nod sense of the great body of the people, that after examining this old compact, they will say it is unlike the charter, and that the present form of government is quite unlike either.

The truth is, we have no constitution; what has been usually considered such, by federalists, is contained in our statute laws, enacted and repealable by the ordinary legislature—This the federalists know perfectly well—Hence it is that your attention is called to royal charters, to old agreements, to more recent legislative acts, with all the artful inferences about usurpations and destructions of titles, decisions and marriages, and more artful allusions to pious ancestors, to France, and to a thousand other things, as irrelevant and unconnected with the subject, as would be a story from the 'Arabian Knights' Tales.' With the arts of mountebanks and jugglers, they endeavour to make you look the other way, and at other objects, while they perform the mystery, without your knowing the secret. Federalists know that when the constitution of the United States was adopted, it had no tendency to invalidate any title, decision or rights of individuals, or any of the acts under the former government.—— So when the several constitutions were adopted by those individual states that have constitutions, no such evils resulted from it; and every one must see, that republicans and federalists have the same interest in preventing such evils.

That we have a form of government is admitted. Let us then see what sort of government it is, and how it is organized.

Alexander Hamilton, when speaking of the constitution of the United States, says,

"No truth is certainly of greater intrinsic value, or is stamped with the authority of more enlightened patrons of liberty, than that on which the objection is founded. The accumulation of powers, legislative, executive, and judiciary, in the hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny. Were the federal constitution therefore really chargeable with accumulation of powers, or with a mixture of powers, having a dangerous tendency to such an accumulation, no further arguments would be necessary to inspire an universal reprobation of the system."*

Federalists surely will not question the authority of Hamilton; let it also be remarked, that the authority of several of the greatest statesmen the world ever produced is not wanting on this point.

Let us now compare the government of Connecticut with these principles, and see whether it be not a tyrannical government, according to Mr. Hamilton's definition of the term.

The governor and council jointly possess the executive power of the state; the governor being president of the council, has a right to vote with them; he can, of himself, as an executive officer, do little more than appoint notaries public. The governor and council jointly, compose one branch of the legislature, and no law can be made or repealed without their assent; in this branch of government, the governor has the same power with other individuals of the council. The governor and council by statute, which statute can never be repealed without their consent, are the supreme court of errors, which is the dernier resort in all matters of law.—Thus are accumulated in the same hands, the executive, legislative, and judiciary powers of the state, which, according to Mr. Hamilton, is the precise definition of tyranny. Will the federalists deny that the governor and council have this accumulation of power, or will they deny the authority, or the principles laid down? It would be no less absurd to deny that such accumulation of powers exists, than to deny that we have a governor and council; and the principles here contended for are so evidently just, that we need cite but one author more, in corroboration of them.

Montesquieu, in his "Spirit of Laws," says,

'In a free state, every man who is supposed a free agent, ought to be concerned in his own government.—Therefore the legislative should reside in the whole body of people, or in their representatives. The political liberty of the subject is a tranquility of mind, arising from the opinion each person has of his safety. In order to have this liberty, it is requisite that governments be so constituted, as that one man need not be afraid of another. When the power of making laws, and the power of executing them, are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch, or senate, should enact tyrannical laws, and execute them in a tyrannical manner. The power of judging should be exercised by persons taken from the body of the people, pursuant to a form and manner prescribed by law. There is no liberty, if the power of judging be not separated from the legislative and executive powers. The enjoyment of liberty, and even its support and preservation, consists in every man's being allowed to speak his own thoughts, and lay open his own sentiments.'

Of the danger of the accumulation of powers in the same hands, it cannot be a satisfactory answer to say, 'the governor and council have not the whole legislative and judiciary powers,' for the danger would be the same in degree.—But how is the fact? Do they not possess the whole of these powers in substance? We are aware, that we have justices of the peace, judges of probate, of county courts, and of a superior court, all of whom exercise judiciary powers—but their judgments and decisions are liable to be revised and reversed by the governor and council. Besides, these judges and justices, amounting in the whole to 587, are liable to be virtually removed from office by the council, inasmuch as it can negative their appointments in the month of May annually, as easily as the general assembly can revoke their commissions in October.—— Thus the upper house are in possession of the whole judicial power of the state, either by themselves, or by deputies of their own appointment, whose decisions they can render null and void at pleasure.

The accumulation of the legislative and judiciary powers is extended to a surprising and alarming degree, by the facts, that these judges & justices are eligible to a seat in either house of assembly, and that a majority of the house of representatives is usually composed of these judiciary officers.

At the late October session, there were in the house of representatives, of justices of the peace, judges of county courts and of probate, nearly a majority of the house; made up of those who held commissions in the judiciary department.

As we think no one can doubt, that the governor and council unite in themselves the executive and judiciary powers of the government; we will now see, how much power they possess in their legislative capacity. We are well aware, it may be said,

"That they compose only one branch of the legislature, and that no law can be passed without the concurrence of the other branch of the general assembly."

This indeed would weaken their legislative power, if the house of representatives were entirely independent of the governor and council. This we have shewn to be far from the fact; as a vast majority of this house is usually composed of those, who hold commissions of trust or profit, which annually depend upon the governor and council.

The law, commonly called the election law, took from the freemen the right of voting by secret ballot, which they had enjoyed ever since the first settlement of the state, and obliged them to rise up and be counted, in the presence of the candidates and their dependents, or be deprived in certain cases, of the privilege of voting at all.

It also took from those town officers who were chosen by the people the right of presiding in freemen's meetings, and gave it solely to the oldest judiciary officer, who should be present. Previous to this, the select men of the towns were the sole judges of the qualifications of those who were candidates for the freemen's oath—this law united to them, in this duty, the justices, judges and councillors; thus rendering every newly admitted freeman, in some measure, obligated to those, who have an interest in the direction of his vote—and if it can be supposed that judiciary officers can be corrupt, or act from selfish motives in times of party, putting it in their power to reject such, as probably will not feel this obligation. This law gave to each member of the council a right to preside at the elections, in his own town, and a voice in the admission of freemen. It also gave similar powers to about 580 subordinate judiciary officers, who are annually dependent upon them.

This law originated in the upper house, and it is a remarkable fact, that there were at that time, in the house of representatives, one hundred and five judges and justices of the peace, making a clear majority of the whole house.—In this house, at the late session of the general assembly, was nearly a majority of judiciary officers, besides about 80 military officers. If we add to these the attornies, which are annually from 20 to 40 in number, whose success in business and chance of promotion depend on the upper house, in its executive and judicial capacities—sheriffs, whose appointments or removal depends on the upper house alone; deputy sheriffs, who are nominated by the sheriffs, and approved by the county courts; surveyor general and his deputies; packers of beef; directors of turnpike companies—proprietors of bank stock and expectants of office, who are annually members of the house of representatives, we shall find more than three fourths of that house directly dependent on the governor and council.

If the house of representatives, thus interested, have ever acted independently, and without being unduly influenced by the wishes of the council, it can be no security in future; it is but a rare instance of integrity, not common to the generality of mankind, and can be no argument in favor of the system.—It is the system, and that alone, we are now complaining of;—it matters not for the present purpose, to enquire, whether this or that man be honest or dishonest; but the question now is, whether the form of government is sufficient to protect the equal rights of a free people.

If we may suppose that men will endeavour to promote their own interests, we may suppose that a majority of the lower house will, from interested motives, concur with the upper house.—If all men were perfectly wise and honest, we should want no constitution nor laws; it is because they are not so, that both are necessary. We therefore believe, that legislators stand as much in need of constitutions, to bind them and to limit their powers, as the people do of laws, to limit and control their conduct.

But suppose that federalists are as wise, as pious, as candid, as honest, as moral, and patriotic as they profess to be, and that hitherto they have never acted under the least influence arising from views of office, profit or party, but have ever supported order and good government, religion and steady habits, without the least alteration or variation from the old agreement of the three towns—suppose also, that, as federalists say, the republicans are fools, infidels, knaves, immoral and impious traitors, using the worst means to obtain base ends, seeking office and profit, destitute of candor, aiming to destroy order and good government, religion and steady habits, determined on innovation, anarchy and misrule—suppose further, that these men should get into office, as federalists now are, what would be the situation of the government?

A governor, lieutenant-governor, and 12 assistants, having in their hands, the accumulation of all the powers of government, having the appointment of 587 judiciary officers, with the right of judging after them, and with the power of removing them annually, without assigning a cause; having the power of granting commissions to about 1340 military officers and of refusing these commissions to federalists, though ever so well qualified for them; having the power, of making and repealing laws, as should be best adapted to the promotion of their views, of abridging the rights of suffrage, of appointing such judiciary officers to decide on the qualifications of candidates for freemen, as would admit all of their own party, and exclude federalists; to displace every man from office that would not obey orders, support them at their elections, declare them to be the greatest, the most enlightened and pious men that ever lived, and their administration of the government the most upright and disinterested; finally, these men being clothed with authority to make laws, to judge of the same laws, and then to execute them, would find no difficulty in keeping the good federalists under their control. If federalists should offend them in a manner, not punishable by law, such base men would say, "this offence is punishable by common law," and if there was no practice to make it such, "it is time to begin the practice, and make it become common law." If good men have enacted a law in the following words, viz.—"That whoever shall defame any court of justice, or the sentence or proceedings of the same; or any of the magistrates, judges, or justices of any court, in respect to any act or sentence therein passed, and be thereof lawfully convicted before any of the general courts, or superior courts in this state, shall be punished for the same by fine, imprisonment, disfranchisement or banishment, as the quality and measure of the offence, in the opinion of the court before whom the trial is had, shall deserve"—this law may be good enough and perfectly harmless when administered by good men, and while thus administered, one might exclaim with Jonathan Stedfast, "dare any one look at our courts of justice and say, that iniquity is there?" but suppose bad men be in power, and these courts be filled with their agents and dependents, and the most corrupt and arbitrary decisions were to follow systematically and in quick succession—dare any one look at these courts of injustice, and say that iniquity is there? No, he dare not; unless he dare be fined, imprisoned or transported, at the option of those corrupt men, who are supposed to be defamed, and are at the same time his accusers and judges. Yet these men need not have any new law, to be clothed with this authority, nor would there be any constitutional remedy for the evil.

If honest, pious men have made laws for the support of religion and the gospel ministry, without the least regard to the influence that might arise from these institutions, or without any expectation that these gospel ministers would leave their calling to support them at elections; but wicked men would have no laws about such institutions, unless they be such as would assist them in their machinations—they would allow no minister to preach, unless he would preach politics, and would support them at elections.

If good men have incorporated a missionary society, and enabled it to have great and increasing funds for the purpose of spreading the gospel in the wilderness; bad men would have this society and these funds applied to support them and their friends in office. If good men have granted, from time to time, large sums of money to Yale College, and appointed a good man to be president, to promote learning and piety, and steady habits—but bad men would displace such a president, would rob the college of its funds, or totally destroy it, unless the president and his adherents would support these men in office, and their measures of government, especially if they would not bring forward all their pupils, at public commencements, to abuse federalists, and eulogize the governor and council, and all their measures, and finally, unless they would convert the college to a school of politics, instead of general science. If good and disinterested men have said, that all men of good moral characters, having certain descriptions of property, and approved by certain judiciary officers, might be made free of the state—bad men might say, that none have good moral characters, but those who would support them in office, or that none should be admitted to vote, but such as are very rich or very poor, as would best answer their purpose.

If honest men have made a law, authorising themselves to preside at elections, to count the votes for those offices for which they are candidates, to decide whether themselves are elected, and to imprison any that make disturbance; wicked men might cheat in the counting of their own votes, and commit to prison such as were offensive to them, or would not vote to please them. If good men in courts of justice will adhere to law and right, unbiassed by party considerations; bad men in high party times, would be governed by a lust for power, and by party views, regardless of law or right.

The upper house being thus constituted, if any honest federalist should seem to doubt of the fairness of their measures, and express his disapprobation of the men who made the laws, by saying, for instance, "the right of suffrage is abridged, this or that law is unjust and ought to be repealed," he would be instantly indicted for sedition, and brought a prisoner to the bar of the court. Being put to plead, this honest man wants council, looks about him and finds none but those who are attached from interest to the upper house, but employs such as he has the most confidence in, pays him a large fee, and then is prepared for trial.

The court being composed of judges of base characters, whose political lives depend upon the will of the upper house, which is supposed to be defamed by the prisoner at the bar; the attorney who commenced the prosecution being a member of the upper house, who is supposed to have had the previous opinion of his brethren—of twelve jurors selected by the civil authority of the different towns, not for their virtue, but for their baseness—the trial proceeds——Before such a tribunal the prisoner would urge in vain, that he had violated no statute law, that we had no common law against what he had declared, inasmuch as no prosecution had ever been known, since the settlement of the state, for any such supposed offence; that government originates in the people, that every one composing the great body, has a right to give his opinion freely of the government, and its measures; that according to the excellent Montesquieu, "the enjoyment of liberty, and even its support and preservation, consists in every man's being allowed to speak his own thoughts, and lay open his own sentiments."

Suppose these wicked men, thus in possession of the accumulation of power, in a government thus organised, should enact laws, that no man hereafter should be made free of the state, unless he possessed an estate of the value of ten thousand dollars, or unless he could procure from a majority of the judiciary officers of the town to which he might belong, a certificate of the correctness of his faith in politics—That all heretofore made free should be disfranchised, unless they are qualified as above described: That taxes should be paid by an assessment, upon those men only, whom the judiciary officers should select for that purpose—That no man should be allowed to preach the gospel, without a licence from the judges, or from the upper house; that no one should be president of the college, or teacher of a common school, without a similar licence; That the 1340 military officers should receive a salary from the state, and that their commissions might be revoked at any time by the council—That the fees and salaries of justices and judges should be increased six fold—That no one should publish his opinions on government, unless they be previously approved by the governor and council—That no one should have the privilege of trial by jury in any case, without a licence from the governor; finally, that whatever the governor and council do, shall be right; could it be said, that any one of these laws, would be unconstitutional? If so, let us know what part of the constitution [illegible]? for what is not forbidden by the constitution, is permitted. Let those who say we have a good constitution, condescend to let us and the people know, in what part of the old agreement of the three towns, or of the charter, provision is made against the enacting of such laws. But these prohibitions are not to be found in what they call the constitution, and if they were, they are not binding, nor is any thing to be found, to prevent the general assembly from making or repealing any law at pleasure.

(To be continued.)

* *See the Federalist, 2d vol. b. 1 and 2.*

WASHINGTON CITY.

MONDAY, November 26.

GENERAL TURREAU, Grand Officer of the Legion of Honor, appointed Minister Plenipotentiary of his Majesty the Emperor of the French, to the United States, was on the 23rd inst. received in that character by the President.

General Turreau was accompanied by capt. Marin, his first aid-du-camp. We understand that Madame Turreau and family are daily expected, in a vessel that was to sail shortly after the general's departure, attended by Mr. Petry, first secretary, and Mr. de Cabre, second secretary of legation.

Our accounts from the Mediterranean add fresh attestations to the valor and conduct of our seamen. The bombardment of Tripoli has commenced under circumstances that promise full and brilliant success. Commodore Preble, influenced by considerations which appear in the subjoined letters, has seized the earliest opportunity of reducing by force the pirates to a sense of justice. His arrangements, so far as they appear, have been judicious, and have been crowned with great success. The regular dispatches have not, we are advised, been yet received by the Secretary of the Navy. But we are authorised to state, on the ground of corroborating information, the contents of the letters, received at Philadelphia, to be authentic. The force engaged in the bombardment is not stated. It is probable, however, that the whole under the command of the commodore was engaged. The squadron previous to the late equipment, consisted of the frigate Constitution, commanded by commodore Preble, of two brigs, three schooners, six gunboats, carrying each a twenty four pounder, and two mortar boats. To oppose our force, Tripoli had fourteen gun boats of the same capacity with ours, her fortifications, and several vessels, incapable of serious resistance. Of the gun boats, three are taken, and three sunk. The decisive blow, therefore, with regard to her naval armament, is struck, by destroying nearly one half of its strength. The energy of the commodore will next be directed against the fortifications, which are represented to be already injured, although the degree of injury is not stated. Every day's mail may be expected to bring us intelligence of the full infliction of an adequate punishment on the Bey, of the restoration of peace, and, we hope, of the liberation of our captive citizens.

Tripoli Bombarded.

PHILADELPHIA, November 21.

Capt. Williams, of the Dolphin, who arrived yesterday morning, in 49 days from Legborn direct, brings the following important intelligence: That advices from Malta had been received there, of Commodore Preble's success against Tripoli; that officer had bombarded the city, and done much damage to it and the fortifications, and had sunk or taken a large Zebec, and three Gun-boats, with the loss of the commander of one of his gun-boats, &c. and was preparing for a second attack. This account was brought to Malta by a gentleman from Tripoli; but nothing is said respecting Captain Bainbridge, or his crew. Capt. Williams did not touch at Gibraltar, nor any other place.

Extract of a letter to a respectable Merchant in this city, dated

LEGHORN, Sept. 25, 1804.

DEAR SIR,

"I wrote to you in July, by Mr. Donovan of Philadelphia, and gave you a short account of our prospects relative to the war with Tripoli. Commodore Preble's conduct since has been extremely judicious—the annexed extract will inform you of the consequences which have already attended his exertions, and