

Richard Dobbs Spaight, Speech in the Ratifying Convention, 30 July 1788

Mr. SPAIGHT. Mr. Chairman, I am one of those who formed this Constitution. The gentleman says, we exceeded our powers. I deny the charge. We were sent with a full power to amend the existing system. This involved every power to make every alteration necessary to meliorate and render it perfect. It cannot be said that we arrogated powers altogether inconsistent with the object of our delegation. There is a clause which expressly provides for future amendments, and it is still in your power. What the Convention has done is a mere proposal. It was found impossible to improve the old system without changing its very form; for by that system the three great branches of government are blended together. All will agree that the concession of a power to a government so constructed is dangerous. The proposing a new system, to be established by the assent and ratification of nine states, arose from the necessity {207} of the case. It was thought extremely hard that one state, or even three or four states, should be able to prevent necessary alterations. The very refractory conduct of Rhode Island, in uniformly opposing every wise and judicious measure, taught us how impolitic it would be to put the general welfare in the power of a few members of the Union. It was, therefore, thought by the Convention, that, if so great a majority as nine states should adopt it, it would be right to establish it. It was recommended by Congress to the state legislatures to refer it to the people of their different states. Our Assembly has confirmed what they have done, by proposing it to the consideration of the people. It was there, and not here, that the objection should have been made. This Convention is therefore to consider the Constitution, and whether it be proper for the government of the people of America; and had it been proposed by any one individual, under these circumstances, it would be right to consider whether it be good or bad. The gentleman has insinuated that this Constitution, instead of securing our liberties, is a scheme to enslave us. He has produced no proof, but rests it on his bare assertion — an assertion which I am astonished to hear, after the ability with which every objection has been fully and dearly refuted in the course of our debates. I am, for my part, conscious of having had nothing in view but the liberty and happiness of my country; and I believe every member of that Convention was actuated by motives equally sincere and patriotic.

He says that it will tend to aristocracy. Where is the aristocratical part of it? It is ideal. I always thought that an aristocracy was that government where the few governed the many, or where the rulers were hereditary. This is a very different government from that. I never read of such an aristocracy. The first branch are representatives chosen freely by the people at large. This must be allowed upon all hands to be democratical. The next is the Senate, chosen by the people, in a secondary manner, through the medium of their delegates in the legislature, This cannot be aristocratical. They are chosen for six years, but one third of them go out every second year, and are responsible to the state legislatures. The President is elected for four years. By whom? By those who are elected in such manner as the state legislatures think proper. I hope the gentleman {208} will not pretend to call this an aristocratical feature. The privilege of representation is secured in the most positive and unequivocal terms, and cannot be evaded. The gentleman has again brought on the trial by jury. The Federal Convention, sir, had no wish to destroy the trial by jury. It was three or four days before them. There were a variety of objections to any one mode. It was thought impossible to fall upon any one mode but

what would produce some inconveniences. I cannot now recollect all the reasons given. Most of them have been amply detailed by other gentlemen here. I should suppose that, if the representatives of twelve states, with many able lawyers among them, could not form any unexceptionable mode, this Convention could hardly be able to do it. As to the subject of religion, I thought what had been said would fully satisfy that gentleman and every other. No power is given to the general government to interfere with it at all. Any act of Congress on this subject would be a usurpation.

No sect is preferred to another. Every man has a right to worship the Supreme Being in the manner he thinks proper. No test is required. All men of equal capacity and integrity, are equally eligible to offices. Temporal violence might make mankind wicked, but never religious. A test would enable the prevailing sect to persecute the rest. I do not suppose an infidel, or any such person, will ever be chosen to any office, unless the people themselves be of the same opinion. He says that Congress may establish ecclesiastical courts. I do not know what part of the Constitution warrants that assertion. It is impossible. No such power is given them. The gentleman advises such amendments as would satisfy him, and proposes a mode of amending before ratifying. If we do not adopt first, we are no more a part of the Union than any foreign power. It will be also throwing away the influence of our state to propose amendments as the condition of our ratification. If we adopt first, our representatives will have a proportionable weight in bringing about amendments, which will not be the case if we do not adopt. It is adopted by ten states already. The question, then, is, not whether the Constitution be good, but whether we will or will not confederate with the other states. The gentleman supposes that the liberty of the press is not secured. The Constitution does not take it away. {209} It says nothing of it, and can do nothing to injure it. But it is secured by the constitution of every state in the Union in the most ample manner.

He objects to giving the government exclusive legislation; in a district not exceeding ten miles square, although the previous consent and cession of the state within which it may be, is required. Is it to be supposed that the representatives of the people will make regulations therein dangerous to liberty? Is there the least color or pretext for saying that the militia will be carried and kept there for life? Where is there any power to do this? The power of calling forth the militia is given for the common defence; and can we suppose that our own representatives, chosen for so short a period, will dare to pervert a power, given for the general protection, to an absolute oppression? But the gentleman has gone farther, and says, that any man who will complain of their oppressions, or write against their usurpation, may be deemed a traitor, and tried as such in the ten miles square, without a jury. What an astonishing misrepresentation! Why did not the gentleman look at the Constitution, and see their powers? Treason is there defined. It says, expressly, that treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. Complaining, therefore, or writing, cannot be treason. [Here Mr. Lenoir rose, and said he meant misprision of treason.] The same reasons hold against that too. The liberty of the press being secured, creates an additional security. Persons accused cannot be tried without a jury; for the same article provides that "the trial of all crimes shall be by jury." They cannot be carried to the ten miles square; for the same clause adds, "and such trial shall be held in the state where the said

crimes shall have been committed." He has made another objection, that land might not be taxed, and the other taxes might fall heavily on the poor people. Congress has a power to lay taxes, and no article is exempted or excluded. The proportion of each state may be raised in the most convenient manner. The census or enumeration provided is meant for the salvation and benefit of the Southern States. It was mentioned that land ought to be the only object of taxation. As an acre of land in the Northern States is worth many acres in the Southern States, this would have greatly {210} oppressed the latter, It was then judged that the number of people; as therein provided, was the best criterion for fixing the proportion of each state, and that proportion in each state to be raised in the most easy manner for the people. But he has started another objection, which I never heard before — that Congress may call for men in proportion to the number of negroes. The article with respect to requisitions of men is entirely done away. Men are to be raised by bounty. Suppose it had not been done away. The Eastern States could not impose on us a man for every black. It was not the case during the war, nor ever could be. But the quotas of men are entirely done away.

Another objection which he makes is, that the federal courts will have cognizance of contracts between this state and citizens of another state; and that public securities, negotiated by our citizens, to those of other states, will be recoverable in specie in those courts against this state. They cannot be negotiated. What do these certificates say? Merely that the person therein named shall, for a particular service, receive so much money. They are not negotiable. The money must be demanded for them in the name of those therein mentioned. No other person has a right. There can be no danger, therefore, in this respect. The gentleman has made several other objections; but they have been so fully answered and clearly refuted by several gentlemen in the course of the debates, that I shall pass them by unnoticed. I cannot, however, conclude without observing that I am amazed he should call the powers of the general government indefinite. It is the first time I heard the objection. I will venture to say they are better defined than the powers of any government he ever heard of.

Jonathan Elliot, ed., *The Debates in the Several State Conventions, on the Adoption of the Federal Constitution*, Vol. 4, Philadelphia: J.B. Lippincott and Company, pp. 206-210.