

A
DISSERTATION
UPON THE
UNNATURAL CRIME
OF
SELF-MURDER:

OCCASIONED BY THE
Many late Instances of Suicide in this City, &c.

TOGETHER WITH
AN APPENDIX,

That points out the Inequality of some of our Penal
Laws, which take away the Life of Man.

By CALEB FLEMING, D. D.

Nor love thyself, nor hate; but what thou liv'st
Live well: how long or short permit to heav'n.

MILTON'S Paradise Lost.

The most cruel of all deaths, is Suicide.

ANONYMOUS.

L O N D O N:

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THE NORTH BRITISH

AND SCOTLAND

FRIDAY

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DEDICATION

TO THE

PUBLIC.

MY FELLOW CITIZENS,

THE very distressed condition into which we are fallen, is very humiliating. Levity, luxury, impiety, and enormous vice, have been the guilty cause which has brought upon us these formidable evils, *viz.* an alarming shake to public credit; a direful obstruction to trade and commerce; a deplorable want of employ for our manufactoryers, and artificers; a shocking advance in the price of the necessary food of man; the industrious part of the people emigrating; our poor starving; our rich and great indulging themselves in every debauchery and extravagance. Gaming, gambling, monopolizing, give the reigning avaricious spirit of the times. The insolvent, and dissatisfied, are cruelly laying violent hands on themselves, in great numbers!

In

DEDICATION.

In which corrupt and perilous state of our nation, I have presumed to throw before you a short Dissertation upon the unnatural crime of Self-Murder; this I have done from a desire of contributing, all in my power, towards exciting a dread of so daring an insult on the divine prerogative. I call the crime *unnatural*, from its repugnancy to that first law of our natures, self-preservation.

Near forty years ago, I had the uncommon pleasure of reconciling a gentleman, racked with the stone, to a patient endurance of his painful condition; though he had set his house in order, had formed his resolution, and fixed on the time of dispatching himself. Which persuasion, the said gentleman acknowledged, in a letter to a worthy friend of mine*, was wrought in him, by a remonstrance I had drawn up against Suicide, which was inserted in the OLD WHIG†.

Should this dissertation have any such beneficial effect, it will richly reward the labour; for in truth, the benefit of my fellow citizens is my object.

The APPENDIX, points out the *inequality* of some penal laws, which take away the life of man.

Hoxton-Square, Mar. 1. 1751. C. S. F.

* Dr. BENJAMIN AVERY, late treasurer to Guy's Hospital.

† A weekly paper.

A

DISSERTATION

ON

S U I C I D E.

IN an attempt to expose the crime of Suicide, as unnatural and extremely cruel; we might begin with considering man before he entered into civil society; and, with Mr. LOCKE, take a view of him “ in a state of nature, as in a “ state of liberty, yet not in a state of licence: “ for though man in that state has an uncontrollable liberty to dispose of his person or possessions, yet he has not liberty to destroy himself, “ or so much as any creature in his possession, “ but where some nobler use, than its bare preservation, calls for it. The state of nature “ has a law of nature to govern it, which obliges “ every one: and reason, which is that law, “ teaches all mankind who will but consult it, “ that being all equal and independent, no one “ ought to harm another in his life, health, liberty, or possessions. For men being all the “ workmanship of one omnipotent, and infinitely “ wise Maker; all the servants of one sovereign “ Master, sent into the world by his order, and “ about his business, they are his property, whose

B

“ work-

“ workmanship they are, made to last during his,
 “ not one another’s pleasure *.”

Thus evident is it, that if man in a state of nature had no uncontrollable liberty of taking away his own life, when he is contemplated as a member of civil or political society, he cannot possibly be permitted to have any such licence. —I shall therefore presume first to lay down, and afterwards prove the truth of this proposition, *viz.* “ That not any thing can be more unnatural, and argue a greater depravity of mind, than self-murder.” Yet here I would be understood to except such, who, by the hand of God, are deprived of the use of their reason and understanding.

That self-murder is an unnatural crime, and has in it many aggravations, may appear flagrant under the following views, which shall be taken of the impiety and inhumanity. It will so appear to those who believe there is a God, and a future state of recompence; and consequently, do own that man is an accountable being. With none but such, is it to be supposed, that any kind of reasoning on the subject can have the least efficacy.

But to those who do believe there is a God, and that man is accountable, this will be one powerful reason against the act of Suicism, *viz.* that the present mode of man’s existence is, and must be *probationary*. It should appear to be a self-evident truth, that during the term of human life, wherein man has the use of his intellectual faculties and powers continued to him, he is a probationer, and as such is appointed to conflict

* Of Civil Government, chap. x. sect. 6.

with temptation. Now every man is well informed, that the breath which is in his nostrils, is not under his own volition or command; and that what propriety he has in it, is only that of a *loan*, which affords him no manner of right to give it a dismissal at his own pleasure. The life-principle, he knows, is not his own; because it operates wholly under another's direction. In other words, he has no hand at all in that wonderful principle or power, which animates his bodily machine.

It certainly is a communicated bestowment for all the purposes of man's present perceptions, pursuits, and also sensitive fruitions. Or, it is that measure of his probationary duration, which is subject only to the decisions of infinite unerring wisdom. It is therefore the unalienable prerogative of the universal Sovereign, and is thus represented by the oracle; I KILL, AND I MAKE ALIVE! I WOUND, AND I HEAL! This character the Almighty claims and appropriates. A truth to which the Son of God bears witness, when he makes this appeal, "Which of you can, by taking thought, add one cubit to his stature, shadow, or age?"

Since therefore life is a divine communication, it behoves us to reverence and hold sacred the important gift, nor ever once resign, or consent to sacrifice it, but upon the altar of truth and God. Of so great importance is life, that an incessant care to preserve it from any apprehended peril, is a first law of our make. And although in the book of Job, it was that figurative character, called Satan, who said, "Skin after skin, yea, all that a man hath, will he give for his life:" it is nevertheless an indisputable truth. Witness the

many painful and desperate operations, to which great numbers of mankind submit, in order to preserve life. But then, even this principle, though universal, has its boundaries and exceptions: for at the same time, that, in its efficacy, it should extend to all afflictive or painful visitations, with which heaven is pleased to try the patience, submission and resignation of man; it nevertheless should, by no means, ever admit of a man's hurting his virtue, or the morality of his own mind, in order to preserve his natural life. —I am persuaded, there truly is not one supposable circumstance, which can possibly enter into the compass of human trial, where man could be justified in taking away his own life. There cannot for this very reason, *viz.* his present mode of existence, is most certainly probationary: and the God, whose gift it is, has reserved to himself the sole right of disposal of human life.

Again, as this mode of man's existence is probationary, so it is, that he is instructed both by reason and revelation, to conduct himself as becomes a candidate, who has in view a state of recompence. If therefore he is found to behave reasonably, or according to the truth, propriety, and fitness of things, he cannot but see it to be requisite, that he leave the matter wholly to the giver and Lord of life, to determine both *when* and *how* he shall finish his probation: forasmuch as it would be an expression of the most provoking insolence and arrogance, in any one creature, to assume the sole prerogative of heaven. Thus, at first view, it appears unpardonably criminal in the probationer for a world of recompence, to give himself a discharge from his duty, upon any disgust petulantly taken by him, at the circumstances

stances of his trial. The guilty wretch instantly and impiously plunges himself into remediless misery.

I am aware, some do imagine it to have been a mark of greatness of mind in the ancient Romans, and particularly the Utican-Cato, whose self-murder, the ingenious, the amiable ADDISON so unhappily and so mischievously too, celebrated in tragedy. Which occasioned the *Suicide Budget* to say,

“ What Cato did, and Addison approv’d,

“ Must sure be right.”——

Whereas, far better and more honourable had it been for Cato, had he waited a lawful, rather than have presumed upon a felonious dismissal of life. For, say what men will, it manifestly was the result of pride, distrust of providence, and an ungoverned passion in that Roman. And we are to observe, that in the most depraved state of pagan Rome, self-murder was very common. Even a Cassius fell on his sword; and Brutus persuaded Strato to kill him. Nay, several emperors did destroy themselves; among others, Decius, Aurelian, and Severus. But their motives were mean and ignoble, and took it not into consideration, that they were to behave as candidates for a state of recompence.

True it certainly is, no man ever can demean himself uniformly well in adverse circumstances, who does not keep in view a state of unmixed, endless, blissful fruition. It is this idea that only is large and powerful enough to give the needful support under any afflictive painful visitation; and enable the virtues of patience, faith, and fortitude to have their perfect work. One

would then ask, why the rankling chagrine in any professing Christian? Why so much fretfulness? Why such a furious agitation of mind, as to offer an open insult to the divinely animating spirit, merely because fallen under some calamities?—But, alas! among the horrible number of self-murderers, scarce any have been so presumptuous and daring, except minds conscious of some perpetrated villanies, that would not bear the canvassing eye of their fellow-men. More usually, they have been such who have brought on their distresses, either from luxury, gaming, or other extravagance, else from debauchery.

As to others of mankind who have fallen under very heavy afflictions, immediately and apparently from the hand of heaven, and are conscious that they have not brought on those their distresses by their own follies and vices; these, seeing the visitation to be no other than a fatherly chastisement, are never so presumptuous or daring. In truth, all men who live as probationers, or who act in character, learn to say with *Job*, whenever evils fall heavily upon them, “ Shall we receive good at the hand of God, and shall we not receive evil?—The Lord gave, and the Lord hath taken away, blessed be the name of the Lord.”—On the contrary, peevish, fretful minds, full of discontent, are ready to arraign not only the goodness, but even the equity and justice of the adorable sovereign; and are deplorably inattentive to their own appointments; for they will not be persuaded to consider themselves as candidates for a world of recompence. But on the contrary, if heaven does not indulge them with all the present sensitive good they wish, or shall throw into their lot

lot more evil than their pride and vanity can admit, they scruple not presently to spit in his face, and impudently quit the station he had assigned them.

We may further consider Suicidism, not only as a crime unbecoming a probationary state, and no way pardonable in a candidate for a world of recompence, but also as in itself so very shockingly *deformed*, as not to have been discriminately noticed in any of the divine prohibitions; just as if it was not supposable, that an intelligent rational creature, accountable to its Creator, could ever once admit the shocking idea, the unnatural, abhorrent image.

In the sacred history, *Cain* is recorded to have been the first murderer, and that under the anguish of his guilt he did most bitterly complain, that his punishment was greater than he could bear; because he was sentenced to live the life of a fugitive, or vagabond upon the earth: which was made necessary, as that very earth became barren to his tillage; his brother's blood crying from thence for vengeance. And he most naturally concluded himself, obnoxious to the abhorrence of every human eye.—Nevertheless, we are not informed of his ever once attempting to take away his own life, though bereft of the most desirable benefits of society. It is likewise observable, that when the Almighty gives his laws to *Noah*, the father of the new world [in that state of nature,] for the observance of all mankind, he expressly says, “Whosoever shall shed man's blood, by man shall his blood be shed.” And this reason is assigned for it, “because in the image of God made he man.” Here again I would observe, self-murder is not supposed to be a
crime

crime which man would commit ; forasmuch as the sanction which is here affixed to the law which forbids murder, cannot operate upon the self-murderer.

And, in fact, there does not appear to have been a record made of any Suicides in the sacred history, but those of the most abandoned characters. *Saul* and his armour-bearer, we may conclude to have been extremely wicked. So was *Ahitophel*, who first set his house in order, and then hanged himself. A very deliberate self-murderer. So was that miscreant, *Judas*, the traitor. And may we not say of all such, “ better “ they had never been born.”—For in the very last act they perform, they wilfully and impiously withdraw themselves from the animating spirit of God, and leave themselves no space for repentance. In truth, that same spirit which animates our bodies, is the only source of light and life. “ He, in whose hand is the breath of all man- “ kind, is the spirit in whom we all live, and “ move, and are.” Or as *Job* has expressed himself, “ the spirit of God hath made me, “ and the breath of the almighty hath given me “ life.” Therefore for any to dismiss wilfully this animating spirit, by the hand of violence, or by taking the deadly potion, is outrageously to thrust himself out of the reach, either of light or life.

It is observed, by a most amiable and venerable pen, *namely*, that of St. John, “ that he who can “ so hate his brother, as to take away his life, “ can have no such thing as the principles of “ eternal life abiding in him.” And if this be so, we may be well assured, that a self-murderer cannot ; for he impiously rusheth into outer-
darkness,

darkness, and in the atrociousness of his guilt, he becomes the prey of death.—Death feeds on him.—But one would have thought, that the horrors of many a Suicide who survived the mortal thrust or draught, a few hours, should have spread universally a dread of the atrocious crime. But though it has not more effectually done this, yet the extreme deformity and malignity of Suicidism, is what should be inferred, from its not having had any distinct, discriminating idea given of it, in any of the written laws of God. Its diametrical opposition to the most powerful instinctive principles of self-preservation in the breast of every man, seems to have rendered needless any express prohibition.

Self-murder may be yet further considered, as an act of high-treason, not only against the sovereignty of the universal Lord, but against the laws of human society. It destroys the very foundation of social virtue, and of all moral obligation. for this is one of the two principles or axioms, on which all moral virtue and piety does support, *viz.* “ thou shalt love thy neighbour as thyself.” And the above apostle says, “ if a man love not his brother, whom he hath seen, how can he love God whom he hath not seen?” Now, if we can thus capitally abuse ourselves, as to become persuaded we may take away life at our pleasure, and so quit our appointed stations, then that fundamental principle or axiom is of little meaning, and has in it nothing useful. It has not, forasmuch as if we think we may wantonly and wickedly sport with our own most sacred personal property, how shall we be led to hold in reverence the sacred rights and properties of others?
Assuredly,

Affuredly, the man who is persuaded he may dismiss his own life, whenever he is out of humour with his circumstances, can furnish us with no good ground of dependance, either on his social virtue, or even on his humanity.

Nay, the argument against Suicifm has a yet larger scope and extent; since if one man may be justified in taking away his own life, then another may.—Now, do but let the idea once spread and become infectious, a depopulation or waste would anon render our villages, ay, our very towns and cities desolate. But most assuredly, the universal verdict of mankind does condemn the licentiousness: and we are told, that the great community, as well as our families and friends, have a claim to our services, so long as heaven sees meet to preserve our capacities and abilities of service.—*Besides*, upon the supposition that we have, by our vices and extravagances, brought upon ourselves distress and wretchedness, it is but reasonable we should make the best satisfaction in our power, to an injured correspondence; by remaining ensamples to others, of the evil consequences of gaming, luxury, or debauchery: and that we also shew the sincerity of our repentance, by endeavouring to dissuade others from such vile courses. This is the best reparation men can make, who have abused the confidence of others, by their villanies, debaucheries, and extravagances.

The innocently unfortunate, who have by losses been reduced from affluence to a narrow pittance, should reconcile themselves to this change of circumstance, from the consideration, that they have now an opportunity of exercising some virtues, with which they had been unacquainted in their
their

their prosperity; and of giving evidence, that they are free from that most destructive vice, *a love of the world*; and that they can happily satisfy others, they are not under the influence of any deadly sorrow.

Should it now be asked, what are the apologies which have been made for self-murder? They have been such as follow.

There are some who have pleaded in excuse for the Suicide, “ that the act is in itself a proof of insanity; and that no man ever had the use of his reason when he destroyed himself.”

To such I would reply, that the same apology might be made for every wicked action which men commit; because it had place from reason being dethroned, and from appetite and passion having usurped the reins of government. But who will say, that the highway-robber and murderer, from having taken the qualifying draught of strong liquors which he found necessary for the daring enterprise, did thereby acquire less degree of demerit and guilt? Or, is it a greater apology for the self-murderer, that by a series of extravagance, or some previous act of great wickedness he qualified himself? Or even because he suffered his avarice, pride or ambition, to become outrageous? Suicidism, on the contrary, has more aggravations in it, than many capital crimes for which men are cut off by the punishing hand of justice.

There are many instances of the *Suicide* having given full proof that he was in the possession of his reason and understanding, when he perpetrated the unnatural crime, and that it was done with deliberation, and direct purpose to destroy himself: and that he was neither lunatic, nor distracted

tracted by distemper or disease. For our law makes this allowance, “ that if a person during “ the time that he is not *compos mentis*, gives him- “ self a mortal wound, though he dies thereof “ when he recovers his memory ; he is not *felo de “ se*, because at the time of the stroke he was “ not *compos mentis*.*” i. e. As I understand the law, the man himself then knew he was not.— But if man was not capable of perpetrating the Suicidism, except in a state of insanity, it would be no crime ; and the law would be extremely iniquitous, that supposed it criminal.

Some have been ignorant and stupid enough, to imagine, “ that inasmuch as they did not “ give any consent to be brought into being, so “ they had a right to put themselves out of “ being at their own pleasure.”

As, at the very first sight, this appears to be the quintessence of absurdity, so it borders upon atheism. But who that reasons at all, could ever think of a creature’s assent or consent, before he had any existence ? And how deplorably depraved must be the mind, that can suppose the Creator countenancing his creature in putting an end to its own existence. This is absolutely impossible ; since a rational accountable creature could not be formed with an independency on its Creator, and whatever is the sole property of another, cannot be at its own disposal. Both the design of its formation, and the circumstances of its probation, must be the prerogative of its author. There can therefore be no inherent, nor any communicated right of determining the duration of its present mode of existence.

* Jacob’s Law Dictionary.

Again, the Suicide thus argues in his own defence, “ if he who made him is a good being, “ he must give him more good than evil ; other- “ wise existence will be a *curse* to him. So that “ whenever he finds more pain than pleasure, “ more adversity than prosperity in his lot, he “ has reason sufficient to justify him, in throwing “ away the gift of life and being.”

Here we see the stupidity is altogether as great as before: since man, a probationer and candidate for a world of recompence, must acknowledge, that his Maker knows infinitely better than he either does or can know, what that mixture of ease and pain, of good or evil, should be in his trial. Nor can the widest compass of complicated adversity impeach either the equity, the goodness, or the wisdom of God: even though the exercises of patience and resignation should run through the whole of his course. And in a very strong light will this appear to those whom God has favoured with the fullest display of his truth and grace, by his Son Jesus Christ our Lord.

Should it in the next place be asked, “ What “ is most usually the exciting MOTIVE to an act “ of Suicidism ?”

It might be answered, that in the female it is more commonly a dread of shame, from having suffered herself to be dishonoured; also from the love-passion having been ungovernable; or from the infidelity and ill-usage of an husband. — Whereas in the males, it is ordinarily some cross event, which has deeply affected the man’s worldly circumstances: or, perhaps, he has had a bad run of chances in his gaming: else, by some other criminal indulgences, he has reduced his finances

to a very low condition: else he has suffered the chagrin to rise so fatally high, because of very sudden provocation. I own, I am apprehensive, there is some conscious guilt ever attends the loss or disappointment, or whatever the external evil is, that excites to Suicifm.

But let imagination have full play, and vary, as much as you possibly can, the *motives* to self-murder, their total amount can have no proportional weight; even though the rack of the stone or gout should have all its excruciating tortures: since the measure is full of guilt and crime; and has nothing in it that can promise to relieve, but must greatly aggravate the wretchedness! — Whereas the language of approved piety and exalted virtue, is recorded to have run thus, in the deepest distress, “Though he slay me, yet will I trust in him.” And the supplicatory address, this— “Shew me wherefore thou contendest with me.” Even the highest, the most amiable, and perfect of all human characters, said, “NOT MY WILL; BUT THINE BE DONE.”

Far otherwise the exciting motive in the Suicide, which is a rankling, unreasonable dissatisfaction with his present situation; proceeding either from a disbelief of a wise, powerful, and good superintending mind, that intuitively and incessantly surveys the whole system of beings! else from an impious disgust at his own allotments. And it may be safely presumed, that the operating motive is always worldly. The heart had nothing better than an earthly treasure, else it would never have committed the unnatural action of a *felo de se*.

If the above reasoning be good, there is nothing more clear and convincing than the proposition

sition at first laid down, *namely*, “ That there can
 “ be nothing more unnatural and cruel ; or that
 “ argues a greater depravity of mind than self-
 “ murder.” I am inclined to think the savage
 and barbarous nations have it not.

And yet, some perhaps may be apt to say, there
 is another *crime* become more epidemical and in-
 fectious, which is equally detestable, and to which
 we have more commonly affixed the idea of *un-
 natural*. Concerning the deformity and demerit
 of which, an estimate is best made by the sulphu-
 rous fiery shower which fell on Sodom ! The
 turpitude of that crime, I am not at all in-
 clined to debate, — but more of this in *the AP-
 PENDIX*.

There may now be sundry instructive Corolla-
 ries, or conclusions drawn from the above reason-
 ing upon the Suicide ; which may well deserve the
 notice of my fellow-citizens. Such as follow.

Corol. I. The increased number of self-mur-
 ders about this great city, and in other parts, is
 an irrefragable proof of the deep depravity of the
 morals of our country. The insidious and rest-
 less enemies of Britain’s welfare, have at last so
 far succeeded in disseminating *scepticism* and *infi-
 delity* ; i. e. a disbelief of a providence, of a reve-
 lation, and a future state ; which is what qualifies
 men for these enormities. And they have com-
 passed their end in thus depraving the people, by
 inventing every measure that could lead to diffi-
 pation, and dissoluteness of manners. It was
 never known since the reformation, that Britain
 wore so detestable a complexion as that she now
 does, in whatever department you make the sur-
 vey :

vey: for when you put to the account, the great advantages she has had above the former times of palpable darkness, under a popish system of government both in church and state, you must fall under conviction; and be constrained to own, her condition appears to be incurable and desperate. In fact, her impieties, immoralities, and vices, are matchless. — I question whether there be a nation upon the face of this globe, which in its annals could produce so great a run of Suicides, since Christianity made its spread in the world. — It has been already observed, that when pagan Rome was in the decline of her glory, having lost all public virtue, Suicidism then became common: and those of that depraved people were reckoned *brave*, who had rather chosen to destroy themselves than become the slaves of tyrants. But our self-murderers pretend to no such specious motive. They have lived viciously, and they will die impiously. The life which God only lent them, they presume to sacrifice to their own pride and passion. And although our laws would set a brand of infamy upon them, yet the horrid impiety is concealed or covered, either through a mistaken tenderness, else by a shameful venality and bribery.

I have said, a mistaken tenderness—Yet would observe, that the inequity of our laws does seem to apologize much for that tenderness; since it appears to be a very severe “ forfeiture in *felo de*
 “ *se*, of all his goods and chattels, real and per-
 “ sonal, which he hath in his own right; and all
 “ such chattels, real and personal, which he hath
 “ jointly with his wife, or in her right, when
 “ found upon the oath of twelve men before the
 “ coroner, *super visum corporis*, that he *felo de se*
 “ hath.

“ hath. He forfeits also bonds, or things in ac-
 “ tion, belonging solely to himself, and all en-
 “ tire chattels in possession; except in the case
 “ of merchants, where a moiety only of such
 “ joint-chattels, as may be saved, is forfeit-
 “ ed*.”

This forfeiture has a manifest severity in it; and which makes the heart of humanity to revolt at the punishment falling so heavily upon the criminal's wife and children, who are innocent; and have already by the act of Suicidism suffered the loss of an husband and father, and are deprived of all further assistance and comfort from and in him.

To pretend, in justification of this forfeiture, that “ God himself is said to visit the iniquity of
 “ *fathers* upon their children unto the third and
 “ fourth generation of them who hate him;” must be impertinent; for in such visitation, man is not of competent ability to copy his unerring measures of inflicting punishment. And if I have not mistaken the divine visitation, it intends only such children as copy their fathers iniquity; such as continue to resemble him in wickedness. And so I am persuaded it must be understood, when I read the 18th chapter of Ezekiel's prophecy.

Other measures should be taken to deter men from the unnatural, shocking crime of self murder. — And I am humbly apprehensive, that a stop might be put to the spread of Suicidism, by having the naked body exposed in some public place: over which the coroner should deliver an

* Wood's Institute of the Laws of England, book iv. chap. 3.

oration on the foul impiety; and then the body, like that of the homicide, be given to the surgeons.

Corol. II. If this be the only probationary state of man, in which he can be a candidate for a world of recompence, then *life* must be his most inestimable property, as an improveable talent. An elegant writer has thrown out this idea with great expression, in the following address of an *hermit*. “ A lewd young fellow
 “ seeing an aged hermit go by him barefoot,
 “ *Father*, says he, you are in a very miserable
 “ condition if there be not another world.
 “ True, son, said the hermit; but what is thy
 “ condition if there is? Man is a creature de-
 “ signed for two different states of being, or ra-
 “ ther, for two different lives. His first life is
 “ short and transient; his second permanent and
 “ lasting. The question we are all concerned
 “ in, is this, In which of these two lives is it
 “ our chief interest to make ourselves happy?
 “ or in other words, whether we should endea-
 “ vour to secure to ourselves the pleasures and
 “ gratifications of a life which is uncertain and
 “ precarious, and at its utmost length of a
 “ very inconsiderable duration; or to secure
 “ ourselves the pleasures of a life which is fixed
 “ and settled, and will never end? Every man,
 “ upon the first hearing of this question, knows
 “ very well which side of it he ought to close
 “ with. But however right we are in theory,
 “ it is plain that in practice we adhere to the
 “ wrong side of the question. We make pro-
 “ vision for this life, as though it were never
 “ to have an end; and for the other life,
 “ as

“ as though it were never to have a beginning *.”

This citation is much to the purpose of shewing, that the present life of man is probationary : and it also does honour to the pen of that polite reformer of the manners of mankind. In another paper he has observed, “ that several heathen as well as Christian writers, have represented the world as an INN, which only furnisheth accommodations for travellers. And that *Epiſtetus* has used another kind of beautiful allusion, wonderfully proper to incline us to be satisfied with the post in which providence has placed us.” “ We are here, says he, as in “ a theatre, where every one has a part allotted “ him. The great duty which lies upon a man, “ is to act his part in perfection. We may indeed say, that our part does not suit us, and “ that we could act another better. But this is “ not our business. All that we are concerned “ in, is to excel in the part which is given us. “ If it be an improper one, the fault is not “ in us, but in him who has cast our several parts, and is the great disposer of the “ drama †.”

These observations serve to shew, that the idea of our being probationers for a world of recompence, has had the assent of the most wise and judicious of mankind ; that it is manifestly a document of reason and nature ; and what will bear the most accurate and critical examination. The reasoning and argument, which has been built upon this foundation, is therefore irrefragable and conclusive. And since this is the

* Spectator, N^o 575.

† Ibid. N^o 219.

truth of the case, *Suicide* is capitally criminal.

Corol. III. Every man who gratifies an appetite or passion, which has a manifest tendency to hurt his health, or shorten his life, is [though by a less sudden assault upon the life-principle] a real self-murderer. I mean, the man who luxuriates at his table, is too free with his bottle, and thereby brings on disease or distemper; or whether his lusts lead him into an illicit and empoisoned bodily commerce. This last species of debauchery is, among us, risen shamefully high, and disgracefully become as epidemical as the plague. One would be astonished beyond measure, that men who affect so much as the name of *Christians*, whose great *charter* absolutely excludes all fornicators and adulterers from the kingdom of God, should yet rather give up all hopes of entering God's heavenly kingdom, than mortify their lusts.—They do not at all consider, that by thus defecrating and polluting their natural bodies, they render themselves utterly disqualified for possessing spiritual bodies; or, for becoming *children of the resurrection*.

Were this kind of representation to be made in our polite assemblies, and houses of pleasure; or were these pages to reach the eyes of the gay and wanton, who are the devotees of *Venus*, they would meet with every kind of disdainful ridicule. But no matter: the son of lewdness and debauchery, is, in a very capital sense, a self-murderer. Every one individual is so, that indulges the lustful appetite or passion.

Corol. IV. The shameful crime of **DUELLING** is another prevailing vicious practice; which reflects disgrace on the understanding of the man, and proves him deplorably unacquainted with self-government. The *duellist* is an atrocious violator of the law of his make. He tramples upon and subdues the first instinctive principle, with which his Maker has endowed him, *viz.* that of self-preservation. The proud, passionate man, will rather risk his own life, in his attempt to take away the life of another, than pass by an affront. And this he most stupidly fancies to be, and is not ashamed to call it, **A PATH OF HONOUR!** for, contrary to a fundamental law of civil society, he presumes upon being his own avenger. And though the matter of offence may have been nothing more than a breach of politeness, some little sally of the passion, or some mark of contempt; yet the blood-thirsty wretch will not be reconciled till he has fired his pistol, or with his sword lunged at the life of his fellow-man. Not any crime evinces more absurdity and stupidity than duelling does: for whoever he is that hazards his own life with a man who gave him offence, is a fool; and the very challenge he sent, proves that he is so*.

Did the duellist reason at all, he would at once see, that he had altogether as good a claim to his opponent's whole substance or fortune, as

* There was much humour and good sense in *Quin* the comedian's treatment of a challenge, given him by a very slender little man; "Go, says he, make thyself an equal mark with my corpulency, and then I will fight thee."

he could possibly have to his life: and must be convinced, that the comfort and peace of the man's family and friends, was too great a recompence for the insult he had received, exclusive of the life he had feloniously taken away from him.

By our own laws, " If a duel is fought, and " one fall in the rencounter, the other is deemed " guilty of murder, and so are the seconds." Nor can any one commence duellist, but he must first have stripped off all his humanity, and put on the spirit of a destructive demon. No man of substantial virtue, no truly good man, would dare to draw his sword, as a duellist, upon his fellow-man, a creature whom God has made in his own image. And, verily, it is an irrefragable proof of a very corrupt civil administration, where duelling has either any countenance, or even connivance. On the other hand, it would retrieve much of the lost glory of our nation, if a noble lord or two were once hanged for duelling.

Corol. V. The love we have of life, must never lead us to sacrifice either our innocence, or our virtue. Here it is natural to observe, that the hypocrite, or liar, must always be a coward. Deceit and falsehood give proof of pusillanimity, or of a contemptible meanness of spirit. The fawning sycophant has no true courage; he has a slavish fear of man. — Accordingly, when a list of black characters are drawn in the sacred page, the FEARFUL are found classed with all liars *. In truth, none but wicked

* Apoc. xxii. 8.

men have reason of the fear that is enslaving, or tormenting. To my purpose, in an ancient writing, called the book of *Job*, we find the *hero* of that dramatical piece, thus greatly expressing himself, “ Till I die, I will not remove my integrity from me. My righteousness I hold fast, and will not let go; my heart shall not reproach me as long as I live.”

Corol. VI. The conclusion of *true* philosophy will ever speak this language: A constant reverence of that divine power, which holds our breath in our nostrils, we esteem a most apt means of securing his favourite presence with us, when this frail tabernacle shall be no longer tenable. And for this reason, *viz.* the conducting ourselves habitually upon the moral life-principle, will immortalize our natures; unite us with that infinite Spirit, whom we have habitually revered; and render us meet for the interminable fruitions of life! We may therefore safely conclude, that the very same animating divine presence *will never leave nor forsake us*; if we have but lived a life of obedience and conformity to those informations which we have had, from the infinite source of light and life.

This very interesting idea was not hid from the virtuous of mankind, in the earlier ages of the world; as appears from the sacred page. They were well assured, that when flesh failed, and heart failed, God would be the rock of their heart, and their everlasting portion! and, for this reason, their homage was directed to him, as to a being, who is *from everlasting to everlasting* God.

These

These several Corollaries seem to have a free and unforced derivation from the fundamental proposition, *namely*, " That not any thing can be more unnatural, and argue a greater depravity of the human mind, than self-murder."

A N

AN

A P P E N D I X

T O T H E

DISSERTATION ON SELF-MURDER :

W H I C H

Points out the Inequality of some of our penal Laws,
that take away the life of Man.

The fundamental maxim in our law is this, “ Nothing is to
“ be accounted a law, that is contrary to the laws of God, or of
“ reason ; no more than a tyrant can be said to be a king, or a
“ minister of the devil a minister of God.”

MILTON'S prose works, edit. 1753, Vol. I. p. 576.

THE HISTORY OF THE

REVOLUTION

OF THE UNITED STATES OF AMERICA

BY JAMES MADISON

A P P E N D I X, &c.

“ POSITIVE human punishment, says *Puf-*
 “ *fendorf*, has nothing in it repugnant to
 “ natural equity: but on the contrary, is abso-
 “ lutely necessary to the common quiet and se-
 “ curity of mankind. For as it was requisite
 “ for the public peace of the world, to put an
 “ end to the equality of nature, by erecting civil
 “ government. So in the general looseness and
 “ corruptions of manners, and aversion to virtue,
 “ the force of government would soon be dis-
 “ solved, if bad men were not confined and
 “ frightened into obedience, by the dread of
 “ some penal evil.*”

And as the great LOCKE observes, “ besides
 “ the crime which consists in violating the law,
 “ and varying from the right rule of reason,
 “ whereby a man becomes so far degenerate,
 “ and declares himself to quit the principles of
 “ human nature, and to be a noxious creature,
 “ there is commonly injury done some person or
 “ other; some other man receives damage by
 “ his transgression, in which case, he who re-
 “ ceived any damage, has, besides the right of
 “ punishment common to him with other men,

* Law of nature and nations, book viii. ch. 3. sect. 6.

“ a par-

“ a particular right to seek reparation from him
 “ that has done it.”—

“ From these two distinct rights, the one of
 “ punishing the crime for restraint, and prevent-
 “ ing the like offence, which right of punishing
 “ is in every body; the other of taking repara-
 “ tion, which belongs only to the injured party,
 “ comes it to pass, that the magistrate, who
 “ by being magistrate, hath the common right
 “ of punishing put into his hands, can often,
 “ where the public good demands not the exe-
 “ cution of the law, remit the punishment of
 “ criminal offences by his own authority, but
 “ yet cannot remit the satisfaction due to any
 “ private man, for the damage he has received.
 “ That he who has suffered the damage has a
 “ right to demand in his own name, and he
 “ alone can remit: the damnified person has this
 “ power of appropriating to himself, the goods
 “ or service of the offender, by *right of self-pre-*
 “ *servation*, as every man has a power to punish
 “ the crime, to prevent its being committed
 “ again, by *the right he has of preserving all*
 “ *mankind*, and doing all reasonable things he
 “ can, in order to that end: and thus it is, that
 “ every man in a state of nature, has a power to
 “ kill a murderer, both to deter others from
 “ doing the like injury, which no reparation can
 “ compensate, by the example of the punish-
 “ ment that attends it from every body, and
 “ also to secure men from the attempts of a
 “ criminal, who having renounced reason, the
 “ common rule and measure; which God has
 “ given to mankind, hath, by the unjust vio-
 “ lence and slaughter he hath committed upon
 “ one, declared war against all mankind, and
 “ therefore

“ therefore may be destroyed as a lion or a ty-
 “ ger, one of those wild savage beasts, with
 “ which men can have no society nor security:
 “ And upon this is grounded that great law of
 “ nature, *whoso sheddeth man’s blood, by man shall*
 “ *his blood be shed.*”—

And this masterly reasoner adds, “ each trans-
 “ gression may be punished to that degree, and
 “ with so much severity, as will suffice to make
 “ it an ill bargain to the offender, give him
 “ cause to repent, and terrify others from doing
 “ the like. Every offence that can be com-
 “ mitted in the state of nature, may in the state
 “ of nature be also punished equally, and as far
 “ forth as it may in a commonwealth.*”

I have therefore this great authority with me
 in concluding, that by the rules of sound policy,
 punishments should be proportioned to the dif-
 ferent degrees of demerit which there is in crime.
 Now, among those which are or should be deemed
 capital, we may reckon *murder, adultery, buggery,*
burglary, forgery, treasons, and several kinds of
theft, by fraud or violence.—Great complaints,
 and very sensible remonstrances have long been
 made of the *inequality* of capital punishments,
 awarded upon criminals in our courts of judica-
 ture, and very certain it is, that they are ex-
 tremely inequitable; or do observe no propor-
 tion. e. g. The stealing of a sheep, a cow, an
 horse, or a simple robbery on the highway, also
 a burglary where no corporal injury was attempt-
 ed to be done, are punished equally with a
 robbery, or burglarious plunder committed with
 every aggravation, whether of wounding, maim-

* Of civil government, ch. x. sect. 10, 11, 12.

ing, stripping and binding, and sometimes even with ravishing the female. But who does not see, that in the two different species of crime, there is unspeakably more demerit in the one, than there is in the other; and that the lesser guilt should have the lesser punishment.

Nay, there are some instances of theft, where a deplorable want of bread has occasioned *hunger to break through stone walls*. A crime, which by our laws formerly had no punishment at all*. Such was the sense of humanity in the days of *Solomon*, who says, “ men do not despise a thief, “ if he steal to the satisfying of his soul, when “ he is hungry.” Pity should be shewn to the miserable poor, if guilty of such purloining. In such thefts, there is a wide difference from the felonies of those who are able, and may have opportunity to earn their bread by honest labor, but rather choose to prey feloniously upon mankind. In truth, I do not find that in the code of judicial laws given by *Moses* to the Hebrew people, that simple *theft* was ever to be punished with death. A neighbouring state has wisely appointed a rasp-house, and other severe labors, as a far more equitable and efficacious punishment; and at the same time, the criminal is thereby made serviceable to the public.

In like manner, when I consider our laws cutting off the young criminal, whose mind has been totally neglected, and from his infancy been trained to pilfering and stealing: I cannot but suppose this to be a fault in our civil police. Care should be taken of all exposed deserted

* *Theft* was first made capital, with us, in the reign of *Edmund the Saxon*. See *Rapin*.

children of the wretched poor. They should be more carefully educated, and found some employ. The *Dutch* would teach us better. But to HANG such neglected uninformed young creatures, must give the feeling mind a painful sense of the vindictive measure. Afraid I am, we have some execrable miscreants among us, who, (like Jonathan Wylde, that infamous thief-taker) do traffic in the lives of such youths, for the sake of the reward!—

Hereupon I thus reason, if the depredations which are made upon the alienable properties of mankind, ought to have their degree of demerit determined by the degree of injury or mischief done to society; I should, upon this *ratio*, be persuaded, that an aggravated guilt is found in those slaves of lust, those sons of luxury and extravagance, who, under specious false pretences, have decoyed their correspondents into an extensive credit: and by their insolvency brought many industrious families into very great distress. Certainly, they have contracted a degree of guilt and demerit far more aggravated than that of the man who has only taken a purse upon the highway, stolen a sheep, a cow, or an horse. Such great devourers of mankind, would, methinks, make a much more decent finishing figure at Tyburn, than many of them have done by their own hands. And yet, I should not wish them to be punished with death; but rather to be disabled from being evermore entrusted in trade or commerce.—

As to all *gamesters* and *gamblers*, men, who either sport away their own fortunes, or those of others; they ought to be treated as such were treated by the old Romans, even as *mad-men* confined

confined for life. A milder punishment they deserve not, and a more equitable one could not well be devised. Allow me to add, though *gaming* is not made capital by our laws, there are many crimes less mischievous to society; which nevertheless lead men to pay a last visit at Tyburn.

There is a crime which our judicial laws punish with *death*, which appears to be of such a nature, that an humane tender mind cannot but revolt at the execution of it; I mean, the young girl or woman, who, from the passion of shame having overcome the natural parental storgè, has rashly destroyed her illegitimate new-born infant. The fruit of a criminal bodily commerce, into which she had been allured, by the man who dishonoured her. For I take it for granted, this must usually, if not always, have been the case with these unhappy young creatures. The fact was perpetrated instantly upon the birth, in a weak bodily condition, and under a powerful dread of disgrace; in great confusion, attended with distracting ideas of her extreme folly and infatuation, in having consented to such a criminal commerce, and to have put such an imprudent confidence in man. Those of less modesty, and of a more hardened front, are not found committing the crime: they make known their pregnancy, and they seek a seasonable succour.

But after all, if any reason can vindicate the capital punishment's being executed upon such unhappy young women, the men, by which they were deluded and dishonoured should be considered as much *accessories*, as men are judged to be in all other murders committed in company.

And

And for this reason; in the latter case, it is supposable there might be one unconsenting; and yet the law deems him an accessory. Whereas in the former case, the man who deflowered the maid must have been causal of the mischief. And, more commonly, if not always, has forsaken her, and perfidiously broken those engagements he laid himself under, when he debauched her. Consequently, one would rather conclude him a *principal*, than an accessory in the murder. Indeed by the act of 21 Jac. I. ch. 27. *concealment* is deemed an undeniable evidence that the mother murdered her bastard child. To which concealment I cannot but suppose the man privy, and in many instances countenancing the concealment. So that in whatever view we place him, whether in that of an accessory or principal, would the law once consider him, we must reasonable expect such delusions and seductions would be much less frequent, and the instances of infant-murder scarcely ever known among us.

Forgery, is another crime which our penal laws do make capital, and as it should seem, has the general approbation of the people; because of its very pernicious effects upon the credit and confidence of men in trade and commerce. But if I am rightly informed, the *Dutch* have a far better way of punishing the criminals; for they cut off the first joint of his thumb, and thus render him for ever unable to commit another forgery. At the same time, we are to keep in mind, that this very maiming is what fixes on him a perpetual mark of disgrace; and yet, leaves him opportunity of reforming himself, and of being further serviceable to society. Thus it appears,

that the sagacious provident republic are not so lavish of mens lives as we are. They do not so injudiciously cut them off—To proceed,

The following crimes either are, or I presume should be deemed capital, in any well-ordered policy; viz. ADULTERY, BUGGERY, MURDER, and TREASON.

ADULTERY is not deemed capital, in the sense of our penal laws; but in the reason and nature of things, it surely is to be so understood. Thus thought that celebrated writer upon the religion of nature, Mr. Woolaston. This crime he considers, not only as an act of injustice, but of cruelty: the which, he says, is plain in the case of adultery, “ when any one insnare and
 “ corrupts the wife of another; notwithstanding
 “ the protection it gains from false notions,
 “ great examples*, and the commonness of the
 “ crime. For the adulterer denies the property
 “ a husband has in his wife, by contract, the
 “ most express and sacred that can possibly be
 “ made: he does that which tends to subvert
 “ the peace of families, confounds relation, and
 “ is altogether inconsistent with the order and
 “ tranquility of the world, and therefore with
 “ the laws of human nature: he does what no
 “ man in his wits could think reasonable, or
 “ even tolerable, were he the person wronged:
 “ briefly, he impudently treats a woman as his
 “ own woman, or wife, who is not his, but
 “ another’s, contrary to justice, truth, and fact.
 “ Nor is this simple injustice only, but injustice

* This is his citation, *Palam apparet, ad huc aetate divi Hieronymi adulterium capite solere puniri: nunc magnatum lusus est.*

“ for which no reparation can be made, if the
 “ injured man thinks so, as he generally does
 “ injustice accompanied with the greatest CRUEL-
 “ TY ; so complicated, as scarce any other can
 “ be. The husband is for ever robbed of all
 “ that pleasure and satisfaction, which arises
 “ from the wife’s fidelity and affection to him ;
 “ presuming upon which he took her to be not
 “ only the partner of his bed, but the com-
 “ panion of his life, and sharer in all his for-
 “ tunes : and into the room of them succeed
 “ painful and destructive passions. The poor
 “ woman herself, though she may be deluded,
 “ and not see at present her guilt, or the conse-
 “ quences of it, usually pays dear for her secu-
 “ rity and want of guard, the husband becoming
 “ cold, and averse to her, and she full of ap-
 “ prehensions and fears, with a particular dread
 “ of his farther resentment. And their affairs,
 “ in this disjointed and distracted condition, are
 “ neglected ; innocent children slighted, and left
 “ unprovided for, without so much as the com-
 “ fort of any certain relation to pity them*.”

Just in this light stands the crime of adultery,
 in the eye of reason and nature, big with evil
 effects, and as horrible as that of being under
 the knife of the truculent ruffian. We cannot
 therefore be at all surprized at finding it capital
 in the Mosaic code of penal laws, which says,
 “ the man who committeth adultery with a
 “ man’s wife, that committeth adultery with his
 “ neighbour’s wife, shall surely be put to death,”
Lev. xx. 10. And repeated, *Deut. xxii. 22.*
 thus, “ if a man be found lying with a woman

* Religion of nature delineated, p. 141, 142. 5th edit.

“ married to an husband, then shall they both
 “ of them die: the man that lay with the wo-
 “ man, and the woman. So shalt thou put
 “ away EVIL from Israel.” The crime must
 have been capital, because of no compensation
 that could be made, nor any atonement. And
 accordingly, profane history informs us, that in
 pagan Rome, adultery was made death by the
Julian law. So in England, king Edmund the
 Saxon, *Leg. Suar. cap. 4. Adulterium affici jussit*
instar homicidij. The law in his reign ordered
 the adulterer to be treated as an homicide. Of
 this Edmund the Saxon king, who died 948,
Rapin observes, “ that some of his laws are still
 “ in being, which demonstrate how desirous he
 “ was of his people’s welfare and happiness.”—
 He saw adultery to be a violation of a first social
 right, and as such made it capital by the civil
 law, which is allowed to contain all the principles
 of natural equity.

The civil law, both under the heathen and
 Christian emperors, made this crime capital.
 As *Gothofred* shews, by various instances both
 out of the code and pandects. Vide *Gothofred*
 in *Cod. Th. Lib. ix. Tit. 36**. Ecclesiastical
 councils made the punishment penance, and
 when once it became cognizable in our ecclesiastical
 courts, and was punished with fines, pen-
 nances and divorce, they, the great clergy avail-
 ed themselves of the profits of such kinds of
 punishment; and also gratified their own pride
 of power, in the exercise of such judicial autho-
 rity. Whereas *adultery* is a crime as properly

* Bingham’s antiquities of the Christian church, Vol. II.
 book xvi. chap. xi. sect. 4.

cognizable in our civil or common law courts of judicature, as any other felony can be. I say, *felony*, “ for anciently every capital crime committed with an evil intention, was felony*.”

That our laws have been *changed* with respect to the supposed demerit of this crime, and do now punish adultery only by fine, penance, and divorce, probably was owing not only to the pride and avarice, but also to the more general debauchery of the clergy. For it was not till Gregory VII. in the 11th century, the ecclesiastics were brought to admit the *celebate* as a law. The decrees of this pope were against such bishops and other ecclesiastics who endeavoured to keep their wives or concubines, without ceasing to perform their functions†. Nay, by a council he caused to be held in Germany, those who were in orders had a new celibacy enjoined themselves. This well accounts for the more gentle treatment of adultery in our penal laws, since the great as well as small clergy, must so very generally have become obnoxious to the capital punishment, in their *celebate* condition; because of their incontinence and debaucheries.”

Nevertheless, as we have seen, the teachings of reason and nature are so express in determining the obligations on all mankind in civil and well-governed communities, to hold the conjugal rights sacred; the defence of those rights ought to be as powerful and efficacious, as of any other of the rights of humanity. The fence set to secure the marriage-bed from the depredation

* See Jacob's Law Dictionary on the word, *felony*.

† *Du Pin's* history of the church, 3d edit. 1724. Vol. III. p. 108. *ibid* p. 112.

of the lewd and impudent invader, cannot be dispensed withal; but is absolutely needful to the peace and happiness of mankind. It must therefore have been shamefully impolitic in any legislature, to have annexed a trifling sanction or punishment to a law, which has for its object, a most malignant capital crime;—a crime, that robs a man of his peace, as well as his most sacred property.

That there is an apparent egregious absurdity in a national system of penal laws, which are to unequal, as to cut off the life of man, because he has stolen a sheep, an horse, or has taken his neighbour's purse, or has clipped a piece of money; and yet punish only with a fine, &c. the man who has deprived his neighbour of the most uniting and endearing of all his social enjoyments; and which damage admits of no reparation, nor compensation. An Hebrew prince who understood mankind, perhaps, more clearly than any of his predecessors ever had done, observes, "that jealousy is the rage of a man: and that he will not spare in the day of vengeance*." And that adultery has in it guilt and demerit, which far exceeds that of theft, may be seen by consulting those maxims of the law of nature†, undercited.

BUGGERY is a crime, which in our code of penal laws, is made *capital*, and which they define thus, *carnalis copula contra naturam et hoc vel per confusionem specierum*. A man or woman with a brute beast: a man with a man: a man

* See his maxims of wisdom and sound policy, Prov. vi. 34, 35.

† Ibid, verses 32 and 33, compared.

with a woman (i. e. unnaturally) a sin against God, nature, and the law. Some authors say, it was anciently punished by *burning*, others by *burying alive*. At this day, it is felony excluded the clergy. Its detestable sinfulness may be learnt from the very form of inditement in our courts of judicature, which runs thus—“ That
 “ A. B. did, on such a day, make an assault on
 “ C. D. and then and there wickedly, devilishly,
 “ feloniously, and against the order of nature
 “ commit such an act, &c. not to be named
 “ among Christians, to the great displeasure of
 “ almighty God, and disgrace of all mankind,
 “ &c.”—And our law books do further inform us, “ that this crime is excepted out of all our
 “ acts of general pardon.” It therefore appears to be of so very heinous and atrocious a nature, that it is not, on any consideration, pardonable by any human power, or authority whatsoever.

This conclusion, I am persuaded we shall be obliged to make, not only from the express language of our own laws, but from that political system of judiciary laws delivered by the Hebrew law-giver, and from whence it is probable our own law-givers may have borrowed some idea of its turpitude, and the abhorrence in which it was held, in the early age of the world;—for in those laws, it is said, “ Thou
 “ shalt not lie with mankind, as with woman-
 “ kind: it is an ABOMINATION, *Lev. xviii. 22.*
 which law is explained, *Deut. xxiii. 17.* “ There
 “ shall be no *Sodomite* of the sons of Israel:” i. e. they shall all be extirminated, as were the sons of Sodom. And it is recorded of king *Asa*, that he cut them off, *1 Kings xv. 12.* Dr. *Lightfoot* thought the Sodomites were a remnant of the
 Canaanites

Canaanites which were left in the land, *2 Kings* xxiii. 7. These observations are what give the meaning of the word rendered *abomination*, in *Lev.* xviii. 22. as it intends, “ a detestable crime, “ condemned by the law of nature.” Or, an extremely loathsome act of wickedness, on account of which, a land is said to vomit out its inhabitants, *Lev.* xviii. 25. Also in that striking picture of pagan deformity, given by St. Paul in the beginning of his epistle to the Romans, he has this very moving stricture, “ God gave them “ up to uncleannels, through the lusts of their “ own hearts, to dishonour their own bodies “ between themselves.”—The shocking spread of this filthy, this most detestable abomination, is, a very tremendous symptom, which as a cancer, is now ulcerating the face of Britain. An accursed thing which is said to have been originally imported from Italy, that sink of uncleannels. *Rot. Parl.* 50th Ed. III. Num. 58.

AS TO MURDER, as it can admit of no reparation, no satisfaction or compensation, so it is determined to be capital; *i. e.* a crime which deserves death, and cannot admit of any other punishment. With Mr. LOCKE, I am fully persuaded, that the law given to *Noah*, the father of the new world, was neither local nor temporary, but intended for the observance of all mankind; *viz.* “ Whoso sheddeth man’s “ blood, by man shall his blood be shed.” *Gen.* ix. 6: An universal law, founded in reason and nature.

Profane history furnishes very remarkable instances, as well as our judicial records do, of many murders that had been long concealed; which yet, by a discovery made at a great distance

tance of time, the murderer met his deserved punishment. And it does not seem improbable, but that the wretch who escaped the punitive hand of justice, providence did some other way cut off by the hand of man. This also assuredly is another crime, which no human power whatsoever can have a right to pardon; forasmuch as the murderer, wherever known to be such, is too offensive an object for the eye of man: and such is the nature of the crime, as to render it absolutely unfit the perpetrator of it should be allowed a place in human society.—*Besides*, the guilt of blood ever haunts the murderer*.

The remaining capital crime, which shall be noticed, is, that of TREASON. Under which article, it may be observed, that where an administration of civil government is just and equitable; *i. e.* where it protects and maintains the civil and religious rights of a people, by being a terror to evil-doers, and a praise to well-doers,—there, should any refuse the homage of loyalty, should they conspire, rise in arms, or rebel against such powers which are of God, the offence must be capital: — “Tribute, to whom
“tribute; custom, to whom custom; fear, to
“whom fear; honour, to whom honour;” is the demand of reason and truth, and of the law of relation. But wherever a civil administration is arbitrary and tyrannical, the sooner a people can throw off the iron yoke, the better: since no civil government can be an ordinance of God,

* I would refer my reader back to the view taken of Cain, in the Dissertation on Self-murder, as an illustration of its malignity.

but what is for the benefit of the governed; and where it is the reverse, it is so far from being of God, that it is of the devil. It certainly is, because no other than a diabolical spirit of pride and arrogance, can render any earthly sovereign once capable of imagining, that the power with which he is entrusted, could be ever given him for the end of enslaving those under his scepter. Consequently, all treasons against government, are, what violate the laws of truth, reason, and righteousness.—Whereas, this being far from the case, when an administration is trampling on the just rights and equitable claims of a people: in which condition, we are obliged to say, that none but depraved, dispirited, crest-fallen creatures, will tamely submit to the tyranny.

A yet different species of treason, is that of counterfeiting, impairing, and clipping the current coin of a kingdom or state. With us, this is made capital, by 25 *Ed. III.* c. 14. and 18 *Eliz.* c. 7. It is also treason to make any stamp, dye, or mould for coining: and so is colouring metal, resembling coin of gold or silver; marking it on the edges, &c. This appears, to me, in the light of high treason against the majesty of the people; forasmuch as the injury is principally done to the community, by depraving the universal medium or measure of trade and commerce. “ For, in the words of Mr. LOCKE,
 “ such debasers of coin, who counterfeit the
 “ king’s image and superscription, commit a fe-
 “ cret robbery on the public. Because money is
 “ as necessary to trade, as food is to life; and,
 “ in its circulation, drives the wheels of trade:
 “ and is necessary between land-holder and la-
 “ bourer,

“ bourn, merchant, shop-keeper and consumer;
 “ and should be kept in its value steady and in-
 “ variable, as all other measures are*.”

This is a species of treason, which, at this day, is extremely detrimental to our public; and loudly calls for some punishment, more terrifying and efficacious than death. The culprit should be made some way a living monitor to all around him, and at the same time some beneficial service should be rendered by him to that public he has injured; though under circumstances that would terrify.

It is presumed, that the above observations, made upon some of our penal laws, which take away the life of man, do prove, that they are very unequal, and indiscriminating as to the degrees of demerit, or of guilt. And we are not to wonder at this, when we consider, that the vast importance of human life, has not to this day been duly attended unto, nor well understood, by legislators. Even in our age of boasted light and liberty, it is notorious, from late applications to parliament, that we have some penal statute-laws yet in force and unrepealed, which are *confessedly* inhuman and cruel; ay, even in the sense of those senators, who refuse to remove them from a people, whose loyalty is unimpeached, and whose claims to the common rights of subjects, are inferior to none in the British dominions. But such is the depravity of the age, we have no reason to expect a reform, either of our laws, or of our manners, till the dreadful catastrophe, has fully

* Considerations on Money; see his Works, vol. ii.

taken place, “ when the people shall be so
 “ hungry as to fret themselves, look upward,
 “ curse their king and their God! and looking
 “ to the earth, shall behold trouble, darkness,
 “ and the dimness of anguish!”

O that Britain would so repent and reform!—
 that her iniquities may not bring down upon her,
 irremediable ruin.——

F I N I S.