The following letter was addressed by Benjamin Bates, bearer of the above memorial, to a Member of the Legislature.

The friendly manner in which we discoursed together on the principles of our memorial, (now before the Legislature) induces me to hope, that a few additional observations, will receive a candid and impartial consideration. It would be useless, I apprehend, in introducing the subject, to enter into any minute enquiry respecting the nature and rights of men in society; or to enter into any of the various theories of government; to find in this manner, in what way those rights have been abused. The Americans as a people understand this subject. They did not establish the empire of liberty, on the basis of equal laws, look to the pittance of privilege, which had in different ages been extorted from the grasp of power. No, they were men and conscious of their rights; they were Brethren, and saw their rights where equal. To preserve them, they did not set up human beings like themselves, with creeds and miseries on their heads, and commit to their ambition, capacity and safe keeping and distribution, those sacred immunities, which their Creator had endowed them — which he had
made co-existent with mind itself, inherent and unalienable. They to preserve to themselves those inestimable blessings, to transmit them to their children, to guard them forever from usurpation; that viewing the whole ground of polity with a discriminating eye, they declare irrevocably, that conscience belongs to God, and civil government to the people. On this principle, their whole political structure is erected, hence the law emanates, and every power in the government is traced by its authority. So it stands upon paper; but how does it operate in practice? Is the liberty of conscience indeed preserved inviolate? Do the laws impose no other restraints on religious freedom, than are sufficient to preserve the peace and order of society? Are none of the honest, and inoffensive, inhabitants of this commonwealth, taxed, fined, or harrassed in their persons or property on account of their religious tenets? These are questions which the patriot and statesman may ponder, but the answer is obvious and undeniable. The liberty of conscience is abridged, the laws do impose other restraints than in the three contemplations, that "establishing religious freedom"—and a number of peaceable and useful citizens are exposed to fines and penalties on account of their religious principles.
How is this infringement of natural and constitutional rights to be accounted for? It will not be said, that either these people or their principles were unknown, when the declaration of rights was made, and the form of government established. It will not be pretended, that they were excluded from the common privileges of citizens, and the common rights of humanity. No, but it is said, that the government must be defended; and they are therefore enrolled for the purpose of learning the use of the firlock and bayonet, and for acquiring the art of inflicting deaths with the greatest expedition by officers, men, whose religion is a system of universal benevolence, who believe in the Almighty, forbids animosity, revenge and violence, and who are advised, that disobedience to his commands, involves affliction and eternal consequences.

This society maintain, with the frame of our constitution, and in conformity with the repeatedly declared sense of the American people, that government has no right to bring the laws of God and man into competition; and that there exists no authority in any department, thereof to cancel, abridge, restrain or modify the liberty of conscience. When this declaration was solemnly made, the last time by the people of this state and reciprocated by the whole Union, the society of Friends were exempt by law, as well as by the
constitutional privileges, both from military duty and personal service in war. Did not the law, which afterwards subjected them, under heavy penalties, to all the requisitions of the military system, "abridge" this liberty of conscience which had been thus solemnly guaranteed? and is it, that, ought not an evidence of the fact, and an appeal to the justice of the country, be sufficient to restore them to their rights? The fact is undeniable—the appeal is made, and its success, perhaps, ought not to be doubted. But, in the mean time, the subject is variously canvassed, and many objections and difficulties are thrown in the way. We have appealed to the rights of conscience, as a natural and constitutional privilege; but, we are told, that the liberty of conscience is an abstract principle, and as such is not to be relied on in particular cases. What is an abstract principle? Is it some uninteresting truths which may be indifferently remembered or forgotten? Or is it some proposition to which the understanding assents, but which is still to be tested by experience? Nor, it cannot be supposed, that the men, selected by the people, to mark out the boundaries of the law, and to fix the limits of power in a great, free, and enlightened nation, would so insigni-
cantly employ their time, and abuse their trust, as
to set down, as a declaration of rights, any random
propositions that might chance to occur to their re-
collection as true. The fathers of American Liber-
ity did not attract to themselves the gratitude of their
country, and the admiration of the world, by writing
ly phraseword, but for selecting the very words they meant to
establish— for drawing an insuperable, unalterable line
of separation between those powers which a free people may
confer in their governments; and those inborn, in-
alienable rights which they retain to themselves, as was
expressed for the preservation of those rights that the con-
stitution was formed. Its barriers were laid strong and
deep around them, and whenever they are
broken down, tyranny and oppression will resume their
ancestors. For can it be thought, that this liberty of conscience
was introduced as a new or untried principle,— the state
man of our country where not such novices in the sub-
ject of law and government, or so unacquainted with
human nature as to suppose, that the rights of conso-

had never been tested. Nor would they, if such had been their opinion, expose the nation to difficulties and danger by a novel and presumptuous experiment.

These men understood their subject. Its nature—its history, and its importance—were familiar to their minds. They knew how readily the pride of opinion, and the possession of power combined to produce intolerance. They knew that a denial of their rights constitutes the worst species of tyrannoy. Nations have groaned for ages under its influence, and to preserve this country from a similar fate they held forth the right of conscience as an abstract metaphysical notion, but as a living, indestructible privilege, of which no law should ever deprive a citizen.

But why was it necessary to secure these rights with such anxious solicitude? Why inscribe them in the constitution, and protect them with such jealous care from the powers of the legislature?
Is not the government derived from the people? Is it not administered by their agents, and solely for their benefit?

And can not the people be trusted with the guardianship of their own privileges? The answer is plain—a government of the people is necessarily a government of the majority, but the majority, if they are not bound by constitutional restraints, may, in securing their own rights, overlook and violate the rights of others.

But would it not be mockery to tell them merely under these circumstances, that they ought not to complain—that their country is a free republic, and they, as integral parts of the sovereign authority, must not be sensible that their rights and liberties depend on the will, and lie at the mercy of individuals, and that however many or few of these individuals there might be, and under whatever forms their proceedings are conducted, an arbitrary government is still despotism, and the subjects of it are slaves? Hence the necessity of constitutional restraints.
properly established; when government simply occup
ies the ground on which it is placed, and exercises on
its the powers which have been submitted to its direc-
tion; the decisions of the majority become the legisla-
tive rules of action; and every member of the com-
unity (whatever may be his opinion of their wisdom or
experience) is bound to obey them. This is presumed to
be the true definition of a free government. But if
what is said under any form of government is the at-
tempt to enslave the mind, as soon would the acad-
emy devise means to arrest or control the revolutions
of the solar system as the legislature of any country
would laws that would bind the free spirit of man.
How long has tyranny tortured its victims and
ruined the apparatus for discovering this grand desider-
atum? Croads, tods and anathemas have been tried.
And let us hope that danger may have done their c:
Wacks, flames and gibbets have exhausted all their
powers, are all have ended in miserable disappointment. And is it not difficult to conceive how the notion ever came to be entertained on this side of the Atlantic? The genius of our country did not foresee even the minds of such a system; and it is certainly not congruous with our habits of thinking, to suppose that the mind may be fettered by putting a chain upon the leg, or that a man's heart can be divested of its sentiments by a warrant to take his cattle. But admitting that the people's liberty of conscience is both a natural and constitutional right, and that it is physical impossible to control the free agency of the mind, still it is contended, an expedient may be found which shall protect these rights from violation, and at the same time satisfy which would otherwise infringe them.

Thus, if the legislature enjoin the performance of certain duties on which it is supposed the very existence of government depends, and those duties happen to interfere with
The constitutional rights of any individual, let them be viewed in any aspect, should not be curtailed. If it be a military service for instance, and his religious principles forbid him to fight, let him pay a tax for the support of schools, and make the tax equal to the military service. The argument fairly stated stands thus: the legislature shall not restrain the free exercises of conscience, but they may lay a fine upon the advantages derived from the exemption.

Have I any objection to the support of schools? Far from it—l should rejoice to see knowledge and virtue diffused among the classes of society. I would cheerfully pay an equal tax for the purpose, and might be disposed to encourage it by a voluntary contribution. But when I pay a partial tax—a fine, I am neither discharged from the common duties of a citizen, nor doing an act of benevolence; I am paying what is considered by government as a debt, and for what consideration...
land, plainly, for being allowed the liberty of conscience. But I do not desire the liberty of conscience from the government; I hold it by a tenure antecedent to the institutions of civil society—it was secured to me in the social compact, and was never submitted to the legislature at all: they have therefore no privilege to grant or withhold at their pleasure, and certainly no pretence of right or authority to sell it for a price. It appears then, that this exclusion of x for the support of schools is a grievance and oppression under a constitution given in disguise, and violates essential principles at some extent.—But is it not uncommon, it is asked, that our fellow-citizens who believe war to be allowable and necessary, should be subjected to the hardships and privations incident to the training and service, while we, under the protection of our religious principles enjoy complete exemption?
We answer no. If these citizens do believe that war is necessary for their defence, if they conceive it to be their
duty and their interest, toellschaft with their religious principles to repel aggressions by the sword, in the open full exercise of their privileges, they give to the government authority to command them in these services, this is their own act and they cannot complain of the consequences.

But a man is not the judge of his neighbours conscience and of the powers they surrender for themselves, involving constitutional privileges, they are binding only on those who have consented to them.

May I inquire what is it that constitutes the obligation to fight for one's country? I mean to apply the question to free people, for under a despotism the will of the master is the obligation of the slave. What is it then in a free country, that induces a man to go to war? Is it the protection of his rights? But what rights has he to protect, whose most essential privileges are already wrested from him?

This is the interest which every individual feels in preserving.
ving his property, his home, his children, his friends? Have all some interesting attachments? Have not all some endearing objects that cling to the heart? But is not the appre-
gate of these her country? Every man, therefore, engaged by
common consent in a defensive war, considers that he is fight-
ing for himself and his domestic enjoyments—his home is under
defeat with his country, and he is using those means which his
own reason and conscience could approve for its defence. We to save homes
and all property and children and friends, in whose wel-
pfare is dearer than life. We to connect them with our coun
try, and for their preservation would make any sacrifice
which our reason and conscience would approve. But these forbid us to fight
The Sover, to whom we are indebted for all our enjoyments
and whose divine Providence is their best protection, has not
committed to us the right to destroy our fellow creatures, or to
seek the redress of our wrongs by the shedding of human blood.
But that we knew he has communicated to man—a prince
capable
role of fencing war and violence? There is, my friend, in the re-
began taught by Jesus Christ, a power able to reconcile us to God and to one another. To war divest the heart that receaveth of its propensities to wrongs and violence and implant in their place the disposition to suffer wrongs and violence for its sake. Thousands of living witnesses bear testimony to this divine principle thousands who would suffer any privation or punishment rather than imitate by their example its influence and increase. And ought it not to console the friend of his country and of his species, to see its growth, and to be assured by indubitable evidence, that it is possible in its support to return good for evil, to love even our very enemies, and for

Finis
18 jean surfaces
20 sheets
30 mist