

A CHARGE

To the Grand Jurors of the counties of Allegheny, &c. Published at the request of the Grand Jury of Allegheny county.

That man cannot be governed without force, is one of those truths, which, as too often learnt only by experience, experience will not abandon. The young mind, unacquainted with the dangerous effects of human passions, cherishes the delusive idea, that all men are virtuous, that they have no selfish views, but listen to the voice of reason, and pursue the general good—that restraints on opinion are unnecessary, and punishments of misconduct cruel: that, to be free, we must be unrestrained; and that exertions of the power of government are violations of liberty. Sentiments like these are received with the stupid applause of the ignorant, and with the malignant praise of the artfully wicked; and become the watchwords of party, and symbols of faction.—The most salutary measures, and the most faithful ministers of government are suspected, misrepresented, censured, and opposed, till falsehood triumphs over truth, passion over reason, popular opinion over public authority, and riot and insurrection over order and peace: the main pillar of government, general confidence, is undermined; and licentiousness destroys liberty.

Nor is it in politics or civil government alone that these errors and dangers exist: every where, wisdom will be opposed by folly, knowledge by ignorance, prudence by rashness, and virtue by vice. The most efficacious doctrines, and the most beneficial precepts of religion are censured, as unreasonable restraints on human opinion and conduct; the most prudent discipline of the church, as encroachments on freedom of life and manners; and its most enlightened and honest ministers as enemies to human happiness, ambitious seekers of power to themselves, and tyrants over the consciences of others.

Wisdom and power will never use more means, than are necessary to accomplish the end. If man could have been governed by reason and a regard to duty, would the Almighty have had recourse to mysterious doctrines of faith, positive precepts of practice, and the most awful and tremendous punishments? for the government of man, even in his most perfect state, it was necessary to add to the knowledge of duty, the fear of punishment, and denounce death to the transgressor. And human governments but imitate the divine, when they trust not to man's reason and virtue alone, to preserve him in obedience, but knowing that force is necessary, prepare force to keep him in peace, submission and duty. Without force, neither can the useful purposes of government be accomplished, nor the government itself subsist. For (such is the perverse vehemence of human passion) a government without a ready and constant command of force, will soon fall.

On this ground we may account for its being received as a maxim, that a republican government is incompetent to an extensive territory.

Though, in a republican government, laws, and not men, govern, and though laws be made by the whole people, yet, the people being numerous, no individual feels an attachment to the laws as to his own authority. While there is no peculiar affection to the laws in any, there is in many a strong resentment to them. The laws which are made to restrain and punish offences, must be odious to offenders, and offenders are in all countries a numerous class. With them are associated, in sympathy at least, all who, from like propensities, may foresee like danger to themselves, and wish to prepare in others a precedent of indulgence to their future frailty. And even in the most honest, there may, from the want of personal interest and of an enlightened mind, be less indignation for the wounded honor of the laws, than compassion for the sufferings of the offender. While the people thus forget their own honour, the officers in whose hands is the public force, feel too little interest in the office and are too much within the reach of the people, to oppose their humour or excite any individual resentment, by a strict execution of their authority, they are sure to create some enemies, but no man feels himself thereby bound to be their friend. By indulgence to offenders, they are sure to create friends, but no man feels that interest in public authority, as therefore to become their enemy. Thus the disposition both of officers and people is too often inclined to relax the energy of the laws. Relaxation of the energy of the laws will certainly produce licentiousness; and licentiousness will certainly destroy the government. This will happen, even in a narrow territory. But in an extended territory all the causes will operate with increased force, and proportionally accelerate the crisis of the state. According as they are, remote from the seat of government, the vigilance of officers will be lessened, their respect for the energy and dignity of the government will diminish, and their motives to indulgence of offences will multiply. Temptations of ambition to set up separate independencies will occur or be suggested; combinations will be formed for this purpose, which distance will render it difficult for the general force to restrain and subdue. Thus every thing will conspire to produce a relaxation of the laws; and of consequence, a corruption of manners, licentiousness of practice, and a prostration of morals. In this state of society, no government of laws can stand (for licentiousness and laws can never subsist together) and a government of force must succeed.

It results from all this, that, to make a republican government permanent, even in a small, but especially in a large, territory, it must be indeed a government of laws, and not of the passions either of the people or the officers. To make it so, it is necessary, not only to provide for the free and enlightened establishment of laws, but for their instant and energetic execution. To effect an instant and energetic execution of the laws, it is necessary, to deposit the public force in hands sufficiently independent of the humours of individuals, and sufficiently interested in the execution of the laws, at all times, to ensure such an application of it, as will compel universal submission. And, in such hands, the powers of government ought to be so distributed into every part of the territory, that it may reach, not only into the house, but, if possible (with reverence I speak it) like the power of the Almighty, into the heart of every man. If this can be done, a republican government of laws will, with the blessings of liberty, have all the stability and force of despotism; the people will be well governed; for they will be, at the same time, free and submissive; and they will be happy, because they will be compelled to be virtuous.

The force, then, of a republican government, consists in universal respect for the laws. While that subsists, the whole people is a standing army, to compel their execution. When that fails, the laws will not be executed, and the government, which exists only in the laws, is therefore annihilated. I may be reminded, that the republic of Rome governed a vast territory, and lasted a long time. But let it also be remembered, that it governed by a military despotism, and is no example to any other republic, which does not pursue the same plan.

When the constitution of the United States was under consideration, this objection to a republican government over an extensive territory was discussed. It was said that the objection applied only to a single government over an extensive territory, and not to a federate government, as is that of the United States. And it was stated from Montesquieu, that a federate republic composed of several states, united together under a general government, might preserve itself from an external force, the great danger to small states, and from internal dissension, the great danger to large states, and might become permanent.

This is the nature of the American governments. Sixteen states, each possessing all power necessary for the regulation of its internal concerns, are combined into one, possessing all power necessary for the regulation of the general concerns: and this scheme, on the principles of Montesquieu, is competent to secure the stability of a republican government over an extensive territory.

Admitting, that this scheme is competent for this purpose, still some proportion must be preserved between the extent of the territory and the number of subdivisions; for a large territory must surely be subdivided into more states than a small territory, or each may, more or less, suffer the evils of an extensive republic. The question then is, whether each state be not too extensive for its government to superintend, with efficacy, all its internal concerns; and whether there ought not to be subdivisions, subordinate to states, descending to a competency to the minutest public concerns, and rising, in a regular gradation, one above another, the larger comprehending the less. The necessity of this seems admitted. For every state is divided into counties, and every county into inferior districts, which, in this state, are called townships. This is the lowest subdivision; and, perhaps, lower than this, may not be necessary: except that, as the same regulations, which are sufficient for a country township, may not also be sufficient for a town, a town is often declared a separate district, and incorporated, under the name of a borough. Thus we have boroughs, townships, counties, states, and the United States; and our political districts, descending to the smallest limits, that convenience requires, become more extensive, by degrees, and include each other, till the union includes the whole territory of the United States.

Spirit of laws l. 9. c. 12. There is but one city in this state. (Remainder to-morrow.)

TRANSLATED for the GAZETTE of the UNITED STATES. PARIS, JULY 7th, 1797. "At the sitting of the council of five hundred yesterday, a message was read from the directory, which gives an account of the advantages obtained by Gen. Desfourneau at St. Domingo. But news, which interests us more directly, is what the telegraph of Lisle has at last announced to government, the arrival of the English plenipotentiary in that city the 4th July, at 6 o'clock in the evening. There is no sensible man and a friend to the human race, who does not languish to see at length the end of this sorrowful and painful uncertainty, in which France is found with so many nations of Europe between peace and war—we almost dare to say, between life and death. In fact a great part of Europe which the consequences of the French revolution have successively drawn into the whirlwind of domestic troubles or foreign hostilities, can scarcely resist much longer this tedious moral fever, which disorders and consumes it even to its vital parts. Italy is now in the highest of convulsions; and the effect thereof is felt in the different opinions among us. While the papers devoted to anarchy triumph on this subject, and the *Moniteur*, more reserved but not less decided in the revolutionary principles, is made the depository of all the articles, which cry up the democratising of Italy;—while it announces to the kingdom of Naples, that her turn is likewise to come; and others censure these events with energy, and a letter inserted in the *L'Historien* of to-day, does it as follows. "When we reflect on the conduct of the agents of the directory with respect to the

United States of America; when we view philosophically the destruction of two ancient governments, which were united to us by treaties, it is asked, if we have a law of nations and a constitution, which regulate and determine the mode of our foreign relations.

"In vain that wife constitution shall then have offered to our allies a guarantee of the faith and stability of their treaties with us, in the slow and deliberative forms which it consecrates concerning war and peace; the directory, under pretexts of a dark policy will elude their formal dispositions. A victorious general may, at the impulse of his passions, abuse the power which conquest gives, violate the sacred laws of nations, carry fire and sword into allied countries, erect himself into a sovereign arbiter of our relations with them, change the form of their government, assume the legislator, regulate every thing by the point of the sword, and know no other law than that of force! . . . And the French senate, vested with the national authority, remain in an invincible ignorance of these extraordinary events! . . . "The government of Venice exists no more; that of Genoa is changed into a pure democracy. Let us suppose, that Venice has provoked by perfidy, with which we reproach her, cruel reprisals; if it has violated the neutrality, which it had faithfully kept till now, a thing little probable, without doubt, it should suffer the punishment of it; but ought this alleged right of reprisals to extend to the violent destruction of its government?"

"In the first place, war was not declared, because the legislative body had not pronounced it. But if it had, is a declaration of war, an arrest of death against a nation? I know this was the ferocious law of the barbarous nations formerly conducted by Brennus and Attila. But I know likewise, that in our polished societies offensive force is regulated by another law of nations, which is "the political law of nations, considered in the relations which one nation has with another; that conquest is only an acquisition; and that the spirit of acquisition carries with it the spirit of preservation and usefulness," but not that of destruction.

"In vain it will be said that the people of these states, and particularly that of Genoa, desired a revolution, that they wished to throw off the yoke of aristocracy, and that the French general did nothing but protect or favour this sudden leap towards liberty. . . . Men, who in their enthusiasm, real or fictitious, wished to see every thing democratised, might perhaps deceive themselves with these chimerical suggestions, and applaud the result; but reasonable men, especially those who have some knowledge of the facts, know on what to depend.

"It appears certain, by ulterior documents, that the mass of the Genoese people resisted with all their power the innovators, or the factious, excited by the minister Faypoult, and stirred up by an apothecary named Morando. It appears that the terror of the French armies and the menaces of a victorious general have alone determined the senate and the majority of the people to subscribe to conditions which force imposed on them; and what conditions! what strange treaty! *The deposit of the sovereignty is confided, it is said, to the universality of the citizens of the territory of Genoa. . . .* And nevertheless, in feigning to pay homage to this sovereignty, the exercise of which the people do not reclaim, we make the first use of it! we usurp its rights! or arbitrarily institute the authorities! we metamorphose the doge into a municipal officer! and the pretended sovereign has not even the faculty, the liberty of naming the members of the new government which they have established! and from whom then do the innovators hold their commission? what is their law? the sword of a victorious general.

"In these circumstances, the true friends of the country, those who interest themselves for its real glory, ought to unite and raise their voices in concert. These animated voices ought to announce to the directory, to the legislative body, to all polished nations, that the opinion of the found part of the French disavows and rejects this violation of the laws of nations, this politico-revolutionary system, which for some time past, seems to have acquired strength, and tends to render us odious to all the people of Europe. The true philosophers, the alarmed philanthropists ought to cry with Phocion: "The order which the Author of Nature has established in human affairs, will never suffer that *injustice and violence*, which are surrounded only with enemies or victims, should become a solid foundation to the power and glory of any state."

University of Pennsylvania October 27, 1797. THE different Schools of the University will be opened on Monday, the 6th of November; of which, all who are concerned, are requested to take notice. By order of the Faculty. Wm. ROGERS, Secretary. POST OFFICE. Philadelphia, October 26, 1797. THE Post-Office will be removed to No. 34, South Front Street, on Saturday the 28th inst. at half past 12 o'clock, P. M. and on Monday, the 30th, the letter carriers will begin to deliver as usual. NOTICE. THE Offices of the Department of War are for the present removed near to the Falls of the Scuykill, on the Ridge Road. September 4. def

The Health-Office IS removed to the City-Hall, and is kept open night and day, where persons having business may apply. Wm. ALLEN, Health-Officer. Sept. 4. def

A Wet Nurse wanted. A Healthy Woman, with a young breast of milk, who can be well recommended, may hear of a place by inquiring of the Printer. Oct. 23. 1w

Continuation of Latest European News, received by the William Penn.

FRANCE.

COUNCIL OF FIVE HUNDRED. Sitting of August 21.

The relief of the late general Marceau solicited some pecuniary relief, and Jourdan of the Upper Vienne, whose retreat in Franconia he covered, passed an eulogium on his military conduct, and supported the petition.

Bentholle moved, that to the defenders of the country, be paid the 1000 millions of livres which had been promised them, and observed, that if the state were not able to perform this promise, it should be openly confessed. Ordered a report to be made on the subject.

Thibaudeau, in the name of the commission appointed to examine into the message of the directory, respecting the late march of the troops into the interior, and addresses of different divisions of the republican armies, made the following report, preface by some introductory remarks on the present state of France.

"You have ordered your committee to present to you legislative plans upon the different topics contained in the message which was transmitted to you on the 22d Thermidor last. The committee in the first place consider it their duty to direct your attention to our present situation. The republic lately advanced towards peace; public confidence was revived; the constitution began to be consolidated; every thing prefigured to us happy and peaceful destinies. What evil genius has re-animated our passions, re-kindled our animosities, created divisions between the different branches of government, and planted terror in the breasts of all good citizens? It is time to recal security, to give confidence to good citizens, to repress the bad, to restore public credit, and to support the legislative body in the rank in which the constitution has placed it. To attain this object, you must re-establish your communications with the people. Never let your voice be unknown to them. From this tribune, Reason and Justice ought always to be heard with that spirit of peace and impartiality in which true dignity consists. Your committee has proceeded to the examination of the message of the directory.

"An unexpected change in the ministry, and the march of the troops, had fixed the attention of the legislative body, and merited its solicitude. In expressing our regret on account of the dismissal of the ministers, and our alarms respecting the march of the troops, we did not contest with the directory the right of changing their ministers and disposing of the armed force; but the legislative body had undoubtedly the right of demanding information respecting the violation of the constitutional limits. The directory replied, that it was to be attributed to an error in the marching orders. You referred this message to a committee, which occupied itself, as it was wisely said by the reporter (Pichegru), less in proving the crime, than in endeavouring to prevent it from being committed hereafter. This committee presented the plan of a resolution for ascertaining the constitutional limits.

"We must not at present enquire into the cause of the marching of the troops. Perhaps we shall one day be made acquainted with it; we have as yet learned only that the constitutional limits have been violated. General Richpaue declares, that having been four years on the frontiers, he knew not the dispositions of the constitution relative to this object. An excuse of this nature would not be admitted in the courts of justice; but the testimonials we have had of the moral character of the general, induce us to think that there has been no evil intention on his part.

"I proceed to a more important object, the address to the army of Italy. What would become of the republic, if those who have received arms only for her defence, were to interpose in civil discussions? You are acquainted with the volume of addresses which have been drawn up by this army. They are marked by an ardent expression of love for liberty; but they hold forth absurd claims, extravagant opinions, and criminal projects. The first sentiments belong to our generous defenders, the others to some factious men, who wish to see the bosom of their country torn even by those who are charged with its defence. No, it is not our warriors, but some ferocious monsters who have conceived the project of delivering up to the enemy the conquests acquired by the valour and the blood of our troops, and to lead them back to their families under the standard of rebellion. Have you been able to read without indignation, one of these addresses, which asserts that the system of royalism is unceasingly pushed in the Legislature? Does the audacious rebel who penned this impious phrase yet exist? Does he exist, and are you free? Does the government slumber, that it has not proceeded with rigour against him? These addresses are at present directed against the Legislature—Directors of the republic, they will soon be directed against you!—Wretched! wretched is the authority which is supported by bayonets!—They always conclude by annihilating the power which they have established.—The addresses have been certified by the chief of the etat-majors of the army. They have been officially transmitted to several administrations: they were destined to other corps of troops; and yet this, it is said, was not a deliberation.—Doubtless it was not; for had these addresses been deliberated upon, they would have been published in a camp of citizen soldiers, who would have caused the voice of the constitution to be heard. If the soldiers have not read them, they do not speak the sentiments of the army. The constitution prohibits addresses in the collective name of an

armed body, and will a general be permitted to violate it? The more services your generals and soldiers have rendered to the country, the more you ought to guard against all attempts upon the constitution. In a rising republic, do not permit the troops to act as if they had conquered only for themselves, unless you would see, as once was the case in the Roman Empire, your soldiers obey only their generals, and never their country. It has been attempted to persuade the conquerors of Italy that a system of proscription exists against them.—Proscribe them! who would dare to attempt it? who would desire it? What Frenchman here does not palpitate upon the revival of their heroic actions, which command the gratitude of their country, and cover with a veil of glory the dreadful events which have tarnished the revolution? They were citizens before they were soldiers—they must cease to be soldiers, to become again citizens.

"The Directory inform you, that they have put a stop to the circulation of these addresses, and that they have written to the commander in chief, deploring the circumstances which had led to this violation of the constitutional act. Your committee consider it their duty to declare openly to you, that the answer of the Directory has appeared to them unworthy of its power, and the rank in which the Constitution has placed that Body.

"Consider what progress has been made in consequence of these dangerous examples. The spirit of faction has already introduced the language of anarchy into the camps.—It has insinuated itself even into the honorable retreat of our wounded warriors, for the fabrication of addresses. It heats the minds of men. It proclaims every where dissolution and death.—Yet the Government sleeps! Awaken, Legislators! watch for yourselves and for the people. The constitutional limits are traced. Directors, Generals, and Soldiers, bow yourselves before the will of the people. The legislative body will never balance with its duty. It is inaccessible to fear, and will never submit to inaccessibility.

"Your committee will not humble itself in replying to the calumnies propagated by your enemies. A legislative body which is not accusable, ought not to justify itself. By its acts it must be judged.—We shall speak the truth to the Directory.—We shall speak the truth to the people.

"The insolence of priests and emigrants is denounced to you. As to the priests, is not their proscription in a mass to be regretted? Liberty of conscience, liberty of worship, and submission to the laws—such are the principles maintained by all philosophers—such are the principles consecrated by the constitution and the laws in opposition to the claims of a religion which wished to be exclusively established. As to the emigrants, who favors them? Do not the laws respecting the emigrants exist? Do they not place in the hands of the Directory the most active, the most powerful, and the most arbitrary means? The names of noted emigrants are announced. The house in which they assemble is even mentioned; but what then is the duty of the police! Why those establishments the traffic of which is publicly reported? It belongs to us to require from the Directory an account of these monstrous abuses.

"The Directory tell you that assassinations are committed, and that partiality is displayed by the Tribunals. It is necessary to inform them, that they have overstepped their duty, and to do them service in recalling them to it. It is true that blood flows in several departments; but there are laws against assassination, and the Directory ought to execute them. If there be partiality in the Tribunals, there is a law to punish them, and the Directory ought to denounce the guilty. In all cases, crimes cannot make us despair of justice, and we ought to demand of the Directory an account of the measures they have taken to repress the crimes of which they complain. We do not understand the protection they claim for the purchasers of National property. Their persons and their property are under the safeguard of the Constitution, and you have given a proof of your respect for them by your resolution respecting the Presbyters.

"The Directory inform you, that there are Journals which breathe only murder, and the return of Royalty. It is certain that the excises of a multitude of Pamphlets and Journals have no power of reposing his mind amidst an ocean of extravagant and factious opinions; but you have manifested your desire for repressing this abuse, and there is only required a law which shall prevent it, without injuring the rights of Citizens: all the elements of this law are ready, and the Committee you named for preparing it will soon make their Report.

"The deficiency in the public revenue, it is added, deprives our armies of their pay. We will not deny, that negligence on the part of the receivers, and the want of order and economy have thrown our finances into disorder; but have the armies any reason to reproach the Legislative Body? At what period, at what epoch, have you refused their funds? Your resolutions on this subject have always been voted with urgency. It is then in vain that the unfortunate renegade divides with them his dread? Have, then, the forced Loan, the assignats, the Mandats, the contributions in the conquered countries the National Estates, been found insufficient? Let us rather say, that our resources, being distributed through such a variety of channels, have been exhausted; but that if they had been more prudently employed the most important part of the public service would not be in such a deplorable state.

"Let the finances, then, alone occupy all your solicitude. I know that every day your attention is taken up with this subject. But the time is arrived when you must direct regard the prejudices against direct contributions. Peace, peace! This is the means of extricating us from our embarrassment. How very criminal would those be who would