New-York, Nov. 22.

The Monument erected in this city, to the memory of that patriotic warrior, the late General MONTGOMERY, has received the following elegant or classical addition, suggested by Major L'Enfant, the gentleman to whom we are indebted for the Superintending in original design:—"Hymen, contemplating his couple, moves over the tomb. From behind the pyramid rises a tree with different rays, which adjoining the quarter of a semicircle, embosomed of Aurora. Above the whole is the American Eagle flying from East to West, carrying in his talons a flowy curtain, to which the globe appears to have been wrapped." It such gives real satisfaction to every patriotic mind, to behold the attention of genius and taste thus generously employed, in celebrating American heroism and liberal virtue.

A Liverpool paper of the 24th Sept. says, "It is not impossible, after all the endeavors of the combining powers, but that the States of Holland, West Friesland, and Utrecht, will oblige the Emperor Joseph to proceed to extremities, as he may think proper, in vindication of the Stadtholder's rights, and to whom the ancient Constitution of the Republic, now broken and divided by the many jarring sentiments of the deputations of States. We conclude we have our doubts of the probability of the French aiding the States; and it is even apprehended by the political intelligencers on the great Exchange, that the system of the Court of France is changed on this head, and that this act is very mainly instrumental in the way of mediation first, and opposite, if possible, instead of reviving the Prussian Monarch.

"It remains the basis of the whole public business to decide what kind of satisfaction France can offer, or Prussia accept, other than that which is impossible, viz. a disavowal of the attempt to force the Patriots of Orange, and the punishment of those who first made that attempt. This the States can never submit to, without rendering their rank in their Sovereignty and violating much as the functions; for it is well known, and they cannot deny it, that the Patriots for long have the right of their conduct. It is more than true some have they openly avowed hot of assuming politically against the States; and, when the Prince demanded satisfaction for this, it, they refused to profession the Patriots of such Deeds.

"In fact, it may be said of Holland as it was said of America. "The difficulty to be disposed of did not, in the latter case, take its rise from the Tea Act. It had before that period taken a very considerable height. That was the pretense only. And in Holland, for a time of years, jealousies have been cultivated and fomented by the Aristocratic and Democratic parties against the Monarchical or Stadtholderian party. Real injuries never were complained of. But formidable, indeed, and alleged, were only political opinions, and an attachment to the Stadtholder's person, family, and Government, to at the bottom of every proceeding from the American war.—As that time the Dutch furnished the Americans with more military for carrying on the war against Britain, contrary to the faith of treaties. Thus, in consequence of many faithful remonstrances, we were impelled to the southern policy, the Dutch, from the holding and low form of their Constitution, were unprepared, and therefore not the whole or unprofitable. They solicited the Stadtholder as being in close connection with England; they proved unhappy, even after the long empire lost the affair of the Dutch fleet. But although they proved nothing, they have gone on to even from injurying; and we believe that the principles are now and inveterate against the Stadtholder, more so he asked the place question. What does he then? they would be at a loss to make an answer. It must be, that an union will adopt the cause of the Dutch, which from immediate views, for an charity of any nation they have no claim. And all that the philosopher and the philanthropist can do is, to bend over the impending calamities of a civil war, and to regret that a country that might be happy and flourishing, is like to be delayed to blood."

On the 24th of August, in lat. 43. 48. N. long. 48. 20. W. Capt. Collinder (of the Pacifick, which arrived at Liverpool on the 19th Sept. from Canada) being above a mile above of a French Fish-Schooner, which was bound for L'Orient, perceived a man floating on the water towards him; on which he throw an oar and an empty cask overboard, he yonder alongside, and got his boat out as fast as possible, with which he was fortunate enough to get him on board his vessel. On questioning him, he stated that he was one of three men, who, the Fore mast-hand, had been thrown, in the Fish-Indian, to be lost in the Atlantic, and there for six days by way of a mole; when, having the Stadtholder's flag, and being alarmed from the boat, which he had been for a long time confined, impelled by that natural love of life which is implanted in our nature, he took the resolution of jumping out of one of the portholes, and dropping into the water, chiding to get the edge of drowning, rather than proceed to his native country, where certain death awaited him; but the subject was very poor, as he desired to Never been more of swimming, than just to keep himself upon water, for that the sun, which was shining overhead, came within few yards, he found not to know how to pa were to it.

In the Liverpool papers, the Eliza, Morton, and the Betsey and Betsy, West, are advertised for New-York;

The Mall, Wadd, for Philadelphia;

The 24th Volunteer, Cooke, for Baltimore;

The Peace and Plenty, Williams, for Boston;

The Handsome, Stock, and the Abby, Hutchinson, for James River;

The Alice, Tudor; Chin, Fairlay; Jane, Watkins; and Ariadne, Sutherland; for Charleston.

They were all to [illegible] October.

Extracts from English papers received per the Mellon, from Liverpool.

L O N D O N.

Sept. 11. Mr. Grenville is returned to the Continent, with full powers for resuming the negotiation now on the tapis between his Majesty and the Prince of Orange.

An anonymous correspondent says, he has received a letter from Holland, dated August 26, which states, that by accounts from Rotterdam it appears, that the Prince of Brunswick had received a wound in a skirmish near Utrecht, which the surgeons had declared mortal; and that great alarm was spread in consequence of this affair.

One of the principal articles of the late Convention between France and England is, "That no ships of war, of any description, or other kind, shall sail for the Falkland, without mutual consent." This article is well, in all probability, before of the last preparations against war, as it has been the policy of France, for near half a century, to strengthen herself, previous to a rupture, in the extra European settlements. She did so in the West-Indies in the war of 1744; in America in the war of 1756; and in the East-Indies in the late war, just before the declared in favor of America.

The following is the 17th article in the Definitive Treaty of Peace, in which the Contracting parties, for themselves, on their part, any treaties for recovering the possessions of any sorts, being of the growth, produce, or manufacture of his dominions, that such a power shall be allowed to all, as the duties imposed by states of the produce country, on the said goods, and merchandise imported into his dominions, such as import duty in full by merchants full bounty. But this stipulation is not to be extended to sale of silver coin of gold and bullion (called down-back) which are allowed upon exportation."

The FEDERALIST, No. X.

To the People of the State of New-York.

AMONG the numerous advantages promised by a well ordered Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. The causes of popular governments, never fail to kindle a spirit hostile to such character and law, in which be considerable state property to this dangerous evil. He will not fail therefore to be a the subject to any plan which, without violating the principles to which he is attached, provides a proper cure for it. The instability, injustice and confusion introduced into the public councils, have in truth been the mortal disease under which popular governments have every where perished; as these enemies to be the favorite and Aristotle might from which the advantages to liberty derived which and spectacle disappointment. The valuable improvements made by the American Constitutions on the popular models, both ancient and modern, cannot certainly be too much admired; but it would be an unreasonable partiality, to contend that they have so effectually obviated the danger on this side to were wished and expected. Complaints are every where heard from most considerate and virtuous citizens, equally the friends of public and private faith, and of public and national liberty; that our governments are too unstable, that the public good is disregarded in the conflict of rival parties, and that measures are too often carried, not according to the rules of justice, and the rights of the minor party; but by the superior force of an interested and overbearing majority. However numerously we may with that these complaints had no foundation, the existence of human Fake will not permit us to deny that there are in some degree true. Should it hereafter be found, on a candid review of our situation, that some of the evils we complain which we labor, have been unnecessarily charged on the operation of our governments; but it will be found, at the same time, that other causes will not alone account for many of our heaviest misfortunes; and particularly, that the prevailing and increasing distrust of public engagements, and alarm for private rights, which are echoed from one end of the continent to the other. These must be chiefly, if not wholly, effects of the unhappy spirit and injustice, which which a factious spirit has tainted our public administrations.

By a faction I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

There are two methods of curing the mischiefs of faction: the one, by removing its causes; the other, by controlling its effects.

There are again two methods of removing the causes of faction: the one by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said that of the first remedy, that it is worse than the disease. Liberty is to faction, what air is to fire, an element without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

The second expedient is as impracticable, as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be object to which the latter will attach themselves. The diversity in the faculties of men from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of Government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective possessors, arises a division of the society into different interests and parties.

The latent causes of faction are thus sown in the nature of man; and we find them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning Government, and many other points, as well of speculation as of practice; an attachment to leaders of ambitious character, fondly hoping for preferment and power; or to persons of other distinguished characters, whom they have been accustomed to look upon with veneration, have been sufficient to inflame the most violent passions, and to kindle the most violent animosities, and to render men disposed to vex and oppress each other, than to co-operate for their common good. So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions, and excite their most violent conflicts. But the most common and durable source of faction, has been the various and unequal distribution of property. Those who hold, and those who are without property, have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a monetary interest, a mercantile interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and conflicting interests is the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of Government.

No man is allowed to be a judge in his own cause; because his judgment would certainly be biased by his interest, and, not improbably, corrupt his integrity. With equal, nay with greater reason, a body of men are unfit to be both judges and parties, at the same time; yet, what are most of the most important acts of legislation, but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens; and what are the different classes of legislators, but advocates and parties to the causes, which they determine? In a free popular Government, private debtors fill a majority of the legislature, and the decisions are partial to their side, and the debtors to the creditors. Justice ought to hold the balance between them. Yet the parties are and must be themselves the judges; and the most numerous party, or, in other words, the most powerful faction must be expected to prevail. Shall domestic manufactures be encouraged, and in what degree, by restrictions on foreign manufactures? are questions which would by different minds be decided both by the interest and the understanding of the different classes of citizens, and probably by neither, with a fair regard to justice and the public good. The apportionment of taxes on the various descriptions of property, is an act which seems to require the most exact impartiality; yet there is perhaps no legislative act in which greater opportunity and temptation are given to a predominant party, to trample on the rules of justice. Every shilling with which they overburden the inferior number, is a shilling saved to their own pockets.

It is in vain to say, that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good. Enlightened statesmen will not always be at the helm. Nor, in many cases, can such an adjustment be made at all, without taking into view indirect and remote considerations, which will rarely persuade over the immediate interest which one party may find in disregarding the rights of another, or the good of the whole.

The inference to which we are brought, is, that the causes of faction cannot be removed; and that relief is only to be sought in the means of controlling its effects.

If a majority be united by a common interest, relief is supplied by the republican principle, which enables the majority to defeat the sinister views by regular votes. It may also the administration, it may even subvert the society; but it will be unable to remove and such mischiefs under the forms of the Constitution. When a majority is included in a faction, the form of popular government on the other hand enables it to sacrifice to its ruling passion or interest, both the public good and the rights of other citizens. To secure the public good, and private rights, against the danger of such a faction, and at the time that to preserve the spirit and the form of popular government, is the great object to which our enquiries are directed! Let me add that it is the great desideratum, by which alone this form of government can be rendered the republican name which it has so long labored, and be worthy of the choice and adoption of mankind.

By what means is this most desirable? Evidently by one of two ways. Either the existence of the same passion or interest in a majority at the same time, must be prevented; or the majority, having such a common passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression. If the impulse and the opportunity be simultaneous, we will know that neither moral nor religious motives can be relied on as an adequate control. They are too feeble to be such on the interested and violent of individuals, and hitherto always in proportion to the number combined together; that is, in proportion as their efficacy becomes needful.

From this view of the subject, it may be concluded, that a pure Democracy, by which I mean, a Society, consisting of a small number of citizens, who assemble and exercise the Government in person, the whole of no exception of the majority of factions. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert results from the form of Government itself; and there is nothing to check the inducements to sacrifice the weaker party, or an obnoxious individual. Hence it is, that such Democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security, or the rights of property; and have in general been as short in their lives, as they have been violent in their deaths. Theoretic politicians, who have proposed this species of Government, have erroneously supposed, that by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions.

A Republic, by which I mean a Government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. Let us examine the points in which it varies from pure Democracy, and we shall discover both the causes of the cure, and the efficacy which it must derive from the Union.

The two great points of difference between a Democracy and a Republic are, first, the delegation of the Government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended.

The effect of the first difference is, on the one hand to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice, will be least likely to sacrifice it to temporary or partial considerations. Under

MISCELLANY.

The FEDERALIST, No. 50.

To the People of the State of New-York.

TO what expedient then shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the Constitution? The only answer that can be given is, that as all these external provisions are found to be inadequate, the defect must be supplied, by so contriving the interior structure of the government, as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places. Without pretending to undertake a full development of this important idea, I will hazard a few general observations, which may perhaps place it in a clearer light, and enable us to form a more certain judgment of the principles and structure of the government planned by the Convention.

In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to some extent is admitted to be essential to a preservation of liberty, it is evident that each department should have a will of its own; and consequently should be constituted, that the members of each should have as little agency as possible in the appointment of the members of the others.——Were this principle rigorously adhered to, it would require that all the appointments for the supreme executive, legislative and judiciary magistracies, should be drawn from the same fountain of authority, the people, through channels, having no communication whatever with one another. Perhaps such a plan of constructing the several departments would be less difficult in practice than it may in contemplation appear. Some difficulties however, and some inconvenients, would attend the execution of it. Some deviation therefore from the principle must be admitted. In the construction of the judiciary department in particular, it might be inexpedient to insist rigorously on the principle: first, because peculiar qualifications being essential in the members, the primary consideration ought to be to select that mode of choice, which best secures these qualifications; secondly, because the permanent tenure by which the appointments are held in that department, must render it independent of the other departments.

It is equally evident that the members of each department should be as little dependent as possible on those of the others, for the emoluments annexed to their offices. Were the executive magistrate, or the judges, not independent of the legislature in this particular, their independence in every other would be merely nominal.

But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department, the necessary constitutional means, and personal motives, to resist encroachments of the others. The provision for defence must keep pace with the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controuls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to controul the governed; and in the next place, oblige it to controul itself. A dependence on the people is no doubt the primary controul on the government; but experience has taught mankind the necessity of auxiliary precautions.

This policy of supplying by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power; where the security seems to be divided and arranged by several offices in such a manner as that each may be a check on the other; that the private interest of every individual, may be a centinel over the public rights. These inventions of prudence cannot be left wholly to the discretion of the Supreme power of the State.

But it is not enough to give to each department an equal power of self defence. In republican government the legislative authority, necessarily predominates. The remedy for this inconvenience is, to divide the legislature into different branches; and to render them by different modes of election, and different principles of action, as little connected with each other, as the nature of their common functions, and their common dependence on the society, will admit. It may even be necessary to guard against dangerous encroachments by still further precautions. As the weight of the legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified. An absolute negative, on the Legislature, appears at first view to be the natural defence with which the executive magistrate should be armed. But perhaps it would be better alleviated for him, on some difficult occasions. On ordinary occasions, it might be exerted with the requisite firmness; and on extraordinary occasions, it might be profitably yielded. May not this defect of an absolute negative be supplied, by some qualified connection between this weaker department, and the weaker branch of the stronger department, by which the latter may be led to support the constitutional rights of the former, without being too much detached from the rights of its own department?

If the principles on which these observations are founded be just, as I persuade myself they are, and they be applied as a criterion, to the several State Constitutions, and to the Federal Constitution, it will be found, that if the latter does not perfectly correspond with them, the former are infinitely less able to bear such a test.

There are moreover two considerations particularly applicable to the federal form of America which place this system in a very interesting point of view.

First. In a single republic, all the power surrendered by the people, is delegated to the establishment of a single government, and vibrates on a single spring. By a division of the government, it is divided into separate departments. In the compound republic of America, the power surrendered by the people, is first divided between two distinct governments, and then the portion allotted to each, subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will controul each other; at the same time that each will be controlled by itself.

Second. It is of great importance in a republic, not only to guard the society against the oppression of its rulers; but to guard one part of the society against the injustice of the other part. Different interests necessarily arise in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure. There are but two methods of providing against this evil: The one by creating a will in the community independent of the majority, that is, of the society itself; the other by comprehending in the society so many separate descriptions of citizens, as will render an unjust combination of a majority of the whole, very improbable, if not impracticable. The first method prevails in all governments possessing an hereditary or self appointed authority. This at best is but a precarious security; because a power independent of the society may as well oppress the majority of the society, as the minority, or the minor party, and may perhaps be turned against both parties. The second method will be exemplified in the federal republic of the United States. While all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests and classes of citizens, that the rights of individuals or of the minority, will be in little danger from interested combinations of the majority. In a free government, the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other, in the multiplicity of sects. The degree of security in both cases will depend on the number of interests and sects; and this may be performed indeed on the extent of country and number of people comprehended under the same government. This view of the subject must particularly recommend a proper federal system to all the friends and candidates for republican government: since it shows that in exact proportion as the territory of the Union may be formed into more extensive republics, the security of civil and religious rights of a majority will be facilitated, the bad security under the republican forms, for the rights of every class of citizens, will be diminished, and consequently, the stability and independence of some member of the government, the only one capable of dispensing the blessings of liberty, will be proportionally increased. justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued, until it be attained, or until liberty be lost in the pursuit. In a society under the forms of which the stronger faction can easily unite and oppress the weaker, anarchy may as truly be said to reign, as in a state of nature, where the weaker individual is not secured against the violence of the stronger: And as in the latter state even the stronger individuals are prompted by the uncertainty of their condition, to submit to a government which may protect the weak as well as themselves: So in the former state, will the more powerful factions or parties be gradually induced by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful. It can be little doubted that if the State of Rhode Island was separated from the confederacy, and left to itself the insecurity of rights under the popular form of government, within such narrow limits, would be displayed by so many instances of injustice and violence, that a more powerful government would soon be established in form and principle, as the only security for the rights of property, and for the peace and happiness of the people. In the extended republic of the United States, and among the great variety of interests, parties and sects which it embraces, a combination of a majority of the whole would be very difficult, without the concurrence of such a plan of justice and the general good; and there being little temptation to a majority from the will of the major party, there must be but little room for apprehending the security of the minor, by introducing into the government a will not dependent on the lower, or on other minds, a will independent of the society itself. It is in no case certain that it is important, notwithstanding the contrary opinions which have been entertained, that the larger the society, provided it be within a practicable sphere, the more duly capable it will be of self government. And happily for the republican cause, the practicable sphere may be carried to a very great extent, by a judicious modification and mixture of the federal principle.

PUBLICUS.

The FEDERALIST, No. 51.

To the People of the State of New-York.

FROM the more general principles pursued in the four last papers, I pass on to a more particular examination of the several parts of the government. I shall begin with the House of Representatives.

The first view to be taken of this part of the government, relates to the qualifications of the electors and the elected. Those of the former are to be the same with those of the electors of the most numerous branch of the State Legislatures. The definition of the right of suffrage is very fully regarded as a fundamental article of republican government. It was incumbent on the Convention therefore to define and establish this right, in the Constitution. To have left it open for the occasional regulation of the Congress, would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States, would have been improper for the same reason; and for the additional reason, that it would have rendered the dependence of the State Governments, on that branch of the Federal Government, which ought to be dependent on the people alone. To have retained the different qualifications in the different states, in any uniform case, would probably have been in difficulty very to some of the states, as it would have been difficult to the Convention. The provision made by the Convention appears therefore, to be the best that lay within their option. It will be satisfactory to every State; because it is conformable to the standard already established, or which may be established by the State itself. It will be safe to the United States; because, being fixed by the State Constitutions, it is not alterable by the State Governments, and it cannot be feared that the people of the States will alter this part of their Constitutions, in such a manner as to abridge the rights secured to them by the Federal Constitution.

The qualifications of the elected being less simple and popular than those of the electors, and being at the same time more susceptible of uniformity, have been very properly ascertained and regulated by the Constitution. A representative of the United States must be of the age of twenty-five years; must have been seven years a citizen of the United States, must at the time of his election, be an inhabitant of the State he is to represent; and during the time of his service must be no office under the United States. Under these reasonable limitations, the door of this part of the Federal Government, is open to merit of every description, whether native or adoptive, whether young or old, and without regard to poverty or wealth, or to any particular profession of religious faith.

The term for which the Representatives are to be elected, falls under a twofold view which may be taken of this branch. In order to decide on the propriety of this article, two questions must be considered: first, whether biennial elections will, in this case, be safe; secondly, whether they be necessary or useful.

First. As it is allowed to liberty that the government in general, should have a common bond with the people; so it is particularly allowed that the branch of it under consideration, should have an immediate dependence on, & an intimate sympathy with the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured. But what particular degree of frequency may be absolutely necessary for the purpose, does not appear to be sufficiently of any positive calculation; and must depend on a variety of circumstances with which it may be connected. Let us consult experience, the guide that ought always to be followed, whenever it can be found.

The Science of reproduction, as a substitute for a meeting of the citizens in person, being at most but very imperfectly known to ancient policy; it is in more modern times only, that we are to seek for satisfactory examples. And even here, in order to avoid a research too vague and diffuse, it will be proper to confine ourselves to the few examples which are both known, and which have the greatest analogy to our particular case. The first to which this character ought to be applied, is the House of Commons in Great Britain. The history of this branch of the English Constitution, anterior to the date of Magna Charta, if not obscure, is very uninteresting. The very existence of it has been made a question among political antiquarians. The earliest records of indisputable date prove, that Parliaments were to be held, every year; not that they were to be elected every year. And even these annual Sessions were left to much at the discretion of the monarch, that many various pretexts, very long and dangerous intermissions, were often contrived by royal ambition. To remedy this grievance, it was provided by a statute in the reign of Charles the Second, that no intermission should not be permitted beyond a period of three years. On the accession of Wm. III. when a revolution took place in the government, the period was still more strictly enforced, and it was declared to be among the fundamental rights of the people, that Parliaments ought to be held frequently. By another Statute which pulled a few years later in the same reign, the term "frequently" which had alluded to the triennial period fixed in the time of Charles II. is reduced to a precise meaning, it being expressly enacted that a new parliament shall be called within three years after the determination of the former. The full change from triennial to annual from three years is well known to have been introduced pretty early in the present century, under an alarm for the Hanoverian succession. From these facts it appears, that the ground frequency of elections which has been deemed necessary in this kingdom, for binding the representatives to their constituents, does not exceed a yearly return of them. And if we may argue from the degree of liberty enjoyed under such repeated elections, and all the other various ingredients in the parliamentary constitution, we cannot doubt that a reduction of the period from three to three years, with the other necessary reforms, would fix or expand the influence of the people on their representatives, so as to render, this biennial election under the Federal System, almost perfectly the dangerous as the regulating dependence of the heads of republican on their constituents.

The Term in Ireland (all of late were regulated entirely by the direction of the crown, and were limited, repeated except on the accession of a new Prince, or some other unusual event. The parliament which commenced with George II. was continued throughout his whole reign, a period of about thirty-five years. The only inconvenience of the representation to the people consisted, in the right of the latter to supply occasional vacancies, by the election of new members, and in the chance of from every which might produce a general new election. The ability also of the Irish parliament, to maintain the rights of their constituents, so far as the disposition might exist, was extremely checked by the control of the crown over the subjects of their deliberation. Of late these fetters, if I mistake not, have been broken; and essential parliaments have taken place established. What effect may be produced by this partial reform, will be left to further experience. The example of Ireland, from this view of it, can throw but little light on the subject. As little we can draw any conclusion from it, it must be, that if the people of that country have been able, under all their disadvantages, to retain any liberty whatever, the advantages of biennial elections would secure to them every degree of liberty which might depend on a due connection between their representatives and themselves.

Let us bring our enquiries nearer home. The example of each State where British subjects claim particular attention; at the time time that it is to well known, as to require little to be said on it. The principle of representation, in one branch of the Legislature at least, was established in all of them. But the periods of election were different. They varied from one to three years. Have we any reason to infer from the spirit and conduct of the representatives of the people, prior to the revolution, that biennial elections would have been dangerous to the public liberties? The spirit which every where displayed itself at the commencement of the struggle; and which vanquished the authority to independence, is the best of proofs that a sufficient portion of liberty had been every where enjoyed to inspire both a desire of its worth, and a zeal for its preservation. This remark holds good as well with regard to the three colonies, which chiefly had frequently to clash with their assemblies, as to the rest. Virginia was the colony which first set the example of resisting the prerogative of Great Britain: it was the first also to expunge from its code, the violations of independence. It was nevertheless, if I have not been misinformed, believe under the former governments were triennial. This particular example is brought into view as a proof of any peculiar merit, for the part in their influence, was probably accidental; still less of any advantage in frequent elections, when compared with a greater frequency and consequently less security in a period, and I cannot be a very indifferent proof, that the liberties of the people can be in no danger from biennial elections.

The conclusion resulting from these observations will be not a little strengthened by reflecting on circumstances. The first is that the Federal Legislature will possess a part only of that legislative authority which is vested in the British parliament, and which with a few exceptions was exercised by the colonial Assemblies and the Irish Legislature. It is a received maxim, of reason, that, where no other circumstances are the rule, the greater the power is, the shorter ought to be its duration; and, conversely, the smaller the power, the more safely may its duration be extended. In the second place, it has, as we have seen, been shown that the Federal Legislature not only to be refrigerated by its dependence on the people as other legislatures before are; but that it is moreover watched and controlled by the collateral Legislatures, which other legislatures are not. And in the third place, we can hardly be made between the means that will be employed by the more permanent branches of the Federal government, for defeating, if they should be disposed to defeat, the Hands of Representatives, the duty to the people; and the means of defeating the popular hands, pulled by the other branches of the government, since time. With all these circumstances to check the Federal Representatives, can be left tempted on one side, and will be watched on the other.

PUBLICUS.

Mr. Lounsbury,

THE eloquent and learned Edmund Burke, in a speech delivered in Bristol, in 1780, proved that there were two capital faults in the British laws, with relation to civil debts. One every man is profoundly felonious; a punishment intolerable, directly opposed to the rights of the debtor is ordered on a bankrupt, and fraud to be caused his liberty and his payments. By this means, in all cases of insolvency, without a person from his creditors, he is imprisoned for life. And thus a man, without intention of criminal, forms a change a civil debt, a criminal judgment, forever confinement in Bastinadoes, without more which the law does not inflict on the person.

The consequence of this, was, that the judge of the parliament as one on the opinion equal and public judge; but is tolerated to forfeit, delivered of a private, and bound, private individual. He who formally ought to be the judge, is in reality no more than a mediator, a mere executive officer of a private man, who is at once judge and party. Every thing of judicial order, is abolished; procedure. If the judiciary be an inferior, A punished with arbitrary imprisonment, if crime, why is it allowed into private hands, that without direction or punish without [illegible]

He allowed further, that the opposition law was to remain, and in consequence of that for a long time pull in every parliament, increasing twice, the Legislature had been [illegible] make a general gaol delivery, and liberty there or four thousand debtors, thus relieved, their who of great the contracted rigidity of [illegible] He observed that Mr. Howard in [illegible] gaols in Rotterdam, found only one prisoner for debt. In many places imprisonment for is wholly unknown; but in England it was [illegible] that one of four confined in gaol [illegible] year; that there were at least twenty thousand, of which, for thirteen pounds, twenty years or a generation, one hundred [illegible] thousand; and in every century, five hundred [illegible] prisoner, or more than in the first [illegible] there was debtorship by the judiciary [illegible] England and Ireland, more particularly [illegible] for debts, shewn all the world [illegible] if we are not left hoboring to fall into the [illegible] profusion and unnatural conduct by [illegible] adopting their old rigid laws of Britain, [illegible] liberty has been mitigated there by [illegible] laws pulled in favor of debtors to prevent the imprisonment of their persons, or to [illegible] In 1772 a law was pulled to limit the [illegible] of debtors which date did not exceed twenty shillings to twenty days, and [illegible] debt did not exceed forty shillings to [illegible] And in 1782, a law was pulled to [illegible] tors, or who should thereafter be [illegible] any loss or loss of money not exceeding [illegible] the relief granted to a debtor all [illegible] for the relief of citizens, with respect to the imprisonment of their persons, and so [illegible] who shall continue in execution to [illegible] certain time, for a loss not exceeding [illegible] discovery of and deliver upon oath their [illegible] their creditors bounds.

That the persons indicted law of this [illegible] in debtor, there is no doubt; was there [illegible] left law of that kind pulled? or can [illegible] minds? cannot its defects that are now [illegible] amended? do a few individual debtors [illegible] suffer so great a loss by means even of the [illegible] law, to the public debtor bounds by the [illegible] of useful members in society, from [illegible] treatment, and crimes the immorality of the [illegible] nest. Nevertheless, the perfect [illegible] citizens, I am informed that there are [illegible] debtors now in New-York gaol, and [illegible] who would depend upon charity for their [illegible] support; and many, from their peculiar [illegible] unkindness willing to deliver up all their [illegible] can derive no benefit from the perfect [illegible] inhabitants of the city are not [illegible] indolence and difficulty mentioned be there [illegible]