
MR. FREEMAN'S ORATION.

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ORATION

PRONOUNCED AT POTSMOUTH, N. H.

ON THE FOURTH DAY OF JULY, 1810,

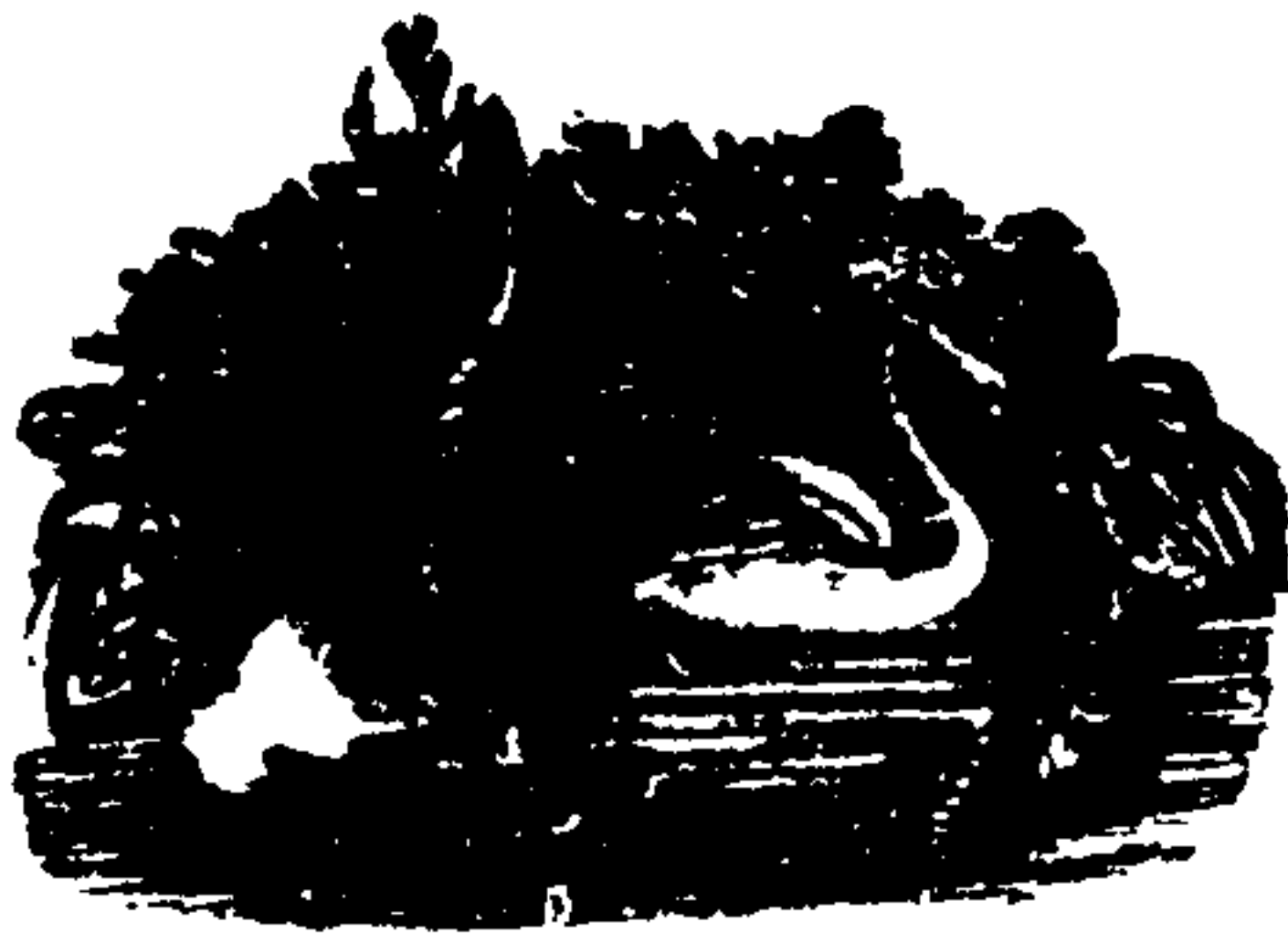
BEING THE THIRTY-FOURTH

ANNIVERSARY OF AMERICAN

INDEPENDENCE.



BY PEYTON RANDOLPH FREEMAN, Esq.



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THE Constitution of Government under which we live ; its origin, its ends, and its principles ; the privileges it confers and the duties it imposes, are subjects, at all times, My Fellow Citizens, deserving our consideration and sedulous attention. A few reflections on them will not, I hope, on this Anniversary be thought unseasonable.

When our Fathers came to this wilderness, they brought the love of civil and religious liberty, habits of sobriety, of piety and of social order. The free system of English Laws and Liberties had long been the pride of that people from whom we originated. To this system our Ancestors had an indissoluble attachment. The infringement of it by their rulers, was ever viewed with jealousy and just indignation. *Americans* were considered as having equal rights and privileges with their British brethren. They organized governments, as nearly as their circumstances would admit, similar to that of the parent state, and adopted such particular laws as their local situation required. This order of things continued for a long time from the settlement of this country. Under their local governments they managed their own domestic concerns, justice was administered, life and property protected, pious, charitable and literary institutions were established and encouraged, the public morals were guarded and preserved, equal lib-

erty and equal rights respected, and the people prospered.

But America at length became an object of jealousy to her British brethren, in whom also the lust of domination (no less natural to societies than to individuals) was excited. These causes, cooperating with the love of gain, induced the Ministry and Parliament of Great Britain to declare the resolution to govern the American colonies, in all cases, and to levy contributions on them according to her own will and pleasure. In pursuance of this resolution, divers acts of Parliament were passed, levying taxes on the people of this country, infringing their ancient privileges, interfering in their domestic economy and subjecting them to various injuries ; and if in any thing their charters and ancient laws and usages were allowed, they were to be held, not *as of right*, but only by the courtesy of England. On the other hand, Americans, inspired with the true spirit of their ancestors, united to resist these aggressions, in the consequences of submitting to which they foresaw ruin inevitable. The contest came to a crisis ; And the American Congress, considering the social compact as having been violated, on the ever memorable 4th of JULY, 1776, formally declared the bonds of union with the British empire to be dissolved.

After seven years of desolating war which ensued, the Independence of the United States was acknowledged by Great Britain ; peace was restored, and a treaty formed for the purpose of restoring friendship and good correspondence, and establishing an intercourse between the two countries on principles of reciprocal advantage and mutual convenience.

But though success had crowned the arms of our Country, the deleterious effects of a civil war continued to be

severely felt. By that war, many lives and much wealth had been destroyed ; the people burdened with taxes and contributions whereby murmurings and discontents arose ; an immense load of public and private debts incurred ; industry diverted from its regular and accustomed channels, and a portion of the community unfitted and indisposed for the pursuit of the arts of peace ; the regular administration of justice in many instances interrupted, and frequent opportunities of successful villany afforded ; respect to the laws, through changes and innovations on the old systems, impaired ; the turbulent and dissocial passions excited. At the return of peace, the armies who had fought the battles of our Country were discharged needy, destitute and unrewarded.

In this state of affairs, law, justice and liberty remained to be established. The several States had indeed organized their respective forms of republican government ; yet these governments were liable to the influence and control of local factions, interests and jealousies, which had hitherto been in a good measure kept down by the pressure of external danger. The *form* of a Federal Union was yet kept up in the shape of a Congress, but without the *power* of enforcing obedience to any ordinance for the promotion of the common safety and interest or the discharge of the common obligations. The State governments were in effect independent of each other : and the United States, having assumed the character of an *Independent Nation* ; having contracted a national debt in defending their liberty and independence, and pledged the public faith for its discharge ; having incurred the obligations of a nation, to protect the rights and liberties of its members, to defend itself from foreign aggressions, and

and promote its own tranquility, glory and happiness, continued for some years *without a national government*.

The disorders which ensued are remembered by many of you. The several states were alienated from each other and dissensions arose amongst them. Contributions were levied by some of the states on others by means of imposts : the national resources were exhausted : the national debt was unpaid : the faith of treaties violated : public and private credit and confidence destroyed : commerce stagnated : honest industry was discouraged : the prevalence of idleness with its attendant vices increased : a general laxity of morals was introduced ; and all the seeds of discord shot forth in a most fruitful soil. In some of the States the obligation of contracts was annulled : attempts were made to obtain the abrogation of all debts, or at least that only the mockery of payment in wastepaper should be required : insurrection reared its head : the sacred temples of justice were profaned by open and organized force ; and the *state*, or rather the *continual revolution* of affairs threatened our Country with a speedy subjection to unlimited and furious despotism.

In that eventful crisis the voice of patriotism was heard. A sense of impending ruin urged the enlightened and virtuous to union, and roused them to action. A Convention of delegates from the several States was assembled, in which WASHINGTON presided ; and the result of their united wisdom was a *Federal Compact or Constitution*, which, after meeting great opposition, was eventually ratified by all the States.

The design of this Constitution was *not* to promote the private or particular interests of any individual, faction,

or party by the sacrifice of the common good ; *not* to create a multitude of useless officers to harrass our people and eat out their substance ; *not* to establish a military power insubordinate and superior to the ordinary rules of civil justice ; *not* for cutting off our trade from all parts of the world ; *not* for depriving us of the privilege of Trial by Jury in cases accustomed : for *none* of these purposes was this Constitution formed ; but it was the solemn and deliberate act of a great and free people, whose objects were, in reality, what they profess, “ To form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and posterity.”

The provisions of our Constitution are wisely calculated to promote its professed objects. The form of our government is an Elective Republic ; all the authority of the rulers being ultimately derived from the body of the citizens. No privileged class of nobility is known to our laws. All the citizens are parties on equal footing to the title-deeds of our liberties. The means of acquiring wealth and happiness are, so far as can depend on the constitution of government, equally open to all ; and all are entitled to equal protection in the enjoyment of their lawful acquisitions.

The concerns of our foreign relations, of the intercourse, the preservation of peace and administration of justice between the citizens of the different States, with such powers as are essential to the maintaining the union and to its own preservation, are committed to the Federal Government. The sovereign power in the several States,

so far as regards the relations of their citizens towards each other and their internal happiness and prosperity, is vested in their respective governments, constructed on similar republican principles, subject to the control of certain *general* laws of the Union expressly provided. All officers of the General or State Governments are bound by an oath to support the Federal Constitution : All are, equally with the meanest citizen, subject to the laws. The powers of government are defined, and distributed among various branches and departments so constituted, that, while they may assist each other in the just exercise of their respective offices, they form mutual checks and balances.

Under such constitutions, it might be imagined that the permanent welfare of the people must be secured. But the *administration* of them is committed to *men*, who necessarily partake of the character of their constituents ; and, however beautiful and perfect any system may seem in theory, yet unless it be *faithfully administered*, it must fail of the ends of all good government. The motives of fear, interest, honour and pleasure, which too often influence men, are insufficient for this purpose. In the view of present gratification, danger appears far distant : The supposed interest of individuals is often, by their perverse views, reconciled with the violation of every social duty : The collisions of party interests beget jealousies and animosities : Pleasure becomes a source of corruption : Pride demands implicit deference and seeks distinction, not by excelling in what is praise worthy, so much as by the degradation of every thing about it : The headstrong passions hurry into extravagancies : The sympathies of humanity, the voice of conscience, the solemn sanctions

of religion, truth, duty, the laws, are all too often put to silence by the vicious inclinations of men : Example is contagious : The general mass is infected ; and the current of vice, widening and deepening in its course, becomes resistless. The Constitution must fall in the common ruin.

If the body of the citizens be very ignorant and uninformed of their interests and relations, their rights and duties ; if they be blinded by party prejudices and refuse a careful attention to these subjects ; they will be exposed to become the dupes and instruments of the crafty and wicked, and the consequences may be not less fatal.

Knowledge and Virtue, therefore, are the *vital principles of our Constitution*. The salutary influence of these principles in rulers and people is reciprocal : it centers in the Government as the heart of the Republic, and from thence is diffused among the members, and circulates through the whole system. Every attempt to impair this influence aims a death blow at the Constitution. The law of self-preservation obliges the Government under such a constitution, to promote these principles : the magnitude of the trust reposed in them, the plighted faith of their oaths, and the regard to reputation and glory, strengthen the obligation : gratitude and the love of their Country should confirm it.

The relations of every citizen resulting from our happy Constitution of government highly concern him. Under this Constitution only, can he expect the common privileges of civil society. By this only, are the benefits of government and laws secured to him. Let him not vainly imagine he can spare these benefits. Let him not flatter himself with the delusive hope that he can shift for himself, and perhaps gain something from the general wreck of the

Constitution and laws. Man is formed for society ; and, how independent soever he may fancy himself to be, it is in society only that he can expect the supply of his wants, the improvement of his faculties, his strength, his safety, his glory and his happiness. Without its benign influence he must find all cheerless, dark and horrible. Truly *it is not good for him to be alone.* But society cannot exist without government and laws. By the harmony of these must the multitude of otherwise jarring and discordant voices be composed and sweetened into a musical agreement. Without government and laws, there can be no security of mutual comfort and assistance, no concert for the common good, no safety : every one would be at war with all, and general ruin must ensue.

The privileges of civil society are therefore inestimable. Hence every one is bound by strong ties to the civil state whereof he is a member, to support its government and laws, and to seek its preservation and highest perfection. To this end his constant efforts should be directed. To the laws and government he is to look for protection and defence, for security and liberty. To the justice of these he has committed the vindication of his rights and redress of injuries.

The end of government, then, is social happiness. But (although no human institution can be perfect) a *Republican* Government aims to secure this end in a higher degree than any other. *Ours in particular* hath its advantages over many in the privileges it secures to the citizens.

Some of these privileges are—

A known written compact or constitution whereby to measure the rights of government and the encroachments of power;

The right of being judged in all cases by established general laws to which all are subject ;

The rights of conscience and religious liberty ;

The right of a public hearing on all questions of right and property before an impartial judiciary, and public trials by jury ;

The privilege of a legal and speedy remedy against all unjust restraints of personal liberty, by the Habeas Corpus;

The right of peaceably assembling and consulting together on the common good and petitioning for redress of grievances ;

The means of improving the public understanding and will, by the freedom of speech and of the press ;—and, as a security for every other privilege,

The right of every citizen to a free and equal suffrage, in electing, either mediately or immediately, all his rulers.

In these privileges of our Constitution, every citizen of our country is most deeply interested. If they be preserved, men may be happy in society : If they be lost, none can hope to escape wretchedness. The obligations resulting from these privileges, are proportionably weighty. Let us consider some of them.

By the more intimate connexion of all the citizens with the Government and with one another, each one of us is bound to increase his endeavors for the highest improvement of the whole society and of every member of it.

He is under increased obligation, in the first place, to *improve himself* in virtue and useful knowledge, to maintain in himself a grateful sense of the blessings he enjoys towards that BEING from whom all good is derived, to piety and a sense of religious obligation, as the very

soul of virtue, and the only means of securing *His* favor ; to maintain *good faith*, the source of confidence, and the strongest ligament of society ; to a sacred regard to the privileges of others, countenancing no infringement of them, considering the common interest which each member of the community has in the rights of all, and from the same consideration, by due methods, maintaining with firmness the exercise of his own essential privileges when exposed ; to cultivate an ardent love of his country ; to honesty, justice, temperance and charity, and the fitting himself, in particular, for usefulness in his occupation.

He is further obliged, as it were, to diffuse and communicate himself, by instructing those under his care in the like principles and encouraging and promoting them in all, as he may have opportunity.

The conduct of rulers under our Constitution, is, in a great degree, justly imputable to the citizens, who have so many checks upon them, and especially from the consideration that the rulers are their constituted agents, deriving all their power from the people by means of the rights of suffrage. Every citizen is therefore bound to conduct himself honestly and circumspectly in the exercise of these privileges, laying aside all prejudices that may prevent an impartial examination, being very vigilant that he be not imposed on by flattery and false pretences, seeking information from the purest sources, and acting from the best judgment he can form.

In particular, he ought duly to attend to *the character* of candidates for places of public trust, and also to observe carefully *the means* by which they are *promoted* to office, and *the manner* in which they *administer* their offices when appointed.

Should men, of no superior claims to virtue or talents, and manifesting in their conduct no *extraordinary* regard to their civil and moral obligations, attempt to elevate themselves by the basest means, by detraction of men of probity and worth—Should they raise a clamour against the government for endeavouring to maintain an honourable neutrality towards foreign nations at war with each other—Should they earnestly strive to draw the country into alliance with *one* of the contending powers—Should the nation in whose fate they would involve us have discovered a disposition to intermeddle in the affairs of others, and the most inordinate ambition—Should she have abolished the institutions of religion, openly and publicly abandoned herself to atheism, and have let loose all the hateful and malignant passions to rage with infernal fury—Should this nation set on foot military enterprises, within our territories, against the will of our Government—Should its Minister, an insolent Genet, make a public appeal to the people against the Government and invite them to insurrection—Should these men still adhere to that nation and approve the maxims of its government—Should they, following her ruinous example, organize permanent societies for extending their influence and controlling the government—Should the head and secret spring of this party at the same time be in the Cabinet of our Government, and should he maintain towards the foreign Minister a language *official* and a language *confidential*—

Should this party faithlessly attempt to prevent the execution of a treaty with *the other* belligerent, by which, causes of contention were amicably and honourably adjusted, and the wealth and prosperity of our Country highly promoted—Should they take occasion by this treaty to ex-

cite jealousy and distrust, representing it as the effect of corruption, and exciting light and vain persons in various parts of the country to burn or hang in effigy the minister of peace by whom it was concluded, a man of tried integrity and patriotism—Should the Nation of Infidels and Atheists, taking umbrage at our friendly relations towards her adversary, plunder our citizens of their wealth, and attempt the destruction of our growing commerce, and, when reparation and security against the continuance of these outrages were sought by amicable negotiation, should she treat the friendly messengers with contempt, insolently demanding a tribute as the price of her condescending to negotiate—Should the same faction still adhere to that nation; should they endeavor to thwart all means of defence, maintaining the policy of submission, and representing her power as irresistible—Should the Government, notwithstanding, succeed in protecting the rights and property of the citizens and preserving the public tranquility, and should the same faction then attempt to render the necessary means used for this purpose odious in the eyes of the people, alledging the fears of the Government to be groundless; falsely accusing the Administration of a design to oppress the people with taxes, to increase Executive influence and patronage, to subvert the Constitution and establish monarchy; representing a law for the punishment of false and malicious publications against the Government, as a violation of the liberty of the press; a law for sending away alien enemies, as a violation of the rights of the people—Should they constantly represent all the expenditures for the support of government, the defence of the Country, and the discharge of the just debts of the Nation, incurred in establishing its Independence, as a waste of its wealth; accusing the Government of

extravagance and speculation, and repeating their accusations though often refuted—Should this faction, by this system, unremittingly persisted in for a course of years, by falsehood, fraud, art and intrigue, spreading false alarms among the people for their liberty and rights, weakening their confidence in the government by imputing to it the worst motives, and to their utmost exciting suspicions and jealousies, and by causing *themselves*, all the while, to be extolled as the *true Patriots, the champions of Liberty & the People, the friends and promoters of Economy, the genuine Republicans*, imposing on multitudes of honest citizens, finally gain the ascendancy in the government and the Idol of this party obtain its highest seat——

When obtained, should the Chief Magistrate set out with smooth words and fair speeches, seeming to conciliate all the citizens as brethren, and pretending the strictest impartiality—Should he afterwards indiscriminately remove the tried and faithful servants of the public, to make room for others to whom the doors of honor and confidence had been burst open, assigning as a reason for this procedure, that vacancies must be created, deaths were few, resignations none, his partizans must be provided for, and, after their claims were satisfied, the qualifications of office would be, *honesty, capacity and fidelity to the constitution*—Should *he* and *his party* stigmatize the men, whom they have thus supplanted, and those who have supported their measures, as “a weak and contemptible faction,” “the most worthless portion of the community,” and, by constantly exciting the public odium against them, endeavour to exclude them from all, even the smallest trust and confidence; and should they finally succeed in a great measure in their schemes of exclusion, and the different branches and departments of government be.

come subservient to their views—

Should the same Administration persist in their foreign partialities and prejudices—Should they repeatedly refuse advantageous treaties with a nation which is disposed to be at peace with us and has offered to make honorable reparation for the unauthorized injuries done us by her subjects, and, at the very time they pretend to be in the way of friendly negociation with her, pursue measures favoring the designs and meeting the approbation of her enemies (by whom the same measures had been predicted,) treating her repeated messengers of peace with contumely, and by various arts exciting and promoting the progress of mutual resentment till it may proceed to open war : Should they, on the other hand, bow with humble submission to a haughty Tyrant who has decreed there shall be no neutrals in *his* wars, tamely suffering our citizens, on the high seas and in the ports under his control, to be, without any just cause, *seized, stripped and thrown into loathsome dungeons, and millions of their property to be plundered, burnt, sunk and destroyed,* by his orders, for no other reason than *because they are Americans,* and with no other pretence of justification than our *dependant and abject state,* quietly receiving insult and accumulated injury instead of reparation, until room is hardly left us for further degradation, and calmly observing only, that “ *These Municipal Regulations will thicken the cloud that hangs over the amity of the two nations*”—Should that administration, basely surrendering our Independence, after vapouring about the freedom of the seas and unrestrained trade with all nations, on the requisition of the same haughty Despot, prohibit to our citizens a profitable trade with *one* independent people, because they were *coloured* and *he* had decreed them to be *slaves,* and with *another,*

because *he* had decreed their *destruction*—Should the blast of their breath cause the fair spreading tree of Commerce to wither and dry up its roots—Should their boasted economy, when reduced to practice, consist, not in retrenching any of the expences about which they had clamoured, but in multiplying offices and agencies, and increasing the expences of government, in squandering the public money on quiddling experiments, in committing the fiscal concerns to greedy adventurers who should consume or abscond with thousands and hundreds of thousands, in accumulating the public debt and in drying up the springs of the public revenue, while the people were mocked with their enquiries—*how the useless surplus should be disposed of?*

Should this party bring about an important alteration in the Constitution, merely for securing the election of their favourite—Should the same Administration, in various instances, manifest a contempt of the Constitution, abolishing Courts of Justice, endeavouring to render the administration of justice subservient to their system of state policy; the Legislature surrendering important rights to the Executive, and *both* encroaching on the Judiciary—Should they attempt to subject the liberty of the citizens to the arbitrary will of an Executive Magistrate, by taking away the privilege of the *Habeas Corpus*, and putting it in his power to send them into perpetual imprisonment, in a *Bastille*, without judge or jury—Should the Chief Magistrate, in fact, assume and exercise this power, in defiance of the laws and the Constitution—Should the Government prohibit the citizens in different parts of the country, from any dealings with each other, except at the will of the Executive or a ministerial officer, and then not without security with enormous penalties against the happening of in-

evitable accidents.—Should they provide, that persons in-
 formed against for forfeitures, should not have the privi-
 lege of trial or defence, but under restrictions impossible to
 be complied with—or that the facts should be tried without
 jury—Should they attempt to subject the houses and pro-
 perty of the citizens to search and seizure, on the mere
 suspicion of petty officers.—Should whole trades and pro-
 fessions of useful citizens, comprehending a large portion
 of society, be prohibited and prevented by such admin-
 istration from following their occupations, and thereby many
 of them, when advanced in years, reduced to indigence—
 Should they say to the merchants, the shipbuilders, the
 sailors, the fishermen, and all the various classes of indus-
 trious citizens, who, by contributing to commerce, gain
 an honest livelihood and promote the wealth and happiness
 of the Country—“Go, leave the businesses, in learning
 which you spent your youth, and in pursuing which you
 have grown old, learn apprenticeships in other trades
 which we may think more profitable, or live in idleness on
what you have, or may get by such means as you can”—
 Should that administration carry their measures by surprise,
 with extreme silence and secrecy, manifesting a distrust of
 the people, and should they attempt to take away altogeth-
 er the privilege of free debate, deliberation and enquiry in
 the Legislature and among the people, studiously conceal-
 ing from them the state of their public affairs—Should
 their whole conduct be in unison with this system, and
 should the consequences be discoverable in the discour-
 agement of all honest industry, the disregard and contempt
 of the laws, the increase of idleness, fraud, perjury, op-
 pression, and all manner of wickedness, and the great im-
 poverishment of the Country—

If, I say, at my time, a faction composed of *such men*, should *by such means*, obtain the rule over us, and administer the Government *in such a manner*, it would then behove every citizen, who loves his Country, who values the blessings of liberty, or the comforts of society, who feels the ties of natural affection for those that may survive him, whose whole soul is not absorbed in his own present personal ease and self-gratification, seriously to look about him, and strenuously to exercise his Constitutional privileges, and by his example and persuasion to encourage others, in rescuing our Country from ~~that~~ ruin in which such a course must soon terminate. It would be in vain for him to fold up his arms, and wait quietly to see if the evils of such an administration would not correct themselves. When the rivers turn and run from the sea, ~~that~~ may happen: But such is not the tendency of depravity. It is foolish, to believe that iniquity is measured by any rule, or that it is bounded within any settled limits. There is no moderation to it, but the further it proceeds, the more difficult is it to arrest its progress: long continuance renders it familiar: the sense of shame is extinguished: and the downhill course proceeds with accelerated velocity.

From all the privileges our constitution confers on the citizens, results the duty, at all times, to unite in seeking the advancement of such men, as will exemplify the Republican Principles which must support it, if it be not destroyed, and whose constant aim it shall be, to administer the government for the ends wherefore it was established, without regard to party popularity. Under such an administration, did our Country, for twelve years after establishment of the Federal Government, flourish beyond any former example. It was not required of our

for office, that they should *pledge* themselves, otherwise than to their Country and the Constitution. The division line of party was not then drawn among the people. Justice, good faith, and mutual confidence prevailed; public and private credit were established. In that period, our peace was threatened by the depredations of foreign nations on our rights. The Government, nevertheless, resolutely maintained them by an open and manly policy. A commercial Treaty was formed with Great Britain, from which our Country derived immense advantages. This treaty was carried into faithful execution, notwithstanding the clamor of the sons of strife. The aggressions of France were successfully resisted, though she was *as powerful, as insolent*, and perhaps liable to as few dangers, as she is now. Our Country was respected abroad. Our Citizens were protected. Our *Commerce* flourished. We have the testimony of its greatest enemy, that that administration left our Constitution “in the full tide of successful experiment.” The opponents of that administration have never been able, with all their means, to point out any essential error or gross mismanagement in its measures.

What men have since had the direction of our destinies; How they obtained the confidence of the people; By what means they have preserved their ascendancy, and what measures they have pursued; whether the tendency of them has been to allay party animosities, and to diffuse through the community a spirit of harmony, mutual condescension and charity, and the love of their country; to promote honesty and fair dealing, and all the civil, social, and moral virtues; to excite and encourage industry; to serve sacred our Constitution; to secure our rights, obtain our tranquility, and advance our wealth; to gain

respect abroad and confidence at home ; I will not now take upon me to say. The *tendency* and *effects* at least, of their measures, I think may be discerned by an attentive observation ; and I greatly mistake if they have not been sensibly felt by many individuals.

Whatever *parties*, however, may have prevailed ; whatever *measures* may have been pursued ; whatever *evils* may have been suffered ; it will not cease to be the devout and earnest wish of every good man, that, not only the *Government*, but all the *People* of America, may so im-
bibe *the principles of our Constitution*, so aim at its *ends*, so value its *privileges*, and so discharge its *obligations*, that we may promote, and long preserve, the **Glory, Happiness and Independence** of our Country.

