

House of representatives.

Spirit of laws Vol. 1191 is as important to regulate in a republic in what manner by whom to whom and concerning what suffrage are to be given as it is in a monarchy to know who is the prince and after what manner he is to govern.

In our government fear with the utmost certainty by whom suffrage are to be given, and this can only be attained by an allocation taking place in the state government; and a change can never be made in the state government with a view to this because changing the qualification of the electors will not change their number of representatives.

12 Law which determines the manner of giving the suffrage fundamental. By new constitution the time, place and manner of holding elections to be fixed by state legislation, but may be changed by Congress.

Time place and manner are left open by constitution of state and no change can arise from giving Congress a right to alter them so long as the constitution fixes with precision by whom, to whom and concerning what the suffrage are to be given.

Many mighty reasons why Congress should have power to change or direct the course of the people desire their importance solely from administering the bank of St. George.

174 Mighting to secure liberty that supplies should depend on the representatives and that they should for a short time — have they have the appropriation also.

175 The English government will perish when the legislature becomes corrupted — from the manner of their being chosen they cannot be corrupted unless the body of the people are so.

33 If the government being composed of two parts the legislative and the executive the country will be divided into the favourers of the one or the other and the bulk of the people will side with the legislative.

In Holme 33. House of common first called by legal authority in 1295 under Edw. 1st

They had only a right to grant supplies when settled by King and Lords.

Under Edw. 2? They began to annex petitions to the bills by which they granted subsidies.

Under Edw. 3? They declared they would not in future acknowledge any law to which they had not assented.

In the same reign they impeached some of the ministers of the crown.

Under Henry the fourth they refused supplies before an answer had been given to their petitions.

and in succeeding reigns have so increased their weight by the means of having the prince at their disposal that they direct all operations.

His power and compare the power they now possess with what they had when first called into Parliament —

and from so small a beginning, opposed by monarchs hoping and unlimited prerogative they had been able to effect such result what may we not expect from a house of representatives of persons only to be presidential, when they possess the full power of the commons at this day.

Altho' House of commons at diff. periods have from diff. causes feared too much the claims of the crown, yet in the end Henry 8th declaring things proclaimed — and the English history affords but one example the signal of the trial or at least of a continued repeal of a law for the amendment of the constitution by granting and holding subsidies by commons place of safety.

Is no danger to the power of house of representatives from the right of the monarch to amend money bills as the constitution expressly prohibits them from originating them — In England the Lords dispute this point with the commons and the latter are obliged to dispute every point of this right for fear as the claim is uncertain they might by degrees get an equality in originating.

difference between originating and amending — the weakness of the monarch of such a power in the Senate.

93 Great might that the power of impeachment given the commons — there can only impeach the servants of the monarch.

171 No objection that they have no share in the executive, this division essential to liberty (see little Prince Duke).

212. In every government it is the object of a few to govern the rest and the advantage they have from the smallness of their number and the consequent union and consistency with which they can act cannot be counteracted by the people at large in one way by trusting the care of their rights to a few representatives; then as their power consists in their number they will be opposed by a similar number.

Representatives being exclusively charged with the care of public liberty will be animated by a sense of the greatness of the trust reposed in them. distinguished from the rest of the people and forming a separate assembly they will assert the rights of which they are guardians with the warmth of interested men.

Their consequences will depend on the ability and perseverance with which they encounter the arts and designs of those who govern:

and as it will be proved by every means of their authority:

The people at large may safely rely on them as the most watchful guardians of their rights and liberties.

217. An attempt of the body of the people to the resist the power of a few in any other way than by their electors is destructive to liberty.

218. When the power of the people is lodged with a few. Non practical by a few the people might decide. The people must be laid aside for they then have to deal with people who are their equals in knowledge.

219. From such a house of representatives each member is empowered to propose and carry as he thinks necessary the right want and desires of the people are sure to be attended to; and the remedy is then in the hands of those who feel the disorder.

220. We add to these reasons that the members of the house of representatives are individually in their persons familiar and for them affected by the public measures. As for the most perfect security in confiding in them.

The short time too for which they are elected adds to their fidelity and attention: for they cannot without them expect to be re-elected and if they return to the mass of the people their interest then is their own with theirs.

Representatives so chosen are the trustees of the people, not their masters.

They having the confidence of the people will ever prevail in any dispute with the executive.

220. The experience of the English history proves this; in all other free states the public contentions have terminated by providing for the interest of a few while the grievances of the many were disregarded.

As Rome the revolution brought about by the expulsion of kings gave their power to two consuls. The trial of the plebeians to the more ancient established the new office of tribune. And another violent dispute was settled by making the rich patricians capable of marrying into the plebeian families and of being elected consuls.

but in England all revolutions have terminated in making such provisions as at once of people were to enjoy the benefit of.

Magna Charta contains only stipulations for the good of the whole.

So also was all the confirmations of it and the new charters granted upon different monarchs were all in favour of the whole body of the people.

Of the same nature was the petition of right under Charles 1st.

The declaration of rights under William and Mary.

and the habeas corpus act under Charles 2nd.

and the declaration of rights under William and Mary.

221. This owing to the legislature having no share in the executive (as in Rome) this the care with the house of representatives as a body and the house which a few members might have of setting officers by the nomination of the president would no more influence the body than that of the king or the commons; and the power of answering in the president would be less than that of the king so would his influence be proportionably less too.

222. If then we may conclude they will be both willing and able to offer mainly to serve the rest with always in their power from the superior.

223. 1st Black: 140 If then in all things expectations must depend on the rights of magistracy: which is justifiable on this principle that in any dispute between a society at large and any magistracy vested with powers delegated by that society. It can only be decided by the voice of the people themselves, and if the magistracy does not submit to that vote they have a right to use force to compel them to it.

224. 2nd Black: 25th. The magistracy is a body of men who are to maintain the rights of the people.

Black: 169. Hous. of commons consist of 558.

245. Tyranny and oppression from the sovereign power cannot be altogether guarded against but left to be resisted by the people who are not to be reasoned out of their feeling nor with sacrificial duty lightly by a compulsory adherence to those maxims which are established to preserve it.

246. The constitution of England has grown out of occasion and emergency, from the various policy of different ages, the contrivance, successive interests and opportunities of different orders and parties of men in the community.

247. It will be sufficient to secure a due attention to the interests of the people, that every citizen should be capable of being elected into the legislature, and every member the right of proposing whatever law he pleases.

248. There being a necessary qualification for all voters which affords a certainty that the taxed interests will be sufficiently guarded.

249. There will be such an intermixture of representation and consent that they cannot propose or impose any burden in which they will not share, as a state in a greater security, they cannot adopt an advantageous regulation, by which their own interest will not participate of the advantage.

250. The year and day, sufficient to make known not only the conduct of the whole but of each particular member.

251. The representation is so entirely dependent on the people for his office and his political importance, that so much on public favour, that every representative will find that his most ready way to advance himself in the state, will be by contributing and patronizing laws of public utility.

252. Prosecutions by impeachment sufficient to check upon the power of the monarch to protect it from protecting its servants, in a criminal subjection to the master's desires.

253. 200 of the house of commons are chosen by 7000 electors. 100 members are nominated frequently by one man or half of them are elected by the people the other half obtain their seats by purchase or the nomination of the owners of great estates.

254. Even in this assembly the representation is so mixed with the interests of the people, by a society of interests and passions, that the will of the people when it is determined, permanent and general almost always at length prevails.

255. Without the influence of the crown the house of commons could not obtain a compliance with its resolutions from the other part of the legislature, or put to death the constitution, by a refusal of the annual grants of money, for the support of the necessary functions of government. There being no such counter balance the representation will be all powerful.

Argument delivered in
the Comⁿ in favor
of the House of Repres^{ts}.