



AN  
ORATION,

DELIVERED IN THE  
BENEVOLENT CONGREGATIONAL  
MEETING-HOUSE,

ON THE  
FOURTH OF JULY,

A. D. 1797,

IN COMMEMORATION OF  
AMERICAN INDEPENDENCE.

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BY GEORGE R. BURRILL, ESQ.

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*Ece Spectaculum dignum!*

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A N  
O R A T I O N.



FELLOW-CITIZENS,

**O**N this day is exhibited, throughout the United States, a new and interesting spectacle—a great and enlightened people assembled to celebrate their freedom and independence, and to commemorate the day which rendered them free and independent. It was that event which fulfilled the prophetic hopes of patriots, poets and philosophers, in elder times. It is that spectacle which they desired to behold, but could not. They beheld indeed from the mountain-top, and afar off, the promised scene; but to enter upon it, to take a nearer view of the sublime and glorious spectacle, and to participate in the feelings and joys of that highly favoured people, was forbidden: a broad and impassable gulph, the immaturity of events, separated them from that felicity which has been reserved for us. Yet they sung and prophesied the certain advent of this day. They scattered in silence, but in confidence, the seeds of truth, liberty and glory. They saw their labours successively flourish, mature, and scatter their seed with increase of a thousand fold; and seeing, exulted in the persuasion, that though the harvest might not be theirs, it was sure and certain. The germ thus planted in secret, spread and communicated, till the world was full of its influence, and expected the moment when the desire of nations should be accomplished. But who should

Step forth the vindicator of man, and become the  
 mark, and perhaps the victim, of confederated des-  
 potism? Impatient of further wrongs, and alarmed  
 at the insatiable and continued incroachments of  
 British power upon their dear and boasted privi-  
 leges, the United States of America, on the Fourth day  
 of July, 1776, declared themselves free and inde-  
 pendent. This was the glorious consummation,  
 prophesied, hoped for, laboured for. To the world  
 it was a day of incalculable importance. Empires  
 had risen, and had fallen: these events however  
 were not the concern and cause of the people, but  
 of their masters. But this was the cause of man, and  
 interested the feelings of mankind. Every fondest  
 hope, every trembling anxiety, every ardent wish  
 and fervent prayer, rushed to that point as the blood  
 to the heart. The talisman had been touched, and  
 the shock was felt and answered through the universe.  
 That day was a great æra in the history of man; it  
 was to decide the question between the people and  
 their oppressors; upon the turning of the balance  
 depended, whether Liberty should quench her torch  
 in the ocean, or whether it should burn forever;  
 whether she should dwell with men, or fly to her  
 wonted caves, and hide herself in her deep recesses.  
 To the immediate actors it was a day of inexpressible  
 anxiety. Unpractised in policy and blood, their  
 hands and their exertions had been employed in  
 domestic offices, and in the arts of peace. Her  
 gentle voice alone had echoed in their fields; their  
 ears could not endure the discordant clarion of war;  
 they shuddered at the prospect of burning cities, and  
 fields empurpled with kindred blood. How could  
 they meet the onset of British valour and discipline?  
 where were the resources to balance the British  
 treasury? The heart-strings of ancient loyalty were  
 burst by a separation from the once honoured mother-  
 country, the birth-place of their fathers. But the  
 dread resolution had passed; the eyes and the hopes



of mankind were upon them; it was shameful to look back, it was dangerous to proceed. Before them was the power of an ancient and formidable kingdom, instigated by thirst of domination, and encouraged by community of cause with the powers and potentates of the earth. The prospect was blackened with the revulsion of man to accumulated bondage, the renovation of ancient abuses, the extinction of hope, and the curse of disappointed humanity. But hope lighted their way, and the remembrance of former wrongs strengthened their hands, and fortified their bosoms. The emancipation of a world, the termination of the minority, and the completion of the full age of mankind, the name of the eldest-born of freedom, brighter suns, unclouded skies and fairer fields, were the prize— heavier chains and deeper dungeons were the forfeit!

That day, so desirable, so important, so pregnant with events, we now celebrate. It is indeed no ordinary occasion. As every thing until the fulfilment of all hope is but secondary at most, so afterwards it is even less. The sun has risen to-day, and will set; but such another occasion mankind never have celebrated, and never will celebrate. We see that day, we enjoy those privileges, so much and so long desired; for the attainment of which so much labour has been sustained, so many miseries have been endured, and so much blood has been shed. How little do they who have always enjoyed the high privileges of the free, know how to esteem them. Many of us, who now sport in the pavilion of freedom, hardly know how, or by whom, it was raised. Many of this assembly, who have borne their part in the successful struggle, now repose in the shade of their laurels, and enjoy the reward of their labours. But how many are they who have opposed their breasts to the battle, who have toiled, hungered, thirsted and sorrowed, and at last perished in the cause; who never tasted the rest provided for the well-deserving;

who fell while the conflict was doubtful ; who heard not the shout of victory, and died in the bitter apprehension that their country might yet be enslaved. How great the price which they have paid for this. They sleep almost forgotten in the earth. They taste not of the festivity of this day. They are not with us, to behold their children in the possession of all earthly good. Let us not run heedlessly over their graves, but remember them in our joy with a holy and grateful remembrance. The birth of a prince, and the coronation of a king, have heretofore been celebrated with clamorous mirth ; but the present occasion, exciting more pure, dignified and consolatory feelings, demands expressions correspondently decent and dignified. Our annual incense arises to the God of harvest, the giver of peace and prosperity ; let this be our annual thanksgiving to the God of Liberty, and therein, of every good and every perfect gift.

The United States have indeed established their freedom and independence. They have given a lesson to nations, worthy of imitation, and which they shall follow, as they attain to the degree of preparation necessary to profit by it. They will require new examples as they advance, and require them of their first instructors. They will claim a share in the hoarded experience of those who have gone before them. The attainment of independence is but the beginning of labour, and the foretaste of its blessings ; to secure and preserve it, is the toilsome consummation. The prejudice of the age is not an adherence to ancient institutions ; it is rather a passion for novelty and improvement. This passion, which operates so universally, finds an inexhaustible subject in government, in systems of policy, and hypothetical constitutions. It would well become the American people, as they have shewn mankind the way to freedom, to teach them how to use and to enjoy it ; to continue still foremost in the

course of political improvement, to light as well as to lead the way, and produce the first model of a perfect form of government. The Constitution of the United States operating upon subjects of general administration, is a great point gained in this flattering purpose. It has refuted its enemies, and satisfied its warmest advocates; and without driving them to abstruse disquisitions upon its properties, has enabled them to refer their opponents to its manifest consequences, and to their own experience and consciousness, for its vindication. But the Constitution of the United States extends not to the particular and internal policy of the individual States; though the force, the purity, the beauty and efficacy of its operation, depend upon the perfection of that particular and internal policy. If the State governments, which are the fountains of the general government, are corrupt, the representation from the States, which is the stream, and the general government, which is the great reservoir, will also be corrupt. The fountain should therefore be kept pure, and this is not merely a concern of the State, but of the United States. Something better than a void, or at most an imaginary Constitution, was to have been expected from the State of Rhode-Island. We inhabit a crazy and comfortless mansion, shaken by the winds, and pervaded by the storm. The materials are around us, of a stable, commodious and magnificent edifice, such an one as might invite the stranger to dwell in it, and be honoured and imitated by distant people. The foundation is laid in the independence of our country; let the superstructure, the Constitution, perfected from the models of our sister States, and the experience of our own numberless necessities, be raised and fixed upon it. The small extent of territory in the State, will render unnecessary that complexity which is found in the Constitutions of most States. In fine, we might enjoy a Constitution, more firm-



ple, efficacious and cheap, than that of any other free government.

But if, in a representative government, the greater number of the people choose only the minority, and the smaller number choose the majority of the Legislature, how shall a Constitution, or a change in the Constitution, be effected? Equal representation in such a case will be the consequence of a Constitution, and will deprive this majority of that precious power, of which men are so tenacious, and which, when they are once in possession of it, they will strive to render perpetual. To petition this Legislature for equal representation, is to require the majority to surrender their power, a requisition which it is not in human nature to grant. But is this evil to be perpetual? Is there not in every free government the principle of amendment and accommodation, a radical health-giving principle, a natural Constitution, paramount to all positive institutions? If there is not, there may then be, in a given case, a free people, who neither are nor ever can be governed by their representatives; and the government, thus corrupt and absurd, may exist with all its errors and abuses for ever—exhibiting this paradox, a free, sovereign and independent people, desirous of changing their form of government, without the power of doing it. This power is certainly to be found somewhere. Such a perpetuity is absurd and repugnant. The power exists in the State, and in every free State, and that of necessity, and independently of any human provision. Representation always supposes proportion. An hundred inhabitants in one place cannot be represented by one man, while an equal number in another place are represented by ten men. Either, in the first instance, there are ninety who are not represented; or there are, in the second instance, nine persons in the Legislature who represent nobody. Such a disproportion always constitutes a tyranny, active or dor-

nant, and severe or not, according as the disproportion is great or small. The minority, and their constituents, are absolutely in the power of the majority. If this disproportion may consistently exist in any degree, however small, the principle is admitted, and it may exist in any degree, however great. It is certainly impossible to justify such a government in the understandings of that minority, or their constituents. It is absurd to maintain, that the people are free in a despotic government, or that the government may be so constructed, as that it never can alter or improve, and that its errors and abuses must be perpetual. Yet this doctrine, so absurd, so repugnant and contradictory, has found its advocates. If there is any convenience or advantage in equal representation, it becomes a right, and rights are equally sacred, and to withhold them is equal injustice, whatever may be the subject to which they relate, whether pecuniary or political. To withhold this right, may be the triumph of petty ambition, the jest of those who trifle with justice, and indifferent to those waxen consciences which may be moulded to every feature of circumstance; but to the upright and liberal mind, and public spirit, it is matter of serious concern, and, measured on the scale of moral justice, it is a high-handed wrong.

The whole Constitution of a free government is not a positive institution, neither is it or can it be written upon paper. No machinery can destroy the force of gravity, neither is there need of machinery to precipitate bodies to the earth. No law can make that right, which is morally wrong. As in natural philosophy and in morals, so also in government, there are certain fixed and unchangeable maxims, which enter into the very essence of it, which no written Constitution can vary, or needs, or ought, to explain or declare. The existence of this Con-

stitution paramount is so true, that there can be no free government where it is not acknowledged. It is the rectifying principle, which enables government to effect the purposes of its institution. It is like the operations of nature, which in the natural body repair the waste of age, disorder and injurious impressions. When these operations are weakened, the body decays; when they cease, the body is dead. It is the standard and regulator of every function, continually correcting and improving. Whenever any authority supersedes the Constitution paramount, that authority becomes absolute power. In a free government, no majority, even among the people, who alone are the makers of the written Constitution, can prevail against it. The power of such a majority, is but the power of the strongest, and not a legitimate or constitutional power. Much less can the Legislature, to which even the written Constitution gives law, controul the Constitution paramount, to which all other authority is subordinate. Whenever a court of law exceeds its jurisdiction, the judgment is illegal and void, and the ministerial officer executes it at his peril. All laws enacted by the Legislature contrary to the Constitution, are also void, and not binding upon the court of law or the citizen. In like manner, whenever the written Constitution contravenes the Constitution paramount, or in other words the principles and immutable maxims of free government, it is void. Rebellion therefore, or resistance to law and order, is not to be imputed to those who maintain this supreme authority, although they act in opposition to a written Constitution, because, wherever the two authorities interfere, the subordinate is void, and must give place to the supreme authority. Still less can the charge be alledged, where there is no written Constitution, or where it was never ratified by the people, but imposed on them by an authority which they have in the most solemn manner re-



nounced. Equal representation is involved in the very idea of a free government; it is accordingly, and consequently, provided by the Constitution paramount, that every citizen shall be represented. When and how this equal representation shall operate, is left to the written Constitution to provide; but that it shall operate, is already provided for by the Constitution paramount. Resistance to this supreme authority, is that act of domestic violence, against which the government of the United States is to protect the individual States.

There are three principal branches in government; that is to say, the makers of the written Constitution, the law-makers, and the administrators of the law; or, in other words, the people, the Legislature, and the courts of law. All other branches are collateral and ministerial. The making of the Constitution paramount is no act of government; it always exists; it is the immediate work of God, and a part of nature itself. These three branches are distinct and separate. A court of justice cannot create a Legislature, or enact a law, since it exists after the law, is created by the law, and acts under it. Neither can the Legislature create a Constitution, since the Legislature itself is the creature of the written Constitution, is posterior and subordinate to it. The court of justice cannot judge of the necessity of passing a law, or dictate when or how it shall be made. Neither can the Legislature judge of the necessity of forming a Constitution, or dictate when or how it shall be formed. To the court is referred to pronounce judgment, to the Legislature the enacting of laws, and to the people the forming of a Constitution, and to each distinct branch, every question appertaining to its respective function. In petitioning the Legislature therefore for a Constitution, we are guilty of deserting from principle, and of abandoning our rights. We might as well petition the Superior Court for a law. The question



is referred to an incompetent tribunal. It is *coram non iudice*. The determination of it rests with the people. It is that sole and transcendent act of authority which resides in the people, and that not by representation, but personally and numerically. The Convention which forms the Constitution, is but a Committee of the People. This is a jurisdiction which cannot be transferred. The exercise of it is the resumption of delegated power, and a recurrence to the elements of government.

From every light in which we can view a free republican government, it seems to follow incontestably, that an inherent perpetuity in the form of it, is abhorrent and repugnant; that it must contain within itself the principles and means of amendment and accommodation; and that these purposes are effected, by an acknowledgment of the existence of the Constitution paramount, and of the exclusive jurisdiction of the people, in all questions relating to a Constitution.

These are subjects which have lately occupied your thoughts and feelings: but at present, a subject of more importance, even as the existence of your independence is more important than the form in which it shall be enjoyed, obtrudes itself upon you, in common with your fellow-citizens of the United States. Though we inhabit a crazy and comfortless mansion, it behoves us rather to see first of all that it is our own, and that we are not merely tenants by sufferance, than to concern ourselves with the form, or even the conveniences of it. An overbearing claim, inconsistent with our title, and the professions of the claimants, is made upon our independence.

How is the sacred name of Liberty, that name which should scarcely be pronounced but with uplifted eyes, prophaned and abused! It fills the mouths of millions, who little understand its high import. There is a charm in the sound, which de-

lights the heart, but eludes the understanding. It is not a blind madness, which lets loose the infuriate passions; it is not a Moloch, pleased with the worship of the crimson altar, and rioting in the blood of the human victim: it is a guarded, collected and restraining spirit; moderate, though firm; and gentle, though impracticable. The enjoyment of liberty is not for all, at all times. It is an instrument, too delicate for a clumsy performer; it is safe only in the master-hand. To distinguish between the boundaries of rational liberty, and mad licentiousness, requires a temperature of soul, and a preparation of sentiment, which they only possess who have long considered the question, and rendered the subject familiar. Bursting from the darkness of ancient abuses, into the full splendour of liberty, the eye is dazzled, and the object is lost in the new effulgence. There is large room to suspect, that though the French nation have undergone the severest discipline, they have not yet acquired this necessary preparation. They long pursued a visionary phantom, dressed in the garb and bearing the name of liberty; a spirit of darkness, in the semblance of an angel of light, which abused them to damn them. But the rending of the veil discovered their ancient despotism, returned and reinstated with accumulated horrors. Yet the time of this delusion was considered as the reign of freedom; the whole nation pursued the dancing meteor; liberty was the theme of every song, and the only object of their adoration. In the intoxication of the moment, their hands were bound with chains unseen. A new convulsion effected their release, and now again they worship the unknown goddess. The period which shall decide, whether they are yet to obtain the knowledge and fruition of their object, or whether they are to be scourged back to their former oppression, is not yet arrived. It has become a serious doubt, whether the French government are in fact, according to

their professions, the friends of universal liberty, struggling solely for their rights and privileges, or whether they are not rather the enemies of liberty, striving for universal dominion. Encouraged by the victorious progress of their arms, the possession of unwonted power, and the facility with which they have penetrated and directed the councils of certain States in Europe, they have attempted the councils of the United States, and the integrity of public opinion. Secret influence and corruption have been employed, to detach the people from the government, and the government from the interest of the nation; that, divided and weakened, we might more easily receive the impressions of foreign politics. The success of these artifices was truly alarming. How great must have been the perversion, when the interest of our country was but a secondary object; when the proceedings of our government were measured on the scale of French politics, and reprobated or approved, as they thwarted or accorded with the views of the French government; when the tried patriots of our country, not excepting even the late President, had become objects of suspicion and shameless obloquy, and when the name of an American seemed forgotten in the contest for European interests. But the great body of the people of the United States, awake to the advantages of peace and neutrality, have had the wisdom to shun the approach of foreign influence, and the virtue to give their rulers credit for the purest motives and the wisest measures, both in regard to the interest and honour of the nation, and in most perilous and critical circumstances.

The machinations of secret influence having been detected and exposed, the French government have not abandoned their object, but have come forth in a more open and dictatorial manner. They have prescribed the most humiliating, as the only terms, upon which they will receive the Minister from the Unit-



ed States. They have driven him from among them, as though he was not the representative of a great, a brave, and a high-spirited people; as though he had no wrongs to complain of, or his nation no power, or no spirit to resent them. When from the fear of offending a foreign nation, any one measure shall be adopted or rejected—when one hand more or one hand less shall be held up, we are more or less a dependent people. When at the requisition of any foreign nation, we shall have violated the faith of treaties, and abrogated the solemn acts of our general Legislature—when we shall have extended our complaisance even to the administration of our laws, and reversed the decrees of our judicial courts, what remains? what form or shadow of independence can we boast? Though we may say that we are independent, though we may even think so, and though there may be no visible force at hand to controul us, yet we are from that moment a subjugated people. There is equal reason for a second instance of compliance, as for the first; and when we shall have complied in two instances, we shall have relinquished all right to refuse a third. We shall have become a cheap and an easy conquest. It would be vain to resist invincible power, but we should certainly know what degree of power is employed against us. Let us at least receive one volley, before we throw down our arms. The first attempt at usurpation, whether limited or extensive, is pregnant with the principle, and demands unequivocal resistance. The American stamp-act itself, which set the British monarchy in a flame, might have been so modified and employed, as to have answered many beneficial purposes: but the power which might impose a stamp-act, might have imposed any other act; and submission to that badge of servitude, was a surrender of every thing. It is difficult to discern the object, it is impossible to foretell the issue, of the injuries to the citizens, and



indignities to the government of the United States, which the French government are in the habit of offering: it becomes us, however, to resolve that we will know the issue of it, and to prepare for it, whatever it may be; to rally round the common standard, to exert the ancient unanimity and resolution, and in celebrating our independence, to resolve that we will be independent. The shades of our departed heroes speak from the ground—or if already in possession of their merited beatitude, look from their seats above, and take a part in the various considerations of this day. They bare their bosoms, marked with many scars, and conjure their countrymen, by the wounds, the toils, and the sorrows which they endured, to preserve unimpaired that liberty for which they have paid so great a price; nothing less than life, its hopes and prospects, the light of heaven, and the converse of men; nay more, the enjoyment and participation of that liberty. Are they of so little account, have they fought and died in vain, is the purchase of eight years war to be tamely relinquished, and have not we in these days the spirit to maintain the acquisitions of their valour? Is this to be one in the miserable catalogue of nations, who have suffered the net to be drawn over them, and submitted to the officious guardianship of republican ambition? Trust not to kings, nor people, nor monarchies, nor republics; for all are men, and subject to like passions. Your dependence is on your own arm, and the unconquerable mind. Ask favour of the conflagration which prostrates your cities in ruin, and of the wind which provokes it; but ask it not of nations burning with ambition, and thirst of power. This devouring and inextinguishable flame rages in the bosom of man, and consumes the obligations of friendship, gratitude and humanity. The emancipation of a kingdom, is not the regeneration of man; his heart finds no change, he is still

the same being, only his power is increased, and his ambition more excited.

Though in the convulsions which rend the world, the United States have suffered in their property, their feelings, and their national dignity, yet we have abundant reason to congratulate ourselves that we are yet at peace, that the government and people of the United States are one, having one object and one interest, neither seeking for unconstitutional power on the one part, nor fearing it on the other; but above all, that we are yet free and independent. The increasing unanimity in the United States augurs well to the common cause, and though the wisdom, the virtues and vigilance of our late beloved and illustrious President, are withdrawn from the immediate service of his country, yet its honour and safety are well confided to the hands of his enlightened and patriotic successor.

In our own State, we are authorized to expect a speedy revision of the laws. The urgency and benefit of the measure, will ensure its completion. The long-neglected militia of the State, has assumed a respectability which may vie with the military establishments of neighbouring States, and under the protection and encouragement which the officers have been accustomed to receive, and probably will continue to receive from the Executive, in the energetic and impartial execution of the militia laws, we may flatter ourselves, that the State of Rhode-Island will be among the first to evince a readiness to answer the calls of our country, and the earnest recommendations of the President of the United States. But what confidence, what honest pride, what hope and what determination, must every spectator feel, at the brilliant display of military discipline and promptitude, this day presented. While speaking of our country's wrongs, we behold her vindicators; while deprecating the horrors of war, we behold her

defenders. How honourable and how prudent is it, to provide in peace for the exigencies of war ; for, like death, it comes at an hour we think not of.

The privileges and resources of this country are too great to be abandoned, and too well understood to be in danger of it. Every attempt upon our independence, whether secret or open, will be detected and resisted. We will hold the flaming sword at the gate of our Eden, and guard the Tree of Life from the assaults of the Adversary. This, we trust, is not the last anniversary of their independence, which the citizens of the United States will celebrate. The friend of freedom and of man shall on this day shed annual tears of unspeakable joy ; his secret but inviolable oath shall on this day be annually renewed, and the Day be celebrated and hallowed forever.

