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## STATE CONVENTION. DEBATE.

### Mr. Bryan's Speech—Continued.

What office, Mr. Chairman, in North Carolina, can confer a dangerous power upon any citizen who may enjoy it, since those of the United States, and nearly all of the other States, are open to every citizen, whatever may be his religious persuasion? The "checks and balances" of this Government are too well regulated to apprehend any danger from the exercise of inordinate power by any officer of a State, and our peaceful State has slumbered too long, and the people are too hard to move to cause any unpleasant apprehensions from such idle fears. I blush, sir, for the honor of my native State, when I reflect that with the sole exception of New Jersey, her Constitution is the only one of these United States, that contains so illiberal, intolerant and proscriptive a gag law upon the consciences of men. Just as the light of liberal and tolerant feeling, is beginning to dawn upon the old world, the darkness and gloom of bigotry and superstition seem to settle upon the new. Who has not expressed feelings of sympathy for the Catholics of Great Britain? Who has not heard expressions of indignation against the system of odious oppression and disfranchisement, practised by our Protestant brethren towards the Catholic, under the sanction of the laws and institutions of that country? Who has not heard vividly portrayed, from the pulpit and by our public speakers, in words of burning eloquence, the happy contrast, between that and our own country, in the enjoyment of religious freedom; and who, sir, has not heard the triumphant invitation given by all to the persecuted and oppressed, to make our boasted land of liberty their home and asylum. How frail and inconsistent is our conduct? These liberal advocates, at home, for the liberal extension of religious privileges abroad, forget that *calum non animam mutant, qui trans mare currunt.* The Catholic who is invited to come amongst us, although he changes his home, does not change his Religion.

This feeling of toleration produced the union of England and Ireland in 1801.—The Catholics of Ireland, flattered by the hopes of greater civil and religious privileges, held out to them by Mr. Pitt, assented to the union. The King believing the terms to involve a violation of his Coronation oath, refused to sanction them, and Mr. Pitt, with a magnanimity rarely equalled, rather than suffer the popular odium, thus excited, to fall upon his Sovereign, resigned. Defeat thus incurred, only served to strengthen their cause.—Public sympathy and justice were aroused, and among their distinguished advocates are enrolled the bright and shining names of Burke, Fox, Plunket, Lord Grenville, Grattan, Bardenet, and a host of others, eminent alike for their talents and liberality. I will not neglect to mention the great intellectual battle fought by the accomplished Ganning, in the debate upon this favorite measure of his Administration, during the year 1825, nor to announce the melancholy result, that it was lost in the House of Commons by only a majority of three votes.—Then, sir, came the Administration of the great Captain of his age, who was destined to triumph alike over the foes of his country abroad, and her inveterate prejudices at home. Aided by Sir Robert Peel in the House of Commons, this great victory in favor of the rights of man was achieved by the Duke of Wellington, and Catholic Emancipation finally established, in despite of the power and violent opposition of the Duke of Cumberland, Lord Eldon and the whole nation; and now, sir, the Roman Catholic in Great Britain is eligible to all the offices of State, excepting the Lord Chancellors of England and Ireland, the office of Regent or Guardian of the United Kingdom, High Commissioner of Scotland, the right of presentation to livings, and all places in the Ecclesiastical Courts; and in all offices they may fill, the Church patronage connected therewith is vested in the Archbishop of Canterbury. From these, they must be forever excluded as long as the institutions of Great Britain remain as they are, for the reasons which I have heretofore assigned.—How liberal and noble does this conduct appear, when contrasted with the narrow-minded prejudice which would exclude them from the high and dignified offices of Governor, Judge, Brigadier General, Justice of the Peace and Constable, in North Carolina!

In the nineteenth article of our Bill of Rights, the broad and liberal declaration

is made "that all men have a natural and inalienable right to worship Almighty God, according to the dictates of their own conscience;" and in the thirty-fourth Article of the Constitution it is expressly laid down, that there shall be no establishment of any one Religious Church in this State, in preference to another, &c. but all persons shall be at liberty to exercise their own mode of worship. What, sir, are the natural and inalienable rights of man? They are absolute rights, which Mr. Justice Blackstone denominates the natural liberty of mankind, and defines, properly to consist in a power of acting as one thinks fit, without any restraint or control, unless by the law of nature; being a right inherent in us by birth, and one of the gifts of God to man at his creation, when he endowed him with the faculty of free will. Can you, sir, a bridge or restrain this natural and inalienable right, unless you violate all fundamental principles? You know you not that an attempt to do so produced those invaluable guarantees of the rights of man, Magna Charta, the petition of right, the Habeas Corpus Act, and the Act of Settlement, which the Englishman hugs to his bosom, as the sheet anchor of his safety? All Religious Test Laws which infringe the rights of conscience are a violation of this right, whether contained in the Constitution of a Government or the acts of its Legislature; for this natural right is superior to those creatures of society. Then, sir, why gag the Catholic with this article, which conflicts in spirit and I might almost say, in the letter, with those liberal provisions of our Constitution, to which I have just alluded? He is permitted by the Constitution to exercise his own mode of worship, and we are prohibited from establishing any one Religious Church. You regard him as a *harmless citizen*, but believe that he would make a *dangerous officer*! This, in practice has proven to be a distinction without a difference, but I can well conceive, that to a heated and bigoted imagination, it is fraught with treason to the Government. So easily, sir, do we surrender our judgment to our sectarian interests! Treason against the Government! Why, sir, have we not seen the embattled legions of the Catholic troops of Buonaparte engaged in deadly warfare with those of Spain and Portugal—Catholic armed against Catholic, upon the bloody fields of Austria, in mortal strife—the same scene of deadly hostility between Catholic brethren, deluging with their very life's blood the sunny fields of Italy and vine clad hills of France? Nay, sir, have we not seen the Catholic armies of France conquering the Pope himself, and bringing him a captive from the Papal See to the French dominions? History and facts furnish to the advocates of intolerance an unfortunate commentary upon this doctrine of allegiance to the Pope, and faithless obedience to the Government. "Then, sir, is there any great urgent necessity, "which knows no law," that requires this article to be retained? Upon this subject every honorable member is silent; and as Mr. Paley well remarks, "the expediency of laws and acts of authority, make them tyrannical." Who constitute the great mass of Catholics in these United States? With few honorable exceptions, they are foreigners whom the policy and institutions of our country have invited to our shores. If their Religion is dangerous to our institutions, will this 32d Article remedy the difficulty and shield us from the danger to be apprehended therefrom? If this be an evil, I know of no other remedy than the revival of the Alien and Sedition laws, to which from the complexion of parties on this floor, there would be equally as great a repugnance, as is evinced for a liberal amendment of this article. When, sir, I reflect, that there are one hundred and sixteen millions of Catholics in the world, and only fifty-four millions of Protestants, and these split up into as many sects and denominations as "construction, contortion and distortion" can give to the disputed points of faith, and having as little charity for each other as some of them have for the Catholics, I cannot but regard this puny effort to put down the Roman Catholic Religion, as truly characteristic of the spirit that conceived it, and every way unworthy of a great and high-minded State.

If, sir, a spirit of persecution has characterized the progress of the Catholic Religion in the old countries in other times, what has been its history in our own country, on this side of the Atlantic? I beg the attention of the Committee to the following extract, from a learned and distinguished Protestant author: "The Legislature of Maryland had already in 1649 declared by law, that no persons professing the Christian Religion should be molested in respect of their Religion, or in the free exercise thereof, or be compelled to the belief or exercise of any other religion against their consent." Thus to use the words of a learned and liberal historian, the Catholic planters of Maryland procured to their adopted country, the distinguished praise of being the first of the American States in which toleration was established by law; and while the Puritans were persecuting their protestant brethren in New-England and the Episcopalians retorting the same severity upon the Puritans in Virginia, the Catholics, against whom the others were combined, formed in Maryland a sanctuary where all might worship and none might op-

press, and where even Protestants sought refuge from Protestant intolerance; and Chalmers in his annals remarks, that the Proprietaries of Carolina, for the better encouragement of settlers, declared concurrently with the Rhode Island charter (1663) that all persons settling therein should enjoy the most perfect freedom of religion. Thus, sir, does history redeem the Catholic character in this country, and fix a reproach upon North Carolina, of an intolerant and deceitful character; the inducements held out by the Proprietary Government to the Catholics to settle among them, adopted the same spirit of religious toleration into her Constitution, and under the same high and honorable obligations, proscribed them with the intolerant article now under discussion.—And I may add, that even Locke, in his Constitution of Carolina, lays down the broad and fundamental rule in relation to servants and their religious privileges, that "Religion ought to alter nothing in a man's civil estate."

I have endeavored, Mr. Chairman, in the absence of all express authority, to seek for the motive which induced our fathers to adopt this article; and may it not be found in the persecuting spirit of the Puritans in this country, and in the violent religious contests for power in the mother country, from the time of Henry the Eighth to William the Third; for, sir, history informs us, that this struggle for ascendancy, and succession to the throne, between the Protestants and Catholics, was continued with unremitting vigor and severity, until the infatuated conduct of James the Second produced the Revolution of 1688, which resulted in his abdication of the throne, and the final establishment of the Protestant succession in William and Mary. To pursue this idea further, may not the fear of a recurrence of this unhappy state of things, have induced them to turn their attention to this momentous period in the history and struggle of the mother country, for peace and good order, and caused them to adopt some of the statutory provisions which were framed for the protection of religion. For, Mr. Chairman, by reference to the Statute of 9 & 10, William the Third, which enacts "that if any person educated &c. in the Christian religion, shall, by writing, printing, teaching, or speaking, deny the Christian religion to be true, or the Holy Scriptures to be of divine authority, he shall &c. be rendered incapable of holding any office or place of trust;" there seems to be such a coincidence between the phraseology of that Statute and the 32d Article of our Constitution, as to induce me to believe that the framers of our Constitution had that Statute in view, and the difficulties to be remedied thereby; and which would seem to have been adopted by them, with this essential difference, that in the Article of the Constitution, they do not prescribe, in what manner you shall deny the truth of the Protestant religion, to incur the penalty of its provisions. This opinion receives very great additional support, from the able pen of a distinguished young gentleman (Mr. Jos. Sewell Jones), who has preserved the only traditional reminiscence of this Article of our Constitution. I quote, sir, from his Defence of North Carolina.

"In the Constitution of North Carolina there is a clause restricting offices of trust and profit, to those who believe in the truth of the Protestant Religion. This singular feature now strikes every eye, with astonishment and provokes the almost universal condemnation of the educated gentlemen of the State. It is so repugnant to the feelings of an American, it is so contrary to the nature of our institutions; that I was for a long time ashamed of it, as an instance of gross bigotry and illiberality. Confident however, that the irresistible force of public opinion would never suffer an honest citizen to be deprived of the reward that was due to his merit, I consoled myself with the reflection, that it was a dead letter. Subsequent investigation into the private papers of those who formed it has convinced me, that its importance has been magnified, and that the omission of the word *Episcopal* in the original resolutions, or draft, was considered as an establishment of the Christian Religion."

Unfortunally Sir, for the honor, and liberal character of our State, public opinion has never considered this to be a dead letter, and as Protestant is the religious antipode of Catholic, no argument however ingenious or refined, can convince it, that the latter is not excluded. This opinion, Mr. Chairman, derives much strength, when we refer to the political character of a large number of those who framed our Constitution. The Convention was divided into two parties, the *conservative*, and the *Whig* parties; and whilst the former, possessed of more talent and ability, sought to preserve the right of property, with as little departure as possible from the civil and religious institutions of the mother country, the latter seeking the other extreme evinced a desire to reduce the whole political system, to the lowest radicalism, and wildest democracy. Among those who belonged to the former party, will be found the eminent names of men, who were distinguished for their love of the dignity and ceremony of State, their devotion to the Protestant Episcopal faith and the High

Church party, and their consistent and unswerving opposition to a radical innovation and change, in all the institutions of the country. With materials like these, it may be well imagined, that the High Church party were anxious to preserve the religious faith of their ancestors, and to protect it with the strong arm of the fundamental law of the land—and the more is this opinion entitled to credit, since the Bill of Rights and Constitution was said to be the production of THOMAS JONES, a distinguished and determined member of that party.—Now Sir, to have a practical illustration of the unjust and oppressive character of this article, suppose the word *Episcopal* had been retained in the Constitution! What in this enlightened day would have been the consequences? Why sir, the Methodists, Presbyterians, Baptists, and every denomination that dissented from the Protestant Episcopal Church, would have risen, as one mighty and united people, from the mountains to the seashore, and pulled down this odious fabric of the bigotry, and illiberality of our fathers. Well Sir, might I apply here, the Hudibrastic couplet, apparently quoted by the distinguished gentleman from Cumberland, (Mr. Toomer) at the opening of this Convention:

"Strange that such difference there should be,  
'Twill twaddle dum, and twiddle dee."  
When we are taught "to feel the woes, that others feel;" then Sir, I fear a returning sense of Religious charity prompts us to "do unto others as we would have others do unto us." Mr. Chairman, I have been attached to the Protestant Episcopal Church from my infancy, and taught to believe in its saving faith and Apostolic character; but Sir, I would be the last man in this community, to fetter the conscience of any individual, or to proscribe him from office for his religious opinions. Whilst all seem to admit that the Catholics are excluded by this article, have the Protestants nothing to fear from its operation? What power, Sir, has the right to determine the truth of the Protestant Religion, and to prescribe what denominations hold religious principles incompatible with the freedom and safety of the State? I answer Sir, the General Assembly of the State! And who can tell in all coming time, to what excesses and enormities, this spirit of religious persecution may lead us, in proscribing each other, as one sect or denomination of Protestants, may gain the power and ascendancy in our Legislature; This two edged sword should be deprived of its keen and merciless sharpness.

I would beg, Mr. Chairman, to call the attention of the Committee to the wisdom and liberality contained in those two articles of the Constitution of the United States, which declare that "no religious test shall ever be required as a qualification to any office or public trust, under the United States; and Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof!" It is ably remarked by Mr. Justice Story, in his commentaries upon these Articles, that the framers of the Constitution were fully sensible of the dangers from this source (union of Church and State) marked out in the history of other ages and countries; and not wholly unknown to our own. They knew that bigotry was unceasingly vigilant in its stratagems to secure to itself an exclusive ascendancy over the human mind, and that intolerance was ever ready to arm itself with the terrors of the civil power to exterminate those, who doubted its dogmas, or resisted its infallibility. It is easy to foresee, that without some prohibition of religious tests, a successful sect in our country might by once possessing power, pass Test laws, which would secure to themselves, a monopoly of all the offices of trust and profit under the National Government. The only security therefore, was in extinguishing the power. Who Sir, does not recollect the debate in our Convention of 1788, upon these very articles of the Constitution of the United States, by some of the very men who contributed largely to the formation of our State Constitution. And who does not with pride and exultation of feeling, admire the high-toned liberality of feeling, and sentiment expressed in their speeches? The opposite character of that debate, to the one in which we are now engaged, and the great talent and integrity of the Speakers, may afford some apology for troubling this Convention with their remarks.

Mr. Henry Abbott expressed his fears, that the abolition of all Religious Tests, would be productive of injurious consequences. Mr. Iredell, of whom I have taken an opportunity on a former occasion during this Convention to express my very great admiration and respect, immediately replied "that he did not expect any objection to this particular regulation which is calculated to prevent evils of the most pernicious consequences to Society. Every person in the least conversant with the history of mankind, knows what dreadful mischiefs have been committed by religious persecutions. Under the color of religious tests, the utmost cruelties have been exercised. Those in power have generally considered all wisdom centered in themselves; that they had a right to the rest of mankind and that all opposition to their tenets was profane and impious. The consequence of this intolerant spirit had been, that each Church has in turn set itself up against every other, and

persecutions and wars of the most bloody nature have taken place in every part of the world. America has set an example to mankind to think more modestly and reasonably; that a man may be of different religious sentiments from our own without being a bad member of Society. The principles of toleration, to the honor of this age, are doing away those errors and prejudices, which have so long prevailed even in the most intolerant countries. In the Roman Catholic countries, principles of moderation are adopted, which would have been spurned at a century ago. I should be sorry to find when examples of toleration are set, even by arbitrary governments, that this country, so impressed with the highest sense of liberty, should adopt principles on this subject that were narrow and illiberal. I consider the clause under consideration as one of the strongest proofs that could be adduced, that it was the intention of those who formed this system to establish a general religious liberty in America. Were we to judge from the examples of religious tests in other countries, we should be persuaded that they do not answer the purpose for which they are intended. What is the consequence of such in England! In that country no man can be a member in the House of Commons, or hold any office under the Crown, without taking the sacrament according to the rites of the Church. This in the first instance, must degrade and profane a rite which never ought to be taken but from a sincere principle of devotion. To a man of base principles, it is made a mere instrument of civil policy. The intention, was to exclude all persons from offices, but the members of the Church of England.—Yet, it is notorious, that dissenters qualify themselves for offices in this manner, though they never conform to the Church on any other occasion; and men of no religion at all have no scruple to make use of this qualification. It never was known that a man who had no principles of religion, hesitated to perform any rite when it was convenient for his private interest. No test can bind such a one. I am therefore clearly of opinion that such a discrimination would neither be effectual, nor if it could, ought it by any means to be made? Upon the principles I have stated, I confess the restriction on the power of Congress in this particular has my hearty approbation. They certainly have no authority to interfere in the establishment of any religion whatsoever, and I am astonished that any gentleman should conceive they have. Is any power given to Congress in matters of religion? Can they pass a single act to impair our religious liberties? If they could, it would be a just cause of alarm. If they could Sir, no man would have more horror against it than myself. Happily no set here is superior to another. As long as this is the case, we shall be free from the persecutions and distractions with which other countries have been torn. If any future Congress should pass an act concerning the religion of the country, it would be an act which they are not authorized to pass by the Constitution, and which the people would not obey. Every one would ask, "who authorized the Government to pass such an act? It is not warranted by the Constitution, and is a barefaced usurpation!" The power to make treaties can never be supposed to include a right to establish a foreign religion among ourselves, though it might authorize a toleration of others.

But it is objected, that the people of America may perhaps choose Representatives who have no religion at all, and that Pagans and Mahometans may be admitted into offices. But how is it possible to exclude any set of men, without taking away that principle of religious freedom which we ourselves so warmly contend for. This is the foundation on which persecution has been raised in every part of the world.—The people in power were always in the right and every body else wrong. If you admit the least difference, the door to persecution is opened. Nor would it answer the purpose, for the worst part of the excluded sects would comply with the test, and the best men only be kept out of our councils. But it is never to be supposed that the people of America will trust their dearest rights to persons who have no religion at all, or a religion materially different from their own. It would be happy for mankind if religion was permitted to take its own course, and maintain itself by the excellence of its own doctrines. The Divine Author of our religion never wished for its support by worldly authority.

This article is calculated to secure universal Religious Liberty, by putting all sects on a level—the only way to prevent persecution. I thought nobody would have objected to this clause, which deserves, in my opinion, the highest approbation. This country has already had the honor of teaching the rest of the world the way to religious freedom also. God grant both may be perpetuated to the end of time.—True religion is derived from a much higher source than human laws.—When any attempt is made by any Government to restrain men's consciences, no good consequences can possibly follow. It is apprehended that Jews, Mahometans, Pagans, &c. may be elected to high offices under the Government of the United States. Those who are Mahometans, or any others who are not professors of the Christian religion, can never be elected to the office of President, or other high of-

lice, but in one or two cases: First, if the people of America lay aside the Christian religion altogether, it may happen.—Should this unfortunately take place, the people will choose such men as think as they do themselves.—Another case is, if any persons of such a description, should notwithstanding their religion, acquire the confidence and esteem of the people of America, by their good conduct and practice of virtue, they may be chosen. I leave it to gentlemen's candor to judge what probability there is of the people's choosing men of different sentiments from themselves.

Opinions like these, emanating from so high and respectable a source, are entitled Mr. Chairman, to the greatest respect; and when I look around upon the gray heads which surround me, the very badges as it were, of cool and unimpassioned reason, I cannot but flatter myself that this foul blot upon the fair escutcheon of my native State, will be wiped off forever. I cannot, before I resume my seat, fail to call the attention of the Committee to the Virginia Act, for the toleration of religious freedom, which was the production of the distinguished JEFFERSON. (Here Mr. B. read the Act.) Well might that great and celebrated man, declare that he wanted no other Epitaph on his tomb, than the simple but noble inscription—"Here lies the author of the Declaration of Independence, and the Act for the toleration of Religious freedom!" Few men have lived in any age or country, to whose political opinions such implicit faith has been given; and but few men have enjoyed so successfully the power and influence of public opinion; and, sir, whilst so many of us have so unhesitatingly subscribed to his political doctrines, let us not evince our heresy to this, which he deemed coequal with the proudest and most transcendent act of his life. Jefferson was for universal toleration; and "when thro' some dim, but coming years" the political transactions of his life shall be obscured and swallowed up by the "surpassing glory" of some more popular favorite, "the glowing memory" of his countrymen will linger around this Act, as the imperishable manifesto of the great rights of man. I will not lend my feeble aid to impair those rights—I will not tamper with conscience—I will not offer a bribe to that "divinity which stirs within us." I would not close the avenues of preferment, to any of the children of the great family of mankind, for I have too much faith in the stability of our institutions, and in the virtue and discernment of our citizens. God grant that this may be a day of proud exultation to my native State—God grant the spirit of religious liberty and toleration may form "one of the polished corners of her temple;" and God grant that the feelings of affection which we have here evinced for each other, may like the star of the East, proclaim throughout her borders peace and good will to all mankind.—Mr. Chairman, my exhausted strength and feeble health, warn me to cease; and I should be ungrateful indeed, if I failed to appreciate the kind and indulgent attention with which the committee have favored my remarks.

Mr. CARSON, of Burke, said, that having been confined to his room for several days by indisposition, and fearing a return of his sickness, he would avail himself of the present opportunity to submit a few remarks on the question under discussion—and they would necessarily be few, on account of his physical prostration.

Mr. C. said, that he had not anticipated on his arrival here, that there could be any difference of opinion on this subject. He thought the age we lived in, forbade it; but the course which the debate had taken, had undeceived him. The principal argument which he had heard mentioned, why the clause should not be stricken from the Constitution, was, that in its practical operation it did no harm. But, suppose we permit it to remain where it is, and thus virtually re-enact it, will it continue long innocuous?

I shall not, Mr. Chairman, said Mr. C. go into history to draw thence any conclusions, but shall base myself on this great fundamental right—I am the creature of God, and to that God I am accountable. Who can interpose between my conscience and its Almighty Author? If any man can convince me that he is to be made responsible for my conduct on earth, and I am consequently released from personal accountability—then I may acquiesce in your Religious test. But until so convinced, I go for striking out the whole article.

Mr. C. said he had heard some gentlemen say, in outdoor conversation, that they felt themselves instructed to vote against any alteration of this article. No man believed more implicitly than himself in the right of instruction, when legitimately exercised. In any temporal matter he would receive instructions and would obey them; but he would permit no one to prescribe a rule of action for him in religious matters, except such godly persons as he might choose to consult for spiritual edification. No man should presume to dictate to him as to what Church he should attach himself to.—Whence could any man derive this right? Had any one been instructed by his God, to instruct any Delegate here? No earthly authority certainly, could confer such right. Of all the instructions he ever heard of, Mr. C. said, this instruction about Religious restrictions was the most ridiculous and absurd!

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