

Correspondence.

THE PARDONING POWER.

To THE EDITOR.—Dear Sir:—I cannot agree with a very distinguished Senator in the opinion that the President is legally authorized to distribute pardons, as he continues doing, in advance of all Court action on the crimes forgiven. The position has, I know, been judicially recognized in one or two instances, either by decisions or at least by dicta; but I have still the hardihood to dissent.

The President issues these pardons without any ostensible call of duty in the public service, and just as if they were personal boons of his own, bestowable at pleasure; acting commonly on the request of some friend or friends of the culprits, or at the suit of a feed pardon-broker. At any rate, no public exigency, and no known peculiarity of private circumstances, moves him.

Now I admit the pardoning power is given by the Constitution in general terms. And what then? Is it therefore unlimited? Suppose a crime were pardoned, not in advance of the Courts, but of its own perpetration, as by Roman Catholic "indulgence;" how would that answer? Unlimited power is a strange thing in our system. I know not where to find it, though of general powers we have plenty. Pray, may not reason and the nature of things impose limits on a general power? May not usage, and the common law resulting from it, impose them?

And first, reason and the nature of things. Observe the state of the country. The President himself holds that our public order is fully restored. It is therefore in no policy of quieting rebellion, or inducing rebels to return to their allegiance, that his amazing prodigality in the article of clemency charters is persisted in. He goes upon the very assumption that all is peace and good citizenship again—in other words, that the laws are once more able to take care of themselves. It is in just these circumstances, (by his own showing) that he goes on intervening daily between the laws and their violators, between courts and culprits; forestalling and defeating the functions of our criminal judicature by pardoning all comers at his sole, private, irresponsible discretion!

And though his practice has been hitherto confined for the most part to criminals of one grade, it might be just as well applied to counterfeiters, smugglers, mail-robbers, pirates, and to traitors. So that to overreach the tribunals in the treason category is, potentially, to head off their action altogether—in effect to nullify their jurisdiction. And then where are we? Penal justice is at an end; crime ceases to be crime; the legal economy becomes a by-word; public morals make a common grave with public security; and licensed brigands have possession of the country.

I think the President errs both in manner and substance. Apart from the tendency of his measures to the extreme consequences just referred to, there are valuable rules of moderation, propriety, decency, which they seem to me to violate. I am sure I have the general feeling of the public mind with me when I speak of the pardoning power, in a time of profound peace, as one of last resort—essentially a power of review; to be exercised occasionally and with discriminative caution, on special grounds of evidence, so as not to weaken the authority of the judicatures, but only to keep the execution of their judgments from excess of rigour in a few exceptional cases, where justice need suffer no loss of character by the intervention.

Pushed however to extremity, the President's course of action would not simply weaken the agencies of criminal justice; it would virtually annihilate them. For if he may legally screen all traitors from prosecution, he may do the same kind office for all criminals of whatever grade. The general words of the power make no distinction among them. And then, as to criminal jurisdiction, the Courts are out of function entirely.

What, Sir! is the Constitution at cross purposes with itself? Has it empowered one branch of the government to supplant another? I have deemed the Bench a very important branch; none more so. What but judicature can assure to us practically the benefits of our system in any of its parts? Without judicature what were the President but a poor cipher?—or Congress itself but a collection of ciphers? The judges are the keepers of our lives, liberties, estates, characters, and Christian morals. Can it be that this pardoning power of the President, a power rather incidental to theirs than above it, may be made to stalk over the judicial world, and tread out all its life?

Happily there is a barrier principle that forbids this trading-out business. Nothing is better settled in the philosophy and the law of interpretation than that every written instrument must, if possible, be upheld alike in all its parts, so that no part shall destroy or frustrate another, or prevent its taking full effect.

Here then we have a rule, founded in reason and the nature of things, that qualifies the verbal generality of the pardoning power. The Constitution must be so interpreted as to be consistent with itself; in other words, the jurisdiction of the Courts, no less than the pardoning power, must be maintained in its integrity; which can only be done by a constructive limitation of this power as to time. When the judges have "made treason odious," by indictment, trial, and conviction, then, if circumstances make a case for pardon, let the President do his duty; but till then his interference is premature and unwarrantable. Even then, to pardon indiscriminately would be monstrous abuse.

Secondly, we have usage, and as I think, a resulting common law, to the same effect. On this head I content myself with evidence afforded by the several State Constitutions, which of course express the prevailing sentiment of the country.

Of some of the recently admitted States, I cannot speak with certainty; nor is it needful, as their population is comparatively small, and their opinions and usages may be presumed to correspond with the elder communities from which their settlers have been mostly derived. But I have twenty-eight State Constitutions now before me, covering all the long-settled portions of the Republic, where nineteen-twentieths of its people reside, and where all its characteristic habits, both of thought and action have been formed. On turning to these Constitutions what do I find?

I find that six of them vest no pardoning power in any body; preferring the hazard of now and then a possible excess of judicial rigour to that of the abuses far more likely to occur in the proceedings of a "pardoning agent," however wisely chosen.

Well, Sir, in one of the remaining twenty-two States, the governor has a pardoning power, but must in all cases report his reasons for using it to the Legislature—among which reasons I presume the advice of Thurlow Weed, of Senator Cowan, or of General Grant himself, would scarcely be deemed entitled to a place. In two States the power is in the governor "under such rules and regulations as shall be prescribed by law," that is, without a jot of arbitrary discretion. In two other States the same arrangement is adopted in slightly different phraseology; in two the power is general in the governor (save as usage and the common law control it); and in fifteen (more than two-thirds of the twenty-two) it is expressly limited to take effect "after conviction."

Now without enlarging on the details of this statement, I assume, first, that it shows an almost universal jealousy of the power in question; and next, a very general sentiment and usage to the effect, that if allowed to exist, it should at least be limited to following the Courts, and never preceding them. So that if majority views and customs make law (we should not be a free people if they did not) here is law against the licentious practice of the President.

And let me ask, has this law been ever violated by any President before? Is it not an unheard-of thing that villains should be officially pardoned, that is, screened from punishment, not because they have been harshly tried, or doubtfully convicted, or too severely sentenced, but simply because they are villains? I confess, the proceeding is new to me entirely.

It may be asked, however, why the Convention of '87, knowing the sentiments of the country as regards the pardoning power, did not partake of the common jealousy on the subject, but gave the power in unqualified terms. A very reasonable question, and the only one of any moment in the case.

Fortunately, it can be answered. The Convention did partake of the common jealousy, and objection was earnestly raised against the generality of the power. But it was stated in reply, that in the possible event of a rebellion or insurrection, there might be great importance in the President's being authorized to tender to the disaffected parties a general amnesty or forgiveness upon condition of their returning to their duty; and if I am correctly informed, it was upon this single consideration that the unqualified terms of the power were left unaltered. Not only so, but the writers of the Federalist put their justification of those terms upon that ground alone.

From all which the proper inference is, that a case of rebellion or insurrection was to be an exception to the general rule of the subject; leaving the rule undisturbed in other respects. A broader inference would be a false one. Ordinary times, like the present, have a law of their own; and it is not to be displaced or jostled by measures suited only to a time of public convulsion. When civil war breaks out, judicature withdraws from the scene, and pardoning before conviction is no interference with its rights; but when peace and order revive, the rights of judicature are again paramount, and pardoning before conviction is a gross offence against them.

I am &c. H. W. WARNER. JANU. 2, 1867.

LETTERS FROM A COUNTRY PARSONAGE.

Don't Cry, Mother.

So urged a daughter who had been but an hour a bride. The marriage ceremony was over, refreshments taken, bridal costume rearranged and travelling attire adjusted. A railroad station a mile or two distant must be reached within the next hour, from whence to be borne away on the wedding tour. The guests had clustered around the bridegroom and the bride, tendering joyous salutations and well wishes for a bon voyage. When all had done with their salutations, father and mother came. His was a simple kiss, accompanied with a "God bless you, my daughter," yet with evident and unutterable yearnings agitating his paternal heart.

And now it was mother's turn, who stood trembling with crowding emotions and holy affections, but with strong efforts to appear calm. When, however, that daughter, who had just pledged herself to the keeping of another, threw her arms around that neck, and leaned again upon that bosom where so often she had so confidently nestled in infancy, the pent up emotions in that maternal heart must have outlet, else would the heart itself burst. The mother sobs aloud with big tears fast following each other.

"Don't cry, mother," urged the bride; while the voice of the speaker was choking with its own loving affections.

Cry, mother, we are constrained to interpose. It will do you good by bringing relief to your pent up feelings. Tears are God's safety valve for letting off an excess either of joy or sorrow. So strangely do joy and sorrow intermingle, that the feelings can with difficulty be distinguished. Nor is it easy to find an earthly place or condition

where gladness and sadness so overlap and intertwine with one another as at a wedding. "Don't cry, mother," again urged the young wife, as her eye turned to that manly form, whom now she called husband. Not an unmoved spectator was he of the scene; yet with no signs of jealousy at the fondness of his bride for another.

"Don't cry, mother; and we divined these unuttered reasons for the loving appeal—"I go, mother, from this dear, dear home; from under father's protection; from a brother's devotion, from a sister's love, and from your own unselfish counsel, your pure affection and unmixed kindness. But I go with my husband. He will henceforth be all the world to me. Whithersoever we may go, or wherever we may be, I shall be loved and will be happy."

As witnesses, we could also cordially unite our confidence that this loving protector would be faithful to the sacred trust now reposed in him. Leading away from her father's house, not again to return, save on transient visits, he would protect, cherish and love until death. Hence we could join the bride in saying, "Don't cry, mother, your daughter goes to enter upon a more enlarged sphere of duty, usefulness and happiness."

Doubts and fears were not, perchance, the sources of mother's tears. Her heart, no doubt, beat in unison with her daughter's in all her fair prospects and bright anticipations. Forgetting, also, for the moment, the chair at the table hereafter to be vacant, and the family circle no longer to be lighted and cheered by that happy, loving face. Passing lightly, also, over the parents' loneliness when the joy was departed; still mother wept. Not into the future with anxious gaze was she endeavoring to look, but over the past. Thirty years ago mother had herself been a bride and gone through all these marriage scenes; had thrown her arms around mother's neck at parting, and mother had also wept.

And these thirty years? Was mother weeping with regret at her marriage, as bringing with it too many cares, sorrows and disappointments? No; here stands beside her now that husband on whose strong arm she leaned when turning away from mother's tears. Thirty years have wrought changes upon that manly form, yet the ripened, chastened love of husband and father attest his faithfulness. These long years of married life had also been pleasant and prosperous beyond the ordinary lot. Yet is mother weeping at the retrospect. Trials, sorrows, disappointments, separations, death have commingled all along. Father, who kissed me when a bride, and mother, around whose neck my arms were thrown when leaving home, have died. Brothers, sisters, relatives, friends, who gave me their salutations, have also gone from earth or are separated.

Then for a moment mother's thoughts turned towards the unrevealed future. "Thirty years from now? Where then, and in what condition, will be bridegroom and bride; mother, brother, sister; yea, all this joyous company?" These queries are, however, hushed, and mother in her tears does not speak them.

No, nor let any croaker utter them in hearing of the joyous wedded pair. Withhold that ominous shake of the head and sepulchral wag of the tongue; O wait. No, don't wait, but be glad now. Go on the wedding tour rejoicing and keep on rejoicing as long as possible. Seasons of darkness may hereafter brood over the pathway of life. Trials and sorrows may come. Let them come; your present joyfulness will be no source of weakness in your hour of affliction. Let tomorrow take care of itself. Sufficient unto the day is the evil thereof.

Although it still be subject of debate, And worthy men stand on opposing sides, Whether the cup of mortal life has more Of sour or sweet!"

The joyous, hopeful Christian will respond to all such repiners:—"The drinker, not the cup, we blame."

A. M. STEWART.

LETTER FROM REV. S. SAWYER.

Trip Westward.—Dr. Heacock on the Eight Hour System.—Rev. W. Calkins and his New Field.—Something about the Canadians.—Detroit and the Brethren there.—On to Chicago.—Interest of Dr. Patterson in East Tennessee.—College at Maryville and Institute for Colored People, &c., &c.

NEW YORK CITY, December, 1866.

MR. EDITOR:—After exploring New York City and Brooklyn awhile, with reference to my mission, I started Westward, stopping a few hours with Rev. A. M. Stowe, whose acquaintance I enjoyed exceedingly, and then hurrying on to Buffalo. I heard Rev. Dr. Heacock on the benevolent bearings of the eight hour system. His reasoning was very forcible, and has awakened general interest in the question discussed. Turning to the Cyclopaedia, he found the scientific formula of human labor set down at eight hours in the twenty-four, and apprehended that much of the intemperance and Sabbath desecration of the day might be attributable to the overtaxing of labor; he proceeded in the most direct manner to state the question, to construct his argument, and to meet objections. Brief reports of his sermon were published in the city papers.

I called on Rev. Mr. Calkins, formerly of your city; and found him comfortably situated in his new field, with his heart intently set on building up the kingdom of Christ. I met with his people on two occasions, and came away with the conviction that the Lord will use him to do a most important work in the North Church. The young people take hold nobly, and seem inclined to co-operate most heartily with their pastor.

Rev. Dr. Clarke, I found one of the most interesting ministers in Buffalo. The Ministers' Association met at Dr. Heacock's, and closed their session with an oyster supper. It is quite an institution.

From Buffalo I struck across Canada to Detroit. There were two feet of snow south of Lake Erie, but very little in the Province. Baggage inspectors were on hand to look out for smuggled goods. The delay was something of an annoyance, but the many facts I heard about smuggling satisfied me that the inspection was necessary. At breakfast, I entered into conversation with an intelligent Canadian, who had a sprightly wife and four children. He spoke glowingly of the school system. He used to oppose the education tax until he was married, but now that he has a family of children, he thinks their provisional plan admirable. On many accounts, he would like the Reciprocity Treaty renewed. He had not much respect for, or dread of, the Fenians. Parties, he said, were divided into Liberals and Tight-backs. The Tight-backs represented the land monopoly, defended monarchy and nobility, talked against the Republicanism of the States, and seemed to imagine that a governmental Paradise was attained by making the rich richer and the poor poorer.

The feeling in favor of annexation to the United States is constantly increasing. A Confederation of the Provinces may be accomplished mean while, to get rid of certain duties they now have to pay each other, in their exchange of commodities, which might delay annexation, but they feel certain that this consummation will be reached. There are many grievances they complain of, one of the most patent of which is, the course of the Hudson's Bay Company. This Company is essentially foreign and English. It ships \$30,000,000 worth of furs, and \$40,000,000 worth of copper across the ocean. Two and a half cents per pound are paid to the Canadians for digging the copper, which leaves only \$5,000,000 annually among the people, making a drain of \$65,000,000 every year to England. Under a different government they think all this might be changed for the better.

They argue that the United States might have stopped the Fenians from invading their territory, but when reminded of the course of England with regard to the Alabama, they own up, and say that their Government ought to pay the "bill of damages" we have presented. In case Great Britain should have a war with the United States, they will make common cause with England, of course, and present a bold front, and perhaps strike one grand blow "for appearance" and consistency's sake, and then surrender "horse, foot and dragoons" and come under the Stars and Stripes, which, after all, and above every thing else, the majority of their people wish to have wave over them.

There was good sleighing in Detroit. Here I met with Rev. George Duffield, D. D., in possession of all his faculties, and still the most potential man in the Peninsular State. His colleague, Rev. William A. McCorkle, is a most estimable man, genial, evangelical and earnest in his work. Rev. Dr. Hogarth is also laboring in one of our strong churches here, brilliant, graphic and hopeful as ever. These brethren gave me a hearing with regard to matters in East Tennessee, and in the spring, Detroit will do something practical to hold up our hands in that region.

The next point I reached was Chicago, and Rev. Z. M. Humphrey, D. D., and Rev. Robert W. Patterson, D. D., gave me the same assurance with regard to this great city. Dr. Patterson, like Dr. Duffield, seemed especially interested in East Tennessee, and the claims of Maryville College, and the plan of a Collegiate Institute for the education of colored young men for the ministry, they cheerfully entertain and commend to Christian liberality.

The Collegiate Institute to educate colored young men, it is thought, had best be located at Chattanooga, under the charge of Rev. J. B. Reeve, now of Philadelphia, a graduate of Union Theological Seminary, New York. In himself, he could answer all objections to such a movement, and belonging, as he does, to the colored race, we might work much faster and more widely through him. Ought not about \$30,000 to be raised for this enterprise? This is the opinion of some of our brethren in the West.

East Tennessee is the best locality in the country for such a movement. It is to be the Massachusetts of the South, and embraces over two thousand square miles of territory, more than the old Bay State contains. Under present circumstances, ought we not to establish an Ecclesiastical West Point there, whence we may send out our spiritual Sheremans, Sheridans, and Grants toward Vicksburg and the sea? Would not all the denominations, animated by piety and patriotism and working for the whole country, do well to concentrate their efforts for awhile in that mountain region? Its healthfulness, its history, its position, the fact that it is surrounded by rebel influences, ready to make constant raids upon us, its desolations from the war, all make out a case of special interest. And at a time when "The Lost Cause" selects General Lee and Admiral Semmes and their like to man its institutions of learning, many brethren in Tennessee and northward, feel that the principles at stake call on us liberally to endow our Colleges there, and to place over them men who will stand by the Stars and Stripes, and uphold and spread abroad the Puritan type of civilization. I hope to get \$25,000 in your city, \$50,000 in New York, and \$25,000 west of here for the Institution at Maryville. But not to make this letter too long, I only add,

Yours, very truly, SAMUEL SAWYER.

WAR EXPENSIVE.—The new ways of war-making, such as rifled breech-loading guns and rifles, transporting whole armies by rail, &c., make terrible inroads into a nation's resources. The last of these, during our war, cost us \$42,500,000 for the expenses of the Railroad Bureau alone—not including the work done by existing roads on contract.

REV. E. P. HAMMOND'S LETTER FROM SYRIA.

No. XIV.

Beyrout, Syria, Nov. 5th, 1866.

We are out of quarantine, where we have been kept eight days, for no other reason than to replenish the unfurnished treasury of the Turkish government. But we had plenty of books to read, company and excellent food from a hotel in the city, and fine surf-bathing, so that our prison home was made quite comfortable. We regarded ourselves as quite fortunate in getting thus far on our journey without encountering but one Lazaretto.

An aged Scotch gentleman who was anxious to see the earthly Jerusalem before he ascended to the heavenly, told us that it was the third quarantine in which he had been imprisoned on his way.

During our visit to Beyrout, we became deeply interested in the work of missions connected with the A. B. C. F. M.

Within one hour, after we left the Lazaretto, we were standing in a chapel crowded full of children. I thought at the time I had never witnessed a more interesting sight. The little girls all had clean white lace mantillas on their heads, and the boys each a red Turkish Fez. They sang beautifully some of the same tunes used in America. A few of the children understood English, but all that was said was translated by Rev. H. H. Jessup.

The sight we witnessed was enough to convince us that the American mission had accomplished a great work, even in overcoming the prejudices against caste or sect; for there we saw, sitting side by side, the children of Druses, Maronites, Greeks, Moslems, Jews and Protestants.

It was most interesting to see their looks of curiosity change to those of interest and anxiety as the meeting progressed. At the close of the first meeting, another for inquiry was appointed. A number remained, who seemed deeply anxious about their soul's salvation. Several other meetings were held; at all of them the manifest presence of the Holy Spirit was felt. At times numbers were in tears. All who took part in these meetings felt that the many prayers which had been offered for a blessing on the children and youth had been to some extent answered. Mr. Jessup told us that after we left twelve girls voluntarily came to see him to ask how their sins could be forgiven. His heart was full of tenderness and gratitude to God as he saw the seeds of Divine truth springing up.

The beautiful school-building for which he raised the money in the United States, is now complete. If some of those who contributed to it, and also those who have been supporting one and another of the children, could have seen what we did, they would have felt a thousand times repaid for any sacrifices which they have made.

The Syrian College, under the presidency of Dr. Bliss, is just about commencing its first term. As there are nine hundred children in the different Protestant schools in Beyrout, it will no doubt be well patronized, when once it is before the public. It is well known that this is the college in which Professor Stuart Dodge has felt such a deep interest. He is soon expected in Beyrout. May God's blessing ever attend him and reward him for all the sacrifices he has made to assist in extending the Redeemer's kingdom. His brother, A. G. P. Dodge, Esq., who labored so earnestly in the revival in Williamsport, Pa., is also expected to make a short visit here.

One morning a man of the Greek faith called on Dr. Bliss and told him that he had a son whom he wished very much to have educated in his college. He was able to clothe him, but he could not raise the fifty dollars a year which was needed to pay his board. His boy, of about fourteen years of age, was with him. Rev. Dr. Budington, of Brooklyn, who, with his wife, has been with us since we left Paris, was present and heard the conversation. He became so deeply interested in the welfare of the youth, that he at once was led to assume the responsibility of the fifty dollars a year for his education. Dr. Bliss told me there were many such, who, though of a different faith, were ready, for the sake of having their children educated, to send them to a Protestant school or college. I trust that many in America will follow the example of Dr. Budington, and in some way raise fifty dollars and send it to Dr. Bliss for the education of some of the many Syrian young men. Thus, in time, as the young men, many of them with the love of Christ in their souls, shall scatter abroad among the hills and mountains of this dark land, the darkness shall give way to the light of the glorious Gospel.

Rev. Mr. Jessup has so often written you about this city of 85,000, and the cause of Christ in this vicinity, that I fear any thing I might say would be but a poor repetition.

THREE GRADATIONS OF LOVE.

A Christian, says RICHARD BAXTER, doth love God in these three gradations: he loveth him much for his mercy to himself; and for that goodness which consisteth in benignity to himself; but he loveth him more for his mercy to the Church, and for that goodness which consisteth in his benignity to the Church. But he loveth him most of all for his infinite perfections and essential excellencies, his infinite power, and wisdom, and goodness, simply in himself considered. For he knoweth that love to himself obligeth him to returns of love, especially differing, saving grace; and he knoweth that the souls of millions are worth more incomparably than his own, and that God may be much more honored by them than by him alone, and therefore he knoweth that the mercy to many is greater mercy, and a greater demonstration of the goodness of God, and therefore doth render him more amiable to man.