

P. O. J. M. G.

[XXXVth Year.] THE MARYLAND GAZETTE.

F R I D A Y, M A R C H 3 1, 1 7 8 0.

to the PEOPLE of MARYLAND. NUMBER I.

I HAVE lived to a considerable age, in the eligible condition of a private man. My referred and contemplative turn disqualifies me for being an actor, in the various scenes, which are exhibited, on the great theatre of the political world; but my inclination has always led me to gain some insight into the constitution, and laws of my country, and the nature of government in general. I can confidently assert, that I am exempt from the narrow views and prejudices of party. I have no interest to consult, or resentments to gratify; I therefore conceive it probable, that, in some things, I have juster ideas of the public utility, than men of far superior abilities, who have, many years, been treading the stage of politics, whose principles are debased by an unbounded rage for popular applause, and whose tempers are embittered by censure or disappointment. These considerations have induced me to publish a series of remarks, with the reasonable expectations of suggesting some few hints to men of abler heads, and more extensive influence. When the arbitrary measures of Great-Britain had compelled the American colonies to declare themselves independent, and to assume the powers of government, under their own authority, the attention of mankind was wonderfully excited. The history of the universe records but few instances, where a people assembled, by their representatives, to institute a system of government. Most of the antient states have attained their present establishment by degrees. We cannot discover what was the original compact, or whether, in truth, an express original compact ever existed. It is a reasonable conjecture, that the real origin of government was conquest and usurpation; and that every portion of liberty, we enjoy, is a resumption of our natural, inalienable rights.

We meet with many compositions between a monarch, or a body of nobility, and the people. In all these, prerogative and privilege are carefully preserved; but the rights and interests of the lower, and more numerous, orders, by no means sufficiently guarded.

In America, the framers of the new constitution were the genuine representatives of the people. They assembled upon terms of perfect equality, and the good of the whole was the sole principle. They had the experience of past ages for a guide, and the principles of every government should have been investigated. Under these circumstances, a person, unacquainted with human nature, might expect something like perfection to be the result of their solemn deliberations.

If good and bad are to be estimated by comparison, we have reason to rejoice in the constitution of Maryland; but will any man contend that it possesses an absolute perfection?

Some men, from a dread of innovation, or that unaccountable imbecility, which will rather submit to an inconvenience, than make a single exertion to remove it, cannot support the idea of violating what they call fundamental maxims. They imagine, that an attempt to improve any part of the building, would destroy the whole fabric. In my opinion, unless their ideas are right, and the constitution, in all its parts, is to be perpetual, an alteration should take place as speedily as possible. There are evils, which, in the beginning, might be easily remedied, that become incurable by length of time. The people are ever attached to antient customs, however absurd and inconvenient; nor will they submit, without the greatest reluctance, to the most salutary change. For this reason, it is highly expedient, that the general assembly should immediately undertake to reform the constitution. They have ample time to deliberate, and to publish their bill, for the consideration of the succeeding assembly. My objections to some parts I shall state with freedom, and endeavour to make a proper use of that liberty which is secured by the 38th article of the declaration of rights.

I admire the institution of two branches of the legislature, to serve as a mutual check, to

correct each other's proceedings, and to temper the violence, which sometimes disgraces the proceedings of the wisest bodies. I conceive, no advantage could possibly arise from a third branch, in the person of the supreme magistrate. In this, as in many other respects, our constitution excels that of Great-Britain, which has so often been blazoned, by the pens of a Montaigne, a Blackstone, and other celebrated writers; and I could wish some parts of that constitution had not been copied, without a due consideration of the principles upon which they appear to be founded.

The senate is restrained from originating, or amending, any bill for the disposition of money. The house of lords in England, and the senate of Maryland, are on different establishments; the former is a permanent, hereditary body; if they become corrupt, the evil is incurable; they are supposed to be influenced by the king, the dispenser of honour and profit, who can create peers at his pleasure, and gratify them with the splendour and emoluments of office. The senate is a temporary, elective body, and the members are under a greater disability of holding offices than the immediate delegates of the people, as the term for which they are chosen is of much longer duration. Upon the whole, the restraint discovers a jealousy of this respectable body, which is altogether without a solid foundation.

But this is not all; the public business is thereby frequently retarded, and if the rule were strictly observed, the delays and difficulties would be still greater. The mode of private amendments, and conferences, which were not allowed to appear on the journal, have, by former assemblies, been practised, to evade it. How much more manly would it have been to repeal this idle restriction, and relieve the senate from the tedium of waiting three courts of a session for the deliberations of the house of delegates!

I solemnly protest to the reader, that I have very little connexion with any member of the senate, either by blood, or the offices of friendship. I court not the favours of any man. Nothing, therefore, but the love of candour, incites me to advance positions, which are sure to meet with an unfavourable reception. It has been common, upon every disagreement between the two houses, to represent the senate as "the rotten part of the constitution," and to speak in disrespectful terms of particular members; but by lopping away this branch of the legislature, our constitution would, indeed, be miserably maimed and defective! As to the individuals, against whom some charges have been exhibited, from a commendable but mistaken zeal, I cannot entertain the least doubt of their integrity and whiggism. As a member of the community, I feel myself under an obligation to any gentleman, who will undertake an office, by which he gains nothing but the unmeaning title of honourable. He acquires neither profit, influence, nor privilege; he sacrifices his importance with the people, and, by maintaining a freedom of sentiment, runs an extreme hazard of being suspected as an enemy to his country.

When the framers of the constitution required a certain portion of property, to qualify a person for an office, they undoubtedly proceeded upon this supposition, that a man without riches must be likewise destitute of honesty. The antient Romans were directed by a different sentiment, and their history does not display any of the evils which resulted from their liberal way of thinking. Many important services were performed by very poor men, to whom they made no scruple of intrusting the highest offices. On the contrary, it is notorious, that the citizens of greatest wealth and family connections were ever the most corrupt, and brought the greatest mischiefs upon the commonwealth.

There are gentlemen, in the circle of my acquaintance, who are possessed of excellent talents, but from that discourteous, reserved, inflexible temper, which virtue sometimes insinuates, have never acquired the popularity, which, in many employments of life, is necessary for the attainment of riches. A young gentleman above the age of twenty-five, qualified by his education, his principles and delicacy of senti-

ment, may want this single requisite. A worthy man is reduced by unforeseen calamities; a brave and gallant soldier has, notwithstanding the *fruits of economy*, expended his patrimony in the service of his country; none of these are allowed to assist in the councils of the state, or to execute the office of sheriff.

Literature has been too little disseminated, to afford men of abilities for every important station. That policy must surely be erroneous, which, by creating this and other disqualifications, increases the grievance. It is moreover repugnant to the idea of perfect equality, announced by the first article in the declaration, "that all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole."

Perhaps the depreciation of the currency has, for the present, remedied the evil. It is the principle which I will for ever combat, because it is inconsistent with the spirit of a genuine republic.

There remains one argument, which is almost too obvious to be here mentioned. There is little probability, that a weak or worthless person, without property, will ever be promoted to an elevated trust, as he possesses no means of recommendation; but, to a man of sentiment, the reflection, that his poverty alone excludes him, is to the last degree humiliating, and repels one of the noblest incentives to virtue, and the attainment of knowledge.

That the legislative, judicial, executive, and military, powers, should be ever distinct and separate, would be a perfectly wise and salutary provision, if, in general, it extended no farther, than to prohibit a man from executing two offices at the same time. Can any substantial reason be given, why an unfortunate, disabled soldier, should be incapable of a civil appointment, or an officer on the civil list be ineligible to a seat in the legislature?

Whether a seat in the legislature should be an excision from the appointment to an executive office, is a point more difficult to be determined. In pure theory, it admits not of a doubt. The rule is calculated to insure disinterestedness and integrity. However, in instituting a law, the circumstances of the people must be consulted. What might be proper for a great, extended, government, may not be so well adapted to a state, which is not very considerable for its wealth or the number of its inhabitants.

That we want men of abilities, is universally acknowledged. If I do not suppose, to suppose, that our best men will always be elected into the senate, or house of delegates? From the residue, must be appointed the governor, the chancellor, the judges and other important officers. Would it not be sufficient to vacate the seat of a member of the legislature, upon his accepting an office of profit? An appointment, to act without reward, has been justly considered an evasion of the 37th article of the constitution, and amounts to a null proof, with me, that the assembly have thought that article impolitic.

Residence in the county is required as one of the qualifications of a delegate; the propriety of the rule has been frequently doubted; however, that I may not be deemed captious, I will not dispute upon this point. But the necessity of a whole year's residence, particularly in these unsettled, dangerous times, is beyond my comprehension. Delicacy forbids me to mention cases, where this provision has operated to deprive the state of the advice of its wisest men.

I have heard an anecdote respecting this matter, which, for the credit of some distinguished characters, I am willing to believe is not authentic.

A REPUBLICAN.

To the PRINTERS of the MARYLAND GAZETTE.

A WRITER in your paper of the 10th instant, under the signature of a Plebeian, speaking of the confiscating British property within this state, declares, "That he never had it in contemplation to exempt from confiscation the property of Mr. Buchanan, or of the proprietors of the Principio and Kingsbury iron-works; that he never heard Mr. Buchanan was our friend, and some of the owners of those