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Alfredus (F) Essays

A Farmer

Exeter Freeman's Oracle, 11 January 1788

My Friends, and Fellow-Farmers,

Much has been said respecting the new Constitution offered you, by the Convention, under the direction of Congress; and much ought to be said, in favour of it, not only from the characters of those gentlemen who composed the Convention (whose characters I revere) but from the many excellencies it contains—Yet, neither the characters of the gentlemen, the excellencies it contains, nor the deranged state of our public affairs, ought to have so much influence upon your minds, as to adopt this Constitution, if it is incomplete. Examine it, my friends, with discernment and candor, and judge for yourselves—I think you will find the foundation is laid, and materials are wanting to render it complete.

In order to adopt it, as it now stands, with any degree of safety, in my humble opinion, a Bill of Rights is absolutely necessary, to secure the liberties of the people. Although the celebrated Mr. Wilson, in his address to the citizens of Philadelphia, respecting a Bill of Rights, urged, that in a state constitution, every thing that was not reserved, was given; but, in a Federal Constitution, the reverse of the proposition prevailed, and what was not given was reserved. I must confess it was ingeniously got over, but not to my satisfaction, (in many instances people may be silenced, but not convinced) for upon the very principle that Mr. Wilson urged, that there is no need of a bill of rights, for what is not given is reserved, would be the foundation I should go upon to urge the great necessity of one,—for if we look into the Constitution, we shall find the different articles therein contained, are expressed in very general and extensive terms: ONE, in particular, which is sufficient to show the necessity of a Bill of Rights, viz. —“This Constitution and the laws of the United States, which shall be hereafter made in pursuance thereof, shall be the supreme law of the land, and the judges, in every state, shall be bound thereby, any thing in the Constitution or law of any state to the contrary notwithstanding;” —Therefore, I say, take this clause, together with the extensive latitude given in several other articles, is too much power to lodge in the hands of any set of men, however virtuous they may be without being properly guarded; nor can I think it in the least derogatory to the honour of the supreme authority of the United States, to have a Bill of Rights stated in the Constitution, wherein it shall be declared, thus far you may go and no further [Job 38:11]. We have found by experience, the great advantage of a Bill of Rights in our state constitution; when the legislature passed sundry laws infringing on the Bill of Rights, we had it in black and white to show them they were wrong; and to their honour be it spoken, they have repealed one; and so far as the necessities of the people would admit the other.¹

Much has been said respecting Congress exercising exclusive legislation in all cases whatsoever over a jurisdiction, not exceeding ten miles square, in such a place as Congress agree to

reside in. If that is a Hobby Horse that Congress wishes to mount, and the state they conclude to reside in will give them the jurisdiction, and the individuals consent to it;—Let them mount, for if we prevent them they may get worse mounted. But on our part,—Let us secure the liberties of individuals of the United States, and guard and fetter the hobby horse, in such a manner, as not to let him kick our heads off, if we should have occasion to pass thro' or remain in that district a certain time—The judicial court of the United States is an object worthy of our serious attention, and to have a jury always to attend the same when sitting, composed of members from each state, is necessary to secure the liberties of the people. In order to this, let the President of each state cause a box to be made, and with the advice of council, enroll thirty of the most respectable characters in the state, and on the first Monday in January, every year, or any other convenient time; let the President order his Secretary to draught out two of the names of those persons so enrolled and put in the box, to attend the grand court of the United States as jurymen, whenever they shall sit. If any accident should prevent one or both said jurymen's attendance, and the obstructions appear sufficient to the President, then he shall proceed to a new choice; if otherwise, let them be fined for non attendance. And those two persons so draughted, having served one year, let their names be taken out of the box, and two others put in, and so in rotation. And once in three years let the box be examined by the President and council and corrected as circumstances require. The pay and travel, and mode of payment to be fixed by Congress.—Perhaps some will object against this, as being too expensive; but when we consider that here will be the result of causes of great magnitude; and the respectable appearance such a court will make; and the honour that will redound to the United States; I think, as a Farmer, I should be willing to contribute largely toward it; there will be two jurors, and one may be empannel'd no ways interested in the cause, but to do justice—The liberty of the Press is essential to a free people, it ought therefore to be inviolably preserved and secured in the Bill of Rights, and no duty or tax to be imposed thereon, of what name or nature soever. But if individuals will publish indecent pieces, leave them to the law of the land to abide the consequence.

Something has been said respecting the state of Vermont. I heartily wish Congress would admit them into the union. The legislature of this state, in my opinion, ought to give it in charge to their members in Congress, to urge their admittance. As it now stands, they are daily draining off a large number of inhabitants from these northern states, from the idea that they pay no taxes, and finally will not have to pay any part of the Continental debt. It is certainly high time, that matter was decided, it is now about ten years since they declared their independence and have governed themselves accordingly²—Standing armies are dangerous *in time of peace to the liberties of a free people*, provided they are kept and voted their continuance yearly, they soon get ingrafted into and become a part of the Constitution, therefore they ought not to be kept up, on any pretext whatsoever, any longer than till the enemy are driven from your doors. War is justifiable on no other principle than self-defence, it is at best a curse to any people; it is comprehensive of most, if not all the mischiefs that do or can afflict mankind; it depopulates nations; lays waste the finest countries; destroys arts and sciences, it many times ruins the best men, and advances the worst, it effaces every trace of virtue, piety and compassion, and introduces all kinds of corruption in public affairs; and in short, is pregnant with so many evils, that it ought ever to be avoided if possible; nothing but self-defence can justify it. An army, either in peace or war, is like the locust, and caterpillars of Egypt [Psalms 105:34]; they bear down all before them—and many times, by

designing men have been used as an engine to destroy the liberties of a people, and reduce them to the most abject slavery. I have both summered and wintered with an army: *You, my friends*, in general, know nothing of the evils that attend it; guard and secure it well in your Bill of Rights, that it may not be in the power of any set of men to trample your liberties under their feet with it. Organize your militia, arm them well, and under Providence they will be a sufficient security. I have once born arms in defence of my country;—I am now willing to rescue myself and property, together with my liberties and privileges, (with a well regulated militia) and when they are invaded, I will gird on my sword and appear in their defence. And, if my children after me will not do it, let them loose theirs with their heads into the bargain.

Great complaint has been made, that Congress has been too liberal in their grants of salaries to individuals, and I think not without just cause; for if I am rightly informed, there has been men whose salaries have been fifteen hundred dollars per year, and some of them did not do business at any rate, that the sum they negotiated would amount to their yearly salary. And some men now in office, at twenty-five hundred dollars per year, who I think, would have been glad to have set down at one hundred pounds a year before the war, and would have done as much or more business. The truth is, when you carry a man's salary beyond what decency requires, he immediately becomes a man of consequence, and does little, or no business at all. Let us cast our eyes around us, in the other departments, the judges of the superior court have but about one hundred pounds salary a year. The judges of the courts of common pleas, on an average, not more than sixty dollars per year. The ministers of the gospel, a very valuable set of men, who have done honour to themselves, and rendered great service to their country, in completing the revolution have salaries but from sixty to an hundred pounds a year in general. The contrast is striking. I heartily wish that all ranks of men among us, ministers of the gospel as well as others, would turn their attention toward the Constitution, they may be more concerned in the event than they at present think of.

Rouse up, my friends, a matter of infinite importance is before you on the carpet, soon to be decided in your convention, viz, The New Constitution—Seize the happy moment—Secure to yourselves and your posterity the jewel Liberty, which has cost you so much blood and treasure, by a well regulated Bill of Rights, from the encroachments of men in power. For if Congress will do these things in the dry tree when their power is small, what wont they do when they have all the resources of the United States at their command?—They are the servants of the public;—You have an undoubted right to set their wages, or at least to say, thus far you and those under you may go and no further.—This would in the end ease Congress of a great deal of trouble, as it would put a stop to the impertinence of individuals in asking large salaries. I would say that the wages of a Representative in Congress do not exceed five dollars per day, a Senator not to exceed six, and the President seven per day, with an allowance for his table. And that the wages of no person employed in the United States exceed the daily pay of a Representative in Congress, but be paid according to their service, not exceeding that sum. Perhaps it may be said that money may depreciate, or appreciate—Let a price current be taken when this Constitution is compleated of the produce of each state, and let that be the general standard.

My friends and countrymen, let us pause for a moment and consider,—we are not drove to such great straits as to be obliged to swallow down every portion offered us by wholesale or else die immediately by our disease. We can form a Constitution at our leisure; and guard and secure

it on all sides. We are paying off our state debt, and the interest on the domestic as fast as Congress call upon us for it. As to the foreign debt, they have the promise of more interest from us than they can get any where else, and we shall be able to pay them both interest and principal shortly. But it is said they will declare war against us, if we don't pay them immediately. Common sense will teach them better; we live at too great a distance, and are too hardy and robust a people, for them to make money out of us in that way.

But it is said, the trading towns are fond of this Constitution. Let us consider how they stand including their interests.

1st. The merchant wishes to have it adopted, that trade might be regulated. 2dly. Another set of men wishes to have it adopted, that the idea of paper money might be annihilated. 3dly. Another class of men wish to have it take place, that the public might be enabled to pay off the foreign debt, and appear respectable abroad among the nations. So do I, with all my heart; but in neither of these cases do I wish to see it adopted, without being guarded on all sides with a Magna Charta, or a Bill of Rights, as a bulwark to our liberties. Again, another class of men wish to have it adopted, so that the public chest might be furnished with money to pay the interest on their securities, which they purchased of the poor soldiers at two shillings on the pound. I wish the soldiers were now the holders of those securities they fought so hard for: However, as the public finances were such that they could not be paid off as they became due, and they have carried them to market, and sold them as the boy did his top; we must pay them to the holders; but we need not be in a hurry about it, certificates will do for that.

Consider, my friends, you are the persons who must live and die by this Constitution—a merchant or mechanick may dispose of his goods, or pack them up in trunks, and remove to another clime in the course of a few months; but you cannot shoulder your lands, or dispose of them when you please, it therefore behoves you to rouse up, and turn your most serious and critical attention to this Constitution. You are called upon by the legislature to appoint men to meet in Convention, to consider and decide upon the proposed Constitution. Seek, and make choice of such men as served you faithfully through the war, and know the difficulties and dangers of a revolution. No man is debared by our state constitution from sitting in this convention.³ And let each town, or district, qualified by law to send a member, give him instructions to insist upon the addition of a Bill of Rights to the Constitution, and to have such amendments made in it, as shall effectually secure it on all sides; it had better be done now, in the first setting out, than to have to do it seven years hence—it may be at the purchase of blood.

I think the state of Virginia have ordered their convention to object, amend, or make a new one as they please.⁴ I wish every state would do the same, then a continental convention would have a fair chance to frame a constitution most agreeable to the general sense of the people, and then let it be returned for their approbation. I assert as a fact, that the gentlemen had not a fair chance in forming this. They were shut up as it were, from the world, and could hardly converse with their intimate friends on the important subject, and they formed it on those generous and liberal principles agreeable to their own sentiments, and were they always to rule, I should not have much to fear from them. But I have some where read, that men in power ought above all others to be narrowly watched and checked on all sides, with restraints stronger than their temptations to break them, and even crimes of theirs ought to be more penal as it is evident they are more pernicious.

To conclude—as the Fox in the Fable, wanting to rob a hen-roost, or do some such like prank, humbly besought admittance and house room only for his head,—his whole body presently followed⁵—So courts more crafty as well as more craving than that designing animal, have scarce ever gained an inch of power, but they have stretched it to an ell;⁶ and when they have got in but a finger their whole train has soon followed.

1. A reference to the “Ten Pound Act” being declared unconstitutional for violating the New Hampshire Bill of Rights and its subsequent repeal.

2. In January 1777, Vermont declared its independence from Great Britain and from New York. Later in the year it adopted its first constitution.

3. The so-called “exclusion bill” was waived for delegates to the state ratifying convention.

4. In late October 1787 the Virginia legislature passed resolutions submitting the Constitution to “a Convention of the people for their full and free investigation, discussion, and decision.”

5. A reference to Aesop’s fable “The Fox and the Weasel.”

6. A unit of measurement; in England forty-five inches.

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