

Gazette of the United States.

PUBLISHED WEDNESDAYS AND SATURDAYS BY JOHN FENNO, No. 69, HIGH-STREET, BETWEEN SECOND AND THIRD STREETS, PHILADELPHIA.

[No. 24, of Vol. III.]

WEDNESDAY, JULY 20, 1791.

[Whole No. 232.]

FROM THE (BOSTON) COLUMBIAN CENTINEL.

MR. RUSSELL,

MR. PAINE has undertaken to compare the English and French constitutions, upon the article of representation. He has of course admired the latter, and censured the former. This is unquestionably the most defective part of the English constitution—but even the most essential of those defects appear to flow from the natural order of things which a revolution in government could not reform; from a state of society, where every principle of religion or of morality has lost its influence, and where the only shadow of virtue, public or private, remaining among a great majority of the people, is founded upon an imaginary point of honor, the relic of the exploded age of chivalry. Such at present is the situation of the national character both in England and in France. To attempt to govern a nation like this, under the form of a democracy, to pretend to establish over such beings a government, which according to *Roussseau* is calculated only for a republic of Gods, and which requires the continual exercise of virtues beyond the reach of human infirmity, even in its best estate; it may possibly be among the dreams of Mr. PAINE, but is what even the National Assembly have not ventured to do; their system will avoid some of the defects, which the decays of time and the mutability of human affairs have introduced into that of the English, but I do not hesitate to affirm that they have departed much farther from the essential principles of popular representation; and that however their attachment to republican principles may have been celebrated, the theory of their National Assembly is more remote from the spirit of democracy than the practice of the English House of Commons.

The grounds upon which Mr. PAINE acknowledges his approbation of the French constitution are that they have limited the number of their representatives, in proportion to the numbers of citizens who pay a tax of 60 sous per annum, and the duration of the assembly to two years. It is certainly essential to the principles of representation that there should be a frequent recurrence to the constituent body for election, because it is the only security of the constituent for the fidelity of the agent: It is the only practical responsibility by which the representative is bound. The term of seven years for which the House of Commons is elected, weakens the responsibility too much, and is a proper subject of constitutional reform; but by the French constitution, there is no responsibility at all; no connexion between the representative and his constituent: The people have not even once in seven years an opportunity to dismiss a servant who may have displeased them, or to re-elect another who may have given them satisfaction. There is upon the French system less dependence of the representative upon his constituent than in England, and the mode of election renders the biennial return of the choice almost wholly nugatory. It is not true that the French constitution allows the privilege of voting for a representative in the National Assembly to every man who pays a tax of 60 sous per annum. Mr. Paine has mistaken the fact, for it is impossible that he should have intentionally misrepresented it; though it differs almost as much from his principles as from those of a real popular representation. It is as follows. Every Frenchman born or naturalized, of 25 years of age, who pays a tax equal to three day's labour, is not a hired servant, nor a bankrupt, nor the son of a deceased bankrupt (a very unjust qualification) shall be allowed to vote for—what? A representative to the National Assembly?—By no means. Yet one would think the exclusions sufficiently severe, for a government founded upon the equal rights of all men; but he shall vote for members of a certain assembly: This assembly is allowed to choose, not the representatives of the nation, but another body of electors, who are to be the immediate constituents of the legislative assembly. Thus the supreme legislative council of the nation, are to be the representatives of a representative body, whose constituents are the representatives of the people; and at every stage of this complicated representation, the free citizens of the state, are excluded from their natural rights, by additional qualifications in point

of property.—Yet this is the system which we are told is to abolish aristocracy.

In the formation of the legislative body, the National Assembly, contemplated three different objects of representation, the persons of the people, their property, and the territory which they inhabit: They have endeavoured to establish a proportion compounded from the three, but in the refinement of their metaphysics and mathematics, they have lost the primary object itself, and the people are not represented.

But setting aside their calculations, what is the essential principle upon which the representation of the people in the legislature is grounded? It is, that a Freeman, shall never be bound by any law unless he has consented to it. It is impossible, except in a very small state, that every individual should personally give his voice, and therefore this practice of voting by representation was invented. In its most perfect state it cannot fully answer the purpose of its institution, because every representative is actuated by several powerful motives, which could not operate upon his constituents. It is an artificial democracy, which can never perform completely the functions of the natural democracy; but imperfect as it always must be, no other contrivance has been hitherto devised, which could so effectually give their operation to the opinions of the people. In the theory of representation it is a personal trust, by which a thousand individuals may authorize one man to express their sentiments upon every law which may be enacted for the benefit of the whole people: And therefore in theory every representative ought to be elected by the unanimous vote of his constituents; for how can a man be said to have been consulted in the formation of a law, when the agent authorized to express his opinion was not the man of his choice? every pecuniary qualification imposed either on the electors or as a condition of eligibility, is an additional restriction upon the natural democracy, and weakens the original purpose of the institution. Thus far the people of America have submitted to necessity in the constitution of their popular assemblies. But when the principle is abandoned so completely, the individual citizen, even in the pretended exercise of his infinitesimal fragment of sovereignty cannot possibly form an opinion, who will be the elector of the representative that is to be the depository of his opinion in the acts of legislation. The assembly thus formed may indeed assume the name of a democracy, but it will no more be entitled to the appellation than an ill drawn miniature portrait, to that of the animated original which it may profess to represent.

It is obvious that the reason why the National Assembly have chosen to refine their representation through so many strainers was to avoid the violence, the tumults, the riots which render almost all the populous towns in England a scene of war and blood at the period of Parliamentary Elections. Time alone will inform us what the success of their system will be, even in this particular. Their elections however must be extremely expensive, and must open a thousand avenues to every sort of intrigue and venality. The National Assembly as a body, will be in theory an aristocracy without responsibility. This aristocracy thus constituted are to possess the supreme power of the nation, limited only by a printed constitution, subject to their own construction and explanation.

Happy, thrice happy the people of America! whose gentleness of manners, and habits of virtue are still sufficient to reconcile the enjoyment of their natural rights, with the peace and tranquillity of their country—whose principles of religious liberty did not result from an indiscriminate contempt of all religion whatever, and whose equal representation in their legislative councils was founded upon an equality really existing among them, and not upon the metaphysical speculations of fanciful politicians, vainly contending against the unalterable course of events, and the established order of nature.

PUBLICOLA.

PRINTING.

THE first PRINTING-PRESS erected in America, was at Cambridge, Massachusetts, by Mr. SAMUEL GREEN, in the year 1638. The first work printed was the Freeman's Oath—the next an Almanack, made for New-England, by Mr. PIERCE, mariner—and then the Psalms, newly turned into metre.

FOR THE GAZETTE OF THE UNITED STATES.

MR. FENNO,

THE most ingenious authors are apt to involve themselves in contradictions, when they assume principles which are reprobable. Thus it has happened that Mr. Paine, after laboring hard to prove that the English nation have no constitution, incautiously throws himself off his guard, and makes the following observations:—"The laws of every country must be analogous to some common principle. In England, no parent or master, nor all the authority of Parliament, omnipotent as it is called itself (and as Mr. Paine himself has called it, for he says it can change what in England is called their Constitution) can bind or controul the personal freedom even of an individual, beyond the age of twenty-one years." Admitting this assertion to be true, whence arises the doctrine, if not from the constitution of England? Why can't a parent controul the personal freedom of his son, or a master of his servant, after they have attained the age of twenty-one, unless they be restrained by the constitution? Is there any law in that country which imposes such a restraint? I know of none—perhaps Mr. Paine does. But what is very extraordinary, why cannot the omnipotent power of Parliament, which some writers have said can do every thing, except make a man a woman, bind or controul the personal freedom of any individual of the age of twenty-one? I suppose Mr. Paine would answer, because the laws of every country must be analogous to some common principle; and this is a common principle in England. As I deny the truth of this position, which is nothing more than a fanciful theory, unwarranted by fact, and disproved by the history of many countries, I should answer, because it makes a part of the constitution, acknowledged from time immemorial, engrafted in the breasts of Englishmen, and which the Parliament dare not therefore violate. What is meant by a common principle, to which the laws of every country must be analogous? I confess I have no clearer conception of it than of Mr. Burke's *unbought grace of life*, which Mr. Paine could form no idea of. I have no idea of a principle paramount to the legislature of a nation, unless it be a constitutional principle—where is this common principle to be found? Does it exist merely in the minds of the people—or is it recorded on parchment? Whence is it derived? If it be found in every country, then I should wish to enquire, what is a common principle in Algiers, in Turkey, or in Abyssinia? Whether it is a religious as well as a political principle in some countries, or whether it is merely political? Whether the despots of Asia are always restrained by this principle in their decrees? And whether the laws of every country are *ipso facto* null and void when they oppose this common principle? And finally, who are to judge whether they are null and void? Unless these queries are satisfactorily answered, I shall continue to believe that this transcendent common principle exists only in the imaginations of theoretical politicians.

But before I dismiss this subject, I wish to be informed what truth the assertion is made that the Parliament of Great-Britain cannot bind or controul the personal freedom of any individual of the age of twenty-one. The assertion is a very broad one, and includes a great number of cases which I am satisfied Mr. Paine had not in view, viz.—the case of debtors, lunatics, and many others, which must readily occur to persons acquainted with English jurisprudence. Believing that he stated or meant to state a modified proposition, but at a loss to ascertain the nature and extent of the modification, I beg leave to recall to his recollection the power of each house of Parliament to commit to prison those who have infringed their privileges, even their own members, who of course must be twenty-one years of age. Now I have no other mode of reconciling this fact with Mr. Paine's assertion, but supposing that imprisonment in England is not binding or controuling one's personal freedom, as it is in other countries. To comment a little further upon this strange text, what magic is there in the age of twenty-one, that a parent or master, or the omnipotent Parliament, cannot controul the personal freedom of any individual who has attained that age, but have liberty to do what they please if he wants a month of it? Unless this particular period of life be defined by some constitutional principle, there will be some difficulty in deducing its origin. Why Mr. Paine's common principle should exactly fix on the age of twenty-one as the period of free agency, he alone can, I fancy, explain. This is certain, that this common principle is not common to all countries, for in some, majority takes place only at the age of twenty-five. I shall be told that the common principle of England has fixed that particular age, and that the laws must conform thereto. Common principle is then only another appellation for constitutional principle; and Mr. Paine admits that England has a constitution, but under another name. The whole dispute is then about words. Here is admitted by Mr. Paine to exist a certain principle, call it what you please, which the Parliament of Great-Britain must conform to. Is not this assertion directly inconsistent with his other assertion of the power of Parliament, to do what they please, uncontrouled and uncontroulable, unlimited by any constitution, and fully competent to change the form of government as often as their caprice shall dictate?

GRACCHUS.

Paragraph from an old newspaper, printed above 90 years ago.

CERTAIN foolish young Men have lately brought about a new Change in Fashion—They have begun to fasten their Shoes and Knee Bands with Buckles, instead of Ribbands, where-withe their forefathers were well content, and moreover found them more easy and convenient, and surely every reasonable Man will own they were more decente and modeste, than those new fangled, unseemly Clasps, or Buckles, as they call them, which will gall and vex the bones of these vain Coxcombes beyonde sufferance, and make them repent of their Pride and Folly. We hope all grave and honourable persons will withhold their countenance from such effeminate and immodeste ornaments. It belongeth to the reverende Clergy to tell these thoughtlesse Youths in a solemn manner, that such things are forbidden in Scripture.

[Boston Gazette.]