

elections of political agents, and functionaries of all grades—at the ballot box—by the people! If, then, a test of qualification for office be then and there applied, which is forbidden by their Constitution and compact of Government, is not that compact, that Constitution violated by the highest authority, by the parties to it, themselves? And is not this a grosser and greater violation, than if the same thing were done or attempted to be done by some one or more of their temporary political agents, whose power and authority is merely derivative and limited?

Any attempt to apply such tests by the functionaries of Government, the mere agents of the people, would be but nugatory and vain; but applied by the people themselves, the actual sovereigns, it becomes operative and effective! Will it be pretended, an attempt to violate a sacred principle, which attempt is ineffectual and nugatory, is more of a violation of that principle, than the violation of it, by a power sufficiently potent to give efficacy to their purpose, and trample the principle in the dust? Did the fathers of the republic, when they framed the Constitution and amended it, and twice inserted the prohibitory clauses before quoted, mean to “palter in a double sense?”—and whilst they prohibited the application of these tests by the mere agents of the parties to the compact, leave the actual parties themselves free and unrestrained to apply them as, and when, and where, and to whom, they pleased? It would be almost sacrilege to think or say so. Did they mean to be understood as saying that no person should ever be required by the judge or other agent, whose duty it may be to administer the proper oaths of fidelity, &c., required on induction into office, to abjure or embrace a particular religious creed or not;—but that such religious test might lawfully be applied at the election of the officer by themselves and their successors? Or did they not rather mean totally and for ever to repudiate, denounce, and blot from the face of this fair country every thing like bigotry, intolerance and religious proscription; and substitute for their children, and their children’s children, in the place of the gall and bitterness of mutual hatred, mutual ill-will, and bloody strife,—the sublime, heaven-descended principles, of entire freedom of conscience, and universal fraternity and love,—perennial fountains of peace and happiness to all—softening and binding together all hearts, and prompting to mutual good offices, at all times and places, in the palace or in the cottage,—in the field or on the flood?”

But it has been argued, that the obligations of these oaths taken by the order do not require the proscription of any per-