

The Right CONSTITUTION of a COMMONWEALTH EXAMINED.

[Continued from No. 33.]

IT is agreed, that "if any be never so good a patriot," (whether his power be prolonged or not) "he will find it hard to keep himself from creeping in upon him, and prompting him to some extravagancies for his own private benefit." But it is asserted, that power will be prolonged in the hands of the same patriot, the same rich, able, powerful, and well-descended citizen, &c. as much as if he had a feat for life, or an hereditary feat in a senate, and, what is more destructive, his power and influence is constantly increasing, so that self is more certainly and rapidly growing upon him; whereas, in the other case, it is defined, limited, and never materially varies. If, in the first case, "he be shortly to return to a condition common with the rest of his brethren," it is only for a moment, or a day, or a week, in order to be re-elected with fresh eclat, redoubled popularity, increased reputation, influence, and power. Self-interest, therefore, binds him to propagate a false report and opinion, that he "does nothing but what is just and equal," while in fact he is every day doing what is unjust and unequal; while he is applying all the offices of the state, great and small, the revenues of the public, and even the judicial power, to the augmentation of his own wealth and honors, and those of his friends, and to the punishment, depression and destruction of his enemies, with the acclamations and hosannas of the majority of the people.

This, without controversy, must needs be the most noble, the most just, and the most excellent way of government in "free states," provided our author meant only a mixed state, in which the people have an essential share, and the command of the public purse, with the judgment of causes and accusations as jurors, while the power is tempered and controuled by the aristocratical part of the community in another house, and the executive in a distinct branch. But as it is plain his meaning was to jumble all these powers in one centre, a single assembly of representatives, it must be pronounced the most ignoble, unjust, and detestable form of government; worse than even a well-digested simple monarchy or aristocracy. The greatest excellency of it is, that it cannot last, but hastens rapidly to a revolution.

For a further illustration of this subject, let a supposition be made, that in the year 1656, when this book was printed, the system of it had been reduced to practice: A fair, full, and just representation of the people of England appears in the house of commons in Westminster-hall; my lord General Cromwell is returned for Westminster or London; Ireton, Lambert, &c. for other principal cities or counties; Monk, Sir Henry Vane, &c. for others; and even Hugh Peters for some borough;—all eyes profoundly bow to my lord general as the first member of the house; the other principal characters are but his primary planets, and the multitude but secondary; altogether making a great majority in the interest of his highness: If the majority is clear, and able to excite a strong current of popular rumours, ardor, and enthusiasm, in their favour, their power will increase with every annual election, until Cromwell governs the nation more absolutely than any simple monarch in Europe. If there are in the house any members so daring as to differ in opinion, they will lose their seats, and more submissive characters be returned in their places; but if the great men in the house should fall into pretty equal divisions, then would begin a warfare of envy, rancor, hatred, and abuse of each other, until they divided the nation into two parties, and both must take the field.—Suppose, for a further illustration, the monarchical and aristocratical branches in England suspended, and all authority lodged in the present house of commons;—suppose that, in addition to all the great national questions of legislation, were added the promotion of all offices in the church, the law, the army, navy, excise, customs, and all questions of foreign alliance; let all the foreign ambassadors, as well as candidates for offices, solicit there:—The contemplation must be amusing! but there is not a member of the house could seriously wish it, after thinking a moment on the consequence. The objects are smaller, and the present temptations less, in our American houses; but the impropriety would be equally obvious, though perhaps not so instantaneously destructive.

Our author proceeds to prove his doctrine by examples out of the Roman history. "What more noble patriots were there ever in the world than the Roman senators were, while they were kept under by their kings, and felt the same burthens of their fury, as did the rest of the people?"

If by the patriots are meant men who were brave and active in war to defend the commonwealth against its enemies, the Roman senators and patricians were, under the kings, as good patriots as the plebeians were, and no better. Whether they were ever kept under by their kings, or whether their kings were kept under by them, I submit to Livy and Dionysius. The whole line of their kings, Romulus, Numa, Tullus, Ancus, Lucius Tarquinius, Servius Tullius, were meritorious princes; yet the patricians and senators maintained a continual series of cabals against them, constantly conspiring to set up one, and pull down another. Romulus was put to death by the patricians; Tullus Hostilius was murdered by the patricians; Lucius Tarquinius was assassinated by the patricians; and Servius Tullius too was murdered by the patricians, to make way for Tarquin. Some of these excellent princes were destroyed for being too friendly to the people, and others for not being fervent enough to the senate. If it is patriotism to persecute to death every prince who has an equitable desire of doing justice, and easing the burthens of the plebeians; to intrigue in continual factions to set up one king and butcher another; to consider friendship, and humanity, and equity, to the plebeians as treason against the state, and the highest crime that could be committed either by a king or patrician; then the Roman senators under the kings were noble patriots. But the utmost degrees of jealousy, envy, arrogance, ambition, rancor, rage, and cruelty, that ever constituted the aristocratical or oligarchical character in Sparta, Venice, Poland, or where ever unbalanced aristocracies have existed and been most enormous, existed in the Roman patricians under their kings.

What can our author mean by the senate and people's "feeling the burthens of the fury of their kings?" Surely he had read the Roman history! Did he mean to represent it? The whole line of Roman kings, until we come to Tarquin the Proud, were mild, moderate princes, and their greatest fault, in the eyes of the senators, was their endeavor now and then to protect the people against the tyranny of the senate. Their greatest fault, in the judgment of truth, was too much compliance to the senate, by making the constitution more aristocratical: Witness the assemblies by centuries instituted by Servius Tullius.

But Nedham should have considered what would have been the fruits in Rome, from the time of Romulus, of annual elections of senators to be vested with supreme power, with all the authority of the king, senate, and people. All those persons whose names we now read as kings, and all those who are mentioned as senators, would have caballed with the people as well as one another. Their passions would have been extinguished; the same jealousy and envy, ambition and avarice, revenge and cruelty, would have been displayed in assemblies of the people: sometimes one junto would have been popular, sometimes another: one set of principles would have prevailed one year, and another the next; now one law, then another; at this time one rule of property, at that another; riots, tumults, and battles, would have been fought continually; the law would have been a perfect Proteus. But as this confusion could not last long, either a simple monarchy, or an aristocracy, must have arisen; these might not have lasted long, and all the revolutions described by Plato and Aristotle as growing out of one another, and that we see in the Greek, Roman, and Italian republics, did grow out of one another, must have taken place, until the people weary of change, would have settled under a single tyranny and standing army, unless they had been wise enough to establish a well-ordered government of three branches. It is easy to misrepresent and confound things in order to make

them answer a purpose, but it was not because the authority was permanent, or standing, or hereditary, that the behaviour of the senate was worse after the expulsion of the kings than it had been under them; for the dignity of patricians and the authority of senators, was equally standing, permanent, and hereditary, under the kings, from the institution of Romulus to the expulsion of Tarquin, as it was afterwards, from the expulsion of Tarquin to the institution of tribunes, and indeed to the subversion of the commonwealth. It was not its permanency, but its omnipotence its being unlimited, unbalanced, uncontrouled, that occasioned the abuse; and this is precisely what we contended for, that power is always abused when unlimited and unbalanced, whether it be permanent or temporary, a distinction that makes little difference in effect. The temporary has often been the worst of the two, because it has often been sooner abused, and more grossly, in order to obtain its revival at the stated period. It is agreed that patricians nobles, senators, the aristocratical part of the community, call it by what name you please, are noble patriots when they are kept under; they are really then the best men and the best citizens: But there is no possibility of keeping them under but by giving them a master in a monarchy, and two masters in a free government. One of the masters I mean is the executive power in the first magistrate, and the other of the people in the house of representatives. Under these two masters they are, in general, the best men, citizens, magistrates, generals, or other officers: they are the guardians, ornaments, and glory of the community. (To be continued.)

MR. FENNO,

I wish the minds of the Americans to be unfettered, and must therefore request you and the printers in this country to publish the following extracts from the "Diversions of Purley," which is almost the only treatise on our language that unfolds its true principles.

DR. LOWTH, when he undertook to write his Introduction, with the best intention in the world, most assuredly sinned against his better judgment: for he begins most judiciously thus—"Universal Grammar explains the principles which are common to all languages. The Grammar of any particular language, applies those common principles to that particular language." And yet with this clear truth before his eyes, he boldly proceeds to give a particular grammar, without being himself possessed of one single principle of universal Grammar. Again he says, "the connective parts of sentences are the most important of all"; after which he proceeds to his examples of the proper and improper use of these connectives—without having the most distant notion of the meaning of the words whose employment he undertakes to settle. The consequence was unavoidable, that having no reasonable rule to go by, and no opponent signification to direct him, he was compelled to trust his own fanciful taste, and the uncertain authority of others, and has consequently approved and condemned without truth or reason." page 284 note.

Johnson's merit ought not to be denied to him; but his Dictionary is the most imperfect and faulty, and the least valuable of any of his productions; and that share of merit which it possessed, makes it by so much the more hurtful. It must be confessed that his Grammar and History and Dictionary of what he calls the English language, are, in all respects, except the bulk of the latter, most truly contemptible performances; and a reproach to the learning and industry of a nation, which could receive them with the slightest approbation.

Nearly one third of this Dictionary is as much the language of the Hottentots as of the English; and it would be no difficult matter, so to translate any one of the plainest and most popular numbers of the Spectator into the language of that Dictionary, that no mere Englishman, tho well read in his own language, would be able to comprehend one sentence of it. page 267.

Harris defines a word to be a "sound significant;" then he defines conjunctions to be "words, (that is, sounds significant) devoid of signification." Afterwards he allows that they have "a kind of signification." Mr. Harris goes farther, and says, they are a "kind of middle beings" (he must mean between signification and no signification) "sharing the attributes of both" (that is, of signification and no signification) "and conducing to link both together;" (that is, signification and no signification.) His definition of proposition is just as ridiculous. Yet this is a specimen of what Lowth calls the most perfect example of Analysis, that has been given since the days of Aristotle." page 165.

These charges, however severe, are doubtless just. Harris has published a volume called Hermes, in which he does little more than endeavor to prove that our Gothic forefathers 2000 years ago, were as great philosophers as Plato and Aristotle. The time will come when the philological treatises of these authors will be numbered with the monkish volumes of scholastic theology, and thrown among the rubbish of literature. But what then? If common sense should get the better of these absurd systems, new schoolmen and new pedants will start some others equally absurd and make proselytes to them. While we have pretended philosophers who can seriously attempt to prove that the earth was once covered with a crust, which was burst at the flood and tumbled into mountains—while they can calmly try to persuade us that the whole system of worlds which we see is surrounded with a shell of brass or copper—and while very learned men dare to believe that mankind once had tails, and went on all fours—I say while our presses teem with such stuff as this, we are not to be surpris'd that grave doctors and right reverends should think savages capable of inventing words without meaning, and arranging them as eight distinct parts of speech.

SIXTH ACT OF THE LEGISLATURE OF THE UNION.

An ACT to establish an EXECUTIVE DEPARTMENT, to be denominated the DEPARTMENT OF WAR.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be an executive department, to be denominated the Department of War; and that there shall be a principal officer therein, to be called the Secretary for the department of war, who shall perform and execute such duties as shall from time to time be enjoined on, or entrusted to him by the President of the United States, agreeable to the Constitution, relative to military commissions, or to the land or naval forces, ships, or warlike stores of the United States, or to such other matters respecting military or naval affairs, as the President of the United States shall assign to the said department, or relative to the granting of lands to persons entitled thereto, for military services rendered to the United States, or relative to Indian affairs: AND FURTHERMORE, That the said principal officer shall conduct the business of the said department in such manner, as the President of the United States shall from time to time order or instruct.

And be it further enacted, That there shall be in the said department, an inferior officer, to be appointed by the said principal officer, to be employed therein as he shall deem proper and to be called the Chief Clerk in the department of war, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall during such vacancy, have the charge, and custody of all records, books, and papers, appertaining to the said department.

And be it further enacted, That the said principal officer, and every other person to be appointed or employed in the said department, shall, before he enters on the execution of this office or employment, take an oath or affirmation well and faithfully to execute the trust committed to him.

And be it further enacted, That the Secretary for the department of war, to be appointed in consequence of this act, shall forthwith after his appointment, be entitled to have the custody and charge of all records, books, and papers in the office of Secretary for the department of war, heretofore established by the United States in Congress assembled.

F. A. MUELENBERG, Speaker of the House of Representatives. JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, AUGUST 7, 1789. GEORGE WASHINGTON, President of the United States.

SEVENTH ACT OF THE LEGISLATURE OF THE UNION.

An ACT for the establishment and support of LIGHT-HOUSES, BEACONS, BUOYS, and PUBLIC PIERS.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all expences which shall accrue from and after the fifteenth day of August one thousand seven hundred and eighty-nine, in the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, and public piers erected, placed, or sunk before the passing of this act, at the entrance of, or within any bay, inlet, harbour, or port of the United States, for rendering the navigation thereof easy and safe, shall be defrayed out of the Treasury of the United States: PROVIDED NEVERTHELESS, That none of the said expences shall continue to be so defrayed by the United States, after the expiration of one year from the day aforesaid, unless such light-houses, beacons, buoys, and public piers, shall in the mean time be ceded to, and vested in the United States, by the State or States respectively in which the same may be, together with the lands and tenements thereunto belonging, and together with the jurisdiction of the same.

And be it further enacted, That a light-house shall be erected near the entrance of the Chesapeake-Bay, at such place, when ceded to the United States in manner aforesaid, as the President of the United States shall direct.

And be it further enacted, That it shall be the duty of the Secretary of the Treasury to provide by contracts which shall be approved by the President of the United States, for building a light-house near the entrance of Chesapeake-Bay, and for rebuilding when necessary, and keeping in good repair, the light-houses, beacons, buoys, and public piers in the several States, and for furnishing the same with all necessary supplies, and also to agree for the salaries, wages, or hire of the person or persons appointed by the President, for the superintendance and care of the same.

And be it further enacted, That all pilots in the bays, inlets, rivers, harbours, and ports of the United States, shall continue to be regulated in conformity with the existing laws of the States respectively wherein such pilots may be, or with such laws as the States may respectively hereafter enact for the purpose, until further legislative provision shall be made by Congress.

FREDERICK AUGUSTUS MUELENBERG, Speaker of the House of Representatives. JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, AUGUST 7, 1789. GEORGE WASHINGTON, President of the United States.