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[ 943 ]

## Debates<sup>1</sup>

Mr. *Harrison* reported from the Committee of Privileges and Elections, that the Committee had, according to order, had under their consideration, the petition of Samuel Anderson<sup>2</sup> to them referred, and had come to a resolution thereupon, which he read in his place, and afterwards delivered in at the Clerk's table, where the same was again twice read, and agreed to by the House, as followeth:

*Resolved, That it is the opinion of this Committee, That the petition of the said Samuel Anderson, praying that the election of Mr. Thomas H. Drew, a member returned to serve in this Convention for the county of Cumberland, may be set aside and a new election had to supply his place, be rejected.*<sup>3</sup>

[ 944 ]

Mr. *Harrison* reported from the Committee of Privileges and Elections, that the Committee had, according to order, examined the return of the election of Delegates to serve in this Convention for the county of Westmoreland, and had come to a resolution thereupon, which he read in his place, and afterwards delivered in at the Clerk's table, where the same was again twice read, and agreed to by the House, as followeth:

*Resolved, That it is the opinion of this Committee, That the return of the election of Delegates to serve in this Convention, for the said county of Westmoreland, is satisfactory.*<sup>4</sup>

The Convention, according to the order of the day, resolved itself into a Committee of the whole Convention, to take into farther consideration, the proposed plan of Government.—Mr. *Wythe* in the Chair.

(The first and second sections still under consideration.)

Mr. *Pendleton*.—Mr. Chairman—My worthy friend (Mr. Henry) has expressed great uneasiness in his own mind, and informed us, that a great many of our citizens are also extremely uneasy, at the proposal of changing our government: But that a year ago, before this fatal system was thought of, the public mind was at perfect repose. It is necessary to inquire, whether the public mind was at ease on the subject, and if it be since disturbed: What was the cause; what was the situation of this country, before the meeting of the Federal Convention? Our General Government was totally inadequate to the purpose of its institution; our commerce decayed; our finances deranged; public and private credit destroyed: These, and many other national evils, rendered necessary the meeting of that Convention. If the public mind was then at ease, it did not result from a conviction of being in a happy and easy situation: It must have been an inactive unaccountable stupor. The Federal Convention devised the paper on your table, as a remedy to remove

our political diseases. What has created the public uneasiness since? Not public reports, which are not to be depended upon; but mistaken apprehensions of danger, drawn from observations on governments which do not apply to us. When we come to inquire into the origin of most Governments of the world, we shall find, that they are generally dictated by a conqueror at the point of the sword, or, are the offspring of confusion, when a great popular leader taking advantage of circumstances, if not producing them, restores order at the expence of liberty, and becomes the tyrant over the people. It may well be supposed, that in forming a Government of this sort, it will not be favourable to liberty: The conqueror will take care of his own emoluments, and have little concern for the interest of the people. In either case, the interest and ambition of the despot, and not the good [945] of the people, have given the tone to the Government. A Government thus formed, must necessarily create a continual war between the governors and governed. Writers consider the two parties (the people and tyrants) as in a state of perpetual warfare, and sounded the alarm to the people. But what is our case? We are perfectly free from sedition and war: We are not yet in confusion: We are left to consider our real happiness and security: We want to secure these objects: We know they cannot be attained without Government. Is there a single man in this Committee of a contrary opinion? What was it that brought us from a state of nature to society, but to secure happiness? And can society be formed without Government? Personify Government: Apply to it as a friend to assist you, and it will grant your request. This is the only Government founded in real compact. There is no quarrel between Government and liberty; the former is the shield and protector of the latter. The war is between Government and licentiousness, faction, turbulence, and other violations of the rules of society; to preserve liberty. Where is the cause of alarm? We, the people, possessing all power, form a Government, such as we think will secure happiness: And suppose in adopting this plan we should be mistaken in the end; where is the cause of alarm on that quarter? In the same plan we point out an easy and quiet method of reforming what may be found amiss. No but, say Gentlemen, we have put the introduction of that method in the hands of our servants; who will interrupt it from motives of self-interest. What then?—We will resist—did my friend say, conveying an idea of force? Who shall dare to resist the people? No,—we will assemble in Convention; wholly recall our delegated powers, or reform them so as to prevent such abuse; and punish those servants, who have perverted powers designed for our happiness, to their own emolument. We ought to be extremely cautious not to be drawn into dispute with regular Government, by faction and turbulence, its natural enemies. Here then, Sir, there is no cause of alarm on this side; but on the other side, rejecting of Government and dissolving of the Union, produce confusion and despotism.

But an objection is made to the form: The expression *We, the people*, is thought improper. Permit me to ask the Gentleman [Patrick Henry], who made this objection, who but the people can delegate powers? Who but the people have a right to form Government? The expression is a common one, and a favorite one with me: The Representatives of the people, by their authority, is a mode wholly inessential. If objection be, that the Union ought to be not of the people, but of the State Governments, then I think the choice of the former, very happy and proper. What have the State Governments to do with it? Were they [946] to determine, the people would not, in that case, be the judges upon what terms it was adopted.

But the power of the Convention is doubted. What is the power? To propose—not to determine. This power of proposing was very broad; it extended to remove all the defects in government: The members of that Convention were to consider all the defects in our General Government: Were not confined to any particular plan. Were they deceived? This is the proper question here. Suppose the paper on your table dropt from one of the planets;—the people found it, and sent us here to consider whether it was proper for their adoption: Must we not obey them? Then the question must be, between this Government and the

Confederation: The latter is no Government at all. It has been said that it has carried us through a dangerous war to a happy issue. Not that Confederation, but common danger and the spirit of America, were the bonds of our Union: Union and unanimity, and not that insignificant paper, carried us through that dangerous war. "United, we stand—divided, we fall," echoed and re-echoed through America, from Congress to the drunken carpenter; was effectual, and procured the end of our wishes: Though now forgot by Gentlemen, if such there be, who incline to let go this strong hold, to catch at feathers, for such, all substituted projects may prove.

This spirit had nearly reached the end of its power when relieved by peace: It was the spirit of America, and not the confederation, that carried us through the war: Thus I prove it; the moment of peace shewed the imbecility of the Federal Government: Congress was impowered to make war and peace; a peace they made, giving us the great object independence, and yeilding us a territory that exceeded my most sanguine expectations; unfortunately a single disagreeable clause, not the object of the war, has retarded the performance of the treaty on our part. Congress could only recommend its performance, not enforce it: Our last Assembly (to their honor be it said) put this on its proper ground;—on honorable grounds;—it was as much as they ought to have done:<sup>5</sup> This single instance shews the imbecility of the confederation: The debts contracted by the war were unpaid; demands were made on Congress: All that Congress was able to do, was to make an estimate of the debt, and proportion it among the several States:—They sent on the requisitions from time to time, to the States, for their respective quotas: These were either complied with partially, or not at all: Repeated demands on Congress distressed that honorable body, but they were unable to fulfil those engagements which they so earnestly wished: What was the idea of other nations respecting America? What was the idea entertained of us by those nations to whom [947] we were so much indebted? The inefficacy of the General Government, warranted an idea, that we had no Government at all. Improvements were proposed, and agreed to by twelve States, but were interrupted, because the little State of Rhode-Island refused to accede to them:<sup>6</sup> This was a further proof of the imbecility of that Government: Need I multiply instances to shew that it is wholly ineffectual for the purposes of its institution: Its whole progress since the peace proves it. Shall we, then, Sir, continue under such a Government, or shall we introduce that kind of Government which shall produce the real happiness and security of the people? When Gentlemen say, that we ought not to introduce this new Government, but strengthen the hands of Congress, they ought to be explicit: In what manner shall this be done? If the Union of the States be necessary, Government must be equally so; for without the latter, the former cannot be effected. Government must then have its complete powers, or be ineffectual: Legislative to fix rules, impose sanctions, and point out the punishment of the transgressors of these rules,—an Executive to watch over officers and bring them to punishment,—a Judiciary to guard the innocent, and fix the guilty, by a fair trial: Without an Executive, offenders would not be brought to punishment: Without a Judiciary, any man might be taken up, convicted and punished, without a trial. Hence the necessity of having these three branches. Would any Gentleman in this Committee agree to vest these three powers in one body, Congress? No.—Hence the necessity of a new organization and distribution of those powers. If there be any feature in this Government which is not republican, it would be exceptionable: From all the public servants, responsibility is secured, by their being Representatives, mediate or immediate, for short terms, and their powers defined. It is on the whole complexion of it, a Government of laws, not of men: But it is represented to be a consolidated Government annihilating those of the States; a consolidated Government, which so extensive a territory as the United States, cannot admit of, without terminating in despotism: If this be such a Government, I will confess with my worthy friend [George Mason], that it is

inadmissible, over such a territory as this country. Let us consider whether it be such a Government or not: I should understand a consolidated Government to be that which should have the sole and exclusive power, Legislative, Executive, and Judicial, without any limitation: Is this such a Government? Or can it be changed to such a one? It only extends to the general purposes of the Union. It does not intermeddle with the local particular affairs of the States. Can Congress legislate for the State of Virginia? Can they make a law altering the form of transferring property, or the rule of descents in [948] Virginia? In one word, can they make a single law for the individual exclusive purpose of any one State? It is the interest of the Federal to preserve the State Governments; upon the latter, the existence of the former depends: The Senate derives its existence immediately from the State Legislatures; and the Representatives and President are elected under their direction and controul: They also preserve order among the citizens of their respective States, and without order and peace, no society can possibly exist. Unless therefore, there be State Legislatures, to continue the existance of Congress, and preserve order and peace among the inhabitants, this General Government which Gentlemen suppose will annihilate the State Governments, must itself be destroyed: When therefore the Federal Government is in so many respects so absolutely dependent on the State Governments, I wonder how any Gentleman reflecting on the subject, could have conceived an idea of a possibility of the former destroying the latter. But the power of laying direct taxes is objected to. Government must be supported; this cannot be done without a revenue: If a sufficient revenue be not otherwise raised, recurrence must be had to direct taxation: Gentlemen admit this, but insist on the propriety of first applying to the State Legislatures. Let us consider the consequence that would result from this: In the first place, time would be lost by it: Congress would make requisitions in December, our Legislature do not meet till October; here would be a considerable loss of time, admitting the requisitions to be fully complied with: But suppose the requisitions to be refused; would it not be dangerous to send a collector, to collect the Congressional taxes, after the State Legislature had absolutely refused to comply with the demands of Congress? Would not resistance to collectors be the probable consequence? Would not this resistance terminate in confusion, and a dissolution of the Union? The concurrent power of two different bodies laying direct taxes, is objected to: These taxes are for two different purposes, and cannot interfere with one another: I can see no danger resulting from this; and we must suppose, that a very small sum more than the impost would be sufficient: But the representation is supposed too small: I confess I think with the Gentleman who opened the debate, (Mr. Nicholas) on this subject; and I think he gave a very satisfactory answer to this objection, when he observed, that though the number might be insufficient to convey information of necessary local interests to a State Legislature; yet it was sufficient for the Federal Legislature, who are to act only on general subjects, in which this State is concerned in common with other States. The apportionment of representation and taxation by the same [949] scale is just: It removes the objection, that while Virginia paid one sixth part of the expences of the Union, she had no more weight in public counsels than Delaware, which paid but a very small ~~pro~~portion: By this just apportionment she is put on a footing with the small States, in point of representation, and influence in counsels: I cannot imagine a more judicious principle than is here fixed by the Constitution: The number *shall not exceed* one for every 30,000. But it is objected that the number *may be* less. If Virginia sends in that proportion, I ask, where is the power in Congress to reject them? States might incline to send too many; they are therefore restrained: But can it be doubted, that they will send the number they are intitled to? We may be therefore sure, from this principle unequivocally fixt in the Constitution, that the number of our Representatives shall be in proportion to the increase or decrease of our population. I can truly say, that I am of no party, nor actuated by any influence, but the true interest and real happiness of those whom I represent; and my



age and situation, I trust, will sufficiently demonstrate the truth of this assertion: I cannot conclude, without adding that I am perfectly satisfied with this part of the system.

Mr. Lee, (*of Westmoreland.*)—Mr. Chairman—I feel every power of my mind moved by the language of the Honorable Gentleman yesterday [Patrick Henry]. The eclat and brilliancy which have distinguished that Gentleman, the honors with which he has been dignified, and the brilliant talents which he has so often displayed, have attracted my respect and attention. On so important an occasion and before so respectable a body, I expected a new display of his powers of oratory: But instead of proceeding to investigate the merits of the new plan of Government, the worthy character informed us of horrors which he felt, of apprehensions in his mind, which make him tremblingly fearful of the fate of the Commonwealth: Mr. Chairman, was it proper to appeal to the fear of this House? The question before us belongs to the judgment of this House: I trust he is come to judge and not to alarm. I trust that he, and every other Gentleman in this House, comes with a firm resolution, coolly and calmly to examine, and fairly and impartially to determine. He was pleased to pass an eulogium on that great character [George Washington], who is the pride of peace and support of war; and declared that even from him he would require the reason of proposing such a system. I cannot see the propriety of mentioning that illustrious character on this occasion; we must be all fully impressed with a conviction of his extreme rectitude of conduct: But, Sir, this system is to be examined by its own merit. He then adverted to the stile of the Government, and asked what authority they had to use the expression *We, the people*, and not *We, the States*; this [1950] expression was introduced into that paper with great propriety: This system is submitted to the people for their consideration, because on them it is to operate if adopted. It is not binding on the people till it becomes their act. It is now submitted to the people of Virginia.—If we do not adopt it, it will be always null and void as to us. Suppose it was found to be proper for our adoption, in becoming the Government of the people of Virginia, by what stile should it be done? Ought we not to make use of the name of the people? No other stile would be proper.—He then spoke of the characters of the Gentlemen who framed it; this was inapplicable, strange, and unexpected: It was a more proper inquiry whether such evils existed, as rendered necessary a change of Government. This necessity is evidenced by the concurrent testimony of almost all America. The legislative acts of different States avow it. It is acknowledged by the acts of this State; under such an act we are here now assembled. If reference to the acts of the Assemblies will not sufficiently convince him of this necessity, let him go to our sea-ports—let him see our commerce languishing—not an American bottom to be seen—let him ask the price of land, and of produce in different parts of the country: To what cause shall we ascribe the very low prices of these? To what cause are we to attribute the decrease of population, and industry? and the impossibility of employing our tradesmen and mechanics? To what cause will the Gentleman impute these and a thousand other misfortunes our people labour under? These, Sir, are owing to the imbecility of the confederation; to that defective system which never can make us happy at home, nor respectable abroad. The Gentleman sat down as he began, leaving us to ruminate on the horrors which he opened with. Although I could trust to the argument of the Gentleman [George Nicholas] who spoke yesterday in favor of the plan, permit me to make one observation on the weight of our Representatives in the Government. If the House of Commons in England, possessing less power, are now able to withstand the power of the Crown: If that House of Commons which has been undermined by corruption in every age, and contaminated by bribery even in this enlightened age, with far less powers than our Representatives possess, is still able to contend with the Executive of that country, what danger have we to fear that our Representatives cannot successfully oppose the encroachments of the other branches of Government? Let it be remembered, that in the year

1782, the East-India bill was brought into the House of Commons: Although the members of that House are only elected in part by the landed interest, yet in spite of ministerial influence that bill was carried in that House by a majority of 130, and the King was obliged to dissolve [951] the Parliament, to prevent its effect.<sup>7</sup> If then the House of Commons was so powerful, no danger can be apprehended that our House of Representatives is not amply able to protect our liberties. I trust that this representation is sufficient to secure our happiness, and that we may fairly congratulate ourselves on the superiority of our Government to that I just referred to.

Mr. *Henry*.—Mr. Chairman—I am much obliged to the very worthy Gentleman [Henry Lee of Westmoreland] for his encomium. I wish I was possessed of talents, or possessed of any thing, that might enable me to elucidate this great subject. I am not free from suspicion: I am apt to entertain doubts: I rose yesterday to ask a question, which arose in my own mind. When I asked that question, I thought the meaning of my interrogation was obvious: The fate of this question and America may depend on this: Have they said, we the States? Have they made a proposal of a compact between States? If they had, this would be a confederation: It is otherwise most clearly a consolidated government. The question turns, Sir, on that poor little thing—the expression, *We, the people*, instead of the States of America. I need not take much pains to shew, that the principles of this system, are extremely pernicious, impolitic, and dangerous. Is this a Monarchy, like England—a compact between Prince and people; ~~which~~ *with* checks on the former, to secure the liberty of the latter? Is this a Confederacy, like Holland—an association of a number of independent States, each of which retain~~s~~ its individual sovereignty? It is not a democracy, wherein the people retain all their rights securely. Had these principles been adhered to, we should not have been brought to this alarming transition, from a Confederacy to a consolidated Government. We have no detail of those great considerations which, in my opinion, ought to have abounded before we should recur to a government of this kind. Here is a revolution as radical as that which separated us from Great Britain. It is as radical, if in this transition, our rights and privileges are endangered, and the sovereignty of the States be relinquished: And cannot we plainly see, that this is actually the case? The rights of conscience, trial by jury, liberty of the press, all your immunities and franchises, all pretensions to human rights and privileges, are rendered insecure, if not lost, by this change so loudly talked of by some, and inconsiderately by others. Is this tame relinquishment of rights worthy of freemen? Is it worthy of that manly fortitude that ought to characterize republicans: It is said eight States have adopted this plan.<sup>8</sup> I declare that if twelve States and an half had adopted it, I would with manly firmness, and in spite of an erring world, reject it. You are not to inquire how your trade may be increased, nor how you are to [952] become a great and powerful people, but how your liberties can be secured; for liberty ought to be the direct end of your Government. Having premised these things, I shall, with the aid of my judgment and information, which I confess are not extensive, go into the discussion of this system more minutely. Is it necessary for your liberty, that you should abandon those great rights by the adoption of this system? Is the relinquishment of the trial by jury, and the liberty of the press, necessary for your liberty? Will the abandonment of your most sacred rights tend to the security of your liberty? Liberty the greatest of all earthly blessings—give us that precious jewel, and you may take every thing else: But I am fearful I have lived long enough to become an old fashioned fellow: Perhaps an invincible attachment to the dearest rights of man, may, in these refined enlightened days, be deemed *old fashioned*: If so, I am contented to be so: I say, the time has been, when every ~~pore~~ *pulse* of my heart beat for American liberty, and which, I believe, had a counterpart in the breast of every true American: But suspicions have gone forth—suspicions of my integrity—publicly reported that my professions are not real—23 years ago was I

supposed a traitor to my country:<sup>9</sup> I was then said to be a bane of sedition, because I supported the rights of my country: I may be thought suspicious when I say our privileges and rights are in danger: But, Sir, a number of the people of this country are weak enough to think these things are too true: I am happy to find that the Honorable Gentleman on the other side [Henry Lee of Westmoreland], declares they are groundless: But, Sir, suspicion is a virtue, as long as its object is the preservation of the public good, and as long as it stays within proper bounds: Should it fall on me, I am contented: Conscious rectitude is a powerful consolation: I trust, there are many who think my professions for the public good to be real. Let your suspicion look to both sides: There are many on the other side, who, possibly may have been persuaded of the necessity of these measures, which I conceive to be dangerous to your liberty. Guard with jealous attention the public liberty. Suspect every one who approaches that jewel. Unfortunately, nothing will preserve it, but downright force: Whenever you give up that force, you are inevitably ruined. I am answered by Gentlemen, that though I might speak of terrors, yet the fact was, that we were surrounded by none of the dangers I apprehended. I conceive this new Government to be one of those dangers: It has produced those horrors, which distress many of our best citizens. We are come hither to preserve the poor Commonwealth of Virginia, if it can be possibly done: Something must be done to preserve your liberty and mine: The Confederation; this same despised Government, merits, in [953] my opinion, the highest encomium: It carried us through a long and dangerous war: It rendered us victorious in that bloody conflict with a powerful nation: It has secured us a territory greater than any European Monarch possesses: And shall a Government which has been thus strong and vigorous, be accused of imbecility and abandoned for want of energy? Consider what you are about to do before you part with this Government. Take longer time in reckoning things: revolutions like this have happened in almost every country in Europe: Similar examples are to be found in ancient Greece and ancient Rome: Instances of the people losing their liberty by their own carelessness and the ambition of a few. We are cautioned by the Honorable Gentleman who presides [Edmund Pendleton], against faction and turbulence: I acknowledge that licentiousness is dangerous, and that it ought to be provided against: I acknowledge also the new form of Government may effectually prevent it: Yet, there is another thing it will as effectually do; it will oppress and ruin the people. There are sufficient guards placed against sedition and licentiousness: For when power is given to this Government to suppress these, or, for any other purpose, the language it assumes is clear, express, and unequivocal, but when this Constitution speaks of privileges, there is an ambiguity, Sir, a fatal ambiguity;—an ambiguity which is very astonishing: In the clause under consideration, there is the strangest language that I can conceive. I mean, when it says, that there shall not be more Representatives, than one for every 30,000. Now, Sir, how easy is it to evade this privilege? “The number shall not exceed one for every 30,000.” This may be satisfied by one Representative from each State. Let our numbers be ever so great, this immense continent, may, by this artful expression, be reduced to have but 13 Representatives: I confess this construction is not natural; but the ambiguity of the expression lays a good ground for a quarrel. Why was it not clearly and unequivocally expressed, that they *should* be entitled to have one for every 30,000? This would have obviated all disputes; and was this difficult to be done? What is the inference? When population increases, and a State shall send Representatives in this proportion, Congress *may* remand them, because the right of having one for every 30,000 is not clearly expressed: This possibility of reducing the number to one for each State, approximates to probability by that other expression, “but each State shall at least have one Representative.” Now is it not clear that from the first expression, the number might be reduced so much, that some States should have no Representative at all, were it not for the insertion of this last expression? And as this is the only restriction upon them, we may

fairly conclude that they *may* restrain the number to one from each State: [954] Perhaps the same horrors may hang over my mind again. I shall be told I am continually afraid: But, Sir, I have strong cause of apprehension: In some parts of the plan before you, the great rights of freemen are endangered, in other parts absolutely taken away. How does your trial by jury stand? In civil cases gone—not sufficiently secured in criminal—this best privilege is gone: But we are told that we need not fear, because those in power being our Representatives, will not abuse the powers we put in their hands: I am not well versed in history, but I will submit to your recollection, whether liberty has been destroyed most often by the licentiousness of the people, or by the tyranny of rulers? I imagine, Sir, you will find the balance on the side of tyranny: Happy will you be if you miss the fate of those nations, who, omitting to resist their oppressors, or negligently suffering their liberty to be wrested from them, have groaned under intolerable despotism. Most of the human race are now in this deplorable condition: and those nations who have gone in search of grandeur, power and splendor, have also fallen a sacrifice, and been the victims of their own folly: While they acquired those visionary blessings, they lost their freedom. My great objection to this Government is, that it does not leave us the means of defending our rights; or, of waging war against tyrants: It is urged by some Gentlemen, that this new plan will bring us an acquisition of strength, an army, and the militia of the States: This is an idea extremely ridiculous: Gentlemen cannot be in earnest. This acquisition will trample on your fallen liberty: Let my beloved Americans guard against that fatal lethargy that has pervaded the universe: Have we the means of resisting disciplined armies, when our only defence, the militia is put into the hands of Congress? The Honorable Gentleman said, that great danger would ensue if the Convention rose without adopting this system: I ask, where is that danger? I see none: Other Gentlemen have told us within these walls, that the Union is gone—or, that the Union will be gone: Is not this trifling with the judgment of their fellow-citizens? Till they tell us the ground of their fears, I will consider them as imaginary: I rose to make enquiry where those dangers were; they could make no answer: I believe I never shall have that answer: Is there a disposition in the people of this country to revolt against the dominion of laws? Has there been a single tumult in Virginia? Have not the people of Virginia, when labouring under the severest pressure of accumulated distresses, manifested the most cordial acquiescence in the execution of the laws? What could be more awful than their unanimous acquiescence under general distresses? Is there any revolution in Virginia? Whither is the spirit of America gone? Whither is the genius of America fled? It was but yesterday, when our [955] enemies marched in triumph through our country: Yet the people of this country could not be appalled by their pompous armaments: They stopped their career, and victoriously captured them: Where is the peril now compared to that? Some minds are agitated by foreign alarms: Happily for us, there is no real danger from Europe; that country is engaged in more arduous business; from that quarter there is no cause of fear: You may sleep in safety forever for [i.e., from] them. Where is the danger? If, Sir, there was any, I would recur to the American spirit to defend us;—that spirit which has enabled us to surmount the greatest difficulties: To that illustrious spirit I address my most fervent prayer, to prevent our adopting a system destructive to liberty. Let not Gentlemen be told, that it is not safe to reject this Government. Wherefore is it not safe? We are told there are dangers; but those dangers are ideal; they cannot be demonstrated: To encourage us to adopt it, they tell us, that there is a plain easy way of getting amendments: When I come to contemplate this part, I suppose that I am mad, or, that my countrymen are so: The way to amendment, is, in my conception, shut. Let us consider this plain easy way: “The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which,



in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress. Provided, that no amendment which may be made prior to the year 1808, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.” Hence it appears that three-fourths of the States must ultimately agree to any amendments that may be necessary. Let us consider the consequences of this: However uncharitable it may appear, yet I must tell my opinion, that the most unworthy characters may get into power and prevent the introduction of amendments: Let us suppose (for the case is supposeable, possible, and probable) that you happen to deal these powers to unworthy hands; will they relinquish powers already in their possession, or, agree to amendments? Two-thirds of the Congress, or, of the State Legislatures, are necessary even to propose amendments: If one-third of these be unworthy men, they may prevent the application for amendments; but what is destructive and mischievous is, that three-fourths of the State Legislatures, or of State Conventions, must concur in the [956] amendments when proposed: In such numerous bodies, there must necessarily be some designing bad men: To suppose that so large a number as three-fourths of the States will concur, is to suppose that they will possess genius, intelligence, and integrity, approaching to miraculous. It would indeed be miraculous that they should concur in the same amendments, or, even in such as would bear some likeness to one another. For four of the smallest States, that do not collectively contain one-tenth part of the population of the United States, may obstruct the most salutary and necessary amendments: Nay, in these four States, six tenths of the people may reject these amendments; and suppose, that amendments shall be opposed to amendments (which is highly probable) Is it possible, that three-fourths can ever agree to the same amendments? A bare majority in these four small States may hinder the adoption of amendments; so that we may fairly and justly conclude, that one-twentieth part of the American people, may prevent the removal of the most grievous inconveniencies and oppression, by refusing to accede to amendments. A trifling minority may reject the most salutary amendments. Is this an easy mode of securing the public liberty? It is, Sir, a most fearful situation, when the most contemptible minority can prevent the alteration of the most oppressive Government; for it may in many respects prove to be such: Is this the spirit of republicanism? What, Sir, is the genius of democracy? Let me read that clause of the Bill of Rights of Virginia, which relates to this: 3d cl. “That Government is or ought to be instituted for the common benefit, protection, and security of the people, nation, or community: Of all the various modes and forms of Government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration, and *that whenever any Government shall be found inadequate, or contrary to these purposes, a majority of the community hath, an undubitable, unalienable and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.*”<sup>10</sup> This, Sir, is the language of democracy; that a majority of the community have a right to alter their Government when found to be oppressive: But how different is the genius of your new Constitution from this? How different from the sentiments of freemen, that a contemptible minority can prevent the good of the majority? If then Gentlemen standing on this ground, are come to that point, that they are willing to bind themselves and their posterity to be oppressed, I am amazed and inexpressibly astonished. If this be the opinion of the majority, I must submit; but to me, Sir, it appears perilous and destructive: I cannot help thinking so: Perhaps it may be the result of my age; these may [957] be feelings natural to a man of my years, when the American spirit has left him, and his mental powers, like the members of the body, are decayed. If, Sir, amendments are left to the twentieth or

⟨to⟩ the tenth part of the people of America, your liberty is gone forever. We have heard that there is a great deal of bribery practised in the House of Commons in England; and that many of the members raised themselves to preferments, by selling the rights of the people: But, Sir, the tenth part of that body cannot continue oppressions on the rest of the people. English liberty is in this case, on a firmer foundation than American liberty. It will be easily contrived to procure the opposition of one tenth of the people to any alteration, however judicious. The Honorable Gentleman who presides [Edmund Pendleton], told us, that to prevent abuses in our Government, we will assemble in Convention, recall our delegated powers, and punish our servants for abusing the trust reposed in them. Oh, Sir, we should have fine times indeed, if to punish tyrants, it were only sufficient to assemble the people. Your arms wherewith you could defend yourselves, are gone; and you have no longer an aristocratical; no longer a democratical spirit. Did you ever read of any revolution in any nation, brought about by the punishment of those in power, inflicted by those who had no power at all? You read of a riot act in a country which is called one of the freest in the world, where a few neighbours cannot assemble without the risk of being shot by a hired soldiery, the engines of despotism. <sup>11</sup> We may see such an act in America. A standing army we shall have also, to execute the execrable commands of tyranny: And how are you to punish them? Will you order them to be punished? Who shall obey these orders? Will your Macebearer be a match for a disciplined regiment? In what situation are we to be? The clause before you gives a power of direct taxation, unbounded and unlimited: Exclusive power of Legislation in all cases whatsoever, for ten miles square; and over all places purchased for the erection of forts, magazines, arsenals, dock-yards, &c. What resistance could be made? The attempt would be madness. You will find all the strength of this country in the hands of your enemies: Those garrisons will naturally be the strongest places in the country. Your militia is given up to Congress also in another part of this plan: They will therefore act as they think proper: All power will be in their own possession: You cannot force them to receive their punishment: Of what service would militia be to you, when most probably you will not have a single musket in the State; for as arms are to be provided by Congress, they may or may not furnish them. Let me here call your attention to that part which gives the Congress power, “To provide for organizing, arming, and disciplining the militia, and [958] for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress.” By this, Sir, you see that their controul over our last and best defence, is unlimited. If they neglect or refuse to discipline or arm our militia, they will be useless: The States can do neither, this power being exclusively given to Congress: The power of appointing officers over men not disciplined or armed, is ridiculous: So that this pretended little remains of power left to the States, may, at the pleasure of Congress, be rendered nugatory. Our situation will be deplorable indeed: Nor can we ever expect to get this government amended, since I have already shewn, that a very small minority may prevent it; and that small minority interested in the continuance of the oppression: Will the oppressor let go the oppressed? Was there ever an instance? Can the annals of mankind exhibit one single example, where rulers overcharged with power, willingly let go the oppressed, though solicited and requested most earnestly? The application for amendments will therefore be fruitless. Sometimes the oppressed have got loose by one of those bloody struggles that desolate a country. ⟨But⟩ A willing relinquishment of power is one of those things which human nature never was, nor ever will be capable of: The Honorable Gentleman’s [Edmund Pendleton] observations respecting the people’s right of being the agents in the formation of this Government, are not accurate in my humble conception. The distinction between a National Government and a Confederacy is not sufficiently discerned. Had the delegates who were sent to

Philadelphia a power to propose a Consolidated Government instead of a Confederacy? Were they not deputed by States, and not by the people? The assent of the people in their collective capacity is not necessary to the formation of a Federal Government. The people have no right to enter into leagues, alliances, or confederations: They are not the proper agents for this purpose: States and sovereign powers are the only proper agents for this kind of Government: Shew me an instance where the people have exercised this business: Has it not always gone through the Legislatures? I refer you to the treaties with France, Holland, and other nations: How were they made? Were they not made by the States? Are the people therefore in their aggregate capacity, the proper persons to form a Confederacy? This, therefore, ought to depend on the consent of the Legislatures; the people having never sent delegates to make any proposition of changing the Government. Yet I must say, at the same time, that it was made on grounds the most pure, and perhaps I might have been brought to consent to [959] it so far as to the change of Government; but there is one thing in it which I never would acquiesce in. I mean the changing it into a Consolidated Government; which is so abhorrent to my mind. The Honorable Gentleman then went on to the figure we make with foreign nations; the contemptible one we make in France and Holland; which, according to the substance of my notes, he attributes to the present feeble Government. An opinion has gone forth, we find, that we are a contemptible people: The time has been when we were thought otherwise: Under this same despised Government, we commanded the respect of all Europe: Wherefore are we now reckoned otherwise? The American spirit has fled from hence: It has gone to regions, where it has never been expected: It has gone to the people of France in search of a splendid Government—a strong energetic Government. Shall we imitate the example of those nations who have gone from a simple to a splendid Government? Are those nations more worthy of our imitation? What can make an adequate satisfaction to them for the loss they suffered in attaining such a Government for the loss of their liberty? If we admit this Consolidated Government it will be because we like a great splendid one. Some way or other we must be a great and mighty empire; we must have an army, and a navy, and a number of things: When the American spirit was in its youth, the language of America was different: Liberty, Sir, was then the primary object. We are descended from a people whose Government was founded on liberty: Our glorious forefathers of Great-Britain, made liberty the foundation of every thing. That country is become a great, mighty, and splendid nation; not because their Government is strong and energetic; but, Sir, because liberty is its direct end and foundation: We drew the spirit of liberty from our British ancestors; by that spirit we have triumphed over every difficulty: But now, Sir, the American spirit, assisted by the ropes and chains of consolidation, is about to convert this country *in* to a powerful and mighty empire: If you make the citizens of this country agree to become the subjects of one great consolidated empire of America, your Government will not have sufficient energy to keep them together: Such a Government is incompatible with the genius of republicanism: There will be no checks, no real balances, in this Government: What can avail your specious imaginary balances, your rope-dancing, chain-rattling, ridiculous ideal checks and contrivances? But, Sir, we are not feared by foreigners; we do not make nations tremble: Would this, Sir, constitute happiness, or secure liberty? I trust, Sir, our political hemisphere will ever direct their operations to the security of those objects. Consider our situation, Sir: Go to the poor man, ask him what he does; he will inform you, [960] that he enjoys the fruits of his labour, under his own fig-tree, with his wife and children around him, in peace and security.<sup>12</sup> Go to every other member of the society, you will find the same tranquil ease and content; you will find no alarms or disturbances! Why then tell us of dangers to terrify us into an adoption of this new *form of* Government? and yet who knows the dangers that this new system may produce; they are out of the sight of the common people: They cannot foresee latent

consequences: I dread the operation of it on the middling and lower class of people: It is for them I fear the adoption of this system. I fear I tire the patience of the Committee, but I beg to be indulged with a few more observations: When I thus profess myself an advocate for the liberty of the people, I shall be told, I am a designing man, that I am to be a great man, that I am to be a demagogue; and many similar illiberal insinuations will be thrown out; but, Sir, conscious rectitude, out-weighs these things with me: I see great jeopardy in this new Government. I see none from our present one: I hope some Gentleman or other will bring forth, in full array, those dangers, if there be any, that we may see and touch them: I have said that I thought this a Consolidated Government: I will now prove it. Will the great rights of the people be secured by this Government? Suppose it should prove oppressive, how can it be altered? Our Bill of Rights declares, "That a majority of the community hath an *undubitable, unalienable, and indefeasible right* to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal." <sup>13</sup> I have just proved that one tenth, or less, of the people of America, a most despicable minority may prevent this reform or alteration. Suppose the people of Virginia should wish to alter their Government, can a majority of them do it? No, because they are connected with other men; or, in other words, consolidated with other States: When the people of Virginia at a future day shall wish to alter their Government, though they should be unanimous in this desire, yet they may be prevented therefrom by a despicable minority at the extremity of the United States: The founders of your own Constitution made your Government changeable: But the power of changing it is gone from you! Whither is it gone? It is placed in the same hands that hold the rights of twelve other States; and those who hold those rights, have right and power to keep them: It is not the particular Government of Virginia: One of the leading features of that Government is, that a majority can alter it, when necessary for the public good. This Government is not a Virginian but an American Government. Is it not therefore a Consolidated Government? The sixth clause of your Bill of Rights tells you, "That elections of members to serve as Representatives [961] of the people in Assembly, ought to be free, and that all men having sufficient evidence of permanent common interest with, and attachment to the community, have the right of suffrage, and *cannot be taxed or deprived of their property* for public uses, without their own consent, or that of their Representatives so elected, nor bound by any law to which they have not in like manner assented for the public good." <sup>14</sup> But what does this Constitution say? The clause under consideration gives an unlimited and unbounded power of taxation: Suppose every delegate from Virginia opposes a law laying a tax, what will it avail? They are opposed by a majority: Eleven members can destroy their efforts: Those feeble ten cannot prevent the passing the most oppressive tax law. So that in direct opposition to the spirit and express language of your Declaration of Rights, you are taxed, not by your own consent, but by people who have no connection with you. The next clause of the Bill of Rights tells you, "That all power of suspending law, or the execution of laws, by any authority without the consent of the Representatives of the people, is injurious to their rights, and ought not to be exercised." This tells us that there can be no suspension of Government, or laws without our own consent: Yet this Constitution can counteract and suspend any of our laws, that contravene its oppressive operation; for they have the power of direct taxation; which suspends our Bill of Rights; and it is expressly provided, that they can make all laws necessary for carrying their powers into execution; and it is declared paramount to the laws and constitutions of the States. Consider how the only remaining defence we have left is destroyed in this manner: Besides the expences of maintaining the Senate and other House in as much splendor as they please, there is to be a great and mighty President, with very extensive powers; the powers of a King: He is to be supported in extravagant magnificence: So that the whole of our property may be taken by this American Government, by laying what taxes they please, giving themselves what



salaries they please, and suspending our laws at their pleasure: I might be thought too inquisitive, but I believe I should take up but very little of your time in enumerating the little power that is left to the Government of Virginia; for this power is reduced to little or nothing: Their garrisons, magazines, arsenals, and forts, which will be situated in the strongest places within the States: Their ten miles square, with all the fine ornaments of human life, added to their powers, and taken from the States, will reduce the power of the latter to nothing. The voice of tradition, I trust, will inform posterity of our struggles for freedom: If our descendants be worthy the name of Americans, they will preserve and hand down to their latest posterity, the transactions of the present [962] times; and though, I confess, my exclamations are not worthy the hearing, they will see that I have done my utmost to preserve their liberty: For I never will give up the power of direct taxation, but for a scourge: I am willing to give it conditionally; that is, after noncompliance with requisitions: I will do more, Sir, and what I hope will convince the most sceptical man, that I am a lover of the American Union, that in case Virginia shall not make punctual payment, the controul of our custom houses, and the whole regulation of trade, shall be given to Congress, and that Virginia shall depend on Congress even for passports, till Virginia shall have paid the last farthing; and furnished the last soldier: Nay, Sir, there is another alternative to which I would consent: Even that they should strike us out of the Union, and take away from us all federal privileges till we comply with federal requisitions; but let it depend upon our own pleasure to pay our money in the most easy manner for our people. Were all the States, more terrible than the mother country, to join against us, I hope Virginia could defend herself; but, Sir, the dissolution of the Union is most abhorrent to my mind: The first thing I have at heart is American *liberty*; the second thing is American Union; and I hope the people of Virginia will endeavor to preserve that Union: The increasing population of the southern States, is far greater than that of New-England: Consequently, in a short time, they will be far more numerous than the people of that country: Consider this, and you will find this State more particularly interested to support American liberty, and not bind our posterity by an improvident relinquishment of our rights. I would give the best security for a punctual compliance with requisitions; but I beseech Gentlemen, at all hazards, not to give up this unlimited power of taxation: The Honorable Gentleman [Edmund Pendleton] has told us these powers given to Congress, are accompanied by a Judiciary which will correct all: On examination you will find this very Judiciary oppressively constructed; your jury trial destroyed, and the Judges dependent on Congress. In this scheme of energetic Government, the people will find two sets of tax-gatherers—the State and the Federal Sheriffs. This it seems to me will produce such dreadful oppression, as the people cannot possibly bear: The Federal Sheriff may commit what oppression, make what distresses he pleases, and ruin you with impunity: For how are you to tie his hands? Have you any sufficient decided means of preventing him from sucking your blood by speculations, commissions and fees? Thus thousands of your people will be most shamefully robbed: Our State Sheriffs, those unfeeling bloodsuckers, have, under the watchful eye of our Legislature, committed the most horrid and barbarous ravages on our people: It has required [963] the most constant vigilance of the Legislature to keep them from totally ruining the people: A repeated succession of laws has been made to suppress their iniquitous speculations and cruel extortions; and as often have their nefarious ingenuity devised methods of evading the force of those laws: <sup>15</sup> In the struggle they have generally triumphed over the Legislature. It is a fact that lands have sold for five shillings, which were worth one hundred pounds: If Sheriffs thus immediately under the eye of our State Legislature and Judiciary, have dared to commit these outrages, what would they not have done if their masters had been at Philadelphia or New-York? If they perpetrate the most unwarrantable outrage on your persons or property, you cannot get redress on this side of Philadelphia or New-York: And how

can you get it there? If your domestic avocations could permit you to go thither, there you must appeal to Judges sworn to support this Constitution, in opposition to that of any State, and who may also be inclined to favor their own officers: When these harpies are aided by excise men, who may search at any time your houses and most secret recesses, will the people bear it? If you think so you differ from me: Where I thought there was a possibility of such mischiefs, I would grant power with a niggardly hand; and here there is a strong probability that these oppressions shall actually happen. I may be told, that it is safe to err on that side; because such regulations *may* be made by Congress, as shall restrain these officers, and because laws are made by our Representatives, and judged by righteous Judges: But, Sir, as these regulations may be made, so they may not; and many reasons there are to induce a belief that they will not: I shall therefore be an infidel on that point till the day of my death.

This Constitution is said to have beautiful features; but when I come to examine these features, Sir, they appear to me ~~horridly~~ <sup>horribly</sup> frightful: Among other deformities, it has an awful squinting; it squints towards monarchy: And does not this raise indignation in the breast of every <sup>true</sup> American? Your President may easily become King: Your Senate is so imperfectly constructed that your dearest rights may be sacrificed by what may be a small minority; and a very small minority may continue forever unchangeably this Government, although ~~horridly~~ defective: Where are your checks in this Government? Your strong holds will be in the hands of your enemies: It is on a supposition that <sup>y</sup>our American Governors shall be honest, that all the good qualities of this Government are founded: But its defective, and imperfect construction, puts it in their power to perpetrate the worst of mischiefs, should they be bad men: And, Sir, would not all the world, from the Eastern to the Western hemisphere, blame our distracted [964] folly in resting our rights upon the contingency of our rulers being good or bad. Shew me that age and country where the rights and liberties of the people were placed on the sole chance of their rulers being good men, without a consequent loss of liberty? I say that the loss of that dearest privilege has ever followed with absolute certainty, every such mad attempt. If your American chief, be a man of ambition, and abilities, how easy is it for him to render himself absolute<sup>!</sup> The army is in his hands, and, if he be a man of address, it will be attached to him; and it will be the subject of long meditation with him to seize the first auspicious moment to accomplish his design; and, Sir, will the American spirit solely relieve you when this happens? I would rather infinitely, and I am sure most of this Convention are of the same opinion, have a King, Lords, and Commons, than a Government so replete with such insupportable evils. If we make a King, we may prescribe the rules by which he shall rule his people, and interpose such checks as shall prevent him from infringing them: But the President, in the field, at the head of his army, can prescribe the terms on which he shall reign master, so far that it will puzzle any American ever to get his neck from under the galling yoke. I cannot with patience, think of this idea. If ever he violates the laws, one of two things will happen: He shall come at the head of his army to carry every thing before him; or, he will give bail, or do what Mr. Chief Justice will order him. If he be guilty, will not the recollection of his crimes teach him to make one bold push for the American throne? Will not the immense difference between being master of every thing, and being ignominiously tried and punished, powerfully excite him to make this bold push? But, Sir, where is the existing force to punish him? Can he not at the head of his army beat down every opposition? Away with your President, we shall have a King: The army will salute him Monarch; your militia will leave you and assist in making him King, and fight against you: And what have you to oppose this force? What will then become of you and your rights? Will not absolute despotism ensue? (Here Mr. Henry strongly and pathetically expatiated on the probability of the President's enslaving America, and the ~~horrible~~ <sup>horrid</sup> consequences that must result.) What can be more defective

than the clause concerning the elections?—The controul given to Congress over the time, place, and manner of holding elections, will totally destroy the end of suffrage. The elections may be held at one place, and the most inconvenient in the State; or they may be at remote distances from those who have a right of suffrage: Hence nine out of ten must either not vote at all, or vote for strangers: For the most influential characters will be applied to, to know who are the most [965] proper to be chosen. I repeat that the controul of Congress over the *manner*, &c. of electing, well warrants this idea. The natural consequence will be, that this democratic branch, will possess none of the public confidence: The people will be prejudiced against Representatives chosen in such an injudicious manner. The proceedings in the northern conclave will be hidden from the yeomanry of this country: We are told that the yeas and nays shall be taken and entered on the journals: This, Sir, will avail nothing: It may be locked up in their chests, and concealed forever from the people; for they are not to publish what parts they think require secrecy: They *may* think, and *will* think, the whole requires it. Another beautiful feature of this Constitution is, the publication from time to time of the receipts and expenditures of the public money. This expression, from time to time, is very indefinite and indeterminate: It may extend to a century. Grant that any of them are wicked, they may squander the public money so as to ruin you, and yet this expression will give you no redress. I say, they may ruin you;—for where, Sir, is the responsibility? The yeas and nays will shew you nothing, unless they be fools as well as knaves: For after having wickedly trampled on the rights of the people, they would act like fools indeed, were they to publish and devulge their iniquity, when they have it equally in their power to suppress and conceal it.—Where is the responsibility—that leading principle in the British government? In that government a punishment, certain and inevitable, is provided: But in this, there is no real actual punishment for the grossest maladministration. They may go without punishment, though they commit the most outrageous violation on our immunities. That paper may tell me they will be punished. I ask, by what law? They must make the law—for there is no existing law to do it. What—will they make a law to punish themselves? This, Sir, is my great objection to the Constitution, that there is no true responsibility—and that the preservation of our liberty depends on the single chance of men being virtuous enough to make laws to punish themselves. In the country from which we are descended, they have real, and not imaginary, responsibility—for there, maladministration has cost their heads, to some of the most saucy geniuses that ever were. The Senate, by making treaties may destroy your liberty and laws for want of responsibility. Two-thirds of those that shall happen to be present, can, with the President, make treaties, that shall be the supreme law of the land: They may make the most ruinous treaties; and yet there is no punishment for them. Whoever shews me a punishment provided for them, will oblige me. So, Sir, notwithstanding there are eight pillars, they want another. Where will they make another? I trust, Sir, the exclusion of the evils [966] wherewith this system is replete, in its present form, will be made a condition, precedent to its adoption, by this or any other State. The transition from a general unqualified admission to offices, to a consolidation of government, seems easy; for though the American States are dissimilar in their structure, this will assimilate them: This, Sir, is itself a strong consolidating feature, and is not one of the least dangerous in that system. Nine States are sufficient to establish this Government over those nine: Imagine that nine have come into it. Virginia has certain scruples. Suppose she will consequently, refuse to join with those States:—May not they still continue in friendship and union with her? If she sends her annual requisitions in dollars, do you think their stomachs will be so squeamish that they will refuse her dollars? Will they not accept her regiments? They would intimidate you into an inconsiderate adoption, and frighten you with ideal evils, and that the Union shall be dissolved. 'Tis a bugbear, Sir:—The fact is, Sir, that the eight adopting States can hardly stand on their own legs. Public

fame tells us, that the adopting States have already heart-burnings and animosity, and repent their precipitate hurry: This, Sir, may occasion exceeding great mischief. When I reflect on these and many other circumstances, I must think those States will be fond to be in confederacy with us. If we pay our quota of money annually, and furnish our rateable number of men, when necessary, I can see no danger from a rejection. The history of Switzerland clearly proves, <that> we might be in amicable alliance with those States without adopting this Constitution. Switzerland is a Confederacy, consisting of dissimilar Governments. This is an example which proves that Governments of dissimilar structures may be Confederated; that Confederate Republic has stood upwards of 400 years; and although several of the individual republics are democratic, and the rest aristocratic, no evil has resulted from this dissimilarity, for they have braved all the power of France and Germany during that long period. The Swiss spirit, Sir, has kept them together: They have encountered and overcome immense difficulties with patience and fortitude. In this vicinity of powerful and ambitious monarchs, they have retained their independence, republican simplicity and valour. (Here he makes a comparison of the people of that country, and those of France, and makes a quotation from Addison, illustrating the subject.) Look at the peasants of that country and of France, and mark the difference. You will find the condition of the former far more desirable and comfortable. No matter whether a people be great, splendid, and powerful, if they enjoy freedom. The Turkish Grand Seignior, along-side of our President, would put us to disgrace: But we should be abundantly consoled for this disgrace, when [967] our citizen should be put in contrast with the Turkish slave. The most valuable end of government, is the liberty of the inhabitants. No possible advantages can compensate for the loss of this privilege. Shew me the reason why the American Union is to be dissolved. Who are those eight adopting States? Are they averse to give us a little time to consider, before we conclude? Would such a disposition render a junction with them eligible; or is it the genius of that kind of government, to precipitate people hastily into measures of the utmost importance, and grant no indulgence? If it be, Sir, is it for us to accede to such a government? We have a right to have time to consider—We shall therefore insist upon it. Unless the government be amended, we can never accept it. The adopting States will doubtless accept our money and our regiments—And what is to be the consequence, if we are disunited? I believe that it is yet doubtful, whether it is not proper to stand by a while, and see the effect of its adoption in other States. In forming a government, the utmost care should be taken to prevent its becoming oppressive; and this government is of such an intricate and complicated <a> nature, that no man on this earth can know its real operation. The other States have no reason to think, from the antecedent conduct of Virginia, that she has any intention of seceding from the Union, or of being less active to support the general welfare. Would they not therefore acquiesce in our taking time to deliberate? Deliberate whether the measure be not perilous, not only for us, but the adopting States. Permit me, Sir, to say, that a great majority of the people even in the adopting States, are averse to this government. I believe I would be right to say, that they have been egregiously misled. Pennsylvania has *perhaps* been tricked into it. If the other States who have adopted it, have not been tricked, still they were too much hurried into its adoption. There were very respectable minorities in several of them; and if reports be true, a clear majority of the people are averse to it. If we also accede, and it should prove grievous, the peace and prosperity of our country, which we all love, will be destroyed. This government has not the affection of the people, at present. Should it be oppressive, their affection will be totally estranged from it—and, Sir, you know that a Government without their affections can neither be durable nor happy. I speak as one poor individual—but when I speak, I speak the language of thousands. But, Sir, I mean not to breathe the spirit nor utter the language of secession. I have trespassed so long on your



patience, I am really concerned that I have something yet to say. The honorable member has said that we shall be properly represented: Remember, Sir, that the number of our Representatives is but ten, whereof six is a majority. Will these men be [968] possessed of sufficient information? A particular knowledge of particular districts will not suffice. They must be well acquainted with agriculture, commerce, and a great variety of other matters throughout the Continent: They must know not only the actual state of nations in Europe, and America, the situation of their farmers, cottagers, and mechanics, but also the relative situation and intercourse of those nations. Virginia is as large as England. Our proportion of Representatives is but ten men. In England they have 530. The House of Commons in England, numerous as they are, we are told, is bribed, and have bartered away the rights of their constituents: What then shall become of us? Will these few protect our rights? Will they be incorruptible? You say they will be better men than the English Commoners. I say they will be infinitely worse men, because they are to be chosen blindfolded: Their election (the term, as applied to their appointment, is inaccurate) will be an involuntary nomination, and not a choice. I have, I fear, fatigued the Committee, yet I have not said the one hundred thousandth part of what I have on my mind, and wish to impart. On this occasion I conceived myself bound to attend strictly to the interest of the State; and I thought her dearest rights at stake: Having lived so long—been so much honored—my efforts, though small, are due to my country. I have found my mind hurried on from subject to subject, on this very great occasion. We have been all out of order from the Gentleman [Edmund Pendleton] who opened today, to myself. I did not come prepared to speak on so multifarious a subject, in so general a manner. I trust you will indulge me another time.—Before you abandon the present system, I hope you will consider not only its defects, most maturely, but likewise those of that which you are to substitute to it. May you be fully apprised of the dangers of the latter, not by fatal experience, but by some abler advocate than me. <sup>16</sup>

Governor *Randolph*.—Mr. Chairman—If we go on in this irregular manner, contrary to our resolution, instead of three or six weeks, it will take us six months to decide this question. I shall endeavor to make the Committee sensible of the necessity of establishing a national Government: In the course of my argument I shall shew the inefficacy of the Confederation. It is too late to enter into the subject now, but I shall take the first opportunity for that purpose. I mention this to shew that I had not answered him fully, nor in a general way yesterday.

The Committee then rose—And on motion, *Resolved*, That this Convention will, to-morrow, again resolve itself into a Committee of the whole Convention, to take into farther consideration, the proposed Constitution of Government.

[969]

And then the Convention adjourned until to-morrow morning ten o'clock.

<sup>1</sup>This day's minutes were printed in the *Virginia Independent Chronicle* on 11 June (Mfm:Va.) and reprinted in the *Pennsylvania Journal* on 14 June (excerpt) and 21 June (complete). Excerpts also appeared in the *Norfolk and Portsmouth Journal* on 18 June and in nine out-of-state newspapers between 13 and 24 June: R.I. (1), N.Y. (5), Pa. (3).

<sup>2</sup>For Anderson's petition, see Cumberland County Election (II above).

<sup>3</sup>For the manuscript version of this report, see Mfm:Va.

<sup>4</sup>For the manuscript version of this report, see Mfm:Va.

<sup>5</sup>For an act passed in December 1787 calling for the repeal of all state laws repugnant to the Treaty of Peace as soon as the British complied with its terms, see RCS:Va., xxv–xxvii.

<sup>6</sup>See *Convention Debates*, 4 June, note 18 (above).

<sup>7</sup>It is unclear exactly what Henry Lee is referring to in that many of his statements appear to be incorrect. In November 1783, Charles James Fox, secretary of state for foreign affairs, introduced a bill in the House of Commons calling for the reorganization of the government of India. It transferred the control of India from the East India Company to commissioners named in the bill, who would be replaced by Crown appointees after four years. The bill passed by a vote of 208 to 102. Viewing the measure as an opportunity to destroy a coalition government he disliked, George III let it be known to the members of the House of Lords “that he should consider all who voted for it as his enemies.” Consequently, the Lords defeated the bill, the Fox-North Coalition fell, and William Pitt the Younger formed a new government. The House of Commons voted 153 to 80 that it was a breach of privilege to report the King’s personal opinion on a bill (Watson, *The Reign of George III*, 261–67).

<sup>8</sup>On the previous day, news arrived in Richmond that South Carolina had become the eighth state to ratify the Constitution. (See **William Grayson to Nathan Dane, 4 June**, V below.)

<sup>9</sup>Henry refers to the reaction to a speech that he made in the House of Burgesses in May 1765 when he introduced his resolutions attacking the Stamp Act. An anonymous French traveler, the only known eye-witness source for the incident, said that Henry was interrupted by shouts of treason when he said that Tarquin and Julius Caesar had their Brutus and Charles I his Cromwell (“Journal of a French Traveller in the Colonies, 1765,” *American Historical Review*, XXVI [1920–21], 745).


<sup>10</sup>The italics that appear in the *Debates* are not in the Declaration of Rights.

<sup>11</sup>In response to the “many rebellious Riots and Tumults ... in divers Parts of this Kingdom,” the British Parliament passed the Riot Act in 1715 that provided for the “more speedy and effectual” punishment of rioters. Whenever twelve or more persons who had “unlawfully, riotously, and tumultuously assembled together” refused to disperse within one hour after being commanded to do so by a proclamation read by the civil authorities, the civil authorities were authorized and required to “seize and apprehend such Persons.” These authorities could not be held liable for any injury or death to any of the assembled persons who refused to disperse or resisted arrest.

<sup>12</sup>1 Kings 4:25. “And Judah and Israel dwelt safely, every man under his vine and under his fig tree, from Dan even to Beersheba, all the days of Solomon.”

<sup>13</sup>See **note 10** (above).

<sup>14</sup>See **note 10** (above).

<sup>15</sup>For example, on 7 January 1788, the legislature passed “An act to remedy abuses in the manner of selling lands for the payment of public taxes” because “the manner of selling land, as heretofore practised by the various sheriffs and collectors, for the payment of the public taxes due thereon, has in many instances, produced great oppression” [970 Hening, XII, 564–66). For a general discussion of the role of sheriffs in collecting taxes in the 1770s and 1780s, see Albert Ogden Porter, *County Government in Virginia: A Legislative History, 1607–1904* (New York, 1947), 133–43.

<sup>16</sup>An extract of a 6 June letter from James Madison states that “Mr H made a great effort yesterday &: having spun his harangue until a late hour, an answer was prevented; His party were much revived—, but I think they are less so this morning” (quoted in **Samuel A. Otis to Theodore Sedgwick, 15 June**, V below).

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