
This is a reproduction of a library book that was digitized by Google as part of an ongoing effort to preserve the information in books and make it universally accessible.

Google™ books

<https://books.google.com>



NYPL RESEARCH LIBRARIES



3 3433 07593078 8

Digitized by Google

Jones
SEH

A

TREATISE

ON THE

RIGHT OF SUFFRAGE,

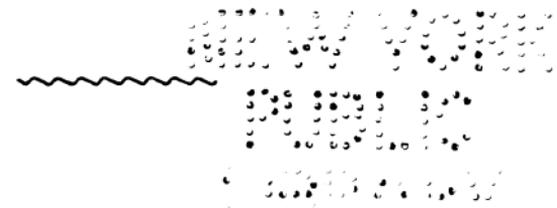
WITH AN

APPENDIX.

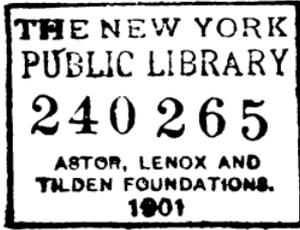
BY SAMUEL JONES.

J

"PULCHRUM EST BENEFACERE REIPUBLICÆ."



BOSTON:
OTIS, BROADERS AND COMPANY.
1842.



Entered according to Act of Congress, in the year 1842,
BY SAMUEL JONES,
in the Clerk's Office of the District Court of Massachusetts.

NOY WAB
1842
YABE

P R E F A C E .

The design of the following treatise is to present to the public the principles on which the right of suffrage is founded, and by which the exercise of that right ought to be regulated. The subject is one of deep interest, not only to the American people, but to the people of all countries possessing a representative government, or who would establish such a government. No work is now before the public, in which the subject has been fully examined and reduced to its true principles. There is no other thing, in our form of government, more important to the well being of the people, or on which the stability, perpetuity and due operation of our system are so much dependent, or from the abuse of which so many evils may result. Whether the principles, which the author has endeavored to establish, will meet the public approbation or not, he cannot know until they shall have passed under a public examination.

In the Appendix, he has adopted his own mode of expressing certain sentiments and views, which

have no very necessary connexion with the main object of the work ; but which he hopes will not be deemed wholly useless or uninteresting.

The work was partly prepared for the press several years ago. It has been written amidst many cares and will need much indulgence. And the Author submits it to the public, fully relying upon the candor of a liberal and intelligent community; and with the hope that it may be useful to his country, and may promote the cause of civil liberty and free institutions of government.

Stockbridge, Mass., August 30, 1841.

TABLE OF CONTENTS.

PART I.

	Page.
Introduction,	17

Difference between the fundamental principles of the governments of Europe and the East, and those of the United States. Ours founded on the principles of liberty and popular rights. Right of suffrage a fundamental principle. Design of this treatise. Change in our condition since the establishment of our independence. Review of the principles of suffrage necessary. Wrong notions respecting it. Violent combinations and proceedings. Danger from them. Extract from General Washington's farewell address. No treatise on the right of suffrage. Importance of the subject—and of preserving our form of government. The christian religion republican in its principles and necessary for it. Regulation of suffrage part of the sovereign power. Principles by which it is to be regulated. The excess of individual liberty is an encroachment upon the general liberty. Tendency to the relaxation of principles. Departure from the principles of the revolution. Ours a government of principles. Inferences. A due regulation of the right of suffrage essential to the preservation of our liberties. Not a new principle. Departure from prevailing opinions. Plan of the work.

CHAPTER I.

- Of the Necessity and Objects of Civil Government,** 30
- Not needed by perfect beings. Why necessary. Object of government. The electors and public officers should be as free as possible from those imperfections which render government necessary. Why.**

CHAPTER II.

- Of Liberty, Natural, Political, Civil and Personal,** 33
- Liberty variously understood. Imperfectly enjoyed in most countries. A correct treatise on it must have reference to mankind as they exist. Definition of natural liberty. How it might be fully enjoyed. A member of society gives up a part of his natural liberty for the benefits of civil society. Definition of political liberty. Definition of civil liberty. Difference between them. Extent of civil liberty. When it is perfect. When political liberty is perfect. Personal liberty, how variously understood. Man is always subject to the laws of nature and of God. Definition of personal liberty. How one enjoying perfect political and civil liberty may be deprived of his personal liberty. When personal liberty is perfect. Our constitutions are designed to secure liberty. Duty of preserving them. True liberty requires a due regulation of the right of suffrage.**

CHAPTER III.

- Of the Source of Power in the Governments of the United States; of the People; what should be the idea of them. Of Citizenship,** 42
- The people are the source of power. They exercise it by their officers and representatives. Defined and limited by the constitutions. When delegated, it passes from the people to their delegates. The constitution is a compact. Its obligation. Can be altered only in conformity with its provisions. The**

elective franchise is the moving principle in our government. Its importance. Constitutions binding on successive generations. Erroneous ideas respecting the people. What should be the idea of them. The common people. Importance of a high standard of national character. Who are citizens. Who are members of the State, but not citizens. Who are not members of the State.

CHAPTER IV.

- Of the Value of the American Institutions of Government and of the Duty of Preserving them.**
Of the Sources of Danger to these Institutions.
How they may be Perpetuated, 49
- Our institutions should be understood.** Comparison of some principles of our government with others. Some general principles. Advantages of our form of government. Duty of preserving it. Danger arising from our great extent of country and variety of interests. How to be overcome. Danger from the misapplication and abuse of the right of suffrage. How to be remedied and the government perpetuated.

CHAPTER V.

- Of the Natural Equality of Mankind, 54**
- This is a principle of the law of nature and of our own government.** It means an equality of right. The principle explained and illustrated. Universal suffrage not a consequence, but a violation of it. How far the State governments have favored it.

CHAPTER VI.

- A Historical Review of the Right of Suffrage, according to the Constitutions of the United States and of the several States, 59**
- By what authority this right is regulated.** Advantages of having the qualifications uniform. The principles of the revolution,

standard principles. Qualifications for the right of suffrage in the different States, and their changes. Departure from the principles of the revolution. Want of uniformity. Inconsistency.

CHAPTER VII.

Of the Duty of a Nation to Preserve and Protect itself; and of the general relative Rights and Duties existing between a Nation and its Members, 79

Duty of a nation to preserve itself. To protect its members. The consequent rights of a nation over its members and their obligations. General object of government. Duty of the members to each other. Foundation of these rights and duties. They exist in all legitimate governments. The performance of common and equal duties gives no title to a special reward. Does not entitle one to the right of suffrage. If such a reward is given, it violates the principles of equality and the rights of others.

CHAPTER VIII.

Of the Proper Intellectual and Moral Qualifications for the Right of Suffrage. That a safe principle for the Public ought to be Established. That the burthen of proof is on the Applicant, 83

CHAPTER IX.

That the Right of Suffrage ought to be Regulated with a Paramount Regard to the Public Good, 86

The public good is the leading object of government. Individual rights and duties in this respect. Constitutions of government consist of general principles. The consequences of this. Pub-

lic good must regulate the right of suffrage. The purity and stability of the government must be preserved. Right of suffrage may not be so extended as to violate them. General advantages of preserving them. Definition of treason. Oath of allegiance. What is a violation of allegiance. Treason against the United States and the States. Any violation of the constitution is an interference with the sovereignty of the people. What proportion of the people are excluded from the right of suffrage. How far the principle of exclusion may be carried.

PART II.

CHAPTER I.

Some General Remarks and a Division of the Subject, 97

The right of suffrage not a natural right. Origin of it and of the right of the majority to bind the minority. How far political and civil rights are inherited. Of the general right and duty of electing public officers. Principles governing the right of suffrage. General rule as to the relative rights of persons. Rules on this subject must be general. Quotation from Montesquieu. Remarks upon it. Governing principles stated. Division of the subject.

CHAPTER II.

Of Personal Rights, 103

In what the rights of personal security and personal liberty consist. These rights are possessed by all. Importance of protecting them. Do not lay the foundation of universal suffrage. Why. They do not require the chief agency of the government for their protection. Protected by general influences and causes.

They are equal in all, and the consequences of this equality.
Illustration.

CHAPTER III.

Of Rights and Interests in Property, 107

Influence of civil society relating to property. The chief employment of life. Rights of property are more frequently violated than the rights of persons. Inferences from this. Taxes are levied upon property. Interest in property entitles the owner to a corresponding influence in the government. Rights of property may not be violated. Ownership of property one foundation of the right of suffrage. Is a necessary qualification. Why it is so. Principles determining the amount necessary. Influence of the personal rights. What amount should be required.

CHAPTER IV.

Of a Right in Land, or the Ownership of Real
Estate, 112

Why the owners of real estate should have a special influence in the government of the country. Their general character and habits. Owners of the whole territory to which the government is attached. Have not had their due share of influence. This subject demands the attention of all, and especially the yeomanry. Quotation from Mr. Jefferson. They should have the exclusive election of State senators. This is not a new principle. This would create a very perfect balance of power and influence. Utility of such a balance. Difference between our government and those of Europe. Proportion of the whole property of the country belonging to the owners of real estate. The kind, amount and situation of real estate to qualify electors of senators.

CHAPTER V.

Of the Domicil, and of Residence, as Qualifications for the Right of Suffrage, 124

Only members of a political community may act in its affairs. Membership depends upon one's domicil and residence. Domicil defined and explained. Provision of the constitution of the United States respecting citizens of the several States. Why a term of residence should be required as a condition to the right of suffrage. How long. Want of uniformity on this point.

CHAPTER VI.

Of Education as a Qualification for the Right of Suffrage, 128

Why education should be made a qualification. Extract from Gen. Washington's farewell address. Our constitutions have no inherent physical power for their own preservation. Inferences. Illustration. Object of taking the suffrages of the people. Their will is the moral power of the nation. Remarks. Degree of education required. Advantages both public and private. The true principles of our government should be carried into practice. How, when, and on whom the rule should operate.

CHAPTER VII.

Of some other Conditions, Relations and Interests, which may be supposed to have an Influence on the Right of Suffrage, 134

Of the natural relations. Householders. Establishments of business, &c. Why they do not give a claim to the right of suffrage.

CHAPTER VIII.

Of Aliens or Foreigners, 136

Who are aliens. They owe allegiance to their own government. Law of allegiance. The power of granting naturalization.

Aliens have no political rights. Consequences. Are ignorant of the principles of American liberty. Different classes of aliens. Their admission to the right of suffrage diminishes the rights of the native inhabitants. Strict qualifications should be required of them. General principles as to their qualifications. Why they should not be admitted on the same qualifications required of native inhabitants. The specific qualifications that should be required of them. The idea that their admission detracts from the power of the natives illustrated. Remarks and reflections. Future generations should be from the native stock. The fountains of patriotism.

CHAPTER IX.

Of Persons belonging to the Army and Navy of
the United States, 146

Singularity of the question. They are excluded in some of the States. Their occupation not a just disqualification. Erroneous views on this subject. They cannot gain the requisite residence, nor a domicile, by being stationed at any place in the public service. Why. Objections to their voting at their stations. May vote where they have their domicils on the common qualifications.

CHAPTER X.

Of the Admission of the Clergy to the Right of
Suffrage, 150

Nature of the objection to their admission. Its origin. The exercise of the right of suffrage not inconsistent with their professional duties. Their intellectual and moral qualifications. Their patriotism. They possess the common rights of citizens and cannot justly be deprived of them. Are to judge for themselves of any prudential reasons against their voting.

CHAPTER XI.

Of the Duties required by the Nation or Government, of Individuals, which may be supposed to entitle them to the Right of Suffrage, . . . 152

1. General principle on which the government may require the payment of taxes and the performance of other common duties. Corresponding obligation of the subject. The foundation of this right and duty. General remarks. The ownership of property, and not the payment of taxes, is one of the elements of the right of suffrage. Why. The obligation to pay taxes and the right of suffrage are not a correlative duty and right. Why. This was a correct principle as between the Colonies and the British government. Why. Not correct as between a person and his own domestic government. Why. When a person should be released from taxes. A small tax on the person not unjust.

2. Foundation of the obligation to do militia service. The performance of it gives no claim to the right of suffrage. Qualifications for militia duty and for the right of suffrage compared. For what the militia is designed. Duty of attending elections and that of militia service compared. Remarks. A digression. Importance of the militia. The principles on which it must be supported. Causes of its decay. How it may be revived.

CHAPTER XII.

Of Crimes and Demerits which ought to exclude a Person from the Right of Suffrage, . . . 163

This subject has not been duly attended to. In most of the States the commission of crime does not disqualify for the right of suffrage. Absurdity of this illustrated. Reasons for excluding criminals. Benefits of excluding them. For what crimes they should be excluded. Provision should be made for their restoration when reformed.

CHAPTER XIII.

- Of the Foundation of the Right to Vote, and of the Qualifications of Voters in Municipal Affairs, 167
- Various municipal corporations in the United States. Their general duties and powers. None but members should vote. What constitutes membership. Qualifications of voters. Principles which should regulate their qualifications. Remarks.

CHAPTER XIV.

- Practical Regulations for Determining the Qualifications of Voters; and for their Admission to Vote at Elections, 170
- Importance of due regulations. A register of voters should be made. Practical regulations. Proof of qualifications. Foreigners. Benefits of such regulations.

CHAPTER XV.

- Of the Apportionment of Senators and Representatives, 173
- Different rules and practices on this subject. Want of fixed principles. The rule by which senators are apportioned in Massachusetts and New Hampshire stated and examined. Objections to it. For whom a senator or representative legislates and whom he represents. The correct rule of apportionment stated. Other rules assume a wrong basis of representation.

CHAPTER XVI.

- A Synopsis of the Leading Principles regulating the Right of Suffrage; and of the Conclusions and Rules resulting from them, as established in this Treatise, 178

APPENDIX NO. I.

Of the Capacity of our Country.—Its Past, Present and probable Future Population.—The Duties and Responsibility of the People of the United States.—A Reverie or Dream.—The Effects of Moral and Intellectual Cultivation and Christian Morality Exemplified, . . . 193

The design of this Part. Area of the United States and territories. Density of population in Massachusetts. Comparative density of population of the United States. Density of population in some other countries. Causes favorable to increase of population. Population in 1701 and 1749. Table of population according to five former censuses and ratio of increase. Duplication of population. Estimated population in 1837. Table of estimated population from 1830 to 1910. Estimate by duplication. Other causes favorable to increase, and probable increase. Increase of the country in power and wealth. Amount of population at the beginning of the 20th century. Probable influence of our country upon human happiness and consequent duty and responsibility.

A reverie or dream. The beginning of the 20th century. The Genius of America appears. Ascent of Mount Skepsis. View of the whole country. Its happy condition. Wild beasts not ferocious. Elder Weekly's distillery converted into a church. Law of libel and constructive malice. Temperance in the 20th century. Sunrise upon Mount Skepsis. Devotion of the people. Elections in the 20th century. Former election of a member of congress; demagogy and gullibility, or the hobby candidates and universal suffragers. Remarks of the Genius. Relief of the poor. Honesty of the people illustrated. The Sabbath and religious worship. Religious sects. An old author's remarks. Prosperity and happiness of the people. The Genius explains the causes. Beauty of the hu-

man countenance. Parting instructions of the Genius. He disappears.

A night on Mount Skepsis. The stars. A thunder storm. The moon. Reflections. Morning. Descent from Mount Skepsis. A village school. Progress of the scholars and remarks of the teacher. A village entertainment. Its simplicity. A court of law and no business. A State legislature. Criminal laws not wanted in the 20th century. A plantation of slaves and their condition. Congress. The President's levee and his remarks. Attendance at church. A poor but happy family. Remarks of the parents. Ellen's funeral. Awaking from the reverie and change of scenes. Conclusion.

APPENDIX NO. II.

Zenobio's Letter to the People of Venice, . . . 261

THE
RIGHT OF SUFFRAGE.

INTRODUCTION.

In the governments of the old countries, and especially of Europe, where they have been moulded more or less by the principles of the feudal system, and of the Romish religion, the executive officer, whether he is called king or emperor, or by any other name, is usually hereditary; as are some of the other branches of the government.

In Asia the governments are generally despotic, and the power is usually held and exercised by violence. We shall look in vain to Africa for any well regulated form of government. In Europe, the hereditary executive officer of the government, generally commands the army and navy of his country, and, of course, wields the physical power of his nation. It is by this authority that he governs and controls his subjects.

There is a degree of popular influence admitted into some of the European governments, which modifies, and sometimes to a great extent, the exercise of the executive authority, and gives it a direction and influence highly favorable to popular rights. But there is no country in Europe where political and civil liberty and popular rights form the very basis and fundamental principles of the government, as in the United States of America. In those countries, many of the most important powers of government are inherited by birth; and the people have no voice in designating the persons who shall exercise them. The powers of the government may be said to be embodied in certain families by hereditary right; and those who inherit them, to a certain extent, constitute the government of the country. They will, of course, be vigilant to suppress and prevent any movement of the people that shall have a tendency to deprive them of these powers, or to direct them so as to give an ascendancy to popular influence.

In the United States it is not so. Here, the form of government consists in certain rules and principles, agreed upon by the people, and embodied in their written constitutions; whilst the power of the government remains in the citizens, and is delegated by them to the various officers of the government by means of elections. The people compose the physical power of the country, and their will directs the exercise of it. The principles of the government have no operation any farther than operation is given to them by the people. And any measures that may be adopted contrary to these principles, or not author-

ized by them, is so far a destruction of the government itself. So that the only way to preserve our constitution of government, is to enforce and preserve their principles, as agreed upon by the people ; for it is these principles that constitute the government. Now, it is by the exercise of the right of suffrage, that the powers of government are sustained and put in motion and directed. A distinguished writer says " that in a democracy the people are, in some respects, the sovereign, and in others the subject. They can in no way exercise sovereignty but by their suffrages, which are their will. Now the sovereign's will, is the sovereign himself. The laws, therefore, which establish the right of suffrage are fundamental to this government. In fact, it is as important to regulate, in a republic, in what manner, by whom, to whom and concerning what, suffrages are to be given, as it is in a monarchy to know who is the prince, and after what manner he ought to govern."* These sentiments were written before the American revolution; but they could not have been more appropriately expressed, as applicable to our forms of government, if they had been written with express reference to them, and after they were established.

The laws and constitutions which establish and regulate the right of suffrage, being fundamental to our form of government, it is of vital importance that they should be established upon right principles ; and when so established, that they should be regulated and enforced, in practice, according to such principles.

It has been the object of the author to ascertain and

* Montesq. Sp. Laws, book 2, ch. 2.

to develop the true principles on which the right of suffrage is founded, in the governments of the United States; and to deduce from them such rules and conclusions as are conformable to those principles, and necessarily result from them. And in doing this, he has endeavored to put himself wholly under the guidance of sound principles, and to follow them to their legitimate conclusions and results. He has aimed, in this investigation, to divest himself of every prejudice; and to be influenced by no authority that is not supported by sound principles of civil liberty, and by the genuine spirit of our democratic institutions. How far he has succeeded, in the investigation and explanation of these principles and in deducing sound conclusions from them, he submits, with much diffidence, to the judgment of his fellow citizens.

When our independence was established and our system of government was agreed upon, the condition of our country and of the people was very different from what it is now. The country was new—the people had been occupied principally in clearing and cultivating their lands; in erecting buildings necessary for their comfort; in protecting themselves against the hostility of the native inhabitants and others; in making roads; in providing and establishing the means of education and religious worship; and in providing, in various ways, for their immediate wants. They had, generally, been inured to persevering and industrious labor, and possessed the habits resulting from that state of things. They had been brought up under a rigid state of family discipline, and were, to a great extent, under the influence of those sturdy principles

of morality and religion, which distinguished our Puritanic ancestors. The population was composed chiefly of native persons, who had been born and educated under the influence of these causes. We had no very populous cities; and but few idle persons, or persons who resorted to any expedients but the regular occupations of society for a livelihood. The wealth of the country consisted principally in lands, which furnished but little stimulus for the enterprise of dishonest or indolent cupidity. It was reasonable therefore to expect, that, with the increase of wealth, of luxury and of population in our cities, and of foreign immigrants possessing habits not congenial to the spirit of our institutions, it would become necessary, at no distant period, to review the principles of the right of suffrage, and to guard them against the bad influence of these causes. The author thinks that time has arrived. Every person, who has observed much of the proceedings of our elections, must have perceived how much effort is sometimes made by the different contending parties, to procure the admission of unqualified voters. This is too often considered, rather as a fair trick, than as an invasion of the liberties of the people and an offence against their sovereignty. It is considered rather as a venial offence, or no offence at all, than as a kind of moral treason, as in fact it is, against the constitution.

Another thing which the author has witnessed, with alarm, is the facility with which certain classes of people have sometimes combined to execute their own unlawful purposes by violence; and the passive indulgence with which the rest of the community have re-

garded these acts of violence and outrage. There must be a limit put to such proceedings, or the liberties of the people will be destroyed. So far as these acts of violence prevail, so far the principles of civil liberty and of the constitution are prostrated. And if they are suffered to advance in their progress, it may, at no distant day, become a question where the sovereign power of the country resides; whether in these violent combinations of unprincipled men, or in the will of that part of the people who possess the intelligence and property, and transact the lawful business of the country. And if the people, who form these combinations, are suffered to go on with success, such combinations will soon be made, as they have been in some instances, with a view to control the elections; and this will be called an expression of the popular will. Whether these fears are well-founded or not, the public will of course judge for themselves. They at least furnish a good reason why the friends of civil liberty should rally in its support, and should guard all the avenues by which danger can approach. General Washington, in his paternal and admirable Farewell Address to the people of the United States, speaking of our government, says, "respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty." And he adds, that, "all obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to divert, control, counteract or awe the regular deliberation and action of the constituted authorities, are destructive of this

fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put, in the place of the *delegated will* of the nation, the *will of a party*, often a small but artful and enterprising minority of the community; and according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common counsel and modified by mutual interests." And with paternal solicitude, he cautions the people that they "not only steadily discountenance irregular opposition to the acknowledged authority" of the government; but also that they "resist with care the spirit of innovation upon its principles however specious the pretexts." These admonitions seem to have been given, by the Father of his Country, with a prophetic anticipation of the progress of events, and of their practical application.

If any treatise on the right of suffrage has ever been published, in which its true principles have been examined and explained, the author has not been so fortunate as to meet with it. He has not been able to find any thing, unless it be some brief article on the subject. He has, of course, been under the necessity of relying wholly upon the resources of his own mind, unaided by the labor of others. The subject is one of great interest; and it may be found to be one on which the destinies of our government depend. The author cannot hope to have done full justice to it; but he hopes that his efforts will have the effect to induce abler minds to investigate it; and to enforce

the author's views, so far as they are correct; and to point out any errors that the work may contain; so as to enable him hereafter, to give a more perfect and useful view of the subject, if the public favor should call for a republication of the work.

The author is ardently attached to the form and principles of our government, and to the principles of political and civil liberty. He believes that the happiness and prosperity of the country, and of the present and all future generations of its inhabitants, depend upon the maintenance of these principles. He considers the government of the United States as furnishing the only pattern and hope for the friends of civil liberty throughout the world; that it cannot reasonably be expected that there will ever be any other people so favorably situated for the establishment and support of a free and popular government as the people of the United States; and that, if they should suffer their experiment to fail, the friends of republican institutions, founded on the principles of civil liberty and popular rights, may, in despair, give up the hope of ever seeing the experiment succeed among mankind. The Christian religion is truly republican in its principles and precepts. Nothing else fits men so well for the performance of all the duties of a republican citizen. Those who embrace the principles of that religion and carry them fully out in practice, will, of consequence, discharge conscientiously all their duties, both as men and as citizens. Every friend of his country therefore ought, from the mere force of patriotism, if from no higher motive, to give his influence and exertions for the extension and es-

establishment of Christianity, in its most uncorrupted form, throughout the country. That this treatise may lead to a better understanding of the true principles of our government, and to improved and more correct views of the important right of suffrage; and that it may tend to perpetuate the true principles and enjoyment of civil liberty in the United States, and to perfect and sustain our happy form of government, is the wish and devout prayer of the author. And if he can be satisfied that his labors shall have that effect, he will be happy in being an instrument of some good to his country.

It belongs to the sovereign power, the people, to establish and regulate the fundamental principles of the government, among which preëminently stand those which regulate the right of suffrage. And in adjusting these principles, as well as all others, the true rule is, that they are, in the first place, to be so established and regulated as to produce the greatest general benefit; and in the second place, that they are to be so adjusted as to allow to each member and class of society, their just relative share of civil liberty and civil and individual right. Every variation from the true principle, in favor of any one individual or class of men in society, will inevitably be an encroachment upon the rights of others. The boundary between the limits of different principles, is not always very apparent or easy to be defined. It is like the invisible boundary line between the owners of adjoining land, not separated by a partition fence. Each owner may advance, on his own land to the boundary, without doing injustice to his neighbor; but if he

goes beyond that line, he violates the right of another and becomes a trespasser. So it is in society. If any member assumes too much liberty, or goes beyond the boundary line of his rights, he encroaches upon the liberty and rights of others. This shows how important it is, that the fundamental provisions in our constitutions should establish and maintain the right of suffrage on its true principles. There is a tendency, perhaps in the very nature of our institutions, to relax and loosen the force and application of the true principles of our government; and perhaps none are more endangered by this tendency than those which ought to regulate the right of suffrage. It is a popular theme, and the candidates for popular favor are apt to declaim against any limitation that is placed upon it, as an abridgment of popular rights; not considering that the extension of the privilege, beyond its just limits, is itself an abridgment of popular rights. This class of politicians treat the citizens of the republic as a faithless lover does his mistress, when he allures her to her own dishonor, under the guise of love and esteem. The downward course is easy; but it is hard to recover lost ground. The original constitutions of the thirteen old States were formed by the men of the revolution, fresh from the battles of liberty. Whoever will compare the provisions on the subject in question in those constitutions, with the alterations that have been made in them under the name of amendments, and with the provisions on the same subject in the constitutions of the new States, will see what the effect of this tendency to the relaxation of principle has been.

The idea that our constitutions of government consist wholly in a combination of principles, and that a violation or destruction of these principles, is a violation or destruction of government itself, cannot be too fully inculcated. So long as the people will maintain and enforce those principles in their purity, so long the government will remain and be administered in its purity.

There can be no danger to our liberties from confining the right of suffrage within the limits and according to the principles advocated in this treatise. Because those limits and principles will embrace, with very few exceptions, all men of intelligence ; all those who possess any considerable amount of property ; all those who transact the varied business of society ; all those who have fixed domicils and settled places of residence, and all who maintain such a standing in the republic as to possess the confidence of their fellow citizens. These are the classes of men who will be most firm in supporting the liberties of the country, and most ready to meet and repel any invasions of them. And with these limits the right of suffrage will have a popular extension sufficient to guard against any aristocratic tendencies that may spring up in our country. Indeed these classes of men will embrace all who ought to be included under the name of citizens. If there is danger, from any source, of the introduction of aristocratic principles and practices into our government, it arises from the admission of unqualified persons to the right of suffrage. Because rich and powerful individuals may always control their votes for their own ambitious and selfish

purposes. But they never can control the votes of the independent yeomanry and men of business. Those men will always be found to give their votes and influence in favor of the democratic principles of our government.

The principle of regulating the right of suffrage and of excluding unqualified persons to some extent, has always existed and must always exist in our government. The author has not therefore attempted, in this treatise, to introduce a new principle; but to make a more equal and salutary application of an acknowledged principle. Indeed it has been his object to establish such rules and principles for the regulation of the right in question, as correspond most exactly with the nature of our free institutions, and will tend most to improve and perpetuate them; and such as will, in the most perfect manner, give to all classes of people their equal relative share of influence in the affairs of the country; and, in short, such as spring from the natural relations of persons and things. It will be readily perceived, that principles having any other foundation, must produce inequality and dissention among the people.

The author is aware that he has advocated principles and deduced conclusions that are, in some material respects, different from those that have prevailed in this country; and he expects to have the disapprobation of the demagogues, and all those classes of people who would avail themselves of advantages by declaiming about liberty and equal rights, without attaching any definite idea to the terms. But those who will examine and fully understand his conclusions, and

the reasons on which they are founded, will perceive that they are supported by a most scrupulous regard to civil liberty and to the equal rights of all the members of our most happy community.

This Treatise is divided into Two Parts, with an Appendix.

The First Part treats of several subjects preliminary to a more direct examination of those principles and reasons on which the right of suffrage is immediately founded.

The Second treats more directly of those principles and reasons; of various things which have been erroneously supposed to lay the foundation of that right; of those considerations which ought, or ought not, to debar or disqualify a person from the exercise of the right of suffrage; of the manner in which the exercise of it ought to be regulated in practice, and of the apportionment of Senators and Representatives.

Appendix No. 1, contains an inquiry into the capacity, the past, present and future population; the probable destiny and influence of our country and its consequent responsibility and duty; with an anticipated view of the state of the country and people at the commencement of the twentieth century, exemplifying the effects of moral and intellectual cultivation and Christian morality.

Appendix No. 2, is a letter from Count Zenobio to the people of Venice.

PART I.

An examination of several subjects preliminary to a more direct examination of those principles and reasons on which the right of suffrage is immediately founded.

CHAPTER I.

Of the Necessity and Objects of Civil Government.

If all mankind were perfectly honest and upright in their intentions, and disposed to do to others as they would have others do to them, unbiassed by selfish motives or bad passions; they would always aim to concede to others their just rights, and never to violate them. And if they possessed perfect wisdom and knowledge, they would know what the rights of others were, and could not violate them through ignorance. And if they possessed power sufficient to carry these right intentions into effect under the guidance of perfect knowledge and wisdom, it is evident that they would always do right; and that laws would not be necessary to enforce individual rights or to redress wrongs. In the case supposed, the conscience and intelligence of each individual would furnish a perfect rule of action; and laws would not be necessary for his government, excepting so far as they might be

wanted for the purpose of establishing conventional rules for mutual convenience. Such a class of individuals might live in society and enjoy perfect liberty. It would be a liberty like that possessed by the Supreme Being, unrestrained by any thing but his own perfect attributes; and those attributes directing his will and yet leaving it at perfect liberty.

But mankind do not always possess perfectly honest and upright intentions, and a disposition always to do to others as they would be done by, unbiassed by selfish motives.—They do not possess perfect wisdom and knowledge; nor do they always possess power to control events so as to carry into effect even their good intentions. On the contrary, individual persons and nations are more or less selfish and corrupt; regardless of the rights and interests of others; inclined to benefit themselves at the expense of others; passionate and revengeful; fond of exercising power to the injury of others, and led astray by many passions and temptations. Hence the necessity of government, possessing power to control and regulate the deficiencies and evil propensities of our nature; and to redress the wrongs resulting from them amongst the members of the same community; and combining and directing the power of the whole, to repel the aggressions of other nations, and to redress the wrongs resulting from them.

Government is also necessary to establish conventional rules for the purpose of regulating the various interests of society, and of forming known rules of action by which the members of the same community may regulate their conduct in their varied interests and

concerns ; and for forming and establishing the rules, by which the nation and its members shall conduct their intercourse with other nations. In short, government is necessary principally because of the bad passions, and propensities, and imperfections of mankind ; and its legitimate object is, to prevent and redress the evils resulting from them. Such being the necessity and object of government, it is apparent that the administration of the government ought to be committed to men as free as possible from these bad passions and propensities, and from this imperfection. Otherwise they will be likely to pervert their powers, and the powers of the government, so as to produce, in a greater or less degree, the very evils which it was designed to remedy. Hence also it is apparent, that all public officers ought to be elected or appointed by men, who will act so as to promote the true objects for which government is instituted. Bad men will be likely to favor bad measures and the election of bad men to office. To commit the liberties and destinies of the public, and especially of females, and children, and the other more dependant classes of society to such men, would be, in the language of the old proverbs, “ to set the fox to guard the geese ;” to “ commit the lamb to the care of the wolf.”

CHAPTER II.

Of Liberty, Natural, Political, Civil and Personal.

Liberty is much thought of; is the subject of much conversation, and is a theme about which much has been written. It is also a thing much valued and sought for, and justly so. Still it is a word of very general import; and "there is no word that has admitted of more various significations, and has made more different impressions on human minds than that of liberty." Some have considered it to mean one thing, and some another.* It is but imperfectly understood, and still less perfectly enjoyed, by most of the nations of the earth. It is sometimes, and perhaps too generally, considered as the privilege of doing what we choose to do, under all circumstances, without any restraint, but such as our inclinations and will may impose upon us. This is the liberty of wild beasts and not of men. And, indeed, according to this idea of liberty, the very excess of it is an abridgment of it; because it allows each one the liberty of depriving others of their liberty; and so the common liberty of the whole is diminished, and is liable to be violated by the very excess of liberty itself. Thus the wild animals, possessing this liberty, deprive each other of the food prepared for their subsistence, and destroy and devour each other, and keep each other in con-

* Montesq. Sp. Laws, book ii., ch. 2.

tinual fear ; and this fear is a restraint upon their liberty. It is not the present object, however, to make an essay on liberty for the benefit of the beasts. It is for mankind ; for the human family, and especially for the people of the United States of America, that this essay is intended. And in order to give a correct, practical and useful view of this subject, it is proper to consider mankind as they are, natural beings ; as they are, members of political societies ; as they have civil rights and are subjected to civil duties, and as individual persons. Mankind are rational beings, possessed of intelligence, reason and memory. They are moral beings, possessing a conscience and moral accountability ; and, what is much the same thing, they are religious beings, and subject to all the duties and responsibilities arising from that consideration. It is for such beings that these remarks are intended ; and all correct reasoning on the subject must have reference to them as such.

1. "Natural liberty consists, properly, in a power of acting as one thinks fit, without any restraint or control, unless by the law of nature ; being a right inherent in man by birth ; and one of the gifts of God to man at his creation, when he endued him with free will."*

Burlamaqui defines natural liberty to be "the right which nature gives to all mankind of disposing of their persons and property after the manner most consonant to their happiness, on condition of their acting within the limits of the law of nature, and that they do not, in any way, abuse it to the prejudice

* Black. Com. 127.

of any other person.”* These are perhaps as good definitions of natural liberty, as applied to man, as have been given. They consider him as personally free and subject to no restraint but such as the laws of his own nature impose upon him. These laws result from his moral and intellectual faculties ; and from his relation to his fellow men and to his God, aside from his obligations as a member of any political community. This liberty might be enjoyed in perfection, without the restraints of political society, if all men would act wholly in conformity to the laws of their own nature. For these laws are sufficient, if rightly understood and fully practised, to protect all mankind in the full enjoyment of their natural liberty. But they are not rightly understood and fully practised by all. Hence the necessity of political and civil institutions. The same author first quoted above very justly adds, that “every man, when he enters into society, gives up a part of his natural liberty as the price of so valuable a purchase ; and in consideration of receiving the advantages of mutual commerce, obliges himself to conform to those laws which the community has thought proper to establish. And this species of legal obedience and conformity is infinitely more desirable than that wild and savage liberty which is sacrificed to obtain it. For no man, that considers a moment, would wish to retain the absolute and uncontrolled power of doing whatever he pleases ; the consequence of which is, that every other man would have the same power ; and then

* Chap iii., sec. 15.

tinual fear ; and this fear is
erty. It is not the present
an essay on liberty for the
for mankind ; for the human
the people of the United States
essay is intended. And in
practical and useful view
to consider mankind as they
they are, members of political
civil rights and are subject
dividual persons. Mankind
sessed of intelligence, reason
are moral beings, possessing
accountability ; and, what
they are religious beings, and
and responsibilities arising
It is for such beings that the
and all correct reasoning on the
ference to them as such.

1. "Natural liberty consists
of acting as one thinks fit, without
trol, unless by the law of nature ;
in man by birth ; and one of the
at his creation, when he endued him

Burlamaqui defines natural liberty
right which nature gives to all mankind
of their persons and property after
most consonant to their happiness, on
their acting within the limits of the law of
that they do not, in any way, abuse it to the

* Black. Com. 127.

ing to man. Man is always subject to the law of nature and of God in all situations; and he cannot be exempted from their obligation. In another sense, liberty is said to be the liberty of doing what is not restrained only by the laws of nature. This is natural liberty and does not belong to the liberty of civil society. In another and proper sense, personal liberty is the right which a member of civil society has of doing as he will, but in conformity with the principles of the society of which he is a member, and of the laws of nature. This is identical with civil liberty. The laws of nature are not abrogated by the formation of civil society, but remain in full force. A member of society may not violate the laws of nature so far as he has surrendered his rights to the society; for the benefit of society, he has an equivalent in the advantages which he cannot, thus far, enforce them in his private capacity. The society or government itself may not require any thing contrary to them. Hence, every member of society to obey the laws of nature; and if he disobeys them, he is liable to a just penalty. Hence, a member of civil society has the most perfect civil liberty, which is not a sacrifice of his personal liberty, but a sacrifice upon his civil liberty. Hence, when a person has committed a crime, the punishment of which he is liable to, he is subjected to a just penalty. Hence, a member of civil society is in a condition of liberty, in which he

there would be no security to individuals in any of the enjoyments of life. Political, therefore, or civil liberty, which is that of a member of society, is no other than natural liberty so far restrained by human laws (and no farther) as is necessary and expedient for the general advantage of the public." The writer, in the last sentence above quoted, confounds political and civil liberty, which are distinct things, and require a separate consideration. The definition is properly a description of civil, not of political liberty.

2. Political liberty has reference to the construction and organization of a government. It is the guaranty which the constitution of government provides, that all its citizens or subjects shall enjoy civil liberty. Mr. Christian defines it to be "the security with which, from the constitution, form and nature of the established government, the subjects enjoy civil liberty."* It consists wholly in the assurance which the structure and fundamental principles of the government contain, that it shall be so administered as to secure and preserve to the subjects of it the possession and enjoyment of civil liberty; but it is not civil liberty itself. That is a different thing, although the two ideas have been too commonly confounded. That nation, whose form of government provides the most certain assurance and security for the full enjoyment of civil liberty, enjoys the greatest political liberty. But the specific and distinctive character of this species of liberty will be better understood from what follows.

3. Civil liberty is the natural liberty of a member

* Note on 1 Black. Com. p. 128.

of a political society, so far restrained by the laws of the society, bearing equally upon all its members, as is necessary for the general good of the whole, and no farther. Mr. Paley defines it to be "the not being restrained by any law but what conduces, in a greater degree, to the public welfare."* These two definitions mean, substantially, the same thing. Civil liberty is enjoyed by mankind in a state of civil society, and in no other condition. It does not belong to that condition of mankind sometimes called a state of nature. By these descriptions of political and civil liberty, it will be perceived, that the former is the means; the latter the object or end. Civil liberty is valuable for the advantages and happiness that its possessors derive directly from it; the other as securing those advantages and that happiness. Montesquieu had in view these two kinds of liberty in his eleventh book, entitled "of the laws that form political liberty with regard to the constitution," and in his twelfth book, entitled "of the laws that form political liberty as relative to the subject." He has made many excellent remarks on the subjects of those two books; but has not kept them sufficiently distinct. Civil liberty may exist, in great perfection, under any form of government, even under an absolute hereditary monarch; because he may, by possibility, be a great, a wise, and a good man; and be disposed to allow and secure to his subjects, and actually allow and secure to them, all the blessings of civil liberty. But, if it is so to-day, it may not be so to-morrow; be-

* Mor. Phil., book 6, ch. 5.

cause he may change and become an idiot, or a madman, or a tyrant. And there is nothing in the constitution of such a government that gives security that it will not be so; or, if he should not change, that his successor will not be a tyrant. Although the subjects of such a government may for a time possess civil liberty, they do not possess political liberty.

The above description of civil liberty implies, that any restraint of natural liberty, that is not compensated by some public benefit, at least as great, is an evil; and such an evil as no member of society ought to be subjected to. A member of a political society surrenders no more of his natural liberty than is necessary for the general good. Any law, therefore, which abridges that liberty, without producing an equal or greater degree of advantage to the public, or to the individual himself, is so far arbitrary and unjust. Civil liberty may be said to be perfect in any government whose laws confer all the advantages which can be derived from the institutions of society, without abridging the natural liberty of the subject in any case, excepting where an equal or greater degree of public advantage is produced as a consequence; and where these advantages are secured and made permanent by the constitution of the government. Political liberty is perfect in any nation whose constitution of government secures to all its members the actual and permanent enjoyment of civil liberty.

4. Personal liberty, in an absolute sense and as it is sometimes improperly understood, is the liberty of doing what one chooses to do, unrestrained by any principle or law. This is the liberty of a brute and

does not belong to man. Man is always subject to the laws of nature and of God in all situations; and he cannot escape from their obligation. In another sense it may be said to be the liberty of doing what one will, restrained only by the laws of nature. This is identical with natural liberty and does not belong to a member of civil society. In another and proper sense, personal liberty is the right which a member of society has of doing as he will, but in conformity with the laws and principles of the society of which he is a member, and of the laws of nature. This is identical with civil liberty. The laws of nature are not abrogated by the formation of civil society, but remain in full force. A member of society may not violate them; but so far as he has surrendered his rights under them, for the benefit of society, he has an equivalent, and more than an equivalent in the advantages received, and cannot, thus far, enforce them in his favor. And the society or government itself may not violate them, or require any thing contrary to them.

It is the duty of every member of society to obey the laws of the society; and if he disobeys them, he is liable to the prescribed penalty. Hence, a member of a government enjoying the most perfect civil liberty, may be wholly deprived of his personal liberty, without in any sense infringing upon his civil liberty. This happens, for example, when a person has committed a crime, the legal and just punishment of which is imprisonment; and being duly convicted, he is subjected to the prescribed penalty. Every member of society is under obligation, as a necessary condition of his membership, to conform to its laws; and if he

violates them he must abide by the consequences, and cannot reasonably complain. Every restraint upon personal liberty, which the security and safety of the public require, increases the general liberty of the country and of all its members. Personal liberty is perfect under a government possessing perfect political and civil liberty.

The authors of the American revolution effected that object for the purpose of acquiring and maintaining political and civil liberty for themselves and their posterity. After the experience of nine years under the articles of confederation, they adopted the present constitution of the United States, which was formed with the direct object of establishing and perpetuating the liberties of the people. No similar instrument was ever formed by abler men, with more wisdom and patriotism, or with more liberal and enlightened forecast as to its future effects. It was formed by the men of the revolution, who had experienced the privation of liberty and knew its value. This noble constitution limits the power of the rulers to its legitimate objects. It distributes the different powers of the government to different departments, and assigns to each its appropriate duties and powers. It provides for the appointment of public officers by the election of the citizens, or by their representatives; in no case leaving the right to hold an office to the chance of birth. It defines and asserts the rights of the people; and contains, within itself, a provision for future amendment and improvement, as experience shall dictate.

The State constitutions are formed upon similar principles.

It may be truly said that political or civil liberty is no where else so fully enjoyed or so firmly established as in our own United States. But the trust and duty of preserving it is committed to the people, and is in their keeping; and it depends upon them whether it shall be preserved or not. Most of the men of the revolution have gone to their long homes; and the present generation have succeeded to a rich inheritance of liberty, without knowing what it is to be deprived of it, and without having experienced the difficulties of acquiring it. Let them be vigilant to maintain and preserve it; and not barter it away or squander it, as a young heir too often does his patrimony, because he does not properly appreciate its value until it is irretrievably lost. It behoves every inhabitant of the United States to study and understand the true principles of American liberty; to learn their extent and limits; and to understand what rights they give him, and what obligations they impose upon him. By such an examination he will perceive that, as a member of civil society, he has given up so much of his natural liberty as is necessary for the general advantage; that he possesses so much civil liberty as is consistent with the welfare of the whole community and no more; and that liberty itself requires that he should take precisely that station in society which is most for the public benefit; and that in doing this, his own interests and those of the public, if rightly understood, will coincide. And to come more directly to the subject of this work, by so doing he will find

that the public good must decide what qualifications he must possess to entitle him to the right of suffrage ; and that, if he exercises that privilege without possessing such qualifications, he violates the general liberty, and impairs the very principles by which his own liberty and that of his posterity is sustained. In short, he will place himself in the predicament mentioned in the first part of this chapter, where the excess of liberty is shown to be an abridgment of it.

CHAPTER III.

Of the source of power in the Governments of the United States—Of the People; what should be the idea of them—Of Citizenship.

It is an admitted principle in the United States, that all political power resides originally in the people, and is derived from them ; that government is instituted for their benefit ; and that all the just powers of government are derived from their consent. These principles are expressly asserted in the Declaration of Independence and in the constitutions of some of the States ; and are implied in all the constitutions of the States and in that of the United States. The people have wisely determined that they will not exercise this power directly by themselves, but by others, to whom they delegate it for definite periods ; at the expiration of which, the power thus delegated reverts to them, and is again delegated to others by means of

elections or new appointments. In this way they retain the general power of government in their own control. And that it may be properly exercised, they have formed written constitutions or forms of government, defining and limiting the powers of the legislators and various officers of the government, and, to some extent, their own powers; and providing for the appointment of such officers as they choose not to appoint by their own direct election. The form of government established by the people, and thus limited and defined by their written constitutions, does not precisely correspond with either of the simple forms described by the writers on government; but may be properly denominated a representative republic, or a representative democracy. The government, and the power of the government are, in theory and in fact, in the people originally; but when they have delegated it to their representatives, and to the various other officers in the different departments of the government, the portion of power so delegated is in those officers during the continuance of their offices. Thus the Judicial power is vested in the judges of the various courts of law and equity. By the constitution of the United States, the judges hold their offices during good behavior. They are appointed, as most of the principal officers of the United States are, by the President, by and with the advice and consent of the Senate. The judges of the State courts are appointed in various ways; sometimes by the governor and sometimes by the legislature, and hold their offices generally during good behavior; but limited, in some of the States, to a certain age, or

otherwise. The President of the United States is chosen by electors appointed in such manner as the legislatures of the States may direct ; and if a majority of the electors do not agree upon a candidate, then the House of Representatives in Congress elect him, their votes being taken by States, the representation from each State having one vote. The President, when elected, holds his office for four years. The officers of the State governments are elected and appointed according to the various provisions of the State constitutions. All these various officers when duly elected or appointed, and qualified, possess absolutely all the powers assigned to them by the constitutions under which they are appointed, subject only to the conditions attached to the tenure of their respective offices. So that, notwithstanding all power is originally in the people and derived from them, they exercise it wholly by persons to whom it is delegated by themselves according to the constitution, and not by their direct agency. In this way the people divest themselves of the direct powers of government, and transfer them to individuals. It is a part of the compact contained in the constitutions, that the power of the people should be exercised in this way. The constitution is a compact formed by the people for their own government ; and each individual is bound to every other and to the whole to be governed by its provisions and to support them. And the whole people are pledged to each and every individual, that the power of the whole shall be exercised so as to protect each one in all his constitutional rights. Any exercise of power not in conformity to the provisions

of the constitution, even by a majority of the people, is a violation of the compact and an infringement of the rights and liberties of the people. The constitutions contain provisions for their improvement and amendment ; and it is a part of the compact that they shall remain in force, as they are, until altered in conformity with these provisions. So that it would be a violation of the compact and of the rights and liberties of the minority, if these constitutions should be altered in any other way, even by the vote of a large majority of the people. The minority might justly say that they did not come into such a compact, and that they were not bound by such an alteration. So that, even a majority of the people cannot, by their vote, rightfully bind the minority only in conformity with the provisions of the constitution. From the foregoing remarks it appears, that the elective franchise, or right of suffrage, is at the foundation of our governments, and is the moving power and first principle which puts them in motion, and sustains them in their operation, and gives them direction in all their parts. How important it is then, that the right of suffrage should be exercised by such persons, and by such only, as will give a right direction and salutary influence to all the powers of government. This right, being the fountain from which all powers flow, if it is exercised ignorantly or corruptly, the government may and inevitably will become corrupt and unstable ; and the rights and liberties of the people will be impaired and perhaps destroyed. The American constitutions at their formation were strictly compacts among the people who formed them. But as that race of men will

all pass away, the question may arise whether their successors are to be considered as parties to the compacts and bound by them. As these constitutions were made, by their authors, not only for themselves but for their successors and for the country, all their successors inhabiting the same country are presumed to assent to them; and are equally bound by their provisions and entitled to the benefits to be derived from them, as their original authors.*

The people being the source and depository of all political power, it becomes important to consider who the people are, and to form definite and correct ideas of them. In a general sense, the word people, denotes all the inhabitants of the country, of both sexes and of all ages and conditions. But we derive our language and our origin from Great Britain; and the inhabitants of that country are divided into various ranks, as the king and royal family; the lords spiritual and temporal, and those of inferior rank. It is believed that the word is used frequently, and perhaps always in England, to denote the classes of persons below the rank of nobility; and that an idea of inferiority is connected with it. It is to be feared that, with the word, we have imported the connected idea; and that when the people are spoken of, the idea communicated too often is, that of a class of persons holding inferior stations in society. It is presumed that almost every person has witnessed the evidence of this more or less in conversation, and in the appeals made to the people in public speeches and through

* Puffendorf's Law of Nat. and Nations, book 7, ch. 2, sec. 20.

the press. Now the idea that Americans, from mere self-respect, ought to form of the American people, is that of a class of persons in whom the sovereign power of a great and growing empire resides; and that of a class of persons who are worthy, by their suffrages, to take a part in the administration of the government of such an empire. Nothing low or vile ought to be associated with the idea. It ought to carry with it the idea of dignity and of intellectual and moral worth; and if the American people are not worthy of being estimated by such a standard, they ought to raise themselves to it. None below that standard ought to be included in the idea of the American people. It is not unusual to hear persons talk of the common people. But who are the common people of the United States? There are no royal or noble families; all are commoners. And if such a distinction has any just foundation in the United States it would seem as if the phrase ought to embrace all those persons, with their families, who stand upon a common level as electors, and to exclude those not possessing the qualifications for that station. These are not mere idle speculations. Nations and individuals will conduct, in a great measure, according to the standard of character that they have affixed to themselves. And if foreign nations find that character to be just and well sustained, they will also adopt it in their estimation. Thus, by having a high standard of character formed and established, the nation will raise its own character both at home and abroad; and, what is of much consequence, the character of the government will be alike elevated, and

the government be better administered. And when the character of the whole people shall become so elevated and established, we shall have no appeals to their ignorance and bad passions from demagogues seeking popular favor; and if such appeals shall be made, they will be spurned with merited contempt. The aspirants for favor must then address themselves to the intelligence and patriotism of the people; and must themselves establish a reputation for intelligence, integrity and patriotism, before they can expect to receive the suffrages of the people.

It is a question, about which there may be some diversity of opinion, what constitutes citizenship; or who are citizens. In a loose and improper sense, the word citizen is sometimes used to denote any inhabitant of the country; but this is not a correct use of the word. Those, and no others, are properly citizens who were parties to the original compact by which the government was formed, or their successors who are qualified and entitled to take a part in the affairs of government, by their votes in the election of public officers. Women and children are represented by their domestic directors or heads, in whose wills theirs is supposed to be included. They, as well as others not entitled to vote, are not properly citizens. They are members of the State, and fully entitled to the advantages of its laws and institutions for the protection of their rights: "But inmates, strangers, and other temporary inhabitants are not members of the State;" still they are entitled to the protection of the laws, if permitted to remain within the State.* A

* Puff. book 7, ch. 2. sec. 20.

citizen, then, is a person entitled to vote in the elections; he is one of those in whom the sovereign power of the State resides; he holds a rank of responsibility and dignity; he is one of that class of persons to whom the females and children, and all the more dependent members of society, look for the protection and support of all their rights. It therefore behoves all classes of society to see that such principles shall be adopted in the government, as to exclude, as far as possible, all unworthy persons from a station of so much dignity and importance.

CHAPTER IV.

Of the Value of the American Institutions of Government and of the Duty of preserving them—Of the sources of danger to these Institutions—How they may be Perpetuated.

That the people of the United States may feel a suitable interest in the perfection and preservation of their invaluable institutions of government, it is necessary that they should understand and justly appreciate their value. It has been before shown that government is necessary, principally “because of the bad passions, propensities and imperfections of mankind;” and that its legitimate object is, to prevent and redress the evils resulting from them. Any restraint upon the actions of men, beyond what is necessary to prevent or redress wrong, or to produce a greater

degree of good, is an abridgment of liberty, and is, of itself, an evil. In most of the civilized countries of the old world, the people have been considered as incapable of self-government; and hence their rulers generally have held their offices by hereditary right; part of the people being born to rule and the rest to obey. There the foundation is laid, in the very first principles of their governments, for a conflict of interests between the rulers and the ruled. But our ancestors wisely formed their government upon different principles. They assumed, as first principles, that the people had equal political rights; that government was formed for their benefit; and that they were capable, as a body, of self-government. I say as a body; because the very idea of government supposes that it is not so, with each individual. Our constitutions of government are designed to secure to the people the most perfect enjoyment of civil liberty. They embody a set of rules and principles which establish, in the people, the right of electing their own rulers, and of being subject to no laws but such as are made by themselves or their representatives. And their representatives, being chosen for short and limited periods, can have, and justly claim no right in their offices, except for so long a period as they hold them by the will of the people. Every guard is placed around the exercise of power which, it was supposed, would be necessary to preserve a wholesome exercise of it, and to prevent the abuse of it. And the people have reserved, in their own hands, the right, by means of elections, to protect their own liberties, and to guard themselves against all the en-

croachments of power. Their rulers are a part of themselves, and possess only the rights and interests common to all. Hence it is to be presumed that all laws will be made, expounded and executed with a single regard to the general good and to the rights of those immediately concerned. Every person may be a candidate for any office to which he is eligible, without restraint; and may engage in any legitimate business by which he may advance his own interest. Hence arises the great prosperity which is witnessed in the varied business of society, by which individuals are enriched and society is so much benefitted. No person's liberty can be justly abridged any farther than is necessary for the general benefit; and if he receives an injury, the law is open for his redress. Such a government is worthy of the care and preservation of an enlightened people. Let every one study and understand its true principles; and spare no effort to preserve it unimpaired, and to protect it, and to transmit it to posterity. It is the source of too much happiness and prosperity to be lightly valued; and the poorest and most abject member of society may console himself with the hope, that his posterity will share largely in its blessings, although his own condition may be humble. A regard to our own happiness and to that of our posterity; gratitude to our ancestors who acquired our liberties and established our happy form of government; and gratitude to that Divine Being, to whose good providence we are indebted for these blessings, alike demand that we should be vigilant to preserve them. The friends of free institutions throughout the world are looking with

anxiety, to the example of liberty which we have set them ; and if our example should fail, where will liberty dwell on the earth ?

One source of danger to our political institutions arises from the various interests that may exist in the different parts of our great country, embracing various climates, various domestic institutions, and various occupations of life. This source of danger must be overcome by mutual confidence, concession, forbearance and conciliation. Another source of danger, and that which now principally claims our attention, exists in the internal structure of our government, and necessarily arises from it. I allude to the misapplication and abuse of the right of suffrage. It has been before remarked, that the right of suffrage is at the foundation of our government ; that it is the moving power and first principle which puts it in motion, and sustains it in operation, and gives it direction in all its parts. If this right is confided to unfit persons, or is improperly exercised, it so far tends to endanger the government.—Its direct tendency, in these cases, is to corrupt both the people and the rulers. It will corrupt the people, because it will bring corrupt men and corrupt principles into action in the elections ; and corrupt measures will be resorted to, as the means of gaining success. And it will corrupt the rulers, because they must resort to corrupt means to obtain and to keep their offices. It is not to be presumed, even if the right of suffrage is ever so unguarded, that a majority of the electors will be corrupt. But, in case of a division of opinion respecting men or measures, if any considerable por-

tion of the electors are corrupt, they may and will give their influence to the party least entitled to success. Fraud and violence will be resorted to; and good men will be driven from taking any part in the elections or in public affairs, and corruption will prevail. In short the fountain of political power will become corrupt.

But let the right of suffrage be so guarded as to exclude all from the exercise of it but such as will act intelligently, honestly and patriotically; and good men will be elected and appointed to office, and good measures will prevail. If we will establish the right of suffrage on principles founded in the true relations of persons and things, so as to give to the right its just relative bearing upon all the interests and members of society; and so as to tend, in its exercise, to the general good of all, we may hope that our political institutions will be perpetual. Political power will then emanate only from a pure source, and from a wholesome and never-failing fountain. When the power once granted has become extinct, by the expiration of the term for which it was granted, new power will emanate from the same pure source, by a new election, to supply its place; and thus the powers of government will be periodically restored, with renewed youth and vigor; and the government never feel the decrepitude of age. New political power will arise, like the fabled Phenix, from the ashes of that which preceded it;—and the fire of liberty, like the sacred fire in the temple of Vesta, will be ever burning with a bright and benignant flame. But the citizens of the republic must remember that they are

the Vestals to guard this holy fire ; and that it requires their constant care and vigilance to trim the lamp and to supply the fuel ; and that if this sacred fire is once extinguished, it will portend, not an imaginary, but the real destruction of the country and of their hopes ; and with them the hopes of all the friends of civil liberty every where.

CHAPTER V.

Of the Natural Equality of Mankind.

It is a principle of natural law, that all men are to be accounted, by nature, equal. "Since human nature agrees equally to all persons, and since no person can live a sociable life with another, who does not own and respect him as a man ; it follows as a command of the law of nature, that every man esteem and treat another, as one who is naturally his equal, or who is a man as well as he." "And this equality we may call an equality of right ; the principle from which it springs is this ; that the obligation to a social life equally binds all men, inasmuch as it is the inseparable companion of human nature."*

It is a maxim often asserted that all men are created equal. The proposition, in this general form, is asserted in the declaration of independence and in some of the State constitutions. The inference sometimes

* Puff. book 3, ch. 2, sec. 1, 2.

drawn from this proposition, so generally expressed and apparently so little understood, is, that all males of full age have a natural right to vote in public affairs and in the election of public officers, with little or no limitation as to qualification. A brief examination, therefore, of this supposed equality may be useful. The proposition in its terms, asserts a perfect natural equality among men: but this is contradicted by the common and daily experience of mankind. One person is born with a feeble and sickly constitution, contaminated, perhaps, by hereditary disease: another with a healthy and robust constitution, capable of sustaining, with vigor and ease, all the duties and hardships of life. One is born an idiot, or with an intellect capable of but little or no improvement; while another possesses an intellect capable of unlimited improvement and of making the greatest advances in knowledge. These are inequalities not depending, in any sense, on the will or act of the parties, and are strictly natural. One is born an heir to wealth; another to poverty. One is placed by birth, in a situation to receive all the aids which wealthy and influential friends can give: while another is left to make his own way in the world, without these aids; and is often compelled to sustain his dependent relations, who hang like an incubus over all his best directed efforts for his own advancement. The proposition therefore is not true in the general sense, and cannot be made true by any political or civil regulations of society: for many of these inequalities are such as no political or civil regulations can remedy.

What then is the true import of the assertion in the

declaration of independence and in the State constitutions, that all men are created equal? We have seen that it cannot mean a strict natural equality. It must then mean an equality of political and civil rights. All the native inhabitants of the United States are to be equally protected in all their rights; but these rights may be very various and possessed in different degrees. Among these is the right of acquiring and possessing property, and the right of enjoying such property and advantages as one may inherit from his parents or other relatives; the right of enjoying personal liberty when not forfeited by the commission of crime; the right of acquiring and enjoying such influence in society, as one may be entitled to by his talents and moral worth; and especially the right of qualifying himself, according to existing laws, for the various offices of government, and of receiving and enjoying those offices when conferred upon him by the will of the people. The principle is especially intended to exclude the establishment of privileged orders in society; and to leave all the avenues to places of honor and profit open to a fair competition. But it by no means intends to take away those salutary regulations, which the good of society requires, and which are necessary to secure the more fortunate members of society in the equal enjoyment of their just rights. Any law or regulation, for example, which should prevent any man or class of men from acquiring property in an honest and lawful manner, for the purpose of reducing them to an equality in point of wealth, with their poorer neighbors; or which should prevent them from holding and enjoying it

when so acquired, would be a violation of that equality which is guaranteed to all, inasmuch as it would deprive them of the equal fruits of their own equal rights. When a person is lawfully appointed to any office of honor or profit, he is entitled to all the emoluments of his office; and as these emoluments are not common to all the people, he possesses certain rights, by virtue of his office, which are not common to all. But this causes no violation of the principle of equality. The equality in this instance, consists in the right of all to qualify themselves for the enjoyment of these offices and emoluments; and in the actual enjoyment of them, when conferred according to law and the constitution. Every citizen of the United States may claim a right, on the principle of natural equality, to hold and exercise the office of President of the United States without possessing the necessary qualifications, on precisely the same ground that he can claim a right to vote in elections without possessing the suitable qualifications. In either case, the wisdom of the people, acting in their sovereign capacity, must decide what qualifications shall be required.

It is apparent, from the foregoing remarks, that the asserted principle of equality by no means warrants the inference that all persons have a right to vote in public affairs and elections without any restriction as to qualifications. On the contrary it will appear upon farther examination, that such a general application of the principle would produce an unjust inequality among the various members of society; and would be injurious, perhaps fatal, to the public interests.

Men possess very various talents and acquirements ; and if they are equally protected in the exercise of them, and in the enjoyment of the fruits of them, this equal protection will produce an inequality in their condition : and the welfare of society requires that it should be so. If it were not so, the stimulus to enterprise and exertion, which has done, and is still doing, so much to beautify, enrich, and strengthen our country, would be paralyzed ; and instead of the rapid progress which we are now making to greatness and power, we should witness decay and ruin. But the laws and institutions of society ought to be such that all persons may avail themselves of their fair equal rights and advantages ; and of their talents, acquirements and personal merits ; and such as shall prevent monopolies and entailments of property or privileges in the hands of individuals, or associations of men, or families. The general good of society ; a due regard to the democratic principles of our government, and of the equal rights of its members, require this.

But in the division of power between the general government, and the State governments, the regulation of these things was left, principally, within the jurisdiction of the latter. And they have generally, or at least in some important respects, carried these principles into effect, by causing an equal division of intestate estates among the heirs, and by preventing entailments of property. Whether they have adopted the true principle as to monopolies of privileges in the hands of individuals and associations of men, presents a subject of interesting enquiry, the examination of which does not fall within the scope of this treatise.

CHAPTER VI.

A Historical Review of the Right of Suffrage, according to the Constitutions of the United States and of the several States.

The constitution of the United States does not prescribe the qualification of electors, in any case. It provides that the electors of members of the house of representatives in Congress "in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."* These qualifications are left to be prescribed and regulated wholly by the constitutions and laws of the several States. There is no other officer or member of the general government of the United States, who is elected directly by the votes of the people, but representatives to Congress. It would have been well, on many accounts, if the qualifications of the electors of all the elective officers and of the members of conventions for forming and amending the constitutions, both of the general and State governments, had been prescribed and established by the constitution of the United States. This would have made the qualifications for the right of suffrage uniform throughout the country; and would have made the elective franchise a right to be appreciated and sought for, as a valuable American privilege, by all classes of people. And it would have become an estimable and known standard of citizenship;

* Art. 1, sec. 2.

or, as the right has been considered and treated in some of the States, it would have given to its possessors the honorable appellation of freemen of the United States.

We recur to the principles of our glorious revolution as the correct and standard principles of our government; and very justly so: for the history of the world does not present an example of more pure, enlightened and disinterested patriotism than was exhibited by the great men of the revolution of 1776. The actors, in that revolution, were the men who formed the constitutions of the thirteen old original States which achieved the revolution. It may be interesting, therefore, to review the provisions made by the conventions of the people in those States, on the subject of the right of suffrage, at and near the period of the revolution; and to compare them with the later provisions on that subject, in the same States and in the new States.

New Hampshire. A convention assembled in 1775, agreed that "each elector should possess a real estate of twenty pounds value."*

By the constitution of October 1783, every male inhabitant of twenty-one years of age, paying for himself a poll tax, had a right to vote in the town or parish where he dwelt, for senators and representatives.

By the constitution of 1792, part 2, every male inhabitant of twenty-one years of age, excepting paupers and persons excused from paying taxes at

* 2 Belknap's Hist. New Hampshire, 398.

their own request, are admitted to vote in the town or parish where they dwell, for senators and representatives.

Massachusetts. By the constitution of 1780, ch. 1, sec. 2, art. 2, every male inhabitant of twenty-one years of age, having a freehold estate within the State of the annual income of three pounds, or any estate of sixty pounds, had a right to give his vote for the senators for the district of which he was an inhabitant. And by ch. 1, sec. 2, art. 4, every male person of twenty-one years of age, being a resident of any town in the State one year next preceding the election, and having the like qualifications as to property, had a right to vote for a representative or representatives in the same town.

By an alteration of the constitution made in 1820, (Amendments, art. 3) "every male citizen of twenty one years of age and upwards, (excepting paupers and persons under guardianship) who shall have resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six callendar months, next preceding any election of governor, lieutenant governor, senators, or representatives, and who shall have paid, by himself or his parent, master or guardian, any State or county tax which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be by law exempted from taxation, and who shall be, in all other respects qualified as above mentioned, shall have a right to vote in such

election of governor, lieutenant governor, senators and representatives. And no other person shall be entitled to vote in such elections.”

Connecticut. This State received a very liberal charter from Charles II. in the 14th year of his reign, A. D. 1662, under which the people administered their government, until the adoption of their new constitution in the year 1818.

By the laws established by the people, under that charter, persons having the requisite qualifications were admitted to the privileges of freemen of the State, on taking the prescribed oath. When admitted as freemen, their names were enrolled in the roll of freemen, in the town clerk's office of the town in which they were admitted; and they remained freemen, and had a right to vote in all elections, until they forfeited or lost the right, by the commission of crime or otherwise.

The qualifications were, to be twenty-one years of age, and to have the possession of a freehold estate of the value of seven dollars a year, or one hundred and thirty-four dollars personal estate in the general list of estates in that year when they were admitted as freemen, and to be persons of peaceable behavior and civil conversation. These were substantially the qualifications, from a period anterior to the revolution, until the adoption of the constitution in 1818. And by a law passed in October, 1802, if the person claimed to be admitted a freeman, by reason of owning a freehold estate by deed, or lease, for life, the deed or lease must have been duly recorded at length,

in the proper office, at least four months before the meeting to which he claimed to be admitted as a free-man.

By the constitution of 1818, art. 6, sec. 2, "every white male citizen of the United States, who shall have gained a settlement in this State, attained the age of twenty-one years, and resided in the town in which he may offer himself to be admitted to the privilege of an elector at least six months preceding, and have a freehold estate of the yearly value of seven dollars, in this State; or, having been enrolled in the militia, shall have performed military duty therein for the term of one year next preceding the time he shall offer himself for admission; or being liable thereto, shall have been by authority of law, excused therefrom, or shall have paid a State tax within the year next preceding the time he shall present himself for such admission, and shall sustain a good moral character, shall, on taking such oath as may be prescribed by law, be an elector."

Rhode Island. The people of Rhode Island received a charter from Charles II. in the 14th year of his reign, establishing a free form of government, under which their government has ever since been administered. The qualifications for the right of suffrage, were established by law, at or before the time of the revolution, and have remained substantially the same ever since, and are as follows: "Every man qualified to vote, must own, in fee simple, fee tail, in reversion or remainder, real estate to the value of one hundred and thirty-six dollars, or which will

rent for seven dollars per annum; or he must be the oldest son of a person so interested in real estate."

New York. By the constitution adopted in 1777, sec. 10, the senate was to be elected by "the freeholders of the State, possessed of freeholds of the value of one hundred pounds over and above all debts charged thereon." And by sec. 7, every male inhabitant of full age, who had personally resided within one of the counties of the State for six months previous to the day of election, was, at such election, entitled to vote for representatives of the said county in assembly; if, during the time aforesaid, he was a freeholder, possessing a freehold of the value of twenty pounds, within the said county, or had rented a tenement therein of the yearly value of forty shillings, and had been rated and actually paid taxes to the State.

By the constitution formed in 1821, art. 2, "every male citizen of the age of twenty-one years, who shall have been an inhabitant of this State one year preceding any election, and for the last six months a resident of the town or county where he may offer his vote; and shall have, within the year next preceding the election, paid a tax to the State or county, assessed upon his real or personal property; or shall be by law, exempted from taxation; or being armed and equipped according to law, shall have performed, within that year, military duty in the militia of this State; or who shall be exempted from military duty in consequence of being a fireman in any city, town or village in this State; and also every

male citizen, of the age of twenty-one years, who shall have been, for three years next preceding any such election, an inhabitant of this State, and, for the last year, a resident in the town or county where he may offer his vote; and shall have been, within the last year, assessed to labor upon the public highways, and shall have performed the labor, or paid an equivalent therefor according to law, shall be entitled to vote in the town or ward where he actually resides, and not elsewhere, for all officers that now are or hereafter may be elective by the people.* But no man of color, unless he shall have been for three years a citizen of this State, and for one year next preceding any election, shall be seized and possessed of a freehold estate of the value of two hundred and fifty dollars over and above all debts and incumbrances charged thereon; and shall have been actually rated and paid a tax thereon, shall be entitled to vote at any such election."

New Jersey. By the constitution established in 1776, sec. 4, "all inhabitants of this colony, of full age, who are worth fifty pounds proclamation money, clear estate in the same, and have resided within the county in which they claim a vote, for twelve months immediately preceding the election, shall be entitled to vote for representatives in council and assembly;

* By an alteration of the constitution, adopted in 1826, the right of suffrage was given to every white male citizen of full age, who shall have been an inhabitant of the State for one year, and of the county for six months preceding the election.

and also for all other public officers that shall be elected by the people of the county at large."

Pennsylvania. By the constitution of 1776, ch. 2, sec. 2, the legislative power was "vested in a house of representatives of the freemen of the Commonwealth of Pennsylvania."

By ch. 2, sec. 6, "every freeman of the full age of twenty-one years, having resided in this State for the space of one whole year next before the day of election for representatives, and paid public taxes during that time, shall enjoy the right of an elector. Provided always that the sons of freeholders, of the age of twenty-one years, shall be entitled to vote, although they have not paid taxes."

By the constitution of 1790, art. 3, sec. 1, it is provided that "in elections by the citizens, every freeman of the age of twenty-one years, having resided in the State two years next before the election, and within that time paid a State or county tax which shall have been assessed at least six months before the election, shall enjoy the rights of an elector. Provided that the sons of persons qualified as aforesaid, between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes."

Delaware. The constitution of 1776, sec. 5, provides that "the right of suffrage, in the election of members of both houses, shall remain as exercised by law at present."

The constitution of 1792, art. 4, sec. 1, provides

that in all elections of governor, senators and representatives, "every white freeman of the age of twenty-one years, having resided in the State two years next before the election, and within that time paid a State or county tax, which shall have been assessed, at least, six months before the election, shall enjoy the right of an elector. And the sons of persons so qualified shall, between the ages of twenty-one and twenty-two years, be entitled to vote, although they shall not have paid taxes."

Maryland. By the constitution formed in 1776, sec. 2, art. 14, "all freemen of twenty-one years of age, having a freehold of fifty acres of land in the county in which they offer to vote, and residing therein; and all freemen having property in this State above the value of thirty pounds current money, and having resided in the county, in which they offer to vote, one whole year next preceding the election, shall have a right of suffrage in the election of delegates for such county," and also in the election of electors of the senate.

By an alteration of the constitution made in 1810, art. 14, provision is made "that every free white male citizen of this State, above twenty-one years of age, and no other, having resided twelve months within this State and six months in the county, or in the city of Annapolis or Baltimore, next preceding the election at which he offers to vote, shall have a right of suffrage, and shall vote by ballot, in the election of such county or city, or either of them, for electors of President and Vice President of the United States,

for representatives of this State in the Congress of the United States, for delegates to the general assembly of this State, electors of the senate and sheriffs."

Virginia. The constitution of 1776, provides that "the right of suffrage, in the election of members of both houses, shall remain as exercised at present."

By the laws then in force, the qualifications for the right of suffrage were substantially as follows :

Every male citizen of the Commonwealth, aged twenty-one years, who has an estate of freehold for his own life or the life of another, or other greater estate, in at least fifty acres of land, if no settlement be made upon it ; or twenty-five acres with a plantation, and house thereon at least twelve feet square, in his possession or in the possession of his tenant for years, at will or sufferance, in the same county where he gives his vote, or in the county where the greater quantity of land lies, if the same lies in two counties, or where the house shall be ; and every such citizen being possessed, or whose tenant for years, at will or sufferance, is possessed of an estate of freehold in land of the value of twenty-five dollars, (and so assessed to be if any assessment thereof is required by law ;) and every such citizen, being entitled to a reversion or vested remainder in fee, expectant on an estate for life or lives, in land of the value of fifty dollars, (and so assessed to be if any assessment thereof is required by law ;) and every such citizen who shall own and be himself in the actual occupation of a leasehold estate, with the evidence of title recorded two months before he offers his vote, of a

term originally not less than five years, of the annual value or rent of twenty dollars; and every such citizen who, for twelve months next preceding, has been a housekeeper and head of a family within the county, city, town, or borough where he may offer to vote, and shall have been assessed with a part of the revenue of the State the preceding year and actually paid the same, shall be qualified to vote for members of the general assembly in the county, city or borough respectively wherein such land shall lie, or such housekeeper or head of a family shall live." The laws contain some other provisions respecting tenants in common, &c., not material to the present purpose. They also provide, "that the right of suffrage shall not be exercised by any person of unsound mind, or who shall be a pauper, or a non-commissioned officer, soldier, seaman, or marine in the service of the United States, or by any person convicted of an infamous offence."

North Carolina. The constitution established in 1776, sec. 7, provides "that all freemen of the age of twenty-one years, who have been inhabitants of any one county within the State twelve months immediately preceding the day of election, and possessed of a freehold within the same county, of fifty acres of land for six months next before and at the day of election, shall be entitled to vote for a member of the senate.

And by the 8th section, "All freemen of the age of twenty-one years, who have been inhabitants of any one county within the State twelve months immediately preceding the day of any election, and shall have

paid public taxes, shall be entitled to vote for members of the house of commons for the county in which he resides.”

South Carolina. The constitution of March 19, 1778, provides, that “the qualification of electors shall be that every free white man and no other person, who acknowledges the being of a God, and believes in a future state of rewards and punishments, and who has attained to the age of twenty-one years, and hath been a resident and an inhabitant of this state for the space of one whole year before the day appointed for the election he offers to give his vote at, and hath a freehold, at least, of fifty acres of land or a town lot, and hath been legally seized and possessed of the same at least six months previous to such election; or hath paid a tax the preceding year, or was taxable the present year at least six months previous to the said election in a sum equal to the tax on fifty acres of land, to the support of this government, shall be deemed a person qualified to vote for, and shall be capable of electing a representative or representatives to serve as a member or members in the senate and house of representatives for the parish or district where he actually is a resident, or in any other parish or district in this State where he hath the like freehold.”

By the constitution of June 3, 1790, art. 1, sec. 4, “every free white man at the age of twenty-one years, being a citizen of this State, and having resided therein two years previous to the day of election, and who hath a freehold of fifty acres of land, or a town lot of which he hath been legally seized and possessed, at

least six months before such election ; or not having such freehold or town lot, hath been a resident in the election district in which he offers to give his vote, six months before the said election, and hath paid a tax the preceding year of three shillings sterling towards the support of this government, shall have a right to vote for a member or members to serve in either branch of the legislature, for the election district in which he holds such property or is so resident.”

By an amendment to the constitution subsequently made, the right of suffrage is established as follows : “Every free white man, of the age of twenty-one years, paupers and non-commissioned officers, and private soldiers of the army of the United States excepted, being a citizen of the State, and having resided therein two years previous to the day of election, and who hath a freehold of fifty acres of land or a town lot of which he hath been legally seized and possessed at least six months before such election, or not having such freehold or town lot, hath been a resident in the election district in which he offers to give his vote six months before the said election, shall have a right to vote for member or members to serve in either branch of the legislature, for the election district, in which he holds such property, or is so resident.”

Georgia. Constitution of February 5, 1777, sec. 9, “All male white inhabitants of the age of twenty-one years, and possessed in his own right of ten pounds value, and liable to pay tax in this state ; or being of any mechanical trade and shall have been resident six

months in this state, shall have a right to vote at all elections for representatives or any other officers, herein agreed to be chosen by the people at large."

By the constitution of May 30, 1798, art. 4, sec. 1, "the electors of members of the general assembly shall be citizens and inhabitants of this state, and shall have attained the age of twenty-one years, and have paid all taxes which may have been required of them, and which they may have had opportunity of paying agreeably to law, for the year preceding the election, and shall have resided six months within the county."

Maine. Constitution dated October 29, 1819, art. 2, sec. 1, "Every male citizen of the United States of the age of twenty-one years and upwards, excepting paupers, persons under guardianship and indians not taxed, having his residence established in this State for the term of three months next preceding any election, shall be an elector of governor, senators, and representatives in the town or plantation where his residence is so established; and the elections shall be by written ballot. But persons in the military, naval or marine service of the United States or this State, shall not be considered as having obtained such established residence by being stationed in any garrison, barrack or military place in any town or plantation: nor shall the residence of a student of any seminary of learning entitle him to the right of suffrage in the town or plantation where such seminary is established."

Vermont. The constitution adopted July 4, 1793, ch. 2, sec. 21, provides that "every man of the full

age of twenty-one years, having resided in this state for the space of one whole year next before the election of representatives, and is of a quiet and peaceable behavior, and will take the following oath or affirmation, shall be entitled to all the privileges of a freeman of this state. You solemnly swear (or affirm) that whenever you give your vote or suffrage touching any matter that concerns the State of Vermont, you will do so as, in your conscience, you shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favor of any man."

Kentucky. Constitution dated August 17, 1799, art. 2, sec. 8, provides that "in all elections for representatives, every free male citizen (negroes, molattoes, and indians excepted) who, at the time being, hath attained the age of twenty-one years, and resided in the State two years, or the county or town in which he offers to vote, one year next preceding the election, shall enjoy the right of an elector; but no person shall be entitled to vote, except in the county or town in which he may actually reside at the time of the election, except as is herein otherwise provided." And by section 14, senators are to be elected by persons having the same qualifications.

Tennessee. Constitution dated February 6, 1796, by article 3, sec. 1, "every freeman of the age of twenty-one years and upwards, possessing a freehold in the county where he may vote, and being an inhabitant of this State; and every freeman being an inhabitant of any one county in the State six months immediately

preceding the day of election, shall be entitled to vote for members of the general assembly for the county in which he shall reside.”

By article 2, section 2, the governor is to be chosen by the electors of the members of the general assembly.

Ohio. Constitution dated Nov. 29, 1802, art. 4, sec. 1, “In all elections, all white male inhabitants above the age of twenty-one years, having resided in the State one year next preceding the election, and who have paid or are charged with, a State or county tax, shall enjoy the right of an elector; but no person shall be entitled to vote, except in the county or district in which he shall actually reside at the time of the election.”

Indiana. Constitution dated June 29, 1816. By article 6, section 1, it is declared that, “in all elections not otherwise provided for in this constitution, every white male citizen of the United States, of the age of twenty-one years and upwards, who has resided in the state one year immediately preceding such election, shall be admitted to vote in the county where he resides; except such as shall be enlisted in the army of the United States or their allies.”

Louisiana. Constitution dated January 22, 1812. It is provided by art. 2, sec. 8, that “in all elections for representatives every free white male citizen of the United States, who, at the time being, hath attained the age of twenty-one years, and resided in the county

in which he offers to vote, one year next preceding the election, and who in the last six months prior to the said election, shall have paid a State tax, shall enjoy the right of an elector. Provided however, that every free white male citizen of the United States who shall have purchased lands from the United States, shall have a right of voting whenever he shall have the other qualifications of age and residence above prescribed." And by art. 3, sec. 2, the citizens entitled to vote for representatives shall vote for governor.

Mississippi. Constitution dated August 15, 1817, art. 3, sec. 1, "Every free white male person, of the age of twenty-one years or upwards, who shall be a citizen of the United States, and shall have resided in this State one year next preceding an election, and the last six months within the county, city or town in which he offers to vote, and shall be enrolled in the militia thereof, except exempted by law from military service; or, having the aforesaid qualifications of citizenship and residence, shall have paid a State or county tax, shall be deemed a qualified elector. No elector shall be entitled to vote, except in the county, city or town (entitled to separate representation) in which he may reside at the time of the election."

Illinois. Constitution dated August 26, 1818, art. 2, sec. 27, "In all elections, all white male inhabitants above the age of twenty-one years, having resided in the State six months next preceding the election, shall enjoy the right of an elector; but no person shall be entitled to vote except in the county or district in

which he shall actually reside at the time of the election."

Alabama. Constitution dated August 2, 1819, art. 3, sec. 5, "Every white male person, of the age of twenty-one years or upwards, who shall be a citizen of the United States, and shall have resided in this State one year next preceding an election, and the last three months within the county, city or town, in which he offers to vote, shall be deemed a qualified elector. Provided that no soldier, seaman or marine, in the regular army or navy of the United States, shall be entitled to vote at any election in this State; and provided also, that no elector shall be entitled to vote except in the county, city or town, (entitled to separate representation) in which he may reside at the time of the election."

Missouri. Constitution dated July 19, 1820, art. 3, sec. 10, "Every free white male citizen of the United States, who shall have attained the age of twenty-one years, and who shall have resided in this State one year next before an election, the last three months whereof shall have been in the county or district in which he offers to vote, shall be deemed a qualified elector of all elective offices: provided, that no soldier, seaman or marine, in the regular army or navy of the United States, shall be entitled to vote at any election in this State."

Michigan. Constitution dated May 11, 1835, art. 2, sec. 1, "In all elections, every white male citizen

above the age of twenty-one years, having resided in the State six months next preceding any election, shall be entitled to vote at such election; and every white male inhabitant of the age aforesaid, who may be a resident of this State at the time of signing this constitution, shall have the right of voting as aforesaid; but no such citizen or inhabitant shall be entitled to vote, except in the district, county or township, in which he shall actually reside at the time of such election."

By art. 2, sec. 6, "No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed in any military or naval place within the same."

Arkansas. In this State six months' residence is a qualification for the right of suffrage.

From this historical review of the provisions of the constitutions of the different States, it will be perceived that there has been a continual departure from the principles of the revolution, relating to the right of suffrage; and that there has been a continual relaxation of those principles, both in the old and new States. The very various, and sometimes contradictory provisions made on this subject, show most conclusively that the subject has never been well investigated and reduced to its correct principles, by the statesmen and people of this country. If it had been so, those principles would have been introduced into the constitutions of the different States and would

have produced a degree of uniformity on the subject. As one instance among many, this inconsistency is exemplified in the provisions respecting military duty in the army and navy of the United States, and in the militia. By the constitutions of Connecticut, New York and Mississippi, persons performing duty in the militia or liable to such duty, are admitted to the right of suffrage for that reason. If that is a good reason for their admission, it would seem *a fortiori*, that persons actually belonging to the army and navy, and actually fighting the battles of the country, ought to be admitted to that privilege. But by an amendment to the constitution of South Carolina, and by the constitutions of Alabama and Missouri, they are wholly excluded from the right of suffrage, notwithstanding they may possess all the other constitutional qualifications. The rules, in both cases, have no foundation in correct principles. They are founded wholly in error. The constitution of Maine has adopted the correct principle respecting persons in the military, naval and marine service of the United States.

The author will only add the expression of his regret, that he has not been able to make this review more perfect.

CHAPTER VII.

Of the Duty of a Nation to preserve and protect itself; and of the general relative rights and duties existing between a Nation and its Members.

Among the first and most important duties of a nation (or government) is that of protecting and preserving itself; of perpetuating its own existence. Its ability to perform all its other duties, as well to itself as to its various members and to other nations, depends wholly upon the performance of this duty. When a nation becomes unable to protect itself and to preserve its own existence, it has no longer any power or capacity to discharge any of its other duties. Self-preservation becomes, of course, an imperative duty.

A nation is also bound to defend and preserve all its members. It cannot rightfully abandon any portion of its inhabited territory, or even an individual, unless compelled to do it by necessity. These duties or obligations of a nation to itself and to its members, draw after them corresponding rights; for it follows, as an evident consequence, that a nation has a right to all the means necessary to the fulfilment of all its duties and obligations.* It has therefore a right to require of its members, upon principles of equality, such a share of their property, by way of

* Vattel, b. 1, ch. 2, secs. 16, 17, 18.

taxes or otherwise, as may be necessary; and to require of its members, suitably qualified, to serve as soldiers or otherwise, according as the exigencies of the nation may require. And all the members of a nation are bound to contribute their just share of money to meet the national wants; and all persons suitably qualified, are bound to render their personal services, in the army and navy, and in other ways, according to the wants of the nation. It generally happens that there are persons enough who will enlist voluntarily, in the army and navy, to supply those wants; and when such is the fact, no person ought to be compelled, against his wishes, to join the army or navy. These rights and obligations necessarily result from the political association, or from the social compact, as it is sometimes called. The rights and duties are reciprocal. The general object and design of political society or civil government is, to combine the power of the whole for the protection and general benefit of all its members. And the nation is bound, not only to protect and defend its members, but to do every thing within its power to promote their happiness and advance all their interests. On the other hand, the members or individuals who compose the nation, are bound to contribute, in all suitable and equal ways, to the general interests of the nation, and to avoid every thing contrary to such interests. They are also bound to contribute to the welfare and prosperity of each other. These principles are implied in, and necessarily result from, the nature of a political association. And they operate alike in all legitimate governments, whether repub

lican, aristocratical or monarchical. If the people have adopted a monarchical form of government and choose to continue it, the relative rights and duties existing between the nation and its members are substantially the same as in a republic. It is true, they may be variously modified in different forms of government; but they all rest on the same general principle, and are substantially the same in all. The nation is under the same obligation to protect and preserve itself and its members, and to promote their general interests; and the members are under the same obligations to contribute their just share of their property and of their personal services for the general good of the whole nation. If an individual contributes only his due share of his property or services, he performs only his duty and is supposed to be remunerated by the general advantage derived from the fostering and protecting care of the nation. If he makes any special sacrifice for the general good, the nation will remunerate him accordingly. Among the most prominent and permanent wants of a nation, are money to meet its current expenses, and a physical force, in readiness, to repel invasions; to suppress insurrections; to subdue pirates and other lawless depredators; and to compel other nations to render justice, when compulsion becomes necessary. The former is usually obtained by a levy of taxes upon the people. The latter in the United States, is provided for, by enrolling and training the people, suitably qualified for military service, in the militia of the country. The obligation of the people to supply these wants of the government, results from the gen-

eral principles of political society, and bears alike upon all persons having the means or possessing the suitable qualifications, for performing these duties. The relation in which the members of a nation stand in regard to the nation and to each other, imposes upon them these obligations; and when an individual pays his just proportion of taxes, or devotes his just share of time and expense to qualify himself, in the school of the militia, for the defence of the country, he merely performs a duty arising from his relation to the nation of which he is a member, and is entitled to no special remuneration for the same; he receives his recompense in the general advantage that he derives from the fostering and protecting care of the nation. And if such is the fact, the nation or government is not only under no obligation to give him a special reward for the same; but would do an injustice to the nation and its other members by so doing. The individual merely fulfils an obligation, presumed to be imposed by the laws on principles of equality; and if the nation or government grants special rewards or privileges for the performance of these equal and proportionate duties, it does injustice to others, who alike perform their proportion of duties and share their proportion of the public burthens, without any special reward. But if an individual, in any case, advances more than his just proportion of money for the public expenses, or actually performs services in the army or navy of the United States, or in any other way, upon the requisition of the government; he becomes a creditor of the nation, and is to be, and always will be, remunerated accordingly. But the militia is a mere

school to qualify men for the performance of their duty to their country ; and in attending upon this school, one merely performs a political duty for which he is entitled to no special reward. When he is called upon to do actual service in the army or navy, his title to recompense accrues, and is always provided. When has a nation been ungrateful to its military defenders ?

According to these principles the payment of a due share of taxes, or the performance of a due share of duty in the school of the militia, does not entitle any one to the right of suffrage, or to any other special privilege or reward ; and if any such privilege or reward is granted by the nation for the performance of these duties, it is wholly gratuitous and a violation of the equal rights of the people at large. This will be more apparent when it is considered that the same rights and duties exist where the rulers are hereditary and where the right of suffrage is unknown (provided the government is a legitimate one) as in the United States, where all officers derive their right to office, from the suffrages of the citizens.

CHAPTER VIII.

Of the proper Intellectual and Moral qualifications for the Right of Suffrage—That a safe principle for the Public ought to be established—That the burthen of proof is on the Applicant.

The intellectual and moral qualification necessary to ensure a due exercise of the right of suffrage, are

intelligence and honesty. Without intelligence a person will not know what the public wants require, or what measures should be adopted for the public advantage, or what men are best qualified for the public offices. Of course, if he gives his vote in any election, or on any question of public interest, he will do it ignorantly ; and it will be, at the best, but a thing of chance, let his intentions be ever so honest, whether he will give his vote so as to advance the public interest. He will be likely to be under the influence and direction of others ; and bad men are ever ready to lend their influence in such a case.

And if he possess a due share of intelligence to direct him aright ; if he is not honest, and if that intelligence is not governed by uprightness of intention, his suffrage will be given in favor of bad men and of bad measures. Honesty in this case, is the same thing as patriotism. It is that principle which influences a person to give his suffrage and his influence in favor of such men and such measures as will be most advantageous to the public, from a love to his country, and from a desire to promote its best interests.

On the question, who shall be admitted to the exercise of the right of suffrage, the public safety ought to govern. It is not sufficient that a man may possibly, or probably, act so as to promote the public good. Before he is permitted to take a share in the administration of the government of the country by exercising the right of suffrage, the public have a right to require, and ought, for their own safety to require, that he should possess those qualifications which usually, at the least, are accompanied by a sufficient share of in-

telligence and honesty to prove that their possessor will exercise that privilege so as to promote the public good. It ought not to be left to accident or chance. The public liberties and interests are too valuable to be made the sport of accident or chance.

The burthen of proof is on the party applying to be admitted to the right of suffrage, to show his qualifications; and not on the public to prove that he is destitute of the suitable qualifications. When the qualifications are established and known, the party can always prove that he possesses them, if such is the fact. He is always surrounded by his acquaintances, upon whom he can call to give all necessary information; and in all doubtful cases, it is reasonable, and is no hardship, for the applicant to furnish the necessary evidence.

In this chapter I have been speaking, and in general terms only, of the intellectual and moral qualifications for the right of suffrage. Of the particular things which ought to be required, by the constitution, as evidence that a person possesses these qualifications; and of the relative rights and interests of individuals, having a bearing upon this question, I propose to treat in the second part.

CHAPTER IX.

That the Right of Suffrage ought to be regulated with a paramount regard to the public good.

The public good is the great and leading object of civil government. As the public is made up of the individuals who compose it, that system or form of government which produces the greatest amount of individual good, will generally produce the greatest public good. But cases sometimes occur, as it often happens in time of war, when the public interests require the sacrifice of some individual right. When such a sacrifice is made the public is under obligations to remunerate the suffering individual for the injury he has sustained. But, as the public benefit is the great and leading object of all just political and civil institutions, whatever the public good requires ought to be allowed; and whatever is inconsistent with the public good, ought to be forbidden and suppressed. It is one of the first duties of a government to protect itself. And it is emphatically so in the United States, where the general and state governments have been voluntarily formed by the people, and emanated from their own will. Hence, in those governments especially, it is the duty of the people and of each individual to do and to suffer nothing that shall impair the full operation of these governments according to their original design. And it is especially the duty of those who are appointed to administer the government, in its various departments, to suppress and avoid every thing incon-

sistent with its true principles. Constitutions of government, as well as the laws that are adopted in any state or nation, whether such constitutions be written and adopted by the express act of the people, as in the United States; or are adopted by common usage and tacit consent, must necessarily consist more or less of general rules and principles, established for the regulation and direction both of the rulers and citizens. And it is impossible to prevent some inequalities in their operation; because they must operate by general rules and maxims, upon individuals in very different circumstances from each other. But no person can justly claim, as his right, any thing inconsistent with the public good. These principles apply to the exercise of the right of suffrage, as well as to other rights. If it can be established that it would be for the public advantage to exclude any class of people from the right of suffrage; that it would be inconsistent with the public interest to extend that right to any class of people destitute of suitable qualifications; they ought to be excluded: and they cannot justly complain of any violation of their private right by such exclusion. Their proper and only just remedy is, to acquire the requisite qualifications, and then to claim the right by virtue of those qualifications. It may be safely stated as a sound principle, that no class of people ought to be admitted to the right of suffrage, whose influence, by the exercise of that right, would endanger either the purity or the stability of the government. The right to debar an individual from the exercise of this privilege, in such a case, depends much upon the same principle with the right of punishment. The laws deprive a per-

son of his life, by a capital punishment ; or of his liberty, by imprisonment ; or of his property by way of fine, for the violation of the laws. These punishments are not inflicted by way of revenge upon the individual ; but because the public good requires that the authors of crimes should be punished, that the commission of crimes may be prevented. How much greater the reason then, that the fundamental principles of the government should exclude those from the exercise of the right of suffrage, who, by the exercise of it, would endanger the purity or stability of the government ; and this, not as a punishment of an offence ; but because of the unfitness of the persons excluded for the exercise of the right ; or, in other words, for the public good.

The happiness and prosperity of all require that the purity of the government should be preserved. This purity is violated whenever the electors give their votes for a person for any other reason than his fitness for the station to which he is proposed to be elected ; and whenever any person exercises the powers and influence of his office, for any other purposes than those for which the office was established. If there is any class of men among us, who, from any cause, whether it be ignorance or vice, or degradation arising from an unfortunate condition in life, whose character and standing in society are such that they would be likely to give their votes in an election for any other reason than the fitness of the candidate voted for, then the public good requires that they should not be allowed to vote in the election of public officers. Such men are usually made the instruments of unprincipled and designing men. That there are such men in com-

munity, is but too evident. Such men are influenced by an appeal to their appetites, their passions, or some supposed private interest or party association. That such appeals are made, almost continually, for the purpose of influencing our elections, is a notorious fact. To one class of electors intoxicating liquors and other entertainments suited to their appetites, have been given:—to another class appeals are made, designed to excite their passions; and appeals are made to the absurd and unreasonable prejudices of others. And in general this kind of influence is exerted, and always will be exerted, to promote the selfish views of corrupt men and demagogues; the very class of men least entitled to the suffrages of an enlightened and patriotic people. And all this has a direct and necessary tendency to render the government and the administration of it corrupt and impure.

So no class of persons ought to be admitted to the right of suffrage, whose influence, by the exercise of that right, would endanger the safety of our form and principles of government. Every thing that tends to corrupt the government, tends also to its destruction. But there is a class of people who have, or seem to feel, no common tie to bind them to our government or its institutions; and whose influence in elections is exerted by violence and by getting up violent combinations to support some partizan candidate and to deter others from supporting opposing candidates. And it is to be feared that worthy, upright, intelligent and patriotic citizens, and especially the aged, have not unfrequently been prevented from taking part in our elections, by this class of men. Now the people,

who establish the fundamental constitutions and laws to regulate this subject, ought, as far as possible, to exclude such men from all influence in the elections. It may be difficult to classify these persons in such a manner as to exclude them and not exclude some others of a meritorious character. The only way to regulate this matter in a practical manner is, to require every voter to possess such qualifications as are usually accompanied by such a share of virtue, integrity, intelligence, and patriotism, as will render his influence in elections, and in public affairs, safe to the public and consistent with the public good; and to exclude all others, not possessing these qualifications, from all share in the elections and in the management of public affairs. There are certain resulting benefits, that would arise from such an exclusion, which are too important to be overlooked in examining this question. Where the right of voting is made common to all, it is not a privilege much prized or sought after, as it confers no distinction. But if it was confined within its proper limits, it would be an object of ambition, and would be esteemed as an honorable and desirable privilege. Of course, persons not possessed of the requisite qualifications would exert themselves to obtain them; and would thus become more useful and valuable members of society; and would add to the strength of the State, by their personal worth and influence, and to its resources by their industry and wealth. Another important advantage would be, that our electioneering contests would be carried on more by an appeal to the patriotism and intelligence of the electors, than at present; and less to their passions and

prejudices. And such an exclusion would render our elections more the result of calm and deliberate judgment and patriotic feelings; and they would be more generally attended by our aged and sober citizens.

In England, from which we derive our language and our general system of laws, treason is said to be "the crime of treachery and infidelity to our lawful sovereign."* "Treason is a general appellation, made use of by law, to denote not only offences against the king and government, but also that accumulation of guilt which arises whenever a superior reposes a confidence in a subject or inferior between whom and himself there subsists a natural, a civil or even a spiritual relation; and the inferior so abuses that confidence, so far forgets the obligations of duty, subjection and allegiance, as to destroy the life of any such superior or lord. This is looked upon as proceeding from the same principle of treachery in private life, as would have urged him who harbors it, to have conspired in public against his liege lord and sovereign; and therefore for a wife to kill her lord or husband, a servant his lord or master, and an ecclesiastic his lord or ordinary, these being breaches of the lower allegiance of private and domestic faith, are denominated petit treasons."†

In England, high treason is considered as a crime against the king, as he is the hereditary representative of the government and people of the kingdom; and the oath of allegiance is there taken to him.‡

* Jac. Law Dic., word Treason.

† 4 Black. Com., ch. 6.

‡ 1 Black. Com., ch. 10.

But in our government, which is founded on the principles of democracy and where all hereditary political rights are justly discarded, and where our principles and rules of government are embodied in the written constitutions of the United States and of the several States, the people are the sovereign; and the maxims and principles, by which their sovereignty is to be exercised, are embodied in those constitutions. It may therefore be said, with nearly equal propriety, that the allegiance of the inhabitants of the United States is due to the people, or to the constitution, of the United States. But that constitution provides that "all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support the constitution of the United States."* This is the oath of allegiance to the United States; so that the bond of allegiance to the United States is strictly the obligation to support their constitution; that being the instrument or compact by which the rights and duties of the people are to be regulated, and in which they are defined; and is the bond between the people and the government. The several States have their written constitutions; and the same may be said of the allegiance of the inhabitants of the several States, as such, to the State governments.

The constitutions, then, of the United States and of the several States, are the sovereigns, or the representatives of the sovereignty, of the United States and of the States respectively; and to them the alle-

* Art. 6, sec. 3.

giance of the inhabitants is due. And it seems to follow that any infidelity to those constitutions, on the part of those who owe allegiance to them, or any thing which tends to their destruction, is a breach of that allegiance; and, if voluntary, constitutes the moral, if not the legal, crime of treason; for the constitution and its principles are the life of our government. I say the moral crime, because, even in England, the actual crime of high treason is now limited by various statutes. And by the constitution of the United States, "treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort."* And treason against the States is limited, in many of the States, in the same way. If, then, the prostitution of the right of suffrage to any purpose whatever, inconsistent with the public good, has a tendency to weaken and destroy the constitution, it violates the allegiance due to the constitution, and constitutes, virtually, the crime of treason, according to the common law description of that crime. Treason, in all well regulated governments, is considered as the highest civil crime (considered as a member of community) which any man can commit.

If these views are correct, they show how just and necessary it is to guard the right of suffrage so, if possible, as to confine the exercise of it to those persons and to those only, who will exercise it for the public good and in a manner to sustain and perpetuate the true principles of the constitutions under which

* Art. 3, sec. 3.

we are so happily placed. Any infringement of these constitutions is a direct interference with the sovereignty of the people, and tends directly to the destruction of the government.

That the people have a right to regulate and limit the right of suffrage so as best to promote the public welfare, has been admitted from the earliest period of our government. All the State constitutions regulate and limit it more or less. It is believed that not more than about one sixth part of the inhabitants of any of the States, are allowed to vote at any of the elections. All the females, and all the males under twenty-one years of age, are wholly excluded; and these, together with those who are excluded for want of other qualifications, it is believed, will constitute about five sixths of the inhabitants of the country. It is not therefore a new principle that I am advocating; but that a known and acknowledged principle may have its appropriate limits and effect.

In settling the principles, therefore, which ought to regulate the right of suffrage, the first and leading maxim is, so to regulate that right and the exercise of it, as to produce the greatest possible degree of public good; and so as best to preserve and carry into effect the true principles of our constitutions. All other considerations must give way to these.

But the principle of exclusion ought not to be carried farther than the public interest requires. No person ought wantonly and unnecessarily to be deprived of any political or civil privilege which he can enjoy without detriment to the public interests or to the rights of others.

PART SECOND.

PART II.

Of the Principles and Reasons on which the Right of Suffrage is founded;—of various things which have been erroneously supposed to lay the foundation of that right;—of various things which ought, or ought not, to debar or disqualify a person from the exercise of that right;—of the manner in which the exercise of it ought to be regulated in practice;—and of the apportionment of Senators and Representatives.

CHAPTER I.

Some General Remarks, and a Division of the Subject.

The right of suffrage cannot be classed among the original natural rights ; because the exercise of it, and the opportunity to exercise it, presuppose the existence of civil society and political regulations, such as do not exist in that condition of mankind usually called the state of nature. If twenty-five men should happen to come together in an uninhabited country with a view to a permanent residence, in the same place, each one would stand upon his separate, independent, natural, rights ; and a majority could not, by their vote, bind the minority ; nor could a vote of twenty-four bind the twenty-fifth man. Any portion of them might properly unite to repel the aggressions of any of the others ; but they could not rightfully ex-

ercise any control over each other. They might voluntarily unite in a society, and agree that the vote of a majority should bind the whole. The right of voting then would be the result of the social compact, or of the formation of themselves into society, and not a natural right; and no person would have a right to vote, nor would he be bound by the vote of the others, until he had, in some way or other, become a member of the society. And when the society is once formed and the territory taken possession of and appropriated to the use of the members, they would have a right to receive or reject other applicants for membership, as the interests of the society should dictate. When one has so become a member, his right would be regulated by the rules or laws of the society; and those rules or laws would be prescribed by the society, and not dictated to it by the individual. Most persons become members of political societies or governments, by birth and not by any act of their own. They are placed there by natural causes, and have a right, which may not improperly be called a natural right, to all the privileges of the community in which they are born, consistent with the general welfare, and with the rights of other members of the same community. But the institutions of the society must determine what rights and privileges an individual may enjoy consistently with the general welfare and with the relative rights of others. Men, as members of society, give up many of their natural rights for the greater privileges of civil society and laws.

Although, as has been before shown, no person

can claim the right of suffrage as a private right except in accordance with the public welfare ; yet there are certain qualifications and conditions which furnish reasons in favor of such right ; and which, when possessed in sufficient numbers, may properly be said to give him that right. Ours is an elective government ; and it would lose its organization and existence, if the various offices of the government should become vacant by the omission of the people to elect. The right and duty of the people to elect the officers of the government, is at the foundation of the system. It is certain, therefore, that there is a portion of the people to whom this right belongs and to whom this duty attaches ; and the great question to be settled is, who, or what individuals, compose this portion of the people.

There are two leading and governing principles to be kept in view, in settling this question. The first is, that which has been so often mentioned, the public good. The second is, to give to all the members of the nation their just relative share of influence in the affairs of the government, so that the rights of all may be equally protected. The second is but an emanation from the first, and is in strict accordance with it, and has the same object. The condition and interests of men are different and ought to be consulted for the mutual harmony and benefit of all. It will not do to introduce the bed of Procrustes for the measurement of political rights. The short men may bear to be stretched a good deal to bring them to a prescribed arbitrary standard. But the tall men will not consent, and ought not to consent, to have their

heads taken off, to reduce them to a standard too much below their general level. The relative rights and interests of all must therefore be consulted; and the proper combination and adjustment of these rights and interests form the principal difficulty in determining the specific qualifications for the right of suffrage.

It would seem to be a just rule or principle, that each member of the community should have an influence in the management of public affairs, proportionate to his interest in the community. This is the rule usually recognized by individuals associated together for their individual benefit; and is dictated by the common sentiment of equity prevailing among mankind. Thus, in joint stock companies, the stock is usually divided into shares; and each stockholder has a right to give one vote, for each share of his stock. But however equitable this principle may be, it cannot be reduced to practice, except in a very partial manner, in the exercise of political rights; because, in the case under consideration, no fraction of a vote can be given, and one vote must be counted as of the same value as another. Indeed no definite standard can be adopted, in practice, by which each man's interest in the political community, of which he is a member, can be precisely estimated. The best that can be done is, so to arrange and combine the various interests of community, as to form general rules, for practical purposes, approximating as near as possible to the standard of correct principles. And this ought to be done, that all classes of people may feel that their rights are equally protected; and that a general sentiment may prevail that equal justice is done to all;

and that all may rest quiet and satisfied under the regulations that shall be established on the important subject in question; and to strengthen and rivet the affections of the people to our form of government.

Montesquieu says, in treating of the constitution of England, that "all the inhabitants of the several districts ought to have a right of voting, at the election of a representative, except such as are in so mean a situation as to be deemed to have no will of their own."* He made this remark with reference to the English government. In that government, the executive officer, the king, and the upper branch of the legislature, the house of lords, are hereditary; and a friend of liberal government might well claim a liberal extension of the right of suffrage, in the election of the house of commons, the only elective branch of the English legislature, as a counterbalance to the aristocratic tendency, and privileged interests and influence of the two other hereditary branches of the government.† But in our government we have, happily, no hereditary privileges or interests to be counteracted. With us the whole influence in the government is popular; and the object is to extend that influence so far as it is salutary and patriotic and directed by patriotism and wisdom; and to suppress all other influences. We want to combine the whole

* Sp. Laws, book ii., ch. 6.

† The author would not be understood, by these remarks, to express an opinion that the rule quoted from Montesquieu is correct as applied to the English government; because he is not satisfied that it is so. It wholly leaves out of view the relative rights of individuals.

virtue and intelligence and wisdom of the nation, so as to bring the greatest possible amount of correct moral force to bear upon our elections and public affairs. The right of suffrage ought, therefore, to be confined to those persons only, whose condition in society furnishes a guaranty that their whole influence shall be such. Otherwise the elections may be carried contrary to the wishes of those whose influence ought to be paramount. And it ought to be kept in mind, that the vote of every unfit voter, is like so much base metal mixed, in the crucible, with pure gold; it deteriorates the purity and intrinsic value of the mass. The principle quoted from Montesquieu, was not stated with reference to our government or to one organized as ours is; and is not applicable to it. The true governing principle with us is, so to regulate the right of suffrage as to keep it under the guidance of virtue, intelligence and wisdom, and so as to give to all the legitimate interests of the people their appropriate share of influence, that all may be satisfied, as far as possible, that their rights and interests are equally protected. And if this shall be done, individual interests will all conspire to promote the best interests of the country; and we may rest, satisfied and happy, with a proud and consoling conviction that our government will be perpetual; and that our posterity will derive from it the same, and even greater blessings, than we have, as yet, enjoyed.

The foundation of the right, which an individual has to give his vote in elections and in public affairs, has reference principally

1. To his personal rights, sometimes called the rights of persons.

2. To his right and interest in property, sometimes called the rights of things.

3. To the duties which the nation or government requires or may require of him.

These, with some other things, will be the subject of distinct consideration in the following chapters.

CHAPTER II.

Of Personal Rights.

These are principally

1. The right of personal security.

2. The right of personal liberty.

1. "The right of personal security consists in a person's legal and uninterrupted enjoyment of his life, his limbs, his body, his health and his reputation."*

2. The right of "personal liberty consists in the power of locomotion, of changing situation, or of moving one's person to whatever place one's own inclination may direct, without imprisonment or restraint, unless by due course of law."† To which may be added the right of forming and expressing and exercising one's own opinion, in all cases, in which his interest is concerned, in such a manner as he shall judge right; provided he does not thereby injure

* 1 Black. Com., 131.

† 1 Black. Com., 137.

others, or interfere with their rights or with those of the public.

Every one's person is his own. These personal rights are possessed by all, and common to all; and the defence and protection of them constitute one of the principal objects and duties of civil government. The possession and protection of these rights are essential to the enjoyment of life; and it is the imperative duty of all governments to protect its citizens or subjects in the full enjoyment of them. Without such protection, all other enjoyments, and even life itself, become of little value. Hence every member of society has a deep interest in the good administration of the government under which he lives; and in the preservation of the government from any influence which will tend to destroy or weaken the protection which it may give him in the full enjoyment of these rights. And if these were the only rights possessed by individuals to be protected and fostered and defended by the government, they would furnish a strong argument, but not a conclusive one, in favor of universal suffrage. But there are other rights possessed by individuals and duties to be performed by them to be taken into the account. The personal rights are, comparatively, few and simple, and generally well defined; and the laws that regulate them, are general and bear alike upon the legislators who enact them; the judges who expound them; the executive officers who execute them, and all other classes of the people. Hence, as a general rule, those who take no part in the election of public officers and legislators, or in making, expounding or ex-

ecuting the laws, are equally protected in the enjoyment of these rights with those that do. And the private individual has little to fear from his not participating in the election of legislators and other public officers, so far as the enjoyment of these rights is concerned. Indeed, it is believed, that the power of the government is called into exercise, fifty or an hundred times, through the instrumentality of suits at law and the various courts of justice and the legislature, to redress other wrongs and to regulate and enforce other rights, to once for the purpose of redressing personal wrongs, or of enforcing personal rights. The sympathies of the public are also usually called into exercise, and often highly excited, in favor of even the humblest individual whose personal rights are invaded or withheld. Hence, in a community advanced in the various arts of life, as ours is; and possessing the complicated interests of agriculture, commerce, manufactures, and the mechanic arts, with the wealth and diversified interests growing out of them and the other various professions and occupations of our citizens, the personal rights are not those which, practically, entitle a person to the greatest share in the management of public affairs. They, however, constitute one of the elements that go to make up the right of suffrage. And it is worthy of remark, that a person, in the rightful exercise of his own personal rights, can never interfere with the rights of others.

Taxes, which constitute the principal burthen imposed by the government upon the people, are almost wholly assessed upon property; and not upon the person. It is true, that in some, and perhaps all of the

States, there is a small tax, usually called a poll tax, assessed upon the person; but this is usually very small. The constitution of the United States contain several important provisions for the protection of personal rights.*

It has been before remarked, that the personal rights are possessed by all and are common to all. They must also, for practical purposes, be considered as equal in all persons. It is evident, therefore, that, in comparing the relative claims of individual persons to the right of suffrage, the personal rights can have no influence in establishing the comparative claim of any one. Because, in estimating the comparative claims of two or more persons, these personal rights balance each other and decide nothing in favor of one person or another. The only just influence that they can have is, to reduce the other qualifications, which form a ground of distinction between different persons, to a lower ratio. Thus, for the sake of illustration, suppose that one hundred represents the quantity of claim entitling one to the right of suffrage; and suppose the claim founded on the personal rights is equal to sixty. Then, a person having other claims to the amount of forty, in addition to his personal rights, will be entitled to the right of suffrage; while a person having no other claim will not be entitled to it. This also shows that, it being admitted that other than the personal rights are properly taken into the account, the personal rights cannot, of themselves, entitle one to the right of suffrage, in any case.

* See the eight first articles of amendment.

CHAPTER III.

Of Rights and Interests in Property.

This subject is divided into two parts, each requiring a distinct examination.

1. Of a right in property, or the ownership of property generally.

2. Of a right in land, or the ownership of real estate.

The first will be the subject of the present chapter; and the questions to be considered are whether the ownership of property, according to the true principles of our government, entitles the owner to the right of suffrage; whether it is a necessary qualification; and if so, what amount of property ought to be required to entitle one to that right.

The advantage of civilized, over uncivilized society, is manifested in nothing more clearly than in the means which it furnishes for the acquisition of property; and in the application of property, when acquired, to the wants, the comforts, the convenience and embellishment of life. And the necessity and utility of civil government are experienced in the means and facilities which it provides for the creation and accumulation of property; and for the enjoyment of it; and for the application of it to the production of human happiness, more than in any thing else. It was shown, in the preceding chapter, that the powers of government are called into exercise much more frequently for the purpose of protecting the rights of

property and of redressing wrongs committed against those rights, than for any other purposes. The acquisition of property, either for the subsistence of one's self and family, or as a capital for their future use, constitutes the principal employment of mankind in civilized communities. It is the prime object of all labor and exertion, and forms the principal business of life. It is not therefore an unreasonable thing, that men should make the care and protection of property a matter of the deepest interest and solicitude. The transactions of men, that have relation to property, are so constant, numerous and complicated, that their interference with the property of others, and the invasions of the rights of property are altogether more numerous and frequent than they are with regard to the personal rights. Besides the necessary or accidental injuries done to the rights of property and the honest controversies arising from conflicting claims; the invasions of those rights; arising from the cupidity of dishonest persons, require a constant vigilance, not only on the part of the owners of property, but on the part of the laws and those who make and administer them, to guard and protect these rights.

Nearly all the taxes levied upon the people for the support of our national and State governments, and public institutions; for the support of schools, colleges, public roads and bridges; for the support of the poor and charitable institutions, and for the general fortification and defence of the country, &c., are assessed, directly or indirectly, upon property. The poor, as well as others, share in the benefits derived from the expenditures made for these purposes.

The owners of property therefore have a deep interest in the affairs of the government ; and an interest, too, which others have not. It is reasonable that they should have an influence and an agency in the government, in some degree commensurate with their interests. It may be emphatically asked, why persons having no property should have a right to interfere, by their votes, in the disposition of the property of others ; or in the election of legislators and public officers whose most important duties are exercised in matters involving the rights of property ? The laws of society will not allow one person to take another's property from him directly ; or to interfere with it in any way to the injury of the owner. And there is the same injustice and violation of right if he does it indirectly, by his vote ; or by aiding in the election of those who are authorized by the constitution and laws to do it. The ownership of property, to some amount, does therefore entitle one, having all other suitable qualifications, to the right of suffrage.

The same reasons show that it is a necessary qualification. If it is not so, the relative rights of individuals are not preserved : and that equality of rights and influence, which is a fundamental principle in our government, and which it is necessary to preserve for the purpose of preserving the general harmony of the whole, is violated. In a former chapter it was shown in what the equality of different members of society consists.* By recurring to the principles there explained, it will be seen, that the right of acquiring,

* Part I., ch. 5.

possessing, enjoying and disposing of property, is necessary for the establishment and preservation of an equality of rights. And if the owners of property have only an equal voice with others in the affairs of government, this equality is violated. The ownership of property, to some amount, is therefore a necessary qualification. What amount of property then, must he own, to entitle him to the right of suffrage? The various interests and rights of individuals cannot be estimated by any precise mathematical standard; and if they could, that standard could not be applied, with precision, to the subject under consideration; because each voter can give but one vote, and no fraction of a vote can be given. One leading consideration, in answering the question is, that each voter should have such an amount of property as to identify his interests with those of the public. Otherwise he will have a private interest, adverse to the general interests of others, and to the public good. And his interest will be likely to govern his conduct and to place him in an attitude of hostility to the good of the public at large. The rule of equality would indicate that he should have an amount of property equal to the average amount owned by the voters generally in the same community. This would not produce an exact equality; but would approximate as near to it, perhaps, as is possible for practical purposes. It is then to be considered that the personal rights enter into this question as explained in the preceding chapter; and reduce the right, founded on the ownership of property, to a lower standard than would be just, if the right of property constituted the sole foundation

of the right of suffrage. In view of these considerations it is believed that property to the value of two hundred dollars, clear of all charges or incumbrances, would be a proper sum to qualify one for the right of suffrage, so far as that right depends upon the ownership of property generally. Most persons who are sober and industrious, and intend to qualify themselves for usefulness in society, and for the performance of their civil and social duties, will readily accumulate that sum; and the agency of other descriptions of persons, in public affairs, cannot be useful and will not generally be beneficial in its tendency. And persons who accumulate that sum and are able to keep it in possession, thereby manifest a due regard to the value of property, and a disposition to maintain a decent and respectable station in society; and generally take a prudent interest in the preservation of the rights of property and in the public economy. When the above sum is named, it is admitted that it would be difficult to show why the sum of three hundred dollars, or some other smaller sum not greatly differing in amount, should not be taken as well as the sum above mentioned. The subject does not admit of precision; it is a matter for judicious estimate.

CHAPTER IV.

Of a Right in Land, or the Ownership of Real Estate.

The questions to be considered, under this head, are, whether an interest in real estate entitles the owner to a special influence in elections and in public affairs; and if so, how such influence can be most beneficially exercised; and what the interest and amount of interest should be, to entitle the owner to such special influence.

This subject is entitled to a degree of consideration, which it has not heretofore received. The real estate of our country, is principally owned by the yeomanry of the country; and is in their actual possession and occupation. That portion of it, which is not owned by them, is chiefly owned by intelligent men engaged in trade, in the professions, in manufacturing and in the mechanic arts, who live and have their fixed residence upon it, many of whom cultivate their own farms. And the whole mass of the land and real estate, in the settled parts of the country, is owned by those classes of men, who carry on the principal business of the country, in all its diversified forms. These are the men who are doing so much to enrich and beautify our happy country, and to add to its stability and strength. They have usually, fixed places of residence and fixed principles of action; and they, as a class, constitute a body of men who are the safe depositories of our political and civil rights, to a great extent at least; and they are the

safe guardians of our liberties and free institutions. And in the assessment of taxes and public burthens, the owners of real estate always have to bear their full share. Real estate is visible and cannot be kept out of view so as to escape the public burthens. But it is not so with public stocks and some other kinds of property, much of which, it is believed, escapes from these burthens. ✓

Another thing of much weight, and deserving much consideration is, that all political power and civil jurisdiction are territorial; by which I mean that they are confined to ascertain local bounds and limits. The authority of all States and governments is confined to the limits of its own territory, with the exception of some certain particulars, which fall under the head of the maritime jurisdiction, &c., of a government; and which are of no account in the subject now under consideration. As a general rule, no government can punish a crime committed out of its territorial jurisdiction, or enforce its laws in places out of that jurisdiction.* Its laws and authority are impotent beyond its own territorial limits.

The owners of the land and real estate, then, within the territorial limits of any State or government, own the whole territory over which the government extends. They have a right to the exclusive possession and occupation of the whole territory. And such, and so sacred, are the rights of property, that, as a general rule recognized by the laws of all civil societies, no person has a right to interfere with or even

* Vattel, L. N., book i., ch. 19, sec. 282.

to step upon the real estate of another, without the owner's consent. If he does so, he is a trespasser, and is liable to the action of the owner. Indeed, a person having no interest in real estate, can have no rightful place of residence in the country only by procuring a right from the owner of real estate. If then all government is territorial, and the powers and laws of the government are confined to its territorial limits, it may be asked why those who own, and have the exclusive right to all the territory, and to the possession of all the territory over which the government extends, and to which it is inseparably attached, should not also have the exclusive right to manage the government and make the laws for the territory, which is their own? The true and only answer is, that, in the multifarious occupations of men in civilized communities, there are other rights and other interests, which the general good of all requires to be guarded and fostered and protected. And the legitimate rights and interests of all classes of people are to be taken into the account; and such weight is to be given to each, as will give to all their just rights, and best promote the welfare of all. But while other classes of people have, and ought to have, their just share of agency and influence in our elections, and in the management of our public affairs, the owners of real estate ought to have their just share. And it is believed that, at present, they do not. It should be kept in mind, that the owners of real estate have all the personal and other rights possessed by others; and it seems but just that they should have an additional influence, in public affairs, equal to their ad-

ditional rights as owners of the whole territory of the country. And the public good most evidently requires that they should have this additional influence. They, as a class, combine, in the greatest degree, all those qualifications which entitle them to the confidence of the whole body of the people; and which furnish the best guaranty that they will always give their suffrages, intelligently and honestly, and under the influence of patriotic motives. And why should they not? The whole country is their own.

Is it not time then, for the yeomanry and other owners of real estate, to make the enquiry whether they have not been deprived of a share of their just rights and influence in elections and in the management of public affairs? And is it not time for every friend of our country and of our glorious and happy constitutions of government, to make the same enquiry? If, by giving an additional influence in our elections to this class of people, the purity and stability of our government, and the wisdom of its administration would be increased; then it is the dictate of true patriotism that such additional influence should be given. And the established character; the fixed habits; the settled residence; and the generally pure morals and intelligence of this class of people, as well as their deep interest in the government, evince that it would be so. They, more than any other class of people, constitute the strength and bulwark of our country. They have converted the wilderness into cultivated fields. They have made the desert and solitary places of our country "to be glad and blossom as the rose." They are not the transient passen-

gers of a day, who appear on the days of election and are then gone. They have fixed and settled domicils; and their interests are identified with those of the country, and in fact constitute the country itself. Why then, it may be asked, should they not be restored to such a share of influence, in the elections, and in the management of public affairs, as their just relative rights and the best interests of the country require? They are not a class of men to carry their measures by mobs and tumults and unlawful combinations, on the one hand; or by corrupt motives or influence on the other. They, indeed, as a class, exhibit the best models of what American Freemen should be. Mr. Jefferson said, of the yeomanry of our country, that they were the chosen people of God, if he had a chosen people.* Enough has been said to show that the owners of real estate are entitled to a special influence in elections and in public affairs; and some farther reasons will be added in the course of this chapter.

The question now recurs, how such influence can be most beneficially exercised? The answer is easy and plain. The legislature of every State in the Union is composed of two branches; a senate and a house of representatives. Let the members of the senate be elected wholly by the owners of real estate of a certain value; and let no other persons have any vote in their election. This will give to that class of men a due relative share of influence; and it is believed no more. They will then vote in other elec-

* Notes on Virginia.

tions by virtue of their general qualifications; and in the election of senators by virtue of their special qualification as owners of real estate. And this is not the introduction of a new principle into the theory of our governments. The principle prevailed, to a considerable extent, at the time of the revolution; and was introduced into the original constitutions of several of the thirteen old States; but variously modified. In some of the States an interest in real estate was the only qualification for the right of suffrage; in others it was only one among other qualifications for that right.*

Another interesting and important consideration is, that the principle, and the application of it as above proposed, if adopted into our system of government, will create and preserve a better balance of power amongst the various members and interests of the community, and between the different branches of our government, than can be created in any other way. I have used the phrase, balance of power, here, in conformity with the common usage. The expression is better adapted to the old forms of government existing in Europe, where two of the branches, as the king and the house of lords in England, possess exclusive and hereditary privileges; and have interests in some degree, hostile to the general interests of the people. This is happily not the case with us. It is the design of our plan of government, to make all interests harmonize with each other; and to make them all tend to promote the general good. But different interests do exist; and selfish men will, too often,

* See Part I., ch. 6.

endeavor to promote some of them at the expense of others. There is no material and leading interest in our country, that conflicts less with the general interests of the whole, than that of the owners of real estate. The more other interests prosper, the more their property and the products of it will increase in value. It is, therefore, for their advantage, to build up and extend all the business of the country, and to make it as prosperous as possible. Any balance of power established upon principles that do not have the natural relations existing between the different interests of community for their basis, tends to derange those interests and to bring them into conflict with each other, and to produce general discord and evil.

Instead of the phrase, balance of power, I should prefer the phrase, balance of influence and interest, as applicable to our form of government. And do we need such a balance? Most certainly we do. It is evident, that if the various legitimate interests and influences that exist in our country should be so balanced, that they could not adopt any measure injurious to each other; and should all be so combined and directed as to promote the greatest good of the whole, and to suppress every thing injurious to the general good, the greatest possible degree of public and private prosperity would be produced. This is the object at which we ought to aim. And it is believed that this is the direct and necessary tendency of the principle in question. The owners of real estate combine, among themselves, most of the leading interests of society. Their interest is a leading and very important one; and perhaps more than any other, har-

monizes with the public good. They are generally persons of settled residence, of fixed habits and principles; possessing intelligence, virtue, piety, and all the qualifications to ensure an intelligent and patriotic exercise of the right of suffrage. If the election of the senate should be confined to them, the senate would be a body well fitted to counteract and defeat any influence incompatible with the public welfare. And if the right of electing the other branch of the legislature should be extended and confined to its proper limits so as to give a due influence to all other interests; that branch could counteract and defeat any measure, that the senate might attempt, which should be hostile to such other interests, or to the general good of the community: and thus, it is believed, a balance of interest and of influence would be established, well adapted to our form of government, and as perfect as the condition of mankind will allow. The right of voting for members of the house of representatives, and for the governor, and in public affairs generally, may be extended to all who have any well-founded claim to the privilege; and whose condition is such as to render it safe for the public.

That, for the preservation of political and civil liberty, the legislature should be composed of different branches; and that those branches should be so constituted as to balance each other; and to detect and counteract any bad measure, or bad tendency, discovered in each other, is a sound and well settled principle in our politics; and is one that was received as a leading principle, when political principles were much discussed, at and soon after the revolution, the time

when some of our earliest constitutions were formed.* The principle contended for is alike supported by the relative rights of individuals, and the general interest of the whole. In fact, it has the natural relations of persons and things for its basis.

It should always be kept in mind, that our society differs from that of Europe; and that our principles of government require a corresponding difference in its organization. There is no class of people among us possessing an hereditary right to govern the rest. We therefore want no balance of power, to regulate and counteract such hereditary rights. But we do want a balance of power among the different interests and influences that exist. And we want a balance, or check, to guard against precipitate and partial legislation. There is more danger, in our country, from too much, than there is from too little legislation.

Whilst writing this chapter, I have seen a statistical table showing the whole valuation of real and personal estate in all the counties of the State of New York, for the year 1835.† It is presumed that this table is taken from official returns, and that it is substantially correct; and that the average proportion of real and personal property, in all the other States, would be about the same. According to this table, the amount of real estate, in the State of New York in the year 1835, was 387,715,374 dollars; and that of personal estate was 122,840,643 dollars, making the whole valuation of real and personal property, in

* See Adams's Defence of the American Constitutions.

† New York Spectator of January 25, 1836.

the State of New York for that year, 510,556,017 dollars. Of this whole valuation (not regarding fractions) seventy-six hundredths is real, and twenty-four hundredths is personal, estate. There are few persons, in this country, of much wealth, who do not own real estate; and it is believed, that, on a low estimate, two thirds of all the personal estate in the country, is owned by owners of real estate. Then, by adding two thirds of the personal estate, which, according to the above estimate is sixteen hundredths of the whole valuation of property, to the real estate, it will show that ninety-two hundredths of the whole property of the country belongs to the owners of real estate; and only eight hundredths to those who own no real estate. It is probable that an exact enquiry into the fact, would show that a still greater proportion of the property belongs to the owners of real estate; and a less proportion to those who own none; because a very large proportion of persons, who own no real estate, have but little personal estate. The farmers and planters necessarily own a considerable amount of personal estate, for the purpose of stocking their farms and carrying on their business. And merchants, manufacturers, mechanics and others, who have the largest establishments of business, usually own some real estate, and also have a large amount of personal estate invested in their business. This estimate shows, that of the whole interest of the country depending upon property, at least ninety-two hundredths belongs to the owners of real estate, and only eight hundredths to others. It also shows, very forcibly, that the principles advocated in this chapter, would not give

to the owners of real estate, more than their just share of influence in the government; and that they would leave to others, at least, their full share, and probably more. Indeed it would rather raise the inference that the right of suffrage should be wholly confined to the owners of real estate, than that their right should be reduced to a lower standard than that which is proposed above.

We come now to the questions, what the kind and value of the interest should be, in real estate, to qualify the owner to vote in the election of members of the senate. And these should be such as to correspond with the reasons on which the principle itself is founded. The interest should be a freehold, or a term for years, having a considerable number of years unexpired. A freehold includes estates in fee simple and estates for life; and the latter may be for the life of the owner or of some other person. There can be no question as to the propriety of making a freehold estate a qualification. A fee simple is the greatest interest that one can have in real estate, and an estate for life is sufficient to connect the owner with the general interests of the owners of real estate in the district and in the country. But it may be more questionable whether the interest of a lessee for years should be admitted as a sufficient qualification; because such an interest is a mere chattel and is temporary. It ought, however, to be considered that a lessee for years generally holds the property for his personal residence and use; and has his domicile upon it during the continuance of the lease; and that, for the time, he shares in all the interests and burthens of

the district where he resides. But if the interest of a lessee is admitted as a qualification, it should not be an interest for a very short period. It ought not to be for a term of less than three years unexpired. A shorter term would not be sufficient to identify his interests with those of the owners of real estate generally.

For the same general reasons before stated, the interest in real estate should be an estate in possession; and the property should be situated in the district, in which the owner lives. Otherwise it does not serve to connect and identify him with the district and with its affairs.

The value of the interest in real estate necessary to qualify one to vote in the election of senators, depends much upon the same principles stated in the preceding chapter. It should be of such an amount as to connect the interests of the owner, with the general interests of the country and of the other owners of real estate in the district: and to guaranty a safe and patriotic exercise of his privileges. And for these general reasons, as well as for the sake of uniformity, the sum of two hundred dollars, above all charges and incumbrances on the property, is believed to be a proper sum for the owners of freehold estates. But in the case of the lessee of an estate for years, a larger sum ought to be taken. The interest of a lessee is but temporary; and if his right is established upon the same value as that of a freeholder, it will produce an inequality among this class of voters. The interest of a lessee for years therefore ought to be an estate of the clear value of, at

least, thirty dollars a year above all charges and incumbrances. And the same estate should not be received as a qualification of both the lessor and lessee. When the lessor has disposed of the possession of the property for the term of three years or more in advance, he ought not as a general rule to vote upon it, whatever may be its value, unless the right is confined wholly to the owner, to the exclusion of the lessee. But there may be instances, as in the case of an aged person retiring from business and leasing his real estate to his children or friends, where the reversionary interest ought to qualify the owner to vote.*

CHAPTER V.

Of the domicil, and of residence, as qualifications for the Right of Suffrage.

The common sentiment of mankind forbids the officious intermeddling, by one person, in the affairs of others. So it is in associations of men for private purposes. If any person, not a member of the association, undertakes to interfere in the management of its affairs, he is considered and treated as an impertinent intruder. In order to give him a right to such

* Count Zenobio, in a letter addressed to the people of Venice, dated Feb, 17, 1801, advocates the doctrine, that the right of suffrage ought to be confined wholly to the owners of land. See letter, Appendix No. 2.

interference, he must first become interested in the affairs of the association, by making himself a member of it. It is the same in civil and political communities. A person who is not a member of the community, can have no right to interfere, or take any agency in the management of its affairs. If he does so, he invades the rights of the members and becomes an intruder.*

It is apparent therefore, that a person, who is not a legitimate member of any civil or political society, has no right to take any part in the election of its officers, or in the management of its affairs. Hence it becomes necessary to establish the rules and principles, which shall determine what constitutes membership, in our civil and political communities. And it is of peculiar importance, under our form of government, not only that these rules and principles should be correctly established; but that they should be duly promulgated and known. Because the right of suffrage is the main-spring which puts our governments in motion, and keeps them in motion; and none but members can have any right to vote in our elections and public affairs, although they may possess every other qualification. What, then, ought to be required as evidence of membership? This depends upon one's domicil and residence. "The domicil is the habitation fixed in any place with an intention of always staying there. A man does not then establish

* At Athens, a stranger, who intermeddled with the assemblies of the people, was punished with death. This was because such a man usurped the rights of sovereignty." Mont. Sp. L. book 2, c. 2.

his domicil in any place, unless he makes sufficiently known his intention of fixing it there, either tacitly or by express declaration. In this sense, he who stops, even for a long time, in a place, for the management of his affairs, has only a simple habitation there, but has no domicil. Thus the envoy of a foreign prince has not his domicil at the court where he resides. The natural or original domicil is that given by birth, where our father had his; and we are considered as retaining it, till we have abandoned it, in order to choose another. The domicil acquired is that where we settle by our own choice.”* The constitution of the United States provides that the “citizens of each State shall be entitled to all privileges and immunities of citizens of the several States.”† This provision is designed to prevent partial legislation among the several States; but leaves the States at full liberty to regulate the right of suffrage for themselves; and it is accordingly regulated by the constitution or laws of each State in the union. Any person (excepting foreigners) who has established his domicil in any State or district, may not improperly be considered as a member of that State or district. But before he can rightfully be admitted to the exercise of the right of suffrage, he ought to have resided there a sufficient length of time to prove to other members that he has established his domicil there; and for his character and qualifications to become generally known; and to identify his interests with those of the

* *Vat. L. N.*, book 1, c. 19, sec. 218.

† *Art. 4*, sec. 2.

community where he lives ; and to become acquainted with the character and qualifications of the candidates for office, and with the interests and general affairs of the community. And for these purposes a year's residence, at the least, ought to be required. A less time would not be sufficient, in ordinary cases, to enable one to exercise his privilege usefully and intelligently. A mere transient person has no right to vote any where. Indeed, it is necessary that a person should reside for a considerable length of time in a place to prevent fraudulent practices. Otherwise an evil disposed person might go from place to place, and vote at different elections ; and being a stranger, it might not be easily ascertained whether he had a right to vote at any of them. The term of residence, therefore, should not be less than a year, in any case, in the town or district where he offers his vote, next preceding the time of his voting. Where a person removes from one town or district to another, in the same State ; and has established his domicil and become the owner of real estate there ; there is less reason for requiring so long a residence ; but it may not be best to have different rules on the subject.

The great want of uniformity on this subject, in the constitutions and laws of the different States, shows a want of settled principle not honorable to the country. In some of the States, a residence at the time of voting, without any previous residence in the State ; and in others, a very short residence, is sufficient to entitle the inhabitants to the rights of elec-

tors.* But this is a departure from sound principle, and a violation of the rights of the settled and permanent inhabitants.

CHAPTER VI.

Of Education as a Qualification for the Right of Suffrage.

Intelligence and virtue are, confessedly, the fundamental principles which form the basis for the support of a democracy; and are the main pillars, on which it depends for its existence and continuance. And in no form of government are these fundamental supports more essential than in ours, where the people are the sovereign; and where their will designates the rulers, and, in a great measure, directs and controls all the movements of the government. In fact, the popular will may, not improperly, be said to be the sovereign. How vastly important it is then, that the popular will should be wholly under the guidance of intelligence and virtue. The influence of the opposites, ignorance and vice, so far as they are allowed to have an influence in our government, are directly at war with these fundamental supports, and tend directly to the destruction of the government. General Washington, in his admirable farewell ad-

* See Part 1, ch. 6.—New Hampshire—Georgia—Maine—Tennessee—Illinois.

dress to the people of the United States, says, "it is substantially true that virtue and morality are a necessary spring of a popular government;" and that "in proportion as the structure of government gives force to public opinion, it is essential that public opinion should be enlightened."

A little reflection will show how very forcibly these principles apply to our form of government. The power confessedly resides in the people. Their will is the sovereign power, and gives direction to all the operations of the government. It is their will that determines who shall exercise the powers of government, and, in a great degree, the manner in which those powers shall be exercised. But the sovereign power is put into motion, and that will is expressed, by the suffrages of the electors. In proportion, therefore, as the electors are enlightened and virtuous, the government will be administered in an enlightened and virtuous manner; and in proportion as the electors are ignorant and corrupt, it is reasonable to expect that the government will be ignorantly and corruptly administered. It is not, indeed, to be presumed, that a majority of the electors will ever be ignorant and corrupt; but, in proportion as they are so, the administration of the government will be weakened, even if it should not become absolutely corrupt. Because, although the virtuous and enlightened part of the electors should succeed in electing virtuous and intelligent men to office, they must be incumbered, in their measures, by all the influence of the ignorance and corruption of the electors of an opposite character.

Our constitutions of government, in one point of

view, consist of mere paper and ink, having no inherent physical power to sustain themselves. They embody such rules and principles as the will of the people has determined to be necessary for the government of the country ; but have in themselves no physical power to enforce those rules and principles. In another point of view, they are mere intellectual existences, expressing the will of the people ; but that will must be dormant and inoperative, unless the successive generations of the people themselves have intelligence and patriotism sufficient to cause it to be enforced. But a person, who has not education sufficient to learn and understand these principles, and in some measure to appreciate their value, cannot be capable of exerting a safe and salutary influence for the enforcement and direction of them. And if he is destitute of virtue, or patriotism, he has no principle of action to give a right direction to his exertions.

No prudent and intelligent man, having an important question relating to property or any other valuable right, would submit that question to an arbitrator too ignorant of the subject to understand it, and to form an intelligent opinion respecting it ; or too corrupt to be entrusted with a decision of the question. The same prudence and discretion, that would govern a wise and honest man, in that case, ought to be applied to the case under consideration. The electors are in a great measure, the arbitrators, or rather the arbiters, in all questions relating to our civil and political privileges. Our liberties and every thing dear and valuable that we possess, depend upon the maintenance of our constitutions and forms and principles of govern-

ment ; and the administration of the government depends upon the electors. The whole subject, as to the qualification of the electors, is within the rightful control of the people ; and why should they not take every prudent measure, to guard the right of suffrage, so as to keep it, as much as possible, within the influence and direction of wisdom, intelligence and virtue ? An individual may sport with his own rights, and leave them to the hazard of accident and chance, when the interest of no other person is involved, if such a case can be. But the happiness and destinies of all those classes of society, that have no suffrage in our affairs, as women and children, depend upon the support and due administration of the government ; and those who have a voice in these matters are bound to protect their rights ; and have no authority to leave or subject them to any avoidable contingency or hazard.

The will of the people constitutes the moral power of the country ; and the object of taking their suffrages is, to collect and concentrate that moral power, and to bring it into action, so as to direct and control the physical power of the country. To take the suffrages of the ignorant and the vicious, for this purpose, would be a violation of the first and fundamental principles of the government. It would be a substitution of ignorance in the place of intelligence ; it would be an infusion of darkness into the administration of the government, instead of light ; it would be an attempt to collect the public will from sources where no enlightened, intelligent or independent will can exist. It would be as unreasonable to take the suffrages of such persons for the expression of the constitutional

public will, as it would be to enumerate and enroll dead bodies in estimating and marshalling the military force of the country. In either case the addition would diminish the efficiency and force of the power intended to be increased. In ordinary cases, persons wholly destitute of education possess but little intelligence; especially of that kind that qualifies them to take a part in the management of public affairs; and vice is too often, but not necessarily, the concomitant of ignorance. And the training and mental discipline which our youth receive in the schools, are admirably fitted to prepare them for the performance of their duties as citizens. It may well be questioned whether the discipline and the habits of regularity and subordination acquired at our schools, have not done more to prepare the people of this country for self-government, than any other cause. It is true that there are some very illiterate persons, who, by a natural sagacity and aptitude to gain information, do acquire intelligence sufficient to enable them to form independent and correct opinions respecting public men and public affairs. But they are still dependent upon others for the formation of their opinions; and the general fact, and not the exception, ought to furnish the rule. The general fact is, that persons wholly destitute of education do not possess sufficient intelligence to enable them to exercise the right of suffrage beneficially to the public. It is not proposed that a high degree of education should be required, but a person ought to be able to read and write with facility, so that he may inform himself, by study, of the structure of our government, and of the principles

of our constitutions ; and so that he may learn, from the common publications of the time, the condition and wants of the country ; and so that he may write his own ballot at an election, or at least read one that is written for him ; and especially so that he may learn his whole duty, and the retributions which await the performance or non-performance of it, in the oracles of divine truth.

It may be objected that it is a hardship to exclude a person from the right of suffrage for the want of education, which may be his misfortune and not his fault. With the facilities for obtaining an education provided in our country, it is, in most cases, the fault of the person if he does not avail himself of them, at least to the extent above proposed. But if it his misfortune, it is better that he should bear it, than that the public interests should be put in jeopardy. If intelligence is a necessary qualification for the due exercise of the right of suffrage, let it be made a qualification. If we would preserve our liberties and free institutions, we must carry out their true principles in practice. When the principle is sacrificed, all is sacrificed. And let the rule be once fully established throughout the country, that no person shall be admitted to the rank of a voter, without the degree of education above proposed ; and an ambition will be excited to obtain that rank highly favorable to the cause of education among that portion of the people to which these remarks apply ; and few uneducated persons will be found amongst the next generation of our native inhabitants. Thus the rule, as usual, would advance both private and public interests. But the

rule ought to be prospective in its operation, so as not, by the sudden introduction of a new principle, to exclude those from the right of suffrage, who have been accustomed to the enjoyment of it. This may be effected by providing that no person who shall arrive at the age of twenty-one years, four years or more after the principle is established, shall be admitted to the right of suffrage without possessing the requisite education, leaving the rule to operate only when those who have four years of their minority in which they may qualify themselves. But this exception should not be made in favor of foreigners.

CHAPTER VII.

Of some other Conditions, Relations and Interests which may be supposed to have an Influence on the Right of Suffrage.

There are other relations and interests, which may be thought to have a just influence in establishing the qualifications for the right of suffrage; and which claim a brief notice.

Persons standing in the relation of husband and wife, parent and child, brother and sister, or sustaining any of the other natural relations, have an interest in the welfare of each other. They have, consequently, an interest in the care and protection which the government of the country may extend to these various relatives, which others, not sustaining these

relations, do not. So a person who is a householder, and has a dwelling and family to be protected, has, for that reason, a special interest in the government. So persons having establishments of business in the country, or having apprentices and servants under their care and in their employment, have their peculiar interests arising from these causes. But these relations and interests, as well as many others not named, do not seem to be such as should be the foundation of the right in question. It would be difficult so to arrange them, either by themselves, or in connection with others, as to give them any special influence. And it is not necessary that these relations and interests should be specially represented in the administration of the government. They so exactly coincide with the interests arising from the personal rights and from the rights of property, that they will be naturally protected by the same principles and for the same reasons. A large proportion of the legislators, and public officers, and of the electors themselves, sustain these various relations, and possess these various interests; and they will be prompted, both by interest and principle, to do all that is necessary for their protection; and to secure to their possessors the full enjoyment of them.

The case of a householder has been sometimes considered, and not without reason, as giving a special claim to the right of voting. But it would not be consistent with correct principles, to admit that class of persons, without possessing the other ordinary qualifications; and if they possess those qualifications, they

will be admitted to the exercise of the right by virtue of them, without the aid of their qualifications as householders.

CHAPTER VIII.

Of Aliens or Foreigners.

Aliens, or foreigners, are persons born out of the dominion of the government; and natural born subjects are those that are born within it. Every natural born citizen or subject of any State or government, owes allegiance to his own government; and, by the common law of England, that allegiance is perpetual.* But the law, on this subject, is not alike in all nations.† Aliens have, by the law of nations, no political rights excepting such as the government, in which they reside, chooses to concede to them; and this depends wholly upon the will of the government or nation. By the constitution of the United States (art. 1, sec. 8, part 4,) Congress has power to establish a uniform rule of naturalization; and (by art. 4, sec. 2, part 1,) “the citizens of each State shall be entitled to all privileges and immunities of citizens of the several States.” The right of making laws for the naturalization of foreigners, therefore, belongs exclusively to the Congress of the United States; but the right of determining whether they shall

* Blk. Com., ch. 10.

† Vattel L. N., book 1, ch. 19.

be admitted to the right of suffrage or not; and if admitted, upon what terms, belongs to the several States, each acting for itself. Aliens, having naturally, and by the law of nations, no political rights in our country, it depends wholly upon the will of our governments, whether they grant them any political privileges or not; and the exercise of that will ought to be regulated wholly by their view of the public good and of the rights of our native inhabitants. Foreigners have no right to come and reside in the country, excepting by permission of the government; and if they are permitted to do so, the government has an indisputable right to prescribe the terms, on which they may come and reside in the country.* It is therefore, or should be, a question depending wholly upon the public good and the interests of the native inhabitants, whether they shall be admitted to the right of suffrage or not; and if admitted, upon what terms. If they are not admitted at all, or only upon strict and special terms, they have no just cause of complaint. They do not come here upon any request or compulsion of our government; and if they are not satisfied with the terms on which they are received, they are at liberty to stay in their own country, to which they are bound by their allegiance. It is a matter wholly for their own election whether they avail themselves of our permission to come to this country or not. The true and proper questions then, for the consideration of the people of this country, in this respect, are, whether it will conduce

* Vattel, book 2, ch. 8, sec. 100.

to the purity and stability of our government, and to the preservation and perfection of those principles of liberty which we ought to cherish and maintain and transmit to our posterity; in short, whether it will promote the general welfare to admit foreigners to the right of suffrage; and if so, on what conditions. Our government is a government of the people; a self-government. All political power originates from them, and is periodically granted by them by means of elections. In this respect our governments differ essentially and radically from the governments of all those countries from which so many emigrants come to this. The maintenance and due administration of our governments, depend wholly upon the virtue, intelligence and patriotism of the electors. But it is a known fact that a large portion of the emigrants from other countries are vicious, ignorant, illiterate, and wholly unacquainted with the true principles of our institutions. And many of them possess a religion unfriendly to the spirit of those institutions. They come here, it is true, under an expectation of enjoying liberty; but too many of them are wholly ignorant of the true nature of the liberty which we enjoy. One being called upon to pay an honest and admitted debt, replied, that he was in a land of liberty and should not pay it; and it is to be feared that he furnishes too true an example of his class. Not having been accustomed either to the contemplation or exercise of political rights, a large proportion of them are wholly unqualified to exercise those rights in a manner to promote the public welfare. Hence it is, that where any considerable number of foreigners are

collected together, they usually act in clans, and under the influence of such impulses as they may happen to receive, whether good or bad. But there is another class of emigrants who come to our country from a love to its institutions and form of government; who possess property, intelligence, and a real attachment to the country; who are industrious, and have establishments of business and settled places of residence. It is right that the laws should discriminate between these two classes of foreigners. The public interests require that it should be so. The latter class add to the business, the wealth, and the physical and moral power of the country; the other diminish therefrom in proportion to their influence. But it is reasonable to expect that all classes will retain an attachment to their native country; and all owe a natural allegiance to it. It cannot therefore be expected that they will add much to the strength of our country, especially in the case of a war with their own. All political power belongs originally to the native inhabitants of the country. They constitute the State or nation; and it is the leading duty of a State or nation to preserve all its members; and to do every thing, as far as possible, to render them secure and to promote their prosperity and happiness; and another leading duty is to protect itself, and to perpetuate and perfect its own institutions and existence. But every grant of power to foreigners proportionally diminishes the power of the native inhabitants; and so far deprives them of their natural birth-right. For example, if an election is to be had in a district containing one hundred voters, fifty of whom are foreigners, the foreign-

ers may, and will, if their votes are given in opposition to those of the native citizens, wholly neutralize and destroy their influence, in that election. The consequence is, that those fifty native citizens are wholly deprived of their natural birth-right. There is, however, it is believed, a class of foreigners, whose condition and qualifications are such as to ensure an honest, intelligent and patriotic exercise of the right of suffrage; and it is agreeable to the past policy of the government, and may not be inconsistent with the interests of the nation, to admit such to the privileges of citizens. The real question is, what do the national interests require? and this is a question for the nation to settle. Foreigners have no claim to the right of suffrage; and therefore their rights, as such, are out of the question. It is a sound rule, both as to foreigners and natives, that no person should be allowed to exercise the right of suffrage, but those whose situation and condition in society furnish a satisfactory guaranty that they will exercise that right for the public good. Foreigners have no claim to any right which shall diminish the just rights of the native inhabitants. They ought therefore to furnish evidence, in addition to that required of the native citizens, to counteract any supposed attachment to their native country and its form of government; and any want of the due qualifications arising from their former or present condition. And here it ought to be remarked, that the native inhabitants of this country have grown up with an attachment to its institutions, and have generally been instructed in the nature of them and in their own political rights and duties; and do

not need the aid of foreigners to carry on the operations of their government, or to support their political institutions. It is apparent, therefore, that the nation does not require the aid of foreigners for these purposes. In view of these principles and considerations, let us enquire what qualifications ought to be required of foreigners to ensure such an exercise of the right of suffrage, as shall be consistent with the public good and with the interests of the native inhabitants, and under what circumstances they ought to be admitted.

1. No foreigner ought to be admitted to the right of suffrage, until he has been naturalized according to the laws of the United States. Those laws require that he should have resided in the United States five years at least, and within the State or district where the court is held, in which he is naturalized, one year; and that he has behaved as a man of good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same. The laws also require, that, at the time of his application to be admitted, he shall declare on oath or affirmation, before the court admitting him, "that he will support the constitution of the United States; and that he doth absolutely and entirely renounce and abjure all allegiances and fidelity to any foreign prince, potentate, State or sovereignty whatever; and particularly, by name, the prince, State or sovereignty whereof he was before a citizen or subject." The term of residence required, is thought by many, and with much reason, to be too short. Ten years' residence in the country, it is be-

lieved, is not too much to be required as a term of probation, before naturalization.

2. Before a foreigner is admitted to share in the sovereign power of a nation by voting in its elections and affairs, he ought to have resided in the country for a sufficient length of time for his character and qualifications to be known; and to form an intimate acquaintance with the nature, structure and proceedings of our government; and with the state and condition of our public affairs; and with the wants and interests of the community where he resides; and also to become weaned from his natural predilections for his native country and its institutions. For these purposes, a residence of, at least, ten years in the country, the last two in the district where he offers his vote, ought to be required. A shorter term of residence is not sufficient to guaranty a safe and salutary exercise of his privileges.

3. He ought to be the owner of a real estate in fee simple, in the district where he resides, of the clear value of one thousand dollars at least, above all charges and incumbrances. And he ought to have owned it and had his domicil upon it, at least one year. This would identify his interests with those of the country and district; and would connect him with the interests of others; and would furnish satisfactory evidence that he had established his permanent domicil in the district. Those foreigners generally who own no real estate, have no fixed place of residence, and migrate from one part of the country to another, and are as ready to leave the country as they were to come to it. In fact, they have nothing to bind them

to the country or to its interests and welfare. They cannot be admitted to the right of suffrage consistently with the public safety or the rights of the native inhabitants. They can give no guaranty to the public that they will consult its welfare ; and they can give no equivalent to the native citizens for the share of political power and influence, which their admission would take from them. They bring nothing to the country to increase its wealth ; and if they become paupers, the public must support them.* The right of suffrage is not essential to their prosperity or happiness ; because, without that privilege, they will be protected in all their rights, both of person and property, by the same laws which protect the rights of the native inhabitants. And they suffer no privation by not possessing that privilege, for they never enjoyed it in their native country.

The idea that the admission of foreigners to the right of suffrage detracts from the privileges of the native inhabitants, may not be sufficiently apparent. To illustrate it ; suppose that the whole political power of a community is exercised by the suffrages of ninety-nine native members ; and they receive a foreigner into their community upon equal terms with themselves. He then possesses one hundredth part of the whole power, and the others so much less. They have of course parted with one hundredth part of their politi-

* If a landed qualification was made an absolute condition for the admission of foreigners to the right of suffrage, it would have a tendency to invite useful persons to this country, and to prevent those of an opposite description from coming to it.

cal power and influence ; and that gratuitously, unless the foreigner brought some equivalent into the community.

4. He ought to possess a good moral character. This is necessary as a guaranty for the faithful performance of his civil and political duties, as well as all others. But, as evidence of this is required upon his naturalization, perhaps they ought, in ordinary cases, to be received as sufficient evidence of the fact.

These rules may exclude some meritorious foreigners from the privileges of citizenship. But if they are true friends of the country and its institutions they will not complain of the operation of a rule that is founded in the general good, and in the natural rights of the native inhabitants. And if they are not friends of the country and its institutions, they should not only be excluded from the right of suffrage, but from the country itself.

Our country presents many inducements to foreigners to come to it ; and the past policy of the government has given a too easy and indiscriminate admission of them into it. That they do not, as a body, constitute a class of people equally meritorious and useful as the native inhabitants, the records of our criminal courts, of our jails, penitentiaries, state prisons and poor-houses will abundantly prove. It would be interesting to know what proportion foreign paupers and criminals bear to the whole number in the country ; and to those of the native inhabitants. If it is a fact that, as a class, they are more ignorant and more vicious and corrupt than the native inhabitants, and

bring with them habits and sentiments not congenial with our free system of self-government, it is certain that their prevailing influence is not favorable to the preservation and perpetuity of our institutions. It would be as unreasonable to believe that foul and corrupt matter cast into a fountain would not affect the purity of the stream issuing from it, as to expect that an indiscriminate admission of that class of foreigners above mentioned to the full participation in our civil and political privileges will not impair the purity and excellency of those privileges. In the early period of our national existence, there may have been reasons for the free admission of foreigners which do not exist now; and if the reasons have changed, the practice founded on them should also be changed. The United States have already, even in their infancy, become a great and populous nation. The natural ratio of increase is great, beyond precedent; and it is better for the strength, the stability, the perfection and the duration of our republican institutions, that the future increase should be from our native inhabitants. Let the generations that shall rise up to supply the places of those that pass away, as all must pass away, be those born in the country—those, who have received a love of their country, a love of liberty, a love of our democratic system of government, among the first sensations of life, and connected it with all the endearing scenes of childhood and youth—who have been inspired with it, in the lap, and from the bosom of a mother; who have been taught it by the precepts and example of a father; who have caught it from the influence of all the loved and venerated ones that sur-

rounded their childhood and youth; who have been imbued with it by the commingled hues and odors of the flowers of their native fields; who have associated it with their native mountains, hills and vallies, rivers and streams, lakes and woods, the scenes of their youthful amusements and toils; who have inhaled it in their native air, and felt it reflected from their native skies, and seen it radiating from the stars and planets of their native hemisphere; who have been taught it in the village school, and at the domestic altar of their beloved home, and by the solemn instructions and devotions of the parish church.

These are the sources of influence which sways the young mind; which moulds the character; which forms the man. These are the fountains of a pure and hallowed patriotism.

“Lives there a heart so cold and dead
That never to itself hath said,
This is my own, my native land?”

CHAPTER IX.

Of Persons belonging to the Army and Navy of the United States.

It may seem singular, that in a government, in which an equality of rights is a fundamental principle, the question should ever arise, whether any class of men should be excluded from the privileges of citizenship by the exercise of a lawful and necessary employ-

ment. And it may seem still more singular that an employment, entered into by virtue of the express laws of the country, and under a contract with those exercising the government of the country, should have that effect. But, by the constitutions of several of the states, soldiers, seamen and marines, in the regular army and navy of the United States, cannot be electors.* There is certainly nothing in the occupation of these classes of people, that ought wholly to exclude them from the right of suffrage. Their occupation is a lawful one; and the case may occur when it will be necessary to impress men into the military and naval service of the country; and it would be unjust to deprive them of their political privileges, by an act of the government, against their consent. But it is to be hoped, that the patriotism of the people will always supply recruits for the army and navy, without the compulsion of the government. It is believed that the states, which have wholly excluded persons enlisted in the military and naval service of the country, from the right of suffrage, have done it by the misapplication of a correct principle. It was shown in a previous chapter, (Part I, ch. 5,) that a person ought to have an established domicil, with, at least, a year's residence in a place, before he could rightfully be admitted to the privileges of an elector in that place. But a person cannot, within the true spirit of that rule, establish his domicil and have the residence in any place, necessary to qualify him for the right of suffrage there, by virtue

* See Part I, ch. 6. Indiana—Alabama—Missouri and South Carolina.

of his service in the army or navy of the United States. Indeed a residence for any length of time, in any place by persons engaged in the performance of duty in the regular military or naval service of the country, cannot be considered as such a residence, or even the commencement of such a residence, as will qualify them for the right of suffrage in that place. Their residence is in obedience to the will of others having authority to direct their movements, and cannot properly be considered as an act of their own, done in their own right. And an establishment at any place, under such circumstances, cannot even give one a domicil there.

The troops of the United States are stationed at various posts and garrisons throughout the country, and sometimes in numerous bodies, as the exigencies of the public services may require. They are liable to be removed and frequently are removed, by the will of others, from one station to another. They form a community by themselves at their several stations, and have, necessarily, but little or no acquaintance with the local affairs of the district or country where they are stationed; and they have no special or necessary interest in them. To allow them to interfere in the elections and public affairs, at their several stations, would deprive the settled inhabitant of a share of their political rights and influence; and would produce disaffection and commotions among the people. And a body of troops, if they should happen to be under a bad influence, or in a state of excitement, with arms in their hands, might overawe the inhabitants, and, by that means, control an election. In

many instances, too, their numbers would be such as to control a local election, to the destruction of the whole influence of the settled inhabitants. They ought not, therefore, to be allowed to vote, in any case, by virtue of a residence at any place in the military service. The members of the navy are out of the country a large part of the time ; but the same remarks apply to them when in port or at any station within the territory of the country. But when the officers of the army and navy, and others engaged in the military and naval service of the United States, are at their own homes, at the places of their domicil, they ought to stand upon the same rights as others, and be admitted to the right of suffrage by the same principles and upon the same qualifications. There is a jealousy of those belonging to the regular army and navy, and perhaps not an unreasonable one, arising from a belief that the sentiments and habits acquired in the service are unfriendly to civil liberty ; and if the members of those bodies should be allowed to act in civil affairs, as an organized corps, such jealousy would be well founded. But no danger can arise from their exercise of civil privileges, when at their own homes, mingled with the citizens and separated from each other. Indeed, but a very small proportion of them would ever be in a situation to vote any where, or have the necessary qualifications for that purpose, if subjected to the regulations above proposed, and which place them upon the same footing with other members of the American family. But if any of the States will depart so much from sound principle, as to admit persons to the right of suffrage, who are not members of

the community where they happen to be, and who have no domicil and but a transient residence there; they act consistently to follow up one violation of principle by another, and wholly to exclude members of the army and navy from the right of suffrage.

CHAPTER X.

Of the Admission of the Clergy to the Right of Suffrage.

The question has been raised, and it would seem rather fastidiously, whether the clergy ought to be allowed to take any part in public affairs. The objection seems to be founded on an exploded notion, that their profession is of so sacred a character, that it is a profanation of it, to mingle at all in the secular affairs of the community. This is an idea that belongs to a past age rather than to the present. But still it is not wholly remote from the sentiments of many pious and intelligent persons.

By the practice of most of the religious communities in our country, the ministers of their respective denominations are considered as consecrated to the work of the ministry, and as being under obligations to make that the principal business of their lives. If they engage in secular employments, inconsistent with the performance of their duty as ministers of religion, they are justly considered as violating their professional obligations. This sentiment has its foundation both

in the generally avowed professions of the clergy themselves, and in the religious opinions of the people. But there is nothing in the mere exercise of the right of suffrage inconsistent with the performance of ministerial duties, or with professional obligations. The clergy of the United States are an enlightened and virtuous body of men; and are as strongly attached to the liberties and institutions of the country as any other body of men in it. There is nothing, therefore, in their character or qualifications, that renders them unfit for a correct and patriotic exercise of the common rights of citizens. They have no exclusive privileges, and are subject to the same laws that govern others; and they have the same interest in the welfare of the country and in the preservation of our political institutions that others have. They have, on many occasions, and especially during the revolutionary war, exhibited many signal instances of patriotism and devotion to the liberties of the country. It would therefore be unjust to them, and a violation of their rights, to deprive them of the right of suffrage. There may be prudential reasons why they should not mingle in the political strifes of the day; and why they should not exercise their right of voting in elections and in public affairs. But it is a matter to be determined wholly by their own sense of propriety and duty, whether they will exercise it or not.

CHAPTER XI.

Of the Duties required by the Nation or Government, of Individuals, which may be supposed to entitle them to the Right of Suffrage.

The duties of this description, which claim a particular notice, in this place, are

1. The payment of taxes.
2. The performance of duty in the militia.

In a former chapter, where some of the relative rights and duties, existing between a nation and its members, were examined, the general principles applicable to the subject of this chapter, were stated and explained.*

The first and chief of these duties of a nation is, to protect and preserve itself, and to perpetuate its own existence, as a means of performing its other duties. Another duty of equal obligation is, to defend and protect all its members; and to do every thing in its power to promote their happiness and welfare and to advance all their interests. So imperative is this duty of a nation or government, that it cannot rightfully abandon one of even its humblest members, unless compelled to do it by necessity. From these duties or obligations of a government, results the corresponding right of demanding of its members such sums of money, and such a share of their personal services, as the exigencies of the nation may require. And from

* Part I, ch. 7.

this right of the nation also results the corresponding duty of its members to supply their share of money, and to render their share of personal services to meet the wants of the nation. These requisitions of the government are, of course, to be charged upon the people, so far as they are compulsory, upon principles of equality; so that each one may contribute, as near as may be, according to his ability and capacity. Money is collected usually by a tax levied, in some form, upon the people; and personal services are required of those who are fitted by their age and sex and personal qualifications and condition, to render them. When a person has contributed only his share of money or personal services to supply the wants of the nation, he has merely performed a duty, for which he is remunerated by the general protection and benefit which he derives from the nation, as a body, and is entitled to no special remuneration. And if the nation rewards him from the public funds of the nation, for the mere performance of a common duty, it does injustice to the other members of the nation, who are supposed to have alike borne their share of the common public burthens. Indeed these relative rights and duties, existing between the nation and its members, result from the social compact; and, as has been before remarked, exist in all legitimate governments, as well those of a monarchical, as those of a democratic or representative form.

From these views, the conclusion results, that in our form of representative government, the mere performance of any or all of these common duties, does

not entitle one to the right of suffrage. That right is founded upon other and different reasons.

1. Of the payment of taxes.

In some of the States, the payment of a small tax, together with the required qualifications of age and residence, entitles one to the right of suffrage. This is a departure from the true principles of our government. The owner of property has an interest in the nation and in the administration of the government, which entitles him to an additional influence in the affairs of the government.* And as taxes are assessed almost wholly upon property, and are paid by the owners, they ought, for that among other reasons, to have an agency and voice in the government of the country. They have an interest in the preservation and protection of the property itself, as well as in the payment of the taxes assessed upon it.

A very important and material part of the duties of the legislature is to estimate the amount of money necessary to be raised for public uses, and to cause it to be collected, and to direct the manner of its collection. And another equally important part of their duty is to direct the appropriation of the money to such purposes as shall be most advantageous to the public; and to see that it is faithfully applied to those purposes in a judicious and economical manner. And there seems to be a fitness in allowing those, who provide the public funds, to have a voice in electing the public servants and agents who are to have the management of them. But the payment of taxes is

* See Part II. ch. 3.

but an incident to the ownership of property ; and it is more just that, that ownership should be made the foundation of the right of voting than that the payment of taxes should. The owner of the property is interested to the amount of the property and of the taxes which he pays upon it ; while a person merely pays a tax on property hired of another has but an accidental and temporary interest. And generally taxes on property are paid by the owner. It is, therefore, the ownership of property and not the mere payment of a tax upon it, which lays the foundation for the right of suffrage.

Many persons who are taxed pay but a small amount, a few cents ; while others pay large sums. Now if the payment of fifty cents a year in taxes, is a reason for one's having the privilege of a voter, the payment of five hundred dollars is a much stronger reason. And, so far as this reason operates, there is no equality in admitting the two persons to an equal vote, while the reason in one case is exactly one thousand times as great as in the other. Females, minors, and foreigners not naturalized, are liable to be taxed and do actually pay taxes ; and if that, of itself, gives the right of suffrage, they ought to be admitted to the exercise of that right ; otherwise they are taxed wrongfully. But they are every where excluded ; and the advocates of the doctrine have always acquiesced in their exclusion.

An opinion has prevailed to a considerable extent, that the obligation to pay taxes, and the right of suffrage, are a correlative and dependent duty and right. This idea is often expressed by saying, that represen-

tation and taxation are equal. And it would seem, from the provisions of some of the State constitutions, fixing the qualifications of voters, that this was the leading principle adopted on that subject, in forming those constitutions. This principle is wholly erroneous and wrong in its application and tendency. It entirely leaves out of view many other much more weighty considerations; and the practical effect of it is, to produce an unjust inequality in the political privileges of individuals.

This error, it is believed, has taken its rise from the misapplication of a sound and correct principle, which was adopted and acted upon by the men of the revolution. They claimed that the British government had no right to tax the colonies without their consent, and without being represented in the British Parliament; and one ground of complaint, against that government, as stated in the declaration of independence, was, that taxes were imposed on the colonies without their consent. On the other hand, Great Britain claimed a right to tax the colonies at pleasure, without allowing them any voice in the matter. Great Britain and the colonies were situated on opposite sides of the Atlantic, three thousand miles apart. As incident to the sovereign right claimed by her of taxing the colonies without their consent, she claimed and exercised the right of appropriating the taxes when collected, as she pleased, without asking the colonies to what uses they should be applied. The effect of this claim, if allowed, was, that Great Britain might levy any amount of taxes she pleased upon the colonies and apply them to her own use. It was

a principle of clear gain on one side, and loss on the other. She had no necessary sympathy with the burthens of the colonies. Whatever she took from them went, or might go, to enrich her; and the principle had no other limit than such as her compassion or her cupidity might prescribe. The principle, if submitted to by the colonies, reduced them to abject slavery. They resisted this unjust claim, and said they were not slaves. That, as political communities, they were under no obligations to pay taxes at the will of a distant government, in which they had no voice and no representation; and that, as respected the rights and duties of these parties, the right of being represented and the duty of paying taxes were reciprocal. The colonies were political communities of themselves; and had a right to their own resources and needed them for their own purposes.

But the question, as we are now considering it, between an individual and his own government, is altogether different, and stands upon wholly different principles. He has the protection and all the benefits of the government to which he pays his taxes, and fully shares in the general advantages derived from their application. This revolutionary principle, therefore, gives no support to that which I am opposing. It is manifest that the principle opposed to the claims of the British government, at the time of the revolution, rested wholly upon reasons different from those applicable to the question between a citizen and his own domestic government.

If these views and principles are correct, the payment of taxes only furnishes an additional reason for

admitting the owners of property to the right of suffrage; but does not, of itself, lay the foundation of that right.

It has been assumed as a fact, in this discussion, that taxes are principally, and almost wholly, assessed upon property. This is agreeable to the truth. But it is also true that, in some, and perhaps all of the States, there is a small tax, usually called a poll tax, levied upon the person. This tax has been sometimes objected to as odious and unjust. It is certainly both odious and unjust to compel a person to pay such a tax or any other public tax, who, by reason of honest poverty or personal or family afflictions, cannot pay it without distressing himself or his family. And there always is, or should be, a provision in the laws by which such persons may be excused from the payment of taxes. The people of the United States should consider themselves as brothers and sisters of one great republican family; and should contribute largely, and cheerfully and promptly, for the relief of the afflictions of each other; and the measures of the government should always favor such relief. This would be, but to carry out the true principles of our government, and to give a beautiful and practical illustration of them.

But when it is considered that all persons possess the personal rights alike; and that one of the chief objects and duties of government is to protect their rights and to redress all violations of them; it seems to follow as a conclusion of equity, that a small proportion of the taxes necessary for the support of government, may justly be levied upon the person.

And this conclusion is fortified by the consideration, that many of the expenditures of the public money are designed for the special benefit of the poor; and that they share more or less, in the advantages derived from them all. And it has been before shown, that the personal rights do constitute one of the elements of the right of suffrage.*

2. Of the performance of duty in the militia.

The author is not aware, that the privilege of an elector has ever been claimed as a right resulting from the performance of service in the regular army and navy of the United States. Such service is always compensated in another way. On the other hand, an enlistment, in either of those services, is made a disqualification in several of the States.

The question now to be considered is, whether the performance of duty, or the liability to duty in the militia, justly entitles one to the right of suffrage.

In a former chapter, (Part 1, ch. 7,) the principles on which the government has a right to require the performance of duty in the militia, were examined and explained; and the general principles and conclusions on that subject, are recapitulated at the commencement of this chapter. The conclusion is, that all persons of a suitable age and sex, and otherwise suitably qualified and situated for training in the militia, are under obligations to do it when required: That this results from their relation to the government, and entitles them to no special privilege or reward. If the actual performance of duty in the

* Part II, ch. 3.

militia does not entitle one to the right of suffrage, it can hardly be necessary to add that the liability to it, and the neglect of it, cannot have that effect.*

It ought to be remarked, that the qualifications that fit men for the performance of military duty, have no necessary or actual connection with the qualifications necessary to fit them for the due exercise of the right of suffrage. The former depend upon physical; the latter upon intellectual and moral qualifications. A member of the militia may have all the qualifications proper to entitle him to the privilege of an elector; and then he will, of course, be admitted to that privilege, by virtue of them.

The militia is designed as a school for teaching and learning the military art, in which the proper subjects of military service may fit themselves for the performance of a duty which they owe to their country. Another and principal object is, to keep a body of men enrolled and equipped and provided with officers and duly organized, so that the means of protection and defence may be always ready to meet the wants of the nation. The chief advantage of our militia system is to have an organized force always ready, at the command of the government, as occasion may require their services. Military discipline is but a secondary object. It can be learned but very imperfectly in the militia; and it is not very necessary that it should be thoroughly taught there.†

It is the duty of the qualified electors to attend upon the elections and give their suffrages for public

* See Part I, ch. 6, Connecticut.

† Federalist, No. 29.

officers. If this duty should be wholly omitted, the government would lose its organization and cease to exist. And the electors may claim a remuneration from the public for their services, in the performance of this duty, on precisely the same principles that the members of the militia can claim a remuneration for their services in performing their duty in the militia. And if it could be shown to be expedient, the government would have the same right to inflict a penalty for the neglect of duty in one case, as in the other. The total neglect of the duty of electing public officers, would be attended with much worse national effects, than the total neglect of duty in the militia.

The militia, as a national institution, can hardly be too highly appreciated. It is the appropriate system of protection and defence to be kept in readiness by a nation of freemen. But this institution can never be supported, in its full usefulness and efficiency, unless it is made to depend wholly, or at least principally, upon the public spirit and patriotism of its members. Every departure from this rule, by giving rewards and equivalents to the members of the militia, gives to them, more or less, the character of mercenary troops; and to the system itself, the character of a standing army. So long as they were left chiefly to the influence of the impulses of their own public spirit and patriotism, for the performance of duty, it was performed with alacrity and efficiency, and considered as a pastime. But as soon as the legislatures of the States began, by their debates and enactments, to treat the members of the militia as if they had no public spirit, and to give equivalents for the perform-

CHAPTER XI.

Of the Duties required by the Nation or Government, of Individuals, which may be supposed to entitle them to the Right of Suffrage.

The duties of this description, which claim a particular notice, in this place, are

1. The payment of taxes.
2. The performance of duty in the militia.

In a former chapter, where some of the relative rights and duties, existing between a nation and its members, were examined, the general principles applicable to the subject of this chapter, were stated and explained.*

The first and chief of these duties of a nation is, to protect and preserve itself, and to perpetuate its own existence, as a means of performing its other duties. Another duty of equal obligation is, to defend and protect all its members; and to do every thing in its power to promote their happiness and welfare and to advance all their interests. So imperative is this duty of a nation or government, that it cannot rightfully abandon one of even its humblest members, unless compelled to do it by necessity. From these duties or obligations of a government, results the corresponding right of demanding of its members such sums of money, and such a share of their personal services, as the exigencies of the nation may require. And from

* Part I, ch. 7.

this right of the nation also results the corresponding duty of its members to supply their share of money, and to render their share of personal services to meet the wants of the nation. These requisitions of the government are, of course, to be charged upon the people, so far as they are compulsory, upon principles of equality; so that each one may contribute, as near as may be, according to his ability and capacity. Money is collected usually by a tax levied, in some form, upon the people; and personal services are required of those who are fitted by their age and sex and personal qualifications and condition, to render them. When a person has contributed only his share of money or personal services to supply the wants of the nation, he has merely performed a duty, for which he is remunerated by the general protection and benefit which he derives from the nation, as a body, and is entitled to no special remuneration. And if the nation rewards him from the public funds of the nation, for the mere performance of a common duty, it does injustice to the other members of the nation, who are supposed to have alike borne their share of the common public burthens. Indeed these relative rights and duties, existing between the nation and its members, result from the social compact; and, as has been before remarked, exist in all legitimate governments, as well those of a monarchical, as those of a democratical or representative form.

From these views, the conclusion results, that in our form of representative government, the mere performance of any or all of these common duties, does

not entitle one to the right of suffrage. That right is founded upon other and different reasons.

1. Of the payment of taxes.

In some of the States, the payment of a small tax, together with the required qualifications of age and residence, entitles one to the right of suffrage. This is a departure from the true principles of our government. The owner of property has an interest in the nation and in the administration of the government, which entitles him to an additional influence in the affairs of the government.* And as taxes are assessed almost wholly upon property, and are paid by the owners, they ought, for that among other reasons, to have an agency and voice in the government of the country. They have an interest in the preservation and protection of the property itself, as well as in the payment of the taxes assessed upon it.

A very important and material part of the duties of the legislature is to estimate the amount of money necessary to be raised for public uses, and to cause it to be collected, and to direct the manner of its collection. And another equally important part of their duty is to direct the appropriation of the money to such purposes as shall be most advantageous to the public; and to see that it is faithfully applied to those purposes in a judicious and economical manner. And there seems to be a fitness in allowing those, who provide the public funds, to have a voice in electing the public servants and agents who are to have the management of them. But the payment of taxes is

* See Part II. ch. 3.

but an incident to the ownership of property; and it is more just that, that ownership should be made the foundation of the right of voting than that the payment of taxes should. The owner of the property is interested to the amount of the property and of the taxes which he pays upon it; while a person merely pays a tax on property hired of another has but an accidental and temporary interest. And generally taxes on property are paid by the owner. It is, therefore, the ownership of property and not the mere payment of a tax upon it, which lays the foundation for the right of suffrage.

Many persons who are taxed pay but a small amount, a few cents; while others pay large sums. Now if the payment of fifty cents a year in taxes, is a reason for one's having the privilege of a voter, the payment of five hundred dollars is a much stronger reason. And, so far as this reason operates, there is no equality in admitting the two persons to an equal vote, while the reason in one case is exactly one thousand times as great as in the other. Females, minors, and foreigners not naturalized, are liable to be taxed and do actually pay taxes; and if that, of itself, gives the right of suffrage, they ought to be admitted to the exercise of that right; otherwise they are taxed wrongfully. But they are every where excluded; and the advocates of the doctrine have always acquiesced in their exclusion.

An opinion has prevailed to a considerable extent, that the obligation to pay taxes, and the right of suffrage, are a correlative and dependent duty and right. This idea is often expressed by saying, that represen-

tation and taxation are equal. And it would seem, from the provisions of some of the State constitutions, fixing the qualifications of voters, that this was the leading principle adopted on that subject, in forming those constitutions. This principle is wholly erroneous and wrong in its application and tendency. It entirely leaves out of view many other much more weighty considerations; and the practical effect of it is, to produce an unjust inequality in the political privileges of individuals.

This error, it is believed, has taken its rise from the misapplication of a sound and correct principle, which was adopted and acted upon by the men of the revolution. They claimed that the British government had no right to tax the colonies without their consent, and without being represented in the British Parliament; and one ground of complaint, against that government, as stated in the declaration of independence, was, that taxes were imposed on the colonies without their consent. On the other hand, Great Britain claimed a right to tax the colonies at pleasure, without allowing them any voice in the matter. Great Britain and the colonies were situated on opposite sides of the Atlantic, three thousand miles apart. As incident to the sovereign right claimed by her of taxing the colonies without their consent, she claimed and exercised the right of appropriating the taxes when collected, as she pleased, without asking the colonies to what uses they should be applied. The effect of this claim, if allowed, was, that Great Britain might levy any amount of taxes she pleased upon the colonies and apply them to her own use. It was

a principle of clear gain on one side, and loss on the other. She had no necessary sympathy with the burthens of the colonies. Whatever she took from them went, or might go, to enrich her; and the principle had no other limit than such as her compassion or her cupidity might prescribe. The principle, if submitted to by the colonies, reduced them to abject slavery. They resisted this unjust claim, and said they were not slaves. That, as political communities, they were under no obligations to pay taxes at the will of a distant government, in which they had no voice and no representation; and that, as respected the rights and duties of these parties, the right of being represented and the duty of paying taxes were reciprocal. The colonies were political communities of themselves; and had a right to their own resources and needed them for their own purposes.

But the question, as we are now considering it, between an individual and his own government, is altogether different, and stands upon wholly different principles. He has the protection and all the benefits of the government to which he pays his taxes, and fully shares in the general advantages derived from their application. This revolutionary principle, therefore, gives no support to that which I am opposing. It is manifest that the principle opposed to the claims of the British government, at the time of the revolution, rested wholly upon reasons different from those applicable to the question between a citizen and his own domestic government.

If these views and principles are correct, the payment of taxes only furnishes an additional reason for

admitting the owners of property to the right of suffrage; but does not, of itself, lay the foundation for that right.

It has been assumed as a fact, in this discussion, that taxes are principally, and almost wholly, levied upon property. This is agreeable to the true principle; it is also true that, in some, and perhaps a few States, there is a small tax, usually called a poll tax, levied upon the person. This tax has been many times objected to as odious and unjust. It is certainly both odious and unjust to compel a man to pay such a tax or any other public tax, by reason of honest poverty or personal or family afflictions, cannot pay it without distress to himself or his family. And there always is, or may be, a provision in the laws by which such persons may be excused from the payment of taxes. All the people of the United States should consider themselves as brothers and sisters of one great republican family; and should contribute largely, and cheerfully and promptly, for the relief of the afflictions of one another; and the measures of the government should always favor such relief. This would be to carry out the true principles of our government, and to give a beautiful and practical illustration of them.

But when it is considered that all persons are entitled to the personal rights alike; and that one of the objects and duties of government is to protect these rights and to redress all violations of them; and to follow as a conclusion of equity, that a suitable proportion of the taxes necessary for the support of the government, may justly be levied upon the

And this...
 the army of the...
 designed for the...
 they share more or...
 from them all. And it has been...
 the personal rights to...
 of the right of suffrage.

2. Of the performance of duty in militia.

The author is not aware that any person...
 elector has ever been claimed to...
 the performance of service in the...
 navy of the United States...
 compensated in another way. As to...
 enlistment, in either of these...
 qualification in several of the cases.

The question now to be considered is...
 performance of duty in the militia...
 militia, justly entitles one to the...
 militia.

In a former chapter, (chap. 10.) it was...
 on which the government are a right...
 performance of duty in the militia...
 and explained; and the same...
 sions on that subject are...
 commencement of the chapter. It...
 all persons of a suitable...
 suitably qualified and...
 militia, are under obligation to...
 That this results from the...
 ment, and entitles them to a...
 reward. If the...
 reward.

be wholly omitted, the
 organization and cease to
 claim a remuneration
 es, in the performance
 same principles that the
 ain a remuneration for
 their duty in the militia.
 be expedient, the gov-
 right to inflict a penalty
 case, as in the other.
 of electing public officers,
 worse national effects,
 in the militia.
 institution, can hardly be
 the appropriate system
 be kept in readiness by a
 institution can never be
 ss and efficiency, unless
 , or at least principally,
 patriotism of its members.
 le, by giving rewards and
 of the militia, gives to
 character of mercenary troops ;
 character of a standing
 are left chiefly to the influ-
 their own public spirit and
 ance of duty, it was per-
 ficiency, and considered as
 as the legislatures of the
 debates and enactments, to
 militia as if they had no
 equivalents for the perform-

admitting the owners of property to the right of suffrage; but does not, of itself, lay the foundation of that right.

It has been assumed as a fact, in this discussion, that taxes are principally, and almost wholly, assessed upon property. This is agreeable to the truth. But it is also true that, in some, and perhaps all of the States, there is a small tax, usually called a poll tax, levied upon the person. This tax has been sometimes objected to as odious and unjust. It is certainly both odious and unjust to compel a person to pay such a tax or any other public tax, who, by reason of honest poverty or personal or family afflictions, cannot pay it without distressing himself or his family. And there always is, or should be, a provision in the laws by which such persons may be excused from the payment of taxes. The people of the United States should consider themselves as brothers and sisters of one great republican family; and should contribute largely, and cheerfully and promptly, for the relief of the afflictions of each other; and the measures of the government should always favor such relief. This would be, but to carry out the true principles of our government, and to give a beautiful and practical illustration of them.

But when it is considered that all persons possess the personal rights alike; and that one of the chief objects and duties of government is to protect their rights and to redress all violations of them; it seems to follow as a conclusion of equity, that a small proportion of the taxes necessary for the support of government, may justly be levied upon the person.

And this conclusion is fortified by the consideration, that many of the expenditures of the public money are designed for the special benefit of the poor; and that they share more or less, in the advantages derived from them all. And it has been before shown, that the personal rights do constitute one of the elements of the right of suffrage.*

2. Of the performance of duty in the militia.

The author is not aware, that the privilege of an elector has ever been claimed as a right resulting from the performance of service in the regular army and navy of the United States. Such service is always compensated in another way. On the other hand, an enlistment, in either of those services, is made a disqualification in several of the States.

The question now to be considered is, whether the performance of duty, or the liability to duty in the militia, justly entitles one to the right of suffrage.

In a former chapter, (Part 1, ch. 7,) the principles on which the government has a right to require the performance of duty in the militia, were examined and explained; and the general principles and conclusions on that subject, are recapitulated at the commencement of this chapter. The conclusion is, that all persons of a suitable age and sex, and otherwise suitably qualified and situated for training in the militia, are under obligations to do it when required: That this results from their relation to the government, and entitles them to no special privilege or reward. If the actual performance of duty in the

* Part II, ch. 8.

militia does not entitle one to the right of suffrage, it can hardly be necessary to add that the liability to it, and the neglect of it, cannot have that effect.*

It ought to be remarked, that the qualifications that fit men for the performance of military duty, have no necessary or actual connection with the qualifications necessary to fit them for the due exercise of the right of suffrage. The former depend upon physical; the latter upon intellectual and moral qualifications. A member of the militia may have all the qualifications proper to entitle him to the privilege of an elector; and then he will, of course, be admitted to that privilege, by virtue of them.

The militia is designed as a school for teaching and learning the military art, in which the proper subjects of military service may fit themselves for the performance of a duty which they owe to their country. Another and principal object is, to keep a body of men enrolled and equipped and provided with officers and duly organized, so that the means of protection and defence may be always ready to meet the wants of the nation. The chief advantage of our militia system is to have an organized force always ready, at the command of the government, as occasion may require their services. Military discipline is but a secondary object. It can be learned but very imperfectly in the militia; and it is not very necessary that it should be thoroughly taught there.†

It is the duty of the qualified electors to attend upon the elections and give their suffrages for public

* See Part I, ch. 6, Connecticut.

† Federalist, No. 29.

officers. If this duty should be wholly omitted, the government would lose its organization and cease to exist. And the electors may claim a remuneration from the public for their services, in the performance of this duty, on precisely the same principles that the members of the militia can claim a remuneration for their services in performing their duty in the militia. And if it could be shown to be expedient, the government would have the same right to inflict a penalty for the neglect of duty in one case, as in the other. The total neglect of the duty of electing public officers, would be attended with much worse national effects, than the total neglect of duty in the militia.

The militia, as a national institution, can hardly be too highly appreciated. It is the appropriate system of protection and defence to be kept in readiness by a nation of freemen. But this institution can never be supported, in its full usefulness and efficiency, unless it is made to depend wholly, or at least principally, upon the public spirit and patriotism of its members. Every departure from this rule, by giving rewards and equivalents to the members of the militia, gives to them, more or less, the character of mercenary troops; and to the system itself, the character of a standing army. So long as they were left chiefly to the influence of the impulses of their own public spirit and patriotism, for the performance of duty, it was performed with alacrity and efficiency, and considered as a pastime. But as soon as the legislatures of the States began, by their debates and enactments, to treat the members of the militia as if they had no public spirit, and to give equivalents for the perform-

ance of their duty, and to treat the duty itself as one that was to be performed only under the influence of a penal law or a mercenary reward, the system began to decline and to fall into disrepute. It has, in fact, been almost caressed and legislated to death, by the officious and overweening kindness of its friends.

But our young men have intelligence and public spirit and patriotism; and if left to the influence of these, the militia may be made to be all that the country can desire. The laws regulating the militia should be as few and simple as possible; and they should be founded on the belief that those, who are the proper subjects of military duty, will perform that duty cheerfully and zealously, as one of the duties and privileges of an American citizen.* The government should provide all the necessary arms and equipments, and deposit them with some suitable agent, who should be responsible for them; and these should be kept in some convenient place for the use of the members of the militia, who should be released from all the expense of providing them, and from all fines for their deficiency. The trainings should be few; and so regulated as to cause no needless sacrifice of time or expense. There should be no useless expense for military dress or ornaments; they do not belong to the character of a citizen soldier. And then, if the companies are disposed to have voluntary meetings to improve and perfect themselves in mili-

* The laws of the State of *Massachusetts* regulating the militia, extend over nearly fifty octavo pages, and occupy about one sixteenth part of her code of statute laws.

tary tactics and discipline, let them enjoy the applause of doing it voluntarily ; and not feel the degradation of doing it under the compulsive lash of the law, or for a mercenary reward.

These views may be erroneous ; but the author sincerely entertains them ; and believes, that if reduced to practice, they would be attended with the happiest results.

CHAPTER XII.

Of Crimes and Demerits which ought to Exclude a person from the Right of Suffrage.

It is somewhat remarkable, that in a country where the principles of liberty and of political and civil rights have been so much examined and discussed, as in the United States ; and where the preservation and existence of the free form of government depend so much upon the virtue of the people ; so few of the State constitutions have made any provision, by which persons should be excluded from the right of suffrage, by the commission of crimes. By the constitutions and laws of most of the States, a man may commit all the crimes forbidden by the decalogue, and all those forbidden by the common and statute law, and violate all the decencies of life besides ; and be convicted of them all ; and if he escapes a capital punishment or perpetual imprisonment, he may take his station at

CHAPTER XI.

Of the Duties required by the Nation or Government, of Individuals, which may be supposed to entitle them to the Right of Suffrage.

The duties of this description, which claim a particular notice, in this place, are

1. The payment of taxes.
2. The performance of duty in the militia.

In a former chapter, where some of the relative rights and duties, existing between a nation and its members, were examined, the general principles applicable to the subject of this chapter, were stated and explained.*

The first and chief of these duties of a nation is, to protect and preserve itself, and to perpetuate its own existence, as a means of performing its other duties. Another duty of equal obligation is, to defend and protect all its members; and to do every thing in its power to promote their happiness and welfare and to advance all their interests. So imperative is this duty of a nation or government, that it cannot rightfully abandon one of even its humblest members, unless compelled to do it by necessity. From these duties or obligations of a government, results the corresponding right of demanding of its members such sums of money, and such a share of their personal services, as the exigencies of the nation may require. And from

* Part I, ch. 7.

this right of the nation also results the corresponding duty of its members to supply their share of money, and to render their share of personal services to meet the wants of the nation. These requisitions of the government are, of course, to be charged upon the people, so far as they are compulsory, upon principles of equality ; so that each one may contribute, as near as may be, according to his ability and capacity. Money is collected usually by a tax levied, in some form, upon the people ; and personal services are required of those who are fitted by their age and sex and personal qualifications and condition, to render them. When a person has contributed only his share of money or personal services to supply the wants of the nation, he has merely performed a duty, for which he is remunerated by the general protection and benefit which he derives from the nation, as a body, and is entitled to no special remuneration. And if the nation rewards him from the public funds of the nation, for the mere performance of a common duty, it does injustice to the other members of the nation, who are supposed to have alike borne their share of the common public burthens. Indeed these relative rights and duties, existing between the nation and its members, result from the social compact ; and, as has been before remarked, exist in all legitimate governments, as well those of a monarchical, as those of a democratical or representative form.

From these views, the conclusion results, that in our form of representative government, the mere performance of any or all of these common duties, does

not entitle one to the right of suffrage. That right is founded upon other and different reasons.

1. Of the payment of taxes.

In some of the States, the payment of a small tax, together with the required qualifications of age and residence, entitles one to the right of suffrage. This is a departure from the true principles of our government. The owner of property has an interest in the nation and in the administration of the government, which entitles him to an additional influence in the affairs of the government.* And as taxes are assessed almost wholly upon property, and are paid by the owners, they ought, for that among other reasons, to have an agency and voice in the government of the country. They have an interest in the preservation and protection of the property itself, as well as in the payment of the taxes assessed upon it.

A very important and material part of the duties of the legislature is to estimate the amount of money necessary to be raised for public uses, and to cause it to be collected, and to direct the manner of its collection. And another equally important part of their duty is to direct the appropriation of the money to such purposes as shall be most advantageous to the public; and to see that it is faithfully applied to those purposes in a judicious and economical manner. And there seems to be a fitness in allowing those, who provide the public funds, to have a voice in electing the public servants and agents who are to have the management of them. But the payment of taxes is

* See Part II. ch. 3.

but an incident to the ownership of property; and it is more just that, that ownership should be made the foundation of the right of voting than that the payment of taxes should. The owner of the property is interested to the amount of the property and of the taxes which he pays upon it; while a person merely pays a tax on property hired of another has but an accidental and temporary interest. And generally taxes on property are paid by the owner. It is, therefore, the ownership of property and not the mere payment of a tax upon it, which lays the foundation for the right of suffrage.

Many persons who are taxed pay but a small amount, a few cents; while others pay large sums. Now if the payment of fifty cents a year in taxes, is a reason for one's having the privilege of a voter, the payment of five hundred dollars is a much stronger reason. And, so far as this reason operates, there is no equality in admitting the two persons to an equal vote, while the reason in one case is exactly one thousand times as great as in the other. Females, minors, and foreigners not naturalized, are liable to be taxed and do actually pay taxes; and if that, of itself, gives the right of suffrage, they ought to be admitted to the exercise of that right; otherwise they are taxed wrongfully. But they are every where excluded; and the advocates of the doctrine have always acquiesced in their exclusion.

An opinion has prevailed to a considerable extent, that the obligation to pay taxes, and the right of suffrage, are a correlative and dependent duty and right. This idea is often expressed by saying, that represen-

tation and taxation are equal. And it would seem, from the provisions of some of the State constitutions, fixing the qualifications of voters, that this was the leading principle adopted on that subject, in forming those constitutions. This principle is wholly erroneous and wrong in its application and tendency. It entirely leaves out of view many other much more weighty considerations; and the practical effect of it is, to produce an unjust inequality in the political privileges of individuals.

This error, it is believed, has taken its rise from the misapplication of a sound and correct principle, which was adopted and acted upon by the men of the revolution. They claimed that the British government had no right to tax the colonies without their consent, and without being represented in the British Parliament; and one ground of complaint, against that government, as stated in the declaration of independence, was, that taxes were imposed on the colonies without their consent. On the other hand, Great Britain claimed a right to tax the colonies at pleasure, without allowing them any voice in the matter. Great Britain and the colonies were situated on opposite sides of the Atlantic, three thousand miles apart. As incident to the sovereign right claimed by her of taxing the colonies without their consent, she claimed and exercised the right of appropriating the taxes when collected, as she pleased, without asking the colonies to what uses they should be applied. The effect of this claim, if allowed, was, that Great Britain might levy any amount of taxes she pleased upon the colonies and apply them to her own use. It was

a principle of clear gain on one side, and loss on the other. She had no necessary sympathy with the burthens of the colonies. Whatever she took from them went, or might go, to enrich her; and the principle had no other limit than such as her compassion or her cupidity might prescribe. The principle, if submitted to by the colonies, reduced them to abject slavery. They resisted this unjust claim, and said they were not slaves. That, as political communities, they were under no obligations to pay taxes at the will of a distant government, in which they had no voice and no representation; and that, as respected the rights and duties of these parties, the right of being represented and the duty of paying taxes were reciprocal. The colonies were political communities of themselves; and had a right to their own resources and needed them for their own purposes.

But the question, as we are now considering it, between an individual and his own government, is altogether different, and stands upon wholly different principles. He has the protection and all the benefits of the government to which he pays his taxes, and fully shares in the general advantages derived from their application. This revolutionary principle, therefore, gives no support to that which I am opposing. It is manifest that the principle opposed to the claims of the British government, at the time of the revolution, rested wholly upon reasons different from those applicable to the question between a citizen and his own domestic government.

If these views and principles are correct, the payment of taxes only furnishes an additional reason for

admitting the owners of property to the right of suffrage; but does not, of itself, lay the foundation of that right.

It has been assumed as a fact, in this discussion, that taxes are principally, and almost wholly, assessed upon property. This is agreeable to the truth. But it is also true that, in some, and perhaps all of the States, there is a small tax, usually called a poll tax, levied upon the person. This tax has been sometimes objected to as odious and unjust. It is certainly both odious and unjust to compel a person to pay such a tax or any other public tax, who, by reason of honest poverty or personal or family afflictions, cannot pay it without distressing himself or his family. And there always is, or should be, a provision in the laws by which such persons may be excused from the payment of taxes. The people of the United States should consider themselves as brothers and sisters of one great republican family; and should contribute largely, and cheerfully and promptly, for the relief of the afflictions of each other; and the measures of the government should always favor such relief. This would be, but to carry out the true principles of our government, and to give a beautiful and practical illustration of them.

But when it is considered that all persons possess the personal rights alike; and that one of the chief objects and duties of government is to protect their rights and to redress all violations of them; it seems to follow as a conclusion of equity, that a small proportion of the taxes necessary for the support of government, may justly be levied upon the person.

And this conclusion is fortified by the consideration, that many of the expenditures of the public money are designed for the special benefit of the poor; and that they share more or less, in the advantages derived from them all. And it has been before shown, that the personal rights do constitute one of the elements of the right of suffrage.*

2. Of the performance of duty in the militia.

The author is not aware, that the privilege of an elector has ever been claimed as a right resulting from the performance of service in the regular army and navy of the United States. Such service is always compensated in another way. On the other hand, an enlistment, in either of those services, is made a disqualification in several of the States.

The question now to be considered is, whether the performance of duty, or the liability to duty in the militia, justly entitles one to the right of suffrage.

In a former chapter, (Part 1, ch. 7,) the principles on which the government has a right to require the performance of duty in the militia, were examined and explained; and the general principles and conclusions on that subject, are recapitulated at the commencement of this chapter. The conclusion is, that all persons of a suitable age and sex, and otherwise suitably qualified and situated for training in the militia, are under obligations to do it when required: That this results from their relation to the government, and entitles them to no special privilege or reward. If the actual performance of duty in the

* Part II, ch. 3.

the elections and claim and exercise the right of voting. And if Ellsworth, Jay, Marshall, the pure minded Madison, or Washington himself, were alive, he might take his stand by the side of one of them and give an opposing vote; and then he might tauntingly and insultingly say, there, Mr. Patriot, I have neutralized and nullified your vote; my vote is as good as yours. And what would add poignancy to the taunt is, that the declaration would be true. And if his crimes are such as to evince a total disregard of all his political and civil duties, and such as have a direct tendency, as all crimes have in some degree, to destroy the government which he is bound to support, it makes no difference. Americans, ought these things to be so?

When a person is guilty and has been convicted of a crime, which clearly proves him to be destitute of the moral qualifications essential to a safe and salutary exercise of the elective franchise, he ought to be excluded; he has justly forfeited his franchise.

We exclude men from being witnesses and from serving as jurors, in matters of small amount, on account of their crimes; and they are in some measure excluded from social intercourse for the same reason. Our political and civil rights are as dear to us, and as valuable, as the rights of property. Yet we are guilty of the absurdity of entrusting them to the management and influence of persons, whose oath or judgment we will not trust in matters of property; and with whom we will not associate, on terms of equality, by reason of their crimes. Our liberties and political institutions have cost too much, and are too valuable, and

the obligation to transmit them to posterity is of too great force, to suffer us to entrust them to the keeping of unsafe hands. They are committed to us as a sacred trust; and we violate a sacred duty if we suffer them to be put in jeopardy when it is in our power to prevent it. Every avenue to a corrupt influence in the government, ought, if possible, to be forever closed; and although it may not be possible to do it wholly, that is no reason for not doing it as far as is practicable. It may be thought that those who commit crimes are too few in number, and their influence too small, to be regarded. But that cannot alter the truth or justice of the principle. The popular will, which is the moral power of the nation, is expressed and collected by the suffrages of the people; and they give their suffrages in the exercise of their sovereign power; and every debasing or corrupting influence ought, as much as possible, to be excluded from the expression of that will and from the exercise of that power. This principle of exclusion would have a beneficial influence in its general effects. It would probably have more effect for the prevention of crimes and for the reformation of offenders, than the punishments now in use. The fact of being deprived of the elective franchise, for the commission of crime, would make one value it the more highly; and would make him more desirous to regain it, when forfeited; and to be restored to his standing among his own caste in society. And if persons guilty of crimes were deprived of the right of suffrage, it would raise the value of that right in public estimation; as the too indiscriminate admission of

the elections and claim and exercise the right of voting. And if Ellsworth, Jay, Marshall, the pure minded Madison, or Washington himself, were alive, he might take his stand by the side of one of them and give an opposing vote; and then he might tauntingly and insultingly say, there, Mr. Patriot, I have neutralized and nullified your vote; my vote is as good as yours. And what would add poignancy to the taunt is, that the declaration would be true. And if his crimes are such as to evince a total disregard of all his political and civil duties, and such as have a direct tendency, as all crimes have in some degree, to destroy the government which he is bound to support, it makes no difference. Americans, ought these things to be so?

When a person is guilty and has been convicted of a crime, which clearly proves him to be destitute of the moral qualifications essential to a safe and salutary exercise of the elective franchise, he ought to be excluded; he has justly forfeited his franchise.

We exclude men from being witnesses, from serving as jurors, in matters of special consequence, on account of their crimes; and they are excluded from social intercourse. Our political and civil rights are so valuable, as the rights of the citizen, that we will not trust in the hands of those who are guilty of the absurdity of entering into a conspiracy, and influence of the government. We will not trust in the hands of those who will not trust in the government, we will not assist in the government of their crime. The conditions have co-

the obligation to maintain them
 great force. It is the duty of the
 ing of the people to maintain
 a sacred trust. It is the duty
 suffer them to be oppressed
 power it is the duty of the
 influence it is the duty of the
 forever cease. It is the duty
 to do it with the same
 far as is possible. It is the
 who cannot be otherwise.
 influence it is the duty of the
 alter the manner of
 ular will. It is the duty of
 expressed in the
 people: it is the duty of the
 of their sovereign. It is the
 rupting the people from
 excluded from the

5
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30



such, and other unqualified persons now, cheapens and degrades it. A just and reasonable discrimination in the admission of voters would give dignity to the name of an American citizen and to the nation itself. And it is to be hoped the time will soon come, if it has not already, when it will be felt as a proud distinction, to be called an American citizen; and that this feeling will be founded, not on any personal or national vanity; but on a true estimate of character which the world will acknowledge to be just.

All crimes of a gross character, and which denote great depravity of heart, or a total want of good faith, or a disregard to the rights of others, or to the interests and well being of society, and such as debase the moral and intellectual faculties, ought to be punished by a deprivation of the right of suffrage, for a limited term of time, or for life, according to the nature and aggravation of the offence. Among these may be mentioned theft, perjury, forgery, counterfeiting the current coins, or altering and passing counterfeit money or bank bills with intent to defraud others, burglary, robbery, arson, adultery, habitual drunkenness, &c. The guilty party would not complain of injustice; and others would not be disposed to complain, because their rights and safety would be increased by the operation of the rule.

But provision ought to be made, by which persons thus degraded, may be restored, upon reformation, to their former rank.

CHAPTER XIII.

Of the Foundation of the Rights to Vote, and of the Qualifications of Voters, in Municipal Affairs.

Hitherto the subject has been treated of principally in relation to the rights and qualifications of voters, in the election of the public officers, and in the general affairs of the government, State and national. But many of the States, and perhaps all of them, are divided into towns and other municipal corporations, for various purposes. These corporations are required by law, to perform various duties, according to the design of their institution. They may be various in different States and in different places; but they are generally required to make and support public roads and bridges; to relieve and support their own poor; to maintain public schools for the common education of all the children within their own limits, &c. And for these and the like purposes, they are required to elect the necessary officers, and to assess upon themselves, and to collect, the sums of money necessary to the performance of the various duties required of them. These corporations form a republic of themselves, for these particular purposes. The incorporated cities throughout the country are a species of municipal corporations of this description.

The duties of these municipal bodies, excepting such as relate to their own organization by the choice of their own officers, consist principally in the raising and appropriation of money for the fulfilment of the

various duties required of them by law. They may, and perhaps commonly do, have some other powers for the regulation of their internal affairs and for other purposes ; but these are usually incidental, and are not such as enter into the design of their original creation.

What description of persons then, ought, with a due regard to the rights and interests of all, to be admitted to vote in the affairs of the municipal bodies ? And in the first place it is evident that only those who are members of the corporations ought to have an agency in the management of their affairs. This membership ought to be of such a fixed character, as to identify their interests with the welfare and interests of the inhabitants generally ; and it ought to be evinced by something more definite and certain than a mere accidental or transitory residence within the limits of the municipal body. It should be evinced by a settled and permanent residence, so that the person may be supposed to have a common interest, and a common sympathy, with others, in the well being and prosperity, as well as in the burthens, of the municipal body, in the management of whose concerns he would interfere. And, in a country where, by reason of frequent emigration from one part of the country to another, local attachments are so loose, a full year's residence ought always to be required. And, as the principal duties of these little republics are performed by the collection and appropriation of money, no person can justly have a right to act in the management of their affairs, who is not liable to share, and who does not actually share, in the common burthens. No very definite rule can be formed to establish what amount

this should be. It would seem to be an equitable principle, that it should be an average of that of the members generally; because if one is allowed to vote upon a less share of the common burthen, it would disproportionably diminish the influence of those bearing a greater proportion of the burthen of the corporation. But this rule may be thought too exclusive; and all regulations of this kind ought to be made to favor and advance the common liberty of the people, as far as may be consistent with the common rights of all. As a general rule, it is believed that a person ought to possess property of the value of two hundred dollars, above all charges and incumbrances thereon; and to have been taxed and actually to have paid all the municipal taxes classed against him, for one year next preceding the time of giving his vote. The circumstances of different bodies, of the kind in question, may render it proper that the amount of property required, should be different in different places.

The expenses of these municipal corporations are usually incurred for the common benefit of their members, or for the common benefit of the whole people; and those who pay no part of these expenses are always entitled to, and actually do receive, their full share of the benefit. Thus money raised for the support of public schools, is appropriated for the benefit of the poor as well as the rich, and more especially for the former. The use of public roads and bridges is free for all persons who wish to use them; and money expended for the support of the poor is applied to their special use.

It would, therefore, be very unreasonable for those

militia does not entitle one to the right of suffrage, it can hardly be necessary to add that the liability to it, and the neglect of it, cannot have that effect.*

It ought to be remarked, that the qualifications that fit men for the performance of military duty, have no necessary or actual connection with the qualifications necessary to fit them for the due exercise of the right of suffrage. The former depend upon physical; the latter upon intellectual and moral qualifications. A member of the militia may have all the qualifications proper to entitle him to the privilege of an elector; and then he will, of course, be admitted to that privilege, by virtue of them.

The militia is designed as a school for teaching and learning the military art, in which the proper subjects of military service may fit themselves for the performance of a duty which they owe to their country. Another and principal object is, to keep a body of men enrolled and equipped and provided with officers and duly organized, so that the means of protection and defence may be always ready to meet the wants of the nation. The chief advantage of our militia system is to have an organized force always ready, at the command of the government, as occasion may require their services. Military discipline is but a secondary object. It can be learned but very imperfectly in the militia; and it is not very necessary that it should be thoroughly taught there.†

It is the duty of the qualified electors to attend upon the elections and give their suffrages for public

* See Part I, ch. 6, Connecticut.

† Federalist, No. 29.

officers. If this duty should be wholly omitted, the government would lose its organization and cease to exist. And the electors may claim a remuneration from the public for their services, in the performance of this duty, on precisely the same principles that the members of the militia can claim a remuneration for their services in performing their duty in the militia. And if it could be shown to be expedient, the government would have the same right to inflict a penalty for the neglect of duty in one case, as in the other. The total neglect of the duty of electing public officers, would be attended with much worse national effects, than the total neglect of duty in the militia.

The militia, as a national institution, can hardly be too highly appreciated. It is the appropriate system of protection and defence to be kept in readiness by a nation of freemen. But this institution can never be supported, in its full usefulness and efficiency, unless it is made to depend wholly, or at least principally, upon the public spirit and patriotism of its members. Every departure from this rule, by giving rewards and equivalents to the members of the militia, gives to them, more or less, the character of mercenary troops; and to the system itself, the character of a standing army. So long as they were left chiefly to the influence of the impulses of their own public spirit and patriotism, for the performance of duty, it was performed with alacrity and efficiency, and considered as a pastime. But as soon as the legislatures of the States began, by their debates and enactments, to treat the members of the militia as if they had no public spirit, and to give equivalents for the perform-

ance of their duty, and to treat the duty itself as one that was to be performed only under the influence of a penal law or a mercenary reward, the system began to decline and to fall into disrepute. It has, in fact, been almost caressed and legislated to death, by the officious and overweening kindness of its friends.

But our young men have intelligence and public spirit and patriotism; and if left to the influence of these, the militia may be made to be all that the country can desire. The laws regulating the militia should be as few and simple as possible; and they should be founded on the belief that those, who are the proper subjects of military duty, will perform that duty cheerfully and zealously, as one of the duties and privileges of an American citizen.* The government should provide all the necessary arms and equipments, and deposit them with some suitable agent, who should be responsible for them; and these should be kept in some convenient place for the use of the members of the militia, who should be released from all the expense of providing them, and from all fines for their deficiency. The trainings should be few; and so regulated as to cause no needless sacrifice of time or expense. There should be no useless expense for military dress or ornaments; they do not belong to the character of a citizen soldier. And then, if the companies are disposed to have voluntary meetings to improve and perfect themselves in mili-

* The laws of the State of *Massachusetts* regulating the militia, extend over nearly fifty octavo pages, and occupy about one sixteenth part of her code of statute laws.

tary tactics and discipline, let them enjoy the applause of doing it voluntarily ; and not feel the degradation of doing it under the compulsive lash of the law, or for a mercenary reward.

These views may be erroneous ; but the author sincerely entertains them ; and believes, that if reduced to practice, they would be attended with the happiest results.

CHAPTER XII.

Of Crimes and Demerits which ought to Exclude a person from the Right of Suffrage.

It is somewhat remarkable, that in a country where the principles of liberty and of political and civil rights have been so much examined and discussed, as in the United States ; and where the preservation and existence of the free form of government depend so much upon the virtue of the people ; so few of the State constitutions have made any provision, by which persons should be excluded from the right of suffrage, by the commission of crimes. By the constitutions and laws of most of the States, a man may commit all the crimes forbidden by the decalogue, and all those forbidden by the common and statute law, and violate all the decencies of life besides ; and be convicted of them all ; and if he escapes a capital punishment or perpetual imprisonment, he may take his station at

the elections and claim and exercise the right of voting. And if Ellsworth, Jay, Marshall, the pure minded Madison, or Washington himself, were alive, he might take his stand by the side of one of them and give an opposing vote; and then he might tauntingly and insultingly say, there, Mr. Patriot, I have neutralized and nullified your vote; my vote is as good as yours. And what would add poignancy to the taunt is, that the declaration would be true. And if his crimes are such as to evince a total disregard of all his political and civil duties, and such as have a direct tendency, as all crimes have in some degree, to destroy the government which he is bound to support, it makes no difference. Americans, ought these things to be so?

When a person is guilty and has been convicted of a crime, which clearly proves him to be destitute of the moral qualifications essential to a safe and salutary exercise of the elective franchise, he ought to be excluded; he has justly forfeited his franchise.

We exclude men from being witnesses and from serving as jurors, in matters of small amount, on account of their crimes; and they are in some measure excluded from social intercourse for the same reason. Our political and civil rights are as dear to us, and as valuable, as the rights of property. Yet we are guilty of the absurdity of entrusting them to the management and influence of persons, whose oath or judgment we will not trust in matters of property; and with whom we will not associate, on terms of equality, by reason of their crimes. Our liberties and political institutions have cost too much, and are too valuable, and

the obligation to transmit them to posterity is of too great force, to suffer us to entrust them to the keeping of unsafe hands. They are committed to us as a sacred trust; and we violate a sacred duty if we suffer them to be put in jeopardy when it is in our power to prevent it. Every avenue to a corrupt influence in the government, ought, if possible, to be forever closed; and although it may not be possible to do it wholly, that is no reason for not doing it as far as is practicable. It may be thought that those who commit crimes are too few in number, and their influence too small, to be regarded. But that cannot alter the truth or justice of the principle. The popular will, which is the moral power of the nation, is expressed and collected by the suffrages of the people; and they give their suffrages in the exercise of their sovereign power; and every debasing or corrupting influence ought, as much as possible, to be excluded from the expression of that will and from the exercise of that power. This principle of exclusion would have a beneficial influence in its general effects. It would probably have more effect for the prevention of crimes and for the reformation of offenders, than the punishments now in use. The fact of being deprived of the elective franchise, for the commission of crime, would make one value it the more highly; and would make him more desirous to regain it, when forfeited; and to be restored to his standing among his own caste in society. And if persons guilty of crimes were deprived of the right of suffrage, it would raise the value of that right in public estimation; as the too indiscriminate admission of

such, and other unqualified persons now, cheapens and degrades it. A just and reasonable discrimination in the admission of voters would give dignity to the name of an American citizen and to the nation itself. And it is to be hoped the time will soon come, if it has not already, when it will be felt as a proud distinction, to be called an American citizen; and that this feeling will be founded, not on any personal or national vanity; but on a true estimate of character which the world will acknowledge to be just.

All crimes of a gross character, and which denote great depravity of heart, or a total want of good faith, or a disregard to the rights of others, or to the interests and well being of society, and such as debase the moral and intellectual faculties, ought to be punished by a deprivation of the right of suffrage, for a limited term of time, or for life, according to the nature and aggravation of the offence. Among these may be mentioned theft, perjury, forgery, counterfeiting the current coins, or altering and passing counterfeit money or bank bills with intent to defraud others, burglary, robbery, arson, adultery, habitual drunkenness, &c. The guilty party would not complain of injustice; and others would not be disposed to complain, because their rights and safety would be increased by the operation of the rule.

But provision ought to be made, by which persons thus degraded, may be restored, upon reformation, to their former rank.

CHAPTER XIII.

Of the Foundation of the Rights to Vote, and of the Qualifications of Voters, in Municipal Affairs.

Hitherto the subject has been treated of principally in relation to the rights and qualifications of voters, in the election of the public officers, and in the general affairs of the government, State and national. But many of the States, and perhaps all of them, are divided into towns and other municipal corporations, for various purposes. These corporations are required by law, to perform various duties, according to the design of their institution. They may be various in different States and in different places; but they are generally required to make and support public roads and bridges; to relieve and support their own poor; to maintain public schools for the common education of all the children within their own limits, &c. And for these and the like purposes, they are required to elect the necessary officers, and to assess upon themselves, and to collect, the sums of money necessary to the performance of the various duties required of them. These corporations form a republic of themselves, for these particular purposes. The incorporated cities throughout the country are a species of municipal corporations of this description.

The duties of these municipal bodies, excepting such as relate to their own organization by the choice of their own officers, consist principally in the raising and appropriation of money for the fulfilment of the

various duties required of them by law. They may, and perhaps commonly do, have some other powers for the regulation of their internal affairs and for other purposes ; but these are usually incidental, and are not such as enter into the design of their original creation.

What description of persons then, ought, with a due regard to the rights and interests of all, to be admitted to vote in the affairs of the municipal bodies ? And in the first place it is evident that only those who are members of the corporations ought to have an agency in the management of their affairs. This membership ought to be of such a fixed character, as to identify their interests with the welfare and interests of the inhabitants generally ; and it ought to be evinced by something more definite and certain than a mere accidental or transitory residence within the limits of the municipal body. It should be evinced by a settled and permanent residence, so that the person may be supposed to have a common interest, and a common sympathy, with others, in the well being and prosperity, as well as in the burthens, of the municipal body, in the management of whose concerns he would interfere. And, in a country where, by reason of frequent emigration from one part of the country to another, local attachments are so loose, a full year's residence ought always to be required. And, as the principal duties of these little republics are performed by the collection and appropriation of money, no person can justly have a right to act in the management of their affairs, who is not liable to share, and who does not actually share, in the common burthens. No very definite rule can be formed to establish what amount

this should be. It would seem to be an equitable principle, that it should be an average of that of the members generally; because if one is allowed to vote upon a less share of the common burthen, it would disproportionably diminish the influence of those bearing a greater proportion of the burthen of the corporation. But this rule may be thought too exclusive; and all regulations of this kind ought to be made to favor and advance the common liberty of the people, as far as may be consistent with the common rights of all. As a general rule, it is believed that a person ought to possess property of the value of two hundred dollars, above all charges and incumbrances thereon; and to have been taxed and actually to have paid all the municipal taxes classed against him, for one year next preceding the time of giving his vote. The circumstances of different bodies, of the kind in question, may render it proper that the amount of property required, should be different in different places.

The expenses of these municipal corporations are usually incurred for the common benefit of their members, or for the common benefit of the whole people; and those who pay no part of these expenses are always entitled to, and actually do receive, their full share of the benefit. Thus money raised for the support of public schools, is appropriated for the benefit of the poor as well as the rich, and more especially for the former. The use of public roads and bridges is free for all persons who wish to use them; and money expended for the support of the poor is applied to their special use.

It would, therefore, be very unreasonable for those

who share fully in the benefits of these expenditures, and share but little, or not at all, in the burthens, to complain that they are not allowed, by their vote, to control the property of others. And it would be unjust and inconsistent with the true principles of civil liberty and political equality, to subject the property of those, who have accumulated it by their industry and economy, to the control of others, who, by means of that control, would take it from the owners and appropriate it, in a great measure, to their own use. Property is the chief object and reward of all labor; and any course of policy which shall take the control of property from the rightful owners, and give it to others, will check and paralyze industry, and retard the most valuable improvements of the country.

CHAPTER XIV.

Practical Regulations for determining the Qualifications of Voters ; and for their Admission to vote at Elections.

The rules and principles which govern the right of suffrage being established, it becomes important to give to them a practical effect; so that qualified persons, and no others, shall vote in the elections, and in other public affairs. It is also important that the claims of voters should be settled with ease and convenience to themselves, and to the officers presiding

at the elections ; and without causing animosity or excitement.

In most of the states, it is believed, the right of each person claiming the privilege of voting, is canvassed and settled by the officer or officers presiding while the election is open. This mode of settling the right is liable to many objections ; and it ought never to be adopted.

Proper officers should be appointed and required to make a full alphabetical register or list of voters, having on it the names of all the voters in their district, known to be duly qualified. And they should be required to post up or deposit copies of this list in such and so many public places in the town, ward or district, and for such a length of time previous to the election, as to render it convenient for all persons to examine them and ascertain whether their names are on the list or not. And the officers should also be required, by law, to attend, at some convenient time and place, (and at as many different times and places as may be necessary) to receive the application of all persons claiming a right to vote, whose names are not on the list ; and due notice should be given of the times and places of their meeting for this purpose.

The officers should be under oath to act fairly and impartially ; and the burthen of proof should be on the applicant to establish his claim.

Here the claims might be decided deliberately and upon a full examination ; and without the hurry and excitement usually prevailing during the progress of an election. If any person should be found to be entitled to vote, whose name was not entered on the

register, it should be added. The register ought to be completed before the poll or meeting is opened for receiving votes ; and no application should be received after that time. No exception ought to be allowed to this rule, unless in the case of a known voter being omitted by mistake. In that case the proper officers might be allowed to correct the mistake on their own knowledge, without taking the testimony of any other person. The register then would be the sole guide for the presiding officer ; and if any person should offer a vote, whose name was not found on the list, his vote would, of course, be rejected. And if any person, unknown to the presiding officer, should offer to vote, as a person named in the register of voters, he ought, if necessary, prove his identity. But the oath of the applicant ought never to be received to prove either his right or his identity. It would present too great a temptation to perjury ; and it is unnecessary, because every person, having the requisite term of residence, and having the other qualifications, will have many acquaintances, by whom the truth can be proved.

If the applicant is a foreigner, he ought to be required to prove his naturalization by a copy of the record duly authenticated, by the proper officer, under the seal of the court. No other evidence ought to be received to prove the naturalization, excepting in cases where the fact is personally known to the officers who make the register of voters.

Adequate penalties ought to be provided for the punishment of any corruption or fraud practised by the officers making the register of voters ; for any person

testifying falsely and corruptly respecting the qualifications or identity of any applicant; and for any person wilfully assisting another to commit a fraud by procuring his name to be inserted in the register of voters, knowing him to be unqualified. The governments of the United States and of the several states are put into motion and kept in motion only by the election of public officers; and it is of vast importance that the principles and practice, by which elections are to be governed, should be made as simple and certain as possible; and that all frauds, either by the admission of unqualified voters, or by the exclusion of those that are qualified, should be prevented. These objects may be effected, in a very perfect manner, by making a register of voters as proposed. If this practice was fully adopted and strictly adhered to in all the States, those scenes, which have too often disgraced our elections would be avoided; and we should no longer hear of our railroads and canals vomiting forth their foul masses of foreign or domestic corruption, to control a doubtful election.

CHAPTER XV.

Of the Apportionment of Senators and Representatives.

In examining this subject it will be taken as granted, that the qualifications of the electors of senators and representatives are established according to the principles of the foregoing treatise. In most of the States,

senators and representatives are chosen by districts into which the States are divided for that purpose. But the six New England States are parcelled out into local corporations, called towns, which exercise a large share of the legislation, and transact a large share of the public business, as such corporations, under the provisions of general laws. Thus, in those States, the towns are generally required to make and support the public roads and bridges within their own limits; to support their own poor; to support public schools for the instruction of all their youth, &c. And for these purposes, they are required to assess upon their inhabitants and to collect and appropriate the sums of money necessary. They are organized by the annual election of the necessary officers, for the due management of their affairs. The election of all public officers is made by the electors assembling, in town meetings, in their respective towns, under the direction of their own officers, and there giving in their votes. These towns, acting in their corporate character, elect the members of the house of representatives. The number which each town has a right to elect, is determined by their State constitution.

But this is not the principle commonly adopted in the other States. They are generally districted for the choice of both senators and representatives, as are most of the New England States, for the choice of senators.

But the principle on which the apportionment of senators and representatives is made, is various in the different States. In some they are apportioned according to the number of free white inhabitants; in

some, according to the number of free white male inhabitants over the age of twenty-one years ; in some, according to the number of taxable inhabitants ; in some, according to the number of voters ; and in Massachusetts and New Hampshire, the senators are apportioned according to the amount of public taxes paid in their respective districts.*

There is no general American principle prevailing, on this subject, in the several States. But it would seem, from the nature of the subject, that it admits of being reduced to principles, such as ought to meet the general approbation of the American people.

The principle, on which senators are apportioned in Massachusetts and New Hampshire, is designed to give an influence to property, in that branch of the legislature. If property is to have an influence, as it should have, the influence ought to be in the hands of the owners, according to the principles adopted in the foregoing chapters.† But the rule for the apportionment of senators in Massachusetts and New Hampshire, operates to enhance the influence of the electors in the wealthy districts, whether they own little or much property.

Thus, in two districts having an equal number of electors, one district may possess twice the amount of taxable property, and pay twice the amount of taxes as the other ; and in that case it will be entitled to elect twice as many senators ; so that the senatorial electors, in the latter case, will have double the influ-

* See note A at the end of the volume.

† Part II., ch. 1, 3, & 4.

ence of those in the former, in the election of senators. But, in the latter case, the property may be in the hands of a very few persons; and most of the electors may have but little property; and then their franchise is doubled, in influence and value, by the mere fact of living among rich neighbors. It surely is no good reason why a man's vote should be doubled, in its influence, that he has rich neighbors; nor is it a good reason why it should be reduced in value, that he has no rich neighbors. The principle itself is a violation of that political equality, which it is one of the objects of this treatise to explain and inculcate.

The rule does not effectuate the object designed by it; that of protecting the rights of property. There is no considerable district of country where the rich and poor are not, more or less, mingled together; and it is commonly the fact that, in those districts where the largest number of great estates are accumulated, there is the largest number of poor people.— And it can give no additional security to the rights of property, to throw an extraordinary influence into the hands of these people. A comparison of their own poverty with the extraordinary, and as it may seem to them useless, wealth of others, will not be likely to make them less covetous of the property of others, or more scrupulous in protecting the rights of property.

So far as this mode of apportionment gives an additional influence, in elections, to the owners of property, it may be supposed to answer the object for which it was designed. But even, in this view of the case, if we suppose half of the electors to be destitute of property, the increased influence of the rich will be,

as to their own districts, exactly counteracted by an equally increased influence of the poor. So that this mode of apportionment does not accomplish the object for which it was designed; while it produces an unjust inequality in the rights of the electors, and among the districts.

A senator or representative in the legislature of a State, is a legislator, not merely for the inhabitants of his own district, but for all the inhabitants of the State. He is, in fact, the representative of all the members of the State. And the inhabitants of other districts, and the minority in his own district, are as much and as rightfully bound by his acts, as those by whose votes he was elected. And he is as strictly and legally the representative of the women and children, and all those members of the State, who have no direct voice in the election, as he is of the electors themselves.

So a senator or representative in Congress, is a legislator for the whole people of the United States; and they are all equally bound by his acts.

These considerations suggest the true rule or principle, by which senators and representatives ought to be apportioned. They ought to be so apportioned that all the members of the State shall be equally represented. This can only be done by apportioning them according to population, including all classes of people who are rightfully considered as members of the State, both male and female, of every age; but excluding Indians and foreigners not naturalized.— Provision will be made, according to the circumstances and policy of the State, for the admission or ex-

clusion of persons of color, in making the enumeration.

This rule of apportionment is simple and plain, in its application; and, if adopted, will operate more equally than any other. The other rules of apportionment all assume an erroneous basis of representation. The rule that senators and representatives shall be apportioned according to the number of free white male inhabitants over the age of twenty-one years; or according to the number of taxable inhabitants; or according to the number of voters, assumes the ground that senators and representatives are the representatives of only these classes of the people; whereas they are, in fact, the representatives of all the members of the State or nation; and are authorized to bind them by their legislation and lawful acts.

CHAPTER XVI.

A Synopsis of the Leading Principles regulating the Right of Suffrage; and of the Conclusions and Rules resulting from them, as established in this Treatise.

The design of this chapter is, to bring into a short and connected view, the leading principles and rules more immediately applicable to the subject of this treatise. It must necessarily be a repetition of what goes before; and the reasoning and illustrations will be wholly omitted.

Part I., ch. 1. Government arises from the ne-

cessity of establishing some power to control and regulate the imperfections, deficiencies, selfishness and evil passions and propensities of mankind ; and to remedy and redress the evils resulting from them. Legislators and public officers, and those who elect or appoint them, should be as free as possible from these imperfections, bad passions and propensities ; otherwise they will exercise their powers so as to increase the evil, and not to carry into effect the true objects of government.

Part I., ch. 2. Universal suffrage does not result from the true principles of liberty ; but it is a violation of them. The public good must determine what qualifications one must possess to entitle him to the right of suffrage ; and the limitations prescribed by it, are not an abridgement of his liberty. If he exercises that right, without possessing the prescribed qualifications ; by so doing he violates the general liberty, and impairs those principles by which his own liberty and that of his posterity are sustained.

Part I., ch. 3. The right of suffrage, or the elective franchise, is the moving power and first principle which puts our governments into motion, and sustains them in their operation, and gives direction and character to their measures. This consideration shows the very high importance of establishing that right upon sound and correct principles.

Part I., ch. 4. The right of suffrage should be established on principles founded in the true and just relations of persons and things, so as to have a just bearing upon all the members and interests of society ; and so as to tend, in its exercise, to the general good

of all; and should be so guarded as to exclude all persons, as far as possible, from the exercise of it, but such as will act honestly, intelligently and patriotically. Then political power will emanate from a pure and never failing source; the powers of government will be periodically renewed, by means of elections; our government will never feel the decrepitude of age, and we may hope that it will be perpetual.

Part I., ch. 5. It is a principle of natural law and of our own government, that all men are created equal. This means an equality of rights. The principle requires that all persons should be equally protected in the enjoyment of all their just rights, and in the fruits of them. Universal suffrage is not a consequence of this principle; but if established, would be a gross violation of it.

Part I., ch. 6. It is desirable on some accounts, that the right of suffrage should be regulated by the General government, and made uniform. There has been a continual relaxation of, and departure from, the principles of the revolution on this subject.

Part I., ch. 7. The performance of a common and equal duty to the government, by a member of the State or nation, gives him no title to the right of suffrage, or to any other special reward, compensation or privilege. The duty results from his relation to the government; and if he is rewarded from the treasury of the State or nation, or by the grant of any particular privilege or franchise, it produces inequality, and does injustice to others, who are supposed to have alike performed their equal share of such common duty.

Part I., ch. 8. The intellectual and moral qualifications, necessary for a salutary exercise of the right of suffrage, are intelligence and honesty. In this use of the word, honesty is synonymous with patriotism. On this subject, a safe principle ought to be adopted, so as not to subject the public welfare to any avoidable hazard.

The burthen is on the party, claiming the right of suffrage, to prove that he possesses the requisite qualifications; and not on the public to prove that he is destitute of them.

Part I., ch. 9. The laws regulating the right of suffrage must, necessarily, be general; and it is impossible to prevent some inequality, in their operation. The remedy for a person, who is excluded by his want of qualifications is, to acquire them.

The public good must determine what qualifications are necessary for the right of suffrage. No person has a claim to that right, who, by the exercise of it, would endanger the public welfare, or the stability of the government, or the purity of its administration. The right of regulating and limiting the right of suffrage has been exercised and admitted from the earliest period of our government.

Part II., ch. 1. The right of suffrage, and the right of the majority to bind the minority by their votes, are not original natural rights, and do not exist in that condition of mankind called the state of nature. They result from the institutions of political society, or the social compact; and must be regulated by those institutions and that compact.

Our government, being elective, would lose its

organization and existence if all its offices should become vacant by the neglect of the people to elect the officers. There is then a portion of the people to whom the duty attaches and the right belongs, of electing them; and the great question to be settled is, who compose this portion of the people.

Two leading principles govern this question.

The first is, that the right of suffrage is to be so regulated as to produce the greatest public benefit.

The second is, that all persons and all the legitimate interests of society shall have their just relative share and proportion of influence in the government, and no more. The second is perfectly consistent with the first, and tends to the same ultimate object. Each member of the State or nation is entitled to a share of influence in the government, proportionate to his interest in the community. This principle is dictated by the common sentiment of equity prevailing amongst mankind; and is adopted in private concerns, as in joint stock companies.

But this principle can be reduced to practice only imperfectly, in the exercise of political rights. The best that can be done is, to establish general rules approximating as near as possible to the correct standard.

The whole influence, in our government, is popular; and this influence should be extended so far as it is directed by intelligence, wisdom and patriotism; and so as to give to all persons their appropriate share of influence, and no farther.

The rights of individuals are founded,

1. On their personal rights, sometimes called the rights of persons.
2. On their rights and interests in property.
3. On the duties which they owe to the government.

Part II., ch. 2. The personal rights are possessed equally by all and are common to all; and the defence and protection of them constitute one of the chief objects and duties of civil government.

If these were the only rights possessed by individuals, to be fostered and protected by the government, they would furnish a strong, but not conclusive argument, in favor of universal suffrage. But there are other rights, as well as duties, to be taken into the account.

The personal rights are comparatively few and simple and well defined; and are well protected by the common influences prevailing in society. Hence, in a country possessing the other various and complicated and extensive interests existing in our country, the personal rights do not entitle one to the greatest share of influence in the management of public affairs.

But they do constitute one of the chief elements of the right of suffrage.

The personal rights, being possessed by all and equal in all, have no influence in establishing the relative claims of different persons to the right of suffrage; because in comparing such claims, they balance each other.

The only influence that they can have is, to reduce the other qualifications, that form a ground of distinction between different persons, to a lower ratio

or standard. (Part II., ch. 3.) The ownership of property to some certain amount, entitles a person, having all the other qualifications, to the right of suffrage.

And it is a necessary qualification. If it is not made so, the relative rights of individuals are not preserved; and the principle of equality is violated.

By the rule of equality, one should possess an amount of property equal to the average amount owned by the citizens generally, to entitle him to the right of suffrage, so far as that right depends upon the ownership of property.

But the personal rights constitute one of the elements of the right of suffrage, and reduce the qualification depending upon property, to a lower sum than would be proper, if property constituted the sole foundation of the right.

A property of two hundred dollars is a suitable sum, so far as the right depends upon the ownership of property. But the subject does not admit of precision; it is a matter for judicious estimate.

Part II., ch. 4. The owners of real estate have a special interest in the government of the country and in public affairs; and they are entitled to a corresponding influence in the elections and in the government.

The public welfare, and their own relative rights, and the principle of equality alike require this.

This additional influence can be best exercised by giving the election of one branch of the State legislature, the senate, exclusively to them.

This would create and preserve a balance of interest, of influence and of power between the different

branches of the government, and among the various influences and interests of society, as perfect as the condition of mankind will allow.

Such a balance is wanted, and was sought for at the formation of our government; and that, now proposed, has the natural relations of persons and things for its basis, and is well adapted to our form of government.

The kind and value of the interest in real estate, to qualify one to vote in the election of State senators, should be such as correspond with the reasons on which the right is founded. It should be a freehold, or a term for years having at least three years unexpired; and should be an estate in possession and situated in the district where the owner lives. If a freehold, it should be of the clear value of two hundred dollars, above all charges and incumbrances; and if an estate for years, of the clear yearly value of thirty dollars.

The same estate should not ordinarily be received as a qualification of both the lessor and lessee.

It is estimated that more than ninety-two hundredths of all the property in the country belongs to the owners of real estate; so that they would not have more than their proportionate share of influence, upon the plan proposed.

Part II., ch. 5. A person who is not a member of a civil or political community, has no right to meddle, or take any agency in the election of its officers, or in the management of its affairs.

Membership depends upon one's domicil and residence.

A person ought to have his domicil, or at least his established residence, a full year in a district, before

he can properly be considered as a member, and be entitled to vote there in elections and in public affairs.

Part II., ch. 6. Education, sufficient, at the least, to enable a person to read and write with facility, ought to be required as a qualification for the right of suffrage. But this rule should be prospective in its operation; so as not, by the sudden introduction of a new rule, to deprive persons of a right to which they have been accustomed. This exception should not be made in favor of foreigners.

Part II., ch. 7. There are various other interests and relations, as the natural relations, &c., which give to their possessors a special interest in the government. These so exactly coincide with the interests arising from the personal rights and the rights of property, that they do not require to be made the foundation of the right of suffrage for their protection.

Part II., ch. 8. Aliens, by the law of nations, have no political rights. They ought, as a condition to their being admitted to the right of suffrage, to furnish evidence of their qualifications, in addition to those required of the native inhabitants, sufficient to counteract their attachment to their native country and their presumed want of due qualifications.

No foreigner should be admitted to the right of suffrage, until he has been naturalized according to the laws of the United States; nor until he has resided ten successive years in the country, the last two of which should be in the district.

He ought to be the owner of a real estate, in the district, of the clear value of one thousand dollars; to have resided in it one full year; to possess a good

moral character, and to be subject to all the other qualifications and disabilities of the native inhabitants.

Part II., ch. 9. Persons belonging to the army and navy of the United States, are entitled to vote, upon the common qualifications, at the places where they have an established domicile, and the necessary residence. But they cannot gain a domicile, or residence, such as qualifies them to vote at any place, by reason of their being stationed there in the public service.

Part II., ch. 10. The clergy are entitled to the right of suffrage upon the common qualifications. If any prudential reasons exist, why they should not exercise that right, their own sense of duty and propriety must determine the sufficiency or insufficiency of them.

Part II., ch. 11. The payment of taxes is but an incident to the ownership of property. It is a reason why the owner should be admitted to the right of suffrage; but the right results from the ownership of the property, and not from the payment of taxes. The payment of taxes does not entitle a person to the right of suffrage in any case.

The principle claimed by the colonies, at the time of the revolution, that Great Britain had no right to tax them without their consent, and without their being represented in the British Parliament, was a sound and correct principle, as applied to those parties. But it is not applicable to the question between a person and his own domestic government.

A small tax may rightfully be assessed upon the person; but the payment of it gives him no claim to the elective franchise.

Neither the liability to perform service in the school of the militia, nor the actual performance of it, gives a person any title to the right of suffrage. All persons, duly qualified as to age, sex and in other respects, are bound by their duty to the government, to perform this service, without any special remuneration.

Part II., ch. 12. All crimes of a gross character, or which denote great depravity of heart, or a total want of good faith, or a disregard to the rights of others, or to the interests and welfare of society, and such as debase the moral and intellectual faculties, ought to be punished by a deprivation of the right of suffrage for a limited term of time, or for life. But provision should be made, by which a person thus degraded, may be restored, upon reformation, to his former rank.

Part II., ch. 13. There are many municipal corporations, such as towns and cities, in the United States. The whole territory of many of the States is divided into such corporations.

A person, who is not a member of such a municipal body, cannot rightfully vote in the election of its officers, or in the management of its affairs. His membership ought to be evinced by a residence, for one full year, at the least, within its limits. And he ought to own property there, equal to the average amount owned by the other voters, and to have paid taxes thereon the preceding year. This would be an equitable rule. But, for the sake of uniformity, property of the value of two hundred dollars is proposed.

Part II., ch. 14. The claims of persons to the right of voting, should always be settled before an

election is opened, and never during the progress of it.

A full and perfect alphabetical register of all the voters in the ward, town or district, should always be made, by proper officers, previous to the opening of an election. Suitable regulations should be made to secure impartiality and justice in the making of it; and to render it convenient for the citizens to ascertain whether their names were entered on it; and if not, for them to make application to have them entered. This should be completed before the opening of the election, and should then be the sole guide for the presiding officer in the admission of voters.

Part II., ch. 15. The rules, by which senators and representatives are apportioned, vary in the different States. There is no settled American principle prevailing on the subject.

The correct rule is, that they should be so apportioned, that all the members of the State may be equally represented. This can only be done by apportioning them according to population, including all persons of every age and of both sexes, who are rightfully members of the State.

Indians, and foreigners not naturalized will, of course, be excluded; and persons of color will be included or excluded according to the circumstances and prevailing policy of the State.

APPENDIX No. I.

APPENDIX No. I.

Of the capacity of our country ;—its past, present, and probable future population ;—the duties and responsibility of the people of the United States ;—a reverie or dream ;—the effects of moral and intellectual cultivation and Christian morality exemplified.

In the preceding chapters, the importance of establishing correct principles, and of preserving and perpetuating our form and institutions of government, has been mentioned.

With a view to impress this idea more fully, and to present to the minds of the American people a view of the high destinies that await our country, and the influence which our government and institutions are to have upon the well-being and happiness of the human race, I propose to make a brief examination of the capacity of our country, and of its past, present, and probable future population. Such an examination, it is believed, will lead to a more full and just appreciation of the station we hold, and which we are destined to hold hereafter, in the human family ; and of our consequent responsibility, not only to ourselves and to our country, but to the world and to our God.

The United States and their territories have been estimated to contain an area of two millions and a half

of square miles ; and it is believed that this estimate is not too large.

The State of Massachusetts contains a population of about eighty persons to a square mile. If the whole territory of the United States was as densely peopled as Massachusetts now is, it would contain a population of two hundred millions. If the population was twice as dense as that of Massachusetts, or increased to a density one hundred per cent. greater than that of Massachusetts, it would amount to four hundred millions. That would give a population of one hundred and sixty to a square mile. If it was increased to two hundred to a square mile, which would give a population one hundred and fifty per cent. more dense than that of Massachusetts, it would amount, in the whole United States and their territories, to five hundred millions of people.

Massachusetts is far from being fully peopled ; and it is believed that her territory is abundantly capable of sustaining a population of two hundred to a square mile.

A large portion of the territory of the United States is capable of supporting a much more dense population than Massachusetts is ; and it is believed that the whole of the United States and their territories, is capable of sustaining an average population of two hundred to a square mile, and of furnishing them with all the necessaries and comforts of life. And this, as has been before stated, would give a population of five hundred millions of persons to the United States and their territories.

By comparing this estimate with the actual popu-

lation of several countries in Europe, the reader will be better able to judge whether our country is capable or not, of sustaining so dense a population. It is said that Great Britain and Ireland contain a population of 206 persons to a square mile. Ireland, 230; Italy, 172; France, 158; Holland, 254; Belgium, 323; the German States, 147; the Ionian Isles, 190, and Scotland, 70. In most of these countries, and perhaps in all of them, a large portion of the labor of the people, and of the produce of the country is appropriated to the support of the government; to the support of an established church, and for the benefit of the privileged classes of society; and it is believed that most of them might still sustain a much greater population.

But, in this country, there is no established church or privileged orders to be supported by the labor of the productive classes of the people. The expenses of our governments are, comparatively, small; and they will be so as long as our governments continue to be administered upon their true principles. It may be said, with truth, that nearly all our people belong to the productive classes, and have the benefit of their own labor, and of the productions of their own property. In this respect, then, we have a great advantage over the people of most other countries. And such is the extent of our country and the variety of climates which it possesses, that it is capable of producing all things necessary for the support of a dense population and for carrying on all the useful arts of life. And its various parts are so connected by navigable waters and other channels of communication, as to admit

of a cheap and easy interchange of the productions of the different parts of the country among each other, greatly to the advantage of all. These channels of communication are continually increasing, and will, eventually, be so extended as to make a still more cheap, quick and easy communication among all parts of the country. We are blessed, too, with a soil highly productive of all the necessaries of life, and abounding with all those vegetable and mineral productions necessary for all the varied arts of civilized society.

In addition to these considerations, our situation is such that we are not likely to be much engaged in wars, by which our population will be destroyed and their labor diverted from the ordinary and productive occupations of life. It is therefore believed that our country is not only capable of sustaining a population of two hundred to a square mile; but a still greater number.

I have no data by which to estimate correctly the population of the United States at the time of the revolution, or at any time previous to the census of 1790.

The population of the colonies, now forming a part of the United States, has been computed to be 262,000 in the year 1701, and 1,046,000 in 1749. It is but a little more than two centuries since the first permanent settlement of Europeans was made in the United States; and the total population of whites, slaves and free colored people, is now more than 17,000,000; which is about seven persons to a square mile for the whole United States and their territories.*

* See note B, at the end of the volume.

The following table shows the different kinds and the amount of the population of the country, according to the five first censuses which have been taken, with their numerical increase, and ratio of increase for the intervening periods of ten years, between which they were taken, from 1790 to 1830. Also the numerical increase and ratio of increase for the period of forty years.*

	Year.	Total number.	Increase in each 10 years.	Inc. pr. ct. each 10 y'rs.	Increase in 40 y'rs.	Inc. pr. ct. in 40 years.
Free Whites.	1790	3,172,464			7,264,914	232.1512
	1800	4,304,502	1,132,038	35.6832		
	1810	5,862,004	1,557,502	36.1831		
	1820	7,872,711	2,010,707	34.3007		
	1830	10,537,378	2,664,667	33.8469		
Slaves.	1790	697,897			1,311,146	187.8710
	1800	893,041	195,144	27.9617		
	1810	1,191,364	298,323	33.4053		
	1820	1,543,688	352,324	29.5732		
	1830	2,009,043	465,355	30.1457		
Free Colored.	1790	59,466			260,133	437.4802
	1800	108,398	48,932	82.2857		
	1810	186,446	78,048	72.1858		
	1820	238,197	51,751	27.2202		
	1830	319,599	81,402	34.1742		
Total Population.	1790	3,929,827			8,936,193	227.3941
	1800	5,305,941	1,376,114	35.0172		
	1810	7,239,814	1,933,873	36.4473		
	1820	9,654,596	2,414,782	33.3542		
	1830	12,866,020	3,211,424	33.2632		

From this table, it appears that the population increased from 3,929,827 in 1790, to 12,866,020 in 1830, exclusive of Indians. And that the numerical

* The author is indebted for this table to the "American Almanac and Repository of Useful Knowledge" for the year 1837. A very valuable annual, containing much useful and interesting information.

increase was 8,936,193, which was an increase of 227.3941 per cent. for that period of forty years.

The first duplication of the population from the census of 1790, was effected in 22.85 years, and took place in 1813. The second was effected in 24.11 years, and took place in 1837. According to this mode of computation, the population in 1837 was 15,719,308. From the facts given in the foregoing table, the increase of population may be estimated and the numbers given for any future period, with a degree of accuracy sufficient for our present purpose.

The following table shows the number of the different kinds of population of the United States and their territories in 1830, according to the census of that year, not including Indians; and the estimated population at the end of each period of ten years, from that time to 1910. The ratio of increase from 1820 to 1830, is taken as the basis of the computation. That ratio is, for whites, 33.8469; for slaves, 30.1457; and for free colored persons, 34.1742 per cent., for that term of ten years.

Years,	1830.	1840.*	1850.	1860.	1870.
Whites,	10,537,378	14,103,953	18,877,703	25,269,220	33,822,067
Slaves,	2,009,043	2,614,683	3,402,897	4,428,724	5,763,793
Free colored,	319,599	428,819	575,363	771,988	1,035,808
Total,	12,866,020	17,147,455	22,855,963	30,469,932	40,621,668
Years,	1880.	1890.	1900.	1910.	
Whites,	45,269,788	60,592,207	81,100,790	108,550,893	
Slaves,	7,384,197	9,610,214	12,507,280	16,277,687	
Free colored,	1,389,787	1,864,735	2,501,993	3,357,029	
Total,	54,043,772	72,067,156	96,110,063	128,185,609	

* See Note B, at the end of the volume.

The population doubled, as before stated, in 22.85 years from 1890; and in 24.11 years from the end of that period. The mean time of duplication, for these periods, is 23.48 years, or nearly twenty-three years and an half. But for the sake of even numbers, suppose the population to double once in twenty-four years. Then, computing from the census of 1830, the population will be 25,732,040 in 1854;—51,464,080 in 1878, and 102,928,160 in 1902.* This estimate does not differ very materially from that contained in the last table. They both show, that the population will amount to one hundred millions of persons at the beginning of the next century; or about sixty years hence. There are many persons now in existence, who may live to witness a population of more than that amount in the United States. It will be seen too, from the foregoing table, that, if the slaves shall continue to increase, in the same ratio as they did from 1820 to 1830, they will amount, in the year 1910, to 16,277,687; a number almost as great as the whole present population of the United States; and sufficient, if numbers could do it, to make a mighty republic of slaves. The free people of color, too, according to that computation, will amount, at that time, to 3,357,029; a greater number than the whole population of the United States, at the time of the revolution; and greater than the whole white population in 1790.

But will our population continue to increase in so great a ratio?

* And 205,856,320 in 1926, and 411,712,640 in 1950, and 828,425,280 in 1974.

A sparse, agricultural population is supposed to be the most favorable to a natural increase. It will be many years before the population of even the most densely peopled States, will become so crowded as to be unfavorable to the most rapid increase. Many of the new States and all the territories, have not yet arrived at that stage of improvement and population most favorable to a natural increase. In opening a new country, covered with forests, to settlement, the pioneers have to encounter many privations and exposures unfavorable to health and life, and consequently to the natural increase of numbers; and several of the new States have not, probably, passed that period. But if they have not fully passed it, they have overcome the principal difficulties and exposures. A large portion of the territories that remain to be settled, is not covered with such thick and heavy forests as the more eastwardly settlements were, and will be less likely to generate diseases among the early settlers.

But there is another source of population, which, it is hoped, will not be increased. I mean that from the influx of foreigners. Even if they should come into the country in as great numbers, annually, as they have formerly done, it is believed that their numbers will not increase in proportion to the natural increase of our own population; and this may produce a small diminution of the ratio of the increase of our whole population.

There are also general causes, not confined to this country in their operation, which will have a favorable effect upon human life and increase. Mankind are

better supplied with food ; better clothed and better protected against the vicissitudes and inclemency of the seasons than they formerly were ; and are, consequently, less liable to diseases. Medical and surgical knowledge and skill have been greatly improved ; so that the ordinary diseases are more within their control. Agriculture, chemistry and all the arts and sciences, are better understood than formerly ; and are in a state of progressive improvement. Knowledge begets knowledge, and one improvement generates another, so that improvements in all the useful arts will hereafter increase, in an accelerated ratio, and human labor and skill will become more and more productive. And it is to be hoped that the temperance reformation will be carried forward until intemperance shall, at no distant period, be banished from our country, and its fifty thousand victims be annually saved ; and they, with those that supply them with the material for their destruction, be restored to the productive classes of society ; and the grain, which is worse than destroyed by the distilleries, be preserved and applied for the useful purposes of life.

It may then be reasonably expected that our population will increase, in as great a ratio as it has done for thirty or forty years past, until it shall be so crowded as to be unfavorable to its natural multiplication ; and that it will continue to increase until it equals the capacity of the country to sustain it ; and until all the habitable parts of our land shall be fully populated, from the Atlantic to the Pacific Ocean.

With the increase of population, our country will increase in wealth and power. If we look forward,

then, to the early part of the twentieth century, we may reasonably contemplate our nation as embracing a hundred millions of people; and possessing power and wealth, and an influence in the family of nations, corresponding to its numbers, and much greater than is now possessed by any nation. And we may reasonably believe, that these will continue to increase, for an indefinite length of time, beyond that period.

Here, then, we have a view of the probable destinies of our country. And if such shall be the progress of things, what a vast influence it must exert, not only upon the happiness of the millions of people that will inhabit it at any given period of time; but upon that of those who will have previously passed off from the stage of life, and of those who will succeed them forever, and of the whole family of mankind.

✓ A leaven of republicanism has gone forth from our country, which has already produced great changes in the civilized world; and which is still at work producing its effect. Ours is a pattern government for the friends of liberty everywhere. Both its friends and enemies are watching its progress with a deep interest. If it shall continue, with harmony among its members, to perform its office as it has hitherto done, it will become more and more the model, by which other governments will be reformed and modified, until the principles of civil and political liberty shall be known and enjoyed to a far greater extent than the world has hitherto witnessed. Popular rights will be better understood, and more justly appreciated. The popular will, will be more and more respected; and the people will assume the moral power, as they possess the phys-

ical power, of their nation. Knowledge will be increased; and the people will, it is to be hoped, learn the art of correcting abuses and of producing both moral and political reformation, by the power of associated influence, exercised, not by violence and tumults; but in an enlightened, patriotic and christian manner.

But, if we would faithfully discharge the high duties which our situation imposes upon us, we must honestly support and carry out the principles of our government. Knowledge must be increased and disseminated; and it must be put under the guidance of a sound morality and a catholic christianity. Knowledge, under the influence of corruption, immorality and infidelity, is but the power of producing evil. To be, in the highest degree, useful and productive of political and civil liberty, it must produce a self-government, in those that possess it, and a religious respect for the rights and happiness of others.

We have a talent put into our possession, and for the due improvement of it we are answerable to the present and all future generations of the American people; to our consciences; to the world; and to God. And to produce the happiest influences and results, we need make no sacrifice of national interest. All that is required of us, is to consult and promote our own happiness and our own best interests; to improve wisely the advantages which we possess; and the contemplated results will assuredly follow.

In the midst of these reflections, which seemed to me to be very sober and rational, I fell into a reverie or charm; I will not undertake to say which. I

thought it was the commencement of the twentieth century, and that a person approached me, clad in a neat and rich, but plain dress. He possessed an appearance of mingled youth and age. His hair was slightly sprinkled with gray, and his face was slightly furrowed by time. His eyes were bright and sparkling; his motions were firm and elastic as those of youth; and yet there was something in his looks and manner, which cannot be described, that denoted a more advanced age. His whole countenance beamed with intelligence, benignity and kindness; and he spoke to me, in a manner, that, at once won my confidence and respect; and more, it won my love and veneration.

Friend, said he, I perceive that thou art meditating upon the concerns and welfare of the country. Follow me, and I will show thee the condition of thy country and its millions of inhabitants, throughout its whole extent.

But to whom am I indebted, I asked, for this distinguished kindness?

Friend, said he, I am the Genius of America. It has been my special care to watch over the affairs of thy country, from its first settlement. I embarked with the pilgrims in the *May Flower*, and landed with them, on the rock, at Plymouth; and I have carefully watched and noted every event that has transpired since. This has been both my duty and delight.

But, said I, with some expression of astonishment, how can this be? The *May Flower* arrived nearly three centuries ago; and your age —

Ask me no farther respecting myself, he said; but

whatever relates to thy country, thou mayest know. Follow me, and thou shalt behold a scene of wide-spread happiness, and prosperity, such as the world has not witnessed in any former age.

Delighted with the offer, I thought I accompanied him to an elevated place, near the centre of the United States, which he called Mount Shepsis.

Here, said he, from this place, direct thy vision wherever thou wilt, and thy whole country and its inhabitants shall be presented to thy view. And at once the whole surface of the country, with its hills and valleys, lakes and streams, and all that was upon it, seemed to be thrown full upon my view, as if reflected from a great mirror extending over the whole hemisphere and reaching far beyond the horizon. My vision seemed to be enlarged so as to reach beyond the farthest extremity of the country; and the walls and partitions of the buildings seemed to interpose no obstacle. The lowest depths of the vallies, as well as the plains and mountains, were full in my view.

Here, said he, look in every direction, and see the multitudes of people that inhabit this happy land. It is now the beginning of the twentieth century; it is less than three centuries since the first settlement of civilized men was established in this country, and it contains more than a hundred millions of happy people.

I cast my eyes over the whole extent of the United States, and took a view of the whole country from the Atlantic to the Pacific Ocean, and from the Gulf of Mexico to the great lakes; and beheld, everywhere, one unvaried scene of prosperity and happiness. The

whole territory of the Union was formed into States, which, like the orbs in the planetary system, were attracted to a common centre, each performing its part with perfect regularity ; and all moving in sublime and heavenly harmony. The inhabitants could be seen, in every direction, variously employed ; some in the labors of the field ; some in their shops ; some in their studies ; some about their domestic affairs, and some in various amusements, all apparently happy and contented, possessing every enjoyment of life, and mutually contributing to the happiness of each other. In all directions villages and cities were to be seen ; and houses, cottages and other buildings were scattered about upon the farms and plantations, all presenting an appearance of neatness and comfort, most delightful to behold. The gardens and yards, about the houses, were filled with fruit trees and flowering shrubs, some loaded with fruit and some covered with beautiful flowers, which perfumed the atmosphere with their odors. Flocks of sheep and other domestic animals covered the fields and hills, gamboling and skipping with joy ; and the meadows of grass and fields of corn and grain heaved, in graceful waves, like the throbbing bosom of our own limpid lakes, when caressed by the frolicksome zephyrs of June. White neat school-houses and churches were scattered about, at convenient distances from each other, for the accommodation of all the people. Flocks of happy and playful children thronged about the school-houses, neatly clad, all prompt to attend at the appointed hour, and eager to improve themselves in useful knowledge, and vieing to make each other happy. Factories and mills of

every variety were seen everywhere, producing every article of manufacture useful to the people. And, as the people were performing their various labors, I perceived that most of them had some invention or machinery suited to their business, which relieved them from much of their labor and added much to its efficiency and productiveness; a large part of which was such as I had never seen before. My guide said that the productiveness of human labor was increased, more than a thousand fold, by these inventions; and that human ingenuity was not yet exhausted.

Everywhere upon the rivers, lakes and canals, quite to the mouth of the Columbia river, steamboats and other vessels were seen moving in all directions, bearing the people and the various productions of the country as well as foreign merchandize, from one place to another; and in those parts of the country, where there were no navigable waters or canals, railroad cars were performing the same office. In some places people were moving by a mode of transportation, such as I had never seen, and cannot describe; but they seemed to go with great facility. Along the whole coast of the Gulf of Mexico and the Atlantic Ocean, and far out from shore, the waters were spotted with steamboats and other vessels crowded with passengers, or laden with the rich productions of the earth and seas.— Among them were seen many noble vessels, manned with the enterprising and intelligent sons of New England, in pursuit of the whale, or returning, laden with his spoils. Along the great lakes, the sails of commerce fluttered in every breeze, and steamboats without number were seen cutting the waves and blacken-

whole territory of the Union was formed into States, which, like the orbs in the planetary system, were attracted to a common centre, each performing its part with perfect regularity ; and all moving in sublime and heavenly harmony. The inhabitants could be seen, in every direction, variously employed ; some in the labors of the field ; some in their shops ; some in their studies ; some about their domestic affairs, and some in various amusements, all apparently happy and contented, possessing every enjoyment of life, and mutually contributing to the happiness of each other. In all directions villages and cities were to be seen ; and houses, cottages and other buildings were scattered about upon the farms and plantations, all presenting an appearance of neatness and comfort, most delightful to behold. The gardens and yards, about the houses, were filled with fruit trees and flowering shrubs, some loaded with fruit and some covered with beautiful flowers, which perfumed the atmosphere with their odors. Flocks of sheep and other domestic animals covered the fields and hills, gamboling and skipping with joy ; and the meadows of grass and corn and grain heaved, in graceful waves, from the bosom of our own limpid lakes, and were caressed by the frolicksome zephyrs of June. The neat school-houses and churches were scattered about, at convenient distances from each other, for the accommodation of all the people. The streets were filled with happy and playful children the day long. The houses, neatly clad, all promptly opened at the usual hour, and were ready to improve the knowledge, and to make

every variety were seen everywhere, producing every article of manufacture useful to the people. And, as the people were performing their various labors, I perceived that most of them had some invention or machinery suited to their business, which relieved them from much of their labor and added much to its efficiency and productiveness; a large part of which was such as I had never seen before. My guide said that the productiveness of human labor was increased, more than a thousand fold, by these inventions; and that human ingenuity was not yet exhausted.

Everywhere upon the rivers, lakes and canals, quite to the mouth of the Columbia river, steamboats and other vessels were seen moving in all directions, bearing the people and the various productions of the country as well as foreign merchandize, from one place to another; and in those parts of the country, where there were no navigable waters or canals, railroad cars were performing the same office. In some places people were moving by a mode of transportation, such as I had never seen, and cannot describe; but they seemed to go with great facility. Along the whole coast of the Gulf of Mexico and the Atlantic Ocean, and far out from shore, the waters were spotted with steamboats and other vessels crowded with passengers, or laden with the productions of the earth and seas.—

Among them were many noble vessels, manned with brave and intelligent sons of New England, returning from the whale, or returning, laden with the produce of the great lakes, the sails of commerce catching the breeze, and steamboats with their funnels cutting the waves and blacken-

ing the air with their smoke. And far away to the west, on the bosom of the great Pacific, I could see innumerable vessels and steamboats; and here too, were the brave and generous sons of New England, pursuing the huge whale upon his own element, and piercing him with the harpoon, as if it were but a thing of sport. To the south and south-west I could see large fields of cotton, of rice, and of the sugar-cane, preparing a rich reward to the owners; and many gangs of sable laborers, all neatly and comfortably clad, apparently happy, and singing with mirthful glee, or exchanging their jokes, with antick merriment, as they pursued their labor.

Far away towards the setting sun, on a southern declivity of the Rocky mountains, I observed a large pasture of many hundred acres, covered with a rich herbage. Here were large flocks of sheep and goats, with their lambs and kids, and flocks of cattle, cows, young heifers and calves; some feeding, some enjoying the cool shade of the trees; and some frisking and gamboling about the field. In the midst of this pasture was a group of high rocks, interspersed with various flowering and other trees. Here were several wolves sporting with the lambs; and on one of the rocks a huge spotted leopard lay extended, basking in the sun, and a number of small kids were stretched by his side, happy in each others' society. And among the cattle was a small ruddy boy neatly dressed in a white frock, his brown hair waving in ringlets around his uncovered head, leading a lion by his shaggy mane, exulting in his command over the animal; whilst he

seemed equally happy, in the innocent sport and confidence of the child.

Look yonder, said I to my guide,—what a beautiful sight among the rocks and trees, in that green pasture. Even the wild animals share in the amelioration of the age, and have lost their ferocity.

Beautiful indeed, said he. “The wolf dwells with the lamb, and the leopard lies down with the kid; and the calf, and the young lion, and the fatling together, and a little child leads them.”

Do you see, said my guide, that large white church so neatly enclosed, and thronged with devout worshippers? Yes, I said—the place was once familiar to me. That building was formerly Elder Weekly’s distillery.

Yes, he replied; the Elder carried on a great business there, for many years. I watched it from the time when the Elder built it, until the productions of it took him off. It has produced more crime, and poverty, and misery, and anguish of heart, than can ever be disclosed, until all secrets are exposed at the day of Judgment. For the whole time, whilst it was in operation, from morning to night, and from night to morning, it was frequented by its numerous devotees, with glowing faces and tottering limbs, going and returning with their jugs and bottles, or lounging about it; and you might see a dense, lurid volume of smoke arising from it, in black fantastic convolutions, as if in mimicry of the contortions of agony, with which the heart of many a parent, wife, husband, child, brother or sister was writhed by means of the productions of the same infernal factory of human wo, and ascending

to the very heavens, a damning witness against the owner. Whilst this distillery was in full operation and destroying its victims by thousands, a worthy christian philanthropist published an article, exposing the wickedness of the business, so graphical and so true to the reality, that every distiller, who read it, supposed himself to be aimed at. Elder Weekly saw it ; and with that kind of jealousy which one is apt to feel when he knows he is in the wrong, thought it pointed at him, and caused the author to be prosecuted for a libel on himself. The author was tried. The Elder proved that there were many circumstances connected with the distillery, (and which might not otherwise have been known,) that corresponded with those described in the publication. In other words, the defendant had made a garment from a general pattern ; and Elder Weekly proved that it fitted him exactly. There was no evidence that the author had any malice towards the Elder personally, or wish to injure him ; but the court decided that, as the prosecutor had proved that such facts existed about his distillery as had been described in the publication, the law of libel implied that it was malicious towards the prosecutor, and the author was convicted and punished.

It must be a very malicious law, said I, that would force malice into the heart of a christian philanthropist, where none existed in fact, for the sake of punishing him.

True, replied the Genius ; but the law is not so now.

I remarked to my guide, that I could not see one distillery or brewery in the whole country. There is

not one, he said. There is no man in the country who would be engaged, or in any way aiding, in such business; and if there was, he would be rebuked by the indignant frown of every person he should meet. The public sentiment would now treat the business of making or selling intoxicating liquors as a public nuisance. It would as soon tolerate a gambling house, or a house for any other vicious indulgence. Both the maker and vender would be considered as pimps and panders to the depraved passions and appetites of others, and would not be tolerated a moment.

The reformation, in this respect, is, of itself, sufficient to renovate society. It saves those bounties of a good providence, which were designed for the use and sustenance of man, from being converted to a use, productive of inexpressible evil, and of no good. It saves millions of property, and a hundred thousand of lives annually to the country; and it saves an amount of anguish and suffering which can be estimated only by the omniscient mind.

It was now morning. The sun rose gloriously upon Mount Shepsis. A sweet shower had fallen between twilight and sunrise; but the clouds had all dispersed at the rising of the sun. The rain drops upon the trees and plants, reflected the primitive colors of the sun, beautifully, like so many prisms. The flowers perfumed the air with their odors. The inhabitants could be seen everywhere issuing from their houses to attend to their various duties. The children sallied forth in groups, neatly dressed and newly washed, sporting with juvenile buoyancy of spirits. Lambs and other young animals could be seen all over

then, to the early part of the twentieth century, we may reasonably contemplate our nation as embracing a hundred millions of people; and possessing power and wealth, and an influence in the family of nations, corresponding to its numbers, and much greater than is now possessed by any nation. And we may reasonably believe, that these will continue to increase, for an indefinite length of time, beyond that period.

Here, then, we have a view of the probable destinies of our country. And if such shall be the progress of things, what a vast influence it must exert, not only upon the happiness of the millions of people that will inhabit it at any given period of time; but upon that of those who will have previously passed off from the stage of life, and of those who will succeed them forever, and of the whole family of mankind.

✓ A leaven of republicanism has gone forth from our country, which has already produced great changes in the civilized world; and which is still at work producing its effect. Ours is a pattern government for the friends of liberty everywhere. Both its friends and enemies are watching its progress with a deep interest. If it shall continue, with harmony among its members, to perform its office as it has hitherto done, it will become more and more the model, by which other governments will be reformed and modified, until the principles of civil and political liberty shall be known and enjoyed to a far greater extent than the world has hitherto witnessed. Popular rights will be better understood, and more justly appreciated. The popular will, will be more and more respected; and the people will assume the moral power, as they possess the phys-

ical power, of their nation. Knowledge will be increased; and the people will, it is to be hoped, learn the art of correcting abuses and of producing both moral and political reformation, by the power of associated influence, exercised, not by violence and tumults; but in an enlightened, patriotic and christian manner.

But, if we would faithfully discharge the high duties which our situation imposes upon us, we must honestly support and carry out the principles of our government. Knowledge must be increased and disseminated; and it must be put under the guidance of a sound morality and a catholic christianity. Knowledge, under the influence of corruption, immorality and infidelity, is but the power of producing evil. To be, in the highest degree, useful and productive of political and civil liberty, it must produce a self-government, in those that possess it, and a religious respect for the rights and happiness of others.

We have a talent put into our possession, and for the due improvement of it we are answerable to the present and all future generations of the American people; to our consciences; to the world; and to God. And to produce the happiest influences and results, we need make no sacrifice of national interest. All that is required of us, is to consult and promote our own happiness and our own best interests; to improve wisely the advantages which we possess; and the contemplated results will assuredly follow.

In the midst of these reflections, which seemed to me to be very sober and rational, I fell into a reverie or charm; I will not undertake to say which. I

thought it was the commencement of the twentieth century, and that a person approached me, clad in a neat and rich, but plain dress. He possessed an appearance of mingled youth and age. His hair was slightly sprinkled with gray, and his face was slightly furrowed by time. His eyes were bright and sparkling; his motions were firm and elastic as those of youth; and yet there was something in his looks and manner, which cannot be described, that denoted a more advanced age. His whole countenance beamed with intelligence, benignity and kindness; and he spoke to me, in a manner, that, at once won my confidence and respect; and more, it won my love and veneration.

Friend, said he, I perceive that thou art meditating upon the concerns and welfare of the country. Follow me, and I will show thee the condition of thy country and its millions of inhabitants, throughout its whole extent.

But to whom am I indebted, I asked, for this distinguished kindness?

Friend, said he, I am the Genius of America. It has been my special care to watch over the affairs of thy country, from its first settlement. I embarked with the pilgrims in the May Flower, and landed with them, on the rock, at Plymouth; and I have carefully watched and noted every event that has transpired since. This has been both my duty and delight.

But, said I, with some expression of astonishment, how can this be? The May Flower arrived nearly three centuries ago; and your age —

Ask me no farther respecting myself, he said; but

whatever relates to thy country, thou mayest know. Follow me, and thou shalt behold a scene of wide-spread happiness, and prosperity, such as the world has not witnessed in any former age.

Delighted with the offer, I thought I accompanied him to an elevated place, near the centre of the United States, which he called Mount Shepsis.

Here, said he, from this place, direct thy vision wherever thou wilt, and thy whole country and its inhabitants shall be presented to thy view. And at once the whole surface of the country, with its hills and valleys, lakes and streams, and all that was upon it, seemed to be thrown full upon my view, as if reflected from a great mirror extending over the whole hemisphere and reaching far beyond the horizon. My vision seemed to be enlarged so as to reach beyond the farthest extremity of the country; and the walls and partitions of the buildings seemed to interpose no obstacle. The lowest depths of the vallies, as well as the plains and mountains, were full in my view.

Here, said he, look in every direction, and see the multitudes of people that inhabit this happy land. It is now the beginning of the twentieth century; it is less than three centuries since the first settlement of civilized men was established in this country, and it contains more than a hundred millions of happy people.

I cast my eyes over the whole extent of the United States, and took a view of the whole country from the Atlantic to the Pacific Ocean, and from the Gulf of Mexico to the great lakes; and beheld, everywhere, one unvaried scene of prosperity and happiness. The

whole territory of the Union was formed into States, which, like the orbs in the planetary system, were attracted to a common centre, each performing its part with perfect regularity; and all moving in sublime and heavenly harmony. The inhabitants could be seen, in every direction, variously employed; some in the labors of the field; some in their shops; some in their studies; some about their domestic affairs, and some in various amusements, all apparently happy and contented, possessing every enjoyment of life, and mutually contributing to the happiness of each other. In all directions villages and cities were to be seen; and houses, cottages and other buildings were scattered about upon the farms and plantations, all presenting an appearance of neatness and comfort, most delightful to behold. The gardens and yards, about the houses, were filled with fruit trees and flowering shrubs, some loaded with fruit and some covered with beautiful flowers, which perfumed the atmosphere with their odors. Flocks of sheep and other domestic animals covered the fields and hills, gamboling and skipping with joy; and the meadows of grass and fields of corn and grain heaved, in graceful waves, like the throbbing bosom of our own limpid lakes, when caressed by the frolicsome zephyrs of June. White neat school-houses and churches were scattered about, at convenient distances from each other, for the accommodation of all the people. Flocks of happy and playful children thronged about the school-houses, neatly clad, all prompt to attend at the appointed hour, and eager to improve themselves in useful knowledge, and vying to make each other happy. Factories and mills of

every variety were seen everywhere, producing every article of manufacture useful to the people. And, as the people were performing their various labors, I perceived that most of them had some invention or machinery suited to their business, which relieved them from much of their labor and added much to its efficiency and productiveness; a large part of which was such as I had never seen before. My guide said that the productiveness of human labor was increased, more than a thousand fold, by these inventions; and that human ingenuity was not yet exhausted.

Everywhere upon the rivers, lakes and canals, quite to the mouth of the Columbia river, steamboats and other vessels were seen moving in all directions, bearing the people and the various productions of the country as well as foreign merchandize, from one place to another; and in those parts of the country, where there were no navigable waters or canals, railroad cars were performing the same office. In some places people were moving by a mode of transportation, such as I had never seen, and cannot describe; but they seemed to go with great facility. Along the whole coast of the Gulf of Mexico and the Atlantic Ocean, and far out from shore, the waters were spotted with steamboats and other vessels crowded with passengers, or laden with the rich productions of the earth and seas.— Among them were seen many noble vessels, manned with the enterprising and intelligent sons of New England, in pursuit of the whale, or returning, laden with his spoils. Along the great lakes, the sails of commerce fluttered in every breeze, and steamboats without number were seen cutting the waves and blacken-

ing the air with their smoke. And far away to the west, on the bosom of the great Pacific, I could see innumerable vessels and steamboats; and here too, were the brave and generous sons of New England, pursuing the huge whale upon his own element, and piercing him with the harpoon, as if it were but a thing of sport. To the south and south-west I could see large fields of cotton, of rice, and of the sugarcane, preparing a rich reward to the owners; and many gangs of sable laborers, all neatly and comfortably clad, apparently happy, and singing with mirthful glee, or exchanging their jokes, with antick merriment, as they pursued their labor.

Far away towards the setting sun, on a southern declivity of the Rocky mountains, I observed a large pasture of many hundred acres, covered with a rich herbage. Here were large flocks of sheep and goats, with their lambs and kids, and flocks of cattle, cows, young heifers and calves; some feeding, some enjoying the cool shade of the trees; and some frisking and gamboling about the field. In the midst of this pasture was a group of high rocks, interspersed with various flowering and other trees. Here were several wolves sporting with the lambs; and on one of the rocks a huge spotted leopard lay extended, basking in the sun, and a number of small kids were stretched by his side, happy in each others' society. And among the cattle was a small ruddy boy neatly dressed in a white frock, his brown hair waving in ringlets around his uncovered head, leading a lion by his shaggy mane, exulting in his command over the animal; whilst he

seemed equally happy, in the innocent sport and confidence of the child.

Look yonder, said I to my guide,—what a beautiful sight among the rocks and trees, in that green pasture. Even the wild animals share in the amelioration of the age, and have lost their ferocity.

Beautiful indeed, said he. “The wolf dwells with the lamb, and the leopard lies down with the kid; and the calf, and the young lion, and the fatling together, and a little child leads them.”

Do you see, said my guide, that large white church so neatly enclosed, and thronged with devout worshippers? Yes, I said—the place was once familiar to me. That building was formerly Elder Weekly’s distillery.

Yes, he replied; the Elder carried on a great business there, for many years. I watched it from the time when the Elder built it, until the productions of it took him off. It has produced more crime, and poverty, and misery, and anguish of heart, than can ever be disclosed, until all secrets are exposed at the day of Judgment. For the whole time, whilst it was in operation, from morning to night, and from night to morning, it was frequented by its numerous devotees, with glowing faces and tottering limbs, going and returning with their jugs and bottles, or lounging about it; and you might see a dense, lurid volume of smoke arising from it, in black fantastic convolutions, as if in mimicry of the contortions of agony, with which the heart of many a parent, wife, husband, child, brother or sister was writhed by means of the productions of the same infernal factory of human wo, and ascending

to the very heavens, a damning witness against the owner. Whilst this distillery was in full operation and destroying its victims by thousands, a worthy christian philanthropist published an article, exposing the wickedness of the business, so graphical and so true to the reality, that every distiller, who read it, supposed himself to be aimed at. *Elder Weekly* saw it; and with that kind of jealousy which one is apt to feel when he knows he is in the wrong, thought it pointed at him, and caused the author to be prosecuted for a libel on himself. The author was tried. The Elder proved that there were many circumstances connected with the distillery, (and which might not otherwise have been known,) that corresponded with those described in the publication. In other words, the defendant had made a garment from a general pattern; and *Elder Weekly* proved that it fitted him exactly. There was no evidence that the author had any malice towards the Elder personally, or wish to injure him; but the court decided that, as the prosecutor had proved that such facts existed about his distillery as had been described in the publication, the law of libel implied that it was malicious towards the prosecutor, and the author was convicted and punished.

It must be a very malicious law, said I, that would force malice into the heart of a christian philanthropist, where none existed in fact, for the sake of punishing him.

True, replied the Genius; but the law is not so now.

I remarked to my guide, that I could not see one distillery or brewery in the whole country. There is

not one, he said. There is no man in the country who would be engaged, or in any way aiding, in such business; and if there was, he would be rebuked by the indignant frown of every person he should meet. The public sentiment would now treat the business of making or selling intoxicating liquors as a public nuisance. It would as soon tolerate a gambling house, or a house for any other vicious indulgence. Both the maker and vender would be considered as pimps and panders to the depraved passions and appetites of others, and would not be tolerated a moment.

The reformation, in this respect, is, of itself, sufficient to renovate society. It saves those bounties of a good providence, which were designed for the use and sustenance of man, from being converted to a use, productive of inexpressible evil, and of no good. It saves millions of property, and a hundred thousand of lives annually to the country; and it saves an amount of anguish and suffering which can be estimated only by the omniscient mind.

It was now morning. The sun rose gloriously upon Mount Shephs. A sweet shower had fallen between twilight and sunrise; but the clouds had all dispersed at the rising of the sun. The rain drops upon the trees and plants, reflected the primitive colors of the sun, beautifully, like so many prisms. The flowers perfumed the air with their odors. The inhabitants could be seen everywhere issuing from their houses to attend to their various duties. The children sallied forth in groups, neatly dressed and newly washed, sporting with juvenile buoyancy of spirits. Lambs and other young animals could be seen all over

the country sporting as if in gratitude for such a morning. The air was serene and balmy, and vocal with the soft music of the birds; and filled with myriads of insects, disporting with their many-colored, glittering wings, and dancing cotillions in the warm sunbeams.

If the morning of creation broke forth like this, said I, well might the morning stars sing together; and well might all the sons of God shout for joy.

About the hour of breakfast, every family collected for morning worship, with a devout cheerfulness and alacrity, plainly manifesting that they were moved to it only by the promptings of their own hearts. And far off to the south, the sable descendants of Africa were seen, all collected around the family altar, kneeling in humble and cheerful devotion.

This, said my guide, is the day when the electors are to meet to choose their representatives in congress—observe with what harmony and decorum the election is conducted. I watched all the proceedings through the day. Every thing was conducted with decency and order. Each elector had determined for himself, for what candidates to vote, and voted accordingly. The only question seemed to be how they might best promote the interests of the country, and reward personal merit. A register of voters had been previously prepared, which necessarily precluded all doubt about the right of voting. But few foreigners were present; and they manifested by their appearance and conduct, that they had studied the interests of the country, and were determined to maintain

them; and that their own interests coincided with them.

What a happy change, said my guide. Among all the millions who have given their votes to-day, not one has been influenced by any other motive than the public good. Here you see one illustration of the moral power of this form of government; for men elected by such motives, will be governed by the same motives, in their public conduct.

The change is astonishing indeed, I replied; for the memory of past scenes was not wholly suspended. In that district many years ago, in the last century, at an election for members of congress, three persons, Mr. Sunnyface, Mr. Flutterbuck and Mr. Capet Egalité, set themselves up as candidates.

Mr. Sunnyface spent more than a year in travelling about the district, to make interest for himself; but always feigning other business. He relied chiefly upon the appliance of personal influence with the electors. He always carried a purse filled with new quarter and half eagles and silver coins; and it was said that every hostler in the district received more than one of his bright quarter eagles for holding his horse for him to mount; and that he divided more than one glass with every dram drinker in the district. They called him a very generous man, and were all warmly in his favor.

Mr. Flutterbuck was a great friend of the poor, and of what he called the common people, such as farmers, tradesmen and others, who supported themselves and their families, by their own industry. On the morning of the election, he addressed the assembled elec-

tors from a stump. He said he was deeply sensible of the honor they had done him, in making him their candidate,—that it would be a great sacrifice of his interests and comfort to go to congress; but that he should feel it to be his duty to submit to the sacrifice, if such was the will of the people. He said he had objects in view, if he should be elected, vastly for the advantage of the poor,—that he thought they were not fairly dealt by, and that legislation ought to be conducted more with a regard to their interests. He had their welfare much at heart, and had some plans for their good. He hoped, if the next congress should be sufficiently enlightened, and if their partiality should make him a member, to get a charter for an institution for teaching the poor to live without sleep, and to walk on their heads. Now there was no doubt, he said, amongst enlightened people of the practicability of these things; and he thought he should have influence enough to carry the measure. They would then work the whole twenty-four hours, excepting Sundays, and earn twice as much as they do now; and he hoped to get the absurd Sunday laws repealed, and then they could work all the time. Here his partisans greeted him with loud applause. The other improvement, he said, was still more important; because it would put the poor, in some important respects, on an equality with the rich. If they could only be taught to walk on their heads, a poor man and his wife might go from the Atlantic coast, and visit their children beyond the Mississippi, without any expense out of pocket; for they could carry their bread and cheese with them, and any of the common people would give

them a night's lodging, if they needed; but they would need it only in the case of a storm. Because, when they were tired of walking on one end, they could turn that end up, until it was rested, and walk on the other; and being taught to live without sleep, they could travel all the time, night and day. Here you see, my dear friends, said he, that the poor would have infinitely the advantage over the rich; because the rich have to depend upon the public conveyances, which are expensive; or to keep their own horses and carriages; and in that case they must keep their servants, who are apt, you know, to be insolent and troublesome. And the poor too, might travel from Boston to the mouth of the Columbia river, in less time than the public or private conveyances, so that they would gain in time. Here his partisans clapped him most enthusiastically. Encouraged by your approbation, said he, I will barely hint at one other improvement. I have lately received a letter from my worthy friend, the Vice Roy of the Moon, a most excellent and learned man, saying, that his subjects cultivate a plant, in great abundance and very cheap, which is an excellent substitute for the teas of China. Now, after carrying the other measures, if your partiality should continue me in congress, I intend to get a charter for a railroad to the moon; so that the poor may obtain a cheap substitute for the Chinese teas. Here he was greeted again with vociferous and reiterated applause. I am happy, my friends, he continued, that you so justly and generously appreciate my motives. I have always thought that the rich were not sufficiently attentive to the interests of the poor. He

was himself a rich man, and as he said this he pressed his hand closely upon his pocket, and continued, I will only add that I will submit to the sacrifice of becoming a member of congress from a respect to your interests and wishes.

Mr. Egalité was a rich man, and kept a splendid coach and horses; and when he or his family rode out, they were usually attended by their coachman and footman, dressed in a livery of scarlet, trimmed with gold lace. The family was of French origin, and traced their pedigree to an illegitimate daughter of one of the French kings. They were very vain of their royal descent, and great connoisseurs in matters of heraldry. Their coat of arms was a fleur-de-lis in a field, or surmounted by a cap of liberty, and having an American eagle in the back ground. This was painted on Mr. Egalité's coach, and one, in a rich gilded frame, was hung in nearly every room in his house. He had studied the law, designing to practice it as a profession; but not being very successful, and being averse to so laborious a profession, he gave it up, and lived upon the income of his property. His partisans flattered him with the title of Sir Capet Egalité. He had many tenants, and was very severe in the exaction and collection of his rents. But he was a very zealous republican, and a great declaimer in favor of liberty and equal rights; and by his partisans, he was said to be a great friend of the people. He arrived early at the election, and as he descended from his coach, he was warmly greeted by his political friends.

After Mr. Flutterbuck had concluded his address,

Mr. Egalité's friends called for him, and he mounted the stump. He told the electors that he had consented to be a candidate very much against his own wishes; but that he could not disregard the earnest solicitations of his numerous and kind friends. That it was the chief object of his life to reform the government, and to put down the American aristocracy, and to introduce equality among the people. Here he was warmly cheered. He said that he was in favor of universal suffrage, as one means of effecting this, his favorite object,—that he considered a tincture of royal blood as favorable to true equality, and hinted that the French was the best stock, and alluded to Louis Phillippe, the citizen king, and to his liberality in regard to the freedom of the press. He thought domestic slavery was necessary for the maintenance of a republican government; and that a large plantation of slaves furnished the best field for the study of equal rights. Here he was again cheered by long and loud applause. He said that a study of the laws and constitutions of the country rendered men unfit for legislators; and therefore he was opposed to electing lawyers for members of congress; and that the duties ought to be wholly taken off from ardent spirits so that all classes of the people might be able to share equally in the use of them. The friends of Mr. Sunnyface now united with those of Mr. Egalité, and the welkin rang, and the hills echoed, with their plaudits.

When the election was over, Mr. Egalité ordered his coach, and it was brought; but he was engaged in conversation with his friends, and kept his servants waiting and shivering a full hour, in the cold. He

was dressed in warm furs, and did not perceive the sufferings of the poor fellows. Many of his political partisans were his tenants, and others who lived in his own neighborhood, or passed by his house to return home, a distance of four or five miles, and they had gone on foot to the election. As he was about to set out on his return, they collected about the coach. But he could not carry them all; and as it would not be consistent with equality to take part of them and leave the rest, he left them all to walk home together in the most practical equality. But, as his horses moved off, curvetting and displaying their rich trappings, all his partisans shouted, hurra for Sir Capet Egalité, the friend of equality and equal rights. Soon after, he ordered one of his tenants, who did not attend the election on account of the sickness of his wife, to be turned off.

Mr. Sunnyface knew well where his strength lay, and did not intend to address the electors; but when Mr. Egalité mentioned the subject of spirituous liquors, he touched a string that Mr. Sunnyface knew best how to play upon. He therefore remarked significantly to the electors, that he fully agreed with what his respectable friend had said, on that subject; and that he should use his best exertions to effect the same object. The friends of both parties united in loud and long applause.

This election took place in a state, where the only qualifications of electors were, that they should be of the male sex, of twenty-one years of age, and have resided a short time in the State. The yeomanry and most of the men of intelligence and business in the

district, could not appreciate the merits of the candidates, and did not enter into the excitement; and but few of them attended the election. There were many men in the district, in whom they justly had great confidence; but these men, as well as their friends, were engaged in their private concerns, and had formed no concert of action, and left the election to the control of the three candidates and their partisans.

These candidates had drawn into their interest all the foreigners and transient residents, and all who had no business of their own to attend to, and their personal connexions and dependants. Of course but few votes were given for any other candidates. The three candidates received about an equal number of votes, and there was no choice.

A day was appointed for a second trial; and in the mean time, Mr. Sunnyface repeated his circuit through the district, exercising more than his accustomed generosity. The other two candidates attended numerous meetings got up by their partisans, at which they made addresses on their favorite topics. But Mr. Sunnyface's arguments were the most palatable and persuasive; and he was elected.

Ah, my guide remarked, I noted and observed the whole progress of that election, and recollect it well. Mr. Sunnyface died afterwards, in an almshouse, with the delirium tremens. Mr. Flutterbuck died about the same time with an unfinished manuscript in his hand, entitled "an essay on the art of making bread of sawdust, for the benefit of the poor."

Mr. Egalité made his will, by which he gave all his property to his son, Capet, excepting a small legacy

to each of his other children. Soon afterwards, and not long before his death, he called in a number of his friends and told them that he had bequeathed his principles and most of his property to his oldest son, who, he hoped, would sustain his principles and the reputation of the family; and recommended him to their friendship and support.

Such artifices, he continued, would not succeed now with any portion of the people. The rich now exercise their benevolence to the poor, by building warm, convenient and pleasant houses for them, at a cheap rent; by assisting them to business, by which they may support themselves and their families, without feeling a degrading dependence upon others; and by taking orphans and poor children into their own families, or providing places for them, where they are well educated, and contract habits of sobriety and industry, and are taught some useful business by which they may support themselves and become useful members of society.

See, he said to me, those neat, white, warm cottages, which present such a lovely scene of contentment and happiness, standing in the midst of green fields and gardens, surrounded by fruit trees and flowers, all over the country. They were built to be rented to the poor, principally young families just setting out in the world. They furnish a happy home for them and yield a fair return in rent to the owners; but most of the occupants are able to purchase them in a few years.

In a distant place, far towards the White Mountains, where two much travelled roads crossed each other,

nailed to a tree, was a box, in which the inhabitants deposited letters and other things for mutual convenience. I observed a man depositing in the box a large sum, in gold coins, with this label upon it:—From Mr. A—— B——, to pay his note to Mr. J—— Q——, \$2000.—Mr. Q. will please to take the money and leave the note in the box. How imprudent Mr. B. is, I remarked, to expose his money there as a temptation to every chance traveller. You shall see, the Genius replied. I looked at the box often through the day, and saw many people open it and examine its contents. Near night Mr. Q. went to it and read the label and then wrote this endorsement on the note. Received from the box, at the cross roads, \$2000 in full of this note, and signed it with his own name. He then put the note into the box and took his money and passed on.

You see, said my guide to me, that the money was safe; and it might remain there, or at any other place in the country, a whole year, with equal safety.

We had now been several days on Mount Skepsis, and the Sabbath morning arrived. Thou shalt witness a new scene to-day—observe attentively, said the Genius to me. I obeyed. All business and amusements were suspended. Every thing had been prepared and put in order for the day. In the morning, the people all assembled for family devotion, as they were accustomed to do every morning and evening. And, at the proper time, they were all in motion, repairing to their respective churches and places of worship, neatly, but not gaudily dressed, where they united, in one great national concert of adoration,

praise and supplication, to that great and good Being, who wields the destinies of men and of nations. The utmost order and decency prevailed every where. No levity; no attempt at display, and no sanctimonious affectation was to be seen. The clergy conducted the service, and briefly addressed the people, with affectionate and parental kindness. The colored people had commodious seats assigned them in the same churches with the whites, or assembled in separate places, and all seemed to be animated with the same spirit of devotion. No act of unnecessary labor or travelling or amusement was seen to desecrate the day. When not engaged in public or private worship, they were engaged in studying to learn their own duty, or in teaching their children theirs.

I expressed my admiration of the institution of the Sabbath to my companion. Infinite wisdom, said he, could not have devised an institution more suited to the wants of erring men. When duly observed, it serves to repair both the moral and physical wastes of the week.

But, I remarked, I can see very little difference in the mode of worship amongst all these millions of people, in all these churches. What religious sects are the most numerous? These worshippers, he replied, are all christians; they are all of the christian sect. But, I asked, to what order of christians do they belong? There is but one order of christians, he said. Is Christ divided?*

* The Genius here evidently quoted the language of St. Paul. 1 Cor. i. 13.

But, I asked again, are there no different forms of christian worship? Thou art more than half a century behind the age, the Genius replied. If genuine christian principles and affections possess the heart, they will necessarily produce an acceptable form of worship. Every thing will be done decently and in order; and farther than that, the form is of but little consequence. But, I asked, do not the churches have different articles of faith to which the members are required to subscribe?

The whole bible, he replied, contains their articles of faith, and they all adopt it as it is. If it contains any thing, about which sincere and intelligent christians disagree, they conclude it cannot be of the essence of christianity; and think they may safely leave it to be cleared up by the better light of another world: they do not think it a subject about which it is right to make divisions and contentions. The mantle of christian charity is very broad. If the genuine spirit of christianity possesses the heart, it will produce its proper fruits; and by their fruits men are to judge one another.

It was not always so, I said. There was too much truth in the witticism of John Blank, in his work, written many years ago, which he called "A History of the Church Militant in his Own Times." He said the church was called *militant*, because the different branches of it were always at war with each other; and he complained that the theologians of his time, dealt too much in, what he coarsely called, theological fisticuffs.

That sarcasm would be unjust now, the Genius

said. It is true, the church is a church militant ; but it wages a united and successful warfare against sin, and the author of sin ; and if it had been so united ages ago, it might have been equally successful.

We have now, said I to my guide, spent five days, most useful and interesting to me, upon Mount Skepsis ; and this happy country and all that is in it, or belongs to it, have been shown to me. The whole scene has been one of unmingled prosperity and happiness. Amongst all these millions of people, I have seen nothing but order, prosperity and happiness. Every heart is filled with kindness ; and every action is governed by benevolence and good will. I have witnessed no instance of dishonesty, oppression, fraud, violence, intemperance, unkindness, profanity, impiety, or even indecency or ill manners. No rational want is unsupplied, and even sickness and pain scarcely exist. Tell me by what influence all this happiness and prosperity are produced ; what is the form of government and how is it administered, if indeed, there is any government : for if there is one, it seems to sit upon this great nation, like a light, loose, upper garment that is not felt by the wearer. Even the form and countenances of the people seem to have assumed a diviner and more beautiful appearance.

He kindly replied. These great results, which thou hast witnessed, are the effect of moral and intellectual cultivation. The former is the foundation ; the latter the superstructure. Whilst mankind observe and keep all the laws of their moral nature, they suffer no moral ills ; and whilst they observe and

keep all the laws of their physical nature, they suffer but few physical ills. It is true, that old age and death will come; but to those who have kept all the moral laws, these can hardly be called evils. By the laws of man's moral nature, he said, I mean those laws which he is bound to regard and obey, as a moral and accountable being, and which are obligatory upon his conscience. These laws have their foundation in the will of God; and conformity to them is obedience to his will; and a violation of them is disobedience to his will, and is sin. They are deducible from the works of nature, and from the relation which mankind bear to each other, and to God their Creator; and, in that case, they are called the laws of nature. They are more clearly communicated in the books of divine revelation; and are there called the Divine Law. The known will of God, whether it is known from his works or from his revelation of it, furnishes the rule of duty, both in morals and in religion; and those who most consult that will and most regulate their conduct by it, do most to promote their own happiness and that of others; so that those who best perform their duty, do the most to promote their own happiness. And it is surprising to contemplate the simplicity of those laws which govern, not only the order of nature, but which, if rightly understood and practised, are sufficient to govern the moral conduct of men. The simple combination of the principles of gravitation and of projectile force, regulates the movement of the whole planetary orbs without variation; so that their motions, positions and eclipses can be calculated for ages, in advance. So a few,

simple and plain principles, which are intelligible to a child, are sufficient, if put into practice, to regulate the moral actions of men, and to produce the same regularity, in the moral world, as exists in the planetary system. A brief summary of these principles, is contained in the following precepts of the Son of God. "Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind," and "thou shalt love thy neighbor as thyself." "All things whatsoever ye would that men should do to you, do ye even so to them." When these principles, for the government of human conduct, are fully instilled into the hearts of men, and when they are sufficiently enlightened to give them a correct application, they are sufficient to regulate the moral conduct of mankind, and to remedy all moral evils. They are alike supported by divine authority and by an enlightened human reason. Truth, justice, charity, temperance, forbearance, kindness, purity of life, and all the domestic and social virtues, necessarily flow from them. These principles are adopted by the people, and they are sufficiently enlightened to give them a correct practical application; and hence the influence that produces all the order and happiness which thou hast witnessed.

The form of government is a representative republic, well fitted to the condition of this people, and to promote their liberty and happiness. It was established by the voluntary will of the people, who elect their public officers from amongst themselves; and it is regulated by written constitutions, by consulting which, thou mayest more fully understand its principles.

Both the rulers and the people have learned to govern themselves by those simple, but comprehensive principles of christian morality, which I have named.

It is true, that the power of the government is scarcely felt. In proportion as mankind are subjected to moral and intellectual cultivation, the force of government may be relaxed. It is principally necessary to control the bad passions and propensities of men, and to remedy the evils resulting from them. But when they voluntarily subject themselves to the moral rules and principles, by which they ought to govern themselves, they cease to need the restraints of civil law. If, therefore, you would establish a pure republic, or a pure democracy, you must teach men to govern themselves by the moral laws of their own nature; and you must enlighten them sufficiently to understand and apply those laws.

The human countenance is made, as that of no brute animal is, to express the passions and emotions of the heart, and the operations of the mind. When the heart is filled with the good affections, and the mind is cultivated by observation, study and reflection, and stored with useful knowledge, the countenance receives a corresponding expression of moral beauty and intellectual excellence. And when men obey the physical laws of their own nature, their form and features retain their natural symmetry and beauty; their motions are graceful and elastic; and they are free from those distortions and deformities produced by an abuse of their appetites and passions. Hence the beauty that thou has noticed.

This great people, he said, are united in mind

and sentiment. Their will constitutes the moral force of the nation, and controls and directs its physical force. There is no nation more powerful. Its power is sufficient to resist and subdue any internal commotion, and any foreign invasion of its rights. But the moral and intellectual improvement of the people has removed all danger of internal commotion; and foreign nations have shared in the amelioration of the age, so that there is but little danger of invasions from them.

And now, I thought, my guide and companion took me by the hand, and, with an expression of indescribable benignity, said; Friend, I must leave thee. Other duties require my attention. But if thou wouldst know more of thy country, go wheresoever thou wilt, and thou wilt be received with kindness and hospitality. Communicate freely with the people; examine their institutions; and it will be the pleasure of all, of every age and description, to show you every thing, and to communicate all the information that thou mayest seek.—Fare thee well.—He now let go my hand and disappeared in an instant, and I could not see whither he went.

I was now alone, on the summit of Mount Skep-sis. Night had begun to spread her veil of darkness over the hemisphere. I seated myself upon a rock, sad, pensive and melancholy, ruminating upon the interesting scenes that had been presented to me. But, as the daylight disappeared, my mind was attracted by the gorgeous garniture of the heavens. The whole hemisphere was sprinkled with stars, glittering like gems in the diadem of night. Some of them

threw a full pencil of rays athwart the horizon ; some shone with a more modest lustre ; some presented a dull, brazen appearance, and some were looking full on me like the laughing eyes of childhood. There were Arcturus and Orion ; and it was then that I felt the “sweet influences of the Pleiades.” Some were so far distant as to be scarcely visible, showing but a few feeble scintillations of light ; whilst others appeared more near, and all keeping their appointed places, hanging upon nothing, and moving in order and harmony. What a display of divine goodness and skill. Who can behold these beautiful heavens and not adore their Author ?

And then, in the wanderings of my mind, I thought that these beautiful stars might be the abode of departed spirits, who might be advanced from one star to a brighter one according to their degrees of purity. And I thought of _____ and of _____ and of many other dear names that my voice could not utter, who had been taken away, some in early life, some in middle age, and some in the full ripeness of their years, and who might then be looking down, from the very brightest of the stars, and watching my lonely musings ; and I seemed, for a time, to hold sweet communion with their spirits.

A thick, black cloud now came up slowly and majestically from the south, and moved on until it had covered the whole hemisphere below me, leaving only the tops of the highest mountains above it. It was spread, like a black funereal pall, over all animated things and cut me off from all communion with the inhabited world. Soon a gentle breeze followed

from the same direction, sending up a moaning, melancholy murmur about the top of the mountain, and then died away in mournful cadence, like a funeral dirge; and all was hushed and still.—It was like nature's funeral.

In a little time the clouds began to be illumined by flashes of lightning, and the silence was broken by the noise of thunder towards the southern horizon. Soon the flashes became thicker and more near, sometimes shooting across the heavens in a serpentine course; sometimes spreading out like a broad sheet of flame; and sometimes darting out in forked streaks like the tongue of a serpent, when he brandishes it in rage. The thunders too increased, and the claps would break out in different directions, sometimes breaking, in a sharp sound, like the report of a bursting swivel; sometimes breaking with a loud crash, and then bellowing and roaring across the whole heavens.

By the fitful flashes of the lightning, I could see the high tops of the Rocky Mountains, the Alleghanies, the Green Mountains and the White Mountains, rising above the clouds like islets in the midst of an ocean of black darkness. Near the top of one of the ridges of the Alleghanies, I observed a family of wild beasts couched in their lair; and as the lightnings flashed and the thunders roared about them, their eyes stared with a horrid glare, and they quivered with terror, and the young ones nestled more closely to their dams.

In another direction was a tall, leafless pine, rooted in a rock on the summit of the Green Mountains, having its decaying limbs projecting in all directions

from its lifeless trunk ; and on its topmost limb, sat a great bald eagle, watching the storm with his keen unblinking eyes. And as the lightnings flashed and the storm raged about him, he would partly raise himself and stretch his nerves and wings, and put himself in an attitude to fly ; and then, as if fearful to trust himself to his wings amidst the fury of the storm, he would settle back and grasp the frail limb more firmly with his talons ; and then, as if afraid to remain, he would again put himself in an attitude to fly, and then again settle back as before. And I thought how much he resembled the unhappy man, whom misfortunes, or an unhappy temperament of mind, had made weary of life ; how he would form the impious resolution to throw it away ; and then, fearful of the awful uncertainties and responsibilities of the future, would flinch from his purpose and grasp his frail hold of life more firmly ; and then again would alternately resolve and falter in his resolution, until the impious deed was consummated or abandoned.

The storm continued to rage with redoubled fury. The lightnings flashed and the thunders broke more thickly around the top of Mount Skepsis. Sometimes the cloud presented one broad sheet of flame, like an ocean in a blaze ; like a world on fire. And then again all was the blackness of darkness. The thunders broke more terribly, one clap following another in such quick succession, that the whole heavens were in one terrific roar, reiterated by the echoes from the distant mountains. It was a scene of awful sublimity. Mount Skepsis trembled as if afraid. But the storm had now spent its fury.—The thunders

and lightnings subsided, and soon the whole cloud disappeared. The flowers and aromatic trees sent up a delicious perfume about the top of the mountain. It was an offering of sweet incense sent up by the spirits of the flowers and of the trees to their Creator, in gratitude for the shower by which they had been refreshed.

And now my solicitude was relieved by the appearance of the full orb'd moon, walking in her own matronly gracefulness and dignity across the heavens, and throwing her own friendly light upon every object around. I felt as if in the company of an old familiar friend of my childhood and youth. She revived the memory of joys that were past, when, with the companions of my younger years, I rambled in the mild light of her beams, reflected from the rivulets of my native hills and vallies, or from the broad, rippling surface of the noble, slow-moving Connecticut, or from the limpid waters of the more rapid Housatonic ; and I felt a longing wish that those companions could be with me to share the sublime emotions of that night upon Mount Skepsis. And then I reflected how many of them had been removed to a higher post of observation, where all the secrets of nature and her laws, and the sublime mysteries of her Author, too, were laid open to their view ; and where the visions which had appeared so interesting and sublime to me, were merged and lost in the higher glories that surround them.

Amidst these scenes and contemplations, I took no note of time. The night had passed rapidly away. The eyelids of the morning were opened ; and Venus,

the loveliest sister in the family of night, came up, glowing above the eastern horizon, and "flamed in the forehead of the morning sky." Soon the sun arose in stately majesty, slightly obscured by a thin, golden-colored cloud; and the moon and the stars slowly disappeared, as if to avoid all rivalry, and modestly veiled themselves in his superior light.

And now, I thought, I had spent a full week upon Mount Sepsis; and recollecting the parting instructions of my mysterious guide, I determined to examine in detail, such interesting objects as might come in my way, and to learn more fully the causes of all the prosperity and happiness which I had beheld.

Accordingly, I descended from the mountain, and soon arrived at a village school house. It was about the time for the commencement of the morning school. The scholars were collecting, all neat and clean, with joyous good humor; and, at the moment when the signal was given, they all entered the house and took their places in order. The exercises of the morning were begun by the scholars reading a portion of the scriptures, followed by an appropriate explanation and an affectionate prayer by the teacher. They then applied themselves to their several tasks. All was order and regularity. They seemed to be eager to acquire useful knowledge, and most happy when gaining it the fastest. I watched their exercises through most of the day, and was surprised to see the progress, that even very young children had made, in their studies. They recited in the various branches of the mathematics, geography, botany, natural philosophy, chemistry, astronomy and moral and mental philosophy,

with an ease and correctness which I had supposed could be acquired only at a more advanced age. And I was not more struck with their advancement in knowledge, than with the propriety of their whole demeanor. Their manners and deportment seemed to be an emanation from principles and sentiments existing in their own minds and hearts. They appeared to need no external stimulus to regulate their conduct. And the union of familiarity, kindness and authority, with which the teacher presided in the school, and the union of familiarity, affection, cheerfulness and obedience, which marked the conduct of the scholars, were not less remarkable and interesting. I was equally surprised at the beauty of the scholars; not that there was any thing in the form of their bodies, limbs or features, different from the children and youth that I had been accustomed to see; but still they appeared to me singularly beautiful.

I asked the teacher to explain to me how all this kindness and regularity, and improvement in learning, and beauty of appearance among this large number of scholars, were produced.

Ah, said he, you are far behind the age. The things that seem to excite your admiration in this school, are common to all the schools in the country. I claim no special credit for these results. They are wholly the effect of moral and intellectual cultivation. What you witness is but the improvement of the age.

One of the first things that we teach our children, said he, is the being and attributes of God; that he is the author of their being and of all other things. We especially impress upon their minds his omniscience

and omnipresence ; that all their actions and thoughts are open to his view, and that they are accountable to him for them all, whether secret or open. In this way we make them the guardians of their own actions, and teach them that they are acting upon their own responsibility.

We then instil into their minds the great principles of christian duty and christian morality as taught by our Saviour. "Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind," and "thou shalt love thy neighbor as thyself." And "all things whatsoever ye would that men should do to you, do ye even so to them."

It is by force of these precepts and principles of action, that all this kindness, regularity and order are produced. They are made the governing rules of their conduct. In this way we purify the fountain from which all moral actions flow, and good deeds are the natural consequence.

Moral cultivation lays the best and surest foundation for intellectual improvement. It excites a desire and eagerness for knowledge, and for intellectual excellence.

Children, he said, are capable of surprising improvement in learning and knowledge, at a very early age. And why, he asked, should it not be so? They possess the same minds that they will possess through life. It is true that they have everything to learn, and it is necessary to begin with the most simple elements of learning. Their acquaintance with natural objects should be extended as fast as opportunity will allow; and a proper gradation, in their intellectual

pursuits, should be observed. Each step in the progress of their education should be that which is necessary to the understanding of the next. And when they have been taught all that is necessary for them to know, to enable them to understand any branch of learning, they will learn it without difficulty. It is like ascending a high flight of stairs. He who would ascend at one stride, would fail ; but he may take the first step with ease ; and when that is gained, he may ascend from it to the second with equal ease, and so from the second to the third, &c. In this way he ascends each step in the flight, from the bottom to the top, with equal ease.

As to the beauty which you observe in my scholars, it is but the happy affections of their hearts, and the intelligence of their minds, expressed in their countenances.

It is by this moral and intellectual training, said he, that we make genuine republicans ; that we train up fit members of a democracy. Each individual learns to govern himself, and needs not the coercive power of the civil law to enforce his civil or his relative duties. Ours is a strong government ; yet the people scarcely feel its power. But wo to the foreign or domestic enemy that shall dare to invade the rights of the nation, or any of its members. The united force of one hundred millions of freemen, directed not more by the power of the government than by their own voluntary impulses, would soon teach him his error ; for who can resist such a power ? What earthly power can resist the physical force of this great nation, when directed by its moral power concentrated into a single

and united national will ; and that will not weakened by any selfish or private interest ?

From the school I went into a large and flourishing village containing many wealthy people. Here, one of the inhabitants, who held a high public station and was reputed to be the richest man in the village, had an entertainment, at which a great number of the villagers of all ages and some strangers were present. The entertainment was conducted with much elegance and good taste, but with great simplicity. The refreshments were few and of the most simple kind. Water was the only liquor offered. It was a feast, not of the appetite, but of the mind and heart. Upon my expressing to the master of the house, my gratification at the simplicity of the entertainment and at the unmingled happiness of his guests, he remarked ; that it would have been no inconvenience to him to furnish all the luxuries, both foreign and domestic, which the market could afford. But, he said, he acted upon public principles. There were but few persons in the village who could not afford to give such an entertainment ; but many of them could not afford much expense. We make these entertainments, he added, to promote our mutual happiness and to cherish kind and friendly feelings ; and we aim to conduct them so as to communicate the greatest happiness to the greatest number. If the rich should indulge in costly and splendid exhibitions of wealth, at such times, the consequence would be that others would feel under the necessity of imitating them, much to their own injury ; and the rich would be thrown into a separate caste, and the harmony of society would be impaired. Be-

sides, money may be expended in many other ways, where it will produce much more private and public benefit. The moral and intellectual advancement of the age happily demands simplicity in every thing; and the man that departs from it, loses a portion of the good will and esteem of his fellow-citizens, and of his influence in society.

From this village, I thought, I passed on to a populous town where the court had just commenced its session. The judge, who was venerable for his age and dignified in his manners and appearance, called upon the jailer for a calendar of the prisoners. There is no prisoner, was the reply. He afterwards enquired of the grand jury whether they had agreed upon any bills of indictment, and was informed that there was no business before them. He then directed the clerk to call over the calendar of civil suits; and the reply was the same.

The judge then remarked upon the great amelioration that had taken place in the condition of society. Half a century ago, he said, we used to have, at every term of the court here, a great number of criminals to be tried for offences of every shade and degree of guilt; and a term of the court rarely passed off without many convictions; and without sentencing a large number of our fellow-beings to painful and ignominious punishments, carrying shame and anguish into the hearts of their families and of all their friends and connexions. And the court-house used to be thronged, too, with fierce litigants, contending about their individual rights, and sometimes enlisting whole neighborhoods in their quarrels. He congratulated

the people upon the happy change, and the court was adjourned.

From this place I went to the capital of the State of _____ where the State legislature was in session ; and spent some time in the chamber of the house of representatives to witness their proceedings. This was an enlightened body of men, elected from all the various occupations of society. Their whole demeanor was marked with great decorum ; and their whole proceedings evinced a devoted and patriotic regard to the public welfare.

A young member introduced a bill to repeal the whole code of criminal laws. He remarked, that those laws had become a dead letter—that crimes had ceased, and that there had been no occasion for executing any of those laws for many years.—That the advancement of society was such, in moral and intellectual improvement, that there was no reason to believe that these laws would hereafter be necessary for the protection of society ; and that it was a libel upon the State to continue them in force, as it implied that there were persons in the State so debased as to be guilty of crimes against society or against the rights of others. He hoped, therefore, that these laws would be repealed, and not remain as a slander upon the people of the State.

An aged member rose, his white locks waving over his shoulders, and replied. He admitted the truth and justice of the statement that had been made by the young gentleman who had just spoken, and congratulated the people upon the happy reformation, which, he thanked God, he had lived to witness in the

morals of society. It was true, he said, that these laws had been inoperative for many years. But he could recollect the time when it was not so—when they were necessary for the protection of the persons and property and reputation of the people, against the fraud and violence and bad passions of men.—When intemperance, with its infinity of resulting evils, rendered them necessary. It was true, he said, then, that public sentiment and the moral sense of the people, were a sufficient corrective for every crime amongst the native population; but he hoped these laws would remain as a memorial to the rising and future generations of the state of things which had once existed; and as an admonition to them against a relapse into former errors. And they might be necessary to protect the native inhabitants against the crimes of foreigners, who were too freely admitted into the country, and who had not fully shared in that moral and intellectual improvement, and especially in that diffusion of christian morality, which had produced such a salutary change in the native population of the country. The bill was laid on the table, and I did not learn its final result. But from the influence which the remarks of the venerable old man seemed to have upon the opinions of the members, I concluded that his sentiments would prevail.

Passing to the south, I thought I arrived at a large plantation, on which a great number of black laborers were employed. It was matter of much pleasure and surprise, as I passed through the plantation to the house of the owner, to observe the air of contentment and cheerfulness, and the order, neatness and industry

which characterized their general appearance. The owner received me courteously and hospitably, and conversed freely on the subject of slavery; and on the various sentiments which had formerly agitated the public mind on that interesting subject. He said that slavery was entailed upon the people by the errors of a former age.—That the laws of nature settled the personal rights of all mankind; and that those laws could not justly be abrogated by the institutions of society. That the difficulty had been, not so much to settle the question, what personal rights are guaranteed by the law of nature, as to find a safe remedy for the evils which had resulted from their former violation. But the people were happily relieved from that difficulty. The pure and sublime, but yet most simple principles of christian morality pervaded the whole people, and governed the conduct of both the master and the slave. To do to others as they would have others do to them, was the governing principle of action. The black population here, he said, are farther advanced in moral and intellectual improvement, than the mass of the population was, during the first part of the last century in most of the nations of Europe; and this advancement has relieved us from all our former embarrassments on the difficult subject of slavery. It has met and solved, as well the difficulty arising from self-interest, as that arising from principle or from expediency. He said that all these people had been his slaves, and that he had offered freedom to them all. Most of the younger ones had accepted the offer and were now hired laborers; but many of the older ones, and some others, had rejected the offer,

not choosing to sever the ties by which they were bound to their master and his family, and preferring to remain in the condition in which they were born and to which they were accustomed. But they were all moral, and intelligent, and contented, and happy. Many, he said, had gone to a colony of free blacks, in Africa, which was established many years ago. That colony had become enlightened and prosperous. At this time, said he, it is a great and powerful republic ; and is far advanced in wealth, in morals, in civilization, in the arts, and in power. It has sent forth an influence throughout all Africa, which has raised the once degraded people of that country to the rank of civilized men ; and has diffused christianity and knowledge throughout that whole country.

If you would know more of the condition of my people, he said, go to the fields where they are at work ; visit their houses ; converse freely with them ; observe their habits and modes of living, and acquaint yourself with their manners and sentiments.

I did so, and found them performing their labor, not as a task imposed upon them by authority ; but as the performance of a voluntary duty, for which they were to receive their share of advantage, either in the care and support of their master, or in wages. I visited their houses and found them neat and comfortable, supplied with necessary furniture and with abundance of simple and wholesome provisions, and surrounded with gardens and flowers and fruit trees arranged with much neatness and good taste. They were grouped in families and all the family relations were well sustained, and the duties and obligations re-

sulting from them faithfully observed and kept. They were neat in their persons and dress, and sober and moral in all their deportment; and in the morning and evening and at their meals, they kept those religious observances, so proper in themselves, and so necessary to a due reverence of the Supreme Being, and to preserve a due sense of their accountability to him. In the interval of their labor, when they had collected about their houses, I learned much of their views and feelings by conversation with them.

An old man, who seemed to possess the general confidence, said, that they had all received the offer of their freedom, but some of them chose to remain in their former condition, and not to sever attachments and associations that were hallowed by time, and interwoven with their sympathies.—That the master, and the slave, and the freeman, were all actuated now by the same principle.—That they all aimed to do as they would be done by. The colored people, he said, were all treated with benevolence, and had every thing which was necessary for their comfort. We, who are old, he said, have but a short time to remain in this world, before death will level all distinctions, and introduce us, as we hope, to a world of happiness, where the distinctions of rank and color will be lost, and all will be united, as the family of one common father.

It is true, said a young man, that we are all actuated by one principle, and it makes but little difference, as to the enjoyment of the common blessings of life, whether we accept our freedom or remain in slavery. But liberty is sweet; and some of us choose

to be masters of our own actions, and to depend upon our own exertions for support, rather than feel the dependence and degradation of servitude. A love of liberty is natural to man, and we possess it in common with others. Human happiness has its seat in the mind and in the affections, and does not depend chiefly upon the supply of our common wants. They are few and simple, and easily supplied. But the enjoyment of even these, is marred, when received under a sense of dependence and degradation—when the social, the parental, the conjugal, the filial and fraternal affections are subject to the control of others, who may not feel much sympathy with us, and whose interests or caprice may lead to an interference with them. Who, he asked, would not enjoy life with a keener relish; who would not look upon the light of day and breathe the pure air with more delight; who would not enjoy the beauties and perfumes of the flowers of the field with more pleasure, when he can call himself, his wife and his children, his own, than when they are the property and subjected to the will of another?

I next went, as I thought, to the capital of the nation, where the national congress was in session. This congress was composed of men, who had been elected for their intelligence, their patriotic devotion to the public welfare and their moral worth, to transact the business of the nation. They shared fully in the influence of that christian morality, which had renovated the nation and laid the only sure foundation of its stability and power; and had insured the perpetuity of its liberties and free institutions. There was not

one Sunnyface, or Flutterbuck, or Egalité, in their number. The conduct of the members was marked by great order, decorum and urbanity; and I was much impressed with the thought that such a body usually represents the selfish passions, the manners and moral qualities of the people, as truly as it does their political principles. In this instance, at least, the national morals, as well as the national will, were truly represented. Here were representatives from the States bordering on the Atlantic and Pacific Oceans; on the Gulf of Mexico and the northern lakes, and from all the intermediate States, assembled to consult for the general welfare of the whole country and for the interests of their particular States, and all actuated by one great leading principle; that of producing the greatest general benefit. And it was delightful to notice the disinterested manner in which local interests were made to yield to those of a more general character. Whenever any measure was proposed, by which any particular section of the country was supposed to be specially benefited or injured, the members from those sections would always consent to forego their particular interests, if it appeared that the more general interests of the country required it; justly considering that these inequalities would eventually balance each other, and produce, in the end, an equality of benefits. On this point, a member from the State of Oregon remarked, that the general good, in the body politic, was like the heart in the human system; if that was kept in health, it was sure to circulate a vigorous and healthful action through all its members, in which they would all par-

ticipate. But, he said, if local disease exist, local remedies must be applied sufficiently powerful to meet the exigency of the case.

While at the national capital, I thought I attended a levee at the house of the President of the United States. He was a man of a sedate and thoughtful, but penetrating and expressive countenance; affable and courteous in his manners, and entirely simple, plain and unostentatious in his dress and style of appearance. His house was furnished in a style of simple elegance; but every thing denoted that it was under the direction of a chastened and refined taste. The entertainment was conducted with the same simplicity which, I thought, I had before witnessed at the village entertainment; and the only liquor that was provided for the guests was pure water. The guests manifested the same simplicity and refined elegance, which was observed in the President's family and domestic arrangements. The President conversed frankly respecting the duties of his office and the state of the country. He said he held his office by the suffrages of a great nation; and he considered it the most distinguished and honorable station in the world. Every ambition was gratified, and he had but one wish ungratified; and that was, to make a suitable return for the confidence of the nation, by setting such an example before the public, and so performing the duties of his office, as to advance the greatest happiness and prosperity of the whole people. To this object, he gave his unceasing care. Nothing but a perverse mind or a corrupt heart, he said, could prompt a man, holding that high office, above which he could not be

elevated, to pervert it to any selfish or sinister object, or to any object separate from the national good. And happily, the improved state of society rendered the execution of the duties of his office an easy and delightful task. It was his unceasing aim to do equal justice to all persons and to all parts of the country; to appoint men to office most distinguished for their personal merits, and for their moral and intellectual acquirements, and whose appointment would confer the most private benefit; to make the public burthens as light as possible, and to keep the public property and the public works in the best possible state of preservation, for the general advantage.

The people, he said, had attained to a high state of moral and intellectual improvement, and were all governed by the pure maxims of christian morality. By force of these maxims they have learned to perform their social and civil and political duties voluntarily, and need not the power of the civil government to enforce them. It is only, said he, by force of this moral improvement, guided and directed by intelligence, that the people can be fitted to carry out to perfection, the true democratic principles of our government. Perfect republicanism, or perfect democracy, is a self-government; and when the people are directed by the pure principles of christian morality, and are sufficiently informed to apply those principles to the government of their conduct, in all their relations, they may live in society and enjoy perfect liberty; a liberty like that of the Supreme Being, controlled only by his own perfect attributes. And if, by my example and official influence, he said, I can

aid in carrying out and establishing these principles, it will be the best service that I can render to the country in return for the distinguished confidence reposed in me.

On the Sabbath, I attended a place of public worship. It was communion day. The congregation was composed of all classes of people and of all colors; and they all manifested, in their deportment, that cheerful devotion which the hopes of the gospel are so well calculated to inspire. The preacher was a venerable old man, and seemed to be deeply imbued with the spirit of his profession. At the commencement of the communion service, he addressed the congregation in a solemn and affectionate manner. He said, we are now about to celebrate that rite of our holy religion, which our blessed Saviour instituted on the same night in which he was betrayed. We do it, according to his appointment, "in remembrance of him," and "to show forth his death till he come." The church invites all, for whom the Son of God died, and who would sincerely unite in this glorious festival, and who are not debarred by the censure or discipline of the church, to unite with us in this memorial of our Lord. Each one, he said, in celebrating this ordinance, acts for himself and not for another. After the minister had performed such other ceremonies and duties as befitted the occasion, the congregation united solemnly and devoutly in the participation of the ordinance.

Leaving the national capital, I went into the country, continuing the practice of stopping often at the houses of all classes of the inhabitants, as I had done

in all my wanderings after leaving Mount Skepsis, that I might learn more of the people, their sentiments, habits and condition. I found the same high state of prosperity and of moral and intellectual refinement existing amongst all the people. Their houses were supplied with an abundance of stores; and neatness and order reigned within them. The children and youth were all trained up in the ways of virtue and knowledge; and temperance in food and drink was universal. Water was the only drink, and the simplest food was preferred. They observed the laws of their physical nature so well, that sickness was hardly known among them.

I staid over night at a house remote from any village. The owner was called a poor man, and he had a numerous family of young children. The house was a small, white cottage, surrounded by a neat yard and garden which were filled with fruit trees, flowers, culinary vegetables and medicinal plants; and the sides of the house were tastefully ornamented with woodbines and honeysuckles. A small rivulet gurgled from a spring near the house, and passed through the garden, serving both for the supply of the house and of the cattle. Both at morning and evening, the parents and children, with the other members and inmates of the family, assembled to perform their devotions; which was done in such a manner as to show that it was the voluntary offering of their hearts. At these times the parents gave such instructions to their children as were suitable to impress upon their minds their moral and religious duties, accompanied with some lesson for their intellectual improvement. The

good effects of these observances and instructions were manifested by the uniform respect paid by the children to their parents, and by the kindness and affection manifested in their intercourse with each other, and by their general intelligence. It was a most happy family. The parents said, that, by this moral training, their children were taught to govern themselves, without the exercise of any other authority on their part. And that, by the continual practice of temperance, they had learned to prefer those things which best suited their natural constitutions; and they had hardly felt sickness or bodily pain. We have, said the father, returned to the simplicity of nature in our food and drink; and nature has amply repaid us, by giving us health, and cheerfulness, and activity of body and mind. And, he added, nature demands but little, and she always supplies that little bountifully to those who will obey her laws. Both the moral and physical laws of our nature, he said, are wisely and kindly formed to suit our condition. To obey them is but to consult our own happiness; so that, even selfishness, if it would act wisely so as to accomplish its own purposes, must obey those laws. It is a misguided selfishness that has produced most of those evils, which make up the history of the human family in the past ages of the world.

I now took a homeward course, and arrived at a small romantic village in the afternoon, where a funeral procession was just forming, to bury a young girl of the age of seventeen years. Her mother was a widow, and she was her oldest child. I thought I accompanied the procession to the grave. The mother and her

Other children followed the body and attended at the interment. My sympathies were deeply excited by the interesting appearance of the mother, and by her chastened grief and that of the family. She was a lovely woman, of fine form, and her countenance expressed all the better feelings of the heart, and all the noble qualities of a highly cultivated mind. She manifested deep grief, but tempered and moderated by a strong faith and a settled hope as to the spiritual welfare of her daughter; and this was accompanied by a dignity of deportment that made her altogether a most interesting object. The corpse was attended by all the young girls in the neighborhood, dressed in white, with trimmings of black, as mourners. Most of the inhabitants, of all ages, attended, in delicate and respectful sympathy with the afflicted family; and were all ready and anxious to perform all the kind offices that the occasion required.

When, on a subsequent day, I made some expressions of sympathy and condolence with the mother, on her affliction, she said, it was an affliction indeed which no other person could appreciate. That she loved to dwell on the dear image of Ellen, and to recall to view the excellencies of her heart and mind, and to think over all the endearing scenes, in which she had taken a part in the family.

Her mind was highly cultivated; and she possessed and always exercised all the finer feelings of the heart; and she early embraced and enjoyed the sublime hopes of the gospel, which supported her in all her trials, and buoyed her up above the fear of death in her last

sickness. Indeed, death seemed to have no terrors for her.

Ellen was taken away, she said, at a most interesting period of her life. She had just reached that age, when the slender form and sprightly activity of the child were blending with the more finished form and dignified movements of the woman. If there is any earthly object more interesting and lovely than all others, it is that of a girl of Ellen's age. It is then that the artless simplicity and guileless confidence of childhood mingles and unites with the more dignified caution and prudence of womanhood. It is then that all her actions and sentiments possess a most endearing interest; and intertwine her with every fibre of a parent's heart, and command all our sympathies.

The scenes of her last sickness and death, she said, were most painfully interesting, and are indelibly written upon my heart; and yet have all the alleviation which the hopes of the gospel can give. And after her speech failed, her looks spoke the feelings and emotions of her heart. At one particular time, her eyes lighted up with an expression of affection, tenderness and love, with a calm serenity of mind, such as words cannot express, and such as can be conceived only by those who witnessed it.

I can easily conceive it of your daughter, I said. It cannot be described or expressed, she repeated; it was the whole soul of heaven, with all its purified affections, radiating from her eyes. It is not that I doubt Ellen's happiness, she said, as she wiped away the tears; it is not that I would recall her from her abode of blessedness; from the society of her Saviour

and the blessed spirits ; but my affections have been wounded, and nature will have her way.

It seemed, she said, when the last struggle of death was over ; when her spirit had taken its flight, as if I could see the celestial spirits assembled around her, and accompanied by the golden harps of heaven, singing a song of ineffable melody to welcome a kindred spirit to their society. And I cannot doubt that she is now set, as one of the brightest gems, in the diadem of her Redeemer.

And now, pursuing my journey, I thought I arrived at my own home ; and being weary, retired to my chamber, meditating upon the things which, in my imagination, I had seen and heard.

And I said to myself, happy are they, whose lot has been cast in this favored country in the twentieth century. Blessed be the memory of that noble band of pilgrims, who, for the sake of civil and religious liberty, first laid the foundation of this great nation, amidst privations, and sufferings, and tears, and griefs, and death. Blessed be the memory of those who built up our religious, literary and civil institutions upon the foundation thus laid ; and blessed be the memory of those who have cherished, sustained and perfected those institutions. Blessed be the memory of those whose labors, in the council and in the field, planned and established our national independence and our most happy system of government ; and blessed be all those who are laboring to sustain and perfect it. Blessed be the memory of those whose wisdom, labor and example, have devised and carried forward the temperance reformation, and all the other measures,

that have been devised for the amelioration of society; and who have produced those moral and intellectual improvements which have so much increased the prosperity and happiness of the country, and which furnish the only sure support of our free institutions. And palsied be the arm and dumb the voice that shall be raised for their destruction.

What an amelioration, I thought, in the condition of mankind; what a scene of prosperity and happiness is presented. Cruelty, and dishonesty, and fraud, and injustice, and profanity, and intemperance, and impiety, and crime, are banished from the country, and are succeeded by the opposite virtues. The pure principles of christian morality prevail every where. Poverty and want are unknown; and sickness and the other evils of life scarcely exist. The golden rule of the gospel has almost removed the necessity of civil government; and, although the government is strong and powerful, it is hardly felt. Even death is disarmed of his terrors; and if the lovely Ellen's mother weeps at the death of a beloved daughter, her grief is unmixed with earthly selfishness. It is not because her faith falters, or that she would recall her from those mansions of blessedness, where her faith assures her that her Ellen lives; it is only because nature will have her way. How the human race has improved. It would be delightful—it would be blessedness for me to live in such a society, surrounded by those he loves and by whom he is beloved, and with such beings as —————

At this instant, some rude, malicious noise awoke me from my reverie, and dispelled my dreams of hap-

piness, and brought me back to the real scenes of life. I inquired the date, and found it was the 9th day of August, 1841. Indeed, I said, it is true; I am far, very far, behind the age that I have been contemplating in my imagination.

On looking out at the window, the first object that met my view, was a large black distillery, sending up a dense, lurid volume, like the smoke of the bottomless pit. It was Elder Weekly's distillery; the same that I thought had been converted into a church. Men and women were continually going in and out, with glowing faces, and bloodshot eyes, carrying jugs and bottles in their tremulous hands, and some of them supporting themselves by the fences or sides of the building. Some were removing barrels and hogsheds of liquor in carts, to carry on the work of ruin in distant parts of the country.

On walking out, I saw an officer conducting a miserable man to prison, who, in a fit of intoxication, had killed his aged mother and his child, and had nearly killed his wife, who had attempted to rescue them.

Many filthy, ragged children were running about the street in squalid poverty, uttering foul and profane oaths, pilfering the necessaries of life, and growing up in ignorance, idleness and vice, with no kind hand extended to guide them in the ways of industry and virtue.

Men claiming respectability of character, in different parts of the country, were in the practice of making and selling intoxicating liquors for sordid gain, regardless of the ruin and distress that they were inflicting upon others, making themselves pimps and

panders to the low and debasing appetite of the vicious and intemperate.

In a recent newspaper was an account stating, that, a few days before, at _____ in the State of _____ the slave, Tom, had committed a crime which was justly punished with death by the laws of the State; but that the *respectable* people of the neighborhood could not restrain their vengeance upon the poor negro, until the law could vindicate its rights; and that, after deliberate consultation, they had taken the wretched man and tied him to the limb of a tree, over a slow fire, to expire in lingering torture. And the account described the manner in which the unhappy victim of cruelty struggled and writhed amidst the ascending flames in the agonies of his torment.

The editor of the paper added, that the barbarian perpetrators of this outrage upon humanity; these savages in civilized life; these fiends in human form, were suffered to be at liberty, unhung, and retained their rank and station in society. I blushed for my country, and though alone, covered my face for very shame.

Indeed, I found myself surrounded by evidence, that dishonesty, fraud, intemperance, violence, falsehood, cruelty, impiety, guilt and crimes of every kind, still disgraced the land, and needed the strong arm of the law to restrain them.

Ah, I said, what they have told me is too true. I am far behind the age of fancied innocence and perfection that I have been contemplating. All my imaginary scenes of happiness, and refinement, and of moral and intellectual improvement, had vanished in

a moment, and were succeeded by other and far different ones. The transition was too great for me—my feelings were overpowered—I was plunged into a hell of wretchedness—my soul was pierced with anguish—my heart was swollen with grief—it found relief in the suggestions of hope, that ever present friend of the sorrowful and afflicted.

APPENDIX No. II.

APPENDIX No. II.

The following is the letter of Count Zenobio to the people of Venice, referred to in Part II., Chap. 4, Note 6.

It is said, in the publication from which the letter is taken, that "it is from the pen of a republican in Europe, who has been greatly distinguished for the goodness of his heart, and his literary and political acquisitions." The letter contains internal evidence of this.

The reader will perceive that the author of the letter has reasoned from different premises, and drawn different conclusions, from those adopted and established in the foregoing treatise.

He was writing for the population of Europe; and being himself an Italian, it is to be presumed that he was acquainted with the character of that population, and knew their qualifications for self-government. And if they are such as he has assumed them to be, his letter furnishes a strong argument in support of the opinions advanced in this work, respecting the admission of foreigners to a participation in our political privileges.

The letter was written at a very interesting period of European history; and at a time when the causes,

that produced the great revolution in France, were still in operation. These causes, and the consequences that resulted from them, may have had, and probably did have, much influence in forming the opinions of the writer. He reasons both from the theory of general principles, and from facts within his own knowledge and observation.

I annex the entire letter to this work, because I think it will be interesting and useful to the reader.

THE LETTER.

“ To the People of Venice,

“ FRIENDS AND FELLOW-COUNTRYMEN,

“ Well taught, by bitter experience, that certain are the evils and doubtful the benefits of a revolution, we shall encourage none, as I say, in my letter to Mr. Fox, (and strictly have I kept my word.) But when one has already been effected, it then becomes, I think, the duty of an honest man, frankly to declare his opinion, and openly to take a party.

“ On one point only shall I speak, at present, reserving myself to offer soon to your consideration, the whole sketch of a republican constitution. But this one point is the most important of all, it being, indeed, the very basis of all political associations; I mean the right of suffrage.

“ Divided have been, on this subject, our modern politicians; though none of the most celebrated ones of antiquity and the last two centuries, Plato, Aris-

totle, Harrington, Locke, Hume, Montesquieu, &c., ever dreamed of depriving property of its just protection, by giving a vote to people of no property. Even among our cotemporaries, no author of any note, except Mr. Paine, has supported this unqualified levelling principle. The most respectable advocates for a parliamentary reform in England, Mr. Fox, Mr. Erskine, Mr. Sheridan, Mr. Grey, &c., never proposed universal suffrage, as they recommended their plans to increase the number of the county members, who are the true representatives of landed property. But what is much more remarkable, a gentleman looked upon as a leader of democrats, Mr. Horne Tooke, not less distinguished for his philosophical and literary knowledge, than for his patriotism, instead of advising the abolishing of the actual qualification for voting, suggests, in his letter to Mr. Dunning, the propriety of making it higher. And it was proved, in his late trial, that he would rather be governed by St. James's than by St. Giles's; that is to say, by the rich than by the poor; and what man, in his senses, would not? These authorities, the example of the ancient and modern republics, and as attentive an examination of so important a question as was in my power, dispelled all my doubts, and showed me, in full view, the evidence of the following political maxims.

“ That the power of the state should be placed in the grand mass of the independent land proprietors.

“ That is the body which, both according to the nature of the civil compact, and for the advantage of the whole community, ought to form, and really does

form, the nation. It is only when the government resides in this body, that property can be safe; and without it, no State can prosper, but must fall into disorder and ruin.

“Property, as I have just observed, cannot have a solid guarantee, when the supreme power is in the hands of people of no property; which must happen when the right of suffrage is universal.

“It is then undermined, in a thousand different ways; by deportations, by confiscations, by proscriptions, by forced loans, by progressive taxes, and by the most ruinous of all financial measures, a national bankruptcy, (poorly disguised under various names) which reduces thousands of families to want of bread, without making a single individual in the nation happier or richer. And if such a government could last, it would not stop here, but proceed to agrarian laws (such proposal was actually made in the Jacobin club of the menage, year before last, after the overthrow of the Fructidorian directory) which, were it possible to carry it into execution, would fill the country with blood; would render every body poor and nobody rich; and create, in this manner, a nation of beggars; and after all, would last but an instant; and a repetition of this work of destruction be frequently required.

“At last, liberty itself, the prize so dearly sought for, must soon perish, when the supreme power is placed in the hands of the multitude; for the bulk of the people, having no leisure either to attend to public business, or to acquire the necessary information, inevitably throw themselves into the hands of a

few artful intriguers, who, being persons without character, fortune or experience, commit every sort of follies and every sort of iniquities; they are soon driven out by another faction as bad. Anarchy succeeds by intervals, until every class of people, unable to endure so wretched a state, where life, liberty and property are equally precarious, embrace, with eagerness, any government, which promises security and tranquility; and despotism closes the scene.

“The only manner, therefore, of establishing, at the same time, a durable liberty and a wise government, is to place the power of the State in the grand mass of the independent land proprietors. This class, having an immediate concern in the public prosperity, possessing a sufficient independency and the means to acquire knowledge, will know how to govern and equally oppose anarchy, which would be their destruction, and despotism, their degradation.

“Athens and Rome were free and happy while the wise institutions of Solon and Servius Tullius, which fixed a census, remained untouched. But when ambitious demagogues openly overthrew in the first, and artfully overleaped in the last, this fence of public safety, and thus put the power in the multitude; then seditions and civil wars broke out in the state, that soon conduced to the loss of all liberty in Greece, by the conquest of Alexander; and in Rome, by the usurpation of Augustus.

“Resuming now the thread of our argument; let it not be said, that by vesting the right of voting only in the land owners, we establish the dominion of the rich few, or an oligarchy. It is precisely the very re-

verse ; this being the only effectual method of preventing the excessive influence of a few overgrown families ; since our voters possess some independence, which renders them not so easy to be bought, which must be the case when the right of voting is in the needy.

“ We do not create either an *hereditary*, or an *exclusive* class ; for we leave the door open to every body to obtain this right, since any industrious person may acquire the necessary qualification.

“ In fixing this qualification, we had, obviously, in view, the attainment of our two objects, namely, a sufficient interest in the *security of property* ; and a *sufficient independency*. It appeared, in consequence, to us, that it should be what is necessary to support a family. We fix it, therefore, at a clear landed income of five hundred days labor. Higher, it would approach to oligarchy ; lower, it would fall into anarchy.

“ This was the fatal error of the constituent assembly, that it made the qualification so low, as it was of no use, either to protect property or to check anarchy. And hence all those dreadful storms which, for ten years, have so cruelly desolated France.

“ We also reject that unsocial institution, which sets an eternal interdiction to all persons born out of our territory, as if they were beings of a different species ; but, founded on the purest principles of philanthropy, upon the truest interest of public utility, and the authorities of the most enlightened writers, we admit, on certain rational conditions (not a seven or ten years' apprenticeship) our fellow-creatures to become our fellow-citizens.

“ From the same liberal spirit, we also leave every individual in our country at full liberty to quit our society, if he thinks to find more happiness in another spot. And we are very sure that this freedom, instead of diminishing, will increase our population; for men easily stay and readily resort where they are not confined. If people are happy, they will not quit us; and if they are not, we have no right to keep them. We leave it to tyrants to make, of their country, a prison.

“ We must now say a word to the advocates of universal suffrage.

“ I know that not a few of them are actuated by the most benevolent motives. I was, myself, strongly inclined to the same opinion; and it was after a long and painful struggle, that I became forced to abandon so seducing a doctrine. But having, under my eyes, its destructive consequences, I determined to divest myself of all partiality, and seriously to examine whether it rested upon truth; and this examination discovered to me its absolute fallacy.

“ I saw that a body politic being established on the principles of exclusive possession of lands, and that the possessors of such lands being the only true masters of the country, none but they could have the right of suffrage, or of making laws. For if he who had no portion of such land had the right of suffrage, the owners of the land would be deprived of their just authority, and property would no longer be safe.

“ The principles then of the political association being, in this manner, violated, and its object defeated, the association itself would be actually dissolved, and

every body in the country return to a state of nature. But, in the state of nature, there is no other right but that of the strongest. This pretended right, therefore, of man to universal suffrage, does not exist, either in a state of society or in that of nature.

“ This doctrine, in consequence so plausible at first appearance, is no less false in theory than destructive in practice. Many, I said, of the supporters are fine, honest people, deluded by pure dreams of philanthropy. But the greatest number consists of the uninstructed classes, allured by false hopes, and a few bold leaders, thirsting for gold and power.

“ Fortunately, the great majority of the seduced classes have opened their eyes and seen their delusion. Bitter experience has told them that, being themselves incapable of managing the complicated matters of government, they must fall into the hands of haughty and voracious demagogues, who fatten on the wealth of the nation, and rule the deluded multitude with a rod of iron.

“ The people have seen that, when their representatives are persons who have no other existence but what they get from the state, they become the mere tools of the reigning power, sacrificing every public consideration to their own private advantage.

“ They have seen every right violated, every dignity abandoned, every property attacked; liberty always invoked, and despotism always practiced, by a set of adventurers, equally devoid of capacity and shame.

“ The people then, of every country, as if awakened from a dream, have become convinced that they

could not be well governed, but by persons above common wants, who had a character to support, a property to defend, and a liberal mind to feel the inestimable blessings of liberty.

“ But, if the interest of the whole community demands, that the power should be vested in the hands of men of property, what shall we say of the particular interests of these men themselves ?

“ Men of property in Italy, and every country where a revolution is at all probable, especially in America now seriously threatened by a strong disorganizing party, arouse from your lethargy ; impress it well on your minds, that neither your property nor your lives are safe, if universal suffrage is established in your country.

“ Sufficiently numerous, I am certain, is this body in every civilized nation, that with the advantages of good education, the commixions resulting from landed property and the acknowledged goodness of their cause, they should entertain any doubt of not triumphing over the party of those honestly seduced, and the small section of determined anarchists.

“ Small, I said, is their number ; but being of a prodigious activity and industry, by no means to be despised. Despise, however, we must their malice and their calumnies ; we must prepare ourselves for every sort of abuse, and know how to brave it.

“ And, above all, let none of you be misled by the false ambition of becoming one of their chiefs ; he will inevitably either perish, as did all their leaders in France ; or find no other security, but in a degraded obscurity. To be noble or rich is, with them, an

indelible stain, which, like original sin, no subsequent merit can ever wash away. I speak from good information.

“ Unprecedented and most awful is the present crisis. It may either terminate in a happy amelioration of the social system ; or after a most murderous civil war, end in the destruction of all order, and every comfort and dignity of life. Men of property, you may command either of these two events. When a revolution is approaching your walls, take all an oath to hold fast this anchor of public safety, the right of suffrage, in the hands of independent freeholders.

“ Your victory is certain if you are firm and united. But join candor and firmness. Calm the fears of an honest but timorous people. Tell them without disguise, that we are all equal before the law ; but strict justice and the welfare of the community require the security of property ; and this cannot be obtained if the right of suffrage be not limited to the independent landholders. None, however, is precluded from obtaining this right ; for every person may, by the fruits of his industry, acquire the necessary qualifications. All enjoy, at the same time, the other rights of freemen. None shall be punished but by the verdict of a jury. The press shall be free. Free shall be the right of petition. There shall be employment, with wages proportionate to the price of provision, for the young and healthy, and proper establishments for the old and infirm. No person, at least, shall be prevented from leaving the country, if he thinks of finding more freedom and more happiness in another soil.

“ People of all descriptions, these shall be the lead-

ing principles of a government freely elected from whatever there is of independent and respectable among yourselves.

“ I cannot let this occasion pass without stating, for once, the immense difference that exists between the Jacobins and the true republicans, so erroneously confounded together. The first, by establishing universal suffrage, put every property in danger: the second, by limiting it to the independent freeholders, put every property in safety. The first, by placing power in those unfit to use it, introduce anarchy: the second, by placing it in those fit to use it, infallibly establish a solid liberty. The first, by introducing anarchy, inevitably lead to despotism: the second, by hindering anarchy, effectually prevent despotism. This is the immense difference that exists between the Jacobins, or disorganizers, and the true friends of liberty and order.

“ Let no longer, then, designing and deluded men, on one side, arrogate to themselves the exclusive appellation of republicans, whilst they are nothing but anarchists; nor on the other, over zealous friends to the actual order of things, falsely brand every republican with the name of Jacobin. No, they are not Jacobins nor anarchists; they are the friends to liberty, but also to order; that is, a wise and honest government, capable of protecting the lives, the rights and the property of every individual in the nation. They are neither fanatical missionaries, who will disturb the tranquillity of any country; but when a revolution has broken out, they will then use all their energy to oppose the introduction both of anarchy and despotism.

“FRIENDS AND FELLOW-COUNTRYMEN,

“I have finished this long letter, regardless of personal consequences; I have told you my opinion; I have spoken from the most intimate conviction of my mind and from the purest desire of your good, and also of that of our fellow-creatures in other countries. In the midst of many heavy sorrows, I feel a considerable relief in reflecting, that I have labored (because I do not flatter myself that I have contributed) to preserve society from an iliad of woes. Be happy and free.

“ZENOBIO.

“*Gotza, Feb. 17, 1801.*”

NOTES.

Note A to Part II., Chap. 15.

By the 13th article of amendment to the Constitution of Massachusetts, which went into effect on the 17th day of April, 1840; the rule for the apportionment of senators, as stated in the text, is altered. That amendment provides as follows: "The several senatorial districts now existing shall be permanent. The senate shall consist of forty members; and in the year 1840, and every tenth year thereafter, the Governor and Council shall assign the number of senators to be chosen in each district according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district."

Note B to Appendix, page 198.

This table of population was made in 1837. According to the computation in the table, the whole population in 1840, is estimated at 17,147,455. The author had hoped to procure an authentic return from the census of 1840, showing the exact amount of population at that time; and he has made an unsuccess-

ful application to the office of the Secretary of State, for that purpose. That census will show, with some certainty, what degree of confidence can be placed in the accuracy of that table and the principles upon which it is made. The author still hopes to procure the census of 1840 before the work comes from the press, and to annex a general statement of it.

It now appears, by the census taken in 1840, that the population then amounted to 17,069,453, which is about 78,000 less than the population for that year, as estimated in the table of population. This shows an error in the estimate of less than one half of one per cent; and proves a great degree of accuracy in the principles upon which the computation in that table was made.

OCT 11 1929

