

# THE BANNER.

"LIBERTY AND MY NATIVE SOIL."  
CHARLES H. ALLEN, Editor.



Abbeville C. H., S. C.

WEDNESDAY, SEPT. 2, 1846.

We are requested to state that ALPHRUS BAKER, jr., Esq. will deliver a temperance address in the Methodist Church, on to-morrow (Thursday) afternoon, at half past 4 o'clock.

We have received several communications, which shall appear as early as practicable.

We regret to learn that the caterpillar is making its appearance in the cotton in this District, and that considerable damage has already been done by them in some sections.

It is stated in the last *Carolinian* that Mr. McDermott has signified his intention to retire from the United States Senate; and a correspondent in the *Charleston Patriot*, suggests Col. F. H. ELLIOTT as a suitable person to succeed him.

We are indebted to some unknown friend for a catalogue of the officers and students of Erskine College, for the session of 1845. We are gratified to learn that this institution is in a very flourishing condition. The Annual Commencement will take place on the 16th instant, and the Anniversary Oration before the Literary Societies will be delivered by Col. J. L. ORR.

The facilities for acquiring a liberal education are greater, we may safely say, in Abbeville District, than in any other in the State. With such institutions as Erskine and Cokesbury in our midst, we have no fear that our District will lose her literary reputation, but that she will continue to be called the "Athens" of South Carolina. The strict attention to morals in these institutions, cannot fail to exert a beneficent influence upon society in general.

Mexico.—The news from Mexico is full of interest. SANTA ANNA'S star is once more towering to its zenith. He is now in Vera Cruz, no longer an exiled emperor or an execrated prisoner, trembling for his life, but the lauded and the praised. The reign of PAREDES is at an end, and he who was instrumental in overthrowing and imprisoning SANTA ANNA, has been overthrown and imprisoned himself. The revolution has been completed—Mexico and Puebla have pronounced for Federation and SANTA ANNA.

What will be the result of SANTA ANNA'S return to Mexico, is doubtful. It is possible he may incline to peace; for he has too much sagacity to prosecute a war with any hope of success against so powerful an enemy as the United States. We therefore conclude that if this matter is left to his decision, the war will be brought to a speedy close.

We learn also that Gen. TAYLOR had arrived at Camargo; and that the town of China, some 65 miles from Camargo, had been taken without opposition by Capt. McCulloch, of the Texan Rangers, on the 5th ultimo. Col. SEGUIN, with 100 Mexicans was in the town, but retreated upon the appearance of the Americans.

Another Mexican depot of arms and ammunition have been discovered at Matamoros.

The papers at Washington, the *Union* and *Intelligencer*, have given notice that hereafter they will not publish at length the speeches of the members of Congress unless compensated for it.

The war with Mexico, it is said, will cost this country \$100,000,000.

(FOR THE BANNER.)  
TEMPERANCE NOTIONS.

Mr. Editor:—When we penned "Temperance Notions," we did not anticipate that we would be called to trespass a second time upon the public, by occupying your columns with this subject. But the tone of a lengthy article, purporting to reply, in your paper of the 19th ultimo, makes it necessary that we should again be heard, or leave the impression that we are driven from the field.

"D. L." first dissents from our opinion, "that a greater influence can be exerted over an enlightened people, by the gentle art of persuasion, as a method of reformation, than by any resort to forced restrictions." He proceeds, by denying the existence of force in the legislature or civil government. The drift of his argument is, that the people themselves make the law; that law "is the public sentiment, the public wish and will," and consequently the citizen obeys only "because it is his choice." Was ever doctrine more in conflict with the true principles of morality and the science of government promulgated? Is not the reader astounded to hear them gravely urged? We assert that force is the very essence and constitution of civil law; and if necessary, we could sustain it by all the authors that ever wrote upon the subject. It was from the necessity of regulating society that civil government originated. The necessity of remedying evils which were not effected or reached by the divine or natural law; of establishing rules which were absolutely necessary for the temporal welfare of society, in compelling its individual members to observe their relative duties; and of furnishing us with a rule by which we could demand our rights and redress our wrongs. Had all men been perfect in their creation, and never corrupted—had they been too wise to misconceive their rights and duties, and too holy to require that they should be forced to observe them—then, civil government never would have been instituted. Let us consult the great author which "D. L." seems to rely so much in, and see if he does not sustain us in our views. Sir WILLIAM BLACKSTONE says, "civil law is a rule of civil conduct, commanding what is right and prohibiting what is wrong; it is called a rule, to distinguish it from advice or counsel; from a compact or agreement; the language of a compact is, I will or will not do this; that of a law, thou shalt or shalt not do it. Advice or counsel, we are at liberty to follow or not, as we see proper, and to judge of the reasonable or unreasonable of the thing advised; whereas, our obedience to the law depends not upon our approbation, but upon the maker's will. Does that which commands and prohibits exert no force or restraint? Is that which compels us to act without consulting our reason or wishes, a matter of our "choice," and "quite mild" enough to supersede persuasion? Does the law exercise no force upon the community, because it is the public sentiment, and the community wills it? Then the culprit who participates in making the law which hangs him, dies by his own "will and choice," and the force or restraint of the gallows is gone. Is there no force in the court or its rules—in its sentence—in the sheriff, or its officers? They are but the organs of the people, and they cannot exert a force upon those whose "choice" it was to establish them. No force in the execution, which snatches from a man his property and incarcerates his body? All these are but powerful instruments of the law, which prove our assertion, that force is its very essence and constitution. But ah! it is "the language of disaffection and licentiousness" to speak of force and restraint, "entering the head of a good citizen and law-abiding man." Now if we were to reason as "D. L." does when he answers our remarks as to the influence of persuasion upon an enlightened people, we would say, all are not "good," all are not "law-abiding." But we will be more generous, and admit to "D. L." that if he can control the good and law-abiding citizens of the community, he may by the same means, probably, control the world. Will he then admit that if we can control the "enlightened" by persuasion, we may, probably, control the unenlightened, since the former give direction to public opinion? The reasoning of "D. L." on this subject (of disaffection) would lead to the conclusion that the legislature is a standing and unchangeable thing, always composed

of the same body and enforcing the same doctrines, totally excluding the right or necessity of appeal or amendment. Whereas the history of the world abundantly testifies, that each succeeding generation arises but to remodel or demolish the work of the preceding; whilst experience has proved, that it is sometimes as much a duty to resist government as it is to obey it. For governments, like all human institutions, may be defective; they, like individuals, may, and often do, err. In fact, there is not a vice, even the darkest ever committed, which in some ages and sections of the world, has not found an advocate in public opinion, of which government is the exponent.

In Sparta, theft was at one time rewarded by her laws. Suicide has in one age of the world been encouraged as a feat of magnanimity and heroism; in another it has been made felony. These reflections lead us to think that law is not always sacred and inviolable; and that we may conceive of even resistance to law where there is no other attainable redress, without incurring the charge of "disaffection and licentiousness." PALEY, in speaking of the obligation of mankind to render obedience to civil government, discourses to this effect: "That civil governors should respect their subjects; that they should bear in mind the fact, that, the physical strength resides in the governed, which, if excited would lay prostrate the most powerful government; that civil authority is founded in opinion, and that general opinion, therefore, ought always to be treated with delicacy and circumspection. The same author assigns as the only reason of the subject's obligation to government: "The will of God as collected from expediency." But we must not speak of the expediency or policy of measures. "It is the watch-word of the wary politician and the wily Jesuit." "Impolitic! a strange word, not known in the vocabulary of the honest and the brave." We have yet to learn, how honesty and bravery and duty, conflict with policy. "D. L." confounds himself when he affirms that "duty is always politic," and then, in the same breath, cautions against bending duty to policy. Now we think that policy is a term known to every vocabulary, save that of the fanatic. It is fanaticism which carries its measures, regardless of the expediency, the policy, or reason of things.

It is not the language of enthusiasm, which, when speaking of, even grogshops, advocates seizing the club or battle-axe of the Michigan women and rushing with "honest indignation, directly to annihilate the whole line in an instant." But we do not mean to charge D. L. with fanaticism, when we say he uses its language, far be it from us. How consistent is the author of the reply when he quotes "honesty as the best policy," after having asserted in his strictures upon that head, that policy was unknown to the honest. We are wholly unable to see the application, or perceive the meaning of this quotation where it is used, unless it be to cast reflections upon AMO THEOS. But we will not suffer this to be converted into a personal issue; if it is meant to insinuate that we advocate doctrines which we do not honestly entertain, for selfish motives, we pass it by as, at least, unworthy of its author.

We are rather doubtful as to the correctness of the opinion, that morality is as much an object of the legislature as the preservation of life or property. We are inclined to think that, whenever morality is effected by legislation it is incidental to the ends of government; that we never can be made moral by legislation, unless it converts itself into some form by which it can strike at the seat or in the heart and move the mind as the great regulator of thought and action. If the legislature is made the source and hope of morality, had we not better strike out that feature of the constitution which declares that no religious qualification shall be necessary for members, and send only the religious to legislate, thereby bringing about a result, which it has been the policy of this government from its foundation most studiously to guard against, the blending of church and state. But we will not urge this.

The author of the reply, asserts strongly the distinction between the legislative, judicial, and executive departments of jurisprudence. This we are ready to admit as an axiom. But we think at the same time, that he has fallen far short of meeting our argument. We contended that to indict was to employ the means of the legislature; and that the distinction between indicting and legislating so far as the principle of employing force upon the subject was concerned, was "hair splitting." We contended purely for the expediency of the thing, and never once denied the "right," which D. L. proceeds so grave-

ly to assert. What does it mean then, when we are told that the "policy and argument of AMO THEOS are to divest D. L. of some of the highest duties and dearest privileges of citizenship." What does it mean when we see asserted the right of temperance men and town council men, to indict "as citizens," when we never impugned that right, but simply urged the bad policy of them indicting as leaders of the temperance reform and as a mean for the furtherance of temperance principles. Has D. L. fairly met the issue tendered, and argued the propriety or expediency of legislation? Has he not rather played the "wily Jesuit" in harping upon words, and cautiously insinuating (by inference) that the end sanctified the means, instead of coming out boldly to the mark, and leading out his jack! We take it as an evidence of weakness in his cause, when he makes these shifts in search of argument. But probably it is policy not to lead out on legislation, since the people might become excited, and play high, low and the game.

But by far the highest grounds taken in the reply, is to deny that moral suasion was instrumental in the reformation. Affirming that "it was not the work of LUTHER, of moral suasion &c. but of the spirit." Now it strikes us, since this position is taken, that it might be better to submit the temperance cause, to the "spirit." If the reformation was the spirit, LUTHER was certainly the agent, and moral suasion the agency. If the progress of the church be the work of the spirit, the apostles or ministers of Christ were its chosen agents, and moral suasion its agency, or the instrumentality through which it was effected. Consequently the examples given to sustain the power and efficacy of persuading, preaching, and convincing, are not at all weakened, but rather strengthened, from appearing as the chief means by which God extends the work of his salvation! Will temperance men reject the weapon of God, as too weak to fight their battles! We feel fully secure in saying as we said before, that "LUTHER inculcated doctrines, which laid the foundation for the world's reformation, unaided by any other power than that of "moral suasion." We say it is the great instrument by which the world has been enlightened, revolutionized, and reformed; and all the quirks and machinations of those who sicken at the term, and are disposed to scoff its power, can never smother the fact; crushed to earth it will rise and impress itself irresistibly and visibly upon the public mind.

We had intended when we wrote before, to have noticed another branch of this subject, viz: Is the present policy of refusing license, a good one? Is the quantity of spirits consumed, diminished, and temperance thereby advanced. Is there not as much drinking in Abbeville District now, as was under the license system—does the policy of refusing it not throw retailing into the hands of irresponsible men, who sell regardless of law; and who, when indicted, are unable to pay a fine, but must be imprisoned only to run the State to expense and be turned loose again to pursue their work of corruption? Does it not encourage these same characters to sell in neighborhoods, at their private houses, where they sell to negroes, and associate with them as fit compeers—and are these not equally the "sinks of iniquity, which corrupt the purity of elections, the slave population" &c., as licensed grogshops? Is not the State, then, deprived of that source of its revenue to but little purpose? We throw out these reflections for the consideration of the public without urging them as an argument.

We pass by the "grand conspicuous distinctions" between "public and private morals"—"temperance and social order"—the dissertation on the relative duties of "husband and wife"—the Aiken and Greenville resolutions—and the witticisms on the church—as irrelevant to us.

Now Mr. Editor—we have done; and do not feel that we should stand corrected in one solitary point by the argumentation of D. L. It is true we have not attempted to correct all of his misconceptions, since it would have prolonged our piece beyond the limits of your paper. We have tried to observe a becoming modesty and respect in the expression of our opinions; we hope that ought we have said can effect the temperance cause, or wound the feelings, of even the most zealous temperance member—if so we apologise for it, whilst we take our leave of the public, perhaps forever upon this subject: Standing however upon our reserved rights.

AMO THEOS.

The Bible has been translated into, and is now printed or written in, one hundred and fifty languages.

(FOR THE BANNER.)  
DUELLING.

Mr. Editor:—In a religious civilized community, every kind of iniquity ought to be banished or suppressed; especially those evils which endanger the lives of good citizens, corrupt the morals, and set at naught the laws of the land.

Duelling is an evil of this kind. It is a glaring, high-handed crime. Those who engage in this honorable warfare, trample presumptuously on law and gospel, on their own sense of duty, on the tears and cries of kindred and friends, and on the moral sensibilities of the community.

And what benefit does the community derive from duelling as a compensation for all this combination of evils that arise out of, or are connected with this wicked custom? Whose morals are improved? whose heart is cheered as some worthy citizen falls on the field of false honor? Does the surviving duellist himself return from the bloody scene exulting in the deed of death, pleased to recount to the excited and applauding crowds that surround him, his deed of noble daring? No; no such crowds surround him, at least from the moral, law-loving portion of community; and instead of exulting in the thought, that he has imbrued his hands in a brother's blood, and sent him unprepared to the bar of God—continual sorrow and sadness must fill his heart, and a "fearful looking for of judgement," harass his mind.

Now the question is, will society support or connive at this abominable custom? Shall men be allowed longer to brave, and insult, and dishonor the christian community by engaging in this murderous old custom? or shall not some vigorous measures be adopted to suppress effectually a practice so pernicious, and so destitute of any thing good to commend it to the minds of sober men?

An effort has been making, we understand, for several years, in the legislature of this State, to introduce a clause in the constitution, to suppress the practice of duelling. This effort has not yet been crowned with success. Cannot something be done on the part of the people to secure the triumph of principle, and a correct practice on the subject of duelling? We cannot, at present, carry the matter to the ballot box, but we can petition. A long list of influential names sent up from different parts of the State against duelling, would exert a powerful influence in the legislature, and would prompt to the enactment of a law prohibiting those fatal re-encounters which begin in honor and end in disgrace and death. And if any thing can be accomplished by petitions towards suppressing duelling, will not every honest citizen, who loves law, and subordination to law, and hates malice and murder, send up his name, praying the legislature to adopt such forcible measures as will lead to the suppression, at once and forever, of the bloody, odious custom of duelling.

The present is as suitable a time as any one could wish to move on this subject.

I will draw up a brief form of a petition which can be drawn off by individuals in the different parts of the district, and of the State, and circulated, and names procured in time to forward the same to the next session of the legislature. It is to be hoped that even duellist themselves, and every man who loves his country, her honor, her laws, and her religion will lend his name, and exert his influence in nullifying forever the "code of honor." LINDO.

## PETITION.

To the Honorable, the Senate, and House of Representatives of the State of South Carolina in Legislature assembled:—

We, the undersigned, citizens of Abbeville District South Carolina, feeling aggrieved at the prevalence of duelling in our district and State, do hereby petition your honorable body to adopt such measures as shall tend effectually to suppress this iniquitous custom. We need scarcely depict to you the aggravated evils that arise out of this practice, and its utter destitution of every thing that is good.

Duelling is an enormous complicated crime. It is a palpable violation of God's law, and of the laws of the State. It often deprives a family of a son, or a father—an ornament and protector, and the state of a worthy citizen, and that for no crime worthy of death, or of bonds. It is called an "affair of honor," but it is an affair that is attended only by "lamentation, mourning, and woe." It encourages the spread, and prevalence of malevolence, revenge, and murder. It snatches from a family, for some paltry, punctilious offence, its head, its glory and prop, and gives in