

faculty of controlling the destinies of fortune, or of performing that which is an utter impossibility.

It inflicts upon its victim a rigorous punishment for the not doing of that, which calamitous circumstances have disabled him from doing, and which it wantonly and absolutely takes away from him the only possible means of performing.

It is not less unfair and unequal in its operation, than was its kindred measure, the law which gave the benefit of clergy to those who had the least moral claim to exemption from punishment, whilst it treated with the utmost severity the great mass of individuals, whose misfortune it was not to have been blessed with the advantages of having been instructed to read and write, and of becoming thereby better enabled to understand the law, so as to abstain from committing infractions of it, or to screen their misdeeds under its quirks and ambiguities.

It treats the innocent as a culprit, it incarcerates him as if he were a felon; and it often visits him with greater severity and more prolonged suffering—thereby confounding virtue with vice, indiscretion with fraud, and misfortune with crime.

There is no necessity for it; and there is no reason in it, other than that which is found in fallacious arguments based upon erroneous premises, and derived from the worst of ancient prejudices, no longer suited to the times and spirit of the age, or to the state and circumstances of the country.

It is inimical to the American republican form of government; for wherever, in other countries the creditor has been authorized to exercise a control over the person, as well as the property of his debtor, it has invariably been found that liberty could not exist there long; or that it was a mere name for a despotism in reality—or for a corrupt government of patricians and plebeians.

It is an abuse of the power of the State, by the encouragement which it holds out for oppression; and by the virtual withdrawing from the weak and unfriended, that protection which the state owes to the humblest of its citizens.

It is inconsistent with that fundamental article of our declared rights; which guaranties to every American citizen, not charged with any criminal offence, the uninterrupted pursuit of happiness and the unmolested enjoyment of personal liberty.

It reverses the established principle of law and justice which always presumes innocence until guilt be made to appear.

It is in its utmost modification a harsh and humiliating restraint upon personal liberty—for the very requiring of bail is nothing less than a presumption of guilt, a direct insinuation of fraud, or an imputation of dishonor.

It is a palpable violation of that christian precept, which teaches us to believe upon our common faith in the Redeemer, that it is far better that ninety-nine guilty be spared, than that one who is innocent should suffer.

It is calculated to blunt and impair that moral sense of obligation, those lofty feelings and pride of character, which would operate