

whole system of human affairs, private as well as public. We are a particularly degraded in all the subordinate distributions of power, which the constitution aims to divide and arrange the most effectual in such a manner as that each may be a check on the other—that the private interest of every individual may be a restraint over the public rights. These intentions of prudence cannot be less requisite in the distribution of the supreme powers of the Union.

But it is not possible to give to each department an equal power of self-defense. In republican government, the legislative authority necessarily predominates. The remedy for this inconsistency is to divide the legislature into different branches, and to render them, by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit. It may even be necessary to guard against dangerous encroachments by still further partitions. In the weight of the legislative authority resides that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified. An absolute negative on the legislature appears, at first view, to be the natural defense with which the executive magistrate should be armed. But perhaps it would be neither altogether

safe nor show sufficient ordinary necessity to give the executive with the legislative authority, and the executive should be armed. May not this power be more speedily negative by counterpoise between the weaker department and the weaker branch of the stronger department, so that the latter may be led to exercise the constitutional rights of its function, without being too much detached from the rights of its own department?

If the principles on which these observations are founded, just, as I persuade myself they are, and they be applied to a constitution to the several branches of the federal government, it will be found that if the branches are not perfectly connected with them, the frame as a whole is less able to bear such even.

There are, however, two considerations peculiarly applicable to the federal system of America, which place that system in a very interesting point of view.

First, in a single republic, all the power surrendered to the people is submitted to the administration of a single government; and the usurpers are guarded against by a division of the government into different and separate departments. It is a compound republic of *states*, the power surrendered by its people is first divided between two distinct governments,* and then the portion allotted to each subdivided among distinct and

separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.

Second, it is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority class of citizens, if a majority, be united by a common interest, the rights of the minority will be insecure. There are but two methods of providing against this evil: the one by creating a will in the community independent of the majority—that is, of the society itself; the other, by comprehending in the society as many separate descriptions of citizens as will render an unjust combination of a majority of the whole very improbable, if not impossible. The first method prevails in all governments possessing an hereditary or self-appointed authority. This, at best, is but a pretension of society; because a power independent of the society may as well oppose the unjust views of the major, as the rightful interests of the minor part, and more possibly be turned against both parties. The second method will be exemplified in the federal republic of the United States. What all authority is it will be derived from and dependent on the society, the society itself will be broken into

many parts, interests, and classes of citizens, but the rights of individuals, or of the minority, will be as little danger from concerted combinations of the majority. In a free government the society for civil rights must be the same as that for religious rights. It is necessary to secure the multiplicity of interests, and in the extent of the multiplicity of sects. The degree of security in both cases will depend on the number of interests and sects, and this may be presumed to depend on the extent of country and number of people comprehended under the same government. This view of the subject must particularly recommend a proper federal system to all the sincere and considerate friends of republican government, since it shows that in exact proportion as the territory of the Union may be formed into more circumscribed Confederacies, or States, the oppression combinations of a majority will be facilitated: the best security, under the republican form, for the rights of every class of citizens, will be diminished; and consequently the stability and independence of some members of the government, the only other security, must be proportionately increased. Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. In a society under the forms of which the stronger faction can readily unite and oppress the weaker,

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