tution has guaranteed a republican form of government; and thus, as we have already shewn, has no one principle of republicanism in its composition.—It is therefore, not a compliance with the letter of the treaty, and is totally inconsistent with its spirit, which certainly intends some stipulations in our favor. But if Congress may govern us as they please, what necessity was there for this clause? or how are we benefited by its introduction? If any doubt however could possibly arise on the first member of the sentence, it must vanish by a consideration of the second, which provides for their admission to the rights, privileges and immunities of citizens of the United States. But this government, as we have shewn, is totally incompatible with those rights. Without any vote in the election of our legislature; without any check upon our executive; without any one incident of self-government—what valuable "privilege" of citizenship is allowed us?—what "right" do we enjoy? what "immunity" can we boast, except indeed the degrading exemption from the cares of legislation and the burthen of public affairs?

Will it be said, that though our right be admitted, yet Congress are to determine the period when it shall be conferred? This, we apprehend, would not only be contrary to the words of the treaty, but would be a solecism in itself. The words "according to the principles of the federal constitution, to the enjoyments of the rights," &c. certainly mean to such *rights* as are secured by the principles of the constitution; or, that we are admitted to their enjoyment in *such manner* as the same principles direct; and at any rate the words "as soon as possible," can never be construed so as to give a right of deferring it indefinitely. If it may be procrastinated for two years, we see no reason why it may not be deferred for twenty or an hundred, or totally omitted. That our verbal construction is a true one, will be evident from pursuing the other exposition to its consequences. If the treaty means to say that we shall be admitted as soon as the principles of the constitution will permit, we must look into that instrument to discover what restrictions oppose its immediate performance. We should naturally expect if this reasoning be true, to find some period limited before which we could not become members of the Union; some requisites of population or other circumstance, to be previously attained or performed; but on the contrary, the powers of admitting new new states is vested in Congress, without any restriction whatever, that can be applicable to the present case; there is therefore nothing that can satisfy these words, if they are construed as a limitation; nothing but the will of Congress is referred to in the constitution. This construction then, would prove that the United States had stipulated, to admit us into the union as soon as they should think proper; but a treaty implies a compact, and what compact can arise from a stipulation to perform or not perform, as the party shall deem expedient? this would be a solecism in argument, & such a confusion of terms must make us doubt the propriety of any construction that leads to them, and we feel ourselves justified in a persuasion, that the treaty intended to incorporate us into the union so soon as the laws necessary for that purpose could be passed.

We know not with what view the territory North of the 33d degree, has been severed from us and carried with it the distinguishing name which belonged to us and to which we are attached; the convenience of the inhabitants we humbly apprehend would have been better consulted by preserving the connection of the whole province, until a greater degree of population, made a division necessary. If this division should operate so as to prolong our state of political tutelage; on account of any supposed deficiency of numbers, we cannot but consider it as injurious to our rights, & therefore enumerate it among those points of which we have reason to complain. If there is force in our reclamations, on the great question of fundamental rights, if we are entitled to legislate for ourselves in a member of the union, and to establish the forms on which that legislation shall be conducted, by framing a constitution, suited to our own exigencies; then no further observations need be made on other parts of the law—for right of local legislation implies that of making the alterations, we might deem expedient, then our judiciary would become independent; the executive power would be properly circumscribed, and the legislative guarded against encroachment. There is one subject however extremely interesting to us, in which great care has been taken to prevent any interference even by the governor and council, selected by the President himself. The African trade is absolutely prohibited and severe penalties imposed on a traffic free to all the Atlantic states, who chuse to engage in it, and as far as relates to procuring the subjects of it from other states; permitted even in the territory of the Mississippi.

It is not our intention to enter into arguments that have become familiar to every reasoner on this question, we only ask the right of deciding it for ourselves, and of being placed in this respect on an equal footing with other states.—To the necessity of employing African laborers, which arises from climate, and the species of cultivation, pursued in warm latitudes, is added a reason in this country peculiar to itself.—The banks raised to restrain the waters of the Mississippi, can only be kept in repair by those whose natural constitution and habits of labor enable them to resist the combined effects of a deleterious moisture, and a degree of heat intolerable to whites; this labor is great, it requires many hands and it is all important to the very existence of our country. If therefore this traffic is justifiable any where it is surely in this province, where unless it is permitted cultivation must cease, the improvements of a country be destroyed, and the great river resume its empire over our ruinous fields and demolished habitations.

Another subject not indeed growing out of this law, but of great moment to us, is the sudden change of language in all the public offices and administration of justice—the great mass of the inhabitants speak nothing but the French, the late government was always careful in their selection of officers, to find men who possessed our language and with whom we could personally communicate—their judicial proceedings were indeed in the Spanish language, but being carried on altogether by written translations were easily made—at present for the slightest communication an interpreter must be procured—in more important concerns, our interest suffers from not being fully explained; a phrase, a circumstance seemingly of little moment, and which a person uninterested in the affair will not take the trouble to translate, is frequently decisive, and produces the most important effects, that free communication so necessary to give the Magistrate a knowledge of the people, and to inspire them with confidence in his administration, is by this means totally cut off, and the introduction of *viva voce* pleading in the courts of justice, subjects the party who can neither understand his council, his judge, or the advocate of his opponent, to an embarrassment the most perplexing, and often, to injuries the most serious.

We have thus stated the great sources of discontent, which have arisen from the measures your honorable body has been pleased to pursue; did we suppose them the effect of a settled design to oppress, of a determination to disregard our natural and stipulated rights, we are persuaded we should do as much injustice to your views, as the strongest expressions would do to our feelings of indignation and grief—but we will not insult you by a suspicion so injurious to your motives; the want of true information with respect to us, opinions founded on a superficial acquaintance with our country, and prejudiced relations of our habits and manners, on reports the most unfounded, even as to our language, these alone have given rise to the measures of which we complain, and when these impressions shall have been effaced, we have the fullest confidence that their effects will cease, and the language of remonstrance will be changed to that of congratulation and thanks.

Deeply impressed, therefore, with a persuasion that our rights need only be stated, to be recognised and allowed; that the highest glory of a free nation is a communication of the blessings of freedom; and that its best reputation is derived from a sacred regard to treaties. We pray you representatives of the people, to consult your own fame and our happiness, by a prompt attention to our prayer—we invoke the PRINCIPLES OF YOUR REVOLUTION, the SACRED SELF-EVIDENT, AND ETERNAL TRUTHS on which your governments are founded we invoke the SOLEMN STIPULATIONS OF TREATY, we invoke your own PROFESSIONS, OF YOUR FATHERS, and we adjure you not to disavow the one or dishonor the other, by persevering in a plan so contradictory to every thing you have said, and they have taught so fatal to our happiness, and the reputation of your country, to a generous and free people. We ought not to urge any motive of interest when those of honor and duty are so apparent; but be assured that the true interest of the United States consists in cultivating a spirit of conciliation with the inhabitants of the territory they have acquired. Annexed to your country by the course of political events, it depends upon you to determine whether we shall pay the cold homage of reluctant subjects, or render the free allegiance of citizens, attached to your fortunes by choice, bound to you, by gratitude for the best of blessings, contributing cheerfully to your advancement to those high destinies, to which HONOR, LIBERTY, & JUSTICE will conduct you, and defending as we solemnly pledge ourselves to do, at the risque of fortune and life, our COMMON CONSTITUTION, COUNTRY AND LAWS.

WE, THEREFORE, respectfully pray, that so much of the law above mentioned, as provides for the temporary government of this country, as divides it into two territories, prohibits the importation of slaves, be repealed.

And that prompt and efficacious measures may be taken to incorporate the inhabitants of Louisiana, into the Union of the United States, and admit them to all the rights, privileges and immunities of citizens thereof.

And your Petitioners, &c.

For THE NATIONAL INTELLIGENCER.

To the Legislatures of the respective States.

LETTER FOURTH.

Security of Property—*Concluded.*

The great root of the existing evil is the complicated and obscure code of laws which regulate the rights of property. This has arisen, not from any necessary difficulty attending the subject; but from our adoption of a system of jurisprudence which owes its origin to the imperfect conceptions of the dark ages, and to circumstances then existing which have since entirely ceased. The *science* of the law, as it is termed, is an accumulation of precedents, derived from English courts, founded on the state of society existing in England, and made without the guide of well digested laws. The language, in which it is laid down, is neither grammatical, classical, or intelligible—It presents a heterogeneous mixture of three or four languages, put together without learning and applied without judgment. Hence laws passed either by the legislative body, or precedents established by courts, are totally unintelligible to a man of good English education. To understand them he must be deeply read in the jargon of the bar. This knowledge only falls to the lot of lawyers and attornies—They may be not incorrectly called the Pythia of the law—They are so many oracles, whose interpretations are always just, because no one, from the obscurity in which they are clad, can detect their falacy. Is not this a vast evil? It necessarily reduces all men to a state of vassalage to lawyers. If I desire to buy or sell property, to recover a debt or to resist an unjust demand, I cannot take a step without consulting a lawyer. This does not arise from necessity. No one will say that the tenure by which property is held is necessarily so diversified or embarrassed as not to admit of a system of laws, which might, in a narrow compass, and in language intelligible to the meanest capacity, prescribe competent rules. But it will be enquired, if this reform be so simple, why has it not been made? The answer is obvious. Our public councils has been swayed by professional men, as, until a few years back, the consciences of Princes and subjects were under subjection to Priests. As in the last case it required the bold spirit of a Luther to break the fetters in which superstition enslaved her devotees; so, in the first, it will demand the efforts of some great and virtuous man, too firm in his purpose to be awed by a host of opponents, to produce a reform for which the common sense of the American people is already ripe.

Having established a concise and plain system of laws, by far the greater part of the causes of litigation will be removed. Honest minds will no longer be bewildered. Contracts will be made incapable of misconstruction or perversion. The interference of a body of men, interested in the extension of disputes, will be superceded. By these means more than one half of the evil will be eradicated.

Having advanced thus far in reforming the administration of justice, legislatures will provide effectual means for carrying justice completely into effect. We have seen that under the present system this is only done in name; the reality is never obtained. They will provide that every man, who claims from another property unjustly withheld, may resort without any expence in the first instance to the courts of justice—Thus will justice be placed within the reach of the poor as well as the rich. Provision will be made for a prompt decision; which, when made, will cause justice to be done in so decisive a manner as fully to compensate the injured party, and of course to punish, with sufficient severity, the man who has invaded another's rights. For instance estimating the time during which a creditor has been withheld from the enjoyment of that which appears to have been justly due to him, instead of awarding the legal interest of six per cent, it will award fifteen or twenty per cent, being a sum somewhat over that which might have been made by the creditor by the use of the property recovered, in common business. This provision can alone effectually insure a full restitution of property, and will alone be a sufficient punishment for injustice. By these means, the great remaining causes of delay and litigation will be cut up. None but a madman will rush from one evil into a greater. Contracts made will be complied with, not from moral principle, so indistinctly felt by too large a portion of men, but from the powerful and unceasing inducements of interest.

One other provision will be necessary. In cases of unjust suits, it will be necessary to allow high damages to the defendant. Thus will many a vindictive spirit be curbed in the indulgence of a criminal resentment.

As connected with a prompt recovery of debts, a point of considerable importance has, for some years past, occupied the attention of the legislature of a neighbouring state (Penn). A strong impression having been made that the jury trial in civil cases is productive of great delay expense and injustice, a law has been proposed, and has recently passed for submitting causes to the arbitration of three persons. Hence has arisen a contest, conducted with too much acrimony, on the constitutionality as well as expediency of the substitution of arbitrations in the place of jury trials.

The question of constitutionality lies within a small compass. Some of the state constitutions, and particularly that of Pennsylvania provides that "the trial by jury shall be as heretofore." It is contended, that it is the intention of this provision, to render absolutely necessary a jury trial in all cases of a civil as well as a criminal nature, in which the laws existing at the time of the formation of the Constitution required it, unless dispensed with by both the parties. To this it may be replied that the provision was meant to be applied exclusively to criminal cases. This idea is strongly supported by the numerous expositions of this provision by several state legislatures, which have, notwithstanding the alleged prohibition, extended the powers of justices of the peace to the cognisance of controversies in which a much larger sum was involved than that submitted to their jurisdiction at the formation of the respective constitutions. Independently of the weight of precedent, there are cogent reasons for considering the provision as confined to criminal cases. Either the provision is to be construed strictly according to its literal import, or it is not. If it be construed according to its literal import, it will necessarily follow from the terms of "*the jury trial being as heretofore,*" that every change of any existing law in relation to a jury trial is absolutely inhibited. The expression is not that every man entitled to a jury trial at the time the Constitution was formed shall remain entitled to it for the future; but it is that "the jury trial shall remain as heretofore;" that is, all the circumstances necessary to constitute a jury trial shall remain unaltered. Now, if a literal meaning of these words be rigidly adhered to, we are bound to consider every existing practise as forming an essential feature of the jury trial. It so, it would be an usurpation of power in the legislature to make any new provision for the selection of jurors, for summoning or compensating them; for imposing penalties for non-attendance, for punishing them for misconduct, and for various other acts. No one has been bold enough to say that the legislature is divested of these powers. If then it be agreed that the legislature do possess them, it follows that the expression is not to be rigidly taken in its literal sense. If not taken in a literal sense, we must give it that meaning which is calculated to secure the great object for which juries were instituted. Their great object was to protect the weak from the oppressions of the powerful; they were a shield which the people raised against the violence of power. This reason, so far as relates to criminal cases, still remains. But so far as it respects civil causes it has altogether ceased. For such is the state of society that the powerful do not possess the means of violating the rights of property of those in inferior circumstances to themselves. From these considerations it must be obvious that the constitutional objection has no validity.

Is there more weight in that derived from considerations of expediency? The jury trial is undoubtedly an invaluable provision in criminal cases; but does it follow that it is equally so in civil ones? Every sound mind assents to the justice of erecting the strongest barriers around the character of the innocent, and shielding it from crimination but on the unanimous verdict of twelve impartial men; but can a sound mind perceive the same justice in applying the same provisions to the ordinary cases of property? It is right that I should neither lose my life or character without proof of the commission of a crime which is satisfactory to every mind; but is it right that I should not recover a debt without the same universal satisfaction? In the latter case the man who sues should stand on the same footing with the man that is sued. The legal rights of each should be the same. The jury trial, requiring the agreement of twelve men, is destructive of this equality. For although the creditor have the suffrages of eleven of the jury in his favor, that of one juror given in favor of the debtor is permitted to outweigh those of the eleven. Laws are established to guard against fraud. Is there no danger of fraud when it is in the power of the defendant, by corrupting one juror, to frustrate the operation of justice? And supposing a moderate degree of corruption to exist among us, what is more likely than that one man vulnerable to seduction, can be selected from twelve? This argument of itself would seem to be decisive against a jury trial in civil cases. There are, however, other arguments, scarcely less powerful. In cases of any difficulty, it is no easy task to command the full attention of twelve men in the midst of a crowd of spectators; and one man will insensibly rely upon the vigilance of another. In consultation the body will be too numerous for a cool and dispassionate discussion. Their capacities will be generally very unequal, and they will be guided too often by a tenacious adherence to ill digested thoughts, or by a spirit of concession. In cases, in which their feelings are but little interested, they will feel a constant impulse to sacrifice their own opinions in order to get rid of an irksome duty. Facts abundantly shew the extreme difficulty of obtaining the concurrence of twelve men, or that under the restraints imposed upon them, they too frequently compromise, or submit to lot, their varying opinions. Hence the truth is that this boasted rampart has already lost much of its original character, and is experienced in an many instances to be an evil rather than a benefit.

That it is promotive of delay is most obvious from a single consideration. In proportion to the difficulty of obtaining the concurrence of twelve men will be the difficulty of drawing an action to a close; and the history of courts proves that jury after jury is frequently dismissed from their inability to agree.

In proportion to the delay will be the expense, in addition to other sources of expense. It is self evident that the time consumed in a jury trial by twelve jurors, three or four judges and attending officers of the court, will occasion a much greater expense than the expense attending a body of three arbitrators.

So obvious are these considerations, that it is superfluous further to illustrate them. The good sense of every intelligent mind, unfettered by deep-rooted prejudice or interest, must perceive that the unwieldy machinery of a jury trial is necessarily promotive of a great waste of time and money, compared with the simple principles of arbitration.

The result of these remarks is that property is not at present adequately secured.

That, to give it this security, and to eradicate the greater portion of frauds existing among men, it is necessary to establish a plain and concise code, in which the unmeaning or obscure jargon of the law shall be rejected.

And that the principle of arbitration should, in civil cases, be substituted in the room of the jury trial.

Our political code has undergone a decisive reform. Our statesmen have, with a fearless hand, established our governments upon new principles; and every step they have taken, has advanced the public good. Under the sacred name of liberty they resolutely determined to throw aside all temporising. Perceiving the indissoluble connection between government, and the protection of individual rights, they concluded those systems unworthy of adoption or imitation under which these rights were the sport of tyrants. Events have shewn that they thought correctly, and by their reforms liberty has been placed on an adamant, whose strength time only serves to increase.

On one subject alone they seem to have been irresolute. They hesitated to establish a new system in relation to the rights of property—So vast is this object, and so intimately interwoven with the happiness of every member of society, that we shall but imperfectly reap the fruits of our revolution, unless the principles upon which it was conducted shall be applied to it. On them will depend the secure enjoyment by every man of the fruits of his labor, and the prevalence of morals. For so radically vicious is the present system, that it is no less fertile in the production of fraud, than feeble in accomplishing the object for which it was devised.

So sensibly too are the rights of property felt by every man, that we shall in vain expect a complete satisfaction with our political institutions, however preservative of freedom, unless their rights are adequately secured; and though there may be no real connection between the one and the other, events will shew that a general spirit of discontent with respect to the laws that regulate property will soon extend itself to the systems of government under which they are allowed. The mind of the citizen will not discriminate between them. Ascribing the evils he feels to the government, discontent will run into hatred, and he will readily lend his arm to subvert it.

There are some evils of a local and temporary nature that admit of partial cure; but there are others which deny all palliatives, and which time or quacking only serve to aggravate. Such is the evil of which we now so justly complain. Civilized man owes so much of his happiness to the acquisitions of his labour, whose secure enjoyment he views as the solace of his declining years, that, however he may prize freedom, he will