

West-Chester Farmer: To the Citizens of America, *New York Daily Advertiser*, 8 June 1787

The following item was unusual among the public statements made during the Convention in that it called specifically for the creation of a "consolidated republic" and the reduction of the states to the status of "civil corporations" with the power to make bylaws which would be void if contrary to the laws and ordinances of the "supreme power." This item was reprinted in the *Virginia Independent Chronicle*, 27 June.

West-Chester, June 3d, 1787.

It is the undoubted, unalienable and indefeasible right of the majority of the people, in a republican government, to amend, alter, or to annihilate their form of government, as often as the one established should be found to be inadequate to the purposes for which it was intended. It will, I am afraid, be constantly found inconsistent with the views, interests and local peculiarities of thirteen sovereignties, under the direction of a diplomatic Congress, ever to expect they will be sufficiently unanimous, to give such a kind of confederation decision, energy and punctuality; without which, a government will soon be contemptible abroad, and rebellious at home. To give Congress the additional power that has been asked, would (if Blackstone [is] to be credited) be very wrong; he says, that "where-ever the power of making and enforcing laws is in one and the same man, or body of men, there can be no public liberty; but where the legislative and executive authority are in distinct hands, the former will take care not to intrust the latter with so large a power, as may tend to the subversion of its own independence, and therewith of the liberty of the subject." We shall soon be reduced to the alternative of either making an efficient government for ourselves, or have one made for us. As there is no kind of government at present existing, or that has existed, that would suit our present circumstances, we must content ourselves with a speculative government; and time and experience can only justify the adoption. A monarchical government, under a good king, is generally allowed to be the best; and at present the United States may probably have it in their power to place on the throne as good a king as ever reigned: But as history does not furnish above one good king to half a-dozen bad or indifferent ones, it would be purchasing a good king at too dear a rate. To divide the United States into three or more independent republics, would weaken us too much against foreigners, leave us too small to be respectable, and would expose us to continual quarrels, which could only be decided by the sword as sovereigns do not acknowledge any other arbiter. One consolidated republic of the United States, if formed on the best possible plan, would probably be the most happy government. I will throw out some hints for this purpose, which may be improved on. The supreme power should be divided into two branches, the one legislative, to wit, a parliament consisting of the delegates of the people; the other executive, to wit, the supreme executive council. The house of delegates to consist of one member for every two thousand electors in the United States, to be chosen for two years. The supreme executive council to consist of a president and twenty-six counsellors; the president to be chosen by the governors of the different states, to continue in office five years; the counsellors to be chosen by the legislatures of the different states, each to send two, to continue in office four years, one to be chosen biennially. All acts, provisions or laws shall

originate and be enacted by the majority of the house of delegates; but the supreme executive council shall be vested with the prerogative of rejecting such acts, provisions or laws, as they may judge inconsistent with the public weal. The powers of the supreme executive council should be well defined, and be perfectly enabled to maintain its independence and vigor. It should possess the prerogative of making peace and war, of sending and receiving all ambassadors, of making treaties, leagues and alliances with foreign states and princes, and is to be *quo ad hoc* the sovereign power. Whatever contracts, therefore the council engages in, no other power in the republic shall legally delay, resist, or annul. But, lest this plenitude of authority should be abused, to the detriment of the public, the house of delegates should possess the right of impeaching any of the members of the council, as, from criminal motives, advise or conclude any treaty, which shall afterwards be judged to derogate from the honor and interest of the republic.

The sole power of appointing all officers, civil and military, shall be vested in the council. The judicial power is to be a distinct and separate body, to be appointed by the council, but to hold their appointments *quamdiu se bene gesserint*; in which consists one main preservative of Public Liberty, which cannot subsist long in any state unless the administration of common justice be, in some degree, separated both from the legislative, and also the executive power. "Were it joined with the legislative, the life, liberty, and property of the subject would be in the hands of arbitrary judges, whose decisions would be then only regulated by their own opinions, and not by any fundamental principles of law, which, though legislators may depart from, yet judges are bound to observe; were it joined with the executive, the union might soon prove an over-balance for the legislative." *Blackstone*.

With respect to the interior polity of the different states, they should still retain the subordinate power of legislation; that is, the power of making local ordinances, not repugnant to the laws of the supreme power; but that nothing be attempted that may derogate from its sovereignty: Or, in other words, they are to be in the nature of civil corporations, with the power of making by laws for their own interior regulation, and suitable to their different emergencies, with such rights and authorities as may be given them, by their constitutions; which are particularly to provide that all laws, by laws, usages and customs, repugnant to any law or ordinance made, or to be made, by the supreme power, shall be utterly void and of none effect: And the supreme power is to be vested with full power and authority, to make laws and ordinances of sufficient validity to the states, in all cases whatsoever; and that on a refusal, by any or either of the states, to comply with any ordinance or law of the supreme power, the subordinate legislative authority of such state shall be immediately suspended. œconomy in the government should at present be particularly regarded, and on this principle, the plan now proposed may be defended. As so much power must be delegated to the parliament, the senate in this state may be abolished, and two members for each county will be a sufficient representation in the legislature. Supposing the other expences of Government to continue the same, there would be a saving to this state, on this plan, of above 3,000 l. per annum.

Our present yearly expences may be calculated as under—

194 Senators and Assembly-men, at 10s. per diem each, for 90 days, is	£.4,230
4 Members of Congress, at 4 dollars each per day, for 300 days, is	1,920
	£.6,150

The expence of the new Government would be

28 Members of Parliament, at 16s. per day each, for 60 days, is	1,344
2 Members of the Executive council, at 4 dollars each per diem, for 300 days, is	960
28 Members of the Legislature, at 10s. per day each, for 60 days, is	840
	£.3,144.

N.B. I have supposed that the Sessions of Parliament would not be more than 60 days per annum; and that as the Legislature will be divested of so much authority, and the members fewer, their business may be done in 60 days.

Cite as: The Documentary History of the Ratification of the Constitution Digital Edition, ed. John P. Kaminski, Gaspare J. Saladino, Richard Leffler, Charles H. Schoenleber and Margaret A. Hogan. Charlottesville: University of Virginia Press, 2009.

Canonic URL: <http://rotunda.upress.virginia.edu/founders/RNCN-03-13-02-0036> [accessed 11 May 2011]

Original source: Commentaries on the Constitution, Volume XIII: Commentaries on the Constitution, No. 1