

MARYLAND GAZETTE.

F R I D A Y, APRIL 7, 1780.

the PEOPLE of MARYLAND. NUMBER II.

THE influence of the crown of Great Britain, in the house of commons, and the corruption of that body, arises from its extensive duration; the forms only of the constitution are preserved, and, under their sanction, they may exercise an absolute power. Whenever the legislature becomes corrupt, there is an end of the liberty and safety of the people. It is therefore necessary, by every reasonable precaution, to guard its integrity. It would be ridiculous to apprehend a corruption of the house of delegates, as there exists no single temptation to pervert them. The governor and the council are annually elected; they have no separate interests to secure, and, if they had, they have no lucrative posts at their disposal, which would come up to the price of a leading member of the assembly, who might be inclined to barter his fame and his honesty. Therefore, we can rely on the integrity and judgment of our representatives, when we elect them, there would be no necessity, on this account, to limit their duration. We must recur to another principle. In the course of a long term, they might possibly forget that their power is not inherent, but derived from the people, whose trustees they are, and to whom they are accountable for their conduct. It is this consideration alone, which justifies the policy of frequent elections; but the expense and trouble of elections, and the violent heats and animosities which are frequently the consequence, will be found to overbalance the supposed advantage of having them annually. The only plausible argument in favour of annual elections, is this: when a delegate has strayed his trust, or proves unequal to the charge, his constituents have an opportunity to discard him at the expiration of the year. Have they always the sagacity to discover this? and do they so readily embrace the opportunity? how many glaring instances have we seen, where a member, who did honour to his county, has been traduced, and a particular vote pointed out, to demonstrate the weakness of his head or the depravity of his heart? This method is too frequently practised at elections with success; the heats and raves are produced to prove, that the rights of the people have been violated by measures, the sound policy of which can be fully vindicated only by time.

I repeat once more, we want men of abilities; we are obliged to delegate a man, ignorant of the law, except what he may have gleaned by an attendance on courts, or by reading some few acts of assembly; on his coming into the house, he is utterly unacquainted with the forms of business, and the characters and views of politicians; in this situation, it is possible he may be tempted to submit his judgment to members of superior knowledge, and, for a time, to yield an implicit obedience to their will; the experience of two or three sessions enlightens his mind, and he bids fair for becoming an useful and discerning member; but, at the end of the year, the whim and caprice of his constituents, or the unfair management of an antagonist, gives him a discharge, and his successor enters, with equal disadvantages, upon this most interesting and important trust. There is a sentiment in Blackstone's introduction to his commentaries, so apposite to the subject, that I cannot forbear transcribing it. "Indeed it is perfectly amazing, that there should be no other state of life, no other occupation, art, or science, in which some method of instruction is not looked upon as requisite, except only the science of legislation, the noblest and most difficult of any." To which I will add, that an excellent mode of obtaining instruction, in this science, is a diligent attendance on the house of delegates, without which, no preparatory study will form a useful member of that assembly.

Every candidate must place his account in becoming a mark for censure and calumny; every part of his conduct will be scrutinised and misrepresented; when this is annually the case, when the sacrifice of his feelings must be added to that of his time, it is enough to discourage a

man of real worth from soliciting the confidence of the public, and, without a solicitation, there is little probability of his becoming an object of their choice.

A representative should have no motive but the welfare of his country, and the laudable ambition of an honest fame; to please, and to benefit, are by no means one and the same thing; by pleasing the people, their favour is secured; but, by serving them effectually, a man has frequently incurred their highest displeasure. I speak with allusion principally to the supplies of men, and the disposition of money.

He that places a high value on his seat, and dreads the disgrace of losing that, which may be preserved by voting agreeably to the passions of a misjudging multitude, cannot possess the independence of sentiment, which is an essential quality in a legislator.

In some measure, to provide for that independence, the term should be prolonged; to whatever length it may be extended, the evil would recur on the approach of an election; but some defect there must be in every human institution; that regulation is the wisest, which is productive of the least inconvenience.

Under the former constitution, I never heard of a corrupt house of delegates; and yet it was allowed to sit three years, and the members were exposed to such temptations, as no power in this constitution can offer. They always stood firm against the insidious designs of a government, the administrators of which had interests separate from those of the people; the most respectable characters were candidates, and, when elected, their attention to the public business was so duly paid, that they left no example of ten days elapsing, after the appointed time of meeting, before a majority was convened. Three years, therefore, is a term recommended by experience, the most unanswerable argument to be adduced on this or any other subject.

I confess, the lower class of mankind are delighted by a frequent exercise of the power of election; and, I believe, their good pleasure was consulted in the institution of annual assemblies; but every discerning politician will agree, that, in matters of government, they are rarely acquainted with their true interests.

On the same erroneous principle of gratifying the people, at the expense of their real good, they are invested with the appointment of sheriffs. That the power is improperly placed, is a position too evident to be enforced by argument; I shall therefore only appeal to recent experience, to determine whether it were not better to confine the nomination of these officers to the governor and the council.

The exceptions I have taken may appear to be dictated by an affected singularity, or the paucity of ambition of displaying the ingenuity of the author; if, in any degree, I have attained the difficult science of self-knowledge, I am swayed by neither of these pitiful motives; I have endeavoured to point out those defects in the constitution, which, in time, may be productive of much mischief to the commonwealth. In every place I have spoken from the fullest conviction of my own judgment; in some parts I am an echo to the observations of wiser men. There are other articles in the constitution, which I conceive liable to objection; but I have always thought an intemperate zeal for the reformation of trifles to be ridiculous and absurd.

To obviate the charge of presumption and arrogance, in condemning the production of so many able patriots, I must remark, that human nature is unequal to the task of instituting, at one stroke, a complete system. Unforeseen consequences will arise; and it is the part of a wise man so obey the instruction of experience, the infallible teacher of true wisdom.

But, with all the real or imaginary defects in our form of government, it merits the labour of a panegyrist; its defects may be ascribed to a servile imitation of the errors in a neighbouring state, or the injudicious adoption of some political principles, which are calculated for the meridian of Great-Britain. This conduct may be aptly compared to the blundering practice of an empiric, who administers the same nostrum to every constitution, and is possessed of an absurd

notion of its infallibility, from its casual success on a single patient.

In my next paper, I shall proceed to a less invidious task, and make some propositions for the amendment of our penal law. The necessity of a revival has been strenuously asserted in the house of delegates, and nothing, I suppose, but the urgency of affairs more immediately intreating, has delayed the undertaking; "later arma stant leges."

It is an observation of an admired writer in America, that, "could the straggling thoughts of individuals be collected, they would frequently form materials for wise and able men to improve into useful matter."

To discharge the duty of a good citizen, in contributing my pittance of rude materials, is the purpose of these papers. Far be the insufferable arrogance of supposing, that I alone, of the human species, am capable of discovering a perfect mode of government, or devising a criminal code, which would adjust the nice proportion of crimes and punishments, and be the best calculated to secure the safety and happiness of every individual. That body of men which can do this, will deserve the gratitude of ages, and monuments should be erected to perpetuate their memories.

In my progress through life, I have aimed at an exemption from prejudice and prepossession; it is my maxim, never to renounce the charter of nature, which has induged every man with some share of reason to determine for himself. I listen, and I read with attention, and a desire of instruction; but I form my conclusions with caution. This rule I recommend to every man; and entreat him to use it in the perusal of these remarks.

A REPUBLICAN.

For the MARYLAND GAZETTE. NUMBER IV.

WHY is it, that the posts, to the southward, have been left so unprovided for defence, as to render the success of the enemy attacking them, extremely probable? It was well known, before the conclusion of the late campaign, that it was a main object with the enemy, to take possession of two or more of the southern states. The British arms, under general Prevost, had over-run a great part of Georgia, and penetrated to the capital of South Carolina. From hence, they were repelled, by the gallantry of the inhabitants, the valour of the militia of the neighbouring states, and the discipline and prowess of the continental troops. An embarkation, of four thousand men, was intended from New-York, about the beginning of October, 1779, to reinforce the troops under general Prevost, and to enable him to institute a second march to Charles-Town. The arrival of the count d'Estaing on the coast of Georgia, put a stop to this embarkation, indirectly, by rendering it necessary for them to be detained, in order to defend the main post of New-York, or by rendering it dangerous for them to put to sea, lest in their voyage, to the southward, they should fall into his hands.

The count de Grasse, by his arrival in the western sea, exciting like apprehensions in the enemy, put a stop to an embarkation of the same, or a larger body of troops from New-York, November, 1779, which were intended for the same quarter; by which, it was effected, that, not until the last of December, 1779, did the fleet set sail from the Hook; so that the winter winds, an event to be expected, falling on it in its passage, dismantled most of the shipping, stranded some on the rocks of Bermuda, drove others to the West-Indies, and threw many into our hands, and into the hands of our ally. By these means, and by this disaster, the expedition has been much delayed, and the reinforcement so weakened, the greater part of the artillery and horses having been thrown overboard, if the accounts received are just, and the troops much reduced in number, that with a small force, ill provided, and many months later than expected, have the enemy been able to appear on the destined coast, where they had hoped to have been able, with much advantage, to substitute a winter campaign.