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[Whole No. 230.]

FROM THE (BOSTON) COLUMBIAN CENTINEL.

MR. RUSSELL,

BY the English Constitution, the whole collective power of the nation is delegated, and the constitution itself is alterable by the same authority which is competent to the common purposes of legislation.

The French are to have a constitution, every part of which will be nominally beyond the controul of their common legislatures, and which will be unalterable in all parts, except by the nation in its "original character." At least Mr. PAINE has undertaken to answer for them that it will be so: Although I have not seen any such article in the constitution, and though perhaps it has not yet been decreed, I am willing to take Mr. PAINE's word for the fact, and to consider the subject, as if it were already determined.

I have made some observations upon Mr. PAINE's arguments, as they respect the right of a nation to delegate all their power. As a question of expediency, it may perhaps be more difficult to determine, which of these two schemes contains the least evil. Both of them are supported by the example of several among the American States, and can therefore boast the sanction of authorities equally respectable.

The fundamental principle upon which society is formed, appears to be, in order that the power of the whole may be rendered subservient to the interests of the whole. The problem to solve is, in what manner the power shall be distributed, so as most effectually to answer that purpose. Considering the extreme difficulty with which a whole nation can be brought to act in their original character, it should seem, that wisdom must dictate to them the necessity of delegating their whole power, in such a manner as that it may be rendered beneficial to the nation, because whatever power is retained by the people, cannot be exercised for their advantage, any more than to their injury. The question therefore occurs, why a nation should not delegate all its powers? Mr. PAINE has bestowed very little consideration upon this subject; I find that although he gives us his own opinion very freely, he offers only two reasons to support it. One, because, "such a government would be arbitrary." The other, because "there is a paradox in the idea of vitiated bodies reforming themselves." In the sense in which the word arbitrary is here used, the first argument attacks the foundation of civil society itself; for whenever a number of individuals associate together and form themselves into a body-politick, called a nation, the possession and the use of the whole power, (which is not however arbitrary power,) is the very object of their association. This power must exist somewhere, and I cannot see the reason why it should not exist for the benefit of the people.—But whenever a constitution is made unalterable by the common legislative authority, the nation do in reality abdicate all the powers which they are said to retain, and declare that very important powers shall at all events be useless to them, from an apprehension that they might possibly be abused to their injury.—It is as if a man should bind himself never to wear a sword, lest he should turn it against his own breast.—The only reason why the whole power of a nation should not be delegated, must arise from the danger of its being abused: And a melancholy experience has always shown that when the whole power has been thus delegated to one man, or to one body of men, it has invariably been grossly abused, and the sword of the people has been turned into a dagger against them. From the the pressure of those evils, many nations have been induced expressly to forbid their governments the use of certain powers, without considering that the impotence of their supreme authority, would certainly be very prejudicial to them, and perhaps as fatal, as the abuse of power. This experiment has repeatedly been made; it has frequently failed; and I believe that after several more experiments shall fully demonstrate the ill policy of thus annihilating the power of the nation, it will be clearly seen, that all the powers of the people ought to be delegated for their benefit, and that their true interest consists in the distribution of those powers in such a manner as shall in its own operation guard against the abuses which alone are dangerous to the people.

The Constitution of the United States, appears to me to unite all the advantages both of the

French and of the English, while it has avoided the evils of both. By that constitution, the people have delegated the power of alteration, by vesting it in the Congress, together with the state Legislatures; while at the same time it has provided for alterations by the people themselves in their original character, whenever it shall evidently appear to be the wish of the people to make them. This article appears to be replete with wisdom; I believe it will stand the test of the severest examination, though according to the ideas emanating from Mr. PAINE, and coming to us at the same time by reflection from the Secretary of State, it contains a very dangerous political heresy.

It is a maxim which will not I trust, be disputed, that no government of which the people is not a constituent part, can secure their equal rights; but where this is the case, to cramp the operations of their own government, with unnecessary restrictions, and forbid themselves to enact useful laws, what is it but to defeat the purposes of society, by the very act, which gives it a permanent existence; to tie their own hands from an imaginary apprehension that if left at liberty they would administer poison to the body which nourishes them?

It is in the distribution of the national powers; it is in the independent spirit of the people, and not in the manuscript limitation of the Legislative authority, that a nation is to secure the protection of its liberties.—In this Commonwealth we have a constitution, most parts of which are unalterable by our ordinary Legislatures; it has existed but ten years; and already its operation has convinced us all that several alterations in the system would be highly expedient. Our Legislative body would be fully competent to the purpose, and if they had the power would readily make such alterations as might suit the convenience of the people; but they have no authority to act in these cases for the benefit of the people, and as the inconveniences to which this injudicious jealousy has subjected us, are not at this time of such importance as to render the alterations, of immediate or absolute necessity, we must wait our appointed time, and patiently submit to the operation of bad laws, because we have not chosen to invest our Legislature with the power of making good ones.—Let us not be frightened, however, from the pursuit of our common interest by the words arbitrary power. Distribute the whole of your power in such a manner, as will necessarily prevent any one man, or body of men, or any possible combination of individual interests, from being arbitrary, but do not encumber your own representatives with shackles, prejudicial to your own interests; nor suffer yourselves like the Spanish Monarch, of ridiculous memory, to be roasted to death, by denying to your servants the power of removing the fire from before you.

But although a constitution, professedly unalterable by the common legislative authority, is of weight sufficient to prevent the enacting of many good laws, yet it will not always operate as a check upon your legislature. Such is the poverty of all human labours, that even a whole nation cannot express themselves upon paper, with so much accuracy and precision, as not to admit of much latitude of explanation and construction. The legislature must always be allowed to judge of the intentions with which the instrument was formed, and to construe and explain accordingly the expressions which it contains. They sometimes think proper to violate the letter of the constitution by adhering to its spirit, and at other times they sacrifice the spirit by adhering strictly to the letter. But when your legislature undertake to decide that the spirit of the constitution, is directly contrary to its express letter, where is the power in the nation that should controul them? The same power, which will always be sufficient to controul a Legislature of which the people are a constituent part; it is, the spirit of the people.—Let your Legislative and Executive authorities be so constituted, as to prevent every essential, or dangerous abuse of the powers delegated, but depend upon the honest and enlightened spirit of the people for a security which you never will obtain, by merely withholding your powers, unless that spirit should be constantly kept up. Divide your power so that every part of it may at all times be used for your advantage, but in such a manner that your rights may never depend upon the will of any one man

or body of men; entrust even the power of altering your constitution itself, because occasions may arise, when the use even of that power, may be absolutely necessary for your own welfare, when at the same time it may be impossible for you to act in your original character, with the expedition necessary for your salvation; but reserve to yourselves a concurrent power of altering the constitution in your own persons, because by the decay to which all the works of man are liable, it is possible that your Legislature, may become incompetent to make such alterations as may be necessary. But, when the people are constantly represented in the Legislature, I believe they will never find it necessary to recur to their original character, in order to make any alterations which they may deem expedient, unless they deny the power of making them to their Legislature.

"But," says Mr. PAINE, "there is a paradox in the idea of vitiated bodies reforming themselves." This must depend altogether upon the coincidence of the part vitiated, with the part which is to apply the remedy; for unless the defect itself necessarily precludes the possibility of applying the power of reformation, the paradox ceases, and no more involves an absurdity, than that a physician should use his own prescriptions to cure himself of a disorder.

The very act by which septennial Parliaments were established in England, affords sufficient proof that the power of altering the constitution itself ought to be delegated, and even exercised by the government upon certain critical occasions. That act was made at a time when the kingdom was threatened with an immediate invasion, when a rebellion had but just been quelled, and when, the peace and safety of the nation, depended upon the use of this power by the Parliament; such was the opinion of the people at that time, and the act met with general approbation, from the general conviction of its necessity. Such occasions may happen in the history of every free people, and it is therefore proper that the power should be delegated. Upon the principles of equal liberty, upon the principles of public happiness, and therefore of political expediency, I think it may be fairly concluded that Mr. PAINE's preference of the French to the English Constitution, so far as it relates to this article, is not founded in truth.

P U B L I C O L A.

[The foregoing is No. 7, of PUBLICOLA—No. 6, is not come to hand.]

BERKENHOUT'S DISCOVERY, for Dying Cotton and Linen, in Scarlet, Crimson, and other Colours, as communicated to the Company of Dyers of the City of London, by the Lords Commissioners of the Treasury.

COTTON or linen, either in yarn or piece, should be perfectly wet with hot water, and then wrung out, as is the common practice. This being done, it must be perfectly soaked in a solution of tin, diluted with an equal quantity of clear soft water. The cotton or linen, being so far prepared, must be wrung out, but not forcibly: then it is to be nearly dried, lying horizontally upon a hurdle, with a double linen sheet between, and covered with the same. The solution of tin being for scarlet, must be made of nitrous acid, and not of aqua fortis; but for crimson, aqua fortis must be used; and the bloom is to be given, after it comes out of the dye, by a small quantity of sal ammoniac and pearl ashes, dissolved perfectly in warm water; but this water must not be more than milk warm. The colouring vat, for the scarlet or crimson, is simply cochineal in water, no hotter than the hand can bear; and, as vegetable matter receives only the small particles of the colour from the nature of its pores, two oz. to a pound of the materials dyed may be necessary. But cotton or linen, fresh prepared, will draw from the same vat, heated as before, all the inferior shades, from scarlet and crimson; and, if any colour still remains in the vat, it may be taken out entirely, by wool prepared in the usual manner. The same preparation of tin serves for the green and yellows, with the same materials only that are employed by the dyers, except the best yellow, which is produced from turmeric.

It is necessary to observe, that, after the preparation has been made use of for scarlet or crim-