MISCELLANY.

The F CE DERALIST, No. 50.

The F E D E R A L I S T, No. 50. To the People of the State of New-York.

TO what expedient then shall we finally refort the for maintaining in practice the necessary partition of power among the leveral departments, as a said-laid-lower in the Conflictation? The only answerthat can be given is, that as all these exterior provisions are found to be inadequate, the defect must be lupplied, by so contriving the interior fructure of the government, as that its feveral constituent parts may, by their mutual relations, be tha means of keeping each other in their proper places. Without preluming to undertake a full developement of this inaportant idea, I will hazard a few general observations, which may perhaps place it in a charge light, and enable us to form a more correct sudgment of the principles and structure of the government, which to accretian extent, is admitted on all hands to be essential to the preservation of liberty, it is evident that each department hould have as little agency as possible in the appointment of the members of the others.

I were that all the appointments for the suprement of the members of the others. Were this principle rigoroully adhered to, it would require that all the appointment of the members. Some difficulties however, and, some additional expence, would attend the execution of it. Some deviations therefore from the principle and the admitted. In the cansitution of the judiciary departments and the official in the admitted and the continuing the extension of the following developed the continuing the extension of the following deviation therefore from the principle and the admitted. In the cansitution of the judiciary department in particular, it might be inexpedient to institution of the principle and the admitted. In the official in the admitted to the official in the same of the others. mult be admitted. In the conflitution of the judiciary department in particular, it might be inexpelled not to infili rigroufly on the principle; first, because peculiar qualifications being ciliental in the members, the primary conflictation ought to be to felect that mode of choice, which be flectures those qualifications; fecondly, because the permanent tenure by which the appointments are held in that department, mult itoon delirroy all fense of dependence on the authority confering them.

It is equally evident that the members of each beartment should be as little dependent as possible on those of the others, for the emoluments annexed to their offices. Were the executive magistrate, or the judges, not independent of the legislature in this particular, their independence in every other would be mercely woundal.

indeed, their independence in every other would be merely unomial.

But the great fecurity against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department, the excellance of the other would not interest of the others. The provision for defence must in this, sin all other cases, be made commensurate to the danger of attack. Ambition must be made to countract unition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to the contract of the several not made to the contract of the several powers and the several powers and

Sharey precautions.

This policy of Iupplyig by oppofite and rival intereflis, the defed of better motives, might be traced through the whole fyltem of human affairs, poiste as well as public. We fee it particularly diffiplayed in all the fubordinate distributions of power, where the conflant aim is to thirde and arrange the feveral offices in fuch a manner as that each may be a check on the other; that the private interest of every individual, may be a centined over the public rights. Their inventions of prudence cannot be left requilite in the distribution, of the fupreme powers of the State.

rights. Their inventions of prudence cannot be left requisite in the distribution of the fupreme powers of the State.

But it is not possible to give to each department an equal power of felf defence. In republican government the legislative authority, necessiblely predominates. The remedy for this inconveniency is, to divide the legislative authority, necessiblely predominates. The remedy for this inconveniency is, and different principles of action, as little obsenceded with each other, as the nature of their common distincts, and their common dependence on the fociety, will admit. It may even be necessary to guard against dangerous enrocachments by fill further precautions. As the weight of the legislative authority requires that it finual due that divided, the weakers of the executive may require, on the test hand, that if hould be fortified. An absolute negative, on the Legislature, appears at first view to be the natural defence with which the executive magistrate should be another store the rather altogether fafe, nor alone fulficient. On ordinary occasions, it might not be exerted with the regulate firmness; and on extraordinary occasions, it might not be exerted with the regulate firmness; and on extraordinary occasions, it might not be extent down this defect of an absolute negative be supported to the partness, they which the latter may be led to support the constitutional rights of the former, without being too much detached from the rights of its own department.

If the principles on which these observations are

nort the conductational rights of the conductation of a fluigle government; and ufurpation are quarted against by a division of the government into diffinct and teprate departments. In the conductation of t

pound republic of America, the power furreindered by the people, is first divided between two diffined governments, and then the portion allotted to each, subdivided among distinct and separate departments. Hence a double security arise to the rights of the people. The different governments will controlled by itself.

Second. It is of great importance in a republic, not only to guard the society against the oppression of its rulews; but to guard one part of the society against the injustice of the other part. Different interests necessary to be usited by a common interest, the rights of the misority will be inscured, the rights of the misority will be inscured. There are but two methods at providing against this will. The one by creating a will in the community independent of the majority, that is, of the society for many separate descriptions of citizens, as will render an unjust combination of a majority of the whole, very unprobable, if not imprassible-fing an hereditary or self appointed authority. This at beft is but a precaious security; because a power independent of the society may as well-espouse the unjust views of the major, as the right laterests, of the minor party, and may possibly be turned against both parties. The second method will be exemplified in the feederal republic of the United States. Whilst all authority in it will be derived from and dependent on the society, the society inserting and called of citizens, that the rights of individuals or of the minority, will be in little danger from interessed combinations of the majority. In a free government, the security for civil rights must be the sume as that for religious rights. It consists in the will be derived from and dependent on the society, the society inserts and considerate friends of republican government. This view of the subject must particularly recommend a proper feederal system to all the, fingered and considerate friends of republican government. This view of the subject must particularly the consideration of the work of the

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The F CE D E R A L I S T, No. 51. To the People of the State of New-York.

The F CE D E R A L 1 S T, No. 51To the People of the State of New Tork.

FROM the more general enquiries pursued in the four last papers, I pass on to a more particular examination of the several parts of the government. I shall begin with the House of Representatives.

The first view to be taken of this part of the government, relates to the qualifications of the cleed-off of the other of the former are to be the same with those of the electron of the most unmerous branch of the state Legislatures. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent in the Convention therefore to define and clabilist this right, in the Confliction of the States of the state of the sta

that the people of the States will alter this part of their Conflitutions, in such a manner as to abridge the rights secured to them by the Feederal Consti-

their rights fecured to them by the Federal Conflictution.

The qualifications of the elected being left carefully and properly defined by the StateConflictutions, and being at the 'ame time more fuceptible of uniformity, have been very properly confidered and regulated by the Convention. A reprefentative of the United States must be of the age of twenty-five years; must have been feven years a clisten of the United States, shull at the time of his lection, be an inhabitant of the State he is to reprefent, and during the time of his fervice must be in no office under the United States. Under their erasionable limitations, the coor of this part of the Foederal Government, is open to merit of every deleription, whether native or adoptive, whether young or cld, and without regard to poverty or wealth, or to any particular profession of religious faith.

The term for which the Representatives are to be elected, falls under a second give which may be eaken of this branch. In order to deside on the propriety of this article, two questions must be confidered; iffin, whether beannal elections will; in this case, be fast a second you whether they be necessary or useful.

fidered; first, whether biennial elections will; in this cafe, be fafe; a fecondly, whether they be necediary or useful.

First, As it is effectual to liberty that the government in general, should have a common interest with the people; for its particularly effential that the branch of it under consideration, should have an immediate dependence on, & an intimate sympathy with the people. Trequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually fecured. But what particular degree of frequency may be absolutely necessary for the purpose, does not appear to be, successful of any precise calculation; and must depend on a variety of circumstances with which it may be connected. Let us conside experience, the guide that ought always to be followed, whenever it can be found.

The reheme of representation, as a substitute for a meeting of the citizens in person, being at most but very imperfeelly known to ancient polity; it is in more modern times only, that we areto expectins fructive examples. And even here, in order to avoid a releasch too vague and dissuss, it will be proper to confine our eleven to the few examples which are best shoown, and which bear the greatest anology to our particular case. The first to which this character ought to be applied, in the House of Commons in Great Britain. The bishory of this beanch of the English Constitution, anterior to the date of Magna Charta, also obscure to yield instruction among political antiquaries. The earliest records of subsequent after prove, that her among the subscience of it has been made a question among political antiquaries. The strip were to be elacted every year; and that they were to be clasted every year; And even these and the figures are the subscience of it has been made a question among contact and the subscience of it has been made a question among political antiquaries. The cariest records of subscience of it has been made a question among political antiquaries. The tartiest records of subscien Magna Charta, if too obfoure to yield infurcition. The very exiftence of it has been made as question among political antiquaries. The earliest records of tublequent date prove, that Parliaments were to fat only, every year; not that they were to be eladed every year. And even these annual sessions were left to much at the discretion of the magnarch, that under various pretexts, very long and dangerous internsilions, were other contrived by royal smbittion. To remedy this grievance, it was provided by a flattute in the reign of Charles the second, that the intermissions were other contrived by royal smbittion. To remedy this grievance, it was provided by a flattute in the reign of Charles the second, that the intermissions should not be protracted beyond a period of three years. On the accession of Wil, III, when a revolution took place in the government, the subject was full more feriously refunded, and it was declared to be among the fundamentalities of the people, that Parliaments ought to be held frequently. By another statute which passed as few years later in the same reign, the term 'frequently', which had alluded to the triennial period settled in the time of Charles II. is reduced to a precise meaning, it being expressly enaded that a new parliament shall be called within three years after the determination of the former. The last change from three to seven years is well known to have been introduced pretty early in the prefent century, under an alarm for the Banoverian succession. From these fasts it appears, that the greatest frequency of elections which has been deemed necessary in that kingdom, for binding the representatives to their constituents, does not exceed a tejennial return of them, almost on the secretion of the Banoverian succession. From these fasts in appears, that the greatest frequency of elections which has been deemed necessary in that kingdom, for binding the representatives to their constituents, does not exceed a tejennial return of them, and all the other vicious ingredients in

every tegree on meets) must be discovered and themselves.

Let us bring our enquiries nearer home. The example of these states when British colonies claims particular attention; at the same time that it is for well known, as to require little to be faid on it. The principle of representation, in one branch of the Largithature at least set the same time that it is for the periods of clear set the same time to the periods of clear the set different. They warded finder from the spirit and conduct—of the representatives of the people, priority the revolution, that because the people priority the revolution, that because the people priority the revolution at the public liberies? In the pirit which every where difficulty of the people priority which every where difficulty and which vanquished the obstacles to independence, is the best of proofs that a fufficient portion of liberty had been every where enjoyed to inspire both

a fenic of its worth, and a zeal for its propes largement. This remark holds good as well, regard to the then colonies, whose elections seaf frequents as to those whose elections effectively as the colony of the colonies o

orithe people can be in no danger from so-elections.

The conclusion resulting from these earn will be not a little strengthened by recollecting. The conclusion resulting from the earn will be not a little strengthened by recollecting circumfances. The first is that the Face gistlature will possible a part only of that supractice the British parliament, and which with a strengthant will be supractically a strength of the stren watched on the other. PUBLIT

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Meffrs. Loudon,

HE eloquent and learned Edmund B in a speech delivered in Brittol, in served that there were two capital faults tish laws, with relation to civil debts.

tith laws, with relation to civil debter. Of every man is prefumed folwent; a prefumed innumerable cafes, directly against truth it over the debtor is ordered on a happosition of and fraud to be coerced his liberty-until it payment. By this means, in all cafes of read weeking to be impersioned for life. And thus a minimum in invention of artificial licence dept change a civil into a criminal judgment; four penisfortune or indiference, without a paradon from his creditor, to be impersioned for life. And thus a minimum invention of artificial licence dept change a civil into a criminal judgment; fourge misfortune or indiference, with ment which the law does not inflict on the crimes.

The next fault he observed, was, that the ing of that punishment is not on the opinize equal and public judge; but it referred fe bitrary discretion of a private nay interest irritated individual. He who formally is an affected in the control of a private man, who is at once judge and Every idea of judicial order, is subserted procedure. If the insolvency he no crime, it punished with arbitrary imperionment. If crime, why is it doilverney he no crime, it punished with arbitrary imperionment. If crime, why is it doilverney that the operation law was fo sayege, and so inconvenient to do that for a long time past in every partitions of the for a long time past in every arbitrary imperionment. It crime, why is it doilverney, and in every arbitrary imperionment. It crime, why is it doilverney, and in every arbitrary imperionment to that for a long time past in every arbitrary imperionment. It crime, why is it doilverney to mental the order of surface the unnuary first past and the order of the control of the control of the prefuse and the control of the prefuse of the formation of the prefuse of the formation of the prefuse of the formation of the prefuse of the control of the prefuse of th

debtors now in New-York goal, and about teen who must depend upon charity forther fupport; and many, from their peculiar ful although willing to deliver up all their chief can derive no benefit from the prefent tig-inabilitants of this city are not recovered for losses and diltreffes occasioned to them by fi