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PAID IN ADVANCE.

The following account of the *Prigioni Pubbliche*, or Great Common Prison in Venice, is given by Dr. Mosely, an English gentleman, who, with some difficulty, obtained permission from the Inquisitors to visit it on the 16th September, 1787. This "Horrid Tale," the authority of which cannot be doubted, forms a striking contrast to the treatment of criminals confined in our prisons, where Justice is wisely tempered by Humanity, and the only end of punishment is reformation.

"I was conducted thro' the prison by one of its inferior dependants. We had a torch with us. We crept along narrow passages, as dark as pitch. In some of them two people could scarcely pass each other. The cells are made of mafly marble: the architecture of the celebrated Sanfovina.

"The cells are not only dark and black as ink, but being surrounded and confined with huge walls, the smallest breath of air can scarcely find circulation in them.—They are about nine feet square on the floor, arched at the top, and between six and seven feet high in the highest part.—There is to each cell a round hole, eight inches diameter; thro' which the prisoner's daily allowance of twelve ounces of bread, and a pot of water is delivered. There is a small iron door to the cell. The furniture of the cell is a little straw and a small tub: nothing else. The straw is renewed, and the tub emptied, thro' the iron door, occasionally.

"The diet is ingeniously contrived for the perduration of punishment. Animal food, or a cordial nutritious regimen, in such a situation, would bring on disease, and defeat the end of this Venetian justice. Neither can the soul, if so inclined, steal away, wrapt up in slumbering delusion, or sink to rest, from the admonition of her sad existence, by the jailor's daily return.

"I saw one man, who had been in a cell thirty years, two who had been twelve years, and several who had been eight and nine years in their respective cells!

"By my taper's light I could discover the prisoners' horrid countenances. They were all naked. The man who had been there 30 years, in face and body, was covered with long hair. He had lost the arrangement of words & order of language. When I spoke to him, he made an unintelligible noise; and expressed fear and surprise; and, like some wild animals in desarts, which have suffered by the treachery of the human race, or have an instinctive abhorrence of it, he would have fled like lightning from me, if he could.

"One, whose faculties were not so obliterated, who still recollected the difference between day and night, whose eyes and ears, though long closed with a silent blank, still languished to perform their natural functions, implored, in the most piercing manner, that I would prevail on the jailor to murder him; or to give him some instrument to destroy himself. I told him I had no power to serve him in this request. He then entreated I would use my endeavors with the inquisitors to get him hanged, or drowned in the Canal Orfano. But even in this I could not serve him. Death was a favor I had not interest enough to procure for him.

"This kindness of death, however, was during my stay in Venice, granted to one man, who had been "from the cheerful ways of man cut off," thirteen years.

"Before he left his dungeon, I had some conversation with him; this was six days previous to his execution. His transport at the prospect of death was surprizing. He longed for the happy moment. No faint ever exhibited more fervor in anticipating the joys of a future state, than this man did at thoughts of being released from life, during the four days mockery of his trial.

"It is in the Canal Orfano, where vessels from Turkey and the Levant perform quarantine; this place is the watery grave of many who have committed no offences at all. They are carried out of the city in the middle of the night—tied up in a sack, with a large stone fastened to it, and thrown into the water. Fishermen are prohibited, on forfeiture of their lives, a-

gainst fishing in this district; the pretence is the plague. This is the secret history of people being lost in Venice.

"With age, the government grew feeble; was afraid of the discussion of legal process and of public executions; and navigated this rotten Bucentaur of the Adriatic, by spies, prisons, assassination, and the Canal Orfano.

"If there be an hell—the idea of which a virtuous mind can be susceptible—this is that hell; and some Italian devil was its inventor. Such a one, as he of that country, who, to accomplish the eternity of the perdition of his enemy, beguiled him to disclaim his faith, to save his life; then instantly stabbed him to the heart, to prevent his repentance.

"What I now unfold, in regard to the prison in Venice, is known but to a few people. I have reason to believe, that no foreigner besides myself ever witnessed the scene I have related; the exploring of which, nearly cost me my life.

"The heat and want of air in the passages among the cells, so oppressed my strength and respiration, that I could scarcely walk or breathe when I left the prison. Sweat ran thro' every pore of my body. My clothes were to my coat-leeves wet thro'. I staid too long there. I went to St. Mark's Place as soon as I could; and by the assistance of the trembling Dominico waiting my return, the blessed light of day, fresh air, and a few glasses of Marsalchino, I was enabled to get to my lodgings at the Scudo di Francia, on the side of the great canal, near the Rialto; where I was for several hours extremely ill, and for several days much indisposed.

"It is not my purpose here, to enquire whether the Venetian people were wicked, or the Venetian government wise; nor to settle the proportion of crimes and punishments, in such a state as Venice. An Englishman cannot.

FOR THE NATIONAL INTELLIGENCER.

It is a subject of deep regret that the Constitution of the United States, in directing the manner in which a President and Vice President shall be chosen, has not been more explicit. The terms, in which the mode is designated, admit of so wide a latitude, that different constructions have been put upon them and governed by varying views of policy the same state has been found to abandon its first plan in the adoption of another.

Unfortunately, some states, owing to a division of opinion among their legislatures have been threatened with a total exclusion from participating in the election of the Chief Magistrate.

Among these, at present, is the large and respectable state of Pennsylvania.

The mode heretofore pursued in that state has been an election of electors by the people; in a general ticket, prescribed by a temporary law. As this law has expired, no new election can take place, until a new one be passed. And with regard to this mode a difference of opinion is understood to exist in the Legislature of that state.

It is unquestionably all important that the Chief Magistrate should be the representative of the whole union. The very existence of a republican government depends upon the complete vigor of the representative principle; public opinion is the pillar on which it rests for all its support; if deprived of it discontent may subvert it in a day. The People are accustomed to be governed by laws of their own making, and to submit to them with cheerfulness because passed by their own representatives. But if it shall at any time appear that the government represents a part, and not the whole of the community, this sentiment may be impaired or ever destroyed.

Every friend, then, to the harmony and stability of the union, and every friend to the federal constitution, as the best shield of that harmony and stability, will endeavor to reconcile opposing views, and to produce a result which shall preserve to each state its portion of the mails of representation.

There are three modes of choosing electors.

1. By the people of each state.
2. By the Legislature of each state; the two houses electing by joint vote.
3. By the several Legislatures; voting by concurrent vote.

The object of my remarks will be to examine, whether all these modes are constitutional; and if not so, which is constitutional and which is not.

After this enquiry, I shall examine, in relation to Pennsylvania, which is the most expedient, supposing more than one mode to be constitutional.

1. I do not hesitate to say that the Election of Electors by the People themselves is most congenial to the spirit, and most conformable to the words of the Federal Constitution. As there exists no diversity of opinion on the Constitutionality of this mode, it is entirely useless to enter into a detail of the grounds on which it is supported.

I shall therefore enquire whether,

In the 2d. and 3d. places, the choice of Electors by the several Legislatures be constitutional; and if it is, whether the joint or the concurrent vote be constitutional, or whether both be constitutional.

Art. II. Sec. 2. of the Federal Constitution prefers, that "Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Representatives, to which the state may be entitled in Congress."

The first enquiry that presents itself is what is meant by the term state? I answer that it sometimes implies the people in their original constituent capacity, & sometimes in their incorporate representative capacity.

The only elucidation, which this point seems to admit, must be derived from the constructions of this section of the Constitution, made at a period when party feeling had little, if any, influence on the decisions of the several legislatures.

It appears that the choice of Electors by the Legislature has been pursued by New-Hampshire, Rhode Island, Connecticut, Vermont, New-Jersey, New-York, Delaware, South Carolina and Georgia, making nine states out of sixteen; and recently Massachusetts has adopted the same plan. These states send to Congress 20 Senators out of 32, and 55 Representatives out of 105. From which it is evident that a majority of states, and a majority of the People of the United States, as represented in their state councils, have adopted the Legislative choice. In addition to this, the mode has been sanctioned by the unanimous reception by Congress of all the votes given in this way.

Those, who hold different opinions, and contend that this mode is unconstitutional, will do well to calculate the consequences that would proceed from a general establishment of their tenets.

It would follow that no President, since the adoption of the federal Constitution, has been constitutionally elected; that in the passage and execution of every law the Constitution has been violated; that those, who have sworn to defend the Constitution, have broken down its strongest barriers; that the people are under no obligation to obey the laws; & that that very law, under which the present election of President is held, is nugatory and of no force. For the Constitution has declared that every bill which shall have passed the House of Representatives and the Senate, shall before it becomes a law, be approved by the President; unless, after his disapproving it in a prescribed form, it shall be re-passed by two thirds of each house. Now if there existed no constitutional President, it irresistibly follows, that no law has been constitutionally passed, as such President must in order to give conclusive force to a law, either approve, or, disapprove it; in which last case two thirds of each house must re-enact it.

However, then, men may have differed in theory respecting this part of the Constitution, in practice there has been a complete agreement. Now it has appeared that ten states out of sixteen have pursued the mode of legislative choice, and that all the

states, by their representatives in Congress, have confirmed that mode. Nor is it recollected that, at the times of election, any disapprobation was expressed of this mode from any public or private quarter.

Great deference ought to be paid to the cool and impartial expression of the public mind at periods, when no personal attachment, or party motive influenced our public councils. When in addition thereto, it is considered that no state, that has revised its constitution, since the adoption of this mode, has, in such revision, interdicted it the strongest evidence is furnished that the mode was not deemed unconstitutional. For had it been deemed so, it would undoubtedly have been prohibited by the new constitutions framed. Since the adoption of the Federal Constitution, new frames of Government have been established in New-Hampshire, Pennsylvania, Delaware, South Carolina, Georgia, Vermont, Tennessee, and Kentucky; making exactly one half of the states in the Union.

If the legislative choice be constitutional, let us in the next place enquire whether this mode should be pursued by a joint or a concurrent vote. In making this enquiry, we can be guided only by three considerations; the first is derived from the directions of the Federal Constitution, the second from those of the Constitution of Pennsylvania; the third from the acts of the several states.

By the Section of the Federal Constitution, above quoted, it is directed "that each state shall appoint, in such manner as the legislature thereof may direct electors," &c.

Considering the legislature as the organ of the choice, let us enquire what the Federal Constitution means by the word "legislature."

The 3d section of the 1st Article, says, "The Senate of the United States shall be composed of two Senators from each state, chosen by the Legislature thereof," &c.

Now, what construction has been placed upon these terms, than which none can be more explicit? Every state in the union, it is believed, has adopted the mode of choosing Senators by a joint vote of the two houses. In some few cases, a concurrent vote has been contended for; but the contest has soon been abandoned by the Senates of the States, who have ultimately agreed to elect by a joint vote.

Some slight doubt is entertained of the accuracy of the above statement in relation to the state of New-York, though from recollection, it is believed that even that state elects Senators in the same way.

Senators, thus chosen, have taken their seats in the Federal Senate, without any impeachment of the constitutionality of their election; though the Senate, not only had the power, but, having it, were bound to exercise it, to exclude any members unconstitutionally returned.

This case does not furnish a solitary precedent, dictated by passion or prejudice; but it furnishes a construction of the constitution, systematically acted upon by most, if not all of the states, and approved by the Senate of the United States.

If this construction be a false one, then has the Federal Senate usurped all the power it has exercised, and no law made by them, can have any force.

The greater weight is to be attached to this construction, from its having been adopted after the fullest investigation; particularly in the state of Pennsylvania, which was for a considerable time deprived of one of its federal senators by the disagreement of the two houses in the mode of choice.

The Constitution of Pennsylvania does not seem to throw any light on the meaning attached to the term "legislature." But it may not be unworthy of notice in this place, that the constitution directs that in case two persons, voted for as Governor by the people, have an equal number of votes, "one of them shall be chosen governor, by the joint vote of the members of both houses."

From this direction of the constitution, it may be inferred, that though in the passage of laws it was proper that the two houses should act in their distinct capacities, (it