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Opposition to the Constitution's Provisions Concerning Slavery

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FRIEND OSWALD, As I sometimes (though not very often) read newspapers, and when I do read any, I generally give thine the preference; because if there is any dispute a-going, thee generally has both sides of the question. I have also read the new constitution which is offered to us, and I am very sorry to inform thee that I don't altogether like it.

I have searched it from beginning to ending, and I don't find a protection for the liberty of conscience, and that all men shall worship GOD agreeable to their own dictates. I should have liked the constitution much better if our friends of the Convention had inserted the 2d article of the Bill of Rights prefixed to the Constitution of Pennsylvania. — “That all men have a natural and unalienable right to worship Almighty God, according to the dictates of their own conscience and understanding: And that no man ought, or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any ministry, contrary to, or against his own free will and consent: Nor can any man, who acknowledges the being of a God, be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments, or peculiar mode of religious worship: And that no authority can or ought to be vested in, or assumed by any power whatever, that shall in any case interfere with, or in any manner controul, the right of conscience in the free exercise of religious worship.”

I was informed that the trial by jury, which was guaranteed to us by the constitution of Pennsylvania, was in many instances abolished; this I did not believe when I heard it—I could not entertain an opinion that men so enlightened as those of the convention, among whose names I saw friend — and friend —, could be inattentive to the preservation of the trial by jury. I immediately took the constitution in my hand, and began to search it from end to end, and was in hopes of finding some clause like that in the Bill of Rights in the constitution of Pennsylvania,^(a) that would secure the trial by juries in all cases whatsoever, but I was disappointed.

I also heard a story going that the importation of slaves was allowed for twenty-one years, I thought now I certainly had in my power to catch them in telling untruths; I took up the constitution once more, and went to searching again, (for I was sure my friend —, whose character I very much respect, would never attempt to encourage or connive at slavery, he who is famed throughout the world as the champeon of liberty [probably Benjamin Franklin], nor friend —, who is one of the members of our society for the abolition of slavery [perhaps Robert Morris], would never agree to so inhuman a traffic as that of carrying on a trade in the human species) but to my mortification, I found that this assertion was too true; for in the 9th section of the new constitution, this traffic is allowed: however, I thought this part would never do at any

rate, and I was in hopes that some well disposed people would petition and have this article erased and abolished as a disgrace to the annals of America—But methinks I wont be too censorious but examine further, perhaps I shall find some method by which this clause may be evaded or repealed, but to my mortification, the further I went the worse I liked it—I had been told that there was a clause reserving a right to amend the constitution.—Ah thinks I, here is a hole in which the importation of slaves will be thrust out of the constitution; I pushed on in search of the clause, I found it, but what was my surprise when I found it, for in the 5th article, I find that there are two clauses which cannot in the new constitution be repealed till after the year 1808, and perhaps never will after that time, one of which, is that of allowing the importation of slaves for 21 years—the further I went on parusing this constitution the worse I liked it: there was another of which I was informed and which sat very heavy upon my stomach, for thee knows friend Oswald, we Quakers are not flighty men. I was told there was to be a standing army raised, and also that every man who was draughted in the militia, must do his duty as a soldier, for he cannot by this new constitution send a man in his stead, neither will any fine be received as an equivalent for his services—Thinks I this wont do for those of our profession, who are principled against bearing arms; I had rather it had been like the 8th section of the Bill of Rights to the constitution of Pennsylvania.—“That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore is bound to contribute his proportion towards the expence of that protection, and yield his personal service, when necessary, or an equivalent thereto: But no part of a man’s property can be justly taken from him, or applied to public uses, without his own consent, or that of his legal representatives: Nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent: Nor are the people bound by any laws, but such as they have in like manner assented to, for their common good.”

I am afraid, friend Oswald, that I have trespassed too much upon thy patience; upon the whole, I have I think, now sufficiently considered the constitution to inform thee that I dont like it, and there is so many things in it incompatible with the known principles of Friends, that I think they will deviate much from their profession if they have any thing to do with it, or give any aid or assistance in establishing of it, for if they do assist in establishing of it, remember, they have lent their aid in abolishing of the liberty of conscience; in encouraging and establishing the importation of slaves for 21 years—they also give their assent to the raising and keeping up of a standing army, all of which are totally incompatible with the principles of Friends, and I hope they will steer clear of having any hand in the establishing of these several facts. I hope they will adhere to their good old rulers of neither setting up nor pulling down governments, that is to say, of neither setting up their new government, nor of pulling down the good old constitution of Pennsylvania, which has secured and protected them in so many civil and religious privileges. I have made free to write thus much to thee at present, which thou art at liberty to communicate, if thou thinkest proper. The time is short wherein the liberty of the press may be preserved. Before it is too late and becomes shackled and restrained, I beg leave to communicate my sentiments, though perhaps at this time it may in some measure be dangerous, but the constitution of Pennsylvania protects me, I have a right to enjoy that protection, which is secured to me by the 12th section of the bill of rights.—“That the people have a right to freedom of speech, and of writing and publishing their sentiments; therefore the freedom of the press ought not to be restrained.”

If any thing else occurs to me, I shall make free to write to thee upon the subject; and as I always hold myself open to conviction, if I have not formed a right idea of the matter, or if I have taken it up wrong, I will thank any friend to set me right. I am with the greatest esteem and respect, Thy assured and well-wishing friend.

Spank Town, 10th month 20th day, 1787.

(a) “That in controversies respecting property, and in suits between man and man, the parties have a right to trial by jury, which ought to be held sacred.”

CITE AS: John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, Vol. XIV: Commentaries on the Constitution, Public and Private [2] (Madison, Wis.: Wisconsin Historical Society Press, 1983), 511–14.