

Fisher Ames

usual, is placed somewhere between the extremes, and I believe is included in this proposition: The term of election must be so long, that the representative may understand the interest of the people, and yet so limited, that his fidelity may be secured by a dependence upon their approbation.

Before I proceed to the application of this rule, I cannot forbear to premise some remarks upon two opinions, which have been suggested.

Much has been said about the people divesting themselves of power, when they delegate it to representatives; and that all representation is to their disadvantage, because it is but an image, a copy, fainter and more imperfect than the original, the people, in whom the light of power is primary and unborrowed, which is only reflected by their delegates. I cannot agree to either of these opinions. The representation of the people is something more than the people. I know, sir, but one purpose which the people can effect without delegation, and that is to destroy a government. That they cannot erect a government, is evinced by our being thus assembled on their behalf. The people must govern by a majority, with whom all power resides. But how is the sense of this majority to be obtained? It has been said that a pure democracy is the best government for a small people who assemble in person. It is of small consequence to discuss it, as it would be inapplicable to the great country we inhabit. It may be of some use in this argument, however, to consider, that it would be very burdensome, subject to faction and violence; decisions would often be made by surprise, in the precipitancy of passion, by men who either understand nothing or care nothing about the subject; or by interested men, or those who vote for their own indemnity. [It would be a government not by laws, but by men.]

Such were the paltry democracies of Greece and Asia Minor, so much extolled, and so often proposed as a model for our imitation. I desire to be thankful that our people (said Mr. Ames) are not under any temptation to adopt the advice. I think it will not be denied that the people are gainers by the election of representatives. They may destroy, but they cannot exercise, the powers of government in person, but by their servants *they* govern: they do not renounce their power; they do not sacrifice their rights; they become the true sovereigns of the country when they

Natural Rights

delegate that power, which they cannot use themselves to their trustees.

I know, sir, that the people talk about the liberty of nature, and assert that we divest ourselves of a portion of it when we enter into society. This is declamation against matter of fact. We cannot live without society; and as to liberty, how can I be said to enjoy that which another may take from me when he pleases? [The liberty of one depends not so much on the removal of all restraint from him, as on the due restraint upon the liberties of others. Without such restraint, there can be no liberty.] Liberty is so far from being endangered or destroyed by this, that it is extended and secured. For I said that we do not enjoy that which another may take from us. But civil liberty cannot be taken from us, when any one may please to invade it; for we have the strength of the society on our side.

I hope, sir, that these reflections will have some tendency to remove the ill impressions which are made by proposing to divest the people of their power.

That they may never be divested of it, I repeat that I am in favor of frequent elections. They who commend annual elections are desired to consider, that the question is, whether biennial elections are a defect in the Constitution; for it does not follow, because annual elections are safe, that biennial are dangerous; for both may be good. Nor is there any foundation for the fears of those, who say that if we, who have been accustomed to choose for one year only, now extend it to two, the next stride will be to five or seven years, and the next for term of life; for this article, with all its supposed defects, is in favor of liberty. Being inserted in the Constitution, it is not subject to be repealed by law. We are sure that it is the worst of the case. [It is a fence against ambitious encroachments, too high and too strong to be passed.] In this respect, we have greatly the advantage of the people of England, and of all the world. The law which limits their Parliaments is liable to be repealed.

I will not defend this article by saying that it was a matter of compromise in the federal Convention. It has my entire approbation as it stands. I think that we ought to prefer, in this article, biennial elections to annual; and my reasons for this opinion are drawn from these sources: —

to the candor of this Convention, whether any conclusions can be fairly drawn against vesting the proposed government with the powers mentioned in this section, because the magistrates of the ancient republics usurped power, and frequently attempted to perpetuate themselves in authority.

Some gentlemen suppose it is unsafe and unnecessary to vest the proposed government with authority to "lay and collect taxes, duties, imposts, and excises." Let us strip the subject of every thing that is foreign, and refrain from likening it with governments, which, in their nature and administration, have no affinity; and we shall soon see that it is not only safe, but indispensably necessary to our peace and dignity, to vest the Congress with the powers described in this section. To determine the necessity of investing that body with the authority alluded to, let us inquire what duties are incumbent on them. To pay the debts, and provide for the common defence and general welfare of the United States; to declare war, &c.; to raise and support armies; to provide and maintain a navy;—these are authorities and duties incident to every government. No one has, or, I presume, will deny, that whatever government may be established over America, ought to perform such duties. The expense attending these duties is not within the power of calculation; the exigencies of government are in their nature illimitable; so, then, must be the authority which can meet these exigencies. [Where we demand an object, we must afford the means necessary to its attainment.] Whenever it can be clearly ascertained what will be the future exigencies of government, the expense attending them, and the product of any particular tax, duty, or impost, then, and not before, can the people of America limit their government to amount and fund. Some have said, that the impost and excise would be sufficient for all the purposes of government in times of peace; and that, in war, requisitions should be made on the several states for sums to supply the deficiencies of this fund. Those who are best informed suppose this sum inadequate to, and none pretend that it can exceed, the expenses of a peace establishment. What, then, is to be done? Is America to wait until she is attacked, before she attempts a preparation at defence? This would certainly be unwise; it would be courting our enemies to make war upon us. The operations of war are sudden, and call for

large sums of money; collections from states are at all times slow and uncertain; and, in case of refusal, the non-complying state must be coerced by arms, which, in its consequences, would involve the innocent with the guilty, and introduce all the horrors of a civil war. But, it is said, we need not fear war; we have no enemies. Let the gentlemen consider the situation of our country; they will find we are circumscribed with enemies from Maine to Georgia. I trust, therefore, that, upon a fair and candid consideration of the subject, it will be found indispensably requisite to peace, dignity, and happiness, that the proposed government should be vested with all the powers granted by the section under debate.

Hon. Mr. PHILLIPS, (of Boston.) I rise to make a few observations on this section, as it contains powers absolutely necessary. [If social government did not exist, there would be an end of individual government. Therefore our very being depends on social government. On this article is founded the main pillar of the building; take away this pillar, and where is your government?] Therefore, I conceive, in this view of the case, this power is absolutely necessary. There seems to be a suspicion that this power will be abused; but is not all delegation of power equally dangerous? [If we have a castle, shall we delay to put a commander into it, for fear he will turn his artillery against us? My concern is for the majesty of the people. If there is no virtue among them, what will the Congress do? If they had the meekness of Moses, the patience of Job, and the wisdom of Solomon, and the people were determined to be slaves, sir, could the Congress prevent them? If they set Heaven at defiance, no arm of flesh can save them. Sir, I shall have nothing to do in this government. But we see the situation we are in. We are verging towards destruction, and every one must be sensible of it. I suppose the New England States have a treasure offered to them better than the mines of Peru; and it cannot be to the disadvantage of the Southern States. Great Britain and France come here with their vessels, instead of our carrying our produce to those countries in American vessels, navigated by our citizens. When I consider the extensive sea-coast there is to this state alone, so well calculated for commerce, viewing matters in this light, I would rather sink all this

continent owes me, than this power should be withheld from Congress. Mention is made that Congress ought to be restricted of the power to keep an army except in time of war. I apprehend that great mischief would ensue from such a restriction. Let us take means to prevent war, by granting to Congress the power of raising an army. If a declaration of war is made against this country, and the enemy's army is coming against us, before Congress could collect the means to withstand this enemy, they would penetrate into the bowels of our country, and every thing dear to us would be gone in a moment. The honorable gentleman from Topsham has made use of the expression, "*O my country!*" from an apprehension that the Constitution should be adopted; I will cry out, "*O my country!*" if it is not adopted. I see nothing but destruction and inevitable ruin if it is not. The more I peruse and study this article, the more convinced am I of the necessity of such a power being vested in Congress. The more I hear said against it, the more I am confirmed in my sentiments of its expediency; for it is like the pure metal—the more you rub it, the brighter it shines. It is with concern I hear the honorable gentleman from Topsham make use of language against the gentlemen of the law. Sir, I look on this order of men to be essential to the liberties and rights of the people, and whoever speaks against them as speaking against an ordinance of Heaven. Mr. President, I hope every gentleman will offer his sentiments candidly on this momentous affair; that he will examine for himself, and consider that he has not only the good of this commonwealth under consideration, but the welfare of the United States.

Dr. WILLARD entered largely into the field of ancient history, and deduced therefrom arguments to prove that where power had been trusted to men, whether in great or small bodies, they had always abused it, and that thus republics had soon degenerated into aristocracies. He instanced Sparta, Athens, and Rome. The Amphictyonic league, he said, resembled the Confederation of the United States; while thus united, they defeated Xerxes, but were subdued by the gold of Philip, who brought the council to betray the interest of their country.

Hon. Mr. GORHAM (in reply to the gentleman from Uxbridge) exposed the absurdity of conclusions and hy-

potheses, drawn from ancient governments, which bore no relation to the confederacy proposed; for those governments had no idea of representations as we have. He, however, warned us against the evil which had ruined those states, which he thought was the want of an efficient federal government. As much as the Athenians rejoiced in the extinction of a Lacedemonian, will, if we are disunited, a citizen of Massachusetts at the death of a Connecticut man, or a Yorker. With respect to the proposed government degenerating into an aristocracy, the honorable gentleman observed, that the nature and situation of our country rendered such a circumstance impossible; as, from the great preponderance of the agricultural interest in the United States, that interest would always have it in its power to elect such men as would, he observed, effectually prevent the introduction of any other than a perfectly democratical form of government.

Hon. Mr. CABOT went fully into a continuation of the arguments of the honorable gentleman last up. In a clear and elegant manner, he analyzed the ancient governments mentioned by Dr. Willard, and, by comparing them with the proposed system, fully demonstrated the superiority of the latter, and in a very particular manner the proposed section under debate.

Mr. RANDALL said, the quoting of ancient history was no more to the purpose than to tell how our forefathers dug clams at Plymouth; he feared a *consolidation* of the thirteen states. Our manners, he said, were widely different from the Southern States; their elections were not so *free and unbiased*; therefore, if the states were consolidated, he thought it would introduce manners among us which would set us at continual variance.

Mr. BOWDOIN pointed out other instances of dissimilarity, between the systems of the ancient republics and the proposed Constitution, than those mentioned by the honorable gentlemen from Charlestown and Beverly, in the want of the important checks in the former which were to be found in the latter; to the want of which, in the first, was owing, he said, the usurpation which took place. He instanced the *decemviri*, who, though chosen for a short period, yet, *unchecked*, soon subverted the liberties of the Romans; and concluded with a decided opinion in favor of the Constitution under debate.

than the other; and also, that, if they conduct ill, we may have a constitutional revolution in as short a period as two years, if needed. The Hon. Mr. King said, some days past, that the Senate going out by classes, if rightly considered, were not for but four years; because one third part was never more than six, another four, and a third two; therefore the medium was four; but I think that way of arguing would argue, that if they were all to go out at the end of six years, that they were but *three* years in office; because half their time they were under the age of three years, and the other half over the age of three years in office; therefore his arguing to me in that respect was not well founded.

Col. VARNUM, in answer to an inquiry, why a bill of rights was not annexed to this Constitution, said, that, by the constitution of Massachusetts, the legislature have a right to make all laws not repugnant to the Constitution. Now, said he, if there is such a clause in the Constitution under consideration, then there would be a necessity for a bill of rights. In the section under debate, Congress have an expressed power to levy taxes, &c., and to pass laws to carry their requisitions into execution: this, he said, was express, and required no bill of rights. After stating the difference between delegated power and the grant of all power, except in certain cases, the colonel proceeded to controvert the idea that this Constitution went to a consolidation of the Union. (He said it was only a consolidation of strength, and that it was apparent Congress had no right to alter the internal relations of a state. The design in amending the Confederation, he said, was to remedy its defects. It was the interest of the whole to confederate against a foreign enemy, and each was bound to exert its utmost ability to oppose that enemy; but it had been done at our expense in a great measure, and there was no way to provide for a remedy, because Congress had not the power to call forth the resources of every state, nor to coerce delinquent states.) But under the proposed government, those states which will not comply with equal requisitions, will be coerced; and this, he said, is a glorious provision. In the late war, said the colonel, the states of New Hampshire and Massachusetts, for two or three years, had in the field half the Continental army under General Washington. Who paid those troops? The states which raised them were called

on to pay them. | How, unless Congress have a power to levy taxes, can they make the states pay their proportion? In order that this and some other states may not again be obliged to pay eight or ten times their proportion of the public exigencies, he said, this power is highly necessary to be delegated to the federal head. He showed the necessity of Congress being enabled to prepare against the attacks of a foreign enemy; and he called upon the gentleman from Andover, (Mr. Symmes,) or any other gentleman, to produce an instance where any government, consisting of three branches, elected by the people, and having checks on each other, as this has, abused the power delegated to them.

Mr. CHOATE said, that this clause gives power to Congress to levy duties, excises, imposts, &c., considering the trust delegated to Congress, that they are to "provide for the common defence, promote the general welfare," &c. If this is to be the object of their delegation, the next question is, whether they shall not be vested with powers to prosecute it. And this can be no other than an unlimited power of taxation, if that defence requires it. Mr. C. contended that it was the power of the people concentrated to a point; that, as all power is lodged in them, this power ought to be supreme. He showed the necessity of its being so, not only for our common defence, but for our advantage in settling commercial treaties. Do we wish to make a treaty with any nation of Europe, we are told we have no stability as a nation. As Congress must provide for the common defence, shall they, asked Mr. C., be confined for the impost and excise? They are alone the judges whether five or one per cent. is necessary or convenient. It has been the practice of all nations to anticipate their resources by loans; this will be the case of the United States in war; and he asked, if our resources are competent and well established, and that no doubt remained of them, whether, in that case, the individuals who have property will not cheerfully offer it for the general defence. After adverting to the idea of some, of its being a consolidation of the Union, Mr. Choate concluded by a brief display of the several checks contained, and securities for the people to be found, in this system.

Gen. THOMPSON. Sir, the question is, whether Congress shall have power. Some say that, if this section was left out, the whole would fall to the ground. I think so too,

as it is all of a piece. We are now fixing a national consolidation. This section, I look upon it, is big with mischiefs. Congress will have power to keep standing armies. The great Mr. Pitt says, standing armies are dangerous—keep your militia in order—we don't want standing armies. A gentleman said, We are a rich state: I say so too. Then why shall we not wait five or six months, and see what our sister states do? We are able to stand our ground against a foreign power; they cannot starve us out; they cannot bring their ships on the land; we are a nation of healthy and strong men; our land is fertile, and we are increasing in numbers. It is said we owe money: no matter if we do; our safety lies in not paying it—pay only the interest. Don't let us go too fast. Shall not Massachusetts be a mediator? It is my wish she may be one of the four dissenting states; then we shall be on our old ground, and shall not act unconstitutionally. Some people cry, It will be a great charge; but it will be a greater charge, and be more dangerous, to make a new one. Let us amend the old Confederation. Why not give Congress power only to regulate trade? Some say, that those we owe will fall upon us; but it is no such thing: the balance of power in the old countries will not permit it; the other nations will protect us. Besides, we are a brave and happy people. Let us be cautious how we divide the states. By uniting we stand, by dividing we fall. We are in our childhood yet: don't let us grow too fast, lest we grow out of shape. I have proved that we are a respectable people, in possession of liberty, property, and virtue, and none in a better situation to defend themselves. Why all this racket? Gentlemen say we are undone if we cannot stop up the Thames; but, Mr. President, nations will mind their own interest, and not ours. Great Britain has found out the secret to pick the subjects' pockets, without their knowing of it: that is the very thing Congress is after. Gentlemen say this section is as clear as the sun, and that all power is retained which is not given. But where is the bill of rights which shall check the power of this Congress; which shall say, Thus far shall ye come, and no farther. The safety of the people depends on a bill of rights. If we build on a sandy foundation, is it likely we shall stand? I apply to the feelings of the Convention. There are some parts of this Constitution which I

cannot digest; and, sir, shall we swallow a large bone for the sake of a little meat? Some say, Swallow the whole now, and pick out the bone afterwards. But I say, Let us pick off the meat, and throw the bone away.

This section, sir, takes the purse-strings from the people. England has been quoted for their fidelity; but did their constitution ever give such a power as is contained in this Constitution? Did they ever allow Parliament to vote an army but for one year? But here we are giving Congress power to vote an army for two years—to tax us without limitation; no one to gainsay them, and no inquiry yearly, as in Britain; therefore, if this Constitution is got down, we shall alter the system entirely, and have no checks upon Congress.

Rev. Mr. NILES wished the honorable gentleman would point out the limits to be prescribed to the powers given in this section.

Hon. Mr. BOWDOIN. Mr. President, on the subject of government, which admits of so great a variety in its parts and combinations, a diversity of opinions is to be expected; and it was natural to suppose that, in this Convention, respectable for its numbers, but much more so for the characters which compose it, there would be a like diversity concerning the federal Constitution, that is now the subject of our consideration.

In considering it, every gentleman will reflect how inadequate to the purposes of the Union the Confederation has been. When the plan of the Confederation was formed, the enemy were invading us; and this inspired the several states with such a spirit of union and mutual defence, that a mere requisition or recommendation of Congress was sufficient to procure the needful aids, without any power of coercion; and for that reason, among others, no such power was given by the Confederation. But since that reason had ceased, and the idea of danger being removed by the peace, the requisitions of Congress have, in most of the states, been little regarded, notwithstanding they solemnly pledged their faith to comply with them.

This non-compliance has compelled Congress to increase the foreign debt of the (Union,) by procuring further loans to pay the interest and instalments due on former loans; and in that way to preserve the public faith, which had been

pledged to foreign powers. It has compelled them, in order to prevent the consequences of a breach of faith, as relative to those powers, to enter repeatedly into those ruinous negotiations, by which "the United States jointly, and each of them in particular, together with all their lands, chattels, revenues, and products, and also the imposts and taxes already laid and raised in the same, or in time to come to be laid and raised, are for the whole," mortgaged for the repayment of those loans by instalments, and for the payment of the interest on them annually. These debts *must* be paid, *bona fide*, according to contract, or be further increased by procuring, if procurable, further loans; which, ruinous as the measure is, must be continued, unless the states empower Congress to raise money for the discharging those debts. It will not be in the power of the United States, and I am sure it will not be in their inclination, to rid themselves of those debts in the same base and ignominious manner in which a faction, in one of them, are endeavoring to get rid of theirs. To the same cause (a non-compliance with congressional requisitions) are owing the repeated and necessary breaches of public faith in regard to the payment of the federal domestic debt. And hence, as relative to the joint consolidated debt, the inefficiency of the public finances, and the bankrupt state of the federal treasury, which can never be remedied without empowering Congress to levy adequate duties and taxes. Without such a power, the accumulating debt will never be paid, but by a forcible collection, which our foreign creditors know how, and are able to apply, if, unhappily, it should be necessary. The several loans, which by contract are to be paid by instalments, will, in case of the failure of any of the stipulated payments, become, the whole of them, immediately payable; and any of the property of any of the states, whether public or private, that can be most easily come at, will, in that case, be seized and applied for that purpose.

This mode of reimbursement, or reprisal, will be upon the trade and navigation of the United States; and in proportion as ours of this state may be larger and more extensive than the trade and navigation of other states, we shall be the greatest sufferers. This ruin of our trade will involve in it not only the ruin of the mercantile part of the state, and of the numerous body of mechanics dependent upon it,

but will most essentially affect every other class of citizens, and operate most extensively to the injury of the commonwealth.

These are some of the consequences, certain and infallible, that will flow from the denial of that power to Congress. Shall *we* then, *we* of this state, who are so much interested in this matter, deny them *that* power—a power so essential to our political happiness?

But if we attend to our trade, as it is at present, we shall find that the miserable state of it is owing to a like want of power in Congress. Other nations prohibit our vessels from entering their ports, or lay heavy duties on our exports carried thither; and we have no retaliating or regulating power over their vessels and exports, to prevent it. Hence a decrease of our commerce and navigation, and the duties and revenue arising from them. Hence an insufficient demand for the produce of our lands, and the consequent discouragement of agriculture. Hence the inability to pay debts, and particularly taxes, which by that decrease are enhanced. And hence, as the necessary result of all these, the emigration of our inhabitants. If it be asked, How are these evils, and others that might be mentioned, to be remedied? the answer is short—By giving Congress adequate and proper power. Whether such power be given by the proposed Constitution, it is left with the Conventions from the several states, and with us, who compose one of them, to determine.

In determining on this question, every gentleman will, doubtless, consider the importance of cultivating a spirit of union among ourselves, and with the several states. This spirit procured our emancipation from British tyranny; and the same spirit, by uniting us in the necessary means, must secure to us our dear-bought, blood-purchased liberty and independence, and deliver us from evils which, unless remedied, must end in national ruin. The means for effecting these purposes are within our reach; and the adoption of the proposed Constitution will give us the possession of them. Like all other human productions, it may be imperfect; but most of the imperfections imputed to it are ideal and unfounded, and the rest are of such a nature that they cannot be certainly known but by the operations of the Constitution; and if, in its operation, it should in any respect be essentially bad, it will be amended in one of the

modes prescribed by it. I say, *will* be amended, because the Constitution is constructed on such principles, that its bad effects, if any such should arise from it, will injure the members of Congress equally with their constituents; and, therefore, both of them must be equally induced to seek for, and effectuate, if possible, the requisite amendments.

There have been many objections offered against the Constitution; and of these the one most strongly urged has been, the great power vested in Congress. On this subject, I beg leave to make a few general observations, which ought to be attended to, as being applicable to every branch of that power.

It may, therefore, be observed, that the investiture of such power, so far from being an objection, is a most cogent reason for accepting the Constitution. The power of Congress, both in the legislative and executive line, is the power of the people, collected through a certain medium, to a focal point, at all times ready to be exerted for the general benefit, according as circumstances or exigencies may require. If you diminish or annihilate it, you diminish or annihilate the means of your own safety and prosperity; which means, if they were to be measured like mathematical quantities, would be in exact proportion, as the power is greater or less. But this is not the case; for power that does not reach, or is inadequate to the object, is worse than none. An exertion of *such* power would increase the evil it was intended to remove, and at the same time create a further evil, which might be a very great one — the expense of a fruitless exertion.

If we consider the objects of the power, they are numerous and important; and as human foresight cannot extend to many of them, and all of them are in the womb of futurity, the quantum of the power *cannot* be estimated. Less than the whole, as relative to federal purposes, may, through its insufficiency, occasion the dissolution of the Union, and a subjugation or division of it among foreign powers. Their attention is drawn to the United States; their emissaries are watching our conduct, particularly upon the present most important occasion; and if we should be so unhappy as to reject the federal Constitution proposed to us, and continue much longer our present weak, unenergetic federal government, their policy will probably induce them to plan a

division or partition of the states among themselves, and unite their forces to effect it.

But, however *that* may be, *this* is certain — that the respectability of the United States among foreign nations, our commerce with them on the principles of reciprocity, and our forming beneficial treaties with them on those principles, their estimation of our friendship and fear of losing it, our capacity to resent injuries, and our security against interior as well as foreign attacks, must be derived from such a power. [In short, the commercial and political happiness, the liberty and property, the peace, safety, and general welfare, both internal and external, of each and all the states, depend on that power; which, as it must be applied to a vast variety of objects, and to cases and exigencies beyond the ken of human prescience, must be very great; and which *cannot* be limited without endangering the public safety.]

It will be, and has been said, this great power may be abused, and, instead of protecting, may be employed by Congress in oppressing, their constituents. A possibility of abuse, as it may be affirmed of all delegated power whatever, is by itself no sufficient reason for withholding the delegation. If it were a sufficient one, no power could be delegated; nor could government of any sort subsist. The possibility, however, should make us careful, that, in all delegations of importance, like the one contained in the proposed Constitution, there should be such checks provided as would not frustrate the end and intention of delegating the power, but would, as far as it could be safely done, prevent the abuse of it; and such *checks* are provided in the Constitution. Some of them were mentioned the last evening by one of my worthy colleagues; but I shall here exhibit all of them in one view.

The two capital departments of government, the legislative and executive, in which the delegated power resides, consisting of the President, Vice-President, Senate and Representatives, are directly, and by the respective legislatures and delegates, chosen by the people.

The President, and also the Vice-President, when acting as President, before they enter on the execution of the office, shall each "solemnly swear or affirm, that he will faithfully execute the office of President of the United States, and

will, to the best of his ability, preserve, protect, and defend, the Constitution of the United States."

"The senators and representatives before mentioned, and the members of the state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound, by oath or affirmation, to support this Constitution."

"The President and Vice-President, and all civil officers of the United States, shall be removed from office, on impeachment for, and conviction of, treason, bribery, or other high crimes or misdemeanors."

"No senator or representative shall, during the time for which he was elected, be appointed to any civil office, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house, during his continuance in office."

"No title of nobility shall be granted by the United States, or by any particular state; and no person holding any office of profit or trust under the United States shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state."

"The United States shall guaranty to every state in this Union a republican form of government, and shall protect each of them against invasion and domestic violence."

To these great checks may be added several other very essential ones, as, the negative which each house has upon the acts of the other; the disapproving power of the President, which subjects those acts to a revision by the two houses, and to a final negative, unless two thirds of each house shall agree to pass the returned acts, notwithstanding the President's objections; the printing the journals of each house, containing their joint and respective proceedings; and the publishing, from time to time, a regular statement and account of receipts and expenditures of all public money, none of which shall be drawn from the treasury but in consequence of appropriations made by law.

All these checks and precautions, provided in the Constitution, must, in a great measure, prevent an abuse of power, at least in all flagrant instances, even if Congress should consist wholly of men who were guided by no other principle

than their own interest. Under the influence of such checks, this would compel them to a conduct which, in the general, would answer the intention of the Constitution. But the presumption is,—and, if the people duly attend to the objects of their choice, it would be realized,—that the President of the United States and the members of Congress would, for the most part, be men, not only of ability, but of a good moral character; in which case, an abuse of power is not to be apprehended, nor any error in the government, but such as every human institution is subject to.

There is a further guard against the abuse of power, which, though not expressed, is strongly implied in the federal Constitution, and, indeed, in the constitution of every government founded on the principles of equal liberty; and that is, that those who make the laws, and particularly laws for the levying of taxes, do, in common with their fellow-citizens, fall within the power and operation of those laws.

As, then, the individuals in Congress will all share in the burdens they impose, and be personally affected by the good or bad laws they make for the Union, they will be under the strongest motives of interest to lay the lightest burdens possible, and to make the best laws, or such laws as shall not unnecessarily affect either the property or the personal rights of their fellow-citizens.

With regard to rights, the whole Constitution is a declaration of rights, which primarily and principally respect the general government intended to be formed by it. The rights of particular states, or private citizens, not being the object or subject of the Constitution, they are only incidentally mentioned. In regard to the former, it would require a volume to describe them, as they extend to every subject of legislation, not included in the powers vested in Congress; and, in regard to the latter, as all governments are founded on the relinquishment of personal rights in a certain degree, there was a clear impropriety in being very particular about them. By such a particularity the government might be embarrassed, and prevented from doing what the private, as well as the public and general, good of the citizens and states might require.

The public good, in which private is necessarily involved, might be hurt by too particular an enumeration; and the private good could suffer no injury from a deficient enumera



it not lay *all* taxes, duties, imposts, and excises? And what more have we to give? They tell us Congress won't lay dry taxes upon us, but collect all the money they want by impost. I say, there has always been a difficulty about impost. Whenever the General Court was going to lay an impost, they would tell us it was more than trade could bear, that it hurt the fair trader, and encouraged smuggling; and there will always be the same objection: they won't be able to raise money enough by impost, and then they will lay it on the land, and take all we have got. These lawyers, and men of learning, and moneyed men, that talk so finely, and gloss over matters so smoothly, to make us poor illiterate people swallow down the pill, expect to get into Congress themselves; they expect to be the managers of this Constitution, and get all the power and all the money into their own hands, and then they will swallow up all us little folks, like the great Leviathan, Mr. President; yes, just as the whale swallowed up Jonah. This is what I am afraid of; but I won't say any more at present, but reserve the rest to another opportunity.

Hon. Mr. SMITH. Mr. President, I am a plain man, and get my living by the plough. I am not used to speak in public, but I beg your leave to say a few words to my brother ploughjoggers in this house. I have lived in a part of the country where I have known the worth of good government by the want of it. There was a black cloud that rose in the east last winter, and spread over the west. [Here Mr. Widgery interrupted. Mr. President, I wish to know what the gentleman means by the east.] I mean, sir, the county of Bristol; the cloud rose there, and burst upon us, and produced a dreadful effect. It brought on a state of anarchy, and that led to tyranny. I say, it brought anarchy. People that used to live peaceably, and were before good neighbors, got distracted, and took up arms against government. [Here Mr. Kingsley called to order, and asked, what had the history of last winter to do with the Constitution. Several gentlemen, and among the rest the Hon. Mr. Adams, said the gentleman was in order—let him go on in his own way.] I am going, Mr. President, to show you, my brother farmers, what were the effects of anarchy, that you may see the reasons why I wish for good government. People I say took up arms; and then, if you went to speak

Shays'  
Rebellion

to them, you had the musket of death presented to your breast. They would rob you of your property; threaten to burn your houses; oblige you to be on your guard night and day; alarms spread from town to town; families were broken up; the tender mother would cry, "O, my son is among them! What shall I do for my child!" Some were taken captive, children taken out of their schools, and carried away. Then we should hear of an action, and the poor prisoners were set in the front, to be killed by their own friends. How dreadful, how distressing was this! Our distress was so great that we should have been glad to snatch at any thing that looked like a government. Had any person, that was able to protect us, come and set up his standard, we should all have flocked to it, even if it had been a monarch; and that monarch might have proved a tyrant;—so that you see that anarchy leads to tyranny, and better have one tyrant than so many at once.

Now, Mr. President, when I saw this Constitution, I found that it was a cure for these disorders. It was just such a thing as we wanted. I got a copy of it, and read it over and over. I had been a member of the Convention to form our own state constitution, and had learnt something of the checks and balances of power, and I found them all here. I did not go to any lawyer, to ask his opinion; we have no lawyer in our town, and we do well enough without. I formed my own opinion, and was pleased with this Constitution. My honorable old daddy there [pointing to Mr. Singletary] won't think that I expect to be a Congress-man, and swallow up the liberties of the people. I never had any post, nor do I want one. But I don't think the worse of the Constitution because lawyers, and men of learning, and moneyed men, are fond of it. I don't suspect that they want to get into Congress and abuse their power. I am not of such a jealous make. They that are honest men themselves are not apt to suspect other people. I don't know why our constituents have not a good right to be as jealous of us as we seem to be of the Congress; and I think those gentlemen, who are so very suspicious that as soon as a man gets into power he turns rogue, had better look at home.

We are, by this Constitution, allowed to send ten members to Congress. Have we not more than that number fit to go? I dare say, if we pick out ten, we shall have another

en left, and I hope ten times ten; and will not these be a check upon those that go? Will they go to Congress, and abuse their power, and do mischief, when they know they must return and look the other ten in the face, and be called to account for their conduct? Some gentlemen think that our liberty and property are not safe in the hands of moneyed men, and men of learning? I am not of that mind.

Brother farmers, let us suppose a case, now: Suppose you had a farm of 50 acres, and your title was disputed, and there was a farm of 5000 acres joined to you, that belonged to a man of learning, and his title was involved in the same difficulty; would you not be glad to have him for your friend, rather than to stand alone in the dispute? Well, the case is the same. These lawyers, these moneyed men, these men of learning, are all embarked in the same cause with us, and we must all swim or sink together; and shall we throw the Constitution overboard because it does not please us alike? Suppose two or three of you had been at the pains to break up a piece of rough land, and sow it with wheat; would you let it lie waste because you could not agree what sort of a fence to make? Would it not be better to put up a fence that did not please every one's fancy, rather than not fence it at all, or keep disputing about it until the wild beasts came in and devoured it? Some gentlemen say, Don't be in a hurry; take time to consider, and don't take a leap in the dark. I say, Take things in time; gather fruit when it is ripe. There is a time to sow and a time to reap; we sowed our seed when we sent men to the federal Convention; now is the harvest, now is the time to reap the fruit of our labor; and if we won't do it now, I am afraid we never shall have another opportunity.

Mr. PARSONS considered the several charges of ambiguity which gentlemen had laid to the Constitution, and, with a great deal of accuracy, stated the obvious meaning of the clauses thus supposed to be ambiguous. He concluded his explanation by saying, that no compositions, which men can pen, could be formed, but what would be liable to the same charge.

*Afternoon.* — Hon. Mr. DALTON. Mr. President, it has been demanded by some gentlemen in opposition to this Constitution, why those who were opposed to the augmentation of the powers of Congress a few years since, should

now be the warmest advocates for the powers to be granted by the section under debate. Sir, I was opposed to the five per cent. impost being granted to Congress; and I conceived that such a grant, under the Confederation, would produce great difficulties and embarrassments. But, sir, as Congress is, by the proposed Constitution, to be differently constructed, as a proportionate voice of the states in that body is to be substituted for the present equal (or rather unequal) one, my objections will be removed. In my opinion, the delegating of power to a government in which the people have so many checks, will be perfectly safe, and consistent with the preservation of their liberties.

Mr. AMES said, that, in the course of the debates, gentlemen had justified the Confederation; but he wished to ask whether there was any danger in this Constitution which is not in the Confederation. If gentlemen are willing to confederate, why, he asked, ought not Congress to have the powers granted by this section? In the Confederation, said Mr. A., the checks are wanting which are to be found in this Constitution. And the fears of gentlemen that this Constitution will provide for a permanent aristocracy are therefore ill-founded; for the rulers will always be dependent on the people, like the insects of a sunshiny day, and may, by the breath of their displeasure, be annihilated.

Mr. WIDGERY. Mr. President, enough has, I think, been said on the 8th section. It has been repeated, over and over again, that the adoption of the Constitution will please all ranks; that the present inefficiency of the Confederation is obvious; and that blessed things will surely be the result of this Constitution. Many say, Ask the mechanics, ask the yeomanry. But they do not tell us what the answer of these will be. All we hear is, that the merchant and farmer will flourish, and that the mechanics and tradesmen are to make their fortunes directly, if the Constitution goes down. Is it, sir, because the seat of government is to be carried to Philadelphia? Who, sir, is to pay the debts of the yeomanry and others? Sir, when oil will quench fire, I will believe all this, and not till then. On the contrary, I think the adopting this Constitution makes against them, though it may be something in favor of the merchants. Have not Congress power to tax polls, — for there is no other way of levying a dry tax, — and by this means the poor will

of this, which, though young, he well remembered; and that was the case of Nickerson, the pirate, who was tried without a jury, and whose judges were the governors of Massachusetts and of some neighboring provinces, together with Admiral Montague, and some gentlemen of distinction. Although this trial was without a jury, yet, as it was a trial upon the civil law, there was not so much clamor about it as otherwise there might have been; but still it was disagreeable to the people, and was one of the then complaints. But the trial by jury was not attempted to be taken from civil causes. It was no object of power, whether one subject's property was lessened, while another's was increased; nor can it be now an object with the federal legislature. What interest can they have in constituting a judiciary, to proceed in civil causes without a trial by jury? In criminal causes, by the proposed government, there must be a jury. It is asked, Why is not the Constitution as explicit in securing the right of jury in civil as in criminal cases? The answer is, Because it was out of the power of the Convention. The several states differ so widely in their modes of trial, some states using a jury in causes wherein other states employ only their judges, that the Convention have very wisely left it to the federal legislature to make such regulations as shall, as far as possible, accommodate the whole. Thus our own state constitution authorizes the General Court to erect judicatories, but leaves the nature, number, and extent of them, wholly to the discretion of the legislature. The bill of rights, indeed, secures the trial by jury, in civil causes, except in cases where a contrary practice has obtained. Such a clause as this some gentlemen wish were inserted in the proposed Constitution, but such a clause would be abused in that Constitution, as has been clearly stated by the honorable gentleman from Charlestown, (Mr. Gorham,) because the "exception of all cases where a jury have not heretofore been used," would include almost all cases that could be mentioned, when applied to all the states, for they have severally differed in the kinds of causes where they have tried without a jury.

Gen. HEATH. Mr. President, by my indisposition and absence, I have lost several important opportunities. I have lost the opportunity of expressing my sentiments with a candid freedom, on some of the paragraphs of the system,

which have lain heavy on my mind. I have lost the opportunity of expressing my warm approbation on some of the paragraphs. I have lost the opportunity of asking some questions for my own information, touching some of the paragraphs, and which naturally occurred, as the system unfolded. I have lost the opportunity of hearing those judicious, enlightening, and convincing arguments, which have been advanced during the investigation of the system. This is my misfortune, and I must bear it. The paragraph respecting the migration or importation of such persons as any of the states now existing shall think proper to admit, &c., is one of those considered during my absence, and I have heard nothing on the subject, save what has been mentioned this morning; but I think the gentlemen who have spoken have carried the matter rather too far on both sides. I apprehend that it is not in our power to do any thing for or against those who are in slavery in the Southern States. No gentleman, within these walls, detests every idea of slavery more than I do: it is generally detested by the people of this commonwealth; and I ardently hope that the time will soon come when our brethren in the Southern States will view it as we do, and put a stop to it; but to this we have no right to compel them. Two questions naturally arise: If we ratify the Constitution, shall we do any thing by our act to hold the blacks in slavery? or shall we become the partakers of other men's sins? I think, neither of them. Each state is sovereign and independent to a certain degree, and the states have a right, and they will regulate their own internal affairs as to themselves appears proper; and shall we refuse to eat, or to drink, or to be united, with those who do not think, or act, just as we do? Surely not. We are not, in this case, partakers of other men's sins; for in nothing do we voluntarily encourage the slavery of our fellow-men. A restriction is laid on the federal government, which could not be avoided, and a union take place. The federal Convention went as far as they could. The migration or importation, &c., is confined to the states now existing only; new states cannot claim it. Congress, by their ordinance for erecting new states, some time since, declared that the new states shall be republican, and that there shall be no slavery in them. But whether those in slavery in the South-

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ern States will be emancipated after the year 1808, I do not pretend to determine. I rather doubt it.

After the 5th article was read at the table, —

The Hon. Mr. KING observed, that he believed gentlemen had not, in their objections to the Constitution, recollected that this article was a part of it; for many of the arguments of gentlemen were founded on the idea of future amendments being impracticable. The honorable gentleman observed on the superior excellence of the proposed Constitution in this particular, and called upon gentlemen to produce an instance, in any other national constitution, where the people had so fair an opportunity to correct any abuse which might take place in the future administration of the government under it.

Dr. JARVIS. Mr. President, I cannot suffer the present article to be passed, without rising to express my entire and perfect approbation of it. Whatever may have been my private opinion of any other part, or whatever faults or imperfections I have remarked, or fancied I have seen, in any other instance, here, sir, I have found complete satisfaction: this has been a resting place, on which I have reposed myself in the fullest security, whenever a doubt has occurred, in considering any other passage in the proposed Constitution. The honorable gentleman last speaking has called upon those persons who are opposed to our receiving the present system, to show another government, in which such a wise precaution has been taken to secure to the people the right of making such alterations and amendments, in a peaceable way, as experience shall have proved to be necessary. Allow me to say, sir, as far as the narrow limits of my own information extend, I know of no such example. In other countries, sir, — unhappily for mankind, — the history of their respective revolutions has been written in blood; and it is in this only that any great or important change in our political situation has been effected, without public commotions. [When we shall have adopted the Constitution before us, we shall have in this article an adequate provision for all the purposes of political reformation.] If, in the course of its operation, this government shall appear to be too severe, here are the means by which this severity may be assuaged and corrected. If, on the other hand, it shall become too lau-

guid in its movements, here, again, we have a method designated, by which a new portion of health and spirit may be infused into the Constitution.

There is, sir, another view, which I have long since taken of this subject, which has produced the fullest conviction, in my own mind, in favor of our receiving the government which we have now in contemplation. Should it be rejected, I beg gentlemen would observe, that a concurrence of all the states must be had before a new convention can be called to form another Constitution; but the present article provides, upon nine states' concurring in any alteration or amendment to be proposed either by Congress or any future convention, that this alteration shall be a part of the Constitution, equally powerful and obligatory with any other part. [If it be alleged that this union is not likely to happen, will it be more likely that a union of a greater number of concurring sentiments may be had, as must be, in case we reject the Constitution in hopes of a better? But that this is practicable, we may safely appeal to the history of this country as a proof, in the last twenty years. We have united against the British; we have united in calling the late federal Convention; and we may certainly unite again in such alterations as in reason shall appear to be important for the peace and happiness of America.]

In the constitution of this state, the article providing for alterations is limited in its operation to a given time; but in the present Constitution, the article is perfectly at large, unconfined to any period, and may admit of measures being taken in any moment after it is adopted. In this point it has undoubtedly the advantage. I shall not sit down, sir, without repeating, that, as it is clearly more difficult for twelve states to agree to another convention, than for nine to unite in favor of amendments, so it is certainly better to receive the present Constitution, in the hope of its being amended, than it would be to reject it altogether, with, perhaps, the vain expectation of obtaining another more agreeable than the present. I see no fallacy in the argument, Mr. President; but, if there is, permit me to call upon any gentleman to point it out, in order that it may be corrected; for, at present, it seems to me of such force as to give me entire satisfaction. //

In the conversation on Thursday, on the sixth article

Mr. PARSONS moved, *that this Convention do assent to, and ratify, this Constitution.*

Mr. NEAL rose, and said, that, as the Constitution at large was now under consideration, he would just remark, that the article which respected the Africans was the one which lay on his mind; and, unless his objections to that were removed, it must, how much soever he liked the other parts of the Constitution, be a sufficient reason for him to give his negative to it.

Col. JONES said, that one of his principal objections was, the omission of a religious test.

Rev. Mr. PAYSON. Mr. President, after what has been observed, relating to a religious test, by gentlemen of acknowledged abilities, I did not expect that it would again be mentioned, as an objection to the proposed Constitution, that such a test was not required as a qualification for office. Such were the abilities and integrity of the gentlemen who constructed the Constitution, as not to admit of the presumption, that they would have betrayed so much vanity as to attempt to erect bulwarks and barriers to the throne of God. Relying on the candor of this Convention, I shall take the liberty to express my sentiments on the nature of a religious test, and shall endeavor to do it in such propositions as will meet the approbation of every mind.

The great object of religion being God supreme, and the seat of religion in man being the heart or conscience, *i. e.*, the reason God has given us, employed on our moral actions, in their most important consequences, as related to the tribunal of God, hence I infer that God alone is the God of the conscience, and, consequently, attempts to erect human tribunals for the consciences of men are impious encroachments upon the prerogatives of God. Upon these principles, had there been a religious test as a qualification for office, it would, in my opinion, have been a great blemish upon the instrument.

Gen. HEATH. Mr. President, after a long and painful investigation of the federal Constitution, by paragraphs, this honorable Convention are drawing nigh to the ultimate question—a question as momentous as ever invited the attention of man. We are soon to decide on a system of government, digested, not for the people of the common-

wealth of Massachusetts only—not for the present people of the United States only—but, in addition to these, for all those states which may hereafter rise into existence within the jurisdiction of the United States, and for millions of people yet unborn; a system of government, not for a nation of slaves, but for a people as free and virtuous as any on earth; not for a conquered nation, subdued to our will, but for a people who have fought, who have bled, and who have conquered; who, under the smiles of Heaven, have established their independence and sovereignty, and have taken equal rank among the nations of the earth. In short, sir, it is a system of government for ourselves and for our children, for all that is near and dear to us in life; and on the decision of the question is suspended our political prosperity or infelicity, perhaps our existence as a nation. What can be more solemn? What can be more interesting? Every thing depends on our union. I know that some have supposed, that, although the union should be broken, particular states may retain their importance; but this cannot be. The strongest-nerved state, even the right arm, if separated from the body, must wither. If the great union be broken, our country, as a nation, perishes; and if our country so perishes, it will be as impossible to save a particular state as to preserve one of the fingers of a mortified hand.

By one of the paragraphs of the system, it is declared that the ratifications of the conventions of nine states shall be sufficient for the establishment of the Constitution between the states so ratifying the same. But, sir, how happy will it be, if not only nine, but even all the states, should ratify it! It will be a happy circumstance if only a small majority of this Convention should ratify the federal system; but how much more happy if we could be unanimous! It will be a happy circumstance if a majority of the people of this commonwealth should be in favor of the federal system; but how much more so, if they should be unanimous! and, if there are any means whereby they may be united, every exertion should be made to effect it. I presume, sir, that there is not a single gentleman within these walls who does not wish for a federal government—for an efficient federal government; and that this government should be possessed of every power necessary to enable it to shed on the people the benign influence of a good government. But I have

Judge SUMNER, adverting to the pathetic apostrophe of the gentleman last speaking, said, he could with as much sincerity apostrophize—O Government! thou greatest good! thou best of blessings! with thee I wish to live—with thee I wish to die! Thou art as necessary to the support of the political body as meat and bread are to the natural body.

The learned judge then turned his attention to the proposition submitted by the president, and said, he sincerely hoped that it would meet the approbation of the Convention, as it appeared to him a remedy for all the difficulties which gentlemen, in the course of the debates, had mentioned. He particularized the objections which had been started, and showed that their removal was provided for in the proposition; and concluded by observing, that the probability was very great, that, if the amendments proposed were recommended by this Convention, they would, on the meeting of the first Congress, be adopted by the general government.

Mr. WIDGERY said, he did not see the probability that these amendments would be made, if we had authority to propose them. He considered, he said, that the Convention did not meet for the purpose of recommending amendments, but to adopt or reject the Constitution. He concluded by asking, whether it was probable that those states who had already adopted the Constitution would be likely to submit to amendments.

*Afternoon.* [When the Convention met, a short conversation ensued on the time when the grand question should be taken. It was agreed that it should not be until Tuesday. After this conversation subsided, another took place on the division of the motion, in order that the question of ratifying might be considered separately from the amendments; but nothing final was determined upon.]

Judge DANA advocated the proposition submitted by his excellency, the president. It contained, he said, the amendments generally wished for, as they were not of a local nature, but extended to every part of the Union. If they were recommended to be adopted by this Convention, it was very probable that two thirds of the Congress would concur in promising them; or that two thirds of the legislatures of the several states would apply for the call of a convention to consider them, agreeably to the mode pointed out in the Constitution; and said he did not think that gentle-

men would wish to reject the whole of the system, because some part of it did not please them. He then went into consideration of the advantages which would ensue, from its adoption, to the United States, to the individual states, and to the several classes of citizens, and concluded by representing, in a lively manner, the evils to the whole continent, and to the Northern States in particular, which must be the unavoidable attendants on the present system of general government.

Mr. RUSSELL rose, he said, with diffidence, to offer his sentiments on the subject in debate; but he could not, he said, forbear to give his sentiments on the advantage which he apprehended must result from the adoption of the proposed Constitution to this state, and to the United States, in the advancement of their commerce. Mr. R. said, he believed it had always been the policy of trading nations to secure to themselves the advantages of their carrying trade. He observed how tenacious France, Holland, and England, were in this particular, and how beneficial it had proved to them. He then went into an accurate and interesting statement of the quantities of produce which were exported from the several states, and showed the ability of the states to furnish, from among themselves, shipping fully sufficient for the transportation of this produce; which, he observed, if confined, by the general government, to American vessels,—while the restriction would not increase the rates of freightage to the Southern States, as the Northern and Middle States could produce a surplusage of shipping, and a spirit of competition would call forth their resources,—would greatly increase our navigation; furnish us with a great nursery of seamen; give employment not only to the mechanics, in constructing the vessels, and the trades dependent thereon, but to the husbandmen, in the cutting down of trees for timber, and transporting them to the places of building; increase the demand for the products of the land, and for our beef, our pork, our butter, &c.; and give such life and spirit to our commerce as would extend it to all the nations of the world. These, he said, were some of the blessings he anticipated from the adoption of the federal Constitution; and so convinced was he of its utility and necessity, that, while he wished that, on the grand question being put, there might not be one dissenting voice, if he was allowed, he would hold

liberty such opposition would arise as would bring them to the scaffold. But, admitting that there are dangers in accepting this general government; yet are there not greater hazards in rejecting it? Such is, Mr. President, the state of our affairs, that it is not in our power to carve for ourselves. To avoid the greatest and choose the least of these two evils, is all that we can do. What, then, will be the probable effects if this Constitution be rejected? Have we not reason to fear new commotions in this commonwealth? If they arise, can we be always certain that we shall be furnished with a citizen, who, though possessed of extensive influence and the greatest abilities, will make no other use of them than to quiet the tumult of the people, to prevent civil war, and to restore the usual course of law and justice? Are we not in danger from other states, when their interests or prejudices are opposite to ours? And in such scenes of hostile contention, will not some Sylla drench the land in blood, or some Cromwell or Cæsar lay our liberties prostrate at his feet? Will not foreign nations attack us in our weak, divided condition, and once more render our provinces to some potentate of Europe? Or will those powers to whom we are indebted lie quiet? They certainly will not. They are now waiting for our decision; but when they once see that our union is broken, and that we are determined to neglect them, they will issue out letters of marque and reprisal, and entirely destroy our commerce.

If this system is broken up, will thirteen, or even nine states, ever agree to another? And will Providence smile on a people who despise the privileges put into their hands, and who neglect the plainest principles of justice and honesty? After all, I by no means pretend that there is complete perfection in this proposed Constitution. Like all other human productions, it hath its faults. Provision is made for an amendment, whenever, from practice, it is found oppressive. I would add, the proposals which his excellency hath condescended to lay before this honorable Convention, respecting future alterations, are real improvements for the better; and we have no reason to doubt but they will be equally attended to by other states, as they lead to common security and preservation.

[Some of the gentlemen in the opposition have quoted ancient history, and applied it to the question now under

debate. They have shown us the danger which arises from vesting magistrates with too much power. I wish they had gone on to tell the whole truth. They might have shown how nearly licentiousness and tyranny are allied; that they who will not be governed by reason must submit to force; that demagogues, in all free governments, have at first held out an idea of extreme liberty, and have seized on the rights of the people under the mask of patriotism. They might have shown us a republic in which wisdom, virtue, and order, were qualities for which a man was liable to banishment; and, on the other hand, boasting, sedition, and falsehood, the sure road to honor and promotion.

I am sorry that it hath been hinted by some gentlemen in this house, as if there were a combination of the rich, the learned, and those of liberal professions, to establish and support an arbitrary form of government. Far be it from me to retort so uncharitable and unchristian a suggestion. I doubt not but the gentlemen who are of different sentiments from myself, are actuated by the purest motives. Some of them I have the pleasure to be particularly acquainted with, and can safely pronounce them to be men of virtue and honor. They have, no doubt, a laudable concern for the liberties of their country; but I would beg them to remember that extreme jealousy and suspicion may be as fatal to freedom as security and negligence.

With respect to myself, I am conscious of no motive which guides me in this great and solemn question, but what I could justify to my own heart, both on the bed of death, and before the tribunal of omnipotence. I am a poor man; I have the feelings of a poor man. If there are honors and emoluments in this proposed Constitution, I shall, by my profession and circumstances in life, be forever excluded from them. It is my wish and prayer, that, in the solemn verdict we are very soon to pronounce, we may be directed to that measure which will be for the glory, freedom, and felicity of my country.

I shall trouble this house no further than by joining sincerely in the wish of the honorable gentleman from Tops-ham, that the people, in their day, may know the things which belong to their peace.

[The committee appointed, on Saturday, to consider his excellency's propositions, by their chairman, honorable Mr

upon every leading point, we are at last agreed. Very few among us now deny that a federal government is necessary to save us from ruin; that the Confederation is not that government; and that the proposed Constitution, connected with the amendments, is worthy of being adopted. The question recurs, Will the amendments prevail, and become part of the system? In order to obtain such a system as the Constitution and the amendments, there are but three ways of proceeding — to reject the whole, and begin anew; to adopt this plan upon condition that the amendments be inserted into it; or to adopt his excellency's proposition.

Those who propose to reject the whole, are bound to show that we shall possess some advantage in forming a system which we do not enjoy at present, or that some obstacles will be removed which impede us now. But will that be the case? Shall we adopt another constitution with more unanimity than we expect to find in this Convention? Do gentlemen so soon forget their own arguments? We have been told that the new Constitution will be rebellion against the Confederation; that the interests of the states are too dissimilar for a union; and that Massachusetts can do without the union, and is a match for all the world. We have been warned of the tendency of all power towards tyranny, and of the danger of trusting Congress with the power of the purse and of the sword; that the system is not perfect; there is no religious test, and slavery is not abolished. Now, sir, if we reject the Constitution, and, after two or three years' exertion, another constitution should be submitted to another convention of Massachusetts, shall we escape the opposition which is made in this assembly? Will not the same objections then apply with equal force to another system? Or do gentlemen expect that a constitution may be formed which will not be liable to those objections? Do they expect one which will not annul the Confederation, or that the persons and properties of the people shall not be included in the compact, and that we shall hear no more about armies and taxes? But suppose that it was so framed, who is there, even amongst the objectors, who would give his vote for so paltry a system? If we reject, we are exposed to the risk of having no constitution, of being torn with factions, and at last divided into distinct confederacies.

If we accept *upon condition*, shall we have a right to send

members to the new Congress? We shall not; and, of course, this state would lose its voice and influence in obtaining the adoption of the amendments. This is too absurd to need any further discussion.

But, in objection to your excellency's propositions, it is said that it is no more than probable that they will be agreed to by the other states. I ask, What is any future thing that we devise more than probable? What more is another constitution? All agree that we must have one; and it is easy to perceive that such a one as the majority of the people approve *must* be submitted to by this state; for what right have an eighth or tenth part of the people to dictate a government for the whole? It comes to this point, therefore: Is any method more likely to induce the people of the United States to concur with Massachusetts, than that proposed by your excellency? If it is answered that there is none, as I think it must be, then the objection, that the chance of obtaining the amendments is no more than probable, will come to the ground, and it will appear that, of all chances, we depend upon that which is the safest. For when will the voice of Massachusetts have so powerful an influence as at present? There is not any government now to counteract or awe the people. The attention of the people is excited from one end of the states to the other, and they will watch and control the conduct of their members in Congress. Such amendments as afford better security to liberty will be supported by the people. There will be a Congress in existence to collect their sentiments, and to pursue the objects of their wishes. Nine states may insert amendments into the Constitution; but if we reject it, the vote must be unanimous. Our state, in that case, would lose the advantage of having representatives according to numbers, which is allowed by the Constitution. Upon a few points, and those not of a local nature, unanimity may be expected; but, in discussing a whole Constitution, in which the very amendments, that, it is said, will not be agreed to by the states, are to be inserted, unanimity will be almost a miracle. Either the amendments will be agreed to by the Union, or they will not. If it is admitted that they will be agreed to, there is an end of the objection to your excellency's propositions, and we ought to be unanimous for the Constitution. If it is said that they will not be agreed to, then it must be



because they are not approved by the United States, or at least nine of them. Why shall we reject the Constitution, then, for the sole purpose of obtaining that unanimous vote of thirteen states, which, it is confidently said, it is impossible we ever shall obtain from nine only? An object which is impossible is out of the question. The argument that the amendments will not prevail, is not only without force, but directly against those who use it, unless they admit that we have no need of a government, or assert that, by ripping up the foundations of the compact, upon which we now stand, and setting the whole Constitution afloat, and introducing an infinity of new subjects of controversy, we pursue the best method to secure the entire unanimity of thirteen states.

But shall we put every thing that we hold precious to the hazard by rejecting this Constitution? We have great advantages by it in respect of navigation; and it is the general interest of the states that we should have them. But if we reject it, what security have we that we shall obtain them a second time, against the local interests and prejudices of the other states? Who is there, that really loves liberty, that will not tremble for its safety, if the federal government should be dissolved. Can liberty be safe without government?

The period of our political dissolution is approaching. Anarchy and uncertainty attend our future state. But this we know — that Liberty, which is the soul of our existence, once fled, can return no more.

The Union is essential to our being as a nation. The pillars that prop it are crumbling to powder. The Union is the vital sap that nourishes the tree. If we reject the Constitution, — to use the language of the country; — we girdle the tree, its leaves will wither, its branches drop off, and the mouldering trunk will be torn down by the tempest. What security has this single state against foreign enemies? Could we defend the mast country, which the Britons so much desire? Can we protect our fisheries, or secure by treaties a sale for the produce of our lands in foreign markets? Is there no loss, no danger, by delay? In spite of our negligence and perverseness, are we to enjoy, at all times, the privilege of forming a constitution, which no other nation has ever enjoyed at all. We approve our own form of state

government, and seem to think ourselves in safety under its protection. We talk as if there was no danger in deciding wrong. But when the inundation comes, shall we stand on dry land? The state government is a beautiful structure. It is situated, however, upon the naked beach. The Union is the dike to fence out the flood. That dike is broken and decayed; and, if we do not repair it, when the next spring tide comes, we shall be buried in one common destruction.

Mr. BARRELL, (of York.) Awed in the presence of this august assembly; conscious of my inability to express my mind fully on this important occasion; and sensible how little I must appear in the eyes of those giants in rhetoric, who have exhibited such a pompous display of declamation; without any of those talents calculated to draw attention; without the pleasing eloquence of Cicero, or the blaze of Demosthenian oratory, — I rise, sir, to discharge my duty to my constituents, who, I know, expect something more from me than merely a silent vote. With no pretensions to talents above the simple language adapted to the line of my calling, — the plain husbandman, — I hope the gentlemen who compose this honorable body will fully understand me when I attempt to speak my mind of the federal Constitution as it now stands. I wish, sir, to give my voice for its amendment before it can be salutary for our acceptance; because, sir, notwithstanding the Wilsonian oratory, and all the learned arguments I have seen written, notwithstanding the many labored speeches I have heard in its defence, and after the best investigation I am able to give this subject, — I fear it is pregnant with baneful effects, although I may not live to feel them.

Because, sir, as it now stands, Congress will be vested with more extensive powers than ever Great Britain exercised over us; too great, in my opinion, to intrust with any class of men, let their talents or virtues be ever so conspicuous, even though composed of such exalted, amiable characters as the great Washington; for, while we consider them, as men of like passions, the same spontaneous, inherent thirst for power with ourselves, great and good as they may be, when they enter upon this all-important charge, what security can we have that they will continue so? And, were we sure they would continue the faithful guardians of our liberties, and prevent any infringement on the privileges of