

Valerius Agricola, *Albany Gazette*, 8 November 1787

An ESSAY,

On the CONSTITUTION recommended by the FEDERAL CONVENTION to the United States. By P. Valerius Agricola.

My Bane and antidote are both before me!

Addison's Cato.

The hour of anxious expectation and vague conjecture has at length elapsed—The GRAND FEDERAL CONVENTION is dissolved—before us lies the result of their deliberations—and demands from every citizen a strict and impartial examination. It is again “The time to try men’s souls”—The fate of America is once more at stake! Stand firm, my countrymen, and act like men on whose decision depends the happiness or misery of millions!

On a subject of such high importance to ourselves and to posterity, it becomes us to deliberate with temperance and caution—to speak with decent freedom, and to act with manly fortitude.

“Let us be neither rash nor diffident.”

It is told of an illustrious personage, that when any new project was introduced, he always asked, *Cui Bo No? (whom will it profit?)*⁵ When the proposed *Constitution* is mentioned, we all naturally make this enquiry:—A Citizen of America, concealed in the shades of obscurity, unconnected with party, and uninfluenced by power, respectfully offers, in the following pages, to his countrymen, a series of reflections, that, perhaps, may conduce to a solution of the Important Question.

In order to form an adequate opinion of a remedy, it is requisite that the disease should be thoroughly explored—A skilful physician must have frequent recourse to the principles of his art, and critically mark such indications as are peculiar to the disorder—cautions of trusting to theory, however specious, he consults the history of similar cases, handed down in the writings of the learned and experienced of the faculty; with equal pains he investigates the nature and properties of the medicine, and upon mature consideration only, will he venture to pronounce if proper.

Let such be our conduct.

I cannot flatter them, who may deem this essay deserving their perusal, with a promise of a speedy dismissal—a prospect of the business before me, makes it necessary to solicit their candor and patient attention.

The investigation of truth, always laborious, will, in the present instance, be attended with peculiar embarrassments—we must have frequent recourse to political principles—we must pay unremitting attention to perspicuity of style and accuracy of distinction, and be content to sacrifice to these objects, a degree of ease, the desire of novelty and the embellishment of language.

Three grand questions seem naturally to rise from the subject.

I. What is the design of civil government?

II. Does the present political system of the United States answer this design, and what are its deficiencies?

III. Is the constitution now recommended by the Convention to the states, well calculated to supply those deficiencies, and what are the advantages and disadvantages that may probably attend its adoption?

CHAP. 1.

the first question discussed.

“Emollit mores, nec sinit esse feros.”

Whatever were the distinguishing privileges and advantages of the parent of mankind, it is a melancholy truth, that his apostate posterity are exposed to numberless wants which they cannot supply, to dangers which they can neither shun nor resist—surrounded by errors that darken the understanding, and laden with infirmities that degrade the dignity of our nature.

To meliorate, as far as possible, circumstances so unhappy, at a period of time too remote for the cognizance of history, the sons of men first associated themselves for the purposes of mutual convenience and defence.

It was then, that the individual, impelled by fear and attentive to the suggestions of reason, intrusted a portion of his natural liberty to the care of community, which became thus enabled to afford him protection against the dangers incident to a state of nature: the urgency of which dangers, could alone have induced a being, with whom the love of freedom is congenial, to forego the minutest privilege and submit to the shackles of power.

“Society being thus formed, government results of course, as necessary to keep that society in order.”

From a review of the foregoing observations, we may then infer, that the design of civil government is, the security and happiness of community, and by no means the aggrandisement of an individual or a few—or, as the preamble to the proposed constitution has in more words expressed it, “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 ourselves and our posterity.”

Having already observed, that these inestimable privileges can only be purchased by a partial surrender of natural liberty, it concerns us next to consider the magnitude of the cession.

It is obvious, from the slightest reflection, that there are certain *rights*, of so extensive and transendant a nature, that were they left in the exercise of individuals, would produce infinite mischiefs to society—subvert its utility, and eventually occasion its dissolution.

These are called by the civilians the *jura summi imperii*, or, *the rights of sovereignty*, “which constitutes that supreme, absolute, uncontrolled authority, which is and must be in every government, of what form or description soever.”

These we may reckon,

First, Legislation, and the consequent executive and Judicial rights.

Second, The rights of making war and peace, consequently of raising troops, establishing navies, arsinals, &c. of concluding treaties and alliances, and whatsoever is directly or indirectly conducive to the public security;—as the means of effecting which, we induce.

Third, The right of raising money by coinage, by loan, or assessment on the subject—of making commercial regulations, and promoting, by all suitable measures, the wealth and happiness of community.

The propositions adduced in this chapter, we trust will readily be received as political axioms, which we have only mentioned, that the subject [in] question might be fairly stated, and a standard established to which we might occasionally have recourse, in the subsequent discussion. *Ab ovo deducimus verum*.

CHAP. II.

the second *general* question discussed.

<“*There is something rotten in the state of Venice.*”

“Facts are stubborn things”—One argument founded on facts, outweighs a thousand utopian speculations.—The projector may construct wings and by mathematical reasoning, evince the possibility of soaring to the moon—the alchemist may talk plausibly of his universal menstruum and elixir of life: But, when experience shews us the former dashed like *Icarus* on the ground, and the latter ending a life of futile researches, in poverty and disgrace, we must conclude either, that they proceeded upon false principles, or made sophistical inductions.

From every quarter of the continent, our ears have long been stunned with complaints of state injustice, of state debility, and of state embarrassment—mean while the sovereignty of America, like the expiring lion in the fable, has alternately been spurned and insulted by the ass and the lamb:—even the voice of public authority has, at length pronounced the disastrous CRAVEN! and thus given sanction to the clamors of the continent.>

(To be continued.)

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