

^{Shewell, 1794}
R E M A R K S

O N A P A M P H L E T,

E N T I T L E D

“ A DISSERTATION on the political Union and Constitution of the Thirteen United States of NORTH-AMERICA.”

“ By a CITIZEN of PHILADELPHIA.”

*in a Letter to the Honorable
the President of the Continental Congress*

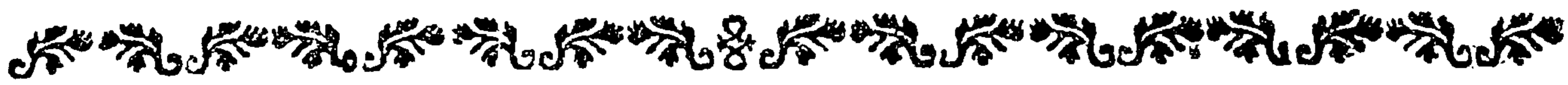
With some brief OBSERVATIONS,
Whether all the Western Lands, not actually purchased or conquered by the Crown of GREAT-BRITAN, antecedent to the late Cession, made to the Thirteen United States of NORTH-AMERICA, ought not to be considered as ceded to the Thirteen States *jointly*---And whether all the confiscated Estates of those People, by some termed *Loyalists*, are to be considered as forfeited to the States in which they were resident, or to all the States included in the Confederation.

By a CONNECTICUT FARMER.

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To the Freemen and Citizens of the State of Connecticut.

GENTLEMEN,

THERE has lately appeared *A Dissertation on the political Union, and Constitution of the Thirteen United States of North-America*, written by a Citizen of Philadelphia, which (for political reasons I conclude,) has been reprinted in this state; which pamphlet contains maxims and sentiments inconsistent with, and subversive of the *sovereignty, freedom and independence* of these states, calculated to subvert our happy constitution, and to introduce a system or form of government more *sovereign, arbitrary and despotic*. I have waited with impatience for some abler pen to detect and expose the secret designs of this author. None appearing, I now present you with the remarks I made, when I first read that Dissertation.

But before I enter upon that subject I would just observe to you, that in founding this new and rising empire, we ought carefully to avoid those errors which have brought ruin on our Parent State.

The national debt of Great-Britain is become so immensely large, that it is not in her power any longer to enslave us, or to tyrannize over the nations of Europe; which has been accumulated by granting exorbitant salaries to the officers of the crown, and supporting a host of *placemen* and *pensioners*, that since the last war, the interest of the national debt will not admit of any abatement of taxes; but on the other hand, new ones must be devised, or additions made to former taxes for the support of government in peace, which
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must distress the poor--drive out many of their manufacturers and useful members of society--sink the value of their lands, if not bring on national bankruptcy ; and such as cannot seek an asylum elsewhere, must sink down into the most abject state of vassalage and slavery—And the same causes will produce the same effects in every region under the sun.

In the *first place* therefore, if we would avoid their fate, let us carefully avoid those measures which have brought on her *ruin*.—*Rome* no sooner became *luxurious*, but she lost her *liberty*, which was every thing worth preserving.—High salaries and emoluments of office do not always convey *wisdom, prudence, and skill in the arts of government*.—Luxury in those who *govern*, will contaminate the body of the people, and fraud, injustice and oppression will be introduced among the common people, to supply the want of the revenues of office among the *great*.—In order therefore to prevent any further the accumulation of our debt, contracted during the war, it would be more to the honour of the states, to copy after the prudent œconomy of the States of *Holland* while they were loaded with a heavy debt, than to *mimic* the pomp, or assume the parade and pageantry of the courts of *Europe*.

In the *next place*, if we would support our national credit *abroad*, and regain that confidence which ought forever to be put in public credit at *home*, let us be *just*--do strict justice both to the officers and soldiers of our *brave army*, who have *fought, bled and suffered*, in the cause of their country ; make speedy and ample provision for the payment of the *interest*, and sinking the principle both of our *national and internal* debt, as soon as they can be adjusted, and ascertained to *satisfaction*--which will secure us the favour and protection of heaven, and make us respectable both at home and abroad.

Our public debt although large, with proper œconomy may be discharged in the compass of a few years, without distressing the states, provided the several legislatures adopt measures to draw out their wealth, without disgusting them to such a degree, as to refuse submission---which will be the greatest calamity that can befall us, which a careful examination of the expenditure of public monies, and strictly calling to account all public defaulters, will have the greatest tendency to prevent.---The consternation into which these states were thrown, by this *bloody, cruel and unnatural* war, will and ought to be a sufficient excuse for the expenditure of large sums to little or no profit.---But all *criminal* defaulters, who have appropriated public monies to their own private advantages, or to the aggrandizement of their families, ought publicly to be stigmatized with *indeivable reproach*.

A late writer has justly observed, "*That the art of supporting government, and maintaining authority is a delicate art, and requires more circumspection than is generally thought necessary : They who GOVERN are perhaps too much accustomed to hold men in CONTEMPT, and regard them too much as slaves, subdued and bent down by NATURE, while they are only so by HABIT ; if you lay on a NEW LOAD, take care they do not shake it off with FURY and with INTEREST, forget not that the LEVER OF POWER, has no other support than OPINION*"; that the power of those who GOVERN is in reality but the power of those who SUFFER GOVERNMENT. Remind not people sleeping in their chains, to lift up their eyes to truths too terrible for you ; and while they are OBEYING, bring not to their remembrance their right to COMMAND, when the moment of their rousing shall arrive ; when they shall have thought in earnest, that they are not made for their magistrates, but their magistrates for them ; when they shall once be able to bring themselves together, to feel the communication of kindred minds ; and to pronounce

nounce with a voice unanimous, we will not have this law; this practice is offensive, medium is no more; you must be constrained, by an unavoidable alternative, either to punish or to yield; either to be tyrannical, or weak, and your authority thence forward detested or despised."---To which I would only add---Human nature, vile as it is, (mankind are so far convinced of the necessity of civil government,) will submit to be governed by just and equitable laws, but will be stubborn and fractious when they are unjust, unreasonable and oppressive---and in this consists the art of governing, more especially a *commonwealth*; and from this quarter republican rulers may look out to prevent trouble in due season, before it is too late. It is an old saying, but a true one, all men cannot *judge*, but they can all *feel*. Nothing will produce a quicker sensation among a free people, who have been accustomed to *eating, drinking, and being clothed*, than to be abridged of those necessary articles, for the private emolument of a few individuals.

It must be acknowledged the highest wisdom in these states, to encourage and promote *frugality, industry, agriculture, and our own manufactures*; and to suppress by every judicious measure, *luxury and dissipation* of every kind. To accomplish these important views, I must for my own part highly approve of an *impost* recommended by our honourable Continental Congress, in which each state ought to be uniform: as to the impost imposed. But whether such an impost laid by Congress, and collected by officers by them appointed; or to be collected by officers appointed by the authority of the state, accountable to our own legislature, to be appropriated to the discharging our quota of the national debt, as soon as the same shall be ascertained, or to be paid into the Continental treasury, to be applied to such uses as they think proper, I must submit to the good sense and integrity of the legislature of the state, on which I think I can safely rely.

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The *necessaries* of life are few and simple---The conveniencies of life many---The luxuries of life still more, and they are such as corrupt the morals of the people.---Encourage industry, and by a sort of necessary consequence, you make mankind frugal and virtuous.---To discharge our quota of the national debt by an impost on all goods or produce of foreign growth imported, every man may choose how much of the national debt he will pay, which will be in exact proportion, to the foreign articles of commerce which he purchases for his own consumption : If my circumstances will permit, and my pride and vanity prompts me to wear a cloth of 40s. per yard, I pay in that article four times as much as my neighbour, who contents himself with a cloth of 10s. which will answer all the purposes of life as well, and in some cases much better, than what cost four times that sum.---But at the same time, if the citizens of these states are unwilling to pay our quota of debt, or to support government, by taxing the luxuries of life, which will gradually and insensibly induce us to be frugal and industrious, it will be to little purpose to enact laws for that end.---To enact laws one session of the assembly, to be repealed the next, only enervates government, and renders the legislature contemptible.---I should therefore think it best, before in *democratical* governments, before any new mode of taxation is adopted by the legislature---to print the bill designed to be passed into a law, with the reasons on which it is founded, and to let the people at large have an opportunity to weigh the reasons of it, before any undue prejudices arise in their minds, or are excited by designing men, and they generally will make a good judgment. But to frame a law, which will give a general uneasiness and disgust, it will be impracticable to execute it.---Perhaps this may be thought too much beneath the dignity of the legislature of the state ; but if my memory doth not betray me,

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it has been, on some occasions, practised by the British parliament, and if it had always been practised both by them, and the several assemblies of these states, it would often have saved them the trouble of frequent repeals. Paying of money, with the greater part of the citizens of this state, is a very serious matter, and those who are best able, are easier led than drove.---It is firmly rivited on my mind, the body of the freemen and citizens of this state are *honest*, and truly willing to pay their quota of the public debt, *justly* due, and shall continue of that opinion, until I see just grounds to alter my sentiments; and for my own part, I am desirous that they should choose the mode in which it shall be done.---If the landed interest of this state, choose their landed interest, stock, &c. should be subjected to pay the public debt;---from which we can scarcely obtain a support for the real necessities of our families, I am content; *provided* we are not subjected to an *assessment*, which would soon involve us in new troubles. Should they rather prefer that mode pointed out by Congress, which certainly will place the greatest burden on the rich and luxurious, I shall for my own part perfectly acquiesce in their choice, *provided* the laws are so calculated, as not to subject the private houses of citizens to *search warrants*, which never ought to be permitted in a *free state*, for any thing short of *felony*, as it wears the highest badge of *tyranny* that can possibly be exhibited.

The citizens of this state have long been anxious for a new mode of taxation, and I am for my own part willing that mode should be fairly left to their option and choice. But am fully of opinion, a little calm reflection will incline them to adopt an *impost*, which lays the greatest part of the burden on the rich and luxurious, and has a natural tendency, to promote *industry*, *economy*, and our own *manufactures*. The appropriation of which is the *prerogative* of the authority that *grants*; the collecting the same authority doubtless will

will retain in their own hands---and the sooner we comply with it, the sooner we shall be able to discharge our quota of the debt with honour to the state.---But creating many Continental *offices* and *officers*, with large emoluments of office is diametrically opposite to the true spirit and genius of a *republican* government, and tends to enlarge our debt.---The more wheels or springs in any machine, to perform the necessary movements, and the more complicated the structure, the more easily put out of order, and the more difficult to discover and repair the defect.---It is the same with regard to government.---The fewer the laws--the more simple the form of government the better.---The whole code of laws which related to the civil polity of the *Jews* might be comprised in less compass than any one of the five books of *Moses*, although *they were as the stars of heaven for multitude, and as the sand on the sea shore innumerable*.---Their Judges were the elders of their cities, who held their sessions in their gates, and their causes determined without long, tedious and expensive processes.

In the *second place*, if these states expect to maintain their *sovereignty, freedom and independence*, they ought carefully and explicitly to instruct their representatives to pay the strictest regard to the articles of our federal union, and to regulate all their public acts agreeable thereto, as they are the *palladium* of all our civil rights and privileges, and the only band of our *union*, which they should strictly keep *inviolate*, as we regard our PUBLIC FAITH. And I submit it to the wisdom of the legislature of the state whether it may not answer very salutary purposes that a constant correspondence be supported between the several assemblies of the states, and a uniformity maintained in their instructions to the Delegates of Congress upon any general, grand and important concerns which relate to all the states in the *union*.

Tyranny, oppression and arbitrary power, make their advances by slow progressive measures, and often under the most specious pretences. They never recede, but keep gradually advancing.---Every deviation therefore, or extension of power, beyond the limits of our most happy constitution, will be attended with the most dangerous consequences.

I will now advert to the remarks on the pamphlet lately published, which I conceive to be of dangerous tendency; which I have attempted with a view to prevent its taking effect, which I should have rejoiced to have seen done by some abler pen.---All I request is your acceptance of the sincere intentions of

T H E A U T H O R.

Remarks

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Remarks on a Pamphlet, entitled, &c.

THE articles of our foederal union were drawn up by Congress, and adopted by the states, amidst the *confusions* of a most *bloody, cruel, and unnatural* war, when the attention of Congress who drew, and the states who adopted them, was frequently drawn off by continual *alarms, burning of towns, slaughter and bloodshed*: No marvel then that every inconveniency attending them when reduced into practice, could not be foreseen, either by those who drew, or those who adopted them; at which period, it would not have been well accepted, had any one discovered, and had ventured to call into question, the propriety of any one of the thirteen articles of our confederation.

It may therefore be adviseable, now we are released from the distressing scenes of war, deliberately to examine, revise, correct and amend them, in every instance, in which when reduced into practice, they may be found—inconsistent with each other—not capable of being carried into execution—or inconsistent with the general sense and understanding of those who adopted them. And every man not an enemy to his country, who in any measure tenders its peace and future happiness, will readily give his consent, if the present articles of our foederal union are found on a *fair trial*, deficient, in either of the foregoing particulars, that they should with *care and due deliberation*, be revised, corrected, and amended. For, as a late writer observes, “No government has the prerogative to be *immutable*—No power how respectable soever, *created yesterday, or a thousand years ago,*

ago, which may not be abrogated *to-morrow*—No government is authorized to regard the state as its *property*—whoever thinks otherwise devotes himself, his family, and his childrens children to misery, allowing to his ancestors a right to stipulate for him, when he did not exist, and arrogating to himself a right to stipulate for his posterity before they existed—All authority in this world began either by the *consent* of the *subjects*, or the *power* of their *master*, in both the one or the other they may justly end—there being no prescription in favor of *tyranny* against *liberty*.”

The author of the dissertation on which I remark, has not proposed any one alteration of the articles of our federal union thro'out his whole dissertation, but what he proposes for the enlargement of the powers of Congress, by which it is very evident he has high notions of *prerogative* in those who *govern*, how much soever he may be concerned to maintain the natural and constitutional rights of his *fellow subjects* ; and rather seems to *banter* than to *support* even their right to choose their own representatives, either in the assemblies of the states, or delegates in Congress.

The Honorable Continental Congress having stiled the Confederacy in the *first* article, THE UNITED STATES OF AMERICA ; by the *second* they have taken due care to secure the rights of the separate states in the following words:

“ *Each state retains its SOVEREIGNTY, FREEDOM, and INDEPENDENCE, and every power, jurisdiction and right, not expressly delegated to the United States in Congress assembled.*” Every power therefore not *expressly* delegated to Congress by the articles of confederation, still remains to be exercised by the states separately : and in this consists their *sovereignty, freedom and independence.*

It cannot be difficult to determine what powers the states have *expressly* delegated to Congress, a careful review of the *ninth* article will solve the difficulty, and if any thing is *doubtfully*

doubtfully expressed, they ought as soon as possible to be explained to the sense and understanding which Congress had when they *draughted*, and which the states had when they *adopted* them. Or if on a *fir trial* it appears that Congress are not vested with all those powers necessary to execute the grand and important ends and designs for which the states entered into confederation, the powers of Congress most certainly must be enlarged, with that care and caution necessary on so important occasion.---But for Congress to *assume*, or for the states to *submit*, to any extension of power, beyond the powers delegated to Congress, will have an effectual tendency to *subvert* the constitution, and destroy what the states highly value, viz. their own *sovereignty, freedom, and independence*.

The author of that dissertation on which I am about to remark, says, fol. 5, "*The supreme authority*" (by which he means Congress) "*must have the power of making war and peace---of appointing armies and navies.*" These powers by the 9th article are expressly delegated---"*of appointing officers civil and military.*" Congress in draughting the articles of our foederal union, reserved in their own hands the right of appointing the *general* officers of our armies---The officers of our navies, when we have any in existence, and the states have *expressly* delegated that power to them, to whom in fact it with great propriety belongs, and could not be exercised in any other way but by the supreme authority of the commonwealth---But it never entered into their minds I presume, as it is not even suggested in the articles, their having any power of appointing the *civil officers* of the states, which is a *prerogative*, I presume, the states never will resign, so long as they have any desire to retain their sovereignty, freedom, and independence.---Indeed was the bestowment of places of *honor* and *profit* the gift of the supreme authority of the states, let it be *King, Congress, Stateholder,*

holder, Regent, or Dictator, or by what name soever called, they would (so long as mankind have any fondness for honor, and the emoluments of office) have it in their power to bribe the assembly of the states, and every one who oppose any usurped authority or undue extension of power beyond the limits of the constitution by which they are governed; but in a republican government it saps it to the very foundation. So long as all public measures are open to the examination of the body of the electors, and the bestowment of places of trust left to their representatives, and the emoluments of office kept within reasonable bounds, so long a commonwealth may be governed with safety, in peace and good order; but grant to the supreme authority in any form of government whatever, the sole prerogative of the bestowment of all places civil and military, the prerogative of annexing the emoluments of office, and the bestowment of pensions, and their subjects are slaves to all intents and purposes whatever.---True it is a people may be happy under any form of government, so long as good men govern, but whenever they become corrupt---if vested with the power of bestowing all offices civil and military, and at the same time they hold the purse-strings, or which is the same thing, have such grants of money settled for life as will enable the chief magistrate, or supreme authority, to grant pensions to such as will be the tools and creatures of his court---no matter what the form of government is, or whether governed by a King or Congress, whenever the supreme authority becomes corrupt, and are desirous of extending their power beyond the bounds prescribed by the constitution, they always have it in their power to effect it. This author proceeds and says, "They must have the power of making contracts ---emitting, coining, and borrowing money---of regulating trade, and making treaties with foreign powers---of establishing post-offices.---These powers Congress are already expressly vested with

with by the articles of confederation ; but these do not seem fully to satisfy the desire of this author. He then proceeds and says, “ *In short of doing every thing, which the well being of the commonwealth may require, and which is not compatible, to any particular state, all which require money, and cannot be effected without it, they must therefore of NECESSITY be vested with the power of TAXATION.*”

This author may remember the Honorable Continental Congress drew up the articles of our foederal union, they doubtless well understood what powers were necessary to be vested in their hands, “ *which the well being of the commonwealth required, and which was not compatible to any particular state,*” at least they understood that matter as well as this author can be supposed to understand it ; at the same time they fully understood the foundation of our opposition to the unconstitutional measures of the British parliament, and they well knew the confidence placed in them by the states, as the *guardians* of all our civil and natural rights, and they then retained in their own hands, by the articles of our foederal union, all those powers they thought necessary to be lodged in their hands, which we could with safety commit to them, and still the states retain their *sovereignty, freedom, and independence*, and they are all *judiciously* and very *expressly* pointed out in the 9th article, viz. “ The sole and exclusive right and power of determining on peace and war ---of sending and receiving embassadors---entering into treaties and alliances---of establishing rules for deciding in all cases, what captures on land and water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated ---of granting letters of marque and reprisals in times of peace---appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures”---

captures"---and have made Congress itself "the last resort on appeal in all disputes and differences now subsisting, or that may hereafter arise between two or more states concerning boundary, jurisdiction, or any other cause whatever;" and in consequence of that authority reserved in their own hands, by public accounts, they have already finally determined, that the state of Connecticut have no just and legal claim, by virtue of their grant or charter by letters patent from king Charles the second, (extending its limits from Narraganset-bay on the east, to the South-Sea on the west) to hold any lands by virtue of said grant, west of the state of New-York---although I conclude, it must be conceded, the Susquehannah company made the first purchase of the right of soil from the natives, who were *heretofore* reputed the *lords of the fee*, which is, in my opinion, virtually denying, that the original natives have any right to the lands of North-America.---In which judgment of our Honorable Continental Congress I could however fully acquiesce, provided they proceed to judge, and finally to determine, that all grants of lands, made by any of their *most gracious majesties the* KINGS of GREAT-BRITAIN *to any of their loving subjects*, shall not extend beyond what their *majesties* had actually *purchased* or *conquered* from the natives, antecedent to their several *grants*, or has since been purchased by any of the subjects of these states, by virtue of a proper licence granted them for that end, and that all the lands, not as yet purchased, or conquered by the joint efforts of the United States, and now ceded by *Great-Britain* to the Thirteen United States of *North-America*, be considered as the property of the aboriginal natives, who were the first discoverers and have the right of *prime occupancey*, and that the right of pre-emption of the soil from the natives, which was all that Great-Britain could cede to us, and that *only* to the exclusion of British subjects, might be and remain

remain the joint interest of the Thirteen United States of *North-America*, by virtue of the late treaty and cession, for I never yet could discover either from *reason* or *revelation*, or from the laws of *nature* and *nations*, that the kings of Great-Britain had any more right to grant to any of his *loving subjects*, all the lands lying between certain latitudes of *North-America*, from the Atlantic on the east, to the South-Seas on the west, which gave his subjects a right to drive out the natives, the original proprietors of the soil, because they did not practise *agriculture* and occupied an extent of territory more than they judged necessary in order to support them by *hunting*, than his SUBLIME HIGHNESS the GRAND SEIGNIOR at this present day has to *re-grant* the same lands to any of his *loving subjects* not inhabited by the subjects of any MAHOMETAN PRINCE, which would give them a right to drive us back into the interior parts of this continent, because we have not the knowledge of the culture of *poppies*, and the manufacture of *opium*, but instead thereof make use of *wine* to the dishonor of their prophet *Mahomet*.---This right, power, or prerogative, call it what they please, claimed by the *Christian princes* of *Europe*, I can by no means acknowledge, unless they are able to shew that *North-America* was distributed to them, “ *when the Most High divided unto the NATIONS their INHERITANCE when he separated the sons of ADAM.*”---But to return from this digression—

The states have likewise *expressly* delegated to Congress “ the sole and exclusive right of regulating the alloy, and value of coin struck by their own authority---fixing the standard of weights and measures --regulating the trade and managing all affairs with the Indians---establishing and regulating post-offices---appointing all officers of the land forces in the service of the United States, *excepting regimental officers*---appointing all officers of the naval forces, and

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commissioning all officers whatever in the service of the United States---making rules for the government and regulation of the said land and naval forces, and directing their operations---to appoint a committee of the states---and such other committees, and civil officers as may be necessary, for the managing the general affairs of the United States, under their direction---to appoint one of their number to preside---to *ascertain* the necessary sums of money to be raised for the service of the United States, and to *appropriate* and *apply* the same for defraying the public expences---to borrow money, or emit bills on the credit of the United States, *transmitting every half year to the respective states an account of the sums of money so borrowed or emitted*---to build and equip a navy---to agree upon the number of land forces.”—These are all the *prerogatives* which the honorable Continental Congress asked, or saw necessary to be vested in their hands, as they had the general superintendency of all the United States; and indeed it was all they judged the states could delegate with safety, and leave any business for the several assemblies of the states to transact, except *the regulating of fences, restraining of swine, and preventing old women keeping too many geese, to the nuisance of the public.* The foregoing enumerated powers the states have by the 9th article expressly delegated to Congress, and they are as extensive as the *prerogatives* of the crown of *Great-Britain*, about which they make so much noise and bustle; excepting the appointing all officers *civil* and *military*, which in a commonwealth would be altogether *inconsistent*, and for that reason I judge, they did not think would have been prudent for them to ask, or safe for these states to grant: in none of which enumerated articles of delegated powers is the power of *taxation* once mentioned or even hinted at. This power however, this author says, “*They must of NECESSITY be vested with.*” However he honestly confesses, and says, fol. 5,

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“ This is a most important and weighty trust, a dreadful engine of OPPRESSION, TYRANNY and INJURY when ill used ; yet from the NECESSITY of the case it must be admitted, for to give a supreme authority, a power of making contracts, without any power of payment — of appointing officers civil and military, without any money to pay them — a power to build ships, without any money to do it with — a power of emitting money, without any power to redeem it — or a power to borrow money, without any power to pay it, &c. &c. such a solecism in government, (he thinks) is so naturally absurd, to offer further arguments on the subject, would be to insult the understanding of his readers.” This author ought to have known king George the third, our late gracious sovereign, has all these prerogatives, and no other I can now recollect, excepting the prerogative of appointing, *all officers civil and military*, by which, together with a certain sum of money, granted him by his first parliament for life, at the beginning of his reign, which for many years has been usual, in order to gain the favour of their *young prince*, and to enable him to grant it back into the pockets of his favourites by *pensions* ; by which two powerful arguments, the *kings of England*, for a succession of reigns, have gained a majority in the house of commons ; or which is the same thing, their *ministers* have gained it,

“ For ministers by *kings appointed*,
are under them the *Lord's anointed* ;

Therefore it is the self same thing,
to *resist* the *minister* or *king*.

By which they have wrecked the civil constitution of that kingdom, the work of ages ; and all their boasted liberties are sunk and absorbed by ministerial tools and hirelings, corrupted by their own money, which has been purchased at the expence of the best blood of that nation. Notwithstanding this prince has not in his power, to tax his subjects a single copper without the concurrence of his parliament.

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Nor have I ever seen, or read any speech, made to his parliament, that he has ever moved to have the *power of taxation*, added to his other royal prerogatives, which this *patriotic author*, says must of *necessity* be vested in Congress, — a power which Congress themselves never once mentioned in the articles of our federal union ; which power, was it once vested in Congress, they might have it in their power, to establish as many *pensioners* as they please ; and if the time should ever arrive when they should aspire at greater powers than those with which they are already vested, it would be in their power, as effectually to destroy our present happy constitution, as the nation from whom we derive our original have destroyed their own---and enslave a nation that a few individuals may riot in luxury and excess.

I would just recite a few passages from a late writer on the civil constitution of England, who says, “ The king of England has the prerogative of commanding armies, and equipping fleets—but without the concurrence of his parliament he cannot maintain them—he can bestow places and employments—but without his parliament he cannot pay the salaries annexed to them—he can declare war—but without his parliament it is impossible for him to carry it on—in a word, the royal prerogative, destitute as it is, of *imposing taxes*, is like a ship completely equipt, but from which the parliament at pleasure can draw off all the water, and leave it aground, or set it afloat, by granting subsidies.” Now let any one run the parallel between the prerogatives of the *King of Great-Britain*, and our *Honorable Continental Congress*, their prerogatives are the same, with this exception, the King of Great-Britain has the prerogative of appointing all officers both *civil* and *military*, our *Honorable Continental Congress* thought proper only to retain the prerogative of appointing a part, leaving the rest to the states, and I think the division judiciously made

—Congress have the prerogative to declare war—but the states, who most certainly have both a *natural* and *constitutional* right to judge of the righteousness of it, may either grant or refuse to grant money to carry it on.—The several assemblies of the states by our constitution, in many respects, stand in the same situation, and have the same restraint on *Congress* that the parliament or rather the commons of England once had on the crown ;—that authority which *grants money*, most certainly have a right to *refuse granting*, when they can neither see the *necessity* or *righteousness* of the measure for which it is to be granted—This right originates from the reason and nature of things, and is a *self-evident truth*.—Again, Congress are vested with power to build and equip a navy—but we shall have little need of a navy, if what this author says in fol. 4 is just, and I conceive in this instance at least he judges right, viz. That these states “ *will command respect ; that our exports are either raw materials, or provisions, and their imports mostly finished goods, our trade becomes a capital object, with every manufacturing nation of EUROPE, and all the southern colonies of America, our friendship and trade will of course be courted, and each power in amity with us will contribute to our security.*” And if we take proper care not to intermeddle in the *politics* and *broils* of *European courts*, this doubtless will be our happy situation for *ages*.—This being our case and situation, may not the assemblies of these states, with great propriety, consistent with the articles of our foederal union, refuse to grant money for the building a navy in time of profound peace, should Congress adopt such a measure, merely for the sake of transporting our *American Embassadors* to and from the courts of Europe, or with a view to render ourselves respectable, as a *maritime power*, while we lie under a heavy debt, both to our *generous allies*, as well as to *domestic creditors* ? They most certainly may, and ought to do it, under
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such circumstances—and if the assemblies of the states are warranted and justified in this case, they certainly are in every case, where *granting* of monies is their right and prerogative.

Although the king of England has not the power of *taxation*, he has made out, not only to support the dignity of his crown, but to ravage the ocean with his fleets, and to carry fire and sword on to the continent, in support of his German dominions, at the expence of the blood and treasure of the nation, in which they are in reality, no more interested than *America* is in the quarrels of the *Nabobs* of *Asia*; all which he has effected by his having the *prerogative* of appointing all officers *civil* and *military*, and by means of a custom which has long prevailed, that at the beginning of every reign, the parliament (to court the favor of the young prince) grant him a *fixed permanent revenue for life*, by which he is enabled to grant *Pensions* to so many of his parliament to make them the creatures and tools of his power, as to obtain a majority, and by that means to rule and govern the nation in as despotic a manner as the most absolute monarch of *Europe*. This evil our patriotic Congress, who drew the articles of our confederation, foresaw, in some future period might happen to these states; and for that reason, no doubt, did not think the power of *taxation* could safely be lodged in the hands of Congress, where the representation is so *small*, the *interests*, *tempers*, and *dispositions* of the states so *diverse*.—Can this author, or any one else imagine the power of *taxation* of this state could be safely lodged in the hands of two delegates, was every member of Congress as upright as we can conceive it possible for the human heart to be, in the present state of this world.—For my own part I respect and revere Congress, and am willing they should be vested with as many *hereditary duties* as the crown of England, and if
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that will satisfy this author, I am willing they should have the very same, viz. “ A few hereditary duties on the exportation of wool, a branch of which in the reign of George I. was fixed at seven thousand pounds---a duty of two shillings on every ton of wine imported---the wrecks of ships, the owners unknown---whales and sturgeons thrown on the coast---swans swimming on public rivers---and a few feudal relicks, compose the whole *appropriated* revenue of the crown of England---and if these will satisfy this author, without the power of *taxation*, for my own part should be content they should be granted to Congress ; that in no one instance, either in point of *prerogative*, or *appropriated revenues*, they should be less respectable than the monarch of Britain.

The king of England by having the right of nominating and appointing all officers *civil* and *military*, and by a *moderate* grant of parliament of about a million sterling annually settled upon him during life, is enabled to grant so many *pensions* as to purchase his parliament, and thereby to destroy the best civil constitution, in many respects, that ever was composed and established on this side *Mount-Sinai*---an establishment from our peculiar circumstances, we in these states cannot copy after or adopt, and therefore it is the duty of every individual to guard against all innovations, or any infringements that may be attempted to be made on our civil constitution, which the wisdom of Congress have devised and judiciously draughted, and the states solemnly adopted, which we ought carefully to guard and maintain, otherwise our ruin will be of ourselves.

This author doth not even pretend we have already vested Congress with the power of *taxation*, but says they must be vested with it from *necessity*, and urges reasons to support that *necessity* ; but there are others *weak* and *silly* enough to assert, they are already vested with that power, and found their opinion on these words in the 9th article, “ to ascertain

tain the necessary sums of money to be raised for the *service* of the United States, and to appropriate and apply the same for defraying the public expences."---But whoever founds his opinion on those words, must be ignorant of the true end and design of our confederation, and the spirit and meaning of those words in the 9th article.

The true end and design of our confederation I take to be this, viz. To unite the strength of the separate states under Congress as their *general Head*, and to delegate to them the direction of the operations of our military and naval forces against the power of Great-Britain.---And this I take it was the general sense and understanding of the states who adopted the articles of our foederal union, and the whole tenor of the articles themselves support this opinion.---Congress are to determine the number of *troops* necessary for the *service* of the states---What *service*? The *service* of the war and general defence---and for that end they were to make requisition to each state for their *quota*, "and to ascertain the necessary sums of money to be raised for the *service*" of the war, and to appropriate and apply the same; that matter not being *compatible to any particular state*, by constitution is vested in congress, whose right it properly is, and is *expressly* delegated to them.---But this our author cannot put up with, without their being vested with the power of *taxation*: who says, fol. 6, "*This would make all payments dependant on THIRTEEN POPULAR ASSEMBLIES.*" And adds, "*The present broken state of our finances---public debt, and bankruptcies---enormous and ridiculous depreciation of public securities, with a total annihilation of our public credit---prove beyond all contradiction the VANITY of all recourse to the several assemblies of the states---the recent instance of the duty of 5 per cent. on imported goods STRUCK DEAD, and the Bankruptcies which ensued, on the single vote of RHODE-ISLAND.*" What bankruptcies ensued on Rhode-Island's negating the
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the impost act, which was to have been collected by officers appointed by Congress, and applied at their discretion, in which the states could have no power to appropriate to the payment of their quota of debt contracted during the war, agreeable to the 8th article, the author can better say than I can pretend---but that the depreciation of bills---failure of public credit, and many bankruptcies ensued before the impost was asked for by Congress, or denied by Rhode-Island, are facts that are notorious, which many attribute to the want of seasonable and adequate taxation, which, creating a demand, would at least have retarded the depreciation of our bills. Our author however appears much out of humour with the state of Rhode-Island for preventing the operation of the *impost act*, and is desirous to enlarge the powers of Congress to prevent the like mischief in future ; but at the same time seems desirous “ *to restrain them from doing any mischief in the exercise of those VAST powers, with which he seems very sollicitous Congress should be vested—This he thinks the most difficult part of the weighty subject he had undertaken,*” and puts up a short ejaculatory prayer, “ *That Almighty Wisdom would direct his pen in the arduous discussion,*” fol. 12. And in truth and reality, the framing a perfect and complete system of government for a rising empire, is a most arduous and very important subject ; and as he seems desirous of Divine Aid, I would recommend it to him *once more* to consult his bible, and duly weigh and consider the civil polity of the *Hebrews*, which was planned by Divine Wisdom, for the government of that people although their territory was small ; by preventing an undue monopoly of lands by their reversion to the original proprietors in the lineal descent of the families at the *jubilee*, (which was every half century) it supported vast numbers of inhabitants within very narrow limits—their laws were few and simple—their judges the elders of
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their cities, well acquainted with the credibility of the parties and their evidences—they held their courts in the places of greater concourse, the gates of the city, and their processes were neither lengthy nor expensive.

Our author having informed us with what powers the supreme authority ought to be vested, in the next place has undertaken to let us know how this supreme authority is to be *constituted* so as to do no mischief with that vast authority with which he has cloathed them: he carefully avoids using the word *elected*, as he seems to have a mortal hatred of *popular elections*, in which process he is very methodical and says, 1st. “*The men who compose this important council must be DELEGATED, not elected, from all the states, and it is to be wished, that none might be APPOINTED, that were not adequate to this weighty business; but a little knowledge of human nature, and a little acquaintance with the political history of mankind, will soon teach us, that this is not to be expected. The representatives appointed by POPULAR ELECTIONS, are commonly, not only the LEGAL, but the REAL, SUBSTANTIAL representatives of their electors, i. e. there will commonly be about the same proportion of GRAVE, SOUND, WELL QUALIFIED men—TRIFLING DESULTORY men---WILD or KNAVISH schemers---and DULL IGNORANT fools in the delegated assembly, as in the body of electors.*” What a motly mixture this of which our *supreme authority* and the assemblies of the states are composed!---A most severe *burlesque* obliquely cast on our Honorable Continental Congress, and the *assemblies* of the states, if the account given of them by this author is just! What a pity it is we have made choice of a *democratical* form of government, and that all our civil rulers were not made so by *birth*, or *hereditary right*, and that *kings, lords, dukes, barons, earls, and knights*, were not the *natural and spontaneous growth of North-America*; and all their *virtues* such as *knowledge, integrity, skill in the arts of govern-*

government, but above all, their exemplary *piety*, and firm attachment to the doctrines of *revelation*, and the *civil constitution* of the *Christian religion* as established by our *ancestors*; and that they were not all made *hereditary* to descend with their lands to all *generations*. But what adds to our misfortune he says “ *he knows no way to help this* ;” if that is truly the case, we are in a very *pitiabie situation* truly ! But for once I will just hint at a few things, which if our legislatures should think worthy of a trial, I presume many advantages will arise from them, and without some attention, to some or all of them, a commonwealth never was, nor ever will be continued long, without *intrigues*, *cabals*, and *factions*. In the *first* place, no office or place of trust should be made *lucrative*, any further than to support the dignity of the station with *decency* and *honor*, but not to enrich themselves or families, by the emoluments of office. *Secondly*, Let all transactions of a public nature, both in Congress and the assemblies of the states, be open to the free examination of all the electors—a printed journal both of Congress and the assemblies of the states, with the *yeas* and *nays* to every interesting question that comes before them—No man is worthy of public trust that has not an opinion of his own, or is afraid to let that opinion be known to his electors—this will make him careful, that he judges and acts according to TRUTH, of which the body of the electors in this state before, taken collectively, are better judges, both of men and measures, than our author seems to imagine ; only let them have the means of knowledge, instead of being abused by *bowing*, *cringing*, *fawning courtiers*, who are always of the opinion of the majority present, unless they happen to mistake their numbers.—There is not a single proposition in our author’s whole dissertation more just than this, “ TRUTH loves LIGHT, and is vindicated by it ; WRONG shrouds itself in DARKNESS, and is supported by DELUSION.

SION. *Lastly*, Let there be a regular account of the expenditure of all public monies, *annually* laid before Congress and the Assemblies of the states, as those who pay money most certainly have a right to know how, and *to what use it is applied*.

These means of knowledge, of men and measures, being afforded to the electors of these states, I presume there are sufficient numbers in each state, who are men of *ability, integrity and discernment*, who can distinguish by those helps, (which are in the power of the legislatures to afford) “*the grave, sound, well-qualified men, from trifling, desultory men, and wild knavish schemers, from dull ignorant fools:*” who would be faithful to enlighten their less discerning, but honest neighbours, and in that manner regulate their choice better than the *sly, insinuating, intriguing patriots* of the present day do, by the means of knowledge we enjoy in this state: and this I judge would be more to the satisfaction of the *freemen of this state*,* and would have a greater tendency to serve the interest of the states, than what he proposes under his *second* general head, viz. “*That the Congress shall consist of TWO CHAMBERS, an UPPER and LOWER HOUSE, or a SENATE and COMMONS, with the concurrence of both necessary to every act, and that every state send one or more delegates to each house.*” This he says, “*will subject every act to two discussions, before two distinct chambers of men, EQUALLY qualified for the debate, EQUALLY masters of the subject, and of EQUAL authority in the decision,*” and if equal in all respects, I cannot at present see the necessity of building two chambers to hold them.—But another difficulty arises in my mind, as our author has not as yet pointed out any new mode to *constitute* these delegates, if *elected* in our present mode,

* I may, perhaps, be told, Congress do publish such a journal—I would just ask for information, Has that journal ever been *once* laid before the General Assembly *officially*, as we had reason to expect by the 9th article? If it has not, at whose door doth the neglect lie?

mode, they will still remain not only the *legal*, but the *real substantial representatives of their electors*; so that I do not see any real advantages obtained by the *division*, as both chambers it seems, must be filled with men of *equal* abilities, and of *equal* authority, unless as they are equal in all respects, it must be supposed the houses will be *complaisant* to each other, and frequently change chambers, which will afford some little amusement in time of peace, when but little business that is urgent, will by our constitution, lie before them, and may prove salutary by changing the air.

Our author under his *second general head*, it must be owned, manages the division of Congress with some *art*; however he now and then a little drops his *mask*. In page 15 he has found out Congress “*will stand in need of much information,*” and has devised a plan to furnish them with the “*best and surest information, and of that kind that may be most safely relied upon,*” which information he thinks may be best made through the medium of certain *ministers of state* which he has planned out; and *first* mentions a *financier* as being uppermost on his mind, who manages the whole business of *revenues and expenditures*, which high and important office, our author no doubt intends to fill, as he tells us, fol. 7, he is about soon to publish an essay on *finance*, on which subject doubtless he will *shine*, and it being attended with a decent fallery, it must be supposed it would be agreeable to him to sit at the head of the *American treasury*; but more especially, should the states be so happy as to see with him, the *necessity* to vest Congress with the power of *taxation*, which would save the states the trouble of collecting their own *quota* of the continental debt, and fall directly into the continental treasury, under his own immediate inspection.

He in the next place supposes a *secretary of state* would likewise be very necessary to give *information*; who would have the knowledge of the *general policy*, and *internal govern-*
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might---To these he adds a *minister of war*, who must preside in the business of *war* and *defence*---of this minister however, by his own account, we shall stand but in little need, as “*all the manufacturing nations of Europe, will court our friendship, and contribute to our security,*” for which reason it will hardly answer to maintain the dignity of that minister, purely to conduct a war with the *sachems* of the interior parts of *America*, who I fancy will stand in as much fear of the United States, as the manufacturing nations of Europe (for their own advantage) will court our friendship and contribute to our security.”---To these great ministers of state, this author would have added JUDGES OF LAW and CHANCERY—All these GREAT MINISTERS OF STATE he would have to serve as ATTENDANTS on the two chambers of Congress, to give them the *best information* in their several departments of office, whose opinion he would oblige Congress always to take, before they finally pass any bill, without which formality being duly attended to, the act of Congress to be *void*. But at the same time he is so careful to guard the dignity of the *two chambers* of Congress, as not to enable these *great ministers of state* to negative any act of Congress, how contrary soever the same may be to their *opinion* and *advice*—so that these great ministers of state are more for *ornament*, and to add to the *dignity* of Congress, than any real utility, like the *mantling to a coat of arms*. Vid. fol. 16, 17. And to fill up the *rear* of these great ministers of state, he adds a *chamber of commerce*, composed of *merchants*, to give *information* likewise to Congress, respecting *trade* and *commerce*. So that in reality all these *great ministers of state* are only to serve Congress in quality of INFORMING OFFICERS. And to this fabric of his own structure, in fol. 24, he adds a COUNCIL OF STATE, composed of all the aforesaid GREAT MINISTERS OF STATE; to which number it shall be the *prerogative* of Congress to add three others, viz. one

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from the *New-England states*, one from the *middle states*, and one from the *southern states*; one of which three it shall be the prerogative of the president of Congress to appoint: “to all of whom shall be committed the SUPREME EXECUTIVE AUTHORITY of the states, (all and singular of them ever accountable to Congress) who shall superintend all the executive officers, who shall ever be accountable to, or removeable for just cause by them, or Congress, i. e. either of them.” This will keep this supreme executive authority in due decorum, and oblige them always to do the thing that is just and right, at least what shall be so judged by the council of state and congress, both of whom will have the power to remove them for any malfeasances, which will be a greater restraint than if they were chosen by popular elections.

Our author having displayed much skill in the arts of government, by the addition of all these *ministers* and *officers of state*, to encrease the *dignity* and add *importance* to Congress; in the next place proposes measures to be adopted to enforce the *strictest obedience* to the requisitions of Congress. In fol. 24 he says, “There remains one very important article to be discussed, viz. “What methods the constitution shall point out to ENFORCE the Acts and requisitions of Congress thro’ the several states; and how the states which REFUSE or DELAY OBEDIENCE to such acts or requisitions, shall be treated.” This he says, “is a particular of the GREATEST DELICACY, as well as the UTMOST IMPORTANCE, and ought to be decidedly settled in our COOLEST HOURS.” In this I perfectly agree with our author; but great, delicate and important, as it appears to him to be, he has undertaken the job; and in fol. 25 he says, “To appoint a Congress with powers to do all acts necessary for the support and uses of the union; and at the same time to leave all the states at liberty to obey them or not with impunity, is in every view the grossest absurdity, worse than a state of nature, without any supreme authority at all, and at best a ridiculous effort

effort of childish nonsense ; and of course, every state in the union is under the highest obligations to obey the supreme authority, and in the highest degree amenable to it, and subject to the highest censure for disobedience ; yet all this notwithstanding I think, the soul that sins should die. The censure of the GREAT SUPREME POWER ought to be so directed, if possible, as to light on those persons, who have BETRAYED their country, and exposed it to DISSOLUTION, by opposing that supreme authority, which is the band of our union, and from whence proceeds the principal strength and energy of our government ; I therefore propose that EVERY PERSON, whether in PUBLIC or PRIVATE CHARACTER, who by PUBLIC VOTE, or other OVERT ACT DISOBEYS the SUPREME AUTHORITY shall be amenable to Congress, shall be summoned and COMPELLED to appear before Congress, and on due CONVICTION suffer such FINE, IMPRISONMENT, or other PUNISHMENT as the SUPREME AUTHORITY shall judge requisite. It may be objected here, (and I think very justly) that this will make a member of assembly accountable in Congress for his vote in assembly ; I answer, it doth so in this case only, viz. When that vote is to DISOBEY the SUPREME AUTHORITY.—No member of assembly can have a right to give such a vote, and therefore ought to be PUNISHED for so doing.---A government which is but half executed, or whose operations may be stopped by a SINGLE STATE, is the most dangerous of all institutions—I cannot therefore admit, that the great ends of our union should lie at the mercy of a single state.”—What is got into the head of this good citizen of Philadelphia ? What doth he make of our Honorable Continental Congress who draughted the articles of our confederation, that they should make such egregious blunders, as to form such a lax form of government ? Has he the vanity to think Congress who framed the articles of our fœderal union, could not have foreseen these intolerable blunders and defects in our constitution, and provided a proper remedy ? they certainly would.

would. But this *supposed defect*, is in reality our greatest *safeguard*; and if there is any defect, it is in his own *opticks*. He expressly owns, fol. 26, *The supreme authority are subject to passions like other lesser powers; they may, and often are, HEATED, VIOLENT, OPPRESSIVE, and very TYRANNICAL; and seems disposed to FENCE them out as far as possible, and to give the states as great a CHECK on the supreme authority, as can consist with its necessary energy.*—This is the very fence and check which Congress, in their wisdom, saw *necessary* to provide, for the safety and security of the states, when framing our civil constitution; and we greatly rejoice in their *wisdom, prudence, and precaution*:—It is the very same fence and check provided for the *seven united provinces of Holland*.—No state in the confederation, I presume, will oppose, or neglect to carry into execution, any resolution of Congress which they judge to be for the general good of the states included in the union; and until they can see it, he cannot blame them if they oppose it; but especially if they judge such requisition inconsistent with the articles of our *fœderal union*, when he himself owns *the supreme authority may be, and often are, heated, violent, oppressive, and very tyrannical.*—I cannot conceive why our author should be so very *fretful* and out of *humour* with our present happy constitution; I fear his expectations were too much raised as a *financier*; that the disappointment occasioned by *Rhode-Island's* negating the Impost Act in the very form pointed out by Congress, has ruffled him too much; and that he did not write this part of his Dissertation “*in his coolest hours.*” I never yet have learned that the state of Rhode-Island have ever refused to fund their *quota* of the national debt, and to make speedy and ample provision for the payment of the interest, and gradual sinking of the principal, as soon as their quota is made out, agreeable to the 8th article of the Confederation.—For my own part, it would
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greatly affect me to see any member of our honorable Assembly *dragged* down to Congress, with all the whole retinue of evidences *pro* and *con*, merely for denying the authority of Congress, and voting accordingly, (when at the same time he thought, and perhaps very justly, that Congress had no constitutional right to make such a requisition) and be subjected to fine, imprisonment, and corporeal punishment. This would make our worthy members *awfully* afraid to support our own constitutional rights, our *sovereignty, freedom, and independence*, secured to us by the second article of our foederal union, which we have not *expressly* delegated to Congress by the ninth. Our author would have discovered more *lenity*, and more of a *christian frame and temper of mind*, if he had been willing to pass over such an error, (if, on strict scrutiny, it should prove to be an error) to have the offender only publicly reprov'd by the speaker, from his *chair*, for an error of that kind, committed through *ignorance or inadvertence*; as he can be considered only as the *legal, real and substantial* representative of the *common herd* of his *electors*:— For which reason, in behalf of such *state offenders*, I would humbly supplicate the several legislatures of the states not to admit of such an alteration in the articles of our foederal union, until our honorable Continental Congress shall discover the necessity of such a measure, and recommend the same to be adopted by the states.

Some have suggested, that this author may possibly be employed, by our honorable Congress, to try how far the citizens of these states would submit to such arbitrary and despotic measures: But such suggestions I reject with contempt and disdain. It must be impossible that Congress, who drafted the articles of our foederal union, and so carefully guarded the states against all arbitrary and despotic measures, should so soon attempt to subvert our happy constitution; much less would they improve so whimsical a writer

as our author appears to be, to effect the design; and that without ever once moving to the assemblies of the states for any enlargement of their powers; which, no doubt, they would most readily comply with, if necessary. This state, in order to enable Congress to proportion the quota of debt to each state, I am told, on requisition, have already acceded to the alteration of the 8th article,* that speedy provision may be made for the payment of the interest, and gradual sinking the principal, of our whole debt, contracted during the war.—I rather think him some gentleman of a *sovereign, arbitrary, tyrannical* turn of mind, and unhappily *vindictive*; of which he has given a convincing evidence, in fol. 27, in these words—“*Further, I propose, that if the execution of any act or order of the supreme authority shall be opposed by force, in any of the states (which God forbid) it shall be lawful for Congress to send into such state a sufficient force to suppress it.*”—Here, again, our author *interlards* this *sanguinary proposal* with a short ejaculatory prayer to Almighty God; but then I do not understand him to mean to prevent the operation of his proposal, but that God would *forbid* or *prevent* any state from opposing, by force, the execution of any act of Congress: Which, from the present views I have of the temper and disposition of any of our states, there is not the least danger of; before so long as they regulate their requisitions by the articles of our *fœderal union*; which Congress themselves *drafted*, and which the states have solemnly adopted. But should Congress ever
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* The 8th article of Confederation, originally adopted by the states, is, That in all charges of war, and all other expences incurred for the common defence, the quota of each state was to be in proportion to the value of lands, &c. This estimate would have been attended with great expence, and liable to exceptions;—Congress, therefore, moved to the states, That the quota of expence should be in proportion to the number of white and other free inhabitants, and three fifths of the slaves: Which alteration, in proportioning the quota of the states, I am told, has been adopted by the legislature of this state.

make any resolutions contrary to the articles of our fœderal union, through inadvertence; as this author says, fol. 24, “*I know that supreme authorities are LIABLE to err as well as lesser ones;*” or should they, from lust of power, and spirit of domination, become “*over-heated, violent, oppressive, and very tyrannical,*” (as in fol. 26 he owns they may) I should think it their indispensable duty to *resist all unconstitutional extension of power*; although not unto blood. But should the states adopt this *sanguinary proposal* of our author, Congress would *constitutionally* be vested with power to enter with an armed force, and shed the blood of any of our sister states, merely for supporting the *constitutional rights* of the states. As Congress have wisely avoided all *sanguinary* measures, in drafting the articles of our union, I should not think it below the dignity of their high station, to manifest their disapprobation of so *sanguinary* a proposal.

This proposal gave me a more violent shock, as I happened to read it just as the news arrived, that 1500 of our continental troops, with a proper train of artillery, were on full march for *Philadelphia* to suppress the turbulent behaviour of a part of the *Philadelphia* line of the army, and to protect the honorable Continental Congress from their insults. If the form of civil government in that state is so *lax*, and their citizens not disposed to support it against insults; as the officers of that state are on *half-pay* during life, and they can support a body of troops with a small additional expence, it may be well for them to take that method to do it; but I do not think it adviseable or necessary for the states to support an army for that purpose: A mild administration rarely wants an armed force to support it: The rectitude of the measures, of Congress, and the Assemblies of the states, will always afford them the surest protection; and wherever the civil power of a state cannot support itself from insult, without a military force to awe their subjects into submission, there is much reason to fear either
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their civil constitution is deficient, or something is wrong in the administration.—Standing armies may be necessary to support tyranny, oppression, and arbitrary government; but to have recourse to arms in a civil government, is shocking to humanity!—They may be necessary with a *felon*, an *individual*; but with a sister state, a whole community of the same family, the bare mentioning of arms presents to my view the bloody scenes in which we have been involved by our *parent state*!—The unhappy effects of which, time itself will not repair, or obliterate from our minds.

I think none who duly attends to the whole scope and drift of this author, but will easily discover his design is to subvert our present constitution, and to introduce in its room, a government more arbitrary, sovereign, and despotic. His dividing Congress into two Chambers, he seems to think, will make them *wonderful wise*; and is much better disposed towards them than when in one house, and subjects of *popular elections*. However, he finds some difficulty even then: He has found out these two Chambers, *equal*, in all respects, may “grow jealous and ill-natured, and after all their information and advice, grow out of humour and insincere, and no concurrence can be obtained.” But he has luckily found out a remedy even in that case, viz. “Sit still, and do nothing, till they get into better humour.” This I think as bad a situation, as to have the proceedings of Congress suspended a small period by the vote of a *single state*. But before he arrives to the bottom of page 22, he has discovered a remedy for to cure the two Houses of their *julky humour*: They must first agree to come into one house, and *lovingly choose* “A DICTATOR, who shall have and exercise the whole power of both Houses, till such time as they shall be able to concur in displacing him; and that the whole power of the two Houses be suspended in the mean time.” (Fol. 22.) Here our author has

has wholly dropt his *mask* : The two Chambers being furnished with A DICTATOR by the joint election of both Houses, he is to remain *Dictator* until the Houses can agree to displace him ; which period, I presume, will never arrive ; for he is to be vested with the *power of both Houses*, so long as they remain out of humour ; of course the power of *taxation* will be his *exclusive prerogative* ; by means whereof, he will have it in his power to keep the two Houses out of humour, until he makes himself a PERPETUAL DICTATOR. There is no chimera in all this—our author is consistent in his own plan—and his views are *apparent*—to reduce us to an ABSOLUTE MONARCHY ; and his plan, carried into execution, will effect the thing.

I trust an *absolute monarch* is not what would be the choice of my fellow citizens : It most certainly would not be my choice, unless I could be assured always of a *wise and good Prince*. In a commonwealth, if small, and the electors personally acquainted with public characters, the people may enjoy great happiness ; but when a commonwealth becomes *numerous*—their concerns *great and important*—the desire of *riches, honors and power* increasing with their numbers,—if the electors have not the means to obtain the knowledge of the public characters of rulers, by their votes given when acting in their public character, the choice of the electors (which, in general, in these northern states, is the main body of the citizens) will be very precarious and uncertain : Discontent and uneasiness will ensue—factions form and increase—frequent alterations and change in civil rulers will ensue ;—the greatest calamity that can befall an elective state, or commonwealth, as no man, fit to *rule or govern*, will suffer himself to be *mob'd* in, and *mob'd* out, according as the several parties and factions succeed by their intrigues in courting the populace, and imposing on the credulity of their electors : And what will next ensue, courts of justice
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may, in the same manner, be contaminated,—which must complete their ruin. An open line of conduct in a commonwealth, subject to the examination of the electors, is the only *barrier* against *tyranny*,—which, in a commonwealth, is the most cruel and oppressive of any species of tyranny whatever.

The form of government planned by Congress, and adopted by the states, is the only form we could adopt under our circumstances: And the honor and dignity of Congress, as a private citizen, I am determined to support, as much as the *sovereignty, freedom, and independence* of the states, and every *power, jurisdiction and right*, which they have not *expressly* delegated to Congress. But as every deviation from the articles of our foederal union makes a dangerous precedent in future, the defects in the articles of confederation can be known only by *practice*: And it is time enough to make alterations in our system of government, when the defects are made evident.

I must now revert to some things said by this author, which I have passed over, before I conclude these remarks. He says, (fol. 9,) “ *Another great object of government, is the apportionment of burdens and benefits,—and that an ill apportionment will be an everlasting source of uneasiness and discontent.*”—Again, “ *The value of lands may be a good rule, but the ascertainment of that value is impracticable; no assessment can be made which will not be liable to exceptions and debates.*”

This observation of our author is doubtless right; the same objections arose in my mind when I first read the 8th article of our foederal union. And our author says, in fol. 10, viz. “ *That the number of living souls, or human persons, of whatever age, sex, or condition, will afford us a rule which will forever encrease or decrease with the real wealth of the states; and, of course, will be a perpetual rule, not capable of corruption by any circumstances of future time.*”

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This mode of proportioning the quota of debt *first* suggested to the public by this author, is *since* recommended by Congress, with this alteration, viz. Two fifth parts of the slaves to be exempted from the *capitation*; the reasons of which exemption do not at present occur to my mind. If I mistake not, Congress have laid a prohibition on the importation of *African slaves*; but this exemption seems rather an encouragement to the owners to proagate them in preference to *horses* or other *stock*; and they are improved for the same purposes in tilling ground in the southern, as oxen are in the northern states, and supported at less expence through our long and tedious winters: And at present I cannot see the reasons of the exemption of two fifth parts from the *capitation*; but otherwise, this proposal of our author, I acknowledge, would be perfectly reasonable, was all the lands ceded by the late treaty, which were not actually purchased or conquered by the Crown antecedent to the cession, to be considered as the joint interest of all the states in the confederation: But if the western lands ceded by the late treaty, not purchased or conquered by the Crown antecedent to the cession, are to be considered as belonging to those states, by virtue of their ancient grants from the Crown; I cannot as yet discover either the justice or equity, that those states which are circumscribed on every side by the adjoining states, whose lands are all located and fully settled, should pay, by that mode of computing the quota, for so large an extent of territory, gained and defended at the joint expence of all those states, who have not gained one foot of land by the cession;—much less can I see what right the King of Great-Britain had to grant to the *Virginia* and *Plymouth* companies, all the lands lying between certain latitudes in North-America, from the Atlantic Ocean on the east, to the South Sea on the west, not inhabited by the subjects of any *christian prince*; when the aboriginal natives

were

were the first *discoverers*, and had the right of *prime occupancy*; who they do not seem to consider as having any more right to the soil than the *moose, deer, bears* and *foxes* which range the forests.

I well know the Princes of Europe have come into some compacts, that when the subjects of any Prince make a discovery of lands heretofore unknown to the nations of Europe, whether inhabited by any of the human race or not, they take possession of it, in some formal manner, for their Prince; either by giving it some *christian* or *saint's* name, setting up a crucifix, &c. Such sort of compacts, made by the Princes of Europe; may be binding on them on the eastern side of the Atlantic, but do not appear in the same light to the Americans, who, heretofore, have been wont to believe, “*That God hath made of one blood, all nations of the earth, and hath determined the bounds of their habitation:*” And many of us, to this day, think the natives who were the *first discoverers*, and had the right of *prime occupancy*, unless they have sold the same, or that it has been justly conquered, are still vested with the right of soil; and that a patent from the Crown will not justly give us a right to drive them from their habitations. I well know it is said, here was vacant territory of which they stood in no need; but as they lived by fishing, fowling, and hunting, and not furnished with the best conveniencies of taking game, they only are the proper judges of the extent of territory necessary for grazing. By the same rule of reasoning, the Americans may say, that *Britons* are chiefly *manufacturers*, and ought to be cooped up within narrower limits; and may as justly seize on their *parks* and open fields, and divest them thereof, as to dispossess the *Sachems* of America of their hunting ground, and knock their brains out if they refuse to quit the soil—which people, at least many of them, have as just notions of *right* and *wrong*, as the subjects of Euro-
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pean Princes. If this reasoning is just, (and at least it appears so to me) no state has a right to one foot of lands, beyond what was purchased or conquered by the Crown antecedent to the cession,—and that cession means no more than ceding to the states the right of pre-emption from the natives (as it is termed) to the exclusion of British subjects. Whether that cession is made to the Thirteen States as joint tenants, or to Congress to hold the same in trust for the confederate states, as I have not seen the Definitive Treaty, I cannot say,—or whether Congress are already vested with power, by the articles of our foederal union, to make a disposition of the same, I shall leave to *civilians* to judge. But when this author says (fol. 10,) such states as by treaty have gained large extent of territory, “*ought either to make grants to the commonwealth of such tracts of defended territory, or sell as much of it as will pay its proper quota of defence, and pay such sums into the public treasury;*” (if what I have urged on that head has any weight, it is the joint interest of all the states already) to use his own expression is “*the grossest absurdity, and at best a ridiculous effort of childish nonsense.*”

The same may with great justice be said with regard to the forfeited estates of *loyalists*; the crime of which they were guilty, was not a crime committed against any state separately, but against all the states included in the confederation; otherwise how we in this state have seized the estates of *loyalists* belonging to the states of *New-York* and *Boston*, and confiscated the same, or by what rule of *right* it could be done, unless the crime is considered as a crime committed against the confederation, and not against this state individually, I know not; which forfeitures I could wish might be appropriated to repair the losses that individuals have sustained by the burning of towns on our sea coasts by *Britons*, and the desolations on our frontiers by their *Indian* allies. Which thought

thought I humbly submit to the wisdom of Congress, and to the justice and compassion of the several assemblies of the states.

As for those unhappy people termed *Loyalists*, who have shed the blood of their country, and robbed, plundered and distressed their friends, their estates are but an inconsiderable compensation for their repeated outrages, they never ought to be permitted to reside among us, and I leave them to be punished by their own reflections. But all such as went over to our enemies from principles of the *Christian religion*, believing it unlawful to resist the civil magistrate, and all such as through fear of the power of *Britain*, and from a consciousness of the inability and unpreparedness of the states to resist, went within their lines, but have neither shed blood, nor aided and assisted the enemy, (of which I make no doubt there are many) I could wish (I write it *openly* and *freely*) that their property may be *restored*, and their persons *protected*; and I think I may be countenanced in this sentiment from a sentence in that form of prayer prescribed by the *Saviour of the world*, which from the phraseology, it appears to have been the design of the *Divine Author*, that daily use should be made of it by all his *followers*.

