

The RIGHT CONSTITUTION of a COMMON-WEALTH EXAMINED.

[Continued from our last.]

AN aristocracy, like the Roman senate, between the abolition of royalty and the institution of the tribunate, is of itself a faction, a private partial interest. Yet it was less so than an assembly annually chosen by the people, and vested with all authority, would be; for such an assembly runs faster and easier into an oligarchy than an hereditary aristocratical assembly. The leading members having, as has been before shewn in detail, the appointment of judges, and the nomination to all lucrative and honorable offices, they have thus the power to bend the whole executive and judicial authority to their own private interest, and by these means to increase their own reputations, wealth, and influence, and those of their party, at every new election: whereas, in a simple hereditary aristocracy, it is the interest of the members in general to preserve an equality among themselves as long as they can; and as they are smaller in number, and have more knowledge, they can more easily unite for that purpose, and there is no opportunity for any one to increase his power by any annual elections. An aspiring aristocratic therefore must take more time, and use more address, to augment his influence: yet we find in experience, that even hereditary aristocracies have never been able to prevent oligarchies rising up among them, but by the most rigorous, severe and tyrannical regulations, such as the institution of inquisitions, &c.

It may sound oddly to say that the majority is a faction; but it is, nevertheless, literally just. If the majority are partial in their own favour, if they refuse or deny a perfect equality to every member of the minority, they are a faction: and as a popular assembly, collective or representative, cannot act, or will, but by a vote, the first step they take, if they are not unanimous, occasions a division into majority and minority, that is, into two parties, and the moment the former is unjust it is a faction. The Roman decemvirs themselves were set up by the people, not by the senate: much longer time would have been required for an oligarchy to have grown up among the patricians and in the senate, if the people had not interposed and demanded a body of laws, that is, a constitution. The senate opposed the requisition as long as they could but at last appointed the decemvirs, much against their own inclinations, and merely in compliance with the urgent clamours of the people. Nedham thinks, that "as the first founders of the Roman liberty did well in driving out their kings; so, on the other side, they did very ill in settling a standing authority within themselves." It is really very injudicious, and very ridiculous, to call those Roman nobles who expelled their kings, founders of the Roman liberty: noting was farther from their heads or their hearts than national liberty; it was merely a struggle for power between a king and a body of haughty envious nobles; the interest of the people and of liberty had no share in it. The Romans might do well in driving out their king: he might be a bad and incorrigible character; and in such a case any people may do well in expelling or deposing a king. But they did not well in demolishing the single executive magistracy: they should have then demanded a body of laws, a definite constitution, and an integral share in the legislature for the people, with a precise delineation of the power of the first magistrate and senate. In this case they would have been entitled to the praise of founders of Roman liberty: but as it was, they only substituted one system of tyranny for another, and the new one was worse than the old. They certainly "did very ill in settling a standing sovereign supreme authority within themselves." Thus far our author is perfectly in the right, and the reason he gives for this opinion is very well founded: it is the same that was given thousands of years before him, by Plato, Socrates, and others, and has been constantly given by all succeeding writers in favour of mixed governments, and against simple ones, "because, lying open to the temptations of honor and profit," or, in other words, having their ambition and vanity, avarice and lust, hatred and resentment, malice and revenge, in short their self-love, and all their passions ("which are fails too big for any human bulk") unrestrained by any controuling power, they were at once transported by them; made use of their public power not for the good of the commonwealth, but for the gratification of their private passions, whereby they put the commonwealth into frequent flames of discontent and sedition. Thus far is very well: but when our author goes on, "which might all have been prevented, could they have settled the state free, indeed, by placing an orderly succession of supreme authority in the hands of the people," he can be followed by no one who knows what is in man, and in society—because that supreme authority falls out of the whole body into a majority at the first vote. To expect self-denial from men, when they have a majority in their favour, and consequently power to gratify themselves, is to disbelieve all

history and universal experience; it is to disbelieve Revelation and the Word of God, which informs us, the heart is deceitful above all things, and desperately wicked. There have been examples of self-denial, and will be again; but such exalted virtue never yet existed in any large body of men and lasted long; and our author's argument requires it to be proved, not only that individuals, but that nations and majorities of nations, are capable not only of a single act, or a few acts of disinterested justice and exalted self-denial, but of a course of such heroic virtue for ages and generations; and not only that they are capable of this, but that it is probable they will practise it. There is no man so blind as not to see, that to talk of founding a government upon a supposition that nations and great bodies of men, left to themselves, will practise a course of self-denial, is either to babble like a new-born infant, or to deceive like an unprincipled impostor. Nedham has himself acknowledged, in several parts of this work, the depravity of men in very strong terms. In this fifth reason he avers "temptations of honor and profit to be fails too big for any human bulk." Why then does he build a system on a foundation which he owns to be so unstable? If his mind had been at liberty to follow his own ideas and principles, he must have seen that a succession of supreme authority in the hands of the people, by their house of representatives, is at first an aristocracy as despotical as a Roman senate, and becomes an oligarchy even sooner than that assembly fell into the decemvirate. There is this infallible disadvantage in such a government, even in comparison with an hereditary aristocracy, that it lets in vice, profligacy and corruption, like a torrent, with tyranny; whereas the latter often guards the morals of the people with the utmost severity: even the despotism of aristocracy preserves the morals of the people.

(To be continued.)

An ESSAY on FREE TRADE and FINANCES.

[Continued from No. XXVI.]

I come now to the consideration of the practicability of the mode of taxation which I proposed, and which I do conceive is a matter of capital weight in this discussion, for which I do rely on these two grand propositions. 1st. That whatever is the real, great interest of the people, they may, by proper measures, be made to believe and adopt: And, 2d. That whatever is admitted to be a matter of common and important interest, in the general opinion of the people, may be easily put in practice, by wisdom, prudence, and due management of the affairs. I do contend, that when this tax is fairly proposed to the public, with a proper elucidation of the evils it avoids, and the advantages which result from it, it will not be looked on as a burden of oppression, an imposition of power, but as the purchase of our most precious blessings, as a measure absolutely necessary to our most essential and important interests; therefore any attempt to avoid this tax, by smuggling or any other way, will be deemed by general consent, an act of meanness; an avoidance of a due share of the public burden; frustrating the necessary plans of public safety, and rendering ineffectual the public measures adopted by general consent, for the public security, tranquility and happiness. Such an action implies in it great meanness of character in the agent, and a high crime against the State, and the detection of it will be considered as a very material service to the commonwealth. Where any actions are deemed crimes, scandals and nuisances by the general voice of the people, detections and informations against them are reputable; they cease to be infamous—the infamy of an informer does not take place in such instances.

The reasons of governmental measures ought always to attend their publication so far as to afford good means of conviction to the people at large, that their object and tendency is the public good. This greatly facilitates their execution and success. 'Tis hard governing people against their interests, their persuasions, and even against their prejudices. 'Tis better to court their understandings first with reason, candor and sincerity, and we may be almost sure all their passions will follow soon. I abhor a mysterious government. I think an administration, like a private man, which affects to have a great many secrets that must not be explained, has generally a great many faults which will not bear telling; or a great deal of corruption, which will not bear examining. Government, like private persons, may indeed have secrets, which ought to be kept so; but in that case, caution should be used against any intimations or hints getting abroad, even that there are such secrets, or any secrets: for this would produce an anxious enquiry and solicitous inspection, which might make the keeping the secret more difficult, and besides bring on many other inconveniencies arising from numberless apprehensions, which such a circumstance would give birth to. An ostentation given out that there are mighty secrets in the cabinet, or many mysteries in the State that must not be pry-ed too closely into, is the very contrary of all this, and generally is a sign of a weak administration,

and not seldom of a corrupt one; but of all public measures, which require explanations to the people, that of taxes, which touches their money, which is always a very sensible part, may stand as chief; and to make these go down any thing well, 'tis always necessary to tread a universal conviction. 1st. That the money required in taxes is necessary for the public good, and 2dly, That it will certainly be actually expended only on the objects for which 'tis asked and given, and if these two things are really true, there will rarely be much difficulty in making them to be believed through the most sensible part of the commonwealth; but of these two things, either are not really true, or not really and generally believed, I don't know that a standing army would be sufficient to collect the taxes. I am of opinion on their force, authority and influence, like the conquests of the British army, would last no longer in any place than they staid to support it. When ever they shall go away, I imagine they will find that they have left behind them infinitely more abhorrence than obedience among the people. Though I am clearly of opinion that there must exist an ultimate force or power of compulsion in every effective and good government, yet 'tis plain to me, that such force is never to be put in action against the general conviction or opinion of the people; nor indeed do I believe it ever can be so exercised, with success and final effect, for every attempt of this kind tends to convulsions and death. Such an ultimate force indeed ought to fall upon and correct those who sin against the peace, interest and security of the public, but this can be done with safety and advantage only in cases where the crime punished is against the opinions, the sentiments and moral or political principles, which generally prevail in the people; for if the most violent declaimer and mover of sedition in a government, should happen to be received by the people as a patriot, and his harangues should be eagerly adopted as the doctrines of their liberties and rights, any attempt to punish him would be in vain or useless; for either the people would interpose and rescue him, or if he was punished, they would consider him as the martyr of their cause, and thereby the public uneasiness, tumult and uproar would be augmented.

(To be continued.)

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"Self-love but serves the virtuous mind to wake,
As the small pebble stirs the peaceful lake;
The centre mov'd, a circle straight succeeds,
Another still, and still another spreads;
Friend, parent, neighbour, first it will embrace,
Its country next; and next all human race;
Wide and more wide, th' overflowings of the mind
Takes ev'ry creature in of ev'ry kind;
Earth smiles around with boundless bounty blest,
And Heav'n beholds its image in its breast."

THE words local attachment, and partial prejudices, have had such a peal rung upon them, that they now form the most uncertain and confused sound imaginable: But so far as they are understood with any precision, they convey an idea that is almost universally reprobated—with how much reason will appear, when it is considered that very few of the human race are without those attachments and prejudices; and if they generally were, the condition of humanity would be altered infinitely for the worse.

The truth is, those attachments are interwoven in the very texture of our natures by the Author of Existence, and subservie the most valuable and important purposes of the human mind, and they prove the spring of the finest enjoyments of life.

There are but few minds so capaciously formed, as to embrace the interests of a large community, in such manner as to enter into all their enjoyments and distresses, with those lively sensations which sympathy excites for a friend, a family, or a neighbourhood. It is generally true, that in proportion to the expansion of what is called the philanthropic principle, in the same proportion it is faint and inoperative—and a person totally destitute of local and partial attachments, will want the amor patriæ in the best sense of the words.

It is not intended by these remarks to advocate a contracted and selfish principle—they are not designed to sanction that local policy, which shuts up the best affections of the heart, and confines every benevolent wish to the spot where we were born, or to the particular circle with which we happen to be more particularly connected.—They are designed to abate that ardour of spirit which proscribes all partialities and predilections, however justifiable; for we deceive ourselves by supposing that these attachments can be annihilated, or that it would serve any valuable purpose in life if they could.

As in the general administration of human affairs, the best interest of society is promoted by every individual's pursuing with steadiness, and perseverance their own particular advantage in conformity to the laws—so the great objects of patriotism are most essentially advanced, by the attachments which are discovered by every person to the state, the country, the town, the neighbourhood, the family, &c. with which they are more immediately connected—this is nature, reason, and common sense.