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From the AMERICAN, &c.

THE DEMOCRAT, No. VI.

ON THE SOVEREIGNTY OF THE PEOPLE.

PLK.

(Concluded.)

We have now reviewed the most distinguished monarchies of the modern world; and from them let us select for more intimate examination, their best and most virtuous monarchs; and we shall find that from the time of the murder of Clitus by the royal hand of Alexander, princes will sacrifice all subjects, that dare to possess independent virtue and character. The great, the amiable Henry IV. executed Breton whole arm and that of his father, secured him his throne, for the same crime for which he pardoned d'Aragnone, always his enemy and always profligate, because he was the brother of his mistress the artful Verneuil, whose least falling perhaps, was her want of chastity. Sully indeed stood, but he stood tottering under the projected revenge of another and more amiable mistress, the fair Gabriella, who loved the person of her monarch too well, to be able to direct his mind:—he stood however, only to be immediately removed by a successor. George the I. uncommonly honest, just, and well-meaning for a king, suffered Ormond to perish in exile—confiscated his fortune and raised his family, only because he was the best beloved nobleman in the British Ill.

The modern aristocracy of Venice with her late inquisition, and Genoa, with her corruption and venality, have been almost as detestable as the monarchies. If Bernese and Holland have remained respectable, it has principally arisen from the virtue and energy of the federal principle: separate states united under one federal head, produce what may be termed a balance of population, which like the well-known balance of trade, escaping from tyranny and deserting bad management, compels, in a degree, the practice of moderation—it is this very principle that has, in some measure, softened the rigid military features of the Germanic constitution—Princes dare not urge their tyranny, lest their subjects should desert into the neighbouring principalities. In Bernese, the aristocratic families, eligible to office, were so numerous, that they gave in a degree a democratic energy to the government, and in Holland combined with the federal principle, their dependence on trade (when they abandoned popular election) produced an oligarchy, so tempered on one side by a watchful and powerful aristocracy, and on the other by a disaffected populace, that a respect for public interest and private rights, have influenced every administration.

Let us turn our view now to the democracies of modern times.—We have indeed but few—those of Switzerland are perhaps all that are known; but if there is a portion of our fellow-men that should be most dear to the human race, it is the democratic part of Helvetia. Seated on their barren rocks, five hundred years ago, the peasants of the small cantons of Uri, Schwitz and Underwalden, braved the whole power of Austria in defence of their rights, and laid the foundation of the Helvetic confederacy; heroic in war, mild & gentle in peace, the smaller and fervent there exercising equal rights, always voted personally on every law, on every alliance and every criminal prosecution—There has not been an execution—there has scarcely been a crime among them in a century—their rugged rocks, long become a paradise of innocence and happiness, have produced a love of country to which no parallel can be found; it has produced a phenomenon in the history of disease, peculiar to themselves;—the *maladie du pays*, a Swift seized at a distance with a recollection of the rural scenes of his native country, and a desire to return to them, perishes without remedy, if it cannot be gratified. On the late inroads of the French, whilst the aristocratic cantons fell on their approach, by internal divisions and almost without defence, the democratic cantons discovered but one party, that of the father, the mother and the children, united to defend their country: From his first attack on Uri, general Brune retreated with the loss of 500 of his best troops, and conquest being found only another name for extermination, they obtained honorable, tho' not effectual terms.

The 4th objection, drawn from what is called the republic of France, from the importance of its example, will merit

separate investigation; it will be sufficient here to observe, that their first, and every succeeding form of government, attempted since their revolution, contained no principle of democracy.—The people of France neither elected the legislative, executive, or judiciary, nor were they in any manner responsible to them. Oligarchy was assumed as the basis, the natural wreath of that form being soon discovered, its usual support of cruelty was referred to, and that has terminated as it forever will, in military despotism.

In fine, if in the democracy of Athens, the disinterested Phocion perished by an unjust judgment we can only lament that he fell with the liberties of his country, no longer able to resist the genius and fortune of Philip. And, if we have wept for the divine Socrates, sacrificed to religious enthusiasm, by corrupt judges, we have seen those judges pursued all to untimely ends, by their exasperated countrymen, and to infamy without end, by a sympathizing posterity; whilst in a monarchy! the limited monarchy of England! the object of present admiration, the tyrants and the judges, who brought to the block, the philosophic Moore, the noble Surry, the venerable Granmer, the amiable Norfolk, the learned Rawleigh, and the virtuous Sydney and Russell, have all died honored, if power can confer honor.

If this comparative view of ancient and modern democracy, even in its wild, and most exceptional form, is correct, whence can flow all this abuse of the people and their sovereignty? I will reply in the words of Machiavelli. "Opini against the people, arises from every one abusing the people, freely and without fear, even where they govern; but where princes reign, they are obliged to speak of them with a thousand fears and a thousand respects.—(1)"

PUBLICOLA.

(1) N. Machiavelli sicuti, hb. 2, cap. 58, sub. fine.

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TAYLOR.

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Dec. 1, 1862. tf.

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December 8, 1862. tf.

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December 8. tf.

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Fresh Fruit, Fresh Teas, Coffee and Sugars,

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December 8.

To Ephraim Martin, Esq. and the Federal members of the New-Jersey Legislature.

Gentlemen,

I HAVE omitted to take notice of your reply to my letter of the 15th ult. addressed to your committee, until this time, both because the business of the public in which I have ever since been employed, had a superior claim on my time, and because the subject matter of your reply did not require an immediate attention—and indeed, had you considered my letter as the collective act of the gentlemen for whom your propositions were intended, as you at times affect to do, I should, like those gentlemen, leave you to time and the reflections of your own minds, to correct a proceeding, a review of which can neither edify nor please. But as you have thought proper, in part, to apply your observations personally to me, in which you are pleased to charge me with misrepresentations, insincerity, arrogance, and want of veracity, I think it a duty as well due the public, as to myself, to briefly review what is by your editor filed "A reply of the federal members." You first charge me with assuming to myself to be the organ of the sentiments of others. The facts on which this charge rests, are, that you delivered to me certain written propositions made to myself and others. I communicated the same to the other persons described in them, who refused to return any answer; but expressed some sentiments and opinions relative to them, and this I communicated to you. The next offence enumerated is that of arrogating to myself the office of instructing you in the duties of legislation: You make certain propositions to me and others, a compliance with which I think incompatible with my duty, and I decline entering into any negotiation, and give my reasons for so doing. A charitable interpretation of my actions would not have ascribed this to vanity or arrogance. But it is somewhat singular, that notwithstanding you consider me as having in part assumed to myself to be the organ of the sentiments of the persons to whom you address your reply, and in part to have arrogated to myself the office of instructing you, yet you consider my answer to be in all its parts, their answer; yet you indulge the charitable hope, that all of them never gave their assent to the proposition. The refusal of this statement, has rendered it unintelligible to me. I shall therefore proceed to such parts of your reply as comes more within the scope of my comprehension.

You speak with an air of triumph, and with an apparent confidence, and seeming solemnity, when, where, and how you have entered into an association, within the vitals of the state, &c. constituting a government within the government, &c. I did not only say the association was entered into within the state—I went farther, and stated that it was within the vitals of the government; and to your question, I give this answer. This association was entered into some days previous to the 12th Nov. but actually existed on that day at the city of Trenton, nay, in the Council room of the State House, and is evidenced by your signatures to the propositions handed to me. Some of you must recollect that I saw you myself organized and deliberating. On the day that your propositions were handed me in the evening, I spent an hour in the Library after the Council had adjourned for dinner; on recollecting some papers which I had left in the Council room, I repaired thither for them: on opening the door, I discovered you in secret convulse. This was not more than six hours before the propositions were delivered me; had I not reason to believe that these propositions that were to draw a line of separation between us, were agreed on and signed then and there? And what man that shall read the propositions, and connect them with the facts, will say that I was not correct in denominating your association an *imperium in imperio*? Was not here an association, consisting of a majority of one house, and a minority of the other, composed of an equal number of the members of both houses collectively taken, and was not the avowed object of this association to direct, control, and limit, not only the appointment of officers, but the legislative functions of the government? Had you confined your propositions to the offerable matter of difference, to wit, the choice of governor and senators, some apology might have been offered for the singular and extraordinary proceeding. But when you extended

the object of your association to the subject of a variety of acts to be done by the respective houses in their separate capacities, and that too under the obligations of their oaths of office, it must alarm every thinking man, especially when it is considered that your sixth proposition had for its declared object, such a classification of the votes of the electors of the state, as to give to your political interest as you are pleased to term it an influence it is no way entitled to, you appear to be sensible of the impropriety of the extent of your propositions, and in your reply endeavor to narrow them down so as to exclude ordinary cases of legislation, such as would not admit of a conference between the two houses; but unfortunately for you the first and sixth propositions are wholly of that nature, yet you pledge yourselves to adhere with inflexible firmness to one of them.

The second proposition relates to a subject wholly belonging to the respective houses in their separate independent state, and in which they have no check or control over each other—had we been weak enough to have clofed with your propositions, the constitution of the state would have become a dead letter—powers entrusted by the constitution to particular bodies of men, would have been made to bend to the will of associations unknown to the government, and unacknowledged by the constitution. The constitution entrusts to thirteen members of council a negative on all laws, and in most cases a co-extensive power with thirty-nine members of the assembly in making laws—but had your propositions prevailed, the members of council would have had no more powers than an equal number of members of the house of Assembly, which would have been a complete departure from the constitution. But that is not the extent of the mischief—the members of your association were not at liberty to act for themselves, even had this general conference taken place, for it is a known fact and you dare not deny it, that you were bound to obey the will of the majority of your own association, by a previous determination entered into at the formation of your society, and no one knew, and indeed nothing was more probable but that subordinate associations were formed out of the members of your own body, acting on the same principles. If 14 would make a majority of your association, 8 would be a majority of that 14, and 5 a majority of the 8, and so on down to 3 and 2.—Thus this departure from the constitutional mode of making laws and appointments, might, and probably would have exposed the state to intrigues, caballings and eventually to ferret corruption, and therefore I then thought, and time and more mature reflection hath confirmed me in an opinion, that it was a duty I owed to the state to resist it, and I have reason to believe, that the other members of the legislature to whom your propositions were made known have been actuated by like motives.

You seem to think that I have treated the unhappy divisions in the state too lightly.—The true answer to this, is that you have drawn wrong conclusions from the facts; no doubt the divisions are to be lamented, but the remedy you have pointed out is worse than the disease, and would tend to foster instead of allay them. You affect to consider the want of a governor as a very serious evil; if so, gentlemen, why, have you not chosen one, you have had three opportunities of choosing a man who you do not deny has behaved well in the office, for the year past.

It was a desirable thing to have chosen a governor, although little doubt can be entertained but that the government will be well administered without one. But then you say, that "we are in truth a people without a leader"—and what then; are the people of New-Jersey a horde of wandering Tartars, or a tribe of Mohawks, that they want a leader to conduct them? They can remain at home on their farms and in their workshops without a leader. This word leader has more meaning in it than at first view it appears to have, and no doubt is well understood by you. As it is certain that we do not want to be led, perhaps you would be understood by the word leader, commander, which in my mind would very little help it; for my own part I know no other commander or leader than the law, and as we are in a fair way to have a due and regular administration of that, I see no ground of uneasiness on the score of the want of a governor—and although some men may be disposed to disturb the peace of the state, yet the citizens are too enlightened to listen to their clamour, and love peace so well to be influenced by the ravings

of disappointed ambition, and are too wise and virtuous to become the dupes or the instruments of the enemies of public tranquility—and notwithstanding you have cast the most injurious reflections on the talents of the Vice President; yet every well informed man will say, that he is, all circumstances considered, as well, if not better qualified to fill the office of governor, than the man who filled it with your approbation, for five or six years preceding November 1861—and yet we heard no murmurings to those days for the want of a leader.

You enquire with some apparent confidence, if you asked us to legislate out of doors—to which I answer you did, and I refer to your propositions for a proof of the fact. You go on and enquire, did we ask you to act contrary to your oaths of office, and to sacrifice your judgments to our judgments. I answer you asked us to sacrifice our judgments to your judgments and as far as that would have been a violation of our oaths of office, you asked us to violate them; for although you asked a conference yet you had determined to adhere with inflexible firmness to the precise term of your propositions—who then was to yield, it was certain you would not. You say that you are equal in number and in respectability, no doubt but you think yourselves superior. This is the constant language of a party you seem to be proud of representing, it is a wonder that a party so favoured by heaven, should not have the universal confidence of men. You appeal to our constituents to judge between us, and appear to be very anxious about what we shall tell them, for my own part I have been more in the habit of consulting my confidence than my constituents, but if, however, my constituents should ask me if you offered to bargain with us for the public offices of the state, I shall tell them you did, not that I am so desirous of pleasing them, but I am very desirous of telling the truth. I shall not tell them that we contumeliously rejected your offers, as that would be a departure from the truth; but I shall tell them that we wholly refused to bargain with you—and for that cause the business of the state is, in a great measure, left undone. It was perfectly idle to address your reply to my answer to the gentlemen you did, the answer was mine not theirs, I communicated to them as I happened to see them your propositions, they expressed their opinion about them, and I answered them as you have seen; you talk to them about an intercourse which never existed, and bring to a close what never had a beginning—it is a pity you had not known this that you might have treated my letter with its merited contempt. The advice I gave you proceeded from a sincere desire to promote your own and the public happiness, that you refused to follow it is to be attributed to a disposition in the human mind to persevere in error. But when you declare that you will reserve the instrument by which you are leagued together "as a remembrance for your children," it adds an additional motive to repeat my advice; to that of a regard for the public, I feel superadded a desire to spare the blushes of innocent children, to save them from a legacy that must be a perpetual cause of family mortification, and a draw-back on the pleasure which many of them will no doubt feel from having descended from a wife and virtuous ancestry.

Having considered your propositions radically wrong as they respect the purity of the government; I have not considered them in any other light; but as you have misled some people by the reciprocity of sound, I will attend a little to it; in doing this I shall admit by way of argument what I shall deny to be the fact, viz. That there are as you contend two parties in the state, each endeavouring to monopolize all the offices of the state; with respect, however, to the party you represent, it is strictly true, and you appear not to be ashamed to avow it, in this point of view how does the thing stand—there was last fall a vacancy for the office of governor and the republican party elected, by a large majority, governor Bloomfield, and induced him to rent his house in Burlington and move to Trenton to take the office of governor—and it has never been known since the revolution, that a governor was displaced after he was elected, but has been continued from year to year. Governor Bloomfield had executed the office in so satisfactory a manner, that all parties were pleased with it, the parties in the legislature became equal, it could not be expected that the republicans would abandon Gov. Bloomfield and elect a man who had never been in the office or put to any inconvenience about it. The office of chief justice and

of disappointed ambition, and are too wise and virtuous to become the dupes or the instruments of the enemies of public tranquility—and notwithstanding you have cast the most injurious reflections on the talents of the Vice President; yet every well informed man will say, that he is, all circumstances considered, as well, if not better qualified to fill the office of governor, than the man who filled it with your approbation, for five or six years preceding November 1861—and yet we heard no murmurings to those days for the want of a leader.

* The propositions were dated the 11th, and delivered the 12th.