their very children in no other light than as instruments of gain — that they, as well as the ox and the ass within their gates, are valuable only in proportion to their annual earnings. And according to the present system, the

children of such men are reduced almost to an intellectual level with their co-laborers of the brute creation. This law will be of vast advantage to the offspring of such misers. If they are compelled to pay their taxes to support schools, their very meanness will induce them to send their children to them to get the worth of their money. Thus it will extract good out of the very penuriousness of the miser. Surely such a system, which will work such wonders, ought to be as greedily sought for, and more highly prized than that coveted alchemy, which was to produce gold and silver out of the blood and entrails of vipers, lizards and other filthy vermin!

Why, sir, are the colleges and literary institutions of Pennsylvania now, and ever have been, in a languishing, sickly condition? Why, with a fertile soil and a genial climate, has she, in proportion to her population, scarcely one-third as many collegiate students, as cold, barren, New England? The answer is obvious — She has no free schools. Until she shall have, you may in vain endow college after college; they will never be filled; or filled only by students from other states. In New England free schools plant the seeds and the desire of knowledge in every mind, without regard to the wealth of the parent or the texture of the pupil's garments. When the seed thus universally sown, happens to fall on fertile soil, it springs up, and is fostered by a generous public, until it produces its glorious fruit. Those who have but scanty means and are pursuing a collegiate education, find it necessary to spend a portion of the year in teaching common schools; thus imparting the knowledge which they acquire, they raise the dignity of the employment to a rank which it should always hold honorable in proportion to the high qualifications necessary for its discharge. Thus devoting a portion of their time to acquiring the means of subsistence, industrious habits are forced upon them, and their minds and bodies become disciplined to a regularity and energy which is seldom the lot of the rich. It is no uncommon occurrence to see the poor man's son thus encouraged by wise legislation, far outstrip and bear off the laurels from the less industrious heirs of wealth. Some of the ablest men of the present and past days never could have been educated except for that benevolent system. Not to mention any of the living, it is well known that that architect of an immortal name, who "plucked the lightnings from heaven and the sceptre from tyrants," was the child of free schools* Why should Pennsylvania now repudiate a system, which is calculated to elevate her to that rank in the intellectual, which, by the blessing of Providence, she holds in the natural world. To be the key-stone of the arch, the "very fire among her equals?" I am aware, sir, how difficult it is for the great mass of the people who have never seen it in operation, to understand its advantages. But is it not wise to let it go into full operation, and learn its results from experience? Then if it prove useless or burthensome, how easy to repeal it? I know how large a portion of the community can scarcely feel any sympathy with, or understand the necessities of the poor, or appreciate the exquisite feelings which they enjoy when they see their children receiving the boon of education, and rising in intellectual superiority above the clogs which hereditary poverty had cast upon them. It is not wonderful that he whose fat acres have descended to him from father to son in unbroken succession, should never have become familiar with misery, and therefore should never have sought

* Reference to Turgot's description of Benjamin Franklin.

for the surest means of alleviating it. Sir, when I reflect how apt hereditary wealth, hereditary influence, and perhaps as a consequence hereditary pride are to close the avenues and steel the heart against the wants and the rights of the poor, I am induced to thank my Creator for having from early life, bestowed upon me the blessing of poverty. Sir, it is a blessing — for if there be any human sensation more ethereal and divine than all others, it is that which feelingly sympathizes with misfortune.

But we are told that this law is unpopular; that the people desire its repeal. Has it not always been so with every new reform in the condition of man? Old habits and old prejudices are hard to be removed from the mind. Every new improvement, which has been gradually leading man from the savage through the civilized, up to a highly cultivated state, has required the most strenuous, and often perilous exertions of the wise and the good. But, sir, much of its unpopularity is chargeable upon the vile arts of unprincipled demagogues. Instead of attempting to remove the honest misapprehensions of the people, they cater to their prejudices, and take advantage of them, to gain low, dirty, temporary triumphs. I do not charge this on any particular party. Unfortunately, almost the only spot on which all parties meet in union, is this ground of common infamy! I have seen the present chief magistrate of this commonwealth violently assailed as the projector and father of this law. I am not the eulogist of this gentleman; he has been guilty of many deep political sins. But he deserves the undying gratitude of the people, for the steady, untiring zeal, which he has manifested in favor of common schools. I will not say that his exertions in that cause have covered all, but they have atoned for many of his political errors. I trust the people of this state will never be called on to choose between a supporter and an opposer of free schools. But if it should come to that; if that should be made the turning point on which we are to cast our suffrages; if the opponent of education were my most intimate personal and political friend; and the free school candidate my most obnoxious enemy, I should consider it my duty as a patriot, at this moment of our intellectual crisis, to forget all other considerations, and I should place myself, unhesitatingly and cordially in the ranks of him, whose banner streams in light. I would not foster nor flatter ignorance, to gain political victories, which however they might profit individuals, must prove disastrous to our country. Let it not be supposed from these remarks, that I think less highly than heretofore of those great important cardinal principles, which have for years past controlled my political action. They are, and ever shall be, deeply cherished in my inmost heart. But I must be allowed to exercise my own judgment as to the best means of effectuating that and every other object which I think beneficial to the community. And according to that judgment, the light of general information, will as surely counteract the pernicious influence of secret, oath-bound, murderous institutions, as the sun in heaven dispels the darkness and damp vapours of the night!

It is said that some gentlemen here owe their election to their hostility to general education. That it was placed distinctly on that ground, and that others lost their election by being in favor of it, and that they consented to supercede the regularly nominated candidates of their own party, who have voted for this law — it may be so. I believe that two highly respected members of the last legislature, from Union County, who voted for the school law, did fail of re-election on that

ground only. They were summoned before a county meeting and requested to pledge themselves to vote for a repeal as the price of their re-election. But they were too high-minded and honorable men to consent to such degradation. The people, incapable for the moment of appreciating their worth, dismissed them from the service. But I venture to predict that they have passed them by only for the moment. Those gentlemen have earned the approbation of all good and intelligent men more effectually by their retirement, than they could ever have done by retaining popular favor at the expense of self-humiliation. They fell, it is true, in this great struggle between the powers of light and darkness; but they fell as every Roman mother wished her sons to fall — facing the enemy with all their wounds in front.

True, it is, that two other gentleman, and I believe two only, lost their election on account of their vote on the question. I refer to the late members from Berks County, who were candidates for re-election; and I regret that these gentlemen, whom I so highly respect, and whom I take pleasure in ranking among my personal friends, had not possessed a little more nerve to enable them to withstand the assaults which were made upon them; or if they must be overpowered, to wrap their mantles gracefully around them and yield with dignity. But this, I am aware, requires a high degree of fortitude; and those respected gentlemen distracted and faltering between the dictates of conscience, and the clamor of the populace, at length turned and fled; but duty had detained them so long that they fled too late and the shaft which had already been winged by ignorance, overtook and pierced them from behind.

I am happy to say, sir, that a more fortunate fate awaited our friends from York. Possessing a keener insight into futurity, and a sharper instinct of danger, they saw the peril at a greater distance and retreated in time to escape the fury of the storm, and they can now safely boast that "discretion is the better part of valor," and that they fought and had run away, "and live to fight — on 'tother side."

Sir, it is to be regretted that any gentleman should have consented to place his election on hostility to general education. If honest ambition were his object, he will ere long lament that he attempted to raise his monument of glory on so muddy a foundation. But if it be so that they were placed here to obstruct the diffusion of knowledge, it is but justice to say that they fitly and faithfully represent the spirit which sent them here, when they attempt to sacrifice this law on the altars, which, at home, among their constituents, they have raised and consecrated to Intellectual Darkness; and on which they have been pouring out oblations to send forth their fetid and noxious odours over the ten miles square of their ambition! But will this legislature — will the wise guardians of the dearest rights of a great commonwealth consent to surrender the high advantages and brilliant prospects which this law promises, because it is desired by worthy gentlemen, who in a moment of causeless panic and popular delusion, sailed into power on a Tartarean flood? A flood of ignorance darker, and to the intelligent mind, more dreadful, than that accursed Stygian flood, at which mortals and immortals tremble! Sir, it seems to me that the liberal and enlightening proceedings of the last legislature, have aroused the demon of ignorance from his slumber; and, maddened at the threatened loss of his murky empire, his discordant howlings are heard in every part of our land!

Gentlemen will hardly contend for the doctrine of cherishing and obeying the prejudices and errors of their constituents. Instead of prophesying smooth things, and flattering the people with the belief of their present perfection, and thus retarding the mind in its onward progress, it is the duty of faithful legislators to create and sustain such laws and institutions, as shall teach us our wants — foster our cravings after knowledge, and urge us forward in the march of intellect. The barbarous and disgraceful cry which we hear abroad in some parts of our land, “that learning makes us worse — that education makes men rogues;” should find no echo within these walls. Those who hold such doctrines any where would be the objects of bitter detestation, if they were not rather the pitiful subjects of commiseration. For even voluntary fools require our compassion as well as natural idiots!

Those who would repeal this law because it is obnoxious to a portion of the people, would seem to find their justification on a desire of popularity. That is not an unworthy object, when they seek that enduring fame, which is constructed of imperishable materials. But have these gentlemen looked back and consulted the history of their race, to learn on what foundation, and of what materials that popularity is built which outlives its possessors — which is not buried in the same grave which covers his mortal remains? Sir, I believe that kind of fame may be acquired either by deep learning, or even the love of it; by mild philanthropy, or unconquerable courage. And it seems to me, that in the present state of feeling in Pennsylvania, those who will heartily and successfully support the cause of general education, can acquire, at least some portion of the honor of these qualities combined; while those who oppose it will be remembered without pleasure, and soon pass away with the things that perish. In giving this law to posterity, you act the part of the philanthropist, by bestowing upon the poor as well as the rich the greatest earthly boon, which they are capable of receiving, you act the part of the hero, if it be true as you say, that popular vengeance follows close upon your footsteps. Here then, if you wish true popularity, is a theatre on which you may achieve it. What renders the name of Socrates immortal, but his love of the human family, exhibited under all circumstances and in contempt of every danger? But courage, even with but little benevolence, may confer lasting renown. It is this which makes us bow with involuntary respect, at the names of Napoleon, of Caesar and of Richard of the Lion heart. But what earthly glory is there equal in lustre and duration to that conferred by education? What else could have bestowed such renown upon the Philosophers, the Poets, the Statesmen, and Orators of antiquity? What else could have conferred such undisputed applause upon Aristotle, Demosthenes, and Homer; on Virgil, Horace and Cicero? — And is learning less interesting and important now than it was in centuries past, when those statesmen and orators charmed and ruled empires with their eloquence?

Sir, let it not be thought that those great men acquired a higher fame than is within the reach of the present age. Pennsylvania's sons possess as high native talents as any other nation of ancient or modern time! Many of the poorest of her children possess as bright intellectual gems, if they were as highly polished, as did the proudest scholars of Greece or Rome. But too long — too disgracefully long, has coward, trembling, procrastinating legislation permitted them to lie buried in “dark unfathomed caves.”

If you wish to acquire popularity, how often have you been admonished to build not your monuments of brass or marble, but make them of ever-living mind! Although the period of yours, or your children's renown, cannot be as long as that of the ancients, because you start from a later period, yet it may be no less brilliant. Equal attention to the same learning; equal ardor in pursuing the same arts and liberal studies, which has rescued their names from the rust of corroding time, and handed them down to us untarnished from remote antiquity, would transmit the names of your children, and your children's children, in green undying fame down through the long vista of succeeding ages, until thine shall mingle with eternity.

Let all, therefore, who would sustain the character of the philosopher or philanthropist, sustain this law. Those who would add thereto the glory of the hero, can acquire it here; for in the present state of feeling in Pennsylvania, I am willing to admit, that but little less dangerous to the public man is the war-club and battle-axe of savage ignorance, than to the lion-hearted Richard was the keen scimeter of the Saracen. He who would oppose it, either through inability to comprehend the advantages of general education, or from unwillingness to bestow them on all his fellow citizens, even to the lowest and the poorest; or from dread of popular vengeance, seems to me to want (lack) either the head of the philosopher, the heart of the philanthropist, or the nerve of the hero.

All these things would be easily admitted by almost every man, were it not for the supposed cost. I have endeavored to show that it is not expensive; but admit that it were somewhat so, why do you cling so closely to your gold? The trophies which it can purchase; the idols which it sets up, will scarcely survive their purchaser. No name, no honor can long be perpetuated by mere matter. Of this Egypt furnishes melancholy proof. Look at her stupendous pyramids, which were raised at such immense expenses of toil and treasure. As mere masses of matter they seem as durable as the everlasting hills, yet the deeds, and the names which they were intended to perpetuate, are no longer known on earth.

That ingenious people attempted to give immortality to matter by embalming their great men and monarchs. Instead of doing deeds worthy to be recorded in history, their very names are unknown, and nothing is left to posterity but their disgusting mortal frames for idle curiosity to stare at. What rational being can view such soulless, material perpetuation with pleasure? If you can enjoy it, go, sir, to the foot of Vesuvius; to Herculaneum, and Pompeii, those eternal monuments of human weakness. There, if you set such value on material monuments of riches, may you see all the glory of art, the magnificence of wealth, the gold of Ophir, and the rubies of the East preserved in indestructible lava along with their haughty wearers, the cold, smooth, petrified, lifeless beauties of the "Cities of the Dead."

Who would not shudder at the idea of such prolonged material identity? Who would not rather do one living deed, than to have his ashes forever enshrined in ever-burnished gold. Sir, I trust, that when we come to act on this question we shall all take lofty ground — look beyond the narrow space which now circumscribes our vision — beyond the passing, fleeting point of time on which we stand; and so cast our votes that the blessing of education shall be conferred on every son of Pennsylvania — shall be carried home to the poorest child of the

poorest inhabitant of the meanest hut of your mountains, so that even he may be prepared to act well his part in this land of freemen, and lay on earth, a broad and a solid foundation for that enduring knowledge, which goes on increasing through increasing eternity.

Speech Advocating State Endowment of Colleges and Academies

Having established public schooling on a sound basis in 1835, Stevens next defended in 1838 a proposal to endow colleges and academies in the city of Philadelphia and throughout the Commonwealth. Rising before the House of Representatives on March 10, 1838, Thaddeus Stevens delivered a speech on the advantages of higher education to the Commonwealth. Although this address lacked much of the dramatic element found in his earlier speech, its florid style and well-aimed thrusts make it a notable work, one which Stevens himself regarded fondly long after his style changed. Many of Stevens' contemporaries failed to understand how he could profess such zeal for common schooling for the masses of humanity and at the same time cherish the prize fruits of liberal education. Stevens believed that contact with the great intellects of Western civilization helped develop free and rational men with an understanding of the basic unity of knowledge, an appreciation of our common cultural heritage, and a consciousness of social and moral obligations, and that such men are best equipped to become mature, competent and responsible citizens of a free state. These concepts are held today by our best institutions of learning. *Facio liberos ex liberis libris libraque.*

Mr. Speaker—It requires a good deal of courage, or rather insensibility, to address the House in an afternoon session of a sunny day. Yet, although the reasons in favor of this bill have been well and ably urged, and although the objections have been rather insinuated and hinted at, than urged, yet I cannot help fearing that there is more hostility to the bill than it merits. I consider it as the most important proposition, and one most worthy the serious and candid consideration of this House, of any which has yet been brought before it. One which, in my judgment, more nearly concerns our honor, and the interests of this great Commonwealth, than any that can be brought before it.

I think it is generally admitted that within the last few years, Pennsylvania has acquired more honor by her legislation upon the subject of Education, than she had ever done before; and I cannot help believing, that those under whose auspices that legislation took place, will be gratefully remembered in after times; and that the name of the Governor, who, fortunately, I admit, for the honor and interests of Pennsylvania, gave place to the present firm, intelligent, and independent Executive, when the faults and follies of his party politics shall have been forgotten, will stand out prominently and honorably upon the records of Time, as a great bene-

factor of the human race for his bold, manly, and persevering efforts in favor of Education. I trust I may say thus much in justice, without the imputation of flattery. That gentleman's political sun has set forever. Power, patronage, and official favor, will never again, to any great extent, be dispensed by him. Now flatterers and sycophants would rather shun and reproach, than approach and applaud him.

But I trust that political prejudice and party rancor will never be permitted to do permanent injustice to meritorious actions. For it should be remembered that the life of public men is a life of calumny and misery. When, therefore, they have retired, let their good deeds be inscribed on tables of brass, and over their errors be thrown the mantle of oblivion. But great and creditable as have hitherto been the efforts of Pennsylvania in the cause of Education, I trust she is not yet exhausted; but while she is only in the vigor of youth in her physical strength, she has not yet attained the maturity of manhood, much less the decrepitude of old age, in her mental energies; but that this legislature, and many future deliberative bodies here, will go on acquiring increasing lustre, by their efforts in favor of useful knowledge. The degree of civilization and intellectual cultivation of every nation on earth, may be ascertained, and accurately estimated, by the amount of encouragement which they give, not by individual contributions, for these only show private liberality, but by **permanent laws**, to common schools and common education, and to the higher branches of knowledge. Nor does it seem possible to separate the higher from the lower branches of education, without injuring, if not paralyzing the prosperity of both. They are as mutual dependent and necessary to each other's existence and prosperity, as are the ocean and the streams by which it is supplied. For while the ocean supplies the quickening principle of the springs, they in turn pour their united tribute to the common reservoir — thus mutually replenishing each other. So colleges, and academies, furnish and propagate the seeds of knowledge for common schools, and they transfer their most thrifty plants to these more carefully and more highly cultivated gardens of knowledge. I am aware that there are many honest, highly respectable, and somewhat intelligent gentlemen here, and elsewhere, who, while they fully appreciate, and frankly acknowledge the advantages of common schools, doubt or deny the utility of the higher branches of learning.

Mr. Speaker, this subject demands careful examination, and candid argument, and in that spirit I trust we shall meet it. And I believe that a little careful and candid reflection, will convince gentlemen that in all their objections, they err. They object that colleges are schools for the rich, and not for the poor — that classical learning is useless in the common walks of life — that it is soon forgotten — that it tends to produce idleness by promoting pride and vanity; this is the argument of one gentleman here, and of many elsewhere.

It may be true, that unendowed Colleges are accessible only to the rich; but that shows the necessity of endowing them, and thus opening their doors to the meritorious poor. Extend public aid to these institutions and thus reduce the rate of tuition; in short, render learning cheap and honorable, and he who has genius, no matter how poor he may be, will find the means of improving it. It can hardly be seriously contended, that liberal education is useless to man in any condition of life. So long as the only object of our earthly existence is happiness,

enlarged knowledge must be useful to every intellectual being, high or low, rich or poor — unless you consider happiness as consisting in the mere vulgar gratification of the animal appetites and passions. Then indeed that man, like the brute, is happiest who has the most flesh and blood, the strongest sinews, and the stoutest stomach. It may be true, and probably is, that the mere literal and verbal part of classic education is soon forgotten, especially in this country, where so few inherit sufficient wealth to raise them above the necessity of constantly following some business to provide for themselves and dependent families: but the impressions which it makes — the noble principles which it inspires, can never be erased from the mind. Besides, it tends to develop the mental faculties and give them a strength, solidity and energy, which they could never otherwise acquire; just as you see workmen build a massive and high arch over a wooden frame, without which they never could have reared and united it — yet when it is united and becomes dry, it not only retains its shape, but is capable of sustaining almost any amount of superadded useful weight, although the wooden frame work is rotted away or removed.

Never was there a grosser or more injurious error than to suppose that learning begets pride. Ignorance is the parent of pride and disgusting vanity; he only has censurable pride, who has too little knowledge to know that he is himself a fool. But he who has long and arduously labored up the hill of science, and then found himself but standing upon the threshold of her temple — who, after a toilsome, and perhaps successful examination of the works of nature and of art, discovers that he has scarcely yet entered upon the confines of the inimitable works of an omniscient artist, will surely find nothing in his own weak, blind insignificance, to flatter pride or foster vanity. It is the illiterate, ignorant, senseless, witless coxcomb that struts and fumes, proud perhaps of his ignorance, himself, his baubles, and his folly.

Sir, I trust I need add nothing more to show the advantages of a liberal education. I believe that the proposed permanent mode of providing for the higher institutions of learning, is more useful to the cause of science, and more economical to the State, than the present uncertain mode of appropriations by the legislature. In times of high prosperity these institutions can maintain themselves; but when the country is overtaken by seasons of adversity, which are inseparable from all communities, and more frequently befall Republics than any other Nations, because their freedom of thought, action, and speculation, renders their course of policy and laws less stable and certain than in more despotic governments — these institutions are obliged to impose increased burthens upon their diminished number of students, or suspend operations. Men of good talents and high acquirements can with difficulty be found to embark their fortunes upon such uncertain foundations; those, especially, whose daily bread depends upon their daily labor, are entirely excluded; and thus these institutions lose the services of the most learned and industrious teachers. For it will be admitted, and those who have obtained their diplomas in defiance of poverty are more likely to be industrious and learned than their wealthy classmates.

It seems to me that true economy would be consulted by making appropriations small, but permanent. The present sum proposed is so small as almost to make a Pennsylvanian blush to find it opposed. The thirty or forty thousand dollars, which

is asked for all these institutions, is a less sum than you appropriate annually to keep in repair a single section of your canals, to be disbursed and expended by a single agent. Though we have appropriated less in all, to Colleges and Academies, than single institutions of other States are worth, yet some of our institutions have received in money and lands, I believe 50, or \$100,000; and being thus full of funds for a while, they flourished in luxury, if not in idleness, and neglected what was necessary for their future prosperity and preservation. But if the same amount had been sparingly, but permanently appropriated — combining the aid of Government with their own industry and economy, these institutions would have been perfectly prepared to meet the adversity of the times. They could have given a **certain living** to their professors and they could have been assured, that their situations were permanent. This would add much to the cause of science, and equally, I trust every gentleman here will think, to the glory of the State. These institutions being permanent and prosperous, would reduce the price of education, and thus enable the aspiring sons of the poor man to become equally learned with the rich. Then should we no longer see the struggling genius of the humble, obstructed, and as now, stopped midway in the paths of science; but we should see them reaching the farthest goal of their noblest ambition. Then, the laurel wreath would no longer be the purchase of gold, but the reward of honest merit. Then the yeomanry of our country would shine forth in their grandeur, the proudest ornament of the nation. In these national workshops of science, the gem of the peasant would be polished, till it out-shone the jewel of the Prince.

I am aware that the too great increase of the number of Colleges is feared by some. I have no such apprehension. With a population increasing as fast as ours is — with a soil and a territory capable of supporting ten millions of inhabitants; with free schools to plant the seeds and the desire of knowledge in every mind; with discriminating parents to encourage and select those most anxious and best fitted for scientific acquirements, there is little danger that we shall have too many institutions for the education of our youth.

Why, sir, I trust and believe that the time is but just ahead, when our most barren mountains, now without inhabitants, shall swarm with a useful and industrious population, digging and converting into individual and national wealth, the vast treasures now buried beneath their surface. Then, the farmers of the valleys—those who are now called upon to aid in the cause of science and of arts, will be no longer dependent on a foreign market for the disposal of their produce; it will all be wanted to feed those inhabitants of the mountains who are, and must be, employed in disemboweling the earth of its treasures. With such a teeming population and such riches, ing the earth of its treasures. With such a teeming population and such riches, there is little danger that we shall have too many schools, but rather, that we shall scarcely find institutions enough to cultivate the youthful mind. But if there were danger, I think this is well calculated to cure the evil. That spirit of economy, I will not say parsimony, which usually governs legislatures, would tend to restrain their multiplication. Every institution that is hereafter chartered, would be entitled to receive the annuity fixed by this law. That would prevent the incorporation of any unnecessary ones. Now, any charter can be procured at first without any appropriation; but this may be continued till they are sufficiently multiplied to control the Legislature and procure lavish appropriations, to the danger of ex-

hausting the treasury, if not of breaking in upon the common school fund itself. I hope this House will see that a permanent method of making appropriations, is more useful to science, and more economical than the present mode — surely it would be more honourable to our lawgivers, to deem such a subject as this worthy of a permanent place upon our statute books, than leave it as it now is, with a cold constitutional recommendation to the wayward care of fugitive legislation.

I cannot help fearing, from what we have heard from the gentleman from Venango,* as to the inutility of learning, that there is in this community too great and growing an inclination, to undervalue classical knowledge. If we foster this disposition, is there not danger that in some future revolution of the condition of the world, the light of science will be entirely extinguished? When the Barbarians made war, not only upon Rome but upon all learning, what and who preserved the arts, and sciences, and knowledge of antiquity from utter oblivion? Not common schools, and gentlemen of common education, useful as they are. During the long and gloomy period of the dark ages, they were preserved and fostered, and finally restored by liberally educated priests, and learned monks; and if they did no other good, we owe the existence of science, as it now is, to them. This light of knowledge is so easily extinguished, and so hard and tedious to be rekindled, that it ought to be as carefully guarded, night and day, as was ever the sacred fire by the vestal virgins.

But ought we not to look beyond the present moment, and inquire into the effect which the arts and sciences are to have upon the posthumous glory of our country? Nations, like individuals, sport but a brief scene upon this stage of action, and then pass away into the oblivion of their own ignorance, or into that immortality which their civilization and intellectual cultivation have provided for them. Little as we think of it now, such will, perhaps, at no distant day, be the fate of this nation. And who does not desire his country to live in the memory of posterity? Does any gentleman think that we shall not, like other nations, feel the frost of time and crumble to decay. As surely as we can judge of the future from the past, the day will come when even civilization will leave us, and travel onward perhaps to some yet undiscovered country; or, having made the circle of the habitable globe, return, re-occupy and refurbish her ancient but now deserted habitations: when, perhaps, as an act of retributive justice, this fair soil shall be retrod by the foot of the barbarian, from which he has been, is being, and I fear will continue to be expelled by Christian treachery, and robbery, and murder; when your richest and proudest cities, though now gladdened and enlivened with the commerce of every clime, shall be like ancient Tyre, or modern Venice; when your vast system of Improvements, which is now annually covered with the richest productions of the fairest land and happiest people on earth, shall be forgotten; when your Canals shall be obliterated ditches, and your Iron Railroads, which, for utility, put to blush the proudest inventions of antiquity, shall be less known and less used than are now the Flaminian or Appian ways of Rome; when these rich, fertile, lovely valleys, now literally flowing with milk and honey, shall be like the deserted plains of Palestine.

Is there any gentleman who thinks this an idle vision of fancy? Need I remind you of the trite, but eloquent example of Troy, whose very name, and the

* James R. Snowden

names of the mighty men who did such deeds of valor around and within her beleagured walls, would now be unknown if they had not been given to fame by the learning of the Grecian Bard. Her very site was a frequent and a fit theme of antiquarian argument.

If this allusion should be unintelligible to the opponents of this bill — if the writings of Homer should chance to be Greek to them — I pray them to consult their Biblical information, of which, I suppose, they would all be ashamed to be ignorant, and ask, what is now the condition of the once proud, populous, and powerful capital of Edom, whose armed warriors were the terror of surrounding nations. Till within a few years, for ten centuries, its very location was unknown to the civilized world, notwithstanding its former grandeur. It is true that discoveries have been lately made, that show us permanent evidences of her former greatness, that I fear we shall not leave behind us. You may now behold her houses, and palaces, and temples, and theatres, and tombs, more magnificent than the dwellings of many nations, cut with immense labor and ingenious art from the solid rock; there, to be sure, they may ever be seen, until, perhaps, the solid granite shall become fluid in the boiling crucible of the Almighty. It is true she is still surrounded by her rock-built ramparts; but they have not passed away with her population, only because they are the work of the Eternal Architect. But where are the descendants of those who once rendered vocal those halls, and palaces, and temples, and theatres? Nought remains of them, but their empty tombs — no human voice now breaks the silence of that desolation. The owl literally dwells in the house of the rich man, and the dragon reigns in the palace of princes. Viewing such ruin as the doomed fate of Nations, who does not desire to be able to look down this broad and desolating gulph of time, and amidst its destruction, behold his own country forever flourishing like the green and flowery oasis in the midst of a barren desert? Can any one be insensible to these motives? Is there a gentleman within these walls? — Is there a human being anywhere, whose tabernacle of clay is inhabited by a living soul, that does not anxiously desire to see the fair fame and noble deeds of his native land, instead of being blotted and blurred by Boeotian ignorance, recorded in letters of living light, by the bright pen of the historic muse?

I am comparatively a stranger among you — born in another, in a distant state — no parent or kindred of mine did, does, or probably ever will dwell within your borders. I have none of those strong cords to bind me to your honor and your interest — yet, if there is any one thing on earth which I ardently desire above all others, it is to see Pennsylvania standing up in her intellectual, as she confessedly does in her physical resources — high above all her confederate rivals. How shameful, then, would it be, for these her native sons to feel less so, when the dust of their ancestors is mingled with her soil — their friends and relatives enjoy her present prosperity — and their descendants, for long ages to come, will partake of her happiness or misery, her glory, or her infamy?

How are we to secure for our country this great good — this meed of earthly immortality? Not by riches, which some gentlemen so highly value. Croesus is remembered only to be despised. What was it that has given such fresh and durable renown to the comparatively circumscribed and barren territory of Athens, of Sparta, of all Greece? Not her wealth, Sparta was more renowned even for

her poverty, than was ever the silken Persian with his heaps of gold. It was not her military grandeur; for, sir, great as she was in arms, she was still greater, and is more renowned for her arts and sciences. Which will longest live — the name and the fame of Solon, or of the victors and victories of Marathon and Salamis? Which will soonest die — (if indeed either be destructible) the name of the law-giver of Sparta, or of his fellow countrymen, the mighty captain of Thermopylae? — Whatever may be said of her deeds of patriotic valor, her true and lasting glory will ever be found in her civil institutions — in the wisdom of her laws, her academic groves, the schools and porticoes of the philosophers, the writings of her poets, and the forum of her orators. If we are not altogether insensible to such considerations, let us, in our humble way, do all in our power, not only to lay broad and deep the foundations, but to build the beautiful superstructure, and raise high the monuments of science. For, when every thing else that belongs to this nation, shall have yielded to the scythe of the destroyer, their smooth and polished surfaces alone shall withstand the rust, and bid defiance to the tooth of time.

Hitherto, we have considered this subject with reference to our temporary, or perhaps I ought rather to say, our temporal condition. But ought we not to look a little further to see it in its sublimest aspect? Inspiring to all generous minds as are these themes of earthly glory — degrading as is the miser's lust and dastard's fear, in subjects of this kind, yet it seems to me there is one still more ennobling view of it? And, I trust it will not be deemed affectation in me, to suggest whether it be not worthy of, due to, and demanded by the dignity of the legislature of a great and powerful state, to examine into the effect of liberal and enlarged knowledge, upon the spiritual, the immortal portion of man. If it be true, as I verily believe it is, that in another state of existence, man starts from the same point of intellectual elevation which he may have attained on earth — forms his associations, his enjoyments, and his honors accordingly; if this world be but a state of probation for another and a loftier one, how anxious should we all be, so far as in us lies, to use every means to enlarge our souls, and make them fit companions for celestial beings — to elevate our intellectual statures, so that we may stand proudly up along side of tall archangels? Is this, indeed, the high destiny of man, and shall we suffer ourselves to be degraded, and our souls cramped and shriveled by listening to cold, selfish, miserly calculations of the cost and the value of intellectual — of immortal greatness? What value has wealth, as was well asked by the gentleman from Allegheny, (Mr. Watts,) unless it be to afford the means of usefulness here, and of happiness and glory hereafter? Gold! Why speak of it! By the unanimous opinion of all decent men, how little, and mean, and despicable is that miser's soul who dotes over his barren heaps?

I have often thought, and wished, that I was the owner or the trustee of the whole mountain of Ophir. I would scatter its yellow dirt upon the human intellect, until, if there be one fertilizing property in it, every young idea should shoot forth with overshadowing luxuriance. But why do we seek arguments, to prove what ought never to be doubted — the high utility and glory of liberal learning? The necessity to do so contradicts the fondest theories of ancient philosophers. They vainly, it seems, believed that man would go on progressively from one degree of improvement to another, till he attained perfection.

When we compare the arts, and sciences, and knowledge which existed in antiquity, with those of modern times — the architecture and the sculpture of Egypt, and of Babylon; the poetry, painting and eloquence of Greece and Rome, with those of modern Europe and America, we are humbled and mortified, at our little advance in any, and inferiority in most of them.

To all reflecting minds, it must be a melancholy consideration, that in the middle of the nineteenth century — amidst the noon-day of the Christian era, we are compelled to raise our feeble voices in defence or in eulogy of that cause which long ages ago was rendered immortal by the verses of Homer and the polished prose of Cicero.

“And must this theme so long divine,
Degenerate into hands like mine?”

Will any gentleman urge, that any sum, much less this paltry trifle, is too much for such a high, and lofty, and glorious an object? Have we not long enough drank of the bitter waters of avarice and ignorance? And shall a sweeter draft never be presented to us? Yes. Let us go on to exercise the same liberality in this respect that has characterized Pennsylvania in every other, and we shall soon see these little fountains, scattered by our creative hands over this great state, sending forth perennially, forever, their sweet rivulets, till this whole Commonwealth shall become one mighty ocean of Pierean waters. Then will have arrived the true, genuine — the only real intellectual millenium. Would to God we could all live to see its full fruition; but that may not be. Life, at best, is but a span -- a few more worthless days, and death's arrow will have touched the youngest and stoutest among us. But, if that happy period should be reserved for posterity, let us do all in our power, and by our present acts give an earnest assurance that it will speedily arrive, and the pleasing anticipation of it will be sufficient consolation for me, and I trust for all of us, amid whatever perplexities we may be doomed to encounter, during the brief period of time yet allotted us upon this little, dirty, despicable earth.

I owe an apology to you, and to this House, for thus long detaining you from that rich intellectual banquet, which, I trust, every man here is about to partake of, by voting for this noble bill, so honorable to ourselves, and so useful for long ages upon ages to come — to civilized, cultivated, intellectual man.

Plea for Religious Liberty for Minority Groups In Penna., Before the Pa. Supreme Court

Of a different nature and style is Stevens' plea for religious liberty before the Pennsylvania Supreme Court in 1848. The following address was taken from "8 Pa. 312," in the case of Specht vs. The Commonwealth. Jacob Specht, a Seventh Day Baptist at the Snow Hill community in Franklin County, was found guilty of hauling manure on Sunday, 16th August, 1846, a violation of an Act of 22nd April, 1794, which prohibits the performance of any worldly employment or business on the Lord's day, commonly called Sunday, works of necessity or charity only excepted. Specht requested the justice of peace to enter on his proceedings that he was a member of the Seventh Day Baptist Congregation at Snow Hill, and that he conscientiously believed that the seventh day of the week is the true Sabbath of the Lord, and that he accordingly observed it as such. The justice refused to enter this plea on his proceedings, the Court of Common Pleas affirmed the judgment of the justice, and Specht sued out the writ. The question for the Supreme Court was: Is the 1st section of the Act of 22 April, 1794, unconstitutional?

It is of interest to recognize that this Act was found constitutional, and that with several amendments concerning specific activities, this act is quite valid today. A present-day Jacob Specht could be prosecuted for laboring on Sunday under the same law that was effective in 1846; indeed, which has been valid since 1794! A Franklin County attorney named Brady represented Specht, but Stevens was engaged to present the case before the Supreme Court. Stevens realized quite obviously that he could not secure a favorable result for his client before taking the case. Stevens knew his Pennsylvania Common Law, his Pennsylvania justices and courts, and above all, his Pennsylvania citizens. One hundred and ten years later, Stevens could argue the same arguments (if he could return from whence his foes consigned him) and anticipate the same results. Christianity is still part of the Common Law of Pennsylvania, and before the law Jews and Sabbatarians lack the recognition sought by Stevens.

Stevens' defense of religious liberties for minorities ranks alongside the memorable speeches of Thomas Jefferson, James Madison, Jacob Henry, H. M. Brackenridge and Richard M. Johnson.* Stevens surely felt out of place arguing for religious liberty in Pennsylvania after most states had followed the liberal statesmanship of William Penn and Thomas Jefferson.

*Refer to *The Great Case of Liberty of Conscience*, 1670, William Penn; *An Act for Establishing Religious Freedom*, 1779, Thomas Jefferson; *A Memorial and Remonstrance on the Religious Rights of Man*, 1784, James Madison; *Speech on Being Seated in the North Carolina House of Delegates*, 1809, Jacob Henry; *Speech on the Maryland "Jew Bill,"* 1819, H. M. Brackenridge; *Sunday Observance and The Mail*, *A Report of the Committee on Post Offices . . . in the House of Representatives*, 1830, Richard M. Johnson.

Stevens for plaintiff in error. — This record raises the question of the constitutionality of the act of 22d April, 1794.

At common law it was no offense to transact innocent business on Sunday. It is made criminal by act of Assembly alone. That act of Assembly, we contend, violates the 3d section of the 9th article of the constitution of Pennsylvania.

We are aware that more than thirty years ago, this question was decided against us by the Supreme Court of this state, by two judges, one of whom was just closing a long life of usefulness, and was then of great age. The other was just entering upon his judicial career. But questions of much less importance to the happiness of society, and the unalienable rights of man, have been, not unfrequently, reconsidered by this court. An important principle of the law of evidence, which had stood the test of more than forty years, and of repeated deliberate decisions of this court, was lately reversed and totally changed in *Post v. Avery*, and subsequent cases, because it was believed to work injustice in questions of property. The legislature, as in this case, had refused to alter the law as established in *Steele v. The Phoenix Insurance Company*; and the court, in the exercise of an undoubted right, corrected it themselves. We are, therefore, bold to ask them to re-judge and correct the judgment of the Supreme Court in a question which deeply affects and grieves the consciences of inoffensive and pious men, eminent for honesty, peacefulness, and orderly conduct.

Does this act of Assembly "control or interfere with the rights of conscience?" It evidently treats the first day of the week as a **holy**, a **sacred** day; and it prohibits labour on that day, not for the purpose of giving rest to man, as a mere civil regulation, but because it **profanes** the Lord's day.

We have other holidays. We have political Sabbaths, such as the 4th of July, and 22nd of February. We reverence them as days of great political events. But we do not enforce their observance by legislation. But the act in question compels all to observe Sunday as a sacred day. To oblige men to refrain from labour out of regard to his holiness, is to "control" their religious observance, as much as if they were ordered to kneel before the altar, or the images of the Saints. And to all those who conscientiously believe that it is not a holy day — that it is not the true Sabbath of the Lord, it is an "interference" with, and a constraint of their rights of conscience. It is no answer to say that the day of rest should be uniform among all. If it were a mere civil regulation, there might be some reason in it; but then it would be made a day of recreation — of relaxation; and most probably those days would not come so frequently. The French, when they discarded its religious character, when they worshipped the Goddess of Reason, and provided only for the rest of the people, fixed the tenth day. But I suppose it requires no other argument than reading the several acts upon this subject, to prove that our legislation looks to enforcing the **religious** observance of the day. If the legislature can direct that religious observance, then there is no limit to their power over religious subjects. If they can direct the people to stay at home quietly, they can direct them to go to church, and if they can direct them to attend church, they can indicate the church to be attended. In short, if they have any power over religious subjects, they have all power. Such power would be a perfect union of church and state, so much abhorred by the people of this republic. It would inevitably lead to religious persecutions, and finally to civil and religious tyranny.

The doctrine that the "Christian religion is a part of the common law," is, I suppose, the foundation and justification of this act. That doctrine was promulgated in the worst times, and by the worst men of a government that avowedly united church and state; in times when men were sent to the block or the stake on any frivolous charge of heresy. To deny transubstantiation or the supremacy of the Pope, was a capital offence under one reign; and to admit them was a capital offence under another. Men were punished as blasphemers for denying the divinity of our Saviour, because the "Christian religion was a part of the common law." Men were executed in great numbers by the civil power for denying the real presence, because that was a part of the Christian religion — and the Christian religion was a part of the municipal law. When the Protestants gained the ascendancy, to believe in the real presence was contrary to the Christian religion, and therefore a violation of the law, and punished by the secular arm. For it is truly observed: "That no set of men were ever found willing to suffer martyrdom themselves for conscience' sake, who would not inflict it upon others the moment they obtained power."

As late as the nineteenth century, this pernicious doctrine led Lord Eldon to decide that Unitarians may be punished as blasphemers at common law, and not treated as Christians, notwithstanding the repeal of the statute of 9 and 10 Will. 3: 3 Merivale, 353, *Atty. Genl. v. Pearson*.

How dangerous, therefore, is the apparently pious doctrine that the "Christian religion is a part of the common law!" If it be true, all who disbelieve that religion are habitual breakers of the law. The Jew, the Hindoo, the Pagan, are perpetual malefactors. They, of course, are beyond the protection of the law, or continually subject to punishment for conscience' sake. These consequences of the doctrine were very satisfactory to the English government, in its origin. They enabled the tyrants of the fifteenth and sixteenth centuries to find a convenient excuse for sending to the block any one who became obnoxious to them. If such tyrant were a Roman Catholic, the heresy of the reformation was sufficient. If he were a Protestant, adhering to the church of Rome was equally so. This lauded principle found ready advocates in such bloody tools of tyrants as Jeffries, Audley, and Rich.

What else was it but the doctrine "that the Christian religion was a part of the law," and to be enforced by the civil arm, that gave the Holy Inquisition such horrid force, and placed the civil and religious liberty, and the lives of nations of men, at the mercy of the bloodiest power that ever inflicted misery upon the human race, in the name of Demons or of Gods!

This convenient doctrine enabled Henry the Eighth to dispose of all whom he chose to call his enemies, whether they were learned and conscientious gentlemen, like Sir Thomas More, or were wives of whose beauty he was weary. His successor, after robbing all the Jews of the kingdom of all their wealth, either sent them to death or banished them from the empire. And he was right, if this principle be right, for they were always violating the law, and of course deserved punishment.

If this doctrine is to be the rule of action, where do you find its interpretation? Where are to be found adjudged decisions of what this law teaches, so that the people may escape the perils of its violation? Are they to be seen in the doings

of the Council of Nice or the Diet of Augsburg? Are they in the bulls of Hildebrand or the writings of Luther? in the rigid doctrines of Calvin, or the more liberal opinions of Wesley? Does this part of the "common law" (adopted in Pennsylvania) command us to bow down before the image of the Virgin and the Saints; or, discarding all visible symbols, to worship the Unseen God? This doctrine must drive us for refuge to the infallible church of Rome, where the decrees of the Pope are the unerring rule of this part of the "common law."

The constitution of almost every state in the Union contains a section securing liberty of conscience.

The constitution of the United States, as originally adopted, had no such provision.

But the first Congress that met under it, added the following amendment:—

"Art. 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

This article is not as comprehensive as the one in the constitution of Pennsylvania.

It has already received a construction by both the Senate and House of Representatives of the United States, which has a strong bearing on the present question.

I think I may safely say, that the constitutions of the United States and of Pennsylvania are founded on no religion, but on purely civil considerations — on the unalienable rights of man; one of which is **that man shall not interfere with the rights of conscience.**

The constitution of South Carolina contains the following provision: "The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall hereafter be allowed within this state to all mankind: **Provided,** That liberty of conscience thereby declared, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state."

This provision, qualified by the proviso, is not nearly as strong as ours.

The city councils of Charleston passed an ordinance prohibiting, under penalty, all worldly employment on the Lord's Day — "to preserve peace and good order within the city" — thus proposing to bring it within the proviso. In 1836, a Jew sold goods on Sunday, and was prosecuted under this ordinance. Judge Rice, a very able and learned jurist, decided that the ordinance was unconstitutional and void. The opinion is elaborate and able, but has since been reversed, on the strength of the proviso, in an opinion more pious than able: Law Rep. for May, 1848, p. 7.

Virginia had previously declared a similar ordinance of Richmond void.

The Supreme Court of Ohio, in the 15th vol. of her reports by Griswold, p. 225 — *The City of Cincinnati v. Rice* — declared a like ordinance void, as against those "who conscientiously observe the seventh day of the week as the Sabbath."

The section in her bill of rights is an exact copy of ours.

So far then as the authority of the United States, and of other states goes, this act is unconstitutional. And it seems to me it would be a reproach to this state, if it were not declared so.

But suppose it were competent for the legislature to prohibit labour on the Sabbath, on account of its sacred character, it is certainly not competent for them to declare which day of the week is the Sabbath. That would be a palpable "interfer-

ence with conscience." For I suppose it will be admitted that there is an honest diversity of opinion on that subject. My clients are firm believers in the holy character of that day, and they strictly keep it, as the record shows. But they believe that the Lord, who alone had the power to fix it, rested the seventh day, and sanctified it as His Sabbath. And that designating the first day of the week as the Lord's day was a mere human invention.

Is there not enough in sacred history to justify honest and intelligent men in holding such opinion, without being stigmatised as "capricious?" God having laboured six days, rested the seventh, and sanctified that day, as we are told in the history of creation. But I am not aware of any injunction to man to keep it holy, until God condescended to give laws to the Jews after their flight from Egypt.

One of the Ten Commandments, given from the smoking top of Mount Sinai, says:—

"Remember the Sabbath day to keep it holy; six days shalt thou labour and do all thy work; but the seventh day is the Sabbath of the Lord thy God. In it thou shalt not do any work."

Here the time in which man shall work, and in which he shall not, is fixed by Deity himself, in a manner too solemn to be forgotten or disregarded. It was pronounced with the voice of a loud trumpet, amidst the lightnings and the quakings of the Mount. And this day has been always kept by the Jews, from that time to the present; and by the early Christians, until the fourth century. (Vide Justin Martyr and Origen, *passim*.)

Our clients believe that part of the decalogue which commands them to work six days, to be as binding on them as that which directs them to rest the seventh. And it must be confessed, that so far as earthly interests are concerned, it is quite as important. Did the world generally hold that salutary belief, and act accordingly, we should have less need of poor-houses, jails, and vagrant-laws.

But if conscience directs them to work six days, and forbids them to work the seventh; and if the act in question prohibits their working on the first day of the week, then such act "gives a preference to other modes of worship." It allows some six full days to labour, and restrains others to five. This subtraction of one additional seventh of their time of labour, and consequently of their means of profit, operates as a penalty on their religious belief.

It will not do to say that they are not compelled by law to work six days; they believe themselves to be so commanded by the decalogue — and that the act cutting off one of those days runs counter to the eternal mandate.

The first day of the week came to be treated as the day of worship among Christians after the conversion of Constantine from Paganism. He had previously worshipped the god Apollo, whose sacred day was the first day of the week. When he abandoned Apollo for Christ, he retained some of the relics of Paganism. Among the rest was the holy day of his ancient God. By a formal decree, he directed his subjects who lived in towns and cities (he exempted country people from it on account of inconvenience), to worship God on the "day of the Sun — *die solis*." Hence that day came to be called "Sunday." His decree may be found at length in the "*Corpus Juris Civilis*, Book 3. tit. 12," in these words:—

"*Omnes Judices, Urbanaeque plebes, et cunctarum artium officialis venerabili die solis, quiescant. Ruri sed tamen et cetera.*"

Our act of Assembly is but a copy and an enlargement of this decree of a bloody despot, who earned the glory of saintship by assisting at the council of Nice, and enforcing its decisions by his civil magistrates. (Eusebius, Bishop of Cesarea.)

"The 4th section of our act enjoins upon judges and magistrates to proceed and convict in a **summary way**, all persons who shall **profane** the Lord's day, as aforesaid; and if the forfeiture be not paid, to **commit the offender without bail or mainprize to the house of correction, to be kept at hard labour, on bread and water only.**"

Religious intolerance could not invent a more odious law; nor one more repugnant to our constitution, and more opposed to the noble and independent injunction of St. Paul: — "Let no man therefore judge you in meat and in drink, and in respect of any holy day, or of the new moon, or of the Sabbath days."—Col. ii, 16, 17.

Null, contra, would not discuss the question as to the origin of the first day of the week, or of the seventh day, as a season of rest. As Sunday has been observed, from the commencement of the Christian era until now, by ninety-nine hundredths of those recognised as Christians, he would consider it as the right day, having been established by long usage.

The act of 22d of April, 1794, cannot be viewed as regulating religious exercises, or as interfering with the rights of conscience. It does not prevent any one from worshipping God as he chooses, or as his conscience dictates. It only punishes him, by a prescribed penalty, for following worldly employments on that day. As the legislature possess the power necessary for the government of a free state, can any rational doubt exist as to their power touching the matter in question? The act operates solely as a political regulation. Its existence extends only to secular affairs. It furnishes repose to the weary, and gives rest to those in bondage. To all, it affords opportunities for reading, study, and reflection. From the first settlement of the state, Sunday has been kept: Colonial Records, vol. 1, page 33, sec. 36. As a vast majority of the people rest on this day, will it be pretended that the legislature cannot protect them in so doing? Our laws in relation to acts which are **mala prohibita**, are designed to punish men for conduct deemed at variance with public policy. Fishing in numerous streams, indecent exposure of person, horseracing, masquerading, &c., are on this account interdicted. The Hebrew legislator, in his command as to the Sabbath, had temporal as well as spiritual matters in view, or he would not have directed rest for irrational animals.

He would not inquire what conscience is: whether it is an innate principle, or merely the result of education. It is known to be different, in regard to the same thing, in different parts of the world, under dissimilar religious influences. If laws could be made to conform to all the religious caprices that frenzied fanaticism would suggest, there would not be days enough in the week to accommodate such conscientious scruples. Mohammedans would want Friday, another sect another day, &c., &c. The laws against bigamy would have to be declared unconstitutional, because of the consciences of those who would desire a plurality of wives. And the laws which punish the fornicator and adulterer, and the person who commits incest, would be in the same category, on account of the conscientious scruples of the Battle-Axe Christians. One class would say that the school-law, by making them pay for the education of the children of others, was unconstitutional, while another would allege the same against the militia-law, because it exacts a small

fine for the non-performance of militia duty. Such positions have already been assumed. Listen to them, and qualms of conscience will be powerful in nullifying laws. In this state, where Christianity is said to be the basis of our laws, there will be no day of rest: 11 S. & R. 406; 1 Penn. Rep. 13. Let there be no Sunday. Let it be known that the legislature cannot protect orderly persons in their rest and meditations, and soon we will see the cruel and rapacious uniting to oppress those over whom they have control. If the government cannot supervise the morals of the community, it must be impotent indeed!! But these men, whose tender consciences ask to have this act made void, settled herewith the full knowledge of the law. Hence they have no just cause for complaint. The sect has, it is believed, had its rise since the settlement of the state. This court has already decided this question, and in South Carolina it was decided quite recently. Therefore, as the constitution is the same, the act of Assembly the same, and the circumstances of the country the same, that they were when former adjudications were had, no good reasons exist for a departure from them: and as this court holds that a law should not be declared unconstitutional without its provisions are manifestly so (2W.&S.277), it is hoped the judgment of the court below will be affirmed.

The Barbed Tongue of Thaddeus Stevens

Of Stevens' ability as an orator Carl Schurz said, "In the great French struggle his oratory would have outblazed Mirabeau." James G. Blaine described the Stevens delivery as possessed of the keenest wit, and as a perfect example illustrating the difference between wit and humor: "He did not indulge in humor. He did not enjoy a laugh. When his sharp sallies would set the entire House in uproar, he was as impassive, his visage as solemn, as if he were pronouncing a funeral oration."

On one occasion an opponent of Stevens indulged in some personal attacks. The devastating reply made to the House was: "The gentleman who has just spoken need not fear that I will make an attack upon him. There are some reptiles so flat that the foot of man cannot crush them."

During his congressional service Stevens kept up the habit of making outrageous comments of a withering sort in a voice loud enough to keep his closest associates in the House amused constantly. Congressman Justin S. Morrill of Vermont said of Stevens: "Never indeed was wit of all varieties, coarse and fine, exhibited in more bewildering confusion. He daily wasted in this private and semi-grotesque distribution of mirth, sense and satire, often indiscriminately among friends and foes, a capital sufficient, could it have been preserved, to rival almost any of the acknowledged masters among colloquial wits of this and possibly of any age."

To a colleague who paraded back and forth while delivering a long speech Stevens interrupted to ask if he expected to collect mileage for the speech. While pleading a case before a county court Stevens' satirical antics disturbed the judge, whereupon His Honor demanded of Stevens, "Do you mean to show contempt for this court?" To this Stevens retorted, "No, I am trying to conceal it." On another occasion Stevens detected a particularly unpleasant foe enter the House and take his seat, whereupon the local congressman announced to the House that some obnoxious vermin had managed to slither into the House and fasten itself unto a seat.

To a county court jury Stevens once called attention to the homely face of a defendant accused of acquiring land by fraud: "The Almighty makes few mistakes. Look at that face! What did He ever fashion it for, save to be nailed at the masthead of a pirate ship to ride down unfortunate debtors sailing on the waves of commerce?"

The polished and urbane William Meredith of Philadelphia once described Stevens as "The Great Unchained," and Judge Jeremiah S. Black thought Stevens' mind, insofar as his obligation to God was concerned, was "a howling wilderness."

Congressman William Robinson of New York eulogized Stevens in a memorial tribute as follows: "*He seemed like an eagle, perched alone upon a blasted oak in sullen and defiant majesty, scorning alike the chatter and the scream of other birds around him; his eye sometimes seemingly covered with film as of down from the passing wing of death, but in a moment shooting into pinions on which he proudly soared to the sun. That proud and defiant spirit, often fierce, sometimes unforgiving, and always bold and honest, has passed away.*"