

AN
ADDRESS
TO THE
CONVENTION
OF THE
COLONY AND ANCIENT DOMINION OF
VIRGINIA;

ON THE

Subject of Government in general, and recommending
a particular Form to their Consideration.

By a NATIVE of that COLONY.

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A N
A D D R E S S , &c.

GENTLEMEN,

WHEN despotism had displayed her banners, and with unremitting ardor and fury, scattered her engines of oppression through this wide extended continent; the virtuous opposition of the people to its progress, relaxed the tone of government in almost every colony, and occasioned in many instances a total suspension of law.

THESSE inconveniencies however were natural; and the mode readily submitted to, as there was then reason to hope, that justice would be done to our injured country; the same laws, executed under the same authority, soon regain their former use and lustre; and peace, raised on a permanent foundation, bleis this our native land.

BUT

But since these hopes have hitherto proved delusive; and time instead of bringing us relief, daily brings forth new proofs of British tyranny, and thereby separates us further from that reconciliation we so ardently wished; does it not become the duty of your and every other Convention, to assume the reins of government, and no longer suffer the people to live without the benefit of law, and order the protection it affords? Anarchy and riot will follow a continuance of its suspension, and render the enjoyment of our liberties and future quiet, at least very precarious.

PRESUMING that this object will, e'er long, engage your attention, and fully persuaded that whenever it does, it will be considered with all the candor and deliberation due to its importance; I have ventured to collect my sentiments on the subject, and in a friendly manner offer them to your consideration. Should they suggest any hints that may tend to improve or embellish the fabrick you are about to erect; I shall deem myself happy in having contributed my mite to the benefit of a people I esteem, and a country to which I owe every obligation.

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TAKING for granted therefore the necessity of instituting a government capable of affording all the blessings, of which, the most cruel attempts have been made to deprive us; the first enquiry will be, which of the various forms is best adapted to our situation, and will in every respect most probably answer our purpose.

VARIOUS are the opinions of men on this subject, and different are the plans proposed for your adoption. Prudence will direct you to examine them with a jealous eye, and weigh the pretensions of each with care as well as impartiality. Your, and your children's welfare depends upon the choice. Let it therefore neither be marked by a blind attachment to ancient prejudices, on the one hand; or a restless spirit of innovation, on the other.

ALTHOUGH all writers agree in the object of government, and admit that it was designed to promote and secure the happiness of every member of society; yet their opinions as to the systems most productive of this general benefit, have been extremely contradictory. As all these systems are

said to move on separate and distinct principles, it may not be improper to analyse them; and by that means shew the manner of their operation.

GOVERNMENT is generally divided into two parts, its *mode or form of constitution*, and the *principle* intended to direct it.

THE simple forms of government are despotism, monarchy, aristocracy, and democracy. Out of these an infinite variety of combinations may be deduced. The absolute unlimited controul of one man describes *despotism*, whereas *monarchy* compels the Sovereign to rule agreeable to certain fundamental laws. *Aristocracy* vests the Sovereignty of a state in a few nobles, and *democracy* allows it to reside in the body of the people, and is thence called a popular government.

EACH of these forms are actuated by different *principles*. The subjects of an unlimited despotic Prince, whose will is their only rule of conduct, are influenced by the principle of *fear*. In a monarchy limited by laws, the people are insensibly led to the pursuit of *honor*, they feel an interest in the
greatness

greatness of their Princes, and inspired by a desire of glory, rank and promotion, unite in giving strength and energy to the whole machine. Aristocracy and democracy claim for their principle *public virtue*, or a regard for the public good independent of private interest.

LET us enquire from which of these several stocks, we should take a cyon to ingraft on our wild one—see which is most congenial to our soil, and by the extent and strength of its branches, best calculated to shelter the people from the rage of those tempests, which often darken the political hemisphere. I will not deny, whatever others may do, that individuals have enjoyed a certain degree of happiness under all these forms. Content, and consequently happiness, depend more on the state of our minds than external circumstances; and some men are fatigued with fewer enjoyments than others.

UPON these occasions, the inclinations of men, which are often regulated by what they have seen and experienced, ought to be consulted. It cannot be wise to draw
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them further from their former institutions, than obvious reasons and necessity will justify. Should a form of government directly opposite to the ancient one, under which they have been happy, be introduced and established; will they not on the least disgust repine at the change, and be disposed even to acts of violence in order to regain their former condition--many examples in the history of almost every country prove the truth of this remark.

WHAT has been the government of Virginia, and in a revolution, how is its spirit to be preserved; are important questions. The better to discuss these points, we should take a view of the constitution of England; because by that model our's was constructed, and under it we have enjoyed tranquility and security.

OUR ancestors the English, after contemplating the various forms of government; and experiencing as well as perceiving the defects of each, wisely refused to resign their liberties either to the single man, the few, or the many. They determined to make a compound of each the foundation of their government;

government ; and of the most valuable parts of them all, to build a superstructure that should surpass all others, and bid defiance to time to injure, or any thing, except national degeneracy and corruption to demolish.

IN rearing this fabrick, and connecting its parts ; much time, blood and treasure were expended. By the vigilance, perseverance, and activity of innumerable martyrs, the happy edifice was at length compleated under the auspices of the renowned King William in the year 1688. They wisely united the hereditary succession of the crown with the good behaviour of the Prince, they gave respect and stability to the legislature, by the independence of the Lords ; and security as well as importance to the people by being parties with their Sovereign in every act of legislation. Here then our ancestors rested from their long and laborious pursuit, and saw many good days in the peaceable enjoyment of the fruit of their labors. Content with having provided against the ills which had befallen them, they seemed to have forgot, that although the seeds of destruction might be excluded from their constitution, they

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were

were nevertheless to be found in those by whom their affairs were administered.

TIME, the improver as well as destroyer of all things, discovered to them, that the very man who had wrought their deliverance, was capable of pursuing measures leading to their destruction. Much is it to be lamented, that this magnanimous Prince, ascending a throne beset with uncertainty and war, was induced by the force of both, to invent and practice the art of *funding* to supply his wants, and create an interest that might support him in possession of his crown. He succeeded to his wish, and thereby established a monied interest, which was followed by levying of taxes, by a host of tax gatherers, and a long train of dependants on the crown. The practice grew into system, till at length the crown found means to break down those barriers which the constitution had assigned to each branch of the legislature, and effectually destroyed the independence of both Lords and Commons. These breaches instead of being repaired as soon as discovered, were by the supineness of the nation, permitted to widen by daily practice, till finally the influence of the

crown

crown pervaded and overwhelmed the whole people, and gave birth to the many calamities which we now bewail, and for the removal of which the united efforts of America are at this time exerted.

MEN are prone to condemn the whole, because a part is objectionable, but certainly it would in the present case be more wise to consider, whether if the constitution was brought back to its original state, and its present imperfections remedied, it would not afford more happiness than any other.

IF the independence of the Commons could be secured, and the dignity of the Lords preserved, how can a government be better formed for the preservation of freedom? And is there any thing more easy than this? If placemen and pensioners were excluded a seat in either house, and elections made triennial, what danger could be apprehended from prerogative. I have the best authority for asserting, that with these improvements, added to the suppression of boroughs and giving the people an equal and adequate representation, England would have remained a land of liberty to the latest ages.

June

JUDGE of the *principle* of this constitution by the great effects it has produced. Their code of laws, the boast of Englishmen and of freedom; the rapid progress they have made in trade, in arts and sciences, the respect they commanded from their neighbours, then gaining the empire of the sea, are all powerful arguments of the wisdom of that constitution and government which raised the people of that island to their late degree of greatness. But though I admire their perfections I must mourn their faults, and though I would guard against and cast off their oppression, yet would I retain all their wise maxims, and derive advantage from their mistakes and misfortunes.

THE testimony of the learned Montesquieu in favour of the English constitution is very respectable. “ There is (says he) “ one nation in the world, that has for the “ direct end of its constitution political li- “ berty.” Again he says, “ it is not my “ business to examine whether the English “ actually enjoy this liberty or not, suffi- “ ent it is for my purpose to observe that “ it is established by their laws, and I en- “ quire no farther.”

THIS

THIS constitution and these laws have also been those of Virginia, and let it be remembered that under them, she flourished and was happy. The same principles which led the English to greatness, animates us. To that principle our laws, our customs, and our manners are adapted, and it would be perverting all order, to oblige us, by a novel government, to give up our laws, our customs, and our manners.

HOWEVER necessary it may be to shake off the authority of arbitrary British dictators, we ought nevertheless to adopt and perfect that system, which England has suffered to be so grossly abused, and the experience of ages has taught us to venerate. This, like almost every thing else, is perhaps liable to objections; and probably the difficulty of adapting a limited monarchy will be largely insisted on. Admit this objection to have weight, and that we cannot in every instance assimilate a government to that, yet no good reason can be assigned, why the same *principle* or spirit may not in a great measure be preserved.

BUT honorable as this spirit is, we daily
see

see it calumniated by advocates for popular governments; and rendered obnoxious to all whom their artifices can influence or delude. The systems recommended to the Colonies, seem to accord with the temper of the times, and are fraught with all the tumult and riot incident to simple democracy. Systems which many think it their interest to support, and without doubt will be industriously propagated among you. The best of these systems exist only in theory, and were never confirmed by the experience, even of those who recommend them. I flatter myself therefore that you will not quit a substance actually enjoyed, for a shadow or phantom, by which, instead of being benefitted many have been misled and perplexed.

LET us examine the principles they assign to their government, and try its merits by the unerring standard of truth. In a late pamphlet it is thus stated. The happiness of man as well as his dignity consists in Virtue, *if there be a form of government, iken whose principle is virtue, will not every sober man acknowledge it better calculated to promote the general happiness of society than any other*

other form. Virtue is the principle of a republic, therefore a republic is the best form of government. The author, with what design I know not, seems to have cautiously blended *private* with *public* virtue, as if for the purpose of confounding the two, and thereby recommending his plan under the amiable appearance of courting *virtue*.

It is well known that *private* and *public* virtue are materially different. The happiness and dignity of man I admit consists in the practice of *private* virtues, and to this he is stimulated by the rewards promised to such conduct. In this he acts for himself, and with a view of promoting his own particular welfare.

Public virtue, on the other hand, means a disinterested attachment to the public good, exclusive and independent of all private and selfish interest, and which, though sometimes possessed by a few individuals, never characterised the mass of the people in any state. And this is said to be the principle of democratical governments, and to influence every subject of it to pursue such measures as conduce to the prosperity of the whole.

whole. A man therefore, to qualify himself for a member of such a community, must divest himself of all interested motives, and engage in no pursuits which do not ultimately redound to the benefit of society. He must not through ambition desire to be great, because it would destroy that equality on which the security of the government depends, nor ought he to be rich, lest he be tempted to indulge himself in those luxuries which though lawful are not expedient, and might occasion envy and emulation. Should a person deserve the esteem of his fellow citizens and become popular, he must be neglected, if not banished, lest his growing influence disturb the equilibrium. It is remarkable that neither the justice of Aristides or the bravery of Themistocles could shield them from the darts of envy and jealousy.---nor are modern times without examples of the same kind.

To this species of government every thing that looks like elegance and refinement, is inimical, however necessary to the introduction of manufactures, and the cultivation of arts and sciences. Hence in some ancient republics, flowed those numberless
 sumptuary

sumptuary laws, which restrained men to plainness and similitude in dress and diet; and all the mischiefs which attend Agrarian laws and unjust attempts to maintain their idol equality by an equal division of property.

SCHEMES like these may be practicable in countries so sterile by nature as to afford a scanty supply of the necessaries and none of the conveniences of life: But they can never meet with a favourable reception from people who inhabit a country to which providence has been more bountiful. They will always claim a right of using and enjoying the fruits of their honest industry, unrestrained by any ideal principles of government, and will gather estates for themselves and children without regarding the whimsical impropriety of being richer than their neighbours. These are rights which freemen will never consent to relinquish, and after fighting for deliverance from one species of tyranny, it would be unreasonable to expect they should tamely acquiesce under another.

THE truth is that men will not be poor
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from choice or compulsion, and these governments can exist only in countries where the people are so from necessity. In all others they have ceased almost as soon as erected, and in many instances been succeeded by despotism, and the arbitrary sway of some usurper, who had before perhaps gained the confidence of the people, by eulogiums on liberty, and possessing no property of his own, by most disinterestedly opposing depredations on that of his neighbours.

THE most considerable state in which the shadow of democracy exists (for it is far from being purely so) is that of the united provinces of Holland, &c. Their territories are confined within narrow limits, and the exports of their own produce very inconsiderable. Trade is the support of that people, and however said to be considerable, will not admit of luxury. With the greatest parsimony and industry, they, as a people can but barely support themselves; although individuals among them may amass estates. I own they have exhibited to mankind an example of perseverance and magnanimity, that appeared like a prodigy. By the profits of their trade they maintained large armies and supported

supported a navy, equal to the first in their day of warfare. But their military strength as well as the form of their government, have long since given way. Their navy has dwindled into a few ships of war, and their government into an aristocracy, as unhappy and despotic, as the one of which we complain.

THE state of Venice, once a Republic, is now governed by one of the worst of despotisms. In short, I do not recollect a single instance of a nation who supported this form of government for any length of time, or with any degree of greatness; which convinces me, as it has many others, that the principle contended for is ideal, and a mere creature of a warm imagination.

ONE of the first staples of our country, you know, is esteemed by many to be one of the greatest luxuries in the world, and I fancy it will be no easy matter to draw you into measures that would exclude its culture and deprive you of the wealth resulting from its exportation.

THAT I may not tire your patience, I will now proceed to delineate the method in which I
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would distribute the powers of government, so as to devise the best code of laws, engage their due execution, preserve the strength of the constitution, and secure the liberties of the people. It is agreed by most writers on this subject, that this power should be divided into three parts, each independent of, but having connection with each other. Let the people, in the first place, choose their usual number of Representatives, and let this right return to them every third year.

LET these Representatives when convened, elect a Governor, to continue in authority during his good behaviour, of which the two houses of Council of State and Assembly should jointly be the Judges, and by majority of voices supply any vacancy in that office, which may happen by dismissal, death, or resignation.

LET the Representatives also choose out of the colony at large, twenty-four proper persons to constitute a Council of State, who should form a distinct or intermediate branch of the legislature, and hold their places for life, in order that they might possess all the weight, stability and dignity due to the importance of their office. Upon the death or resignation of any of the members let the Assembly appoint another to succeed him.

LET no member of either house, except the Treasurer, hold a post of profit in the government.

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LET the Governor have a Privy Council of seven to advise with, tho' they should not be members of either house.

LET the Judges of the Courts of Common Law and Chancery be appointed by the Governor, with the advice of his Privy Council, to hold their offices during their good behaviour, but should be excluded a seat in either house.

LET the Treasurer, Secretary, and other great officers of state be chosen by the lower house, and proper salaries assigned to them as well as to the Judges, &c. &c.

LET all military officers be appointed by the Governor, and all other interior civil ones.

LET the different Courts appoint their own clerks. The Justices in each county should be paid for their services, and required to meet for the dispatch of business every three months. Let five of them be authorized to form a Court to hear and determine causes, and the others empowered to keep the peace, &c. &c.

THESE are the out lines of a government which would, I think, preserve the principle of our constitution, and secure the freedom and happiness of the people better than any other.

THE Governor will have dignity to command
necessary

necessary respect and authority, to enable him to execute the laws, without being deterred by the fear of giving offence; and yet be amenable to the other branches of the legislature for every violation of the rights of the people. If this great officer was exposed to the uncertain issue of frequent elections, he would be induced to relax and abate the vigorous execution of the laws whenever such conduct would increase his popularity. Should he, by discharging his duty with impartiality give offence to men of weight and influence, he would be liable to all the opposition, threats, and insults which resentment could suggest; and which few men in such a dependent state would have sufficient resolution to neglect and despise. Hence it would follow, that the apprehensions of losing his election would frequently induce him to court the favour of the great, at the expence of the duties of his station and the public good. For these, and a variety of other reasons, this office should be held during good behaviour.

THE Council of State who are to constitute the second branch of the legislature should be for life. They ought to be well informed of the policy and laws of other states, and therefore should be induced by the permanence of their appointment to devote their time to such studies as may best qualify them for that station. They will acquire firmness from their independency, and wisdom from their reflection and experience, and appropriate both to the good of the state. Upon any disagreement

disagreement between the Governor and lower house, this body will mediate and adjust such difference, will investigate the propriety of laws, and often propose such as may be of public utility for the adoption of the legislature. Being secluded from offices of profit, they will not be seduced from their duty by pecuniary considerations.

THE Representatives of the people will be under no temptation to swerve from the design of their institution by bribery or corruption; all lucrative posts being denied them. And should they on any occasion be influenced by improper motives, the short period of their duration will give their constituents an opportunity of depriving them of power to do injury. The Governor and the members of the Council of State, should be restrained from intermeddling farther in the elections of Representatives, than merely by giving their votes.

THE internal government and police of the colony being thus provided for, the next object of inquiry that presents itself is, how a superintending power over the whole Continent shall be raised, and with what powers invested. Such a power is considered on all hands to be necessary, as well for the purpose of connecting the Colonies, as for the establishment of many general regulations to which the provincial legislatures will not be competent.

LET a Congress therefore be appointed, composed of members from each Colony, in proportion
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tion to their number of souls ; to convene at any place that may be agreed upon, as often as occasion may require. Let them have power to adjust disputes between Colonies, regulate the affairs of trade, war, peace, alliances, &c. but they should by no means have authority to interfere with the internal police or domestic concerns of any Colony, but confined strictly to such general regulations, as tho' necessary for the good of the whole, cannot be established by any other power.

BUT whether you settle the affairs of government in this, or any other manner, let me recommend to your serious attention the speedy adjustment of all disputes about the boundaries of your Colony, before they rise to such a height as to threaten great uneasiness and inquietude.

THE claim of the Proprietors of Indiana on one side, and that of the Kantuckee, on the other, should be fairly and impartially heard and determined, and notice given to the claimants to attend, that ample justice may be done. In the meantime, would it not be proper to give notice, that none of those lands should be sold or settled, until it was known to whom they appertain. The claims of the Indiana company are stated in a pamphlet, (sent for your perusal) and patronized by the opinions of some eminent lawyers. But this should not prevent a strict and thorough investigation of the matter. Both claims, it is certain, cannot be good. If the treaty of Stan-

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wix should be adjudged valid and the right given up to the country of Indiana, that same treaty will confirm to the colony on the lands on this side the Ohio, from its mouth, along the river, up to the Pennsylvania lands in the direction of the place called Kittaniny in that province: In which bounds are included the lands claimed and settled by Mr. Henderfon.

OUR colonial right to those lands being settled, would it not be proper to sell all such as may be unappropriated for the use of the Colony, and apply the monies to the payment of the vast burden of taxes we shall incur by this war? The sooner you determine this, the more effectually you will frustrate the design avowed by the author of a late pamphlet, of seizing all unappropriated lands for the use of the Continent; a design, in which, I own, I see as few traces of justice, as in many other of his schemes.

HAVING compleated the remarks I intended to make, I hope, whatever reception they may meet with, you will impute them to my zeal for our country's welfare; the only motive that ever shall induce me to offer my opinion or advice.

I am,

Gentlemen,

With the greatest regard,

Your devoted Friend,

A N A T I V E.