

over uttered it, and there is a monstrous misrepresentation, whether willful, or otherwise, I cannot dive into men's hearts to determine.

On the 13th of March, 1733-4, a motion was made in the house of commons, for leave to bring in a bill for repealing the septennial act, and for the more frequent meeting and calling of parliament. After much debate, Mr. Willes, at that time attorney-general, and since a most eminent chief justice of the common bench, spoke against the motion; and, in the course of his harangue, delivered the following sentiments:

"That we all have a dependence on the people for our election, is what I shall readily grant; but after we are chosen, and have taken our seats in this house, we have no longer any dependence upon our electors, at least, in so far as regards our behaviour here. Their whole power is then devolved upon us; and we are, in every question that comes before this house, to regard only the public good in general, and to determine according to our own judgments. If we do not, if we are to depend upon our constituents, and to follow blindly the instructions they send us, we cannot be said to act freely; nor can such parliaments be called free parliaments. Such a dependence would be a most dangerous dependence. It would, in my opinion, be more dangerous and of worse consequence than a dependence upon the crown; for, in a dependence on the crown, we can see no danger, as long as the interest of the crown is made the same with that of the people; which every man must allow to be the case at present; whereas the people of any county, city or borough, are very liable to be misled, and may be often induced to give instructions directly contrary to the interest of their country."

Sir John Barnard, (as he well might) professed, that this doctrine appeared to him to be new. Sir William Yonge supported Mr. Willes, denying that the doctrine of independence was either new or extraordinary. The fact was, the latter part of Mr. Willes's speech had given offence; and Sir William Wyndham, at the same time that he condemned it, made a kind of apology for the learned speaker. His words are these:

"What the worthy gentleman under the gallery (Sir John Barnard) took notice of was an expression that fell from the learned gentleman, (Mr. Willes) I dare say without design. He said that we were to have no dependence upon our constituents. He went further. He said it was a dangerous dependence. Nay he went further still, and said it was more dangerous than a dependence on the crown. This my worthy friend took notice of, and with his usual modesty, called it a new doctrine. It is Sir not only a new doctrine, but it is the most monstrous, the most slavish doctrine that was ever heard, and such a doctrine as I hope no man will ever dare to support within these walls. I am persuaded the learned gentleman did not mean, what the words he happened to make use of, seem to import; for, though the people of a county, city or borough, may be misled, and may be induced to give instructions contrary to the true interest of their country, yet I hope he will allow, that, in times past, the crown has been oftener misled; and consequently we must conclude, that it is more apt to be misled, in time to come, than we can suppose the people to be."

For this historical account, I am indebted to the 3d volume of Chandler's debates, and shall leave it to my readers to make the proper reflection.

On the first subject of the binding force of instructions, I confess that Sir Edward Coke, Mr. Sydney, Judge Blackstone, Mr. de Lolme, and Dr. Franklin, are the only authors I have perused, who before the present dispute have maintained the negative. But my reading is extremely confined, and I possess not the faculty of intuition. My reading is indeed so limited, that I have never seen a single book asserting, either directly or indirectly, that in a legislature by representation, the people may prescribe laws, and their delegates are bound to obey. The *lex parliamentaria* has a chapter on the right of electors; but neither in that, nor any other chapter, is the point even mentioned. I again call for any known book on the English constitution or law, or for even a resolve of the house of commons, in support of the doctrine.

I know that members of parliament have some times retired for the purpose of taking their constituents opinion. On certain occasions it is said, the whole house has done so. This appears from Sir Edward or Lord Coke's institutes. There may be sometimes great propriety in this conduct. The happiness of the people being the true end of all just government, an attention should ever be paid to their sentiments and feelings. That a representative should yield them a blind obedience, you perceive, on a singular occasion, has been denied by some men in the British house of commons; and it was not then supported by others. Perhaps it never was. It is denied by Mr. Sydney, one of the greatest advocates for equal liberty that England ever produced. It is denied by Judge Blackstone, not so remarkable indeed either for professions, or deeds of patriotism, but of the first reputation for science and integrity, and not particularly concerned in the question. Before the present constitution was even in embryo, his arguments

wrought a thorough conviction in my mind; and I have never yet heard ought but declamation and sophistry to refute them.

But leaving the constitution of England and the opinion of its writers out of the question—in all governments by representation, the people are said to possess an inherent right of directing and binding their delegates. I have consulted the most approved modern writers of all countries on the law of nature and nations. In these I find, in my favour, a great variety of general positions, which the limits of a newspaper will not permit me to transcribe. They uniformly state the rights of the people, as I have done. In not one of them, can I find any support of the right in question. Say then, that you disregard all authority and listen only to reasons, from whatever quarter they shall come. This is exactly as I wish; and I trust, that by this time, you are disposed to examine the question with coolness and candour. Read then the essay † which I have before recommended, and attend to the following considerations.

When the legislative power is in the people at large, it is truly the government of the people, or a strict democracy. When the society enters into a solemn compact, prescribing modes of election by the people, whereby a select body or two, or more select bodies, shall be for ever kept up, to legislate for the people, this is another form of government. It is the government by representation. But it notwithstanding this compact remain unbroken, the people may deliberate for themselves, and prescribe laws; it is again the government of the people, confounded with the government of representation, or properly no regular government at all. It is indeed possible, that a government by representation may exist, with an express article of the compact, that in certain cases, the sense of the people shall be taken in a manner prescribed, and shall lay the foundation of a law. But to say, that without this positive provision, in a government by representation, the people may still deliberate and prescribe what must be obeyed, and that notwithstanding the regular government shall, at the same time subsist, is to say, that a thing is, and is not, it is to say, that a government by representation only, in spite of the most solemn compact, cannot exist. It is, in short, to utter the most inexplicable nonsense, inconsistency and absurdity.

That the people in a government by representation, cannot, on any particular occasion, legislate for themselves advantageously, is owing to the same reasons, that, in the beginning, recommended the government by representation, in preference to the government of the people at large. In no case, can the people be all gathered together at one spot. It is agreed on all hands, that men in a remote corner of the state cannot so well judge, what will suit the society, as when they are convened at the capital from every part, and hear all that can be urged on every side. It is agreed likewise, that men in general, cannot, in any place, so well judge as those, who are selected from their fellow-citizens, on account of superior talents, and devote their attention to the public affairs. It cannot be denied, that undue influence will ever be exerted in obtaining what is called the people's sense; and it is impossible, that every man can be qualified to decide nice questions of policy.

It is alleged, that, if your representatives are independent in their votes, they will become your masters.—Strange it is, that no medium can be found between implicit obedience and arbitrary sway! The several constitutional restrictions on the power of the legislature, and the mode of appointing your representatives, have not surely been attended to. For violating their duty, they cannot expect, at the end of the year, otherwise than to be dismissed with disgrace; and, as a part of the people, they are themselves to sustain, in the beginning, the mischiefs originating from the bad laws they enact. There is no power in the state capable of corrupting either branch of the legislature.—Whilst left at perfect freedom to act as a check upon each other, your liberties can incur no risk, unless you can suppose them guilty of undue combination; and then that fatal period has arrived which demands your interference. I should not be surprised if the patriots in England, beholding the baneful influence of the ministry, obtained by barefaced bribery and corruption, should sometimes contend for a doctrine, which might if established by law prevent some of the evils, arising from the improper duration of parliaments; but there is no good reason whatever for establishing this doctrine in Maryland.

The most certain way of examining all propositions is to trace the consequences of their admission. My proposition cannot be wicked, because, if admitted, it will promote ORDER and GOOD GOVERNMENT, and can do no harm. It cannot be slavish; because it will tend to preserve unimpaired our free and happy constitution. There is however enough to justify my calling the opposite doctrine wicked, slavish and absurd. It is wicked, because if established, it must introduce disorder, riot and arbitrary sway.—It is slavish, because it tends to confer the height of power on a single branch, and thereby to encourage the most fatal designs.—And it is absurd, because it

† Perhaps it may be necessary for me to remove indelicate suspicions. That essay was by many ascribed to me. I declare, that I know not who was the author, and wish much to be informed.

would render the constitution a jumble of inconsistency and contradictions.

A R I S T I D E 6.

Annapolis, April 1, 1787.

To the PEOPLE of MARYLAND.

AT a time when the distresses which prevail appear to be increased by passionate disputes respecting a system of relief, it may not be deemed presumptuous in a fellow-citizen to propose his plan, or solicit the adoption of the schemes of others; that at least by withdrawing the people from the measures which at present embarrass their opinions, their tempers may be softened and their minds better enabled to consider and determine what to do. With this view the author of this address, who feels himself interested in the welfare and happiness of the state, and wishes to see its inhabitants unanimous in every common cause, and cheerfully enjoy the blessings of a free government, begs leave to propose a plan for the circulation of money, which he thinks will justify this salutary position—That it will benefit the citizens in general, be a saving to the state, and injure no individual. The desires of the people ought to be attended to, and also gratified, if it can be done with safety.

There are in the hands of several persons, or in feeble circulation, a number of certificates, specifying a promise of the state to pay to the holder: their respective amounts at a limited period, with an annual interest in the mean while. A sufficient portion of property is pledged for the redemption of the principal, and an additional tax of 2/6 in the hundred is appropriated for the yearly payment of the interest. This is the predicament in which they stand in general at present, and they compose a considerable part of what is called the state debt.

The amount of these certificates can be easily ascertained by the inquiry of the general assembly.—To render my meaning clearly understood, for this is more my object than the ornaments of style, I will suppose they amount to £. 180,000, and the interest thereon due at present to £. 20,000, making together the sum of £. 200,000. I will also suppose the sum of £. 200,000 to be wanting in the state as a sufficient medium, in addition to what is now in circulation, to answer the common purposes of the people. Let that sum be struck in paper bills of credit in the usual form, specifying a promise to pay the bearer the amount in specie in a limited time—say six years, and lodged in the proper office for emission. Let the funds, which are now pledged for the redemption of the certificates, remain pledged for the redemption of these bills. Let the holders of these certificates, at their election, present the same to the proper officer, for the purpose of having them exchanged for the bills proposed to be emitted: Let the officer count up the principal of each certificate, and interest then due, and pay the bearer the amount in these bills, and wholly destroy the certificate received. Let a certain portion of the annual assessment—say one fifth, or one sixth, be payable in these bills, and that portion be destroyed as soon as it is received into the treasury, in order to reduce, as much as possible, the amount of this part of the state debt in the mean while. If the certificates in the state should amount to more than the sum supposed, then let the necessary medium be apportioned upon the amount of the principal and interest of all the certificates; and let the exchange of bills be made of the proper proportion of each certificate, and a new certificate for the balance, similar to the old one, be delivered to the bearer.

By a plan of this kind, it appears to me, that the holders of these certificates would derive an advantage in the immediate use of the bills received in exchange, far more valuable than the expectation of the future benefits which they have in contemplation: Money would circulate by salutary degrees, and reward the industry of our virtuous citizens. The future interest of these certificates would be entirely saved to the state, and an opportunity be given of lessening the public debt, and thus animating the hopes of a depending people. That part of the act of assembly which imposes the additional tax of 2/6 in the hundred, chiefly for the purpose of paying the interest on these certificates, might of course be repealed, and thereby more ease be given to the burthens of the people.

It may be observed, that these certificates are at present somewhat depreciated, notwithstanding they are substantially funded. This circumstance is probably not so much owing to a want of confidence in the state, as to the peculiar predicament in which they remain—a predicament which would perhaps affect the credit of similar securities in almost any government. They are in general issued for the payment of large sums, and are therefore not sufficiently negotiable; and have a distant time of redemption, and are therefore for the present of no valuable moment, by being scarcely useful to the owner. Place the debt of the safest citizen in the state in the same situation, and even his bond would be sold at a discount. Suppose me the wealthiest man in the community, whose most perfect punctuality no inhabitant will doubt—suppose me indebted to my neighbour by bond, in the sum of £. 100, payable in six years to come; and you will easily believe, that this bond would be passed beneath its value; because the present use of a smaller sum would be more profitable to my creditor than the possession of the security, which would only yield him the common interest, and not

* May the illustrious spirit of Sydney forgive that inquiry, which from the misinformation of Publicola, I lately offered to his memory.

† Perhaps it may be necessary for me to remove indelicate suspicions. That essay was by many ascribed to me. I declare, that I know not who was the author, and wish much to be informed.