

contained in the indictment were uttered in the course of argument on a religious question. The defendant was convicted, and after sentence he removed the record to the Supreme Court. He escaped because the indictment omitted the word "profanely." But the *Supreme Court per Duncan*, J. stigmatised the words "as the highest offence *contra bonos mores*." He added "even if Christianity was not part of the law of the land it is the popular religion of the country, an insult on which would be indictable as directly tending to disturb the public peace. The bold ground is taken, though it has often been exploded, and nothing but what is trite can be said upon it—it is a barren soil, upon which no flower ever blossomed; the assertion is once more made, that Christianity never was received as part of the common law of this Christian land; and it is added, that if it was, it was virtually repealed by the Constitution of the United States, and of this State, as inconsistent with the liberty of the people, the freedom of religious worship, and hostile to the genius and spirit of our government, and, with it, the act against blasphemy; and if the argument is worth anything, all the laws which have Christianity for their object, all would be carried away at one fell swoop—the act against cursing and swearing, and breach of the Lord's day; the act forbidding incestuous marriages, perjury by taking a false oath upon the book, fornication and adultery, *et peccatum illud horribile non nominandum inter Christianos*—for all these are founded on Christianity—for all these are restraints upon civil liberty according to the argument, edicts of religious and civic tyranny when enlightened notions of the rights of man were not so universally diffused as at the present day. We will first dispose of what is considered the grand objection, the *Constitutionality of Christianity*, for in effect, that is the question. Christianity, general Christianity, is, and always has been, a part of the common law of Pennsylvania—Christianity with-