

Joseph Spencer to James Madison [John Leland's Objections to the Constitution], Orange County, Va. 28 February 1788¹

The Federal Constitution, has it Enimyees in Orange as well as in other parts, Col. Thos. Barber offers as a Candedit for our March Election, he is as grate an Enimy to it as he posably can be, & if not as grate as any it has, as grate as his abilitays will alow him to be, which if our County men admired his Politickes no more than I do, the Constitution would have but Little to fear from that Quarter, but his unwarded Labours riding his Carquits & the Instrements he makes use of to Obtain his Election, misrepresents things in such Horred carrecters that the weker clas of the people are much predegessed agains it. by which meens he has many which as yet, appears grately in favour of him, amoungs his Friends appears, in a General way the Baptus's, the Prechers of that Society are much alarm'd fearing relegious liberty is not Sufficently secur'd thay pretend to other objections but that I think is the principle objection,² could that be removed by sum one Caperable of the Task. I think thay would become friends to it, that body of people has become very formible in pint of Elections, as I can think of no Gentln. of my Acquaintance so Suitible to the Task as your Self. I have taken the liberty to Request it of you, several of your Conections in Orange Joines me in oppinion, thinking it would answer a Valuable purpus for I am Cartain that pople relye much on your integrity & Candure, Mr. Leeland & Mr. Bledsoe and Sanders³ are the most publick men of that Society in Orange, therefore as Mr. Leeland Lyes in your Way home from Fredricksburg to Orange would advise you'l call on him & spend a few Howers in his Company,⁴ in Clos'd youl receive his objections, which was Sent by me to, Barber, a Coppy I tooke, this copy was first Design'd for Capt Walker,⁵ but as I hoped youl be in this state in a few days thought proper to Send it to you, by which means youl be made Acquainted with their objections [& have] time to Consider them should you think it an Object

worth yr Attention, my fears are that Except you & yr friends do Exerte yr Selves Very much youl not obtain yr Election in Orange Such are the predegases of the people for in short there is nothing so Vile, but what the Constitution is Charged with, hope to See you in Orange in a few days

[John Leland's Objections to the Constitution]⁶

According, to your request, I here send you my objections to the *Fæderal Constitution*, which are as follows,

1st. There is no Bill Rights, whenever Number of men enter into a State of Socity, a Number of individual Rights must be given up to Socity, but there should always be a memorial of those not surrendred, otherwise every natural & domestic Right becomes alianable, which raises Tyranny at once, & this is as necessary in one Form of Goverment as in another—

2nd. There is a Contradiction in the Constitution, we are first inform'd that all Legislative Powers therein granted shall be Vested in a Congress, composed of *two houses*, & yet afterwards all the power that lies between a Majority two thirds, which is one Sixth part, is taken from these *two Houses*, and given to one man, who is not only chosen two removes from the people, but also the head of the executive Department—

3rd. The House of Representatives is the only free, direct Representation of the body of the people, & yet in Treaties which are to be some of the Supreme Laws of the Land, this House has no Voice—

4th. The time place & Manner of chusing the Members of the Lower house is intirely at the Mercy of Congress, if they Appoint Pepin or Japan, or their ten Miles Square for the place, no

man can help it.—how can Congress guarantee to each state a republican form of Government, when every principle of Republicanism is Sapped—

5th. The Senators are chosen for Six years, & when they are once Chosen, they are impeachable to nun but themselves, No Counterpoize is left in the hands of the People, or even in Legislative Bodys to check them, Vote as they will, there they sit, paying themselves at Pleasure—

6th I utterly oppose any Division in Legislative Body, the more Houses, the more parties,—the more they are Divided; the more the Wisdom is Scattered, sometimes one house may prevent the Error of another & the same stands true of twenty Houses But the Question is, whether they do more good then harm the Business is cartainly thereby retarded & the Expençe inhanced

7th. We are not informed whether Votes in all cases in the lower house are to be by Members or by States,—I Question wheather a man could find out the Riddle by plowing with Sampsons Heifer,⁷ if each Member is not to have a Vote why are they to be chosen according to the Numbers of Inhabitants, & why should Virginia be at ten-times the Expençe of Deleware for the same power, if the Votes are always to be by States, why is it not Expressed as in the choise of a President, in cartain Cases, If each member is to have a Vote, Why is it Expressed concerning Senators, & not Concerning Representatives, this Blank appears to me, to be designed, to encourage the Small States with hops of Equality, & the Large States with Hopes of Superiority—

8ly. We have no assurance that the liberty of the press will be allowed under this Constitution—

9ly. We have been always taught that it was dangerous Mixing the Legislative & Executive powers together in the same body of People but in this Constitution, we are taught better, or worse—

10ly. What is dearest of all—*Religious Liberty*, is not Sufficiently Secured, No religious test is required as a Qualification to fill any office under the United States, but if a Majority of Congress with the presedent favour one System more then another, they may oblige all others to pay to the Support of their System as Much as they please, & if Oppression dose not ensue, it will be owing to the Mildness of Administration & not to any Constitutional defense, & if the Manners of People are so far Corrupted, that they cannot live by republican principles, it is Very Dangerous leaving religious Liberty at their Marcy—

1. RC, Madison Papers, Library of Congress. Spencer wrote the date "Feby. 26th 1788" under his signature, and Madison endorsed the letter "Joseph Spencer/Feby. 26. 1788." Nevertheless, the letter is placed under 28 February, the date appearing at the top of the letter. Spencer addressed the letter to the care of Fontaine Maury, a Fredericksburg merchant, expecting that Madison would take the stage to Fredericksburg on his way home to Orange County from Congress in New York City.

Spencer was possibly the Joseph Spencer (d. 1829) who served as a captain in the Continental Army, 1776–77, and represented Orange County in the Virginia House of Delegates, 1780–81. He was perhaps the same Joseph Spencer who was imprisoned in Orange County in 1773 for preaching and teaching as a Baptist without a license.

2. On 7 March the Virginia Baptist General Committee met in Goochland County and among the subjects discussed was: "Whether the new Federal Constitution, which had now lately made its appearance in public, made sufficient provision for the secure enjoyment of religious liberty; on which, it was agreed unanimously that, in the opinion of the General Committee, it did not" (Robert B. Semple, *A History of the Rise and Progress of the Baptists in Virginia* [rev. ed., Richmond, 1894], 102). Francis Taylor of Orange County wrote in his diary on 26 February 1788 that, while attending the county court, there was "Much talk amongst the people about the Constitution, the Baptists and ignorant part of them against it" (MS Diary, Virginia State Library).

3. The Rev. Aaron Bledsoe was pastor of a church at "North Fork of Pamunkey," located some eight miles southeast of Orange courthouse. The Rev. Nathaniel Saunders preached at the Mount Poney church. The church's meetinghouse was located at the foot of Mount Poney, on the road from Culpeper courthouse to Stevensburg. In

1773 Saunders was imprisoned for preaching and teaching contrary to the laws of Great Britain. He was one of three ministers who officiated at the ordination of the Rev. John Leland in 1786.

4. The Rev. John Leland, a native of Massachusetts, obtained a Baptist preacher's license in 1775 and moved to Virginia in 1776. The next year he took over the Mount Poney church in Culpeper County, from which he was dismissed in 1778. That same year Leland moved to Orange County. From this time until he returned to Massachusetts in 1791, Leland was one of Virginia's leading supporters of religious liberty and the separation of church and state.

According to tradition, James Madison, who had visited at Mount Vernon on his way home from New York City, met Leland somewhere between Fredericksburg and his home in Orange County just before the state Convention election of 24 March in Orange County and convinced Leland to support Federalist candidates. Madison might also have won over the Rev. Aaron Bledsoe. On 1 July Madison, writing from Richmond shortly after the Virginia Convention had ratified the Constitution, sent his father "2 Copies of the Federalist, one for Mr. Leland—the other for Mr. Bledsoe."

5. James Walker, a Culpeper County planter and an officer during the French and Indian War, represented Orange County in the Virginia House of Burgesses, 1761–71, and was a member of the Virginia Senate, 1777–79.

6. The enclosure is in Spencer's handwriting. At the end of these objections, Spencer wrote: "Revd. John Leeland's Objections to the Federal Constitution Sent to Col. Thos. Barber by his Request, a Coppy taken by Jos. Spencer, entended for the Consideration of Capt Jas. Walker Culpeper."

7. Judges 14:18.

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