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csac.history.wisc.edu > Ratification at a Glance > New Hampshire > A Farmer (AF) and
Alfredus (F) Essays

A Farmer

Exeter *Freeman's Oracle*, 6 June 1788

Messirs. Lamson & Ranlet, When I sent you the last piece to be published, under the signature of the FARMER, in which I gently advised Mr. Alfredus to take a little Ipecacuasha,¹ and a few pills to cure him of the Hypochondriack—I had no idea of his taking so large a dose. It evidently appears, by his conduct, that the disorder had taken very deep hold of him, otherwise he never would have taken so large a portion at once; for, to appearance, if he had swallowed the whole of an apothecarie's shop, it would not have operated more violently, nor have discharged more filth than he did in his last publication. But so it is—We will consider it as a wonderful phenomenon perhaps, suited to attract the notice and observation of the Medical Society at their next meeting. However, it is the duty of an able Physician to watch carefully the ebbings and flowings of nature; and when a patient has received so violent a shock to throw in a few Lenitives,² which, it may be hoped, will in a short time recover him to *compor mentis et corporis* to be of sound mind and body, and so make him an useful member of the community. I shall therefore, rather pity than complain of, Alfredus, while he is under the severe operation of medicine; for he appears to be conscious that he deserves the curses of Ernulphus,³ by expecting them; and as conscience has begun to do its office, I shall leave that monitor to complete it, and proceed to make a few remarks on his performance.

He observed that “old heads are not always wise;” he should also have recollected that young heads are not always steady and judicious; if they had have been, he never would have complained of my using him ill with regard to language; for when I published my sentiments they were open to the strictures of any person. But Mr. Alfredus being conscious that my observations were founded upon reason and fact; and a *Truth* is a hard thing to get over, he begins by ridiculing the Author under the character of Don Quixot, and then abusing and vilifying our juries (which I shall say more of presently) and finally concludes by saying, “To follow this writer, Messieurs Printers, through every scandalous innuendo, foolish proposition, impertinent observation, and groundless assertion, would fatigue the patience of your readers.” This gentleman ought to have pointed out here to the public the groundlessness and falshood of my assertions, and shown by facts well attested, that Congress had never been lavish of public money or given in any instance exorbitant salaries to any of her servants, had he done this it would have been to the purpose, he might have drawn his conclusions, as he does, but instead of this, without the least shadow of proof, he lumped the whole together as false and groundless assertions, wherein it appears he is really himself chargeable with the same impertinence, folly and falshood he unreasonably charged me with.

Information and instruction is the grand design in writing for the public, and where these are neglected by an Author, and he descends to low banter and scurrility, or to bold, impudent negations, or positive dogmatical assertions instead of reason and argument, as Alfredus did in his first publication, and more especially in his last, he deserves to be despised, or rather to use his own simile, “to have the musket he has overloaded burst upon him with horrible recoil.” Mr. Alfredus should have considered this when he was charging so high, and if by accident, in going off she sent him back to his cell, with all his impudence, he ought to have born it patiently, and considered that he himself was *the moving cause*.

I shall now make some observations on the unjust and illiberal sarcasms, passed by Mr. Alfredus, on our jurors.—And, as he has such a peculiar nack of leaping over important things, by saying “they are nothing to the purpose,” or by stigmatizing them, “as impertinent observations, groundless assertions,” &c. I shall copy his own words, and then follow, with the sentiments of the Hon. Justice Blackstone, who is one of the most celebrated Authors now extant.

Sir, in your publication of Friday, January 18th ult. you say, “What are the advantages of this boasted trial by jury, and on which side do they lie? *Not certainly on the side of justice*, for one unprincipled juror, secured in the interest of the opposite party, will frequently divert her course, and in four cases out of five where injustice is done, it is by *the ignorance or knavery of the jury*.” This, I may venture to affirm, is an impudent and bold stroke; it attacks the whole community at once, and has a tendency to sap and under mine the best preservative of liberty, and therefore ought to be held in abhorrence by every freeman; it is totally repugnant to the sense of the best writers on the subject, and especially to the ideas of the renowned author above mentioned, whose sentiments I shall now quote, vol. 3, page 378. “*When the jury have delivered in their verdict, and it is recorded in court, that ends the trial by jury; a trial which besides the other vast advantages which we have occasionally observed in its progress, is also as expeditious and cheap as it is convenient, equitable and certain: upon these accounts—the trial by jury has been, and I trust ever will be looked upon as the glory of the English law; and if it has so great an advantage over individuals in regulating civil property, how much must that advantage be heightened, when it is applied to criminal cases; it is the most transendant privilege which any subject can enjoy, or wish for; he cannot be affected either in his property, his liberty or his person, but by the unanimous consent of twelve of his neighbours and equals; a Constitution that I may venture to affirm has, under Providence, secured the just liberties of the English nation for a long succession of ages; and therefore a celebrated French writer (Montesque) who concludes, that because Rome, Sparta, and Carthage have lost their liberties, therefore those of England in time must perish, should have recollected that Rome, Sparta and Carthage, at the time when their liberties were lost, were strangers to the trial by jury.*

[“]Great as this eulogium may seem, it is no more than this admirable Constitution when traced to its principles, will be found, in sober reason, to deserve. The impartial administration of justice, which secures both our persons and properties, is the great end of civil society; but if that be entirely entrusted to the magistracy of a select body of men, and those generally selected by the Prince, or those who enjoy the highest offices in the state, their decision, in spite of their own natural integrity, will have frequently an involuntary bias toward those of their own rank and dignity; here therefore, a competent number of sensible and upright jurymen, chosen by lot from among those of the middle rank, will be found the best investigators of truth, and the surest guardians of public justice; for the

most powerful individual in the state, will be cautious of committing any flagrant invasion of another's right, when he knows that the fact of his oppression, must be examined, and decided by twelve indifferent men, not appointed till near the hour of trial: and that, when once the fact is ascertained, the law must of course redress it—This therefore preserves, in the hands of the people, that share which they ought to have, in the administration of public justice; and prevents the encroachments of the more powerful and wealthy citizen.

[“]Every new tribunal erected for the decision of facts, without the intervention of a jury, whether composed of justices of the peace; commissioners of the revenue; judges of a court of conscience; or any other standing magistrate, is a step towards establishing aristocracy, the most oppressive of absolute government. It is, therefore, upon the whole, the duty which every man owes to his country, his friends, his posterity, and himself, to maintain to the utmost of his power, this valuable Constitution in all its rights, and above all to guard with the most jealous circumspection against the introduction of new, and arbitrary methods of trial, which, under a variety of plausible pretences, may in time, imperceptibly undermine this best preservative of LIBERTY,”—Added to this, there is a late law of this state, which puts the pay, and travel of our jurors upon a very respectable footing⁴—And lest Mr. Alfredus should say, this is nothing to the purpose, because the trial, by jury, under the English Constitution, may be very different from what it is in ours,—I will just mention, wherein they differ, under the English Constitution,—The jurors are returned by the sheriff,—under ours they are draughted by lot, from each town, which, I think, is the most equitable method, and as to the modes of process through the trials, they are nearly the same, both endeavour to do justice to the parties.

To conclude, Mr. Alfredus, I will give you a word of advice—Do you, in future, attend the business that God and nature has formed you for and placed you in, for you make a much more respectable appearance *there* than you do in writing for a free people,—and should the proposed Constitution take place, let us see who will make the best member of it.

1. A preparation made from dried roots used to induce vomiting.

2. A laxative.

3. The reference is to a curse found in an excommunication document written by Ernulphus, who was the Bishop of Rochester in the 12th century.

4. “An Act in addition to, and amendment of, the acts establishing a table of fees” passed on 16 January 1787 set the pay for each petit juror at the superior court at two shillings (foreman 2s 6d) and each juror at the court of common pleas and general sessions of the peace at 1s 6d (foreman two shillings). All jurors were allowed two pence for each mile travelled to and from the court.

CITE AS: John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, Vol. XXVIII: New Hampshire (Madison, Wis.: Wisconsin Historical Society Press, 2017), 327–330.