

Capt. Rogers

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[WHOLE No. 132.]

FOR THE GAZETTE OF THE UNITED STATES.

DISCOURSES ON DAVILA.—No. XIV.

(Concluded from our last.)

*'Tis with our judgments as our watches—none
Go just alike, but each believes his own.*

THAT there is already a scission, in the National Assembly, like all others, past, present, and to come is most certain. There is an aristocratical party, a democratical party, an armed neutrality, and most probably a monarchical party: besides another division, who must finally prevail, or liberty will be lost; I mean a set of members, who are equal friends to monarchy, aristocracy, and democracy, and wish for an equal independent mixture of all three in their constitution. Each of these parties has its chief, and these chiefs are or will be rivals. Religion will be both the object and the pretext of some: liberty, of others: submission and obedience of others: and levelling, downright levelling, of not a few. But the attention, consideration and congratulations of the public, will be the object of all. Situation and office will be aimed at by some of all parties. Contentions and dissensions will arise between these runners in the same race. The natural and usual progress, is, from debate in the assembly to discussions in print: from the search of truth and public utility in both, to sophistry and the spirit of party: evils so greatly dreaded by the ingenious "Citizen of New-Haven," to whom we have now the honor of paying our first respects, hoping that hereafter we may find an opportunity to make him our more particular compliments. From sophistry and party spirit, the transition is quick and easy to falsehood, imposture, and every species of artificial evolution and criminal intrigue. As unbalanced parties of every description, can never tolerate a free enquiry of any kind, when employed against themselves, the licence, and even the most temperate freedom of the press, soon excites resentment and revenge. A writer unpopular with an opposite party because he is too formidable in wit or argument, may first be burnt in effigy: or a printer may have his office assaulted: cuffs and kicks, boxes and cudgels, are heard of, among plebeian statesmen challenges and single combats among the aristocratical legislators—Riots and seditions at length break men's bones or flea off their skins.—Lives are lost: and when blood is once drawn, men, like other animals, become outrageous: if one party has not a superiority over the other, clear enough to decide every thing at its pleasure, a civil war ensues. When the nation arrives at this period of the progression, every leader, at the head of his votaries, even if you admit him to have the best intentions in the world, will find himself compelled to form them into some military arrangement, both for offence and defence, to build castles and fortify eminences, like the feudal Barons. For aristocratical rivalries and democratical rivalries too, when unbalanced against each other, by some third mediating power, naturally and unfailingly produce a feudal system.—If this should be the course in France, the poor, deluded, and devoted partisans would soon be fond enough of decorating their leaders, with the old titles of dukes, marquises and counts, or doing any thing else, to increase the power of their commander over themselves, to unite their wills and forces for their own safety and defence, or to give him weight with their enemies.

The men of letters in France, are wisely reforming one feudal system: but may they not unwisely, lay the foundation of another? A legislature in one assembly, can have no other termination than in civil dissention, feudal anarchy, or simple monarchy. The best apology which can be made for their fresh attempt of a sovereignty in one assembly, an idea at least as ancient in France as *Stephen Boetius*, is, that it is only intended to be momentary. If a senate had been proposed, it must have been formed, most probably of Princes of the blood, Cardinals, Archbishops, Dukes and Marquises, and all these together would have obstructed the progress of the reformation in religion and government, and procured an abortion, to the regeneration of France. Pennsylvania established her single assembly in 1776, upon the same principle. An apprehension that the Proprietary and Quaker interests would prevail, to the election of characters disaffected to the American cause, finally preponderated against two legislative councils.

Pennsylvania, and Georgia who followed her example, have found by experience, the necessity of a change: and France, by the same infallible progress of reasoning, will discover the same necessity: happy indeed, if the experiment shall not cost her more dear. That the subject is considered in this light, by the best friends of liberty in Europe, appears by the words of Dr. Price, lately published in this paper: "Had not the aristocratical and clerical orders," says that sage and amiable writer, "have been obliged to throw themselves into one chamber with the commons, no reformation could have taken place, and the regeneration of the kingdom would have been impossible. And in future legislatures, were these two orders to make distinct and independent states, all that has been done would probably be soon undone. Hereafter, perhaps, when the new constitution, as now formed, has acquired strength by time, the National Assembly may find it practicable as well as expedient, to establish by means of a third Estate, such a check, as now takes place in the American government, and is indispensable in the British government."

TRANSLATED FOR THE GAZETTE OF THE UNITED STATES.

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[A Paper that is considered in Europe as the most authentic medium of intelligence—and as such circulates more extensively than any other similar publication.]

CONTINUED.

PARIS.

INSTRUCTIONS FOR THE COLONIES,

Presented to the National Assembly, in the name of the Committee appointed for that purpose, the 23d March, 1790.

By Mr. BARNAVE, Deputy from Dauphny.

Printed by order of the National Assembly, at the National Printing Office.

THE National Assembly having, by its decree of the 8th inst. invited all the French colonies to transmit their wishes respecting the Constitution, the administration, the laws, and in general respecting every measure that may conduce to their prosperity, has announced that there should be annexed to its decree, some instructions necessary to attain this in the surest and most expeditious manner.

These instructions ought to have for their object, the formation of assemblies, destined to express the views of the colonies, and some general points which may serve as the basis of their labor.

In order to know the wish of the colonies, it is indispensably necessary to convoke colonial assemblies, as well in those colonies where none as yet exists, as in those where the existing assemblies are not authorized by the confidence of the citizens.

The National Assembly being obliged to trace provisionally a mode for their formation, conceive it necessary to choose the simplest forms, resembling the nearest mode which have been adopted in the colonies where the citizens have freely assembled of themselves—in short the most suitable to Assemblies, whose principal object ought to be to prepare plans of a constitution.

These assemblies will judge for themselves, when preparing the constitution of the colonies, what ought to be in future the composition and mode of convoking colonial assemblies. To prescribe at this time multiplied and complicated regulations on this head, to do any thing more than what is absolutely necessary, would not only be running a risk of committing errors, not only creating difficulties in the execution, but would be altering the spirit of the decree passed in favor of the colonies, by tracing as it were before hand, the constitution they are invited to propose.

With these considerations, the National Assembly are of opinion, that the deputation to the first colonial assemblies, should be direct, and without any intermediate degree of electors.

That it ought to be made by parishes.

That each parish ought to depute, in proportion to the number of active citizens it contains.

That for this convocation, and until the constitution is agreed upon, the qualifications of an active citizen should be, a man of lawful age, and a freeholder, or if not a freeholder, a residence in the parish of two years, and payment of taxes.

The reasons common to all these articles, are the extreme facility of the execution, their resemblance to what has been practised in those colonies, where the inhabitants of themselves have formed assemblies—in short, the character of a pure, direct and universal representation, which particularly agrees with assemblies, designed to prepare plans of a constitution.

It may be added with respect to direct deputation, that the population of the colonies is very favorable to it, and that this mode of representation is the only one that nature points out, and which the severity of principles avows, and ought to be rigorously observed wherever it is possible.

As to deputation by parishes, these at this instant are the only political division in the colonies which can conveniently answer the purpose of representation.

As to the representation being proportioned to the number of active citizens, it is the only possible measure that at present offers itself, and which appertains to the principal foundation of the assemblies, which prepare constitutions—for these assemblies exercising a right which essentially belongs to the people, by no means offering a magistracy or an instituted power, but the image and representation of the people themselves, all those who enjoy the right of citizenship are naturally called to it; every one ought to take his place there, were it not for the impossibility resulting from their numbers, or from some other motives. The nomination of deputies is nothing else to these Assemblies, than a reduction which circumstances render necessary, and can consequently only be proportioned to the number of those who, in a natural order ought to have concurred in the deliberation.

It will hereafter be seen what precautions have been taken in order to prevent this form of representation being disadvantageous to the country.

With respect to the conditions provisionally annexed to the qualifications of an active citizen, it may be added to what has been said before, that it is for the general interest of each colony to multiply the number as much as possible, and that the same number exists in each particular parish, since the number of their deputies will be proportioned to that of their active citizens. It appeared, however, that for want of freehold estate, the simple condition of taxation would not be sufficient, and that in colonies where many people reside but for a short time, and without any design of fixing themselves there, the residence of two years appeared indispensably necessary to confer the qualification of an active citizen on a taxable, not a freeholder.

This disposition is one of those which will contribute to protect the country against the predominant influence of the cities.

The proportion of the number of deputies to that of active citizens, cannot be the same in all the colonies. The difference of their population is too considerable, and altho the best peopled colonies ought to have the most numerous colonial assemblies, it is impossible to establish this proportion to the number of their citizens.

The number of deputies to each colonial assembly ought to be sufficiently large to authorize the confidence of the colony, and that of the mother country; it ought to be sufficiently confined so as not to become too heavy a charge to the people, and that the celerity of operations, which every circumstance renders desirable, may not be retarded.

The National Assembly are of opinion that the colonial assembly of St. Domingo, to which is attached the uninhabited Islands of la Tortue, la Gonave and la Nache, ought to consist of about one hundred and fifty deputies.

It has conceived that this result may be obtained by appointing one deputy for every hundred active citizens, with the following modifications.

The deputation being made in each parish distinctly and separately, justice requires that the least parish should not be unrepresented, and consequently ought to appoint one deputy, even though the number of its citizens should be below one hundred.

With respect to such parishes as shall contain more than one hundred citizens, it has appeared just that the number which shall be found above the complete hundreds, should be entitled to a deputy, even though they should be fifty and less, seeing it is equally near the number where the deputy is fully due, and that where there is no pretensions, the benefit of representation and