Fabius IX
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OBSERVATIONS on the Constitution
proposed by the Federal Convention.

When the sentiments of some objectors, concerning the *British* constitution, are considered, it is surprizing, that they should apprehend so much danger to United *America*, as they say, will attend the ratification of the plan proposed to us, by the late fœderal convention.

These gentlemen will acknowledge, that *Britain* has sustained many internal convulsions, and many foreign wars, with a gradual advancement in freedom, power and prosperity. They will acknowledge, that no nation that has existed, ever so perfectly united those distant extremes, *private security* of life, liberty and property, with exertion of *public force*; so advantageously combined the various powers of militia, troops, and fleets; or so happily blended together arms, arts, commerce, and agriculture. From what spring has flowed this stream of happiness? The gentlemen will acknowledge, that these advantages are derived from *a single* democratical branch in her legislature. They will also acknowledge, that in this branch, called the house of commons, only 131 are members for counties, that nearly one half of the whole house is chosen by about 5700 persons mostly of no property, that 56 members are elected by about 370 persons, and the[(a)] rest in an enormous disproportion to the numbers of inhabitants who ought to vote.[(b)]

Thus are all the millions of people in that kingdom, said to be represented in the house of commons.

Let the gentlemen be so good, on a subject so familiar to them, as to make a comparison between the *British* constitution, and that proposed to us. Questions like these will then probably present themselves. Is there more danger to our liberty, from such a president as we are to have, than to that of *Britons*, from an hereditary monarch, with a vast revenue; *absolute* in the erection and disposal of offices, and in the exercise of the whole executive power; in the command of the militia, fleets, and armies, and the direction of their operations; in the establishment of fairs and markets, the regulation of weights and measures, and coining of money; who can call parliaments with a breath, and dissolve them with a nod; who can at his will, make war, peace, and treaties irrevocably binding the nation; and who can grant pardons or titles of nobility, as it pleases him? Is there more danger to us, from 26 senators, or double the number, than to *Britons*, from an hereditary aristocratic body, consisting of many hundreds, possessed of immense wealth in lands and money, strengthened by a host of dependents, and who availing themselves of defects in the constitution, send many of these into the house of commons; who hold a third part of the

legislative power in their own hands; and, who form the highest court of judicature in the nation? Is there more danger to us, from a house of representatives to be chosen by ALL THE FREEMEN OF THE UNION EVERY TWO YEARS, than to *Britons*, from such a sort of representation as they have in the house of commons, the members of which, too, are chosen but every *seven* years? Is there more danger to us from the intended fœderal officers, than to *Britons*, from such a monarch, aristocracy, and house of commons together? What bodies are there in *Britain*, vested with such capacities for enquiring into, checking, and regulating the conduct of national affairs, as our sovereignty states? What proportion does the number of freeholders in *Britain* bear to the number of people? And what is the proportion in United *America*?

If any person, after considering such questions, shall say, there will be more danger to our freedom under the proposed plan, than to that of *Britons* under their constitution, he must mean, that *Americans* are, or will be, beyond all comparison inferior to *Britons* in understanding and virtue; otherwise with a constitution and government, every branch of which is so extremely popular, they certainly might guard their rights, at least as well, as *Britons* can guard their rights, under such political institutions as they have; unless, the person has some inclination to an opinion, that monarchy and aristocracy are favourable to the preservation of their rights. If he has, he cannot too soon recover himself. If ever monarchy or aristocracy appear in this country, it must be in the hideous forms of despotism.

What an infatuated, depraved people must *Americans* become, if with such unequalled advantages, committed to their trust in a manner almost miraculous, they lose their liberty? Through a single diseased organ of representation, *in the legislature only*, of the kingdom just mentioned, such portions of popular sense and integrity, have been conveyed into the national councils, as have purified other parts, and preserved the whole in its present state of healthfulness. To their own vigor and attention, therefore, is that people, under providence, indebted for the blessings they enjoy. They have held, and now hold *the true balance* in their government. While they retain their enlightened spirit, they will continue to hold it, and, if they regard what they owe to others *as well* as what they owe to themselves, most probably, to be happy.

They know, that there are powers that cannot be expressly limitted, without injury to themselves, and their magnanimity scorns any fear of such powers. This magnanimity taught *Charles* the first, that he was but a royal servant; and this magnanimity caused *James* the second's army, raised, paid and kept up by himself, to counfound him with huzzas for liberty.

They ask not for compacts, of which the national welfare, and in some cases its existence, may demand violations. They despise such dangerous provisions against danger.

They know, that *all powers* whatever, even those that according to the forms of the constitution are irresistable and absolute, of which there are very many, *ought to be exercised for the public good; and that when they are used to the public detriment, they are unconstitutionally exerted.*

This plain text, commented upon by their experienced intelligence, has led them safe through hazards of every kind, and they now are, what we see them. Upon the review, one is almost tempted to believe, that their insular situation, soil, climate, and some other circumstances, have compounded a peculiarity of temperature—uncommonly favourable to the union of reason and passion.

Certainly, 'tis very memorable with what life, impartiality, and prudence, they have interposed on great occasions; have by their patriotism communicated temporary soundness to their disor-

dered representation; and have bid public confusions to cease. Two instances out of many may suffice. The excellent *William* the third, was distressed by a house of commons. He dissolved the parliament, and appealed to the people. They relieved him. His successor, the present king, in the like distress, made the same appeal; and received equal relief.

Thus *they* have acted: but, *Americans*, who have the same blood in their veins, have, it seems, very different heads and hearts. We shall be enslaved by a president senators and representatives, chosen by ourselves, and continually rotating within the period of time assigned for the continuance in office of members, in the house of commons? 'Tis strange. But, we are told, 'tis true. It may be so. As we have our *all* at stake, let us enquire, in what way this event is to be brought about. Is it to be before or after a general corruption of manners? If after, it is not worth attention. The loss of happiness then following of course. If before, how is it to be accomplished? Will a virtuous and sensible people chuse villains or fools for their officers? Or, if they should chuse men of wisdom and integrity, will these lose both or either, by taking their seats? If they should, will not their places be quickly supplied by another choice? Is the like derangment again, and again, and again, to be expected? Can any man believe, that such astonishing phœnomena are to be looked for? Was there ever an instance, where rulers thus selected by the people from their own body, have in the manner apprehended, outraged their own tender connections, and the interests, feelings, and sentiments of their affectionate and confiding countrymen? Is such a conduct more likely to prevail in this age of mankind, than in the darker periods that have preceded? Are men more disposed now than formerly, to prefer uncertainties to certainties, things perilous and infamous, to those that are safe and honourable? Can all the misteries of such iniquity, be so wonderfully managed by treacherous rulers, that none of their enlightened constituents, nor any of their honest associates acting with them in public bodies, shall ever be able to discover the conspiracy, till at last it shall burst with destruction to the whole federal constitution? Is it not ten thousand times less probable, that such transactions will happen, than it is, that we shall be exposed to innumerable calamities, by rejecting the plan proposed, or even by delaying to accept it?

Let us consider our affairs in another light, and take council from those who cannot love us, any farther than as we may be subservient to their views.

Not a monarch or sovereignty in *Europe*, can desire to see these states formed into one flourishing empire. Difference of government, participation in commerce, improvement in policy, and magnitude of power, can be no favourite objects of their attention. Our loss will be their gain—Our fall, their rise—Our shame, their triumph. Divided, they may distract, dictate, and destroy. United, their efforts will be waves dashing themselves into foam against a rock. May our national character be—an animated moderation, that seeks only its own, and will not be satisfied with less.

To his beloved fellow-citizens of United *America*, the writer dedicates this imperfect testimony of his affection, with fervent prayers, for a perpetuity of freedom, virtue, piety and felicity, to them and their posterity.

(a) No member of parliament ought to be elected by fewer than the majority of 800, upon the most moderate calculation, according to Doctor Price.

(b) By the constitution proposed to us, *a majority* of the house of representatives, and of the senate, makes a quorum to do business: But, if the writer is not mistaken,

about *a fourteenth* part of the members of the house of commons, makes a quorum to do business.

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