

THOUGHTS ON GOVERNMENT,

APPLICABLE TO THE PRESENT STATE OF THE AMERICAN COLONIES.

Written in the Year 1776.

By the VICE-PRESIDENT of the UNITED STATES, Then a Member of Congress;

In a LETTER to the Hon. GEORGE WYTHE, of VIRGINIA.

MY DEAR SIR,

I F I was equal to the task of forming a plan for the government of a colony, I should be flattered with your request, and very happy to comply with it; because as the divine science of politics is the science of social happiness, and the blessings of society depend entirely on the constitutions of government, which are generally institutions that last for many generations, there can be no employment more agreeable to a benevolent mind, than a research after the best.

POPE flattered tyrants too much when he said

"For forms of government let fools contest,
That which is best administered is best."

Nothing can be more fallacious than this: But poets read history to collect flowers not fruits—they attend to fanciful images, not the effects of social institutions. Nothing is more certain from the history of nations, and the nature of man, than that some forms of government are better fitted for being well administered than others.

We ought to consider, what is the end of government, before we determine which is the best form.—Upon this point all speculative politicians will agree, that the happiness of society is the end of government, as all divine and moral philosophers will agree that the happiness of the individual is the end of man. From this principle it will follow, that the form of government, which communicates ease, comfort, security, or in one word happiness to the greatest number of persons, and in the greatest degree, is the best.

All sober enquirers after truth, ancient and modern, Pagan and Christian, have declared that the happiness of man, as well as his dignity consists in virtue. Confucius, Zoroaster, Socrates, Mahomet, not to mention authorities really sacred, have agreed in this.

If there is a form of government then, whose principle and foundation is virtue, will not every sober man acknowledge it better calculated to promote the general happiness than any other form?

Fear is the foundation of most governments; but is so fond and brutal a passion, and renders men, in whose breasts it predominates, so stupid, and miserable, that Americans will not be likely to approve of any political institution which is founded on it.

Honour is truly sacred, but holds a lower rank in the scale of moral excellence than virtue. Indeed the former is but a part of the latter, and consequently has not equal pretensions to support a frame of government productive of human happiness.

The foundation of every government is some principle or passion in the minds of the people. The noblest principles and most generous affections in our nature then, have the fairest chance to support the noblest and most generous models of government.

A man must be indifferent to the names of modern Englishmen, to mention in their company, the names of Sidney, Harrington, Locke, Milton, Nedham, Neville, Burnet, and Hoadley. No small fortitude is necessary to confess that one has read them. The wretched condition of this country, however, for ten or fifteen years past, has frequently reminded me of their principles and reasonings. They will convince any candid mind, that there is no good government but what is Republican. That the only valuable part of the British Constitution is so; because the very definition of a Republic, is "an Empire of Laws, and not of Men." That, as a Republic is the best of governments, so that particular arrangement of the powers of society, or in other words that form of government, which is best contrived to secure an impartial and exact execution of the laws, is the best of Republics.

Of Republics, there is an inexhaustible variety, because the possible combinations of the powers of society, are capable of innumerable variations.

As good government, is an empire of laws, how shall your laws be made? In a large society, inhabiting an extensive country it is impossible that the whole should assemble, to make laws: The first necessary step then, is, to depute power from the many, to a few of the most wise and good.—But by what rules shall you choose your Representatives? Agree upon the number and qualifications of persons, who shall have the benefit of choosing, or annex this privilege to the inhabitants of a certain extent of ground.

The principal difficulty lies, and the greatest care should be employed in constituting this Representative Assembly. It should be in miniature, an exact portrait of the people at large. It should think, feel, reason, and act like them. That it may be the interest of this assembly to do strict justice at all times, it should be an equal representation, or in other words equal interest among the people should have equal interest in it. Great care should be taken to effect this, and to prevent unfair, partial, and corrupt elections. Such regulations, however, may be better made in times of greater tranquility than the present, and they will spring up of themselves naturally, when all the powers of government come to be in the hands of the people's friends. At present it will be safest to proceed in all established modes to which the people have been familiarised by habit.

A representation of the people in one Assembly being obtained, a question arises whether all the powers of government, legislative, executive, and judicial, shall be left in this body? I think a people cannot be long free, nor ever happy, whose government is in one Assembly. My reasons for this opinion are as follow.

1. A single Assembly is liable to all the vices, follies and frailties of an individual. Subject to fits of humour, starts of passion, flights of enthusiasm, partialities, of prejudice, and consequently productive of hasty results and absurd judgments: And all these errors ought to be corrected and defects supplied by some countervailing power.

2. A single assembly is apt to be avaricious, and in time will not scruple to exempt itself from burthens which it will lay, without compunction, on its constituents.

3. A single Assembly is apt to grow ambitious, and after a time will not hesitate to vote itself perpetual. This was one fault of the long Parliament, but more remarkably of Holland, whose Assembly first voted themselves from annual to septennial, then for life, and after a course of years, that all vacancies happening by death, or otherwise, should be filled by themselves, without any application to constituents at all.

4. A Representative Assembly, altho' extremely well qualified, and absolutely necessary, as a branch of the legislature, is unfit to exercise the executive power, for want of two essential properties, secrecy and dispatch.

5. A Representative Assembly is still less qualified for the judicial power; because it is too numerous, too slow, and too little skilled in the laws.

6. Because a single Assembly, possessed of all the powers of government, would make arbitrary laws for their own interest, execute all laws arbitrarily for their own interest, and adjudge all controversies in their own favour.

But shall the whole power of legislation rest in one Assembly? Most of the foregoing reasons apply equally to prove that the legislative power ought to be more complex—to which we may add, that if the legislative power is wholly in one Assembly, and the executive in another, or in a single person, these two powers will oppose and encroach upon each other, until the contest shall end in war, and the whole power, legislative and executive, be usurped by the strongest.

The judicial power, in such case, could not mediate, or hold the balance between the two contending powers, because the legislative would undermine it. And this shews the necessity too, of giving the executive power a negative upon the legislative, otherwise this will be continually encroaching upon that.

To avoid these dangers let a distinct Assembly be constituted, as a mediator between the two extreme branches of the legislature, that which represents the people and that which is vested with the executive power.

Let the Representative Assembly then elect by ballot, from among themselves or their constituents, or both, a distinct Assembly, which for the sake of perspicuity we will call a Council. It may consist of any number you please, say twenty or thirty, and should have a free and independent exercise of its judgment, and consequently a negative voice in the legislature.

These two bodies thus constituted, and made integral parts of the legislature, let them unite, and by joint ballot choose a Governor, who, after being stripped of most of those badges of domination called prerogatives, should have a free and independent exercise of his judgment, and be made also an integral part of the legislature. This I know is liable to objections, and if you please you may make him only President of the Council, as in Connecticut: But as the Governor is to be invested with the executive power, with consent of Council, I think he ought to have a negative upon the legislative. If he is annually elective, as he ought to be, he will always have so much reverence and affection for the people, their Representatives and Counsellors, that although you give him an independent exercise of his judgment, he will seldom use it in opposition to the two houses, except in cases the public utility of which would be conspicuous, and some such cases would happen.

In the present exigency of American affairs, when, by an act of Parliament we are put out of the royal protection, and consequently discharged from our allegiance; and it has become necessary to assume government for our immediate security, the Gov. Licut. Gov. Secretary, Treasurer, Commissary, Attorney-General, should be chosen by joint ballot, of both Houses. And these and all other elections, especially of Representatives and Counsellors, should be annual, there not being in the whole circle of the sciences, a maxim more infallible than this, "Where annual elections end, there slavery begins."

These great men, in this respect, should be, once a year

"Like bubbles on the sea of matter borne,
They rise, they break, and to that sea return."

(To be concluded in our next.)

FOR THE GAZETTE OF THE UNITED STATES.

MR. EDITOR,

SPECULATION in public securities, or the debts of the United States, and the individual States, began with the debts themselves—it is a necessary and uniform consequence of paper representatives of specie, on any principle whatever, funded or not funded: In the former case, it is seldom injurious when the funds are good and sacredly applied: In the latter it is always carried to excess—and is attended with pernicious effects.

The United States, previous to the adoption of the new Constitution, possessed no funds—because they had no legislative power. A vain confidence, however, in the success of congressional requisitions, procured a circulation for a time, of the many millions of paper which the old Congress issued. A failure on the part of the respective States in complying with the requisitions, laid the foundation of that immense depreciation which followed—and opened the flood gates of speculation. For a considerable time before the dissolution of the old government, the receipts into the Treasury of the United States, were said to be little more than sufficient to pay the officers of government: These, however, it is to be presumed, were punctually paid, as very few of them appeared anxious for a change.

A debt situated as that of the United States was, must have been in desperate circumstances—and it is demonstrable, that before this day, it would have totally sunk in the hands of the possessors, but for the new Constitution. How far this was the wish of many of the opposers of a change in our political situation, time may develop—but at present, thank Heaven, it is not material to investigate. The time is now come, when the business of speculation, it is to be hoped, will be brought to very narrow limits, and become so unproductive, as to be not worth pursuing: And in order to effect this great and valuable object, it is become necessary that confidence in the faith and honor of government, should take place of that distrust and jealousy, which have led too many of our citizens to sacrifice their hard earned property for a very trifling consideration.

The business of speculation, in its first stages, was carried on in a very exceptionable and disingenuous manner: The country was filled with a set of itinerant sharpers, who gulled the unwary and uninformed out of their property by every species of deception: This mode of prosecuting the business, was the only one in which it was carried on for a considerable time—but the establishment of offices in the capital towns on the continent, produced an open and fair market—and the same principles which apply in other branches of traffic, obtaining in this also, it then became the interest of the negotiators to buy and sell on the lowest terms. This open market broke up the itinerants in a great measure, and afforded every possessor an opportunity to get the highest price that could possibly be obtained for his paper. It is however said, that the ambulatory tribe is not extinct—but that the late rise in public paper has added wings to their feet—and in many instances the credulous and unsuspecting have suffered by sudden and hasty sales.

It is surely high time that confidence in the government should possess the minds of the public creditors universally: Those whose faith has not failed them for several months past, have ad-

ded more than one hundred per cent. to their property—and if they will but hope unto the end of March next, they must find their account in it.

You, Mr. Editor have done well in publishing a price current of Public Securities, since the Funding Bill passed: It has been very serviceable to many of my neighbors; they are however, at a loss to account for the fluctuation which sometimes appears. I tell them to be steady—for no possible reason can be given (that should influence the creditors at large) why the public paper should be at one price to day, and at a less price to morrow—I tell them also that these variations are owing to local considerations only, which may be easily explained.—You may hear from me again.

C R I T O.

M A D R I D, July 9.

OUR dispute with England remains just in the state it was, and has not taken a more amicable turn since the arrival of Mr. Fitzherbert—the Spanish Ministry keeping firm to the following DECLARATION. signed and delivered by the Comte Florida Blanca, at Aranjuez, on the 4th of June 1790, to the English Charge des Affaires:

"THE King, informed of the Representation presented at the office of his Ministers on the 16th of May, by the Sieur Matty, *Chargé des Negotiations* of his Britannic Majesty, respecting the disputes arisen between this Court and that of Great-Britain, on account of the vessels detained at the port of St. Laurent, or Nootka, on the coast of California, in the South Sea—has ordered the undersigned, his first Secretary of State, to reply to the said Sieur *Chargé des Negotiations* of England, that which he had the honor to inform him verbally of, and in writing, on the 13th of May, viz.

"That his Majesty never did, or will pretend in this port, or in any other seas or places whatever, to any rights but such as belong to his crown by solemn treaties with all nations, and especially with Great Britain, founded on such treaties, and on the consent of the people, by a well known and immemorial possession.

"That he will consent to an examination and discussion of all these points, for the purpose of accomplishing a pacific and friendly negotiation, as soon as he can have an interview with the new Ambassador, and that his justice will indemnify the parties concerned, and he will disapprove of the conduct, and punish his subjects, if it appears they have exceeded their legitimate rights: This offer, and this satisfaction, is to serve as an example to the Court of London, to do as much on its side.

The two courts of London and Madrid not having yet received sufficiently detailed proofs of what has really passed in those distant places, has caused some difference in the exposition and acceptance of facts; for the *procesos verbal* drawn up by the Vice-Roy of New-Spain, of whom they have been required, are not arrived at this moment.

"It is known by posterior accounts, that the vessel or English packet boat *l'Argonaut*, was not detained and confiscated until after a judicial examination had been made; and also, that a by-lander, or small vessel, named the *Princes Royal*, which arrived afterwards, would only have been detained and not confiscated, and that the Vice-Roy would have made restitution, or have set her at liberty, on the Capt. entering into an obligation to pay the value, in case she should be deemed a lawful prize, being the same terms on which a Portuguese ship from Macoa, and two belonging to the American colonies, were set at liberty. In like manner, all, which shall be proved not to belong legitimately to this Court, will be given up immediately, as soon as the *pieces justificatives* are arrived.

"The first time that our ambassador discoursed with the ministry of London (the 10th February) on this subject, many circumstances could not be ascertained which are now certain, either of the respective acts of possession of Spain on this coast and ports, anterior and posterior to those cited at the said office, and many others which will be set forth, and submitted in a pacific negotiation; and if the court of London, when it was answering the complaints made on the part of the King against the traders which Spain regard as usurpers and violators of Treaties, had made an answer conformable to the desire at present manifested, of examining and settling these contestations amicably, considerable expences and disagreeable circumstances would have been avoided. The disagreeable terms and conditions of the answer of the British Ministry, and that at a time when it is avowed no authentic information is arrived, threw the Spanish cabinet into suspicions, which made them fear this dispute was only to serve as a pretext to break entirely with our Court, which has induced it to take some precautions on the subject."

V I E N N A, July 17.

An Estafette arrived here yesterday at seven o'clock in the morning, with the melancholy intelligence of the death of our illustrious General LOUDHON.

He died on the 14th inst. at eleven o'clock in the forenoon. His impatience under the medi-