

him to do what he pleases. But from whence should this necessity arise? Why may I not take my own groom; and another to be my cook, and keep them both to the offices for which I am appointed? What law does herein restrain my right? And if I am free in my private capacity, to regulate my particular affairs, according to my own discretion, and to allot to each servant his proper work, why have not I with my associates the freedom of England, the like liberty of directing and limiting the powers of the servants we employ in our public affairs?

If this is not an explicit assertion of the people's right to direct and control their delegates, I am mistaken indeed. And if our people have the like command over their delegates and representatives, as they have over their grooms and cooks. I think, Sir, you have egregiously mistaken Mr. Sydney, on the point of instructions. If A and B. indeed have a groom or a cook, neither A. nor B. separately and exclusively can direct and limit his powers, but both certainly may; and so, if representatives of a county be representatives of a whole nation, the people of the county cannot separately or exclusively direct and limit the powers of such representatives. But why have not I, with my associates, the freedom of Maryland, the liberty of directing and limiting the powers of our delegates and representatives?

Mr. Sydney having placed this right of directing and limiting the power of public servants in the body of the people, proceeds to distinguish the government of England from the United Netherlands, in the mode and manner of exercising this right. He says, that every province, city, or canton, is a distinct body, having an exclusive sovereignty and therefore delegates of a particular province, city, or canton, are absolutely bound by the instructions of such province, city, or canton, they being delegates only of such province, city, or canton. But not so in England; amongst us; every county does not make a distinct body, &c. and so goes on as already cited.

And why I would ask does every province, city, or canton, in the United Netherlands, possess the absolute right of instructing its delegates? Because each province, city, or canton, is a distinct body, having a distinct sovereignty. And why does not every county in England possess this right as absolutely? Because each county is not a distinct body, nor a distinct sovereignty? But why shall not the freedom of England, the body of the nation, possess the right as absolutely as a province, city, or canton in the United Netherlands?

Mr. Sydney then goes on and maintains, that this right of directing and instructing delegates and representatives was recognized and exercised by the people of Spain and France, when those governments admitted the people a share of legislation by deputies and delegates; and he tells us that this right (when he wrote) was used and practised in the states of Languedoc and Brittany, and in the diets of Germany. The histories of Denmark, Sweden, Poland, and Bohemia, he says, testify the people's right of instructing, and if this right does not still exist in these countries, the people, he says, "must have been deprived of it by ways and means as best suit the manners of pirates than the laws of God and nature." And if England does not still enjoy the same right, it must be because she has been deprived of it by the same unjustifiable means, or by our own consent. But thanks be to God, we know of no people, who have a better right to liberty or better defended it than our own nation. And if we do not degenerate from the virtue of our ancestors, we may hope to transmit it entire to posterity. WE ALWAYS MAY AND OFTEN DO GIVE INSTRUCTIONS TO OUR DELEGATES, &c.

Could Mr. Sydney, Sir, express himself in a more explicit language, was it possible to assert the people's right of instructing in more forcible and positive terms? What a striking difference do we see between his notions of this right and yours? To deprive a people of this right, he says, would better suit the manner of pirates than the laws of God and nature. But you say to suffer the people to enjoy this right would be a wicked thing, because "it must introduce disorder, riot and arbitrary sway." When this illustrious patriot speaks of England's maintaining and preserving this right of instructing amidst the storms and tempests that threatened her liberties, he breaks out in a transport of joy and gratitude, "thanks be to God, we know of no people, who have a better right to liberty, or better defended it than our own nation." But when you speak of the defenders of this liberty in the state of Maryland, you mark and describe them as promoters of sedition, or what you say St. Paul calls "pestilent fellows."

You see, Sir, you neither understand Mr. Sydney, nor his doctrines nor principles. You got hold of a passage relative to the force of instruction from a particular county and you applied it to the national voice. But Mr. Sydney, you find, asserts and defends in the warmest terms the national right of judging and instructing. This was the only point contended for by myself and the other advocates for the people's right of instructing the SENATE. And this admitted, it follows that the house of delegates may rightfully apply for instructions, and that the people may rightfully give them, and when given they are equally conclusive and binding upon both branches of the general assembly.

I found the right of instructing upon the same principles that Mr. Sydney does; he maintains that delegates are public servants, deriving all their authority from the grant of the people, and that the people are therefore the judges, whether they employ that authority for their happiness or their destruction. "That the people are the judges, Mr. Locke, Lord Molesworth, and Mr. Trenchard, maintained with their pens, Hambden, and Lord Russell, with their blood, and Mr. Algernon Sydney with both." And that the people are the judges I too maintain, and thank Heaven I can do it without risking any fatal consequences; for while Aristides is the GUARDIAN of the constitution, what have I to fear from the head or heart of a Jeffrey?

My position then is this, that the people of Maryland are the judges whether the general assembly in the exercise of the powers with which they are entrusted, employ them for their safety and happiness, or for their ruin and destruction; our declaration of rights and compact teaches this doctrine; for it expressly says, that the powers of legislation are a grant of the people; that both branches are the trustees of the people; that when their powers are abused and all other means of redress are ineffectual, the people may then resume them.

If the people are the judges, it follows, that every proceeding and measure of the general assembly is a proper subject for their consideration and judgment. And thence it is that we have a journal of our proceedings in both houses printed and published at the public expence. And if the people are the judges, then the measures proposed the last session by the house of delegates and rejected by the senate, were also proper subjects for their examination and judgment.

The question Sir, between us is now brought to a point. Suppose the people deliberating upon these systems had been of opinion, that their welfare and happiness required the adoption of them, and that rejection would endanger or destroy the public safety; I ask, what were the people to do under such a national sense and judgment of these systems?

It has been said, that although the people are the judges, and may form such an opinion and judgment; yet our compact and form of government, puts a padlock upon their lips, so that they cannot speak, and a fetter upon their hands, so that they cannot act, for one year with respect to the house of delegates, and for five years with respect to the senate. But when these periods are determined and the time is come for a new election, then the people may—I beseech you what? Why, after they have lost their country and its liberties and become slaves, by means of being padlocked and fettered during the above periods, they may then speak and act like freemen; they may then discontinue those members who have already struck the blow, and completely destroyed them.

But you may say that this is not your doctrine, for you admit that when the ends of government are perverted, the people may immediately interfere. I presume you also admit, that the people are the judges what are the ends of government, and what measures of the legislature are a perversion of them. Suppose then the people had been of opinion that the senate's rejection of the measures proposed, endangered their safety and happiness, and thereby perverted the ends of government, what were they to do under such an impression and conviction? If you admit they might immediately have interfered by memorial, remonstrance, or instruction, it is all I contend for; for whenever they can rightfully interfere, their instructions must be conclusive, and they can rightfully enforce obedience to them.

Government was made for the happiness of the people; they are the judges whether the powers of government are employed for that purpose. This right of judgment admitted, I ask, how can a legislature rightfully over-rule the national voice upon a subject affecting the national safety and happiness, communicated and declared by memorial, remonstrance, or instruction? If the people are the judges, their judgment and voice must be conclusive, if not conclusive, then the legislature is despotic.

You do not, Sir, seem to me to have a proper idea of what is meant by the supreme power of the legislature. It is supreme only while it is employed for the happiness of the people; while it operates within this sphere, there can be no rightful interference from the people. But when this power is employed in the pursuit of measures, or enactment of laws, which the people think are oppressive and injurious, or in rejecting measures, which they think their happiness requires, then this power is not supreme, and the people may rightfully interfere, for such an interference combats only the measures of an usurped authority.

You demand to know whether the passage you cited from Mr. Locke was not a pointed authority against my doctrine? I answer, no, I wish you were better acquainted with Mr. Locke and his principles of liberty. I agree with him, that the supreme power of legislation can never revert to the people, but upon the miscarriages of those, into whose hands it is placed. But who, does Mr. Locke say, are the judges when such miscarriages happen? The people. And what if such miscarriages happen? Why the people may interfere; for in all such miscarriages the supreme power lies out of its sphere, and the people's interference does not touch the rightful, but the wrongful exercise of it.

Whenever the people think the powers of government are improperly exercised, they may interfere two ways.

1st. By memorial and remonstrance.
2dly. By instruction and demand.
And their application or direction may be enforced two ways.

1st. By discontinuing the members on a future election.

2dly. By resuming the power of government.

The one or other mode of coercion may be adopted according to the exigency of the case. But my doctrine, you say is wicked, and tends to introduce riot and disorder. Other partisans of power have said the same thing before you. But the principles, which I contend for, are established upon foundations too strong to be shaken by the feeble efforts of a judge, who, if we may believe his writings, neither knows nor feels what liberty is.

The binding force of instructions, you assert, has no connexion with the principles of the English and American revolutions. I never read a writer so confident in his assertions, and yet so often mistaken. The binding force, Sir, of instructions is entirely founded upon the principles of both these revolutions. The principles were, that all rightful power is derived from the people, that it is to be exercised for their welfare and happiness, that the people are the judges, and when they think it is not so employed they may speak and announce it by memorials, remonstrances, or instructions; and if they are disregarded they may right themselves by discontinuing their members at a future election, or if the magnitude of the case requires it, by resuming the powers of government. It was upon these principles the people of England struck off the head of king Charles the first; it was upon these principles the people of England drove king James the second from the throne; it was upon these principles that America broke her connexion with Great-Britain, and became an independent empire; and it is upon these principles that we see you, Sir, a judge of the general court of Maryland, with a salary of \$100 per annum, and like a Magistrate, arrogating to the powers and faculties of your soul to destroy the best guard which the people have for their liberty, safety and happiness.

PUBLICOLA.

CONSTANTINOPLE, December 23.

It seems no longer doubtful that the affairs of Egypt have taken an unfavourable turn for the Porte. The news from those parts is, that a corps of 10,000 men was entirely defeated by the rebels on the 26th of October; that the captain pacha, to repair this loss, had put himself at the head of all the men that are able to carry arms, and is marched against the enemy, determined to conquer or die. The fleet which sailed in spring to cruise in the Archipelagos, returned to port on the 18th.

There are only two ships of war and a packet-boat at Alexandria at present, but government, who are determined to re-establish their authority in Egypt, are preparing a small fleet to sail to those parts as soon as possible.

V I E N N A, January 22.

The affairs of Holland becoming daily more and more embroiled, and the hopes of a reconciliation between the stadholder and the states general diminishing, it may become necessary to have recourse to arms to settle those differences, and thus a trifling domestic quarrel may inflame a great part of Germany; but we still hope matters will not come to such extremities.

P A R I S, January 22.

Dr. Franklin's conductors have saved the town-hall of the city of Poppi in Tuscany. As it had been often damaged by lightning, the grand duke ordered a conductor to be placed on the top of the tower. Twice in a late storm the flashes attacked the building, and the lightning after having melted the gilt point of the steel, lost itself in a well, where the conductor ended, without causing the least damage.

L O N D O N, February 9.

A letter from the Hague, dated February 1, says "It is the opinion of most people here that an entire reconciliation will soon take place between the prince of Orange and the states general, as overtures have been proposed for that purpose, which both parties seem very inclinable to accede to, and for this desirable arrangement the celebrated Sienr Pagel has been some time at Loo, and had several conferences with the prince on the subject. This negotiation has been commenced from the interference of the king of Prussia, who very warmly espouses the cause and interests of the stadholder, and has offered to act as mediator between him and the states, and it is even affirmed that an offer of the same nature has been made from the court of Versailles."

Extract of a letter from Marseilles, January 4.

"The sieur la Viltore, a gentleman well known in the mercantile world, has undertaken a plan, the completion of which will not only comprehend the immediate benefit of this port, but will ultimately tend to the advantage of the French commerce in general. He has formed an association on subscription for cultivating and extending the trade of France in the Levant, and in various parts of the Turkish dominions, and has laid the basis of his connexions so strongly, as to afford the most flattering appear-