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COMMUNICATION.

E. WELLS, JR., ESQ.—*Dear Sir:* The present is a time of some excitement in Maryland, and in the Southern States generally. No long time ago, the blood of a Maryland citizen was shed in the attempt to capture his fugitive slave, out of the limits of this State. From a speech recently delivered in the Senate of the United States, by the Hon. R. M. T. Hunter, from Virginia, I learn that there is at this time a citizen of Maryland in prison and in chains, in Pennsylvania, for the offence of having brought away a slave from that State.

It is not because the inhabitants of the non-slaveholding States are not patriotic, that they demean themselves thus towards our citizens. When men become possessed of the idea that they have the sanction of the Christian religion to uphold them in the measures which their inclinations lead them to adopt, past history affords melancholy proof that they will not stick at trifles, in accomplishing their ends. Erroneous religious belief, is the main cause of the difficulty which is now shaking mightily the foundations of our General Government, and threatening the dissolution of the Union of our States.

The people north of us believe, that the clause of the Constitution which requires the surrender of fugitive slaves to their owners, is in direct violation of the revealed truth of God. A single passage of revealed truth is that which involves this point. It is found in the book of Deuteronomy, XXIII chapter, 15th and 16th verses, and is in these words: "Thou shalt not deliver unto his master the servant which is escaped from his master unto thee: He shall dwell with thee, *even* among you, in that place which he shall choose in one of thy gates, where it liketh him best: thou shalt not oppress him." I propose to show that this law has no such meaning as the North attribute to it—that its true meaning is in perfect unison with the Constitution of the United States, and that in the matter in controversy about the surrender of fugitive slaves, the slave-holders have 'God for their strength, and the high God for their Redeemer.'

The Decalogne, and the Judicial law, taken together, form an entire and perfect code of laws on the subject of servitude. By the Decalogue is meant, the ten commandments recorded in the XX chapter of the book of Exodus. By the Judicial law is meant all the additional law, contained in the subsequent part of the writings of Moses, beginning with the XXI chapter of Exodus, and ending with the book of Deuteronomy.

Servants were either Hebrews or heathens. The subject of Hebrew servitude is first disposed of by the Judicial law. Slavery being presupposed to exist among the surrounding heathen nations, heathen slaves are next made the subject of legislation, in a two-fold point of view; first, as coming into the possession of the Hebrews by purchase; and secondly, as taking refuge among them, on absconding from their heathen masters. But it depends upon the evidence to be adduced, whether this last particular is so as I state it, or otherwise. For the only law upon this branch of the subject, is the one above quoted from Deuteronomy, concerning the meaning of which the diversity of opinion between the North and South exists.

An eminent divine, Dr. Wayland, President of Brown University, in Providence, Rhode Island, has become the exponent of the Northern doctrine on this subject. In addressing an eminent divine of the South, Dr. Fuller, of Beaufort, South Carolina, on the subject of slavery, he comments thus, on the above passage from Deuteronomy: "This last precept, I think, clearly shows that Moses intended to abolish slavery.—How could slavery long continue in a country where every one was forbidden to deliver up a fugitive slave? How different would be the condition of slaves, and how soon would slavery itself cease, were this the law of compulsory bondage among us!" From these remarks it appears that Dr. Wayland understands that the law in question interdicts, in the most unlimited manner, the surrender of fugitive slaves. This construction is at variance with the tenth commandment of the Decalogue, "Thou shalt not covet thy neighbor's———manservant, nor his maid-servant." If from the mere circumstance of a servant's leaving his master and going to his master's neighbor, that neighbor is commanded not to deliver him to his master, what more could he have, if he did covet him? Under such a law, should a man happen to covet his neighbor's servant, this law would furnish a strong temptation to commit another sin, to bribe, or offer inducements to his neighbor's servant to escape and come to him. Yet it is written, "Let no man say when he is tempted, I am tempted of God: for God cannot be tempted with evil, neither tempteth he any man." But if God has enacted, "Thou shalt not covet thy neighbor's servant," and then has enacted, "Thou shalt not deliver unto his master the servant which is escaped from his master unto thee," meaning both laws to apply to the same case, I see not how the conclusion can be avoided, that there is a strong temptation offered to covet and entice. I cannot, therefore, believe that the God with whom we have to do, enacted two such meanings.

The first commandment in the Judicial law, (Exodus XXI chapter, 2d verse,) is in these words: "If thou buy a Hebrew servant, six years he shall serve: and in the seventh he shall go out free for nothing."

Subsequent laws provide duly for the protection of servants. Exodus, XXI chapter, 20th verse, "If a man smite his servant, or his maid with a rod, and he die under his hand; he shall be surely punished." 26th and 27th verses, "If a man smite the eye of his servant or the eye of his maid, that it perish, he shall let him go free for his eye's sake. And if he smite out his man-servant's tooth, or his maid-servant's tooth, he shall let him go free for his tooth's sake."

The crime which subjected a Hebrew to sale under the above law, with the above limitations, was theft.

It is laid down in Exodus, XXII, at the 3d verse, "He should make full restitution; if he have nothing then he shall be sold for his theft."

This constitutes a very plain case. The magistrate sells a man as a punishment for theft, and for the further puspose of raising, upon the value of his future services, money wherewith to make restitution to the party who has suffered loss. He is bought under the law, "Six years he shall serve." The cases in which, by the infliction of injuries upon his person, the purchaser's title shall be voided, are clearly specified. And yet, according to Dr. Wayland, another enactment comes in here, which operates as an incentive to this thief to run away, and offers him the fullest liberty and protection in case he does so; and that without providing any mode of indemnity to the injured purchaser. It is to be presumed that a thief will have no partiality for labor, and if he can avoid it by running away, he will naturally be inclined to do so, if there is any prospect of obtaining release from what was intended for punishment, and what he regards as punishment.

Suppose he runs away before three months of his term of service has expired. His master is so fortunate as to arrest him, and brings him before the magistrate of whom he purchased. How is this case to be decided? The purchaser claims between five and six years more of service. What plea is the defendant to set up? Have the conditions of the purchase been violated? Has he received personal injury such as in the eye of the law, cancels his obligation to serve? If so, it can easily be made to appear. But no injury appears. He has lost neither an eye nor a tooth. He must therefore return and "fulfill as as an hireling his days."

But suppose before another three months have expired, he absconds again. His master pursues, and finds him safely lodged with one of his near neighbors, who determines to protect him under the law, "Thou shalt not deliver unto his master the servant which is escaped from his master unto thee: he shall dwell with thee." The master goes to the magistrate and makes his statement of the case. The magistrate summons the parties to appear before him, to wit, the master, the protector of the servant, and the servant. The case is entered into, and it appears that the six years service has not been fully rendered; the servant has receivdd no personal injury, his eyes and teeth are in good condition. No reason appears why he should not return and serve his master, except that he prefers not to do so, and claims the benefit of a law which, as he understands it, says that he with whom he has taken refuge shall not deliver him to his master. Here the two laws appear to be in direct conflict.—The one says he shall serve six years, unless his master inflicts grievous injuries upon him. The other is understood to say, that on leaving his master he shall not be delivered to him. It is obvious that both these laws, so understood, cannot be enforced. One or the other must be sacrificed. But there remains more laws to be considered.

In the XXV chapter of Leviticus, the Jubilee, or year of release, is instituted. At the 9th verse, it reads thus: "In the day of atonement shall ye make the trumpet sound throughout all your land. And ye shall hallow the fiftieth year and proclaim liberty throughout *all* the land unto all the inhabitants thereof: it shall be a jubilee unto you; and ye shall return every man unto his possessions, and ye shall return every man unto his family."

The construction put upon the passage in Deuteronomy by Dr. Wayland, contravenes the purposes of the jubilee. The jubilee is intended to confer a joyful release from bondage. Whereas it will find none in bondage but such as prefer so to be.—"Ye shall proclaim liberty throughout all the land unto all the inhabitants thereof—and ye shall return every man unto his family." Every one in bondage has all the time had the privilege of dwelling "among them, in that place which he should choose, in one of their gates, where it liked him best," and as for his family, he has not been long absent from them, unless he preferred so to be.

At the 39th verse of the same chapter, it is written: "If thy brother *that dwelleth* by thee be waxen poor, and be sold unto thee; thou shalt not compel him to serve as a bond-servant: *But* as an hired servant, *and* as a sojourner, he shall be with thee, *and* shall serve thee unto the year of jubilee: and *then* shall he depart from thee." "Thou shalt not compel him to serve as a bond-servant!" Thou shalt not compel him to serve at all, if he may escape whenever he pleases, and the whole nation, every individual in the nation, is commanded to protect him against thy claim. "He shall serve thee unto the year of jubilee: and then shall he depart from thee." This is wholly inconsistent with the idea that he shall not be delivered to his rightful proprietor, if he depart before that time. Besides, by its express terms, the law in question is inapplicable to Hebrew servants. Every Hebrew servant must needs be a member of some one of the tribes of Israel, and still more specifically of some one of the particular families into which each tribe was subdivided, and among whom the lands assigned to each tribe were divided into corresponding portions. In behalf of an Israelite, therefore, who should on any account be sold to one of his own nation for a limited time, it would be incongruous to provide, in case of his escape from his master, "He shall dwell with thee, *even* among you, in that place which he shall choose in one of thy gates, where it liketh him best: thou shalt not oppress him," since if he were rightfully at liberty, he would belong to a specific family, and to a specific location.

The terms of this provision in favor of fugitive servants, suit only the condition in which heathen slaves, who had no portion in Israel, would be found in case they escaped from their masters. But universality of application is the very essence of the construction which we are considering. Such limitation as would confine it to heathen servants, would be fatal to it. Therefore its inapplicability to all cases of servitude, is an objection to this construction. Thus it appears that the assumed meaning of the passage in Deuteronomy, would make the laws which provide for Hebrew servitude nugatory. It would have the same effect on the enactments which provide for the perpetual bondage of heathen slaves to Hebrew purchasers.

This brings me to the second general head of our investigation, the subject of heathen slaves. Heathen slaves in servitude, to Hebrews, are next made the subject of legislation in the Judicial code on servitude. These laws begin with the 44th verse of the XXV chapter of Leviticus: "Both thy bond-men, and thy bond-maids, which thou shalt have, *shall be* of the heathen that are round about you; of them shall ye buy bond-men and bond-maids.—Moreover of the children of the strangers that do sojourn among you, of them shall ye buy, and of their families that *are* with you, which they begat in your land: and they shall be your possession. And ye shall take them as an inheritance for your children after you, to inherit *them for* a possession: they shall be your bond-men forever."

This law does not enact, what apparently it would seem to express, that he of whom a Hebrew might buy a slave must be a heathen. It enacts that heathens might be bought, and that none but heathens should be bought as slaves, by the Hebrews.

I have shown that Dr. Wayland's supposition, that by the law in Deuteronomy, every one was forbiden to deliver up a fugitive from labor, would work great injustice to the individual who had by purchase acquired a right to service for a term of years, under the enactments which provide for Hebrew servitude. The proprietor under those laws however could not be subjected to a loss of more than six years service. But in the case before us, the proprietor acquires a right which lasts during his lifetime, and descends to his posterity. The application of Dr. Wayland's theory here, is liable to the same objection, and in a still greater degree than in the former case.

Besides, the form of enactment, "Thou shalt not deliver unto his master the servant which is escaped from his master unto thee: he shall dwell with thee, *even* among you," is not appropriate to the case which would arise from a heathen bond-servant's escape from a Hebrew master. He would be compelled to take refuge with some one of the Hebrew families in order to make good his title to liberty, according to the supposed construction of the law in question; for if he neglected to do this and continued a vagrant, and while in that condition his owner could seize him, he would be his again, since no one had violated the supposed law delivering him to his master. No one would have the right to deliver him *from* his master, since no one had delivered him *to* his master. In this case the fugitive alone is the wrong doer, for he has not yet got out from under the previous law which makes good the claim to possession and service. He has escaped, it is true, from his master, but he has not escaped "unto thee," that is, unto some one individual or family of the Hebrews: for the construction contended for necessarily makes "thee" in this passage mean individually, because in no other view could it confer exemption from seizure by the owner.—But the succeeding parts of the enactment fix on the word "thee" in the clause, "he shall dwell with thee," a collective, as distinguished from an individual meaning. It defines "thee" to mean the whole Hebrew nation as located on their several possessions throughout the whole national domain. "He shall dwell with thee," means, as the following words show, he shall dwell "among you." He shall dwell among you, "in that place which he shall choose, in one of thy gates, where it liketh him best."

Since then the expression, "he shall dwell with thee," does not enjoin that any individual shall receive a fugitive servant into his family, either as a member or in any capacity whatever, but that the whole Hebrew nation, both as a nation and as individuals, should permit him to dwell among them in that place which he should choose; since it does not enjoin on individuals that they should protect him, but only that they should not oppress him; it clearly leaves the servant whose master is an Hebrew, unscreened from the full force of the previously enacted laws on servitude.

Again, since this law imposes no obligation on Hebrews as individuals to protect a fugitive servant from seizure by his master, but on the contrary imposes on them obligations which are inconsistent with the idea of personal protection; since it obliges them to allow him the most unrestrained liberty in choosing his place of residence throughout the length and breadth of the land, a servant who is in a condition to need secreting from the power of his master, is not the servant for whose benefit the law was intended. But every servant whose master is an Hebrew, does need such protection in order to secure his freedom, therefore it is not the servants of Hebrew masters that are intended to be benefitted by this law.

If the servant whose master is an Hebrew can, on escaping from his master, claim no family or household protection under this law, suppose he tries to avail himself, to the full extent, of the benefits which the law in express terms confers. Upon the supposition that the law is applicable to him, and suits his case, he may be taking an extended survey of the country with a view to making an enlightened selection of a place for his future residence, and while so engaged, his master may come upon him and save him from all further trouble in this particular, by choosing for him as to where he shall reside. Or suppose him to be already settled "in that place which he shall choose in one of the gates where it liketh him best," still the more easily would his master find him out, and take him into his possession again.

When it is remembered that the land of Palestine was less in superficial extent than the least of the slave-holding States of our Union, if Delaware be excepted, the servant whose master was an Hebrew, would never be safe from arrest but in the grave. "The small and great are there; and the servant *is* free from his master."

I have shown that the law we are considering did not confer freedom upon fugitive servants whose masters were Hebrews. This however was upon the supposition that the previously enacted statutes on servitude were in force. It remains that we consider whether this law repeals them. We should naturally expect that so important an intention, if entertained, would be distinctly announced either in the preamble, the body, or the conclusion of the act. But no such announcement appears. Those previous enactments had not yet been carried into practical effect. And to the believer in the inspired authority of the writings of Moses, there arises a difficulty in reconciling the repeal of these laws, with the immutable wisdom of God.

A human legislature which should enact laws, and then without any change having taken place in circumstances which would effect their operation, should repeal them before they had been subjected to a practical test, would hardly do credit to its own wisdom; much less then is such a supposition admissible in the case before us. But to prove conclusively that this enactment in question did not repeal the previous acts on servitude, I quote from the writings of the prophet Jeremiah, who wrote eight hundred years after the death of Moses. Jeremiah XXXIV chapter, 8th verse—"The word that came unto Jeremiah from the LORD, after that the king Zedekiah had made a covenant with the people which were at Jerusalem, to proclaim liberty unto them; that every man should let his man-servant and every man his maid-servant, *being* an Hebrew or an Hebrewess, go free; that none should serve himself of them, *to wit*, of a Jew his brother. Now when all the princes, and all the people, which had entered into the covenant, heard that every one should let his man-servant, and every one his maid-servant, go free, that none should serve themselves of them any more, then they obeyed, and let *them* go. But afterward they turned, and caused the servants and the hand-maids, whom they had let go free, to return, and brought them into subjection for servants and for hand-maids. Therefore the word of the LORD, came to Jeremiah from the LORD, saying, thus saith the LORD, the God of Israel, I made a covenant with your fathers in the day that I brought them forth out of the land of Egypt, out of the house of bonds-men, saying, at the end of seven years let ye go every man his brother an Hebrew, which hath been sold unto thee; and when he hath served thee six years, thou shalt let him go free from thee: but your fathers hearkened not unto me, neither inclined their ear."

Here the law which enacted six years of servitude for Hebrews in certain cases, is appealed to as of the most binding influence. The censure passed upon the Jews is not because they held their brethren to service for six years, but because they retained them for a longer period.

The law also which enacts indefinite bondage for boughten heathens, though not in express terms, yet by the strongest implication, is here re-affirmed. It was because every man did not "let his man-servant, and every man his maid-servent, *being* an Hebrew or an Hebrewess, go free," but served "himself of them, *to wit*, of a Jew his brother," that the judgments of God were denounced against the Jews, and not because they held heathens as slaves for life.

The law therefore in Deuteronomy which we are considering, did not repeal the former acts. And if *Moses* intended by it to abolish slavery, it did not 'prosper in the thing whereto he sent it,' for eight hundred years afterwards the Jews were delivered over to the Babylonish captivity because they held their own brethren to bond-service, and did not let them go out free for nothing at the end of seven years, according to the first commandment of the Judicial law.

I have shown that the law in question could not apply to servants whose masters were Hebrews, because its provisions would conflict with the previously enacted laws, by virtue of which such servants were rightfully held by Hebrews. I have shown that this enactment was unapt, inappropriate, and inadequate to the end intended, upon the supposition that it applied to servants, whether Hebrew or heathen, whose masters were Hebrews. I have shown that it did not repeal the previous enactments. The question now arises, to what class of servants does this law apply? I have remarked that the Mosaic enactments on servitude formed a complete code. This code was given to the Hebrews. I have shown its legislation to be thorough and complete to the end that Hebrews might rightfully acquire and hold both Hebrews and heathens in servitude. One question more might arise, and it was the only one for which an answer had not been furnished. What shall be done when heathen slaves escape from their masters and come among the Hebrews? I claim that the enactment we are considering is intended to apply to that class of servants, because the code would be incomplete without such a law, and is complete with it. This is the last and crowning enactment in the code. I propose the following paraphrase as exhibiting its true intent and meaning: "Thou," the Hebrew nation both collectively and as individuals, "shall not deliver unto his" heathen "master, the servant which is escaped from his" heathen "master unto thee: he shall dwell with thee *even* among you, in that place which he shall choose in one of thy gates, where it liketh him best: thou shalt not oppress him." The lack of adaptedness in the provisions of this enactment to the circumstances of servants, whether Hebrew or heathen, who should escape from Hebrew masters, is fatal to the supposition that it has any application to such. The national hospitality which it enjoins is suited only to the case of foreign servants, who having escaped into the land of Palestine, are perfectly safe in dwelling wherever they choose, provided the principal injunction of the law is complied with, which requires that they be not delivered to their masters.

In the very terms then, of this law, which fanaticism seeks to pervert, the God of the Bible 'decketh himself with light as with a garment.'

I have shown that there is no conflict between this and the previously enacted laws on servitude. When I have shown unity of design between them, my duty will be ended.

I suppose that God in giving laws by Moses was intent on having them obeyed. That pursuant to this intention he enacted, "Both thy bond-men and thy bond-maids, which thou shalt have, *shall be* of the heathen,—of them shall ye buy bond-men and bond-maids."—That the intention here was not so much to confer favor on Hebrew purchasers, as to benefit the heathens purchased. He that may be sold by another person, is already the slave of that other person. The operation of the law then, was not to *create* slavery, but simply to transfer heathens, already slaves, from heathen to Hebrew owners, where both master and servant would be subject to the laws of revealed religion. The more heathen slaves who could thus be brought, though involuntarily, into subjection to the laws of God the better. Some might voluntarily submit to be governed by these laws. They might escape from their heathen masters and come among the people of God. National hospitality should be shown to such. "Whosoever will, let him come." To give to men a Revelation and to make them acquainted with it, implies one identical intention.

I am forced to conclude that Dr. Wayland has mistaken Moses' intention in this act. It was not to abolish slavery, but to abolish heathenism. The question naturally arises, why has the meaning of this passage been perverted by a mind capable of understanding it in its connection? The answer is easy. Because the construction sought to be put upon it is congenial to the passion of abolition fanaticism.

The 3d clause of the 2d section of the 4th Article of the Constitution of the United States, is in these words, "No person, held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labour may be due."

The decision adopted with regard to the passage of sacred scripture which we have been considering, determins the question whether this clause of the Constitution is "according to the pattern shown in the Mount." And this is a question of no small moment in determining the people, especially the New England people, whether they will or will not obey this provision of the Constitution. They will "obey God rather than men," if the teachings of the Book of God are in accordance with their own views, while the precepts of men are the reverse.

Dr. Wayland has not told us that he will not "deliver unto his master the servant which is escaped from his master unto him," and therefore we will hope that his practice will better than his avowed faith on this subject. Another distinguished divine of the same city of Providence, has taught us unequivocally what his practice in such a case would be. "Our government does require us to yield up a slave who flies to us for protection, and surrender him to bondage. Can you do it? I cannot."

It is indeed to us a glory that we are members of a national Union that spreads itself over so vast a portion of the North American continent—that our States glitter along the Atlantic, from Maine to Mexico, like diamonds set in a crown. It would be a still higher glory could we say that we possess, as a people, the knowledge and discretion requisite to render this Union firm and enduring. But if the understanding of the Book of God which is discovered by the light of the *Aurora borealis* must be forced upon the inhabitants who sit in the noonday effulgence of the latitude in which the Bible was written, as the unerring rule of their faith and practice, then will our crown of glory in the eyes of the nations of the earth, be cast down to the ground and be broken.

I remain, your friend,
A NORTHERN MAN WITH SOUTHERN CITIZENSHIP.