Capital Punishment.

"S." No. VII.

To the Editors of the State Sentinel:

GENTLEMEN:—In my last, I touched all the items of the Noachic Code, excepting the one in controversy, for the purpose of seeing whether they were still in force or not. I found them *all* to be in force from the command to multiply, down to the covenant against a flood, and the hanging of the bow in the cloud as a sign and remembrance of that covenant. In all candor, I now ask, if all that was said by God to Noah and his sons, except the items in controversy, is in force at this day, does not that fact give us a reasonable ground to infer that the controverted items are also in force? Is it not *prima facie* proof (which becomes conclusive if not rebutted) that it is so? I humbly conceive it is.

God, when a new creation is commencing, and a new world of mankind are planted in that commencing creation, speaks to the father of that world, and to his sons, who are the fathers of *all the families* of that world, literally and figuratively. They are that world in relation to their conduct, prerogative, dominion, property, diet, preservation of their lives, and avenging the spilling of their blood, and the protection and preservation of them and of the whole animal creation against a destruction such as had just passed,—that creation still in existence—that world of mankind still in being,—and all that was said by God to them and of them in force alive, operating, existing, and going on, excepting what relates to the preservation of their lives and the avenging of the spilling of their blood; and this alone forsooth, we must *presume*, (without the first shadow of evidence from the divine record,) to be annulled, merely to gratify the fastidiousness and mawkish and pretended philanthropy, but real misanthropy of a few, who tell us that the arrangements God made for this world and this creation, extending from the flood of Noah to the burning mentioned by Peter and Paul, are but "the relics of a barbarous age," and entirely unfit for modern wise, fine, civilized and *refined* society!!! Verily, they are extremely modest in what they ask of us!

But I take it, that, however unsuited it may be to their notions of civilization and refinement, that part of the Noachic code is still in force. The Apostles and elders at Jerusalem expressly decided that the annulling of the law of Moses did not affect this code as to blood and things strangled. And if it did not affect it as to that part, I see no good reason why it should affect it as to any other. No other part of the divine volume has been expressly, juridically, and divinely annulled, except the law of Moses; by deciding that part of the Noachic code was not annulled in that annulment, the Apostles decide that the Noachic code is distinct from the law of Moses; and as there has been no other express annulment but that, therefore no part of the Noachic code has been expressly annulled. And I have shown that it is not annulled by implication; for the *reason* of it, and the world it was addressed to, given to, and extended over, exist now as they did at the first. Much of it we know from our senses and daily observation, is still in force. And a rational man can come to no other rational conclusion than that all of it is in force.

I have thus, at some length, examined the question, Is the Noachic code still in force? mainly, because if it is not, there is no use in wasting our time examining it to see what it says on the subject under discussion; and secondarily to comply with the requisition of my respondent F., who says that I "must show that the [the Noachic code] as well as the Mosaic code is still imperative on us before sufficient importance can be attached to it to justify the judicial murder" of the criminal, even though he be a murderer of the deepest dye." And by the way, F. is just as much wrong in what he says I'll have to do with the Mosaic code, as he is in calling the legal execution of a murder of the deepest dye judicial murder. How strangely muggy and confused some men's ideas are! *Murder* is the *unlawful* killing, &c. If the killing be *unlawful* it is not *judicial*; and if it be *judicial* it is not *unlawful*; therefore the phrase *judicial murder* like the phrase *legal murder* is a contradiction in terms, and moreover, as much as it would be to say there is a man *drunk sober*; or, there is a man *sober drunk*.

I have, as I humbly conceive, adduced sufficient facts to show that the code is still in force. I may though, as I proceed, give some other reasons which will naturally come in my way, and which have some weight in my mind in bringing me to that conclusion.

Having now reached the point I wished to reach in my last number but could not, I will make it the conclusion of this. Meantime I am respectfully yours, &c., S.

Death Punishment.

EDITORS OF THE SENTINEL: Gentlemen—As in a former number we sought leave to "add a few lines occasionally" as this momentous question is discussing, we hope we are not out of order in doing so at the present stage. "Mr. S." has gone ahead with his four productions, in the second of which he sets out upon the granted premises, "that the Author of the Universe has a right to govern it;" "and that the Creator has a right to govern the human race; and that he will exercise that right." And upon the argument based upon the conduct of the Deity in respect to *Cain* and the *flood of Noah*. In his fourth production he propounds the question, "Should the municipal law prescribe and inflict the punishment of death on the murderer?" We propose noticing these in turn, and

1. The argument based upon the conduct of the Deity in respect to Cain.

We frankly acknowledge that we were greatly mistaken herein, in attributing *argument* to "Mr. S.;" for upon examination we find that he honestly concedes the whole ground, and openly acknowledges that God himself "prohibited capital punishment, and declared that seven-fold vengeance should be taken on him who avenged the blood of Abel." Now is it not strange that after making this frank concession, and in the face of so terrible a threatening denounced against the avengers of Abel, our friend and his crew should have the hardihood to harbour for a moment the idea of taking the life of Cain! It is even so; and to screen themselves from the awful guilt would impute *ignorance* and *mutability* to the Fountain of wisdom, and him who "is the same yesterday, to-day, now, henceforth and forever." In the idea of trial, both ignorance and mutability are implied: and trial is changed to Almighty God: for, says our friend, in setting a mark on Cain, lest any finding him should kill, "He (God) *tried* what you and those who stand on your side of the question, are wanting to get back to now," just as if he were unknown to the result of such an experiment, and subject to changes in the event it should turn out unfavorable. We can only say that the case in hand shows clearly that not only did God himself withhold taking the life of Cain, but that he also declared his vengeance against him who would do it; that we believe in the wisdom, the fore-knowledge, and the immutability of the Great I am. It will be seen by a reference to No. 5 of the items in said second production, that the propriety of setting a mark upon Cain, lest any finding him should kill him, is called in question, because, forsooth, the *reasons* are not given, and because finite intelligences are unable to guess at them; but a final admission that the Lord saw fit to do so. Why, we cannot tell. Overpowering argument indeed! We should like to know who "Mr. S." is.

2. In respect to the flood of Noah.

Here again we find we were mistaken in our expectation. The first thing we notice here is the admission that there was no other murder committed until after the flood, a period of some 1600 years, and that our system prevailed during that whole time, "and that man was prohibited from inflicting capital punishment on the murderer." Now if this proves any thing, it proves conclusively that capital punishment increases, no, not only increases murder, but actually causes it; inasmuch as during that long period of 1600 years when the system was unknown, not one single murder occurred, save the one already mentioned. Another period of like duration, to which murder is a stranger, the annals of history are unable to furnish. Capital punishment with all its horrors can never point to a period like that. The Bible however says, that at the end of that period *the earth was filled with violence*, but not as "Mr. S." would now have it, changing from his first admission, that "the cutting of throats, and the beating out of brains, universally prevailed," and that the "whole race" of mankind "had become murderers," through the long prohibition of capital punishment. Now the truth is, the scripture says, *the earth was filled with violence, that the wickedness of man was great in the earth, and that every imagination of the thoughts of his heart was only evil continually* &c. &c. Not one word of murder is mentioned, and although our friend has been learning for forty years, one more perusal will tell him that cutting throats, and knocking out brains are not mentioned among the crimes for which the old world was drowned. Now let us view his conclusion, that the Deluvian flood was the capital punishment inflicted by the Deity himself for *murder*. It is said that after a trial of our system for the long period of 1600 years, (and which we think would be a long time for even a blind mortal to consume in testing such a experiment, much less infinite wisdom,) that God discovered that his hitherto lenient government would not answer, and that capital punishment must be instituted, which was then inflicted by the flood on every soul save eight souls. It will be born in mind that murder is not charged to the antediluvians, and that "Mr. S." made this admission; but even suppose it is implied in their catalogue of crimes, are there not also a multitude of other wrongs and misdemeanors, of various grades, some of greater, some of less aggravation, also implied therein? And if so, what is the conclusion? Why simply, and as always will be the case when we set out upon fallacious and erroneous premises, that if the flood of Noah is to be taken for a precedent for death punishment for murder, it is also a precedent for death punishment for every kind and degree of wickedness; thus the whole world should be hanged. We ask an impartial people if this is not a fair conclusion from the premises? And will it not remain a correct conclusion until "Mr. S." can show conclusively that every man that was drowned, had been a murderer? This we are prepared to show is utterly impossible, but we pass it by and ask the question that if, as it is said, this world shall be purged with fire, shall we, as did the Antediluvians, patiently await the ways of heaven, or shall we take the whole into our hands and burn it up? Or shall we attempt to cleanse it of all sin as we go along, and thus leave nothing for God to do? In a word, would we thwart the ways of heaven's eternal destiny to man? All these questions are incident to the premises of our friend. We shall notice no more of the absurdities of this second production, save the one in the conclusion where, contrary to all that had gone before, it is declared that capital punishment did really exist during the whole 1600 years. Without another word we now leave this No. inviting those concerned to read for themselves.

3d. Should the municipal law prescribe and inflict the punishment of death on the murderer?" This interrogatory, as we said before, is found in "No. 4." We are bound to answer in the negative for the following reasons, and

1. From the want of power in our municipal law. Now municipal law is defined as being a rule of *civil* conduct, prescribed by the supreme power of a State &c.,—but whence this supreme power, and indispensable ingredient in government? We prestume it will generally be conceded that in this American Union, this power was obtained from the great body of the people by consent, and not by coercion; for if by the latter, our government would be a despotism; but as our friend will certainly not advocate that system of government, we shall pass it by. Then in the establishment of our municipal law, the supreme power is obtained from the great mass of the people who are governed by it, and who respectively surrender certain individual rights and privileges, in order to form the social compact, and to enjoy its superior benefits. Those rights or minor powers, thus surrendered, when all combined, constitute the supreme power, which prescribes the *rule of civil* conduct, which is the municipal law. Here then is the basis of its structure, a grant from the people. But as no combination of inferior rights or powers can constitute a certain other different superior one, so no right not surrendered by those respective individuals, can properly and justly be exercised by the supreme law of the land. Now the question arises in all its horrors, has man a right to take his own life? If he has, you justify suicide.—If he has not, how can he grant that right to others? And how can others obtain from him any such right? If A have not a right to a certain tract of land, I apprehend "Mr. S.'s" law books teach him, that neither B, C, nor any other can obtain from him, a good and absolute right thereto. It would be impossible. Equally impossible is it for our municipal law *justly* to take the lives of any of its citizens, having derived all its powers from them, and when in truth and in fact they have not the right to take their own individual lives. This is certainly fair reasoning, and to us it appears conclusive. But

2. *From its limited operations.* It is a rule of *civil conduct*, and is herein distinguishable from the natural and revealed law. It operates upon *civil* conduct, and not upon *moral* conduct, apart from *civil*. The reason is that government has no concern with men except in the capacity of *citizens*. As *moral agents* we are accountable to another and higher power. Therefore upon the commission of murder our municipal laws have no right to inflict a punishment any farther than the *civil wrong* is concerned, the *illegal act*, and not the *moral guilt*. The exercise of such a power belongs to God alone, not to man, nor any set of human laws. Their extension to the punishment of moral guilt would be usurpation upon the jurisdiction of heaven, and therefore absolutely wrong. Again, moral wrong is punishable in a future state; and punishment in a future state is inflicted for moral wrongs. And the province of human government does not reach into eternity, but ends with time. But as an extinguishment of man's probationary existence secures his final destiny, and fixes his eternal fate, it is very evident that our municipal law, in taking human life, is operating upon moral conduct, and beyond its just limits, which is contrary to the premises. In acts which are both civil and moral wrongs, the principle is not altered, inasmuch as our municipal law can inflict its punishment so far only as the *civil wrong* is concerned.

3. *From its object.* The object of municipal law is to secure the general happiness. And whatever is productive of the greatest amount of human happiness, says the celebrated Dr. Paley, is right; and consequently whatever is subversive of this noble end, and fails in its achievement, must be wrong, and should constitute no part of our municipal code. That the law inflicting capital punishment is subversive of this end, let it be borne in mind that nothing casts a darker gloom, nothing detracts in greater portion from the sum of man's happiness, and adds more to his bulk of misery, than an announcation of the death penalty sentence, and its awful execution. That it fails in achieving said noble end, it is only necessary to revert to the law in its operations, *first*, in preventing the hangman from the further commission of crime. Now this is undoubtedly true. It does this much; but at the same time it does a great deal more; for now his fate being forever sealed, and his lot cast in another state of things, he can do neither right nor wrong, as respects this life. It is evident that if man be so situated that it is impossible for him to do wrong, it is impossible at the same time for him to do right. Withhold the possibility of practising vice, and virtue will no longer be known. Should our laws be therefore so foolishly constituted as forever to lose virtue, in order to punish vice; so to punish wrongs as to prevent rights, thus damping their first great object, the promotion of the general happiness?

It would be like the boy who purposely dulled his scythe, because forsooth it cut his fingers while awkwardly whetting it, but who soon found to his sorrow that if the scythe were incapable of cutting his fingers, neither could it cut the grass. Why should our law be thus inconsistent in punishing crime, when other modes have all the advantages and none of the improprieties and absurdities of such a system. *Secondly*, in deterring others. This, as a quality of the system we wholly deny. Man's nature and disposition teach us another lesson. The love of liberty is the first principle of his soul; and unnecessary restraint provokes his anger. Leave man alone in his private chamber, and there will he remain for weeks together without ever suffying out; but lock him in, fasten the doors and windows, and tell him he shall not go out, that he is bound to remain there, and then it is you see every nerve beginning to move; every effort made, and at the risk of life will he rend the locks, burst the doors, shatter the windows, and go foaming and thundering out in open defiance of all threats and orders. The colonies regarded not the tax, double the amount would they voluntarily have paid, but compulsion was out of the question. Generally, mankind are easily lead, but hosts often fail in driving them. When in the heat of passion, threaten man with the gallows; tell him, "kill me sir, and you shall hang! your life shall be taken—the law will take you in hand, sir," and truth for it, you only increase his passion, cast fuel into the fire of his wrath, and provoke his utmost indignation, and ten chances to one if blood is not shed and life taken. Step by step he approaches despair, until he is swallowed up in the vortex of fire and rage, then like a meteor, he becomes the subject of the most hellish deeds. "Man is a curious creature, he will not agree to be killed by another, but let him alone and he will die himself!" That which he is commanded not to do is that which he is most inclined to do. Charge a child very positively not to divulge to its parents a certain secret, and my word for it if that is not the very first thing told. Is not this a principle implanted in our nature, arising either from curiosity, or an innate hatred of what we suppose unnecessary restraint? It was this that led poor old Eve to eat the *forbidden fruit*. There may have been many other trees standing in the garden of which she had not yet tasted; or perchance had she not been commanded not to eat a certain fruit, she *never* would have eaten it, perhaps never have thought of it. Who is it that does not remember the antique tale of the old man in the town of Bagdad? The King had occasion to issue his decree that no man should go without the suburbs of the town for 30 days on pain of being burned. Now this old man is said to have numbered his sixtieth year, and never to have gone out of the town; but now, no longer able to restrain himself, either from curiosity, or in defiance of the King, he aroused his latent energies, resorted to every possible means, and finally stood without the town of Bagdad. Had the decree not gone forth, in all probability the old man would never have even thought of going out. But when it is said, you shall not go, then it is we begin to muster our strength.

All time has proven that the more lenient laws are, the fewer are the crimes committed, and *vice versa*. When there was a law in the Carolinas by hang a man for stealing a horse, ten horses were stolen in one night's abrogation. So in England and Ireland, and in every portion of the world where these rigid and inhuman laws are suffered to prevail is this principle clearly seen in this day. It is contrary to man's nature, and opposed by all past experience. *Thirdly*, in its uncertainties in punishing the guilty. These uncertainties arise from the degree of crime. As murder is amongst the highest of crimes known to our law, it is involved in the greatest uncertainties. Two demons, intent upon the life of his fellow, wrapped himself of all secrecy. The midnight hour,—the secluded spot—and the unsuspected moment are amongst the circumstances that mostly tell the tale. Few persons have ever been hung by evidence freed from uncertainty. The innocent must therefore suffer, and fatherless widows and orphans thrown upon the mercies of a cold and unfeeling world. Certainly that great and noble end so *the social compact* is lost sight of—the general happiness.

Again: few persons are now willing to admit that any man in his right mind is susceptible of committing so horrible a crime as murder. If this be true, and it appears highly probable, woe to the advocates of death punishment, and all former executions. When reason recedes, and passion reigns alone, poor man, heedless of his doings, commits an act, and is doomed to die. Where is humanity! Ah, where is justice! Must the idiot be punished, and the insane man be hung?

It is well known how easily circumstances may operate against the innocent. A murdered man—an incensed populace—a ruined character—partial witnesses—an anxious jury, and a fallible judge, are a few of the difficulties and disadvantages innocence is often brought to encounter. The tale of the poor innocent condemned culprit in Kentucky would be appropriate here, but we forbear. *Lastly*, in its execution. Now we grant the premises of our friend, that God governs the world; but as we said before, we know not where he has any where consigned this power to man. Neither do we believe that man is punished in this life for the crimes he commits, and is thus held to boundless duty. We take it that man is a free agent, if the phrase be admitted; that in his congregated, as well as in his individual capacity, he is left free to himself, so far as civil and moral laws are concerned. The penalties of natural and civil laws are confined to time; of moral or revealed, to eternity, or a future state. Is not this the plan of the Christian religion? Or is "Mr. S." a universalist, denying all future punishment, and assuming the position that the penalty follows quick upon the heels of transgression? Perhaps the Old Bible will be again referred to; but as the New Testament is now our religious code, may we not say as "Mr. S." has done before us, that perhaps the ancient dispensation was tried long enough, but finally laid aside, when a more propitious event introduced another system, deferring the punishment of crimes to another state of existence. And now until it is proven that God has reversed this latter system of government, we call in question the idea that he either directly or indirectly takes part in the infliction of penalties in this life. Suppose, however, for a moment that God, through the instrumentality of man should in the case of murder, see fit to condescend and pour out his vengeance upon the murderer, he being uniform, would intercede on all occasions of like transgression, and hence what is, is right. There is nothing wrong under the sun. It is all under the immediate control of the Deity, man having no choice at all, and nothing can possibly go wrong. We shall only remark that if we could venture thus far, we should certainly go one link farther, and rather believe that as Deity is invested with all power he had rather prevent crime than suffer it, in order to pour out his wrath on poor mortals.

The conclusion is, that God has seen fit to govern the world of mankind by placing future rewards and punishments before him. Therefore in every punishment, as well as in every reward appertaining to or whose effects are extended into a future state, God himself, and not man, should be the executioner. And we be unto that people who would usurp the reins of Heaven and seal the ruined fate of one soul on earth. Poor man conceived in society a happier state of things. He anticipated no exercise of powers beyond those granted. Let the limits of civil law be where they will, they cannot possibly extend to the taking of human life. It is a usurpation upon the jurisdictions of Heaven; and beware lest so dire a vengeance as once befel the old world, when, as "Mr. S." says, it was filled with violence and blood, do also for a similar reason befall it again in those latter days. X.

Anniversaries.

Anniversary of the American Society for the Abolition of Capital Punishments.

The following are the persons elected for the ensuing year as officers of this society:

President, Hon. George M. Dallas, of Pa.; Vice Presidents, the Presidents of the several State Societies; corresponding Secretary, J. L. O'Sullivan; Recording Secretary, Horace Greeley; Treasurer, Jacob Harsen, of N. Y.; Executive Committee, Rev. T. C. Upham, D. D., of Maine; Hon. John P. Hale, of N. H.; Rev. E. H. Chapin, of Mass.; J. Stanton Gould, of N. Y.; B. Rush Plumley, of N. J.; Hon. John Galbraith, of Pa.; Hon. Mr. Moulton, of Ohio; Rev. C. F. Lefaire, of Wisconsin; Hon. Mr. Ratliff, of La.; Hon. Benjamin F. Porter, of Ala.

The members of the society met last evening in the Apollo Saloon, Broadway. A few minutes past eight the chair was taken by RICHARD SCOTT, who opened the meeting with a few remarks.

He spoke of the continuance of the penalty of death on the statute book as a reproach to the humanity of the age. He read a letter from the Rev. Dr. Ford, who was for many years Ordinary of the Old Bailey, in which he expressed opinions, founded on long experience and observation of the effects of different methods of punishment. Dr. Ford would entirely dispense with the gallows; he argues strongly against its utility in any case, and insists upon the propriety of granting the criminal room for penitence and reformation of character.

The floor was then taken by Lloyd Garrison, who made a clever speech. He argued against capital punishments, from the very circumstance that it was now admitted on all hands that the very sight of them had the effect to demoralize. Even in Virginia, said he, only twelve men are admitted to see an execution. The less publicity given to such a proceeding, the better for the morals of the community. Why not then abolish the gallows altogether; why not do away with a custom so cruel and bloody, that when you practise it, you are compelled, lest your example should have a bad effect upon society, to practise it secretly! He also contended that no authority for capital punishment could be found in the teachings of Christ, and adverted to the fact that its advocates went behind the gospel to the old dispensation, for their justification.

Dr. William Elder, of Philadelphia, was then introduced to the meeting by Judge Scott. Dr. Elder is a very impressive and persuasive speaker, and the first part of his speech was much to the purpose. He talked too long, however, and towards the close wandered off to the Mexican war, and seemed to forget the object of the meeting and the purpose of the association he came to address. He was interrupted by some hisses from those who disapproved of his attempt to give the proceedings a different direction from what was intended by the members of the society. He took them, however, in good part, and gave the audience leave to hiss, as long as they gave him leave to talk.

James H. Titus rose, and after a mild but firm protest against the introduction of irrelevant topics, presented the following resolutions which were unanimously adopted:

Resolved, That as a nation, the United States enjoys a reputation for intelligence and virtue unsurpassed by any other—that it is indebted for this enviable honor to the prevalence of christian principles among its citizens; and that while those principles continue to rule the conduct of its citizens, and are upheld as the standard of its laws, so long shall we remain a happy and prosperous people—so long shall our reputation continue fair and flourishing—so long as that colosseum stands, so long shall the nation stand.

Resolved, That to the laws of a nation the intelligence and virtue of its citizens should always be manifested—that in a Republic like ours the people are alike the rulers and the legislators—that when disorder prevails or bad laws exist, the people are in fault—and the delinquency being with them, from them reformation must proceed.

Resolved, That the sanguinary laws which prevail in our State and National codes are not required by natural justice—not obligatory upon us by any command of the Sent Deity—not prohibitory by any precept of the Gospel—that such laws tend to render more frequent the occurrence of sanguinary crimes—that they operate on the mind of the community in depreciating the proper estimation of the sanctity of human life, and in them effects are destructive of the morals of the people and discreditable to the character of the nation.

Resolved, That a sacred and imperious obligation rests upon every individual of this nation, as a ruler and legislator, seriously to consider the subject of capital punishment—that where and wherever such investigations of the subject have been had, either by individuals, by associations, or by Legislative bodies, the result has been to encourage the spirit of action previously evinced by the humanist and by the gallows.

Resolved, That the experience under the diminution of capital punishment always has been a suppression of those crimes for which the execution of blood had been demanded as an expiation, and therefore reason and analogy warrant the belief that the *total abolition* of capital punishment will result as advantageously to the safety and welfare of society as it will be consistent with the principles of christianity and exigents of the benevolent spirit of this age.

Finally, it is therefore *Resolved*, That christian benevolence—the relative duties of individuals in social intercourse—the welfare of society—the good name of each State and the honor of the nation, all demand that every citizen offer his heart, purse and co-operation in the total demolition of the gallows.

Coleridge pronounced the following sonnet *on Night*, by the late Rev. J. Blanco White, the finest and most grandly-metrical in our language:—

"Mysterious Night! when our first parent knew
Thee, from report divine, and heard thy name,
Did he not tremble for this lovely frame—
This glorious canopy of light and blue?
Yet death a current of transcendent glow
Bathed in the rays of the great setting flame,
Hesperus with the hosts of heaven came,
And, lo! Creation widened in man's view.
Who could have thought such darkness lay concealed
Within thy beams, O sun? or who could find,
While day, light, and feeling, such sweet food revealed,
That to such comfortless orbs thou mad'st us blind?
Why do we then, shun death with anxious strife—
If light can thus deceive, wherefore not life?"

DESTRUCTION OF ST. PAUL'S CHURCH PHILADELPHIA.—A few days since, during a severe thunderstorm, the German Lutheran church, (St. Pauls,) corner of Brown and St. John streets, was struck by lightning, and quickly set on fire. The fluid passed down the steeple to its base, communicating flames to the organ immediately beneath, and the whole southern portion was in a blaze in a few minutes. The entire wood-work of the building was destroyed, with two organs, bells and clock. The cost of the structure was $20,000, only $9,000 of which was covered by insurance. The congregation had been dismissed but fifteen minutes previous to the catastrophe, and the sexton had left the building only a moment before. Had not this been the case, a melancholy loss of life might have ensued. The rain was falling in torrents during the whole time of the conflagration.

The Washington Union says: "A number of Mexican women and children had been captured by the various Indian tribes. The officers of the army in their progress came in possession of these Mexican mothers and children—whom they clothed and transported to their respective homes, under a law of Congress, making an appropriation expressly for that purpose."

He who goes to bed in anger has the devil for a bed fellow.

The Mormons in the Wilderness.

As the public are already aware, the head quarters of this sect, for some time past, have been at the Camp of the "Twelve," near Council Bluffs, west of the Missouri river, in the Indian territory. In this locality about 4,000 remained during the past winter; while the remainder of those who left Illinois and who did not disperse over the country, amounting to some 10 or 12 thousand, are scattered along in a due west line from Nauvoo to the Missouri river—principally in settlements upon the head waters of Grand river, the Little Platte, and the streams of the Ishanbotany, in the territory lately ceded to the United States by the Pottawatomies. The main body of them are about 40 miles east of the Bluffs, which, being well timbered, enabled them to prepare for the rigors of the past winter. It is the intention of the whole of them to gather at the Bluffs as fast as they can, with the bona fide design of removing to California—as many crossing the Mountains each season as can possibly be prepared for the journey.

Last year they founded two principal stoppings in Iowa, immediately west of the county of Appanoose, where large numbers of them congregated who had no means of proceeding farther. At each of these places (known as Garden Grove and Mount Pisgah,) they put in crops. Those who occupied these points last season are to remove one stage farther west this Spring (perhaps to the Bluffs,) and their improvements are to be taken possession of by the remnant who left Illinois late last Fall, and have been scattered in the frontier settlements of Missouri and Iowa. They intend farming largely at the Bluffs this season, in order to fit out a large number to emigrate to California next Spring.

In April last the leaders of the Church, together with a pioneer corps of three hundred men, well provided with seeds and utensils for farming, started for the Pacific. Their intention is to proceed as far as possible up to the period of necessary planting time, when they will stop and commence a crop. The leaders will make but a short delay at this point, and will proceed over into California and communicate with or join the disbanded forces of the "Mormon Battalion," whose period of service will expire about the first of July next. With these, they will select a locality as a focus for immigration, and make such provision for the arrival of their friends as may seem to them best under the circumstances.

The pioneers who left the Bluffs were expected to cross the mountains and reach Bear River Valley in time to plant. In this, we think they will be disappointed, unless they proceed with greater celerity than we suppose them capable to perform. The whole of that region is too sterile for cultivation, with the exception of a small valley within about twenty miles of the mouth of Bear river, where it empties into the Salt Lake, known by trappers as Cache Valley, where they usually wintered when trapping was pursued in that vicinity. We think this point too remote to reach in time for planting this season.

About the first of next month, between one and two hundred families, carrying with them eighteen months' outfit, of provisions, &c., with a train of over four hundred wagons, will start to cross the mountains—some to overtake and remain with the pioneers, and others to proceed to the end of their journey, as they may severally be able. They will send at least one thousand souls west of the mountains this season, destined to centre in California. These, with some hundreds who have reached there by sea, together with near five hundred of their "battalion," will, within a few months, make them quite an integral portion of the limited population of California. Not more than three or four years can elapse, if they continue their emigrating system, (and they are sure to do that,) before these people will treble, if not quadruple, the entire present population of that territory.

At this time they are making strenuous exertions in England, and from that quarter they have reason to expect, this season, not only considerable pecuniary assistance, but a large number of families. What will give them a greater preponderance there is, that from their former character, their social and political ascendancy will be dreaded, and the tide of every other class of emigration will be diverted to higher latitudes, where there will be no commingling or juxtaposition. That their social and political characteristics will be stamped upon the future condition and history of California, we believe to be certain; and we fear will not show a progress in the moral elevation of the present era. Industry they undoubtedly have, and they possess within themselves all the elements to make any community prosperous; but they are imbued with dogmas which deeply affect social and domestic condition; we fear rumor does not slander them in this.

Who is Responsible for the War!

The Albany Evening Journal says—"Virginia, through her John Tyler, and his Secretary Upsher, *originated the scheme of Annexation which involved us in war with Mexico.*" Indeed! and who is responsible for the election of John Tyler? If, as the Evening Journal, will not pretend to deny, the Whigs are solely responsible, and if "John Tyler and his Secretary originated the scheme of Annexation, which involved us in war with Mexico," how can these same Whigs get rid of the responsibility of having themselves been the original cause of our being "involved in a war with Mexico!" If President Polk aided in perfecting the "scheme of annexation" he has only carried out a "scheme which, according to their own claims, was "originated" by the functionaries elected by the Whigs, and a "scheme" too, against which Mr. CLAY, the great embodiment of whig principles, "personally had no objection." It was the *Whigs* who went for "Tyler, therefore, without a way or wherefore."

Let us, then, hear no more about "President Polk's unconstitutional war." He would have proved recreant to his country had he not prosecuted vigorously the war in which we had become "involved," no matter if it had been provoked by measures "originated" by men placed in power by the Whigs, and against which their leaders had no "personal objection."—*N. Y. Globe.*

The British Post-office has put a damper on ocean transatlantic steam enterprise, by charging a shilling extra on each of our ship letters destined for Great Britain or Ireland. This has led to a correspondence between Mr. Bancroft and Lord Palmerston, and to reprisals on the part of our Government as far as regards the carrying of the British mail from Boston to Canada, which has hitherto been done for nothing though the law of Congress allows the Post master to charge 6 cents per letter. The proper retaliation, however, will be a proposition made to Congress to charge 25 cents for each British ship letter directed to the United States, if England should not, in the meantime, resolve to act more generously and becoming a great nation in the premises. But England yields with very bad grace to the rival influences of her off-prong. No Englishman, commanding "the Invincible" and "the Glory," frigates, would ever have struck his colors, and saluted his antagonist with the handsome pun, "You have conquered the *Invincible*, and Glory (which was taken in tow) *follows* you." Such agreeable things can only be told by a Frenchman, who preserves his good humor and politeness under the most adverse circumstances. John Bull is an everlasting grumbler like ourselves, only with infinitely less enthusiasm.—*Pa. Ledger.*

PRESCOTT, THE HISTORIAN, is nearly blind. He has the use of but one eye on an average about an hour each day. His last work, "The Conquest of Peru," was written at a time when he could not see at all. He had to employ a secretary to read his foreign letters, and gradually accustom himself in this way to the sound of the foreign tongues, so as to comprehend the reading. He wrote with writing material such as the blind use. Under these great difficulties he has composed a work which will do honor to the literature of the country, as well as add to his own well acquired fame as a historian.

LE SATIRA, the Spanish paper at New Orleans, published an absurd letter from Havana, a few days ago, which we shall expect to see made the burden of many a Whig song hereafter. It purports to give an account of the manner in which several distinguished Mexicans have been bought up with the $3,000,000 entrusted to President POLK, by act of Congress. The story is ridiculous, as most Mexicans tales.—*St. Louis Union.*

EMIGRATION TO CALIFORNIA.—A company of young men are about organizing in Boston, with the intention of removing to California shortly, and becoming settlers of that portion of our newly acquired territory.

SUPREME COURT OF INDIANA.

May Term, 1847.

REPORTED FOR THE SENTINEL BY A. M. CARNAHAN, ESQ

JULY 19.

Harrison et al. v. Stipp. Error to the Marion C. C.—SMITH, J.

When property is levied upon by virtue of several executions, governed by different laws, as to the terms upon which it is to be sold, in accordance with the laws in force at the dates of the several contracts, the sheriff should proceed to sell first so much of the property as is necessary to satisfy the execution under the oldest judgment or that first to be paid, according to the law governing the contract on which the judgment was rendered, then a sufficient portion to satisfy the execution next in order, and so on, successively, until all are satisfied, or the property exhausted.

When the property is not susceptible of a division, the same order should be observed, as far as practicable, and the sale should be made upon the terms required by the execution first to be satisfied out of the proceeds.

A return of an appraisement made by *two* appraisers *selected by the sheriff*, without showing that a third had been appointed and had acted, is not sufficient, either under the act of 1841, which required the valuation to be made by *three* appraisers selected by the sheriff, or under the act of 1843, which provided that the execution creditor and debtor should each select one appraiser, and in case either or both should neglect or refuse so to do, the *sheriff* should appoint.

In the latter case, as the sheriff was authorized to appoint only on the happening of a contingency, the occurrence of such a contingency should have been shown affirmatively by the return.

The appraisement should be made in conformity with the same valuation and appraisement laws under which the property is to be sold, and not according to the mode prescribed by the laws in force at the date of the sale. *Affirmed.*

Hefner et al. v. Yount et al. Error to the Decatur C. C.—A. and his wife B conveyed certain premises to C. and D. with certain conditions annexed to the deed, among which are these: That said A and B should be permitted to remain in the occupancy of the house situated upon the premises, and that the said C. and D., their heirs, &c., should afford them a decent and comfortable support during their lives. B., then the wife, and now the widow of A., joined in the conveyance as a grantor of her dower interest on these conditions. *Held Per Curiam*, that the widow is entitled not only to the occupancy of the house specified, but also to a suitable support, and in case of failure by C and D, or those claiming under them, to perform such condition, she may legitimately claim her dower in the whole premises. The decision of the decree *Affirmed.*

Bolyn v. Lowsley. Error to the Decatur C. C.—PERRIN, J. The rule established by the decision in relation to fraudulent words, &c., is, that all of any given set of words need not necessarily be proved, but so many only of the identical words charged in such set as are necessary to constitute of themselves the slanderous accusation.

The course of practice to be pursued when a party discovers a witness to be interested, as given in the case of Mason et al. v. Clifton, 3d Blackf., 301, is held to be correct. *Affirmed.*

State v. Hyatt. Error to the Hippeanoe C. C. *Affirmed.* *Scott v. Wilkins et al.* Error to the Floyd C. C. *Affirmed.* *Bowser et al. v. Blackmon et al.* Error to the Allen C. C. *Affirmed.*

Connelly v. Wagnick. Error to the Putnam C. C. *Affirmed.*

Petitions for re-hearing were overruled in the following cases: Dumont v. Johnson; Ricketts v. Gustin; McKay v. Mayes; Gilmartin v. Doe ex dem. Zenke et al.; Dorman v. Bond; Lemasters v. Moreland; McCullough v. Smith v. Murphey v. Merry.

The court then adjourned.

Taking another Tack.

But a few days since the federal papers were all honey and sugar to the Catholic Priests and the Catholic Church. Never had Church such defenders as they—the most gracious and humble—the most devoted and sincere. To be sure they were! And who doubted? Why, nobody doubted it, of course, except honest people, and who cared for them!

Well, we have not got through a single moon, until we find these holy defenders of the Catholic faith charging that two venerable Catholic Priests, who went as Chaplains with General Taylor's army in Mexico, with going there as *spies!* yes, sirs! spies in the worst sense of the word, because going under the cloak of religion. The whole country—we speak of its friends, and the allies of Mexico—approved of President Polk's appointing Catholic Chaplains to the army of General Taylor, because Mexico was a Catholic country, that no pretext might be found by the instigators of mischief to charge our war as affecting, in any way, religious feeling. The Journal, last evening, snatches up this misrepresentation, as a choice morsel. The following, printed in the city where the Rev. Mr. McCalla resides, shows up the matter. The letter-writers from Washington say the President pronounces the charge wholly false.—*Ohio Statesman.*

From the Pennsylvanian.

A WICKED HUMBUG.

The federal papers are just now lamenting upon the accusations of the Rev. W. L. McCALLA, as contained in the following, from the *National Intelligencer:*

"*Chaplains in the Army*

"Hon. Peter A. Browne, of Philadelphia, lately addressed the following letter to Rev. W. L. McCalla, brother of Hon. J. M. McCalla, late of Lexington, (Ky.) and now of Washington.

"DEAR SIR:—I earnestly but respectfully request you to answer truly, candidly, and fully, the following questions:

"1st. Were you not recently an applicant for the situation of chaplain in the American army now in Mexico?

"2d. Had you a personal interview with his Excellency, James K. Polk, on that subject?

"3d. Did the President tell you that when he appointed two Catholic priest chaplains, he knew he had no such office within his gift, but that *he had appointed them Chaplains nominally, that they might browse upon*?

"To these questions Mr. McCalla returned the following laconic answer at the conclusion of a long letter, *reflecting severely on the Catholic church*, which has nothing to do with the particular point under consideration, for which reason it is omitted:

"My answer to your first question is, I was; to your second, I had; to your third, he did.

"Respectfully yours, W. L. McCALLA."

These same papers, a few days ago, were desirous of convincing the country that the administration was opposed to the Catholics, and now they are laboring to degrade them by attempting to prove the charge contained in the above wicked calumny. We question the Catholics will be found to be deeply sensible of the new favor at the hands of the Federalists. The reader will not fail to this connexion, also to observe with what *skill* the portion of the letter of the Rev. Mr. McCALLA, "reflecting severely on the Catholics" is suppressed—as if, indeed, the insult upon the dispersible and exemplary clergymen referred to were made any less pointed by such a course.

"The Rev. Mr. McCALLA" is known as a somewhat sanguinous clergyman—a person as fond of battle as of books—in a word a son of blighted Bellgrounds, always on some hair-brained enterprise. The New York *Commercial*, with a great deal of audacious, says he "bears a name not unknown to the city as generally, or now heard for the first time." A very questionable character it might be placed upon terms so favorable.

Of the two Catholic clergymen sent by the President to MEXICO, one, Mr. REY, sacrificed his life to his God and his country, and the other, Mr. McCALLA, has recently returned to his home. Mr. McCALLA is a patriot and exemplary person, and will no doubt take an early opportunity to defend himself against the aspersions of his slanderers.

In the meantime while we beg to say that the whole accusation, as quoted from the *National Intelligencer*, is a fabrication manufactured out of the whole cloth! It has not even a *suspicion* upon which to rely. Upon the *highest and the best authority*, we pronounce it unfounded and