

**An Independent Freeholder, Winchester *Virginia Gazette*, 25 January  
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*(Continued from our last.)*  
*To the CITIZENS of VIRGINIA.*

Friends and Countrymen, I can conceive no reason why the ordinary business of legislation should not be determined in Congress by a majority of voices as is done in all our assemblies, and other public bodies. If you suppose 8 states will oppress five, with the same reason we may believe 12 will oppress 1, hence an argument equally well founded for unanimity, which would put an end to government. Colonel M—n applies his objection to commercial regulations only, and assigns this reason, “that the produce and circumstances of the five southern states are totally different from that of the eight northern and eastern,” and thence infers rigid and unjust regulations may be made. When gentlemen deviate so far from the real state of facts to support their arguments, those arguments can have little weight. The produce and circumstances of the states change gradually with the climates, but it so happens that the four middle states are more nearly assimilated to Maryland and Virginia, than to the eastern states. Wheat is the staple commodity of the middle states, and the second if not the first article of commerce in Virginia and Maryland; whereas the New England states (some of them at least) do not grow sufficient for their own consumption. Why should not the senate have the power of altering money bills? Would such an idea have ever existed had not something in the British policy given rise to it? True it is, the British House of Lords are not permitted to amend money bills. The Peers of Great Britain are a great hereditary body, possessing immense wealth, composing one branch of the legislature, their honors derived from the crown, and their numbers increased at the will of the Prince, it was therefore necessary that the House of Commons, in order to support their influence, and keep the balance even, should exercise the sole right of taxation. But our senators are not created by a Prince, their honors do not descend to their posterity, they can have no interest distinct from that of the people at large, nor will they enjoy wealth sufficient to enable them to give an undue bias to government. It is suggested that Congress will extend their powers to the subversion of the state legislatures, this to me appears highly improbable; there will no doubt subsist a jealousy and competition in power, but where wealth and numbers unite the scale must preponderate these in favor of the state legislatures, as sixteen to one in Virginia, and I suppose nearly in the same proportion throughout the union. I rather fear the members of Congress will not have firmness and resolution to exercise their proper powers, least through the misrepresentation of designing men they may become obnoxious to the people. With as little reason it is said, “that the judiciary of the United States is so constructed and extended as to absorb and destroy the judiciaries of the several states.” How can this be? there is no appeal, no preeminence in any one instance. That the exclusion of ex post facto laws should be made an objection is to me astonishing. I do an action to day which is in itself innocent and prohibited by no law, at a future day you pass a law to punish me for it. Let every man’s own mind answer

whether this is just, and whether the existence of such a power is not inconsistent with the principles of liberty? Colonel M—n says every legislature will make such laws, which in other words is saying every legislature will do wrong. Indeed his Observations with regard to the power of pardoning have no weight, but on a supposition that rulers are generally inclined to do wrong. I agree that the vices as well as the frailties of men ought to be guarded against, but cannot agree that they will intentionally do wrong without strong inducements, that they will injure the public without fair prospects of great advantage to themselves. From whence will such prospects arise under the proposed constitution. The president cannot procure in addition to his salary, he cannot transmit his honors to his posterity, he cannot even hope to render it customary to elect the son in the room of the father, for though some men live to see a son of 35 years of age, it so seldom happens that it never can introduce a general custom. How then can he propose to promote his own honor and imolument, but by acting such a part during his presidency, as will induce the people over whom he presides to reelect him? This reasoning applies with equal force to the senators and delegates, but I do not believe any man seriously apprehends danger from them. The most effectual method to prevent the abuse of power (except that of removing all inducements) is by a distribution of the supreme power, rendering the concurrence of different bodies of men necessary in every act of legislation. In this respect the government of Great Britain stands foremost among the nations (for I do not call any one state in this union a nation) but it is far inferior to the proposed constitution. I will not argue this point, let every man realise the case. Let him attentively read the fœderal constitution, then let him imagine for a moment, that instead of the president and senate we were to have a hereditary monarch on the throne with all the acknowledged powers of the king of England. Let him conceive that twenty six of the most wealthy and powerful men in America were selected by the Monarch, and entitled to compose one branch of our legislature, and to all the privileges of British Peers, that their rights would descend to their heirs, and that their numbers might be increased at the pleasure of the prince—his feelings will decide the question. A most powerful check arises from the state legislatures, it is true they have no right to check congress in the exercise of their proper powers, but they will keep a watchful eye and take special care that congress do not exceed their powers; and if any of those powers should from experience appear dangerous to liberty, the constitution in a clause which will conclude this address, points out the remedy.

Colonel M—n acknowledges that this government in its commencement will be moderate, all the opposers of it with whom I have conversed agree the same, hence I infer it is good in its nature and present form. Why should it not continue so? It will continue so as long as the people retain their virtue. When virtue is no more a government founded on virtuous principles cannot exist. It is impossible to say into what form it will change, or when it may end, the corruption of government will probably keep pace with the depravity of manners. I suppose it is as difficult to form a plan which for a succession of ages will prevent every kind of male administration, the corruption and final dissolution of a government as it is to prescribe a regimen which will preserve health unimpaired, and life without end to the human body. In so complex

a subject as government it is impossible to form a plan which may not be liable to many specious, and perhaps some solid objections.—Therefore when we say a government is good, we do not mean that it is perfect, but that it is better than other governments. Now let the opposers of the fœderal constitution present to our view another plan. Let them take their choice of all the governments which now exist, or which ever did exist on the face of the globe. I have already given you a slight sketch of the British government, and I pledge myself, that this as well as all others, which have had the experience of ages will be rejected. If this will not do, let them retire to their closets and form systems complete in all their parts, according to their ideas of perfection, each man will have a different system. And all the world will prefer the fœderal constitution to either of them, except the framers themselves. But if speculative opinion create doubts, or leave them upon the mind, we may safely refer, in this instance, to the great arbiter experience, for it is expressly provided that, “Congress, when ever two thirds of both houses shall deem it necessary to propose amendments to this constitution—or on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes, as part of this constitution when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as one or the other mode of ratification may be proposed by congress.” A provision so favourable to liberty was never before ingrafted in any constitution. To conclude then my friends and countrymen, if you know a better government, I candidly yield, if not, concur with me in adopting the one proposed.

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