

# Constitutional Academy

## *Unruly Americans and the Origins of the Constitution*

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Andrew Estave  
Letter in *Virginia Gazette*  
July 20, 1775

In July 1775 the Revolutionary War had not yet come to Virginia, but New England farmers had fought British regulars at Lexington, Concord, and Bunker Hill. Free Virginians were beginning to divide into two camps: a small band of Loyalists led by Lord Dunmore, the royal governor, and a much larger group of Patriots. Within the expanding breach between white Patriots and Loyalists, enslaved Virginians found opportunity. One such slave was a fifteen-year old who had been accused of a horrific crime. She hoped to receive sanctuary at the governor's palace in Williamsburg, the provincial capital. But Governor Dunmore had left the palace shortly before she tried to reach him.

Pinkney's *Virginia Gazette*, July 20, 1775.

As the public have lately entertained a very disadvantageous opinion of me with regard to my usage of a negro wench, about fifteen years of age, whom I had of Mr. Malory, it gives me the greatest pain imaginable to be reduced to the disagreeable necessity of being troublesome to the public on this occasion. But as there is nothing more sacred and dear to one than his reputation and character in the world, I humbly hope that this consideration will have its due weight with the public, and be a sufficient advocate for my trespassing on their time and patience.

Since the 10th of February, 1775, at which time this wench came into my possession, she has eloped from my service no less than thirteen times without the least shadow of provocation. For the three first times I gave her to the number of forty lashes, but all to no purpose. At last, seeing it was of no avail to correct her any more, I gave her entirely over to herself, to see if this usage would have any effect upon her stubborn nature; since which she has often run off, and been brought back to me, without receiving the least correction, although she had robbed me of two silver coffee spoons, in company with her husband, who had run off along with her.

Since her last return she has continued with me for the space of fifteen days; during which time my little daughter, about three years of age, fell into a lingering disorder, the cause of which we could not discover, she continuing to cry incessantly. One day my negro woman found my child, together with this cruel and unnatural wretch, concealed behind my barn, among the bushes, with her thumb thrust into the private parts of my poor child. She being struck with horror at the sight, ran in immediately to acquaint us. We accordingly found the little innocent all over bloody, and in a most terrible condition. During the confusion we were put in by this accident she took the opportunity of making her escape, and made to the palace.

When brought from thence I gave her eighty lashes, well laid on, and afterwards applied to her back a handful of cold embers; for which I have been stigmatized with the epithets of cruel and inhuman; but I leave it to the impartial public, if in this situation, I acted beyond the bounds of humanity, in the extremity a father must be in upon seeing his innocent child used in this manner.

ANDREW ESTAVE

# Abigail Adams Letters

## **Abigail Adams to John Adams, March 31, 1776 (excerpt)**

I long to hear that you have declared an independency -- and by the way in the new Code of Laws which I suppose it will be necessary for you to make I desire you would Remember the Ladies, and be more generous and favourable to them than your ancestors. Do not put such unlimited power into the hands of the Husbands. Remember all Men would be tyrants if they could. If perticular care and attention is not paid to the Laidies we are determined to foment a Rebellion, and will not hold ourselves bound by any Laws in which we have no voice, or Representation.

That your Sex are Naturally Tyrannical is a Truth so thoroughly established as to admit of no dispute, but such of you as wish to be happy willingly give up the harsh title of Master for the more tender and endearing one of Friend. Why then, not put it out of the power of the vicious and the Lawless to use us with cruelty and indignity with impunity. Men of Sense in all Ages abhor those customs which treat us only as the vassals of your Sex. Regard us then as Beings placed by providence under your protection and in imitation of the Supreem Being make use of that power only for our happiness.

## **Abigail Adams to John Adams, June 17, 1782 (excerpt)**

Ardently as I long for the return of my dearest Friend, I cannot feel the least inclination to a peace but upon the most liberal foundation. Patriotism in the female Sex is the most disinterested of all virtues. Excluded from honours and from offices, we cannot attach ourselves to the State or Government from having held a place of Eminence. Even in the freeest countrys our property is subject to the controul and disposal of our partners, to whom the Laws have given a soverign Authority. Deprived of a voice in Legislation, obliged to submit to those Laws which are imposed upon us, is it not sufficient to make us indifferent to the publick Welfare? Yet all History and every age exhibit Instances of patriotick virtue in the female Sex; which considering

our situation equals the most Heroick of yours. "A late writer observes that as Citizens we are calld upon to exhibit our fortitude, for when you offer your Blood to the State, it is ours. In giving it our Sons and Husbands we give more than ourselves. You can only die on the field of Battle, but we have the misfortune to survive those whom we Love most."

I will take praise to myself. I feel that it is my due, for having sacrificed so large a portion of my peace and happiness to promote the welfare of my country which I hope for many years to come will reap the benifit, tho it is more than probable unmindfull of the hand that blessed them.

Your Friends complain that you do not write to them. I say all I can in excuse, but I wish you to notice them all, and in a particular manner to continue your affectionate Regard and attachment to

Portia

## “Crisis,” *New Hampshire Gazette*, July 20, 1786

*Even before thirteen British colonies declared independence from Britain in 1776, the colonists had begun to argue among themselves about what sort of government policies should replace those imposed by the British empire—and they never stopped arguing. During the economic downturn of the 1780s, one topic that was debated by the free residents of every state was whether the printing of paper money would solve or exacerbate the crisis.*

[T]here are among us, those, who say. . . . men of no property, and deeply involved in debt . . . want paper money to be made, [so] that they may pay their creditors at a great depreciation, and thereby fraudulently wrong and injure honest men, orphans, and widows...

But from what quarter does all these violent charges come? why, from the immaculate oppressors themselves, and their friends, agents, solicitors or attornies, from the very men, who wish to have all these good bargains themselves, who make this artificial dearth (as they term it) of silver and gold, on purpose to promote them, [so] that the poor and necessitous may become their tenants and vassals, hewers of their wood and drawers of their water, instead of their fellow citizens, and men equal to themselves on every account. [T]hey wish to see the farmer also reduced, those respectable supporters of the late glorious revolution, whose estates have borne the expenses of the late war, and whose children have taken the field in defence of their country, while these dastard sons of oppression have shrunk from the danger, like parchment before the fire, and many of them rather wished success to our enemies than otherways.

They hope to see the produce of our lands sold for little more than will pay the taxes on them, and the sweat of the [industrious](#) farmer’s brow may still drop, while they may revel and riot in high life, pomp and vanity, and forget their former insignificancy; in their opinions the [tradesmen](#) are not made of the same clay with themselves, and perhaps not formed by the same hand; they would deny them the common blessings of life, those very blessings which the God of nature prepared for their use, and if their wives and daughters wear a gaudy ribbond, or a flimsy cap of gauze . . . it is construed into mimicry, luxury and extravagance, which is so insupportable to their vanity, that the very sight of such little innocent and trifling ornaments of innate pride, offends and disgusts them to the highest degree.

[B]ut take a view of the domestic wants of the [tradesmen](#), and you will there see them too glaring to be denied, and too pinching to be long borne. Taxes and [want](#) of business in their several occupations are the principal topicks of their conversation . . .

The legislatures of those very opulent states of North Carolina, South Carolina, Virginia, Pennsylvania, New-Jersies, New-York and Rhode-Island, have absolutely made a paper

currency, and the people in the state of Delaware are now violently calling on their legislature to do the same. . . . will they not thereby promote [levelism](#), and bring the proud oppressors to [own](#) that they are but meer men? It must be [owned](#) that there were opposers in each state against the measure; but they happened to be rich men, who wanted to take every advantage of the good bargains, to bring their money out of their hoards, & to increase the number of their poor dependants, and is there any harm in that? No, it is a common [usage](#) amongst the rich, that they may insure respect, and become the golden calfs that the people shall fall before and worship instead of a benevolent being....

[In the states that have printed paper money], the [late despondents](#) now meet their families with conjugal and parental affection, while they in return solace the fond partner of their love....

[S]peak your minds, and be no longer kept in a state of insensibility to your own sufferings, while your relief is so near at hand, and the artifices of impostures who have derided your [convention](#) may be brought to shame and confusion of face. . . . if you express your minds by your numbers in peaceable town meetings, and if instructions are not obeyed, nor your modest petitions heard, your firm remonstrances will be finally received, and must prevail.

Crisis

### Discussion questions

- (1) In what ways does “Crisis” alter your mental picture of American society during the era of the American Revolution?
- (2) How does the Crisis’s aversion to “vassalage” tie in with what you have read about the ideological origins of the American Revolution?
- (3) What distinction does Crisis draw between the ideas of gentlemen and small farmers?
- (4) What hints does Crisis give about both the [ideal](#) and the [reality](#) of [family life](#) in the United States of the mid-1780s?
- (5) Who do you think should determine how much money should circulate within any given society?

## Glossary

*industrious* – hard-working

tradesmen – artisans

to *want* – to lack

*levelism* – a 17<sup>th</sup> century English religious movement that sought to level off the amount of property poor and rich people owned

to *own* – to admit

*late despondents* – people who were recently despondent

*usage* – practice

*convention* – (Farmers had held conventions to demand that the legislature print paper money.)

# James Madison and Melancton Smith On the Constitution

## Introduction

The United States Constitution was adopted and signed in Philadelphia on September 17, 1787, but it did not immediately become the national charter. First it had to be ratified by nine of the thirteen states—and for awhile it looked like that was not going to happen. Historians estimate that about half of free white men (the only ppl. who could vote) opposed the Constitution when it was first put forward. On Day 3 of the Colloquium, we will reproduce the debate over the Constitution using the documents below. If your last names starts with A through K, you will be a Federalist—a supporter of the Constitution. If your last name starts with L through Z, you will be an Anti-Federalist, who opposed the Constitution.

The first two documents below—James Madison’s essay “Vices of the Political System” and “Federalist Paper” Number 51, published anonymously but also believed to have been written by Madison—both made a strong case for a powerful new national government. The last two documents, a pair of speeches given at the New York ratifying convention by Anti-Federalist Melancton Smith, argued that the Constitution would leave the United States in worse shape than it already was. Although you will want to study the documents that support your position closely, you are also advised to have a look at what the other side is going to say!

Federalists need to make two distinct arguments: that the United States is in bad shape right now (the summer of 1788) and the Constitution will not have any undue side effects. The Anti-Federalists will want to oppose both of these arguments, contending that the United States is not too doing too badly at the moment, and that the Constitution poses a real threat to American liberties.

# Vices of the Political System of the United States

## James Madison

### April 1787

#### 1. Failure of the States to comply with the Constitutional requisitions.

This evil has been so fully experienced both during the war and since the peace, results so naturally from the number and independent authority of the States and has been so uniformly exemplified in every similar Confederacy, that it may be considered as not less radically and permanently inherent in, than it is fatal to the object of, the present System.

#### 2. Encroachments by the States on the federal authority.

Examples of this are numerous and repetitions may be foreseen in almost every case where any favorite object of a State shall present a temptation. Among these examples are the wars and Treaties of Georgia with the Indians--The unlicensed compacts between Virginia and Maryland, and between Penna. & N. Jersey--the troops raised and to be kept up by Masss.

#### 3. Violations of the law of nations and of treaties.

From the number of Legislatures, the sphere of life from which most of their members are taken, and the circumstances under which their legislative business is carried on, irregularities of this kind must frequently happen. Accordingly not a year has passed without instances of them in some one or other of the States. The Treaty of peace--the treaty with France--the treaty with Holland have each been violated. The causes of these irregularities must necessarily produce frequent violations of the law of nations in other respects.

As yet foreign powers have not been rigorous in animadverting on us. This moderation however cannot be mistaken for a permanent partiality to our faults, or a permanent security agst. those disputes with other nations, which being among the greatest of public calamities, it ought to be least in the power of any part of the Community to bring on the whole.

#### 4. Trespasses of the States on the rights of each other.

These are alarming symptoms, and may be daily apprehended as we are admonished by daily experience. See the law of Virginia restricting foreign vessels to certain ports--of Maryland in favor of vessels belonging to her own citizens--of N. York in favor of the same.

Paper money, instalments of debts, occlusion of Courts, making property a legal tender, may likewise be deemed aggressions on the rights of other States. As the Citizens of

every State aggregately taken stand more or less in the relation of Creditors or debtors, to the Citizens of every other States, Acts of the debtor State in favor of debtors, affect the Creditor State, in the same manner, as they do its own citizens who are relatively creditors towards other citizens. This remark may be extended to foreign nations. If the exclusive regulation of the value and alloy of coin was properly delegated to the federal authority, the policy of it equally requires a controul on the States in the cases above mentioned. It must have been meant 1. to preserve uniformity in the circulating medium throughout the nation. 2. to prevent those frauds on the citizens of other States, and the subjects of foreign powers, which might disturb the tranquility at home, or involve the Union in foreign contests.

The practice of many States in restricting the commercial intercourse with other States, and putting their productions and manufactures on the same footing with those of foreign nations, though not contrary to the federal articles, is certainly adverse to the spirit of the Union, and tends to beget retaliating regulations, not less expensive & vexatious in themselves, than they are destructive of the general harmony.

5. want of concert in matters where common interest requires it.

This defect is strongly illustrated in the state of our commercial affairs. How much has the national dignity, interest, and revenue suffered from this cause? Instances of inferior moment are the want of uniformity in the laws concerning naturalization & literary property; of provision for national seminaries, for grants of incorporation for national purposes, for canals and other works of general utility, wch. may at present be defeated by the perverseness of particular States whose concurrence is necessary.

6. want of guaranty to the States of their Constitutions & laws against internal violence.

The confederation is silent on this point and therefore by the second article the hands of the federal authority are tied. According to Republican Theory, Right and power being both vested in the majority, are held to be synonymous. According to fact and experience a minority may in an appeal to force, be an overmatch for the majority. 1. If the minority happen to include all such as possess the skill and habits of military life, & such as possess the great pecuniary resources, one third only may conquer the remaining two thirds. 2. One third of those who participate in the choice of the rulers, may be rendered a majority by the accession of those whose poverty excludes them from a right of suffrage, and who for obvious reasons will be more likely to join the standard of sedition than that of the established Government. 3. Where slavery exists the republican Theory becomes still more fallacious.

7. want of sanction to the laws, and of coercion in the Government of the Confederacy.

A sanction is essential to the idea of law, as coercion is to that of Government. The federal system being destitute of both, wants the great vital principles of a Political Cons[ti]tution. Under the form of such a Constitution, it is in fact nothing more than a treaty of amity of commerce and of alliance, between so many independent and Sovereign States. From what cause could so fatal an omission have happened in the

articles of Confederation? from a mistaken confidence that the justice, the good faith, the honor, the sound policy, of the several legislative assemblies would render superfluous any appeal to the ordinary motives by which the laws secure the obedience of individuals: a confidence which does honor to the enthusiastic virtue of the compilers, as much as the inexperience of the crisis apologizes for their errors. The time which has since elapsed has had the double effect, of increasing the light, and tempering the warmth, with which the arduous work may be revised. It is no longer doubted that a unanimous and punctual obedience of 13 independent bodies, to the acts of the federal Government, ought not be calculated on. Even during the war, when external danger supplied in some degree the defect of legal & coercive sanctions, how imperfectly did the States fulfil their obligations to the Union? In time of peace, we see already what is to be expected. How indeed could it be otherwise? In the first place, Every general act of the Union must necessarily bear unequally hard on some particular member or members of it. Secondly the partiality of the members to their own interests and rights, a partiality which will be fostered by the Courtiers of popularity, will naturally exaggerate the inequality where it exists, and even suspect it where it has no existence. Thirdly a distrust of the voluntary compliance of each other may prevent the compliance of any, although it should be the latent disposition of all. Here are causes & pretexts which will never fail to render federal measures abortive. If the laws of the States, were merely recommendatory to their citizens, or if they were to be rejudged by County authorities, what security, what probability would exist, that they would be carried into execution? Is the security or probability greater in favor of the acts of Congs. which depending for their execution on the will of the state legislatures, wch. are tho' nominally authoritative, in fact recommendatory only.

#### 8. Want of ratification by the people of the articles of Confederation.

In some of the States the Confederation is recognized by, and forms a part of the constitution. In others however it has received no other sanction than that of the Legislative authority. From this defect two evils result: 1. Whenever a law of a State happens to be repugnant to an act of Congress, particularly when the latter is of posterior date to the former, it will be at least questionable whether the latter must not prevail; and as the question must be decided by the Tribunals of the State, they will be most likely to lean on the side of the State. 2. As far as the Union of the States is to be regarded as a league of sovereign powers, and not as a political Constitution by virtue of which they are become one sovereign power, so far it seems to follow from the doctrine of compacts, that a breach of any of the articles of the confederation by any of the parties to it, absolves the other parties from their respective obligations, and gives them a right if they chuse to exert it, of dissolving the Union altogether.

#### 9. Multiplicity of laws in the several States.

In developing the evils which viciate the political system of the U. S. it is proper to include those which are found within the States individually, as well as those which directly affect the States collectively, since the former class have an indirect influence on the general malady and must not be overlooked in forming a compleat remedy. Among the evils then of our situation may well be ranked the multiplicity of laws from which no

State is exempt. As far as laws are necessary, to mark with precision the duties of those who are to obey them, and to take from those who are to administer them a discretion, which might be abused, their number is the price of liberty. As far as the laws exceed this limit, they are a nuisance: a nuisance of the most pestilent kind. Try the Codes of the several States by this test, and what a luxuriancy of legislation do they present. The short period of independency has filled as many pages as the century which preceded it. Every year, almost every session, adds a new volume. This may be the effect in part, but it can only be in part, of the situation in which the revolution has placed us. A review of the several codes will shew that every necessary and useful part of the least voluminous of them might be compressed into one tenth of the compass, and at the same time be rendered tenfold as perspicuous.

#### 10. mutability of the laws of the States.

This evil is intimately connected with the former yet deserves a distinct notice as it emphatically denotes a vicious legislation. We daily see laws repealed or superseded, before any trial can have been made of their merits: and even before a knowledge of them can have reached the remoter districts within which they were to operate. In the regulations of trade this instability becomes a snare not only to our citizens but to foreigners also.

#### 11. Injustice of the laws of States.

If the multiplicity and mutability of laws prove a want of wisdom, their injustice betrays a defect still more alarming: more alarming not merely because it is a greater evil in itself, but because it brings more into question the fundamental principle of republican Government, that the majority who rule in such Governments, are the safest Guardians both of public Good and of private rights. To what causes is this evil to be ascribed?

These causes lie 1. in the Representative bodies.

2. in the people themselves.

1. Representative appointments are sought from 3 motives. 1. ambition 2. personal interest. 3. public good. Unhappily the two first are proved by experience to be most prevalent. Hence the candidates who feel them, particularly, the second, are most industrious, and most successful in pursuing their object: and forming often a majority in the legislative Councils, with interested views, contrary to the interest, and views, of their Constituents, join in a perfidious sacrifice of the latter to the former. A succeeding election it might be supposed, would displace the offenders, and repair the mischief. But how easily are base and selfish measures, masked by pretexts of public good and apparent expediency? How frequently will a repetition of the same arts and industry which succeeded in the first instance, again prevail on the unwary to misplace their confidence?

How frequently too will the honest but unenlightened representative be the dupe of a favorite leader, veiling his selfish views under the professions of public good, and varnishing his sophistical arguments with the glowing colours of popular eloquence?

2. A still more fatal if not more frequent cause lies among the people themselves. All civilized societies are divided into different interests and factions, as they happen to be creditors or debtors--Rich or poor--husbandmen, merchants or manufacturers--members of different religious sects--followers of different political leaders--inhabitants of different districts--owners of different kinds of property &c &c. In republican Government the majority however composed, ultimately give the law. Whenever therefore an apparent interest or common passion unites a majority what is to restrain them from unjust violations of the rights and interests of the minority, or of individuals? Three motives only 1. a prudent regard to their own good as involved in the general and permanent good of the Community. This consideration although of decisive weight in itself, is found by experience to be too often unheeded. It is too often forgotten, by nations as well as by individuals that honesty is the best policy. 2dly. respect for character. However strong this motive may be in individuals, it is considered as very insufficient to restrain them from injustice. In a multitude its efficacy is diminished in proportion to the number which is to share the praise or the blame. Besides, as it has reference to public opinion, which within a particular Society, is the opinion of the majority, the standard is fixed by those whose conduct is to be measured by it. The public opinion without the Society, will be little respected by the people at large of any Country. Individuals of extended views, and of national pride, may bring the public proceedings to this standard, but the example will never be followed by the multitude. Is it to be imagined that an ordinary citizen or even an assemblyman of R. Island in estimating the policy of paper money, ever considered or cared in what light the measure would be viewed in France or Holland; or even in Massts or Connect.? It was a sufficient temptation to both that it was for their interest: it was a sufficient sanction to the latter that it was popular in the State; to the former that it was so in the neighbourhood. 3dly. will Religion the only remaining motive be a sufficient restraint? It is not pretended to be such on men individually considered. Will its effect be greater on them considered in an aggregate view? quite the reverse. The conduct of every popular assembly acting on oath, the strongest of religious Ties, proves that individuals join without remorse in acts, against which their consciences would revolt if proposed to them under the like sanction, separately in their closets. When indeed Religion is kindled into enthusiasm, its force like that of other passions, is increased by the sympathy of a multitude. But enthusiasm is only a temporary state of religion, and while it lasts will hardly be seen with pleasure at the helm of Government. Besides as religion in its coolest state, is not infallible, it may become a motive to oppression as well as a restraint from injustice. Place three individuals in a situation wherein the interest of each depends on the voice of the others, and give to two of them an interest opposed to the rights of the third? Will the latter be secure? The prudence of every man would shun the danger. The rules & forms of justice suppose & guard against it. Will two thousand in a like situation be less likely to encroach on the rights of one thousand? The contrary is witnessed by the notorious factions & oppressions which take place in corporate towns limited as the opportunities are, and in little republics when uncontroled by apprehensions of external danger. If an enlargement of the sphere is found to lessen the insecurity of private rights, it is not because the impulse of a common interest or passion is less predominant in this case with the majority; but because a common interest or passion is less apt to be felt and the requisite combinations less easy to be formed by a great than by a small number. The

Society becomes broken into a greater variety of interests, of pursuits, of passions, which check each other, whilst those who may feel a common sentiment have less opportunity of communication and concert. It may be inferred that the inconveniences of popular States contrary to the prevailing Theory, are in proportion not to the extent, but to the narrowness of their limits.

The great desideratum in Government is such a modification of the Sovereignty as will render it sufficiently neutral between the different interests and factions, to controul one part of the Society from invading the rights of another, and at the same time sufficiently controuled itself, from setting up an interest adverse to that of the whole Society. In absolute Monarchies, the prince is sufficiently, neutral towards his subjects, but frequently sacrifices their happiness to his ambition or his avarice. In small Republics, the sovereign will is sufficiently controuled from such a Sacrifice of the entire Society, but is not sufficiently neutral towards the parts composing it. As a limited Monarchy tempers the evils of an absolute one; so an extensive Republic meliorates the administration of a small Republic.

An auxiliary desideratum for the melioration of the Republican form is such a process of elections as will most certainly extract from the mass of the Society the purest and noblest characters which it contains; such as will at once feel most strongly the proper motives to pursue the end of their appointment, and be most capable to devise the proper means of attaining it.

## 12. Impotence of the laws of the States

*The Papers of James Madison*. Edited by William T. Hutchinson et al. Chicago and London: University of Chicago Press, 1962-77 (vols. 1-10); Charlottesville: University Press of Virginia, 1977-(vols. 11-). 9:348-57. Available at <http://www.teachingamericanhistory.org/library/index.asp?document=802>

## **Federalist 51**

### **The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments**

*New York Packet*, February 8, 1788

[James Madison]

To the People of the State of New York:

TO WHAT expedient, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the Constitution? The only answer that can be given is, that as all these exterior provisions are found to be inadequate, the defect must be supplied, by so contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places. Without presuming to undertake a full development of this important idea, I will hazard a few general observations, which may perhaps place it in a clearer light, and enable us to form a more correct judgment of the principles and structure of the government planned by the convention.

In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own; and consequently should be so constituted that the members of each should have as little agency as possible in the appointment of the members of the others. Were this principle rigorously adhered to, it would require that all the appointments for the supreme executive, legislative, and judiciary magistracies should be drawn from the same fountain of authority, the people, through channels having no communication whatever with one another. Perhaps such a plan of constructing the several departments would be less difficult in practice than it may in contemplation appear. Some difficulties, however, and some additional expense would attend the execution of it. Some deviations, therefore, from the principle must be admitted. In the constitution of the judiciary department in

particular, it might be inexpedient to insist rigorously on the principle: first, because peculiar qualifications being essential in the members, the primary consideration ought to be to select that mode of choice which best secures these qualifications; secondly, because the permanent tenure by which the appointments are held in that department, must soon destroy all sense of dependence on the authority conferring them.

It is equally evident, that the members of each department should be as little dependent as possible on those of the others, for the emoluments annexed to their offices. Were the executive magistrate, or the judges, not independent of the legislature in this particular, their independence in every other would be merely nominal. But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions. This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other that the private interest of every individual may be a sentinel over the public rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the State. But it is not possible to give to each department an equal power of self-defense. In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is to divide the legislature into different branches; and to render them, by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit. It may even be necessary to guard against dangerous encroachments by still further precautions. As the weight of the

legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified.

An absolute negative on the legislature appears, at first view, to be the natural defense with which the executive magistrate should be armed. But perhaps it would be neither altogether safe nor alone sufficient. On ordinary occasions it might not be exerted with the requisite firmness, and on extraordinary occasions it might be perfidiously abused. May not this defect of an absolute negative be supplied by some qualified connection between this weaker department and the weaker branch of the stronger department, by which the latter may be led to support the constitutional rights of the former, without being too much detached from the rights of its own department? If the principles on which these observations are founded be just, as I persuade myself they are, and they be applied as a criterion to the several State constitutions, and to the federal Constitution it will be found that if the latter does not perfectly correspond with them, the former are infinitely less able to bear such a test.

There are, moreover, two considerations particularly applicable to the federal system of America, which place that system in a very interesting point of view. First. In a single republic, all the power surrendered by the people is submitted to the administration of a single government; and the usurpations are guarded against by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself. Second. It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure.

There are but two methods of providing against this evil: the one by creating a will in the community independent of the majority that is, of the society itself; the other, by comprehending in the society so many separate descriptions of citizens as will render an unjust combination of a majority of the whole very improbable, if not impracticable. The first method prevails in all governments possessing an hereditary or self-appointed authority. This, at best, is but a precarious security; because a power independent of the society may as well espouse the unjust views of the major, as the rightful interests of the minor party, and may possibly be turned against both parties. The second method will be exemplified in the federal republic of the United States. Whilst all authority in it will be

derived from and dependent on the society, the society itself will be broken into so many parts, interests, and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority.

In a free government the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects. The degree of security in both cases will depend on the number of interests and sects; and this may be presumed to depend on the extent of country and number of people comprehended under the same government. This view of the subject must particularly recommend a proper federal system to all the sincere and considerate friends of republican government, since it shows that in exact proportion as the territory of the Union may be formed into more circumscribed Confederacies, or States oppressive combinations of a majority will be facilitated: the best security, under the republican forms, for the rights of every class of citizens, will be diminished: and consequently the stability and independence of some member of the government, the only other security, must be proportionately increased. Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker individual is not secured against the violence of the stronger; and as, in the latter state, even the stronger individuals are prompted, by the uncertainty of their condition, to submit to a government which may protect the weak as well as themselves; so, in the former state, will the more powerful factions or parties be gradually induced, by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful.

It can be little doubted that if the State of Rhode Island was separated from the Confederacy and left to itself, the insecurity of rights under the popular form of government within such narrow limits would be displayed by such reiterated oppressions of factious majorities that some power altogether independent of the people would soon be called for by the voice of the very factions whose misrule had proved the necessity of it. In the extended republic of the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good; whilst there being thus less danger to a minor from the will of a major party, there must be less pretext, also, to provide for the security of the former, by introducing into the government a will not dependent on the latter, or, in other words, a will independent of the society itself. It is no less certain than it is important, notwithstanding the contrary opinions which have been entertained, that the larger the society, provided it lie within a

practical sphere, the more duly capable it will be of self-government. And happily for the REPUBLICAN CAUSE, the practicable sphere may be carried to a very great extent, by a judicious modification and mixture of the FEDERAL PRINCIPLE.

*PUBLIUS.*

**Melancton Smith**  
 Speech at New York Ratifying Convention  
 June 20, 1788  
 (excerpt)

(What you will read below is not Smith's speech as he wrote it but a transcription published in a New York newspaper; that is why it is written in the third person instead of the first person. The speech is available at <http://memory.loc.gov/ammem/amlaw/lawhome.html> )

...He was as strongly impressed with the necessity of a union as any one could be. He would seek it with as much ardor. In the discussion of this question, he was disposed to make every reasonable concession, and, indeed, to sacrifice every thing for a union, except the liberties of his country, than which he could contemplate no greater misfortune. But he hoped we were not reduced to the necessity of sacrificing, or even endangering, our liberties, to preserve the Union. If that was the case, the alternative was dreadful. But he would not now say that the adoption of the Constitution would endanger our liberties; because that was the point to be debated, and the premises should be laid down previously to the drawing of any conclusion. He wished that all observations might be confined to this point, and that declamations and appeals to the passions might be omitted.

Why, said he, are we told of our weakness? of the defenceless condition of the southern parts of our state? of the exposed situation of our capital? of Long Island, surrounded by water, and exposed to the incursions of our neighbors in Connecticut? of Vermont having separated from us, and assumed the powers of a distinct government? and of the north-west parts of our state being in the hands of a foreign enemy? Why are we to be alarmed with apprehensions that the Eastern States are inimical, and disinclined to form alliances with us? He was sorry to find that such suspicions were entertained. He believed that no such disposition existed in the Eastern States. Surely it could not be supposed that those states would make war upon us for exercising the rights of freemen, deliberating and judging for ourselves, on a subject the most interesting that ever came before any assembly. If a war with our neighbors was to be the result of not acceding, there was no use in debating here; we had better receive their dictates, if we were unable to resist them. The defects of the old Confederation needed as little proof as the necessity of a union. But there was no proof in all this that the proposed Constitution was a good one. Defective as the old Confederation is, he said, no one could deny but it was possible we might have a worse government. But the question was not whether the present Confederation be a bad one, but whether the proposed Constitution be a good one.

It had been observed, that no example of federal republics had succeeded. It was true that the ancient confederated republics were all destroyed; so were those which were not confederated; and all ancient governments, of every form, had shared the same fate. Holland had, no doubt, experienced many evils from the defects in her government; but, with all these defects, she yet existed: she had, under her confederacy, made a principal figure among the nations of Europe, and he believed few countries had experienced a

greater share of internal peace and prosperity. The Germanic confederacy was not the most pertinent example to produce on this occasion. Among a number of absolute princes, who consider their subjects as their property, whose will is law, and to whose ambition there are no bounds, it was no difficult task to discover other causes from which the convulsions in that country rose, than the defects of their confederation. Whether a confederacy of states, under any form, be a practicable government, was a question to be discussed in the course of investigating the Constitution.

He was pleased that, thus early in debate, the honorable gentleman had himself shown that the intent of the Constitution was not a confederacy, but a reduction of all the states into a consolidated government. He hoped the gentleman would be complaisant enough to exchange names with those who disliked the Constitution, as it appeared from his own concessions, that they were federalists, and those who advocated it were anti-federalists. He begged leave, however, to remind the gentleman, that Montesquieu, with all the examples of modern and ancient republics in view, gives it as his opinion, that a confederated republic has all the internal advantages of a republic, with the external force of a monarchical government. He was happy to find an officer of such high rank recommending to the other officers of government, and to those who are members of the legislature, to be unbiased by any motives of interest or state importance. Fortunately for himself, he was out of the verge of temptation of this kind, not having the honor to hold any office under the state. But, then, he was exposed, in common with other gentlemen of the Convention, to another temptation, against which he thought it necessary that we should be equally guarded. If, said he, this Constitution is adopted, there will be a number of honorable and lucrative offices to be filled; and we ought to be cautious lest an expectancy of some of them should influence us to adopt without due consideration.

We may wander, said he, in the fields of fancy without end, and gather flowers as we go. It may be entertaining, but it is of little service to the discovery of truth. We may, on one side, compare the scheme advocated by our opponents to golden images, with feet part of iron and part of clay; and on the other, to a beast dreadful and terrible, and strong exceedingly, having great iron teeth,--which devours, breaks in pieces, and stamps the residue with his feet; and direr all, said he, we shall find that both these allusions are taken from the same vision; and their true meaning must be discovered by sober reasoning.

He would agree with the honorable gentlemen that perfection in any system of government was not to be looked for. If that was the object, the debates on the one before them might soon be closed. But he would observe, that this observation applied, with equal force, against changing any system, especially against material and radical changes. Fickleness and inconstancy, he said, were characteristic, of a free people; and, in framing a constitution for them, it was, perhaps, the most difficult thing to correct this Spirit, and guard against the evil effects of it. He was persuaded it could not be altogether prevented without destroying their freedom. It would be like, attempting to correct a small indisposition in the habit of the body, fixing the patient in a confirmed consumption. This fickle and inconstant spirit was the more dangerous in bringing about changes in the government. The instance that had been adduced by the gentleman from sacred history,

was an example in point to prove this. The nation of Israel, having received a form of civil government from Haven, enjoyed it for a considerable period; but, at length, laboring under pressures which were brought upon them by their own misconduct and imprudence, instead of imputing their misfortunes to their true causes, and making a proper improvement of their calamities, by a correction of their errors, they imputed them to a defect in their constitution; they rejected their divine Ruler, and asked Samuel to make them a king to judge them, like other nations. Samuel was grieved at their folly; but still, by the command of God, he hearkened to their voice, though not until he had solemnly declared unto them the manner in which the king should reign over them. "This (says Samuel) shall be the manner of the king that shall reign over you. He will take your sons, and appoint them for himself, for his chariots, and for his horsemen, and some shall run before his chariots; and he will appoint him captains over thousands, and captains over fifties, and will set them to ear his ground, and to reap his harvest, and to make his instruments of war, and instruments of his chariots. And he will take your daughters to be confectionaries, and to be cooks, and to be bakers. And he will take your fields, and your vineyards, and your olive-yards, even the best of them, and give them to his servants. And he will take the tenth of your seed, and of your vineyards, and give to his officers and to his servants, and he will take your men-servants, and your maid-servants, and your goodliest young men, and your asses, and put them to his work. He will take the tenth of your sheep; and ye shall be his servants. And ye shall cry out in that day, because of your king which ye have chosen you; and the Lord will not hear you in that day!" How far this was applicable to the subject, he would not now say; it could be better judged of when they had gone through it. On the whole, he wished to take up this matter with candor and deliberation.

He would now proceed to state his objections to the clause just read, (section 2, of article 1, clause 3.) His objections were comprised under three heads: 1st, the rule of apportionment is unjust; 2d, there is no precise number fixed on, below which the house shall not be reduced; 3d, it is inadequate. In the first place, the rule of apportionment of the representatives is to be according to the whole number of the white inhabitants, with three fifths of all others; that is, in plain English, each state is to send representatives in proportion to the number of freemen, and three fifths of the slaves it contains. He could not see any rule by which slaves were to be included in the ratio of representation. The principle of a representation being that every free agent should be concerned in governing himself, it was absurd in giving that power to a man who could not exercise it. Slaves have no will of their own. The very operation of it was to give certain privileges to those people who were so wicked as to keep slaves. He knew it would be admitted that this rule of apportionment was founded on unjust principles, but that it was the result of accommodation; which, he supposed, we should be under the necessity of admitting, if we meant to be in union with the Southern States, though utterly repugnant to his feelings. In the second place, the number was not fixed by the Constitution, but left at the discretion of the legislature; perhaps he was mistaken; it was his wish to be informed. He understood, from the Constitution, that sixty-five members were to compose the House of Representatives for three years; that, after that time, the census was to be taken, and the numbers to be ascertained by the legislature, on the following principles: 1st, they shall be apportioned to the respective states according to numbers; 2d, each state shall have

one, at least; 3d, they shall never exceed one to every thirty thousand. If this was the case, the first Congress that met might reduce the number below what it now is--a power inconsistent with every principle of a free government, to leave it to the discretion of the rulers to determine the number of representatives of the people. There was no kind of security--except in the integrity of the men who were intrusted; and if you have no other security, it idle to contend about constitutions In the third place, supposing Congress should declare that there should be one representative for every thirty thousand of the people, in his opinion, it would be incompetent to the great purposes of representation. It was, he said, the fundamental principle of a free government, that the people should make the laws by which they were to be governed. He who is controlled by another is a slave; and that government which is directed by the will of any one, or a few, or any number less than is the will of the community, is a government for slaves.

The new point was, How was the will of the community to be expressed? It was, not possible for them to come together; the multitude would be too great: in order, therefore, to provide against this inconvenience, the scheme of representation had been adopted, by which, the people deputed others to represent them. Individuals entering into society became one body, find that body ought to be animated by one mind; and he conceived that every form of government should have that complexion. It was true, notwithstanding all the experience we had from others, it had appeared that the experiment of representation had been fairly tried; there was something like it in the ancient republics, in which, being of small extent, the people could easily meet together, though, instead of deliberating, they only considered of those things which were submitted to them by their magistrates. In Great Britain, representation had been carried much further than in any government we knew of, except our own; but in that country it now had only a name. America was the only country in which the first fair opportunity had been offered. When we were colonies, our representation was better than any that was then known: since the revolution, we had advanced still nearer to perfection. He considered it as an object, of all others the most important, to have it fixed on its true principle; yet he was convinced that it was impracticable to have such a representation in a consolidated government. However, said he, we may approach a great way towards perfection by increasing the representation and limiting the powers of Congress. He considered that the great interests and liberties of the people could only be secured by the state governments. He admitted that, if the new government was only confined to great national objects, it would be less exceptionable; but it extended to every thing dear to human nature. That this was the case, would be proved without any long chain of reasoning; for that power which had both the purse and the sword had the government of the whole country, and might extend its powers to any and to every object. He had already observed that, by the true doctrine of representation, this principle was established--that the representative must be chosen by the free will of the majority of his constituents. It therefore followed that the representative should be chosen from small districts. This being admitted, he would ask, Could 65 men for 3,000,000, or 1 for 30,000, be chosen in this manner? Would they be possessed of the requisite information to make happy the great number of souls that were spread over this extensive country? There was another objection to the clause: if great affairs of government were trusted to few men, they would be more liable to corruption. Corruption, he knew, was unfashionable amongst us, but he supposed that Americans

were like other men; and though they had hitherto displayed great virtues, still they were men; and therefore such steps should be taken as to prevent the possibility of corruption. We were now in that stage of society in which we could deliberate with freedom; how long it might continue, God only knew! Twenty years hence, perhaps, these maxims might become unfashionable. We already hear, said he, in all parts of the country, gentlemen ridiculing that spirit of patriotism, and love of liberty, which carried us through all our difficulties in times of danger. When patriotism was already nearly hooted out of society, ought we not to take some precautions against the progress of corruption?

He had one more observation to make, to show that the representation was insufficient. Government, he said, must rest, for its execution, on the good opinion of the people; for, if it was made heaven, and had not the confidence of the people, it could not be executed; that this was proved by the example given by the gentleman of the Jewish theocracy. It must have a good setting out, or the instant it takes place, there is an end of liberty. He believed that the inefficacy of the old Confederation had arisen from that want of confidence; and this caused, in a great degree, by the continual declamation of gentlemen of importance against it from one end of the continent to the other, who had frequently compared it to a rope of sand. It had pervaded every class of citizens; and their misfortunes, the consequences of idleness and extravagance, were attributed to the defects of that system. At the close of the war, our country had been left in distress; and it was impossible that any government on earth could immediately retrieve it; it must be time and industry alone that could effect it. He said, he would pursue these observations no further at present,--and concluded with making the following motion:--

"Resolved, That it is proper that the number of representatives be fixed at the rate of one for every twenty thousand inhabitants, to be ascertained on the principles mentioned in the 2d section of the 1st article of the Constitution, until they amount to three hundred; after which they shall be apportioned among the states, in proportion to the number of inhabitants of the states respectively; and that, before the first enumeration shall be made, the several states shall be entitled to choose double the number of representatives, for that purpose mentioned in the Constitution."

**Melancton Smith**  
Speech at New York Ratifying Convention  
June 21, 1788  
(excerpt)

...To determine whether the number of representatives proposed by this Constitution is sufficient, it is proper to examine the qualifications which this house ought to possess, in order to exercise their power discreetly for the happiness of the people. The idea that naturally suggests itself to our minds, when we speak of representatives, is, that they resemble those they represent. They should be a true picture of the people, possess a knowledge of their circumstances and their wants, sympathize in all their distresses, and be disposed to seek their true interests. The knowledge necessary for the representative of a free people not only comprehends extensive political and commercial information, such as is acquired by men of refined education, who have leisure to attain to high degrees of improvement, but it should also comprehend that kind of acquaintance with the common concerns and occupations of the people, which men of the middling class of life are, in general, more competent to than those of a superior class. To understand the true commercial interests of a country, not only requires just ideas of the general commerce of the world, but also, and principally, a knowledge of the productions of your own country, and their value, what your soil is capable of producing; the nature of your manufactures, and the capacity of the country to increase both. To exercise the power of laying taxes, duties, and excises, with discretion, requires something more than an acquaintance with the abstruse parts of the system of finance. It calls for a knowledge of the circumstances and ability of the people in general--a discernment how the burdens imposed will bear upon the different classes.

From these observations results this conclusion--that the number of representatives should be so large, as that, while it embraces the men of the first class, it should admit those of the middling class of life. I am convinced that this government is so constituted that the representatives will generally be composed of the first class in the community, which I shall distinguish by the name of the natural aristocracy of the country. I do not mean to give offence by using this term. I am sensible this idea is treated by many gentlemen as chimerical. I shall be asked what is meant by the natural aristocracy, and told that no such distinction of classes of men exists among us. It is true, it is our singular felicity that we have no legal or hereditary distinctions of this kind; but still there are real differences. Every society naturally divides itself into classes. The Author of nature has bestowed on some greater capacities than others; birth, education, talents, and wealth, create distinctions among men as visible, and of as much influence, as titles, stars, and garters. In every society, men of this class will command a superior degree of respect; and if the government is so constituted as to admit but few to exercise the powers of it, it will, according to the natural course of things, be in their hands. Men in the middling class, who are qualified as representatives, will not be so anxious to be chosen as those of the first. When the number is so small, the office will be highly elevated and distinguished; the style in which the members live will probably be high; circumstances

of this kind will render the place of a representative not a desirable one to sensible, substantial men, who have been used to walk in the plain and frugal paths of life.

Besides, the influence of the great will generally enable them to succeed in elections. It will be difficult to combine a district of country containing thirty or forty thousand inhabitants,--frame your election laws as you please,--in any other character, unless it be in one of conspicuous military, popular, civil, or legal talents. The great easily form associations; the poor and middling class form them with difficulty. If the elections be by plurality,--as probably will be the case in this state,--it is almost certain none but the great will be chosen, for they easily unite their interests: the common people will divide, and their divisions will be promoted by the others. There will be scarcely a chance of their uniting in any other but some great man, unless in some popular demagogue, who will probably be destitute of principle. A substantial yeoman, of sense and discernment, will hardly ever be chosen. From these remarks, it appears that the government will fall into the hands of the few and the great. This will be a government of oppression. I do not mean to declaim against the great, and charge them indiscriminately with want of principle and honesty. The same passions and prejudices govern all men. The circumstances in which men are placed in a great measure give a cast to the human character. Those in middling circumstances have less temptation; they are inclined by habit, and the company with whom they associate, to set bounds to their passions and appetites. If this is not sufficient, the want of means to gratify them will be a restraint: they are obliged to employ their time in their respective callings; hence the substantial yeomanry of the country are more temperate, of better morals, and less ambition, than the great. The latter do not feel for the poor and middling class; the reasons are obvious--they are not obliged to use the same pains and labor to procure property as the other. They feel not the inconveniences arising from the payment of small sums. The great consider themselves above the common people, entitled to more respect, do not associate with them; they fancy themselves to have a right of preëminence in every thing. In short, they possess the same feelings, and are under the influence of the same motives, as an hereditary nobility. I know the idea that such a distinction exists in this country is ridiculed by some; but I am not the less apprehensive of danger from their influence on this account. Such distinctions exist all the world over, have been taken notice of by all writers on free government, and are founded in the nature of things. It has been the principal care of free governments to guard against the encroachments of the great. Common observation and experience prove the existence of such distinctions. Will any one say that there does not exist in this country the pride of family, of wealth, of talents, and that they do not command influence and respect among the common people? Congress, in their address to the inhabitants of the province of Quebec, in 1775, state this distinction in the following forcible words, quoted from the Marquis Beccaria: "In every human society there is an essay continually tending to confer on one part the height of power and happiness, and to reduce the other to the extreme of weakness and misery. The intent of good laws is to oppose this effort, and to diffuse their influence universally and equally." We ought to guard against the government being placed in the hands of this class. They cannot have that sympathy with their constituents which is necessary to connect them closely to their interests. Being in the habit of profuse living, they will be profuse in the public expenses. They find no difficulty in paying their taxes, and therefore

do not feel public burdens. Besides, if they govern, they will enjoy the emoluments of the government. The middling class, from their frugal habits, and feeling themselves the public burdens, will be careful how they increase them.

But I may be asked, Would you exclude the first class in the community from any share in legislation? I answer, By no means. They would be factious, discontented, and constantly disturbing the government. It would also be unjust. They have their liberties to protect, as well as others, and the largest share of property. But my idea is, that the Constitution should be so framed as to admit this class, together with a sufficient number of the middling class to control them. You will then combine the abilities and honesty of the community, a proper degree of information, and a disposition to pursue the public good. A representative body, composed principally of respectable yeomanry, is the best possible security to liberty. When the interest of this part of the community is pursued, the public good is pursued, because the body of every nation consists of this class, and because the interest of both the rich and the poor are involved in that of the middling class. No burden can be laid on the poor but what will sensibly affect the middling class. Any law rendering property insecure would be injurious to them. When, therefore, this class in society pursue their own interest, they promote that of the public, for it is involved in it.

In so small a number of representatives, there is great danger from corruption and combination. A great politician has said that every man has his price. I hope this is not true in all its extent; but I ask the gentleman to inform me what government there is in which it has not been practised. Notwithstanding all that has been said of the defects in the constitution of the ancient confederacies in the Grecian republics, their destruction is to be imputed more to this cause than to any imperfection in their forms of government. This was the deadly poison that effected their dissolution. This is an extensive country, increasing in population and growing in consequence. Very many lucrative offices will be in the grant of the government, which will be objects of avarice and ambition. How easy will it be to gain over a sufficient number, in the bestowment of offices, to promote the views and the purposes of those who grant them! Foreign corruption is also to be guarded against. A system of corruption is known to be the system of government in Europe. It is practised without blushing; and we may lay it to our account, it will be attempted amongst us. The most effectual as well as natural security against this is a strong democratic branch in the legislature, frequently chosen, including in it a number of the substantial, sensible yeomanry of the country. Does the House of Representatives answer this description? I confess, to me they hardly wear the complexion of a democratic branch; they appear the mere shadow of representation. The whole number, in both houses, amounts to ninety-one; of these forty-six make a quorum; and twenty-four of those, being secured, may carry any point. Can the liberties of three millions of people be securely trusted in the hands of twenty-four men? Is it prudent to commit to so small a number the decision of the great questions which will come before them? Reason revolts at the idea.

The honorable gentleman from New York has said, that sixty-five members in the House of Representatives are sufficient for the resent situation of the country; and, taking it for

granted that they will increase as one for thirty thousand, in twenty-five years they will amount to two hundred. It is admitted, by this observation, that the number fixed in the Constitution is not sufficient without it is augmented. It is not declared that an increase shall be made, but is left at the discretion of the legislature, by the gentleman's own concession; therefore the Constitution is imperfect. We certainly ought to fix, in the Constitution, those things which are essential to liberty. If any thing falls under this description, it is the number of the legislature. To say, as this gentleman does, that our security is to depend upon the spirit of the people, who will be watchful of their liberties, and not suffer them to be infringed, is absurd. It would equally prove that we might adopt any form of government. I believe, were we to create a despot, he would not immediately dare to act the tyrant; but it would not be long before he would destroy the spirit of the people, or the people would destroy him. If our people have a high sense of liberty, the government should be congenial to this spirit, calculated to cherish the love of liberty, while yet it had sufficient force to restrain licentiousness. Government operates upon the spirit of the people, as well as the spirit of the people operates upon it; and if they are not conformable to each other, the one or the other will prevail. In a less time than twenty-five years, the government will receive its tone. What the spirit of the country may be at the end of that period, it is impossible to foretell. Our duty is to frame a government friendly to liberty and the rights of mankind, which will tend to cherish and cultivate a love of liberty among our citizens. If this government becomes oppressive, it will be by degrees: it will aim at its end by disseminating sentiments of government opposite to republicanism, and proceed from step to step in depriving the people of a share in the government. A recollection of the change that has taken place in the minds of many in this country in the course of a few years, ought to put us on our guard. Many, who are ardent advocates for the new system, reprobate republican principles as chimerical, and such as ought to be expelled from society. Who would have thought, ten years ago, that the very men, who risked their lives and fortunes in support of republican principles, would now treat them as the fictions of fancy? A few years ago, we fought for liberty; we framed a general government on free principles; we placed the state legislatures, in whom the people have a full and a fair representation, between Congress and the people. We were then, it is true, too cautious, and too much restricted the powers of the general government. But now it is proposed to go into the contrary, and a more dangerous extreme--to remove all barriers, to give the new government free access to our pockets, and ample command of our persons, and that without providing for a genuine and fair representation of the people, No one can say what the progress of the change of sentiment may be in twenty-five years. The same men who now cry up the necessity of an energetic government, to induce a compliance with this system, may, in much less time, reprobate this in as severe terms as they now do the Confederation, and may as strongly urge the necessity of going as far beyond this as this is beyond the Confederation. Men of this class are increasing: they have influence, talents, and industry. It is time to form a barrier against them. And while we are willing to establish a government adequate to the purposes of the Union, let us be careful to establish it on the broad basis of equal liberty.

# David George

## *Account of the Life of Mr. David George from Sierra Leone, Africa, Given by Himself*

1793

Today more African Americans belong to the Baptist church than to any other denomination. Most historians agree that the nation's first black Baptist church was the one that David George founded at Silver Bluff, South Carolina, in the early 1770s. Born in Essex County, Virginia, in about 1742, George escaped to the British army during the Revolutionary War and emigrated to Nova Scotia in 1783. There he formed that Canadian province's first black Baptist church. Encountering continued persecution in Nova Scotia, more than a thousand black Loyalists, including George, chose to resettle in the British colony of Sierra Leone on the West African coast. He died there in 1810.

John Rippon, *The Baptist Annual Register for 1790, 1791, 1792, and Part of 1793...* (London: Dilly, [1793]), 473-484.

I was born in Essex county Virginia, about 50 or 60 miles from Williamsburg, on Nottaway river, of parents who were brought from Africa, but who had not the fear of God before their eyes. The first work I did was fetching water, and carding of cotton; afterwards I was sent into the field to work about the Indian corn and tobacco, till I was about 19 years old. My father's name was John, and my mother's Judith. I had four brothers, and four sisters, who, with myself, were all born in slavery: our master's name was Chapel - a very bad man to the Negroes.

My older sister was called Patty; I have seen her several times so whipped that her back has been all corruption, as though it would rot. My brother Dick ran away, but they caught him, and brought him home; and as they were going to tie him up, he broke away again, and they hunted him with horses and dogs, till they took him; then they hung him up to a cherry-tree in the yard, by his two hands, quite naked, except his breeches, with his feet about half a yard from the ground. They tied his legs close together, and put a pole between them, at one end of which one of the owner's sons sat, to keep him down, and another son at the other. After he had received 500 lashes, or more, they washed his back with salt water, and, whipped it in, as well as rubbed it in with a rag; and then directly sent him to work in pulling off the suckers of tobacco. I also have been whipped many a time on my naked skin, and sometimes till the blood has run down over my waistband, but the greatest grief I then had was to see them whip my mother, and to hear her, on her knees, begging for mercy. She was master's cook, and if they only thought she might do any thing better than she did, instead of speaking to her as to a servant, they would strip her directly, and cut away. I believe she was on her death-bed when I got off, but I have never heard since.

Master's rough and cruel usage was the reason of my running-away. Before this time I used to drink, but not steal; did not fear hell, was without knowledge; though I went sometimes to Nottaway, the English church, about eight or nine miles off. I left the plantation about midnight, walked all night, got into Brunswick county, then over Roanoke river, and soon met with some White travelling people, who helped me on to Pedee River. When I had been at work there two or three weeks, a **hue and cry** found me out, and the master said to me, there are 30 **guineas** offered for you, but I will have no hand in it: I would advise you to make your way towards Savannah river. I hearkened to him, but was several weeks going.

I worked there, I suppose, as long as two years, with John Green, a white man, before they came after me again. Then I ran away up among the Creek Indians. As I travelled from Savannah river, I came to Okemulgee River, near which the Indians observed my track. They can tell the Black people's track from their own, because they are hollow in the midst of their feet, and the Black's feet are flatter than theirs. They followed my track down to the river, where I was making a [log] raft to cross over with. One of these Indians

was a King, called Blue Salt; he could talk a little broken English. He took, and carried me away 17 or 18 miles into the woods to his camp, where they had bear meat, deer meat, turkies, and wild potatoes. I was his prize, and lived with him from the Christmas month till April, when he went into his town Augusta, in the Creek nation. I made fences, dug the ground, planted corn, and worked hard; but the people were kind to me.

S.C. my master's son, came there for me, from Virginia, I suppose 800 miles, and paid King Blue Salt for me in rum, linnen, and a gun; but before he could take me out of the Creek nation, I escaped and went to the Nautchee Indians, and got to live with their King, Jack, who employed me a few weeks. S.C. was waiting this while in hopes to have me. Mr. Gaulfin, who lived on Savannah river, at Silver Bluff, and who was afterwards my master, traded in these parts among the Indians in deer skins. He had a manager here, whose name was John Miller. Mr. Miller knew king Jack, and agreed with him and S.C. as to the price Mr. Gaulfin was to pay for me. So I came away from king Jack, who gave me into the hands of John Miller. Now I mended deer skins, and kept their horses together, that they might not wander too far and be lost. I used also once a year to go down with the horses, carrying deer skins, to Mr. Gaulfins', at Silver Bluff. The distance, I think, was 400 miles, over five or six rivers, which we crossed in leather boats.

After three years, when I came down, I told Mr. Gaulfin, that I wished to live with him at Silver Bluff. He told me I should: so he took me to wait upon him, and was very kind to me. I was with him about four years, I think, before I married. Here I lived a bad life, and had no serious thoughts about my soul; but after my wife was delivered of our first child, a man of my own color, named Cyrus, who came from Charlestown, South Carolina, to Silver Bluff, told me one day in the woods, That if I lived so, I should never see the face of God in Glory (Whether he himself was a converted man or not, I do not know.) This was the first thing that disturbed me, and gave me much concern. I thought then that I must be saved by prayer.

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I got a spelling book and began to read. As Master was a great man, he kept a White school-master who was a great man, to teach the White children to read. I used to go to the little children to teach me a, b, c. They would give me a lesson, which I tried to learn, and then I would go to them again, and ask them if it was right? The reading so ran in my mind, that I think I learned in my sleep as really as when I was awake; and I can now read the Bible, so that what I have in my heart, I can see again in the Scriptures. I continued preaching at Silver Bluff, till the Church, constituted with eight, iincreased to thirty or more, and till the British came to the city of Savannah and took it. My Master was an **Antiloyalist**; and being afraid, he now retired from home and left the Slaves behind. My wife and I, and the two children we then had, and fifty or more of my Master's people, went to Ebenezer, about twenty miles from Savannah, where the King's forces were. The General sent us over the big Ogeechee river to Savages' Plantation, where the White people, who were Loyalists, reported that I was planning to carry the Black people aback again to their slavery; and I was thrown into prison, and laid there about a month, when Colonel Brown, belonging to the British, took me out.

I staid some time in Savannah, and at Yamacraw a little distance from it, preaching with brother George Liele. He and I worked together also a month or two: he used to plow, and I to weed Indian-corn. I and my family went into Savannah, at the beginning of the siege. A **ball** came through the roof of the stable where we lived, and much shattered it, which made us remove to Yamacraw, where we sheltered ourselves under the floor of a house on the ground. Not long after the

siege was raised, I caught the small pox, in the fall of the year, and thought I should have died, nor could I do any more than just walk in the spring. My wife used to wash for **General Clinton**, and out of the little she got maintained us. I was then about a mile from Savannah, when the Americans were coming towards it a second time. I wished my wife to escape, and to take care of herself and of the children, and let me die there. She went: I had about two quarts Indian corn, which I boiled; I ate a little, and a dog came in and devoured the rest; but it pleased God some people who came along the road gave me a little rice: I grew better, and as the troops did not come so near as was expected, I went into Savannah, where I met my family, and tarried there about two years, in a hut belonging to Lawyer Gibbons, where I kept a butcher's stall.

My wife had a brother, who was half an Indian by his mother's side, and half a Negro. He sent us a steer, which I sold, and had now in all 13 dollars. and about three guineas besides, with which I designed to pay our passage, and set off for **Charlestown**; but the British light horse came in, and took it all away. However as it was a good time for the sale of meat, I borrowed money from some of the Black people to buy hogs, and soon repaid them, and agreed for a passage to Charlestown, where Major P. the British commander, was very kind to me. When the English were going to evacuate Charlestown, they advised me to go to Halifax, in **Nova Scotia**, and gave the few Black people, and it may be as many as 500 White people, their passage for nothing. We were 22 days on the passage, and **used very ill** on board. When we came off Halifax, I got leave to go ashore. On shewing my papers to General Patterson, he sent orders, by a Serjeant, for my wife and children to follow me. This was before Christmas, and we staid there till June; but as no way was open for me to preach to my own color, I got leave to go to Shelburne (150 miles, or more, I suppose, by sea) in the suit of Gen. Patterson, leaving my wife and children for a while behind.

Numbers of my own color were here, but I found the White people were against me. I began to sing the first night, in the woods, at a camp, for there were no houses then built; they were just clearing and preparing to erect a town. The Black people came far and near, it was so new to them; I kept on so every night in the week, and appointed a meeting for the first Lord's-day, in a valley between two hills, close by the river; and a great number of White and Black people came, and I was so overjoyed with having an opportunity once more of preaching the Word of God, that after I had given out the hymn, I could not speak for tears. In the afternoon we met again, in the same place, and I had great liberty from the Lord. We had a meeting now every evening, and those poor creatures who had never heard the gospel before, listened to me very attentively: but the White people, the justices, and all, were in an uproar, and said that I might go out into the woods, for I should not stay there. I ought to except one White man, who knew me at Savannah, and who said I should have his lot to live upon as long as I would, and build a house if I pleased. I then cut down poles, stripped bark, and made a smart hut, and the people came flocking to the preaching every evening for a month, as though they had come for their supper. . . . At this time a White person, William Holmes, who, with Deborah his wife, had been converted by reading the scriptures, and lived at Jones's Harbour, about twenty miles down the river, came up for me, and would have me go

away with him in his schooner to his house. I went with him, first to his own house, and then to a town they called Liverpool, inhabited by White people. Many had been baptized there by Mr. Chippenham, of Annapolis, in . Nova Scotia. Mr. Jesse Dexter preached to them, but was not their pastor. It is a mixed communion church. I preached there; the Christians were all alive, and we had a little heaven together. We then returned to brother Holmes's, and he and his wife came up with me to Shelburn, and gave their experiences to the church on Thursday, and were baptized on Lord's-day. Their relations who lived in the town were very angry, raised a mob, and endeavoured to hinder their being baptized. Mrs. Holmes's sister especially laid hold of her hair to keep her from going down into the water; but the justices commanded peace, and said that she should be baptized, as she herself desired it. Then they were all quiet. Soon after this the persecution increased, and became so great, that it did not seem possible to preach, and I thought I must leave Shelburn. Several of the black people had houses upon my lot, but forty or fifty disbanded soldiers were employed, who came with the tackle of ships, and turned my dwelling house, and every one of their houses, quite over; and the Meeting house they would have burned down, had not the ring-leader of the mob himself prevented it.

But I continued to preaching in it till they came one night, and stood before the pulpit, and swore how they would treat me if I preached again. But I stayed and preached, and the next day they came and beat me with sticks, and drove me into a swamp. I returned in the evening, and took my wife and children over to the river to Birch town, where some Black people were settled, and there seemed a greater prospect of doing good than at Shelburn, I preached at Birchtown from the fall till about the middle of December, and was frequently hearing experiences, and baptized about twenty there. Those who desired to hear the word of God, invited me from house to house, and so I preached. A little before Christmas, as my own color persecuted me there, I set off with my family, to return to Shelburn; and coming down the river the boat was frozen, but we took whip-saws and cut away the ice till we came to Shelburne. In my absence the Meeting house was occupied by a sort of tavern-keeper, who said, "The old Negro wanted to make a heaven of this place, but I'll make a hell of it. Then I preached in it as before, and as my house was pulled down, lived in it also. The people began to attend again, and in the summer there was a considerable revival of religion. Now I went down about twenty miles to a place called Ragged Island, among some White people, who desired to hear the word. One White sister was converted there while I was preaching concerning the disciples, who left all and followed Christ. She came up afterwards, gave her experience to our church, and was Baptized, and two Black sisters with her. Then her other sister gave in her experience, and joined us without Baptism, to which she would have submitted, had not her family cruelly hindered her. . .

, The next fall, Agent (afterwards Governor) Clarkson came to Halifax, about settling the new colony at Sierra Leone. The White people of Nova Scotia were very unwilling that we should go, though they had been very cruel to us, and treated many of us as bad as though we had been slaves. They attempted to persuade us that if we went away we should be slaves again. The brethren and sisters all round at Saint John's, Halifax, and other places, Mr. Wesley's people and all, consulted what was best to do, and sent in their

names to me, to give to Mr. Clarkson, and I was to tell him that they were willing to go. I carried him their names, and he appointed to meet us at Birch Town the next day. We gathered together there, in the Meeting-house of brother Moses, a blind man, one of Mr. Wesley's preachers. Then the Governor read the proclamation, which contained what was offered, in case we had a mind willingly to go, and the greater part of us were pleased and agreed to go. We appointed a day over at Shelburn, when the names were to be given to the Governor. Almost all the Blacks went, except a few of the sisters whose husbands were inclined to go back to New York, and sister Lizze, a Quebec Indian, and brother Lewis, her husband, who was an half Indian, both of whom were converted under my ministry, and had been baptized by me. There are a few scattered Baptists yet at Shelburn, St. John's, Jones's Harbour, and Ragged Island, beside the congregations at the other places I mentioned before. The meeting-house lot, and all our land at Shelburn, it may be half an acre, was sold to merchant Black for about £7.

We departed and called at Liverpool, a place I mentioned before. I preached a farewell sermon there; I longed to do it. Before I left the town, Major Collins, who with his wife were to hear me at this place; was very kind to me, and gave me some salted herrings, which were very acceptable all the way to Sierra Leone. We sailed from Liverpool to Halifax, where we tarried three or four weeks, and I preached from house to house, and my farewell{sic} sermon in Mr. Marchington's Methodist Meeting-house. There is also a Mr. William Black, at Halifax, a smart preacher, one of Mr. Wesley's, who baptizes those Christians who desire it by immersion.

Our passage from Halifax to Sierra Leone was seven weeks, in which we had very stormy weather. Several persons died on the voyage, of a catching fever, among whom were three of my Elders, Sampson Colwell, a loving man, Peter Richards, and John Williams.

There was a great joy to see the land. The high mountain, at some distance from Freetown, where we now live, appeared like a cloud to us. I preached the first Lord's day, it was a blessed time, under a sail, and so I did for several weeks after. We then erected a hovel for a Meeting;house, which is made of posts put into the ground, and poles over our heads, which are covered with grass. While I was preaching under the sails, sisters Patty Webb and Lucy Lawrence were converted, and they, with old sister Peggy, brother Bill Taylor, and brother Sampson Haywood, three who were awakened before they came this voyage, have since been baptized in the river.

On the voyage from Halifax to Sierra Leone, I asked the Governor if I might not hereafter go to England? and some time after we arrived there, I told him I wished to see the Baptist brethren who live in his country. He was a very kind man to me and to every body; he is very free and good natured, and used to come to hear me preach, and would sometimes sit down at our private meetings; and he liked that I should call my last child by his name. And I sent to Mr. Henry Thornton, O what a blessed man is that! he is brother, father, every thing. He ordered me five guineas, and I had leave to come over. When I came away from Sierra Leone, I preached a farewell sermon to the church, and encouraged them to look to the Lord, and submit to one another, and regard what is said to them by my three Elders, brethren Hector Peters, and John Colbert, who are two exhorters; and brother John Ramsey.

**Glossary of Difficult Terms**  
(in David George, *Account of the Life*)

hue and cry – alarm (similar to the modern “APB” or All Points Bulletin)

guineas – British coins

anti loyalist –Patriot

ball – cannon or musket ball (bullet)

General Clinton – British commander Henry Clinton

Charlestown – Charleston, South Carolina

Nova Scotia – peninsular province on the Atlantic coast of Canada)

used very ill – treated very badly