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A Freeman

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The General Assembly of this State at their session held in February last, passed an act, submitting the consideration of the constitution proposed by the General Convention, to the freemen and freeholders of the State.—In the preamble of this act they declare, “that they cannot make any innovations in a constitution which has been agreed upon, and the compact settled between the governors and governed without the express consent of the freemen at large,”—and lay this restraint upon the people, that this express consent must be given by their own voices individually in town-meetings assembled.

By this act, it is ordained that, on the day fixed for the town-meetings, the freemen and freeholders within this State should “convene in their respective towns in town-meetings assembled to deliberate upon, and determine each individual (who hath a right by law to vote for the choice of general officers) by himself by poll”—“that the voices of the freemen and freeholders shall be taken by yeas and nays, and the Town-Clerk of each town shall register the name of every freeman and freeholder with the yea or nay as he shall respectively give his voice aloud”—and for deliberation and determination one day only is allowed if a fair one, and three days if the weather should be boisterous.

This is the substance of a most extraordinary act on which I propose to animadvert with that freedom which the subject demands, and at the same time with that becoming decency to which the legislative of a State is entitled.—But before I enter upon this business, permit me to mention the steps which led to the act referred to, and to adduce a few instances which may serve to shew the insufficiency of the present confederation for the great purposes of a federal government.

Congress convinced by long and woeful experience of the incompetency of the articles of confederation for the purposes of a federal government, recommended to all the States in the union to appoint Delegates to meet in Convention at Philadelphia on the 17th day of May last, in order to revise, alter and amend the confederation—In pursuance whereof Delegates were chosen by all the States (this State only excepted) and met in Philadelphia.

The confederation wanted so many alterations and amendments, that it was found much more easy to make a new, than to mend the old Constitution,—the Convention therefore embraced the idea of a new system, and, after a long and complete discussion of the subject, reported to Congress the Constitution aforesaid, and Congress agreeably to the recommendation of the Convention unanimously resolved that it be *submitted to Conventions of Delegates to be chosen in each State by the people thereof*.—In every State, this only excepted, Conventions have been

accordingly chosen, and the six which have come to a decision have assented to and ratified the Constitution.

From this short statement of facts it clearly appears that not only the Congress,—but the General Convention of the States were fully sensible of the feebleness of the present confederation,—and the few Delegates who declined to subscribe their assent to the new system, and the minorities in the State Conventions which have decided on the question have acknowledged that the old one is inadequate to the great purposes of national order, protection, liberty and happiness.—Indeed it is acknowledged by all but those who are so blind as that they will not see.

To this feebleness and incompetency must we not justly attribute the confusion and disorder which have taken place in several States, that jealousy and suspicion,—that want of unanimity and concord,—that local attachment, and that inattention to national concerns, which have rendered our national character contemptible, and brought these States, which were united by common interest, to the very brink of dissolution:—To this may we not justly charge, the detention of the Western Posts, by the British, and the massacre of the innocent inhabitants on the frontiers of several States by the Indians, which have retarded the sale of our Western territory, the disposal of which would soon be effected under an efficient government, and extinguish at least our domestic debt:—To this feebleness and incompetency may we not also fairly attribute that great and rapid decline of trade and commerce, and those consequential distresses which are deeply felt throughout the United States, and by this State in particular, whose prosperity depends upon her commerce.

In this melancholy situation of the United States in general, and of this in particular, was it not the incumbent duty of the Legislature of this State, to attend with candor and seriousness to a frame of government calculated with the express design,—“to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity,” and which has come recommended to the consideration of the people at large in all the States, fraught with these benevolent and noble ideas, from the first characters, and the highest authority in the union?

Have not all the other States pursued the mode for obtaining the sense of the people on the new Constitution pointed out by the General Convention, and recommended by the Hon. the Congress? And is it not to be lamented that this State have chosen a different mode?—Is not this mode vastly preferable to that prescribed by the Legislature of this State?

Permit me to observe,—that with regard to the great, the important question of forming a federal government, the people of each State may be considered as in a state of nature. In this view, the most natural way of proceeding, if it were practicable, would be, for the people collectively to assemble in some suitable place, and there to deliberate calmly and fully on the momentous, interesting subject; but is it possible for such deliberation to take place in so large an assembly, as the people of even this small State so collected would compose? Would not the tumult necessarily arising in such a multitude prevent a fair and full discussion, if the human voice could be heard throughout such an extensive and confused a croud? In this case would the assembly, finding it impossible to proceed, divide into small districts and discuss separately a subject which required the united light and wisdom of the whole? Would not common sense

(I appeal to the sense of the people) would not common sense dictate the very mode which has been recommended by the General Convention, by the Honorable the Congress, and which has been followed by every State, but this, in the Union?

Besides in a Convention of the people the subject could be handled in the most liberal, extensive manner, objections might be started, and duly weighed, necessary accommodations might be made, and the light which the delegates could afford, be produced, collected to a focus, and thrown upon the question, and the result would be the most rational determination which the aggregate wisdom of the people could possibly form.—

And this brings me to the act the substance of which is quoted in the beginning of this piece,—the act which gave rise to the foregoing observations and on which I am now to animadvert with the decent freedom of a freeman.

In the first place, with all due deference it may be observed, that the declaration of the legislature in the preamble of said act is contradictory to the authority they have assumed in the body of it.—They declare that they the legislature cannot make any innovations, &c. and undertake to prescribe to the people in a matter which, by their own declaration, belongs solely to the people.

But the General Assembly have not only assumed an authority which doth not appertain to that body.

They have, in the second place, by the solemnity of an act, directed a mode of proceeding, altogether unprecedented—unfriendly to the liberty of the people—singular and adverse to the conduct of the other States;—a mode in which little or no light could be obtained, if a sufficient portion of time had been assigned,—a mode which is indecisive, and through which the sentiments of the people, if they could in that way be manifested, cannot be admitted by the United States in Congress assembled.

There never was an instance before of the freemen and freeholders of this State being ordered to determine by *poll*, to give their *yees* and *nays* aloud, and of the Town-Clerks of each town being directed to “*register the name of every freeman and freeholder with the Yea and Nay as he shall respectively give his voice aloud.*” And therefore the mode prescribed by the act aforesaid is *unprecedented*.

It is unfriendly to the liberty of the people; because it is a check upon the independency of the freemen in giving their voices.

It is singular and adverse to the conduct of the other States.—This is too obvious to need any illustration.—I will add that it is adverse also to the recommendation of the General Convention and of Congress, and venture to make the following remarks—that singularity is not a proof of wisdom, although it may be a mark of pride;—and that in any matter which respects the union, especially in so important a matter as that under consideration, singularity has a tendency to disunite from the other States this State which from its local situation, and other circumstances is the most exposed to danger and distress, and therefore it ought to be cautiously avoided;—and is there not due from this State a decent respect to the recommendations of the General Convention,—of the Hon. Congress and to the example of her sister States?

However suitable assemblies of the people in Town-Meetings in fact are, for town purposes, and for matters of comparatively small moment; yet in an affair of such immense magnitude as that of a system of federal government for millions, and which employed the unremitting attention

of some of the wisest men in the union several months, and that of the state of Conventions, who have adopted it, as many weeks, one day in Town-Meetings if a fair one, and three days if the weather should be boisterous, cannot be thought sufficient for deliberation and determination.

Besides in this mode of Town-Meetings, the towns cannot derive any information or assistance from each other; because by the act they are effectually restrained from all communication of sentiments.—And lastly, a determination in the mode prescribed by the act of this State is indecisive, &c.—because it is not agreeable to the mode pointed out by the General Convention and Congress, and pursued by the other States; and no provision is made by said Convention or Congress for the admission of opinions conveyed through the channel of Town-Meetings: and therefore the sense of the people taken in this or any other mode than that recommended and pursued as aforesaid, will be considered as inadmissible, and the mode prescribed by this State will prove, to say no worse, a mere nullity.

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