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he more than anybody else indulges, of checking and stifling debate on important measures. If the Reconstruction act had been fully discussed, nobody would have been the worse of it; more time would have been given for consideration, the objections of its enemies would have brought out its defects, and its friends would have had an opportunity of perfecting it before it passed from their hands. But in order that an enormous majority might enjoy the paltry pleasure of crushing a feeble and insignificant opposition, the bill was hurried through, and when it was found that it had provided no machinery for its own execution. A supplemental bill was then passed, and now both together, on being taken to pieces by an acute lawyer, are found to confer in terms no more authority on commanding officers in conquered territory than a commanding officer in Massachusetts might very safely and becomingly be permitted to exercise. The "previous question" has here carried its friends almost to the last ditch of absurdity and confusion.

WENDELL PHILLIPS AMONG THE PRECEDENTS.

There are few men in the country better qualified by nature to make valuable contributions to the political thought of the day than Wendell Phillips, but he has ever since he became a party politician chosen for some inescutible reason merely to follow the march of the Republican party from a great height in the air, as a kind of vulture to scare the more mindless, cowardly, and laggard Radicals into a show of eagerness and activity. Those of them who do little or no thinking for themselves often get confused and begin to hesitate in their advance, but they no sooner hear his remorseless scream over their heads than they make the most frantic and pitiful efforts to get to the extreme front as the only place in which they are sure of safety from his claws and bite. He enjoys scaring them immensely, and it is amusing to watch him in clear weather making his swoops at them, and then trying to dodge him. But he has devoted himself so long to this kind of sport that he appears to have lost all fitness for anything else. He seems to feel now that his influence is mainly dependent on his keeping on the wing, and he very seldom ventures down to the solid ground of facts and arguments. Up in the sky, with his epigrams and his sarcasms and his epiftles and his invectives in his talons, he is a superb and formidable object, but when he touches the earth he is, like all other big birds, so awkward on his feet, and finds it so difficult to rise again, that an active boy with a stick could knock him over.

Leaves from a novel written in The Anti-Slavery Standard, of which paper he is what is called an "editorial contributor," and to which should be light but in a cluster of historical precedents, and here, as might be expected, he is an easy prey to the most skilful fowler. After laying down the grand rule that the object of punishment should be prevention and not vengeance, he says:

"Confiscation of estates, especially landed estates, comes clearly within this rule. It has always been the most efficient and the least objectionable method of introducing any great social change. The Norman conquest of England was secured and made complete by a large measure of confiscation. The French Revolution achieved almost all that was really valuable in its results by breaking up and distributing the great landed estates. This killed aristocracy in France. In our own Revolution, Toryism was rooted up by confiscating the estates of the old Colonial Refugees. Land is the usual basis of government; the class that holds it must, in the long run, give tone and character to the Administration."

About the propriety of imitating in the United States in the nineteenth century the policy of the Norman statutes in England in the tenth century there is little for a sensible man to say. But we must call Mr. Phillips's attention to Julius Caesar's manner of subduing Gaul, and the Peloponnesian ravages in Attica in the first three years of the war, as also not unworthy the attention of gentlemen engaged in the work of "introducing any great social change." Classical precedents, we can assure him, will make twice as much impression on Congress as medieval ones; but in any case we protest against any citation of the Norman method of dealing with England, unless accompanied with an account of the English method of "introducing great social changes" into Ireland. That Mr. Phillips should not have mentioned the case of Ireland, which is the most brilliant and crucial example in history of the value of confiscation as a social or political agent, shows of what intellectual dishonesty even the boldest advocates of the plan can be guilty.

What he says about the French Revolution is, however, a still better illustration of either the carelessness or unscrupulousness—and one is, in cases like the present, just as bad as the other—of the men who are trying to persuade an ignorant and newly-liberated race that there is nothing inexpedient or immoral in their using their votes to take away the neighbor's property, as long as they pretend that their "object" is to prevent the oppression of the "aristocracy" and not vengeance, and trying to persuade the Northern people to use against a third of their own countrymen one of the worst weapons of the feudal armory, a weapon poisoned to the hilt, and which no government has ever wielded without making ten enemies for the one it destroyed, and without breathing hatreds which take ages to ripen and decay.

The French Revolution did not achieve any political or social result worth mention by the breaking up of the great landed estates. Only a few of the great estates were broken up, and the number of landholders in France was hardly at all increased by it. Nothing that was valuable in the Revolution was brought about by the confiscation of property except the overthrow of the church establishment, and the church property, large as it was, was politically a bagatelle. All this French property was fully set out, with facts and figures and dates, in the works of Turgot and Necker and Arthur Young, and, though last lost, in M. de Tocqueville's "L'Ancien Régime et la Révolution," books with which all "pellers of confiscation" would do well just now to make themselves acquainted, and they are, no doubt, all in Mr. Phillip's library. If he will look into the best known of them—M. de Tocqueville's—which has been translated and widely circulated, he will find the following on this very subject:

"It has been commonly believed that the subdivision of farme began with and was caused by the Revolution. All kinds of evidence establish the very reverse. Twenty years before the outbreak, agricultural societies discovered them in some villages, and I find on comparing them with our modern rolls that the number of landed proprietors was formerly one-half, and sometimes two-thirds, of what it now is—a surprising fact, as the number of farms of that time was not twenty-five per cent. Then as now a sort of mania for the acquisition of land pervaded the rural population. A judicious contemporary observer notes that the landlords to raise above its value, owing to the rage of the peasants to become landholders. All the savings of the lower classes, which in other countries are lodged in private hands or invested in public securities, are used for the purchase of land in France."

Arthur Young, speaking of the infinite subdivision of land amongst the peasantry, estimated that they had amongst them one-half the landed property in the kingdom. "I had no idea," he says, "of such a state of things."

"It is, then, a vulgar error," continues M. de Tocqueville, "to suppose that the subdivision of property in France dates from the Revolution. It began much further back. It is true that the Revolution was the means of bringing into the market the church property, and many of the estates of the nobility; but it will be found on an examination of the sale, a task which would have occasionally have to be performed, that these lands passed into the hands of persons who held land already—so that no great increase in the number of landowners can have taken place. They were already, to use the ambiguous but accurate expression of M. Necker, immensely numerous."

It thus appears that the most valuable results of the Revolution in France were achieved not by spoliation, but by the abolition of feudal privileges, by stripping the nobility, already terribly impoverished and almost a landless class, of all exemptions and all rights which other people did not possess, by, in short, making all men equal before the law—and we cordially recommend the trial of this plan for a few years at the South. There is about as much prospect of great estates surviving with free society and free industry rising around them and beating against them in South Carolina as in New York. Some of the largest estates in this State were held at the Revolution not by Tories,
CONSTITUTIONAL REFORMS.

Suggestions for the benefit of the Constitutional Convention now sitting at Albany have been made by several gentlemen whose views are entitled to respect. We do not know of any, however, which cover the ground more fully than those made by Professor Lieber and Mr. David Dudley Field, each of whom has issued a pamphlet on the subject well worthy of public consideration.

We should have liked either of these pamphlets better if it had had some of the features of the other. Professor Lieber confines himself to suggestions upon particular points of the constitution, giving his reasons for every change which he recommends. Mr. Field has prepared a complete draft of a constitution, without stating his reasons for proposing changes, except in two or three instances. This plan, combined with notes explanatory of changes, would certainly be the best mode of setting before the convention and the public the reforms thought desirable.

Both gentlemen agree in recommending the abolition of the elective judiciary, the increase of executive power and responsibility, and the abolition of distinctions on account of color. They disagree entirely upon the question of state sovereignty, Professor Lieber desiring the total repudiation of that idea, and Mr. Field recommending its assertion in explicit terms, subject to the limitations imposed by the national sovereignty within its proper jurisdiction. They also evidently differ in their opinions as to the degree to which an increase in the numbers of the Legislature would discourage bribery, although the number mentioned by each is about the same. Professor Lieber has no faith in the virtue of large numbers, and urges that the lower House should not exceed 500 members. Mr. Field proposes a system which he calculates would lead to the return of about 300, and plainly regards the increase over the present number (128) as a point of importance.

The constitution framed by Mr. Field has some general features of decided merit, which well deserve the consideration of the convention, quite irrespective of the details of its fitting up. The first thing which will strike the eye of any one familiar with the existing constitutions of the various States is the great superiority of this paper over them all in respect to its classification and arrangement. In the New York constitution of 1846 scarcely any one subject is fully disposed of in one place, and, of course, there is much useless repetition. Mr. Field has sought to bring every branch of a single subject under a single head, so that the reader, having found a section relating to the powers of the Legislature, for example, may be confident that his eye is resting upon every line which bears upon that point. In one or two instances, it seems to us as if he had failed to put a section in its proper place; thus, section 101, prescribing an oath of office, appears to belong to the neighborhood of section 18, defining the different branches of government; and sections 102 and 101 should follow immediately after section 17, as they all relate to elections. These, however, are exceptional instances of an error which, in all other constitutions, is the rule instead of the exception. The value of an orderly arrangement of subjects in a statute of any kind is commonly under-estimated. To our mind, it is a matter of great importance. A proper classification brings to light a multitude of anomalies and contradictions which, for want of it, have in many cases gone uncorrected for centuries. And if it is valuable in any statute, it must be peculiarly so in the fundamental law of a great commonwealth.

Some of the declarations contained in this plan of a constitution are new to this State, but very desirable for the purpose of establishing correct principles. Thus it is declared that "a constitution is the supreme law, for all times and circumstances, in war as in peace" (§ 10), that a change in the form of government works no change in the laws or obligations of the State (§ 11); and that the writ of habeas corpus can be suspended only by the Legislature (§ 65).

Mr. Field recommends a plan for the representation of minorities, allowing 3,000 voters in any part of the State to choose a member of the lower House. This would accomplish part of the end desired; but would certainly fail to relieve voters from the incumbrance of "regular nominations." For it is obvious that it would require a very nice calculation to determine when a candidate had received 2,900 votes, while every vote beyond that number would be wasted upon him. At the first election many electors might vote independently, but the almost certain result would be that in several cases eight or ten thousand would vote for some prominent man, and thus lose three members to their party in each case. The party that was well drilled and so divided its vote that no candidate received less than 2,900, and none more than 3,000 votes, would infallibly secure a majority in the Legislature.

Thus, supposing the Republicans to poll 370,000 votes and the Democrats 300,000, and ten Republican candidates to receive through popular elections 10,000 votes each, while the rest of the Republicans and all the Democrats received an average of 2,700 votes each, the result would be as follows: 10 Republicans, at 10,000 votes each, 100,000; 100 Republicans, at 2,700 votes each, 270,000; 138 Democrats, at 5,700 votes each, 360,000. Thus, with a majority of 10,000 against them on the popular vote, the Democrats would have 33 majority in the Legislature. The consequence would be that at the next election the Republican electors would not dare to risk voting for any man not appointed to their respective districts, which would be parcelled out by the State committee in such manner as to ensure a vote of not less than 2,500, nor more than 3,000 in each.

We are heartily in favor of any system which will accomplish the end proposed by Mr. Field, viz., the representation of minorities all over the State, and the uprooting of the caucus system; but, after much reflection, we are convinced that either the plan of Mr. Hale must be followed, providing for the disposition of all surplus votes, so that none are wasted, or else a more localized system must be accepted. We perfectly understand the objections to Mr. Hale’s system as too complicated for practical use, especially where elections are by ballot. We think that a scheme may be devised which will attain the object not quite so perfectly, but nearly enough, and yet not be so complex as Mr. Hale’s plan. But we cannot enlarge upon this now.

The judicial system proposed by Mr. Field consists of a Supreme Court of seven judges, and of such inferior courts as the Legislature may establish, with abundant precautions to secure the independence of all judges. We quite agree with him in thinking that the details of the system should be left to the Legislature.

Many important suggestions are contained in brief paragraphs, such, for example, as a prohibition of legislative lobbying, a requirement that all laws affecting corporations shall be general, a prohibition of banks of issue under State laws, stringent provisions for keeping up the militia, etc., which we cannot now notice. We do not observe, however, any declaration that the grants of the State may be rescinded by it, which is indispensable to prevent evasion of the clause making grants of corporate franchises revocable, as recent experience has shown.

Professor Lieber opens with the subject of pardons, which he thinks should be granted by a board instead of by a single officer. Undoubtedly the governor has too much upon his hands to enable him to attend properly to this department of his duty, but we cannot help questioning the expediency of dividing this responsibility among a number of persons. We do not doubt that the governor would gladly turn over this duty to others, but it does not follow that the public interest would be best served in that way. Nor do we think that the general influence of pardons is bad. With the arguments of Professor Lieber in favor of a broad distinction between the pardon of a man who is found to be innocent and that of one who was guilty, but has repented, we heartily concur. But it seems to us a matter for ordinary legislation, and it would be enough for the convention to leave all these matters under the control of the Legislature.

To female suffrage Professor Lieber is strongly opposed, but his statement of the argument in favor does not seem to us fair, nor his