

The RIGHT CONSTITUTION of a COMMON-WEALTH EXAMINED.

[Continued from our last.]

Appius who secretly intended to have himself continued, seeing those great persons, who had passed through all dignities, so eager in pursuit of this, was alarmed. The people, charmed with his past conduct while decemvir, openly clamoured to continue him in preference to all others. He affected at first a reluctance, and even a repugnance, at the thought of accepting a second time an employment so laborious, and so capable of exciting jealousy and envy against him. To get rid of his colleagues, and to stimulate them to refuse the office, he declared upon all occasions, that as they had discharged their duty with fidelity, by their assiduity and anxious care for a whole year, it was but just to allow them repose, and appoint them successors. The more aversion he discovered, the more he was solicited. The desires and wishes of the whole city, the unanimous and earnest solicitations of the multitude, were at length, with pain and reluctance, complied with. He exceeded all his competitors in artifice: He embraced one, took another by the hand, and walked publicly in the forum, in company with the Duillii and Icillii, the two families who were the principals of the people, and the pillars of the tribunate. His colleagues, who had been hitherto his dupes, knowing these popular condescensions to be contrary to his character, which was naturally arrogant, began to open their eyes: but not daring to oppose him openly, they opposed their own address to his management. As he was the youngest among them, they chose him president, whose office it was to nominate the candidates to offices, relying upon his modesty not to name himself; a thing without example, except among the tribunes. But modesty and decency were found in him but feeble barriers against ambition: he not only caused himself to be elected, but excluded all his colleagues of the last year, and filled up the nine other places with his own tools, three of whom were plebeians. The senate and whole patrician body, were astonished at this, as it was thought by them contrary to his own glory, and that of his ancestors, as well as to his haughty character. This popular trait entirely gained him the multitude. It would be tedious to relate the manner in which they continued their power from year to year, with the most hardened impudence on their part, the most silly acquiescence of the people, and the fears of the senate and patricians. Their tyranny and cruelty became at length intolerable; and the blood of Virginia, on a father's dagger, was alone sufficient to arouse a stupid people from their lethargy.

Is it not absurd in Nedham to adduce this example, in support of his government of the people by their successive representatives annually chosen? Were not the decemvirs the people's representatives? And were not their elections annual? and would not the same consequences have happened, if the number had been one hundred, or five hundred, or a thousand, instead of ten?—"O, but the people of Rome should not have continued them in power from year to year." How will you hinder the people from continuing them in power? If the people have the choice, they may continue the same men; and we certainly know they will: No bounds can restrain them. Without the liberty of choice, the deputies would not be the people's representatives. If the people make a law, that the same man shall never serve two years, the people can and will repeal that law; if the people impose upon themselves an oath, they will soon say and believe they can dispense with that oath: In short, the people will have the men whom they love best for the moment, and the men whom they love best will make any law to gratify their present humour. Nay more, the people ought to be represented by the men who have their hearts and confidence, for these alone can ever know their wants and desires: but these men ought to have some check to restrain them, and the people too, when those desires are for forbidden fruit—for injustice, cruelty, and the ruin of the minority:—And that the desires of the majority of the people are often for injustice, and inhumanity against the minority, is demonstrated by every page of the history of the whole world.

We come next to the examples of continuing power in particular persons. The Romans were swallowed up, by continuing power, too long in the hands of the triumvirates of emperors, or generals. The first of these were Cæsar, Pompey and Crassus. But who continued the power of Cæsar? If the people continued it, the argument arising from the example is against a simple government of the people, or by their successive representative assemblies. Was it the senate, was it the standing permanent power in the constitution, that conferred this continuance of power on Cæsar? By no means. It is again necessary to recollect the story, that we may not be imposed on. No military station existed in Italy, lest some general might overawe the republic. Italy however, was understood to extend only

from Tarentum to the Arnus and the Rubicon. Cisalpine Gaul was not reputed in Italy, and might be held by a military officer and an army. Cæsar, from a deliberate and sagacious ambition, procured from the people an unprecedented prolongation of his appointments for five years; but the distribution of the provinces was still the prerogative of the senate, by the Sempronian law. Cæsar had ever been at variance with a majority of the Senate. In the office of prator he had been suspended by them: In his present office of consul he had set them at open defiance. He had no hopes of obtaining from them the prolongation of his power, and the command of a province. He knew that the very proposal of giving him the command of Cisalpine Gaul for a number of years would have shocked them. In order to carry his point he must set aside the authority of the senate, and destroy the only check, the only appearance of a balance, remaining in the constitution. A tool of his, the tribune Vatinius, moved the people to set aside the law of Sempronius, and by their own unlimited power name Cæsar as pro-consul of Cisalpine Gaul and Illyricum for five years, with an army of seven legions. The senate were alarmed, and in vain opposed. The people voted it. The senate saw that all was lost, and Cato cried, "You have placed a King, with his guards, in your citadel." Cæsar boasted, that he had prevailed both in obtaining the consulate and the command, not by the concession of the Senate, but in direct opposition to their will. He was well aware of their malice, he said. Though he had a consummate command of his temper, and the profoundest dissimulation, while in pursuit of his point, his exuberant vanity braved the world when he had carried it. He now openly insulted the senate, and no longer concealed his connection with Pompey and Crassus, whom he had over-reached to concur in his appointment. Thus, one of the clearest and strongest examples in history, to shew the necessity of a balance between an independent senate and an independent people, is adduced by Nedham in favor of his indigestible plan, which has no balance at all. The other example of Augustus, Antony, and Lepidus, is not worth considering particularly; for the trial between them was but a struggle of arms, by military policy alone, without any mixture of civil or political debates or negotiations.

(To be continued.)

An ESSAY on FREE TRADE and FINANCES.

[Continued from our last.]

I. That the tax be laid with such judgment and prudence, and different weight on different articles, that the consumption of no articles shall be diminished by it, beyond what the good and true interest of the nation requires; for 'tis certainly better for the merchant to deal with his customers in such articles as are useful to them, and in such way that they shall derive real benefit from their trade with him, than to supply them with articles that are useless and hurtful to them, and which of course impoverish them. In the first case he will make his customers rich, and able to continue trading with him; and to make him good and punctual payments: In the other case he makes his customers poor, and of course subjects himself to the danger of dilatory payments, or perhaps to a final loss of his debts.

II. That the tax be universal and alike on every part of the country, for if one state is taxed and its neighbour is not, the state taxed will lose its trade. And

III. That the tax be universally collected. Smuggling hurts the fair trader; favour and connivance of collectors, to particular importers, through bribery, friendship or indolence, has the same effect; the person who avoids the tax can underfell him who pays it, therefore 'tis the great interest of the merchant, when the duty is laid, to make it a decided point, that every importer shall pay the duty; and I am of opinion, that when the body of merchants make it a decided matter to carry any point of this nature, they are very able to accomplish it; they certainly know better than all the custom house officers and tide waiters on earth, how to prevent or detect smuggling, and to discover and punish the indulgence or connivance of collectors, who may be induced to favour particular importers, and they have the highest interest in doing this, of any set of people in the nation; and therefore I think it good policy to trust this matter to their prudence, with proper powers to execute it in the most effectual way. From a pretty extensive acquaintance, I am convinced, there is a professional honor in merchants which may be safely trusted, and I apprehend 'tis a policy both needless and cruel, to subject the persons and fortunes of merchants, the great negotiators of the nation's wealth, and a body of men at least as respectable as any among us, to the insults of custom house officers and tide waiters, the rabble of which, I believe, are generally allowed to be as corrupt, unprincipled, intolerable, and low lived a set of villains as can be scraped out of the dregs of any nation; and to set such fellows to watch and guard the integrity and honesty of a most respectable order of men, and subject our honorable and useful fellow citizens to such

mortifying inspection, appears to me to be such an insult on common sense,—such an outrage on every natural principle of humanity and decency,—such a gross corruption of every degree of polished manners, that I should imagine it must require ages to give it that degree of practice and establishment which has long taken place in Great Britain. The quickest way to make men knaves is to treat them as such. 'Tis a common observation, when a woman's character is gone, her chastity soon follows. Few men think themselves much obliged to exhibit instances of integrity to men, who will return them neither credit, nor confidence for their uprightness. Let every man have the credit of his own virtues, and be presumed to be virtuous till the contrary appears. Honesty is as essential and delicate a part of a merchant's character, as piety is of a clergyman's or chastity of a woman's, and you would think all alike sensibly, when you shew by your conduct towards them, that you even suspect that they are wanting in these characteristic virtues. I conceive nothing more is necessary to make the collection of this tax easy, than to convince the merchants and indeed the whole community, that the tax is necessary for the public service,—for the essential purposes of government; and that every one who pays it, receives a full compensation in the benefits he derives from the union; and that the management of the affair be committed to the merchants, to which, from the nature of their profession and business, they are more adequate and qualified, than any other men; and as it falls directly within the sphere of their business, it seems to be an honour, a mark of confidence to which they are entitled, indeed let the community at large be convinced, that the money proceeding from that tax is necessary for the public service, and that it can be collected with more ease to the people in this way, than in the mode hitherto proposed, and the collection will be easy and natural. The tax will cease to be considered, like the tax formerly imposed on us by the British parliament, unconstitutional in their assessment, and useless in their expenditure, (for they plagued us with taxes only to satisfy their harpies, little or none of the money ever reached the British treasury) this tax is imposed by our own people,—by our own representatives: It must be imposed by Congress indeed. As the authority of any particular assembly cannot be adequate to it, in as much as it must operate alike in all the states; be alike universal in its effects, and uniform in its mode of assessment and collection; and must therefore proceed from the general authority which presides over the whole union, i. e. from the Congress, but 'tis a Congress of our own appointment: For the members of Congress are as much our representatives, and chosen by our people, as the members of the several state assemblies; and the end and the use of the tax is our own public service, to secure the benefits of our union, without which 'tis impossible we should obtain respectability abroad, a uniform administration of civil police at home, an established public credit, or full protection against domestic or foreign insult. I never knew any measure of government opposed in its execution by the people when a general conviction took place among the people, that the measure was properly planned, and was necessary to the public good. We have had full proof through the war, what great burdens our people will very cheerfully and even without complaint, bear, when they are convinced that the exigencies of the state and the public safety make them necessary.

(To be continued.)

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"The interests of men are various, but not incompatible with each other."

THE wise and benevolent Creator of the world effects the best good of mankind, by the variety of his operations: The differences of climate—soil, and produce, of the several parts of the earth—the diversity of genius—habits, and objects, which distinguish the inhabitants of one country, from those of another, are circumstances which conduce to this great design. We could scarcely conceive of any necessity for the existence of enterprise, activity and ingenuity, from which mankind derive their most refined enjoyments, did nature exhibit a perpetual, and perfect uniformity in all quarters of the globe. This would supercede the commercial intercourse of distant nations; and prove an effectual preventative of improvements in trade, arts, and navigation. It would repress the ardour of the human mind in all those pursuits which spring from a spirit of emulation, and laudable ambition—it would "chill the genial current of the soul"—confine to narrow limits the sphere of action, and extinguish the prospects of human life.

The American traveller, whose object is to acquire an adequate knowledge of the various parts of this continent, will be struck with the beautiful provision which the Author of Nature has here made for the foundation, and completion of the most independent empire that the world hath ever beheld. America in herself contains the seeds of her own greatness,—all that is necessary to constitute strength, confer power, and give dignity and happiness to an independent empire; and should the time arrive, when her transatlantic connections shall become of trifling importance to her, as will very probably be the case, she will then possess exhaustless resources for an extensive, and flourishing commerce. There will always exist certain local circumstances to form a line of distinction between the inhabitants of the different parts of the Union: These distinctions will be so far from militating with the best interest of the whole, that they will most essentially contribute to promote it: Under the auspices of ONE GOVERNMENT, which shall be constituted by the genius, abilities, and patriotism of the Union, a salutary direction will be given to the spirit of competition, and rivalry in the several States; by which, their resources will be brought forth, their growth and improvements greatly accelerated, and their wealth individually promoted.

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