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MISCELLANY.

From the (London) MONTHLY REVIEW, for May, 1787.

A Defence of the Constitution of Government of the United States of America. By JOHN ADAMS, LL. D. &c. (Concluded)

It is scarcely possible for us to conceive how a man of Dr. Adams's parts and knowledge, should have been led to offer to the world, a book containing so many contradictions and absurdities as we meet in this volume. He observes (Preface, p. ii.) that 'in so general a refinement, or rather reformation of manners and improvement of knowledge (speaking of modern Europe), is it not unaccountable, that the knowledge of the principles, and construction of free governments, in which the happiness of life, and even the farther progress of improvements in education and society, in knowledge and virtue, are so deeply interested, should have remained at a full stand for two or three thousand years?'—How is this to be reconciled with the following passage from the same Preface, p. xxv. 'The English have in reality blended together the feudal institutions with those of the Greeks and Romans; and out of all have made that noble composition, which avoids the inconveniences, and retains the advantages of both.' Again, p. 76. 'I only contend that the English constitution is, in theory, the most stupendous fabric of the human invention, both for the adjustment of the balances and the prevention of its vibrations; and that the Americans ought to be applauded instead of censured, for imitating it as far as they have. Not the formation of languages, not the whole art of navigation and shipbuilding, does more honour to the human understanding than this system of government.' And has this been no improvement?—He proceeds: 'The Americans have not indeed imitated it in giving a negative upon their legislature to the executive power; in this respect their balances are incomplete, very much to my mortification: In other respects they have fallen short of perfection, by giving the choice of some militia officers, &c. to the people—these are however small matters at present. They have not made their first magistrates hereditary, nor their senators: here they differ from the English constitution, and with great propriety.'

We are glad to collect together the scattered hints that occur in different parts of the book on the subject announced in its title. They are very few, and might be comprised in a small compass; yet few as they are, they do not correspond with each other. Our Author's idea of the means of perfecting the British constitution, which occurs at p. 371, neither accords with the improvements of it above suggested, nor with the idea entertained by most of the constitution-menders in Britain, who lately offered to the publick their thoughts on that subject.

The improvements to be made in the English constitution lie entirely in the House of Commons. [Here we find no objection to the hereditary king and nobles.] 'If county members were abolished, and representatives proportionally and frequently chosen in small districts, and if no candidate could be chosen but an established long settled inhabitant of that district, it would be impossible to corrupt the people of England, and the House of Commons might be an immortal guardian of the national liberty. Instead of projects to abolish Kings and Lords, if the House of Commons had been attended to, wild wars would not have been engaged in, nor countless millions thrown away, nor would there have remained an imperfection, perhaps, in the English constitution.' Those who have reflected deeply on the science of government, and carefully attend to facts, will no doubt smile at the sanguine expectations of this speculative reformer. They know that perfection in human affairs cannot be thus easily attained.

The great object that Dr. Adams contends for, throughout all this work, is the necessity of a balance of powers in every government. 'It may,' says he (p. 87.), 'be laid down as a universal maxim, that every government that has not three independent branches in its legislature, will soon become an absolute monarchy; or an arrogant nobility, increasing every day in a rage for splendour and magnificence, will annihilate the people, and attended with their horses, hounds, and vassals, will run down the King as they would hunt a deer, with bag for nothing so much as to be in at the

death.' The same sentiment is continually repeated in this volume. The balances, the balances, are perpetually rung in our ears; but in all the conlitions here passed in review before the reader, those of America and England not excepted, there is not given a distinct account of the real balancing powers of any state, or the particulars in which that balance consisted. The following account of a balance of power, if it does not instruct, may at least entertain the reader: It occurs in p. 100.

The true meaning of a balance of power is best conceived by considering what the nature of a balance is. It supposes three things; first, the part which is held, together with the hand that holds it; and then the two scales, with whatever is weighed therein. In a state within itself the balance must be held by a third hand, who is to deal the remaining power [Qu. What remaining power?] with the utmost exactness into the several scales. The balance may be held by the weakest, who by his address, removing from either scale and adding his own, may keep the scales duly poised, &c.' In short (probably from this fanciful analogy) with our Author, three balancing powers, and neither more nor less, are always necessary; but who does not know, that not only three but thirty, or three hundred, different political powers, may possibly be so balanced as to be kept firm and ready? Even in the British constitution, to which he so often refers, the balancing powers, though nominally three only, viz. King, Lords, and Commons (by which last term is meant the lower house of parliament), yet in reality consist virtually of four powers, in all questions of great importance at least, where the great body of the people take a part, and by their influence have a power to give a decided advantage to whatever party they shall espouse.—This was finely illustrated not long ago when the King and the Upper House opposed the will of the House of Commons—who, by a great majority of their own body, insisted on claiming a privilege which the nation at large thought they were not entitled to exercise: And though the King and Lords must of necessity, on that occasion, have given up the contest, but for the almost unanimous support of the nation, yet by means of that support they obtained a complete victory, and the Commons were obliged to yield.

In a hundred places, perhaps, of this work, Dr. Adams repeats, that liberty can only exist in a state where there are three independent ballancing powers; and in as many places he explains what constitutes, in his opinion, the necessary independence of these powers, viz. the being possessed, each of them, of a negative voice with regard to the enacting of laws. This circumstance alone he thinks entirely sufficient to answer all the purposes of a perfect balance. In conformity with this idea, talking of Rome, he observes, p. 335, that 'if the Consuls had been possessed of a negative in the legislature, and of all the executive authority, and the senate and people had been made equal and independent in the first establishment of the commonwealth, it is impossible for any man to prove that the republick would not have remained in vigour and in glory at this hour.' This will readily be granted; but we hope he will not be able to deny, that, although all these regulations had been established, it would be equally impossible for any man to prove that the republick would have remained in vigour and in glory at this hour. The fact is, that all these regulations might have taken place, and the republick might notwithstanding have been of shorter duration than it was; for before any thing decisive on this subject can be said, a great many circumstances must be attended to that he has overlooked. A particular order of men in the state may be authorised by the constitution to have a negative on all acts of legislation, and yet may be so circumstanced as never to be able to exercise that power. This is, in fact, very nearly the case in Britain, at this present moment, for though the King has doubtless a full right to negative any law, yet when did he exercise that power? And in how few cases could he do it with effect, however disposed to do so? Those therefore who represent this as the discriminating feature and peculiar mark of excellence in the British constitution, look no farther than the surface, and can give to others no proper idea either of its excellencies or defects. This, we are sorry to say, is the case with our Au-

thor; for he does not once, in the course of this work; that we could observe (and we have read it all with care), so much as touch at the leading springs which constituted the concealed, though real balance of power in any of those states whose revolution he recites. Had the book been written by a youth, with a view to obtain some academical prize, we should have said it afforded indications of an active mind that gave hopes of future acquirements; but that the young man, too eager to discover the extent of his reading, had carelessly adopted some confused notion of government, and hastily skimmed the surface of the subject, without having taken time deliberately to investigate particulars, and sift the matter to the bottom. This we should, in that case, have said. But we cannot bring ourselves to think that a man of Dr. Adams's known abilities could possibly be in the same predicament; for which reason we conclude that he must have some point to carry, some object in view, beyond the Atlantick, with which we are not acquainted, and that he has been sensible that a book of the nature of this which now lies before us, is well calculated to answer his purpose. It may indeed amuse the ignorant, it may mislead the unwary, but it neither can inform nor entertain the philosopher, nor the man of letters.

We are the more confirmed in our opinion, by observing, that in the letter which he entitles *conclusion*, there are some pertinent and judicious remarks on the bad consequences that must be expected to result from authorizing a popular assembly to nominate officers in a state. These remarks are evidently dictated by good sense and attentive observation; which satisfies us it was not from inability in the Author, that the rest of his book consists of materials so exceedingly different from this part.

It would give us great pleasure to see some judicious treatise on the subject of government, peculiarly calculated for the situation and circumstances of the Americans, by a man of such influence among them as might induce them to adopt some practicable plan; for it pains us to see a numerous people, once our fellow subjects, still our fellow Christians, and who (we trust) will long continue our commercial friends, involved in distresses from which they evidently know not how to extricate themselves. We hoped that this might have been the book, and we regret exceedingly that we have been so much disappointed.

ANECDOTAL FRAGMENTS.

Of Louis XIV.

THIS Monarch was one day entertaining a select party of his courtiers with the relation of a circumstance, which he had announced as extremely laughable. But on the entrance of Prince Armagnac, he suppressed a fine repartee, which constituted the merit of the story. The whole circle felt themselves disappointed, which was seldom the case when his Majesty promised them entertainment, and were therefore surprized. The King observed it, but said nothing until the Prince departed. "Now, Gentlemen, I'll make you laugh," said he, and according gave them the anecdote unmutated, which produced in a high degree the promised effect. "You see," subjoined Louis, "there was an oblique stroke that would have affected the Prince, and I suppressed it to prevent his being embarrassed; for I would rather lose the reputation of the best *bon mot* that ever was uttered, than give a moment's pain to any individual."—An example worthy the imitation of all who aspire to the character of really *fine Gentlemen*.

Of an AMERICAN OFFICER.

DURING the late glorious contest, an officer was ordered to a station of extreme peril—several of those around him suggested many pretexts by which he might evade the dangerous employment assigned him, to which he made this noble reply—"I thank you, my worthy friends, for your solicitude—I know I can easily save my life, but who will save my honour, if I should adopt your advice?"

Of a BRITISH GREENADIER.

IN one of those severe days that happened in the Southern Provinces, Lord Rawden sent a nadier to reconnoitre a post from which his were much annoyed. The soldier, with th

CASTALIAN FOUNT.

From the (London) MORNING CHRONICLE.

S T A N Z A S

Written at the BOAR'S HEAD, in EAST-CHEAP, which from the date in the front of the house, appears to be the identical Tavern where HARRY of MONMOUTH, when PRINCE of WALES, associated with his merry Companions.

THIS house, which *Shakspear* made the scene Of *Falstaff's* jokes with *Halt the Prince*, In honour of the Bard has been The seat of humour ever since!

From age to age, the jolly Knight Has thone by proxy thro' these rooms; And Nym and Bardolphs fill delight, To chafe away the midnight glooms.

Here *Fielding*, *Somerville*, and *Gay*, Have frequent pass'd a merry night; Here *Beard* pour'd forth the cheerful lay, And *Garrick* added converse bright.

Here *Goldsmith* felt resistless ties; To Him, whose raptures were sincere, The feast! would seem a sacrifice, And songs, as hymns of praise appear!

O! *Shakspear*, here to thee are paid The offerings of a heathen shrine; Heifers oft smoke beneath the blade. With due libations of rich wine!

Y.

MISCELLANY.

To the OVERSEERS of an UNIVERSITY.

FATHERS,

WHEN we contemplate your unwearied exertions to enhance the reputation of the University, your uniform recommendations to reward genius and merit, we are bound by principles of gratitude, to return you our most cordial thanks. But, with every feeling of chagrin and mortification, we are constrained to say, that these laudable intentions appear to us to be perverted by the partiality and prejudice of a few individuals, or individual. We do not mean to criminate universally the gentlemen who compose the immediate government.—We are so far from having such an intention, that with pleasure we affirm, they are generally persons of real merit and genius—Especially our worthy Presidents, whose abilities as a scholar, whose virtues as a private person, will ever claim respect; but, whose noble character, as a gentleman of the strictest impartiality, will endear him to all present and succeeding classes.

When we first became sons of our *Alma Mater*, we fondly imagined that an assiduous application to study, accompanied with suitable deportment, would gain the distinctions of the University.—But, alas! the case appears diametrically the reverse. The day arrives, when conscious merit claims its reward—the hopes of competitors, who have been fired with noble emulation to obtain the palm, are lost; forever lost. Is it just, that the very creature of ignorance, inattention, intemperance and debauchery, should rise upon the ruins of merit, and assume an unprecedented importance? To what cause can we attribute so strange a phenomenon?—is it partiality, or bribery?—The principle of prejudice is so closely interwoven in human nature, as to prevent mankind from maintaining a mediocrity in their affections, between hatred and esteem—yet, we think, the object of partiality ought to possess, at least, some faint qualities of virtue. Is it bribery?—A good dinner, a small present, a place of resort, are powerful incentives upon the mind, which have and will again, in all probability, work miracles—yet, we think, the culprit, the hero of the trick, is too much indebted to our friendly exertions, for his ease, popularity and reputation, to repay us with such bitter fruit.—But, true it is, that kindness in the extreme is often rewarded by ingratitude.

We have indefatigably laboured up the heights of Parnassus, but the creature of secret influence, who grudges us the wholefomeness of the climate, as resolutely kicks us down, to make room for his own favourites, or, at least, assigns us an insignificant station. But, we beg that the hydra of C—t may be permitted no longer to poison the fountain of justice, or disturb its waters.

A comparative view of the characters of those who have lately received a private distinction at the University, with some of those, who will soon be crowned with its most distinguished honours, fully demonstrate the drift of our argument—partiality in the extreme. Ought not that hireling to be kicked out of the vineyard, who cuts down the flourishing vines to make room for the thorn and the thistle? Is it true, that merit must be

transplanted from its native soil to wear an agreeable aspect; and that the reflected virtue only can charm? These questions are, in their nature, seemingly paradoxical, but in reality the affirmatives of them are truths, which mark the degeneracy of the times, and will, we imagine, forever remain an indelible blot upon the reputation of the University.

Let no person imagine that these observations proceed from mortification, personal resentment, or private pique.—No; they are the general sentiments—they are intended to destroy, in future, that fatal tendency, which low cunning, narrow prejudice, and secret influence, have to corrupt publick justice.

But, thanks be to Heaven, the revolution of an anniversary, which calls us to depart from our *Alma Mater*, is productive of the most happy effects. It is then, our illustrious President, aloof from prejudice, callous to ignoble influence, seated in the chair of justice and impartiality, rewards intrinsic merit. Could the caprice of an individual have dictated the distribution of honours, at such a period, the publick probably would not have been delighted with the manly and eloquent strains of a Freeman and an Adams—No—these reputable youths, it is likely, would have been pushed behind the scene, and their abilities, as yet, unknown to their friends and the publick.—O tempora! O mores!

Your's, &c. The STUDENTS.

SENTENCES at the late SUPREME COURT.

ON Tuesday last the Supreme Judicial Court finished their Sessions in this town.—During which the following persons were convicted of the crimes hereafter mentioned, and sentenced accordingly.

John Shean, convicted of burglariously breaking the house of Mr. Simon Elliot, of this town, in June last, and stealing therefrom sundry articles of plate—received sentence of DEATH.

Sarah Armstrong, Stealing from John Fullerton. To pay 6l. 12s. be whipped 10 stripes; pay costs of prosecution, and stand committed until sentence be performed.

Sarah Armstrong, Receiving goods stolen from Samuel Mellish, and harbouring and maintaining the persons who stole the same. To pay 27l. 9s. sit an hour on the gallows, be whipped 24 stripes; pay costs, &c.

Mary Sheaa, Conveying tools to prisoners. To be whipped 20 stripes; pay costs, &c.

Dorothy Horn, Conveying tools to prisoners. To be whipped 15 stripes; pay costs, &c.

Margaret Lee, Stealing from Gawen Brown. To pay 3l. 8s. be whipped 7 stripes; pay costs, &c.

Mary Adams, Stealing from David Townsend. To pay 3l. be whipped 10 stripes; pay costs, &c.

Luke Durfee, For an assault, with an intent to ravish—found guilty of the assault only. To suffer 3 months imprisonment, pay costs of prosecution, &c.

John Franks, Breaking the store of James Huyman, and stealing. To sit one hour on the gallows; be whipped twenty stripes; pay the sum of 36ol. 10s. and be confined to hard labour for the term of one year.

John Lear, For the same crime as John Franks. The same sentence as against Franks, except the confinement to hard labour.

John Smith, Breaking and entering the warehouse of Gideon Baty, and stealing goods. To pay the sum of 428l. 17s. 6d. sit one hour on the gallows; be whipped 20 stripes; and confined to hard labour for three years.

Daniel Woodbury, Coining and counterfeiting money. To stand one hour in the pillory, and there have the underpart of his right ear cut off: and be confined to hard labour for the term of three years.

William Sayles, For uttering counterfeit dollars, knowing them to be such, and having them in custody with intent to utter. To pay a fine to the Commonwealth, of 50l. stand one hour in the pillory; recognize in 80l. with sufficient surety for keeping the peace, and being of good behaviour for two years, pay costs, &c.

Samuel Smith, Breaking the shop of Henry Bass, with an intent to commit a felony. To sit one hour on the gallows; be whipped 20 stripes; pay costs, &c.

Samuel Mitchell, Stealing from James Tilestone, after a former conviction. To pay 23l. sit one hour on the gallows; be whipped 24 stripes, and be confined to hard labour three years.

Dennis Conolly, Stealing from Edward Proder, jun. To pay 9l. 12s. be whipped 20 stripes; pay costs, &c.

Dennis Conolly, Breaking and entering a ship, and stealing. To sit one hour on the gallows; be severally whipped 30 stripes; pay 10l. 1s. and be confined to hard labour two years.

Edward Cotterill, Breaking and entering the shop of Samuel Mellish, and stealing. To pay 49l. 17s. sit one hour on the gallows; be whipped 30 stripes; and confined to hard labour three years.

The WEEKLY MONITOR.

NOTHING but virtue can constitute the happiness of society. To abstain from injuries; to deprive no man of the advantages he enjoys; to give to every one what is due to him; to do good; to contribute to the happiness of others; and assist each other; this is being virtuous. Virtue can only be what contributes to the utility, welfare, and security of society.

The first of all social virtues is humanity; it is the abridgement of all the rest; taken in its most extensive signification, it is that sentiment which gives every individual of our species a right to our hearts and affections. Founded upon a cultivated sensibility, it disposes us to do all the good in our power to our fellow-creatures. Its effects are love, beneficence, generosity, indulgence and compassion. When this virtue is confined within the limits of the society to which we belong, its effects are love of our country, paternal love, filial piety, conjugal tenderness, friendship, affection for our relations and fellow-citizens.

Strength and activity ought to be ranked among the social virtues, because they defend society, or establish its security; and their effects are magnanimity, courage, patience, moderation and temperance. Those virtues which have the good of the society for their object, must not be lazy and indolent, like the chimerical virtues introduced by imposture, which often makes a merit of being useless to others:—idleness is a real vice in every association.

Justice is the true basis of all the social virtues: it is justice which holds the balance between the several members of society, and keeps it in an equilibrium, which remedies those evils that might arise from the inequality that nature has established among men, and even makes it contribute to the general good; which secures to individuals their rights, their property, their persons, their liberty, and protects them from the attacks of force, and the snares of treachery; which obliges them to be faithful to their engagements, and banishes fraud and falsehood from among men: In a word, it is justice, which by means of equitable laws, and a wise distribution of rewards and punishments, excites to virtue, restrains from vice, and leads those to reason and reflection, who might be tempted to purchase a momentary good, by doing a lasting injury to their fellow-creatures.

For S A L E

By Isaac Townsend,

WATCH-MAKER, No. 7, State-Street,
A Variety of WATCHES, elegant
Watch-Chains, Seals, Keys, Strings,
Trinkets and Glasses,
Stone, silver, plated and Ladies' Hair Springs,
black Shoe-Buckles, Stone Buttons and Tops,
ditto Stock and Knee do. Variety Breast-Pins,
Stone Branches, Pins and Silver Tea-Spoons,
Ear-Rings, Plated Spurs and Sugar
Garnet, Stone, and plain Tongs,
Gold Rings.

Common Chains, Seals, Keys, and Children's
Watches, by wholesale or retail,

The Watch-Business carried on as usual, and constant attendance given.

To LET—A Shop in State-Street. Inquire as above. September 5, 1787.

To be LET,

A HOUSE, in Charlestown,

situated near the Bridge. For particulars

Inquire at No. 33, in CORNHILL,

Where may be had, a

General assortment of Dry

Goods, among which are,

India Calicoes, Cotton Sheetings, and

Nankeens.

At No. 34, CORNHILL.

Compleat Sets of China, and Crockery

Ware of all sorts, by wholesale and retail, cheap

for cash. August 24, 1787.

HIGH-WATER, RISING and SETTING of

the SUN, &c. in BOSTON, Lat. 42° 25' N.

Septem. J. Hi. Wa. | O. r. & f. | Remarks.

15 Sat.	2 22	5 49 7	
16 Sun.	3 8	5 50 7	15th past Trinity.
17 Mon.	3 54	5 52 7	
18 Tues.	4 40	5 53 7	S. J. C. Worcester.

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