

no friend to Mr. Rowan, certainly not very deeply interested in giving him a very impartial jury.

Feeling this, as I am persuaded you do, you cannot be surprised however you may be distressed at the mournful presage with which an anxious public is led to fear the worst from your possible determination. But I will not, for the justice and honor of our common country, suffer my mind to be borne away by such melancholy anticipations. I will not relinquish the confidence that this day will be the period of his sufferings; and, however mercilessly he has been hitherto pursued, that your verdict will send him home to the arms of his family and the wishes of his country. But if, which Heaven forbid, it hath still been unfortunately determined that, because he has not bent to power and authority, because he would not bow down before the golden calf and worship it, he is to be bound and cast into the furnace; I do trust in God that there is a redeeming spirit in the constitution which will be seen to walk with the sufferer through the flames and to preserve him unhurt by the conflagration.

JAMES MADISON



JAMES MADISON, fourth President of the United States (1809-17), was born at Port Conway, Va., March 16, 1751, and died at Montpelier, Va., June 28, 1836. In 1771, he graduated from Princeton College, and read diligently for a while at his home in Virginia. Here he became absorbed in the great question of the time, the impending struggle for independence, and also took a lively interest in church matters and the subject of religious toleration. In 1776, he was returned a delegate of the Virginia Convention and Assembly, and in the following year was chosen a member of the Council of State, after which he took his seat (March, 1780) in the Continental Congress, and there came into note by his opposition to the issue of paper money by the State. After the peace with England, he was for two years a member of the Virginia Legislature, and there spoke and wrote against State support being given to the Anglican Church. At the national convention which met at Philadelphia in May, 1787, he was one of the chief framers of the Constitution of the United States, and in 1789 took his seat in the Federal House of Representatives and there led the anti-Federalist party and was an able contributor to "The Federalist." During John Adams's ministry he was in retirement, though he drew up the Virginia Resolution of 1798, condemning the Alien and Sedition Laws of Adams's administration, and returned to public life when Jefferson became President. In the latter's cabinet he was given the post of Secretary of State, which he filled throughout the Jeffersonian administration, and in March, 1809, was chosen that statesman's successor in the presidency. The chief feature of Madison's period of office was the War of 1812, happily terminated by the Treaty of Ghent, two years later. On retiring from the presidency he took up his residence at Montpelier, Va., where he died in his eighty-fifth year, amid universal respect paid to his unsullied memory. His many manuscripts have been published in the "Madison Papers," and in his collected "Letters and Other Writings."

ON THE EXPEDIENCY OF ADOPTING THE FEDERAL
CONSTITUTION

CONVENTION OF VIRGINIA, JUNE 6, 1788

Mr. Chairman:

IN WHAT I am about to offer to this assembly, I shall not attempt to make impressions by any ardent professions of zeal for the public welfare. We know that the principles of every man will be, and ought to be, judged not by his professions and declarations, but by his conduct. By that criterion, I wish in common with every other member, to be judged; and even though it should prove unfavorable to my reputation, yet it is a criterion from which I by no means would depart, nor could if I would. Comparisons have been made between the friends of this Constitution and those who oppose it. Although I disapprove of such comparisons, I trust that in everything that regards truth, honor, candor, and rectitude of motives, the friends of this system, here and in other States, are not inferior to its opponents. But professions of attachment to the public good, and comparisons of parties, at all times invidious, ought not to govern or influence us now. We ought, sir, to examine the Constitution exclusively on its own merits. We ought to inquire whether it will promote the public happiness; and its aptitude to produce that desirable object ought to be the exclusive subject of our researches. In this pursuit, we ought to address our arguments not to the feelings and passions, but to those understandings and judgments which have been selected, by the people of this country, to decide

that great question by a calm and rational investigation. I hope that gentlemen, in displaying their abilities on this occasion, will, instead of giving opinions and making assertions, condescend to prove and demonstrate, by fair and regular discussion. It gives me pain to hear gentlemen continually distorting the natural construction of language. Assuredly, it is sufficient if any human production can stand a fair discussion. Before I proceed to make some additions to the reasons which have been adduced by my honorable friend over the way, I must take the liberty to make some observations on what was said by another gentleman (Mr. Henry). He told us that this Constitution ought to be rejected, because, in his opinion, it endangered the public liberty in many instances. Give me leave to make one answer to that observation—let the dangers with which this system is supposed to be replete, be clearly pointed out. If any dangerous and unnecessary powers be given to the general legislature, let them be plainly demonstrated, and let us not rest satisfied with general assertions of dangers, without proof, without examination. If powers be necessary, apparent danger is not a sufficient reason against conceding them. He has suggested, that licentiousness has seldom produced the loss of liberty; but that the tyranny of rulers has almost always effected it. Since the general civilization of mankind, I believe there are more instances of the abridgment of the freedom of the people by gradual and silent encroachments of those in power, than by violent and sudden usurpations; but on a candid examination of history, we shall find that turbulence, violence, and abuse of power, by the majority trampling on the rights of the minority, have produced factions and commotions which, in republics, have, more frequently than any other cause,

produced despotism. If we go over the whole history of ancient and modern republics, we shall find their destruction to have generally resulted from those causes. If we consider the peculiar situation of the United States, and go to the sources of that diversity of sentiment which pervades its inhabitants, we shall find great danger to fear that the same causes may terminate here in the same fatal effects which they produced in those republics. This danger ought to be wisely guarded against. In the progress of this discussion, it will perhaps appear, that the only possible remedy for those evils, and the only certain means of preserving and protecting the principles of republicanism, will be found in that very system which is now exclaimed against as the parent of oppression. I must confess that I have not been able to find his usual consistency in the gentleman's arguments on this occasion. He informs us that the people of this country are at perfect repose; that every man enjoys the fruits of his labor peaceably and securely, and that everything is in perfect tranquillity and safety. I wish sincerely, sir, this were true. But if this be really their situation, why has every State acknowledged the contrary? Why were deputies from all the States sent to the general convention? Why have complaints of national and individual distresses been echoed and re-echoed throughout the continent? Why has our general government been so shamefully disgraced, and our Constitution violated? Wherefore have laws been made to authorize a change, and wherefore are we now assembled here? A federal government is formed for the protection of its individual members. Ours was itself attacked with impunity. Its authority has been boldly disobeyed and openly despised. I think I perceive a glaring inconsis-

ency in another of his arguments. He complains of this Constitution, because it requires the consent of at least three-fourths of the States to introduce amendments which shall be necessary for the happiness of the people. The assent of so many, he considers as too great an obstacle to the admission of salutary amendments, which he strongly insists ought to be at the will of a bare majority, and we hear this argument at the very moment we are called upon to assign reasons for proposing a Constitution which puts it in the power of nine States to abolish the present inadequate, unsafe, and pernicious confederation! In the first case, he asserts that a majority ought to have the power of altering the government, when found to be inadequate to the security of public happiness. In the last case, he affirms that even three-fourths of the community have not a right to alter a government which experience has proved to be subversive of national felicity; nay, that the most necessary and urgent alterations cannot be made without the absolute unanimity of all the States. Does not the thirteenth article of the confederation expressly require that no alteration shall be made without the unanimous consent of all the States? Can anything in theory be more perniciously improvident and injudicious than this submission of the will of the majority to the most trifling minority? Have not experience and practice actually manifested this theoretical inconvenience to be extremely impolitic? Let me mention one fact, which I conceive must carry conviction to the mind of any one—the smallest State in the Union has obstructed every attempt to reform the government; that little member has repeatedly disobeyed and counteracted the general authority; nay, has even supplied the enemies of its country with pro-

visions. Twelve States had agreed to certain improvements which were proposed, being thought absolutely necessary to preserve the existence of the general government; but as these improvements, though really indispensable, could not, by the confederation, be introduced into it without the consent of every State, the refractory dissent of that little State prevented their adoption. The inconveniences resulting from this requisition of unanimous concurrence in alterations of the confederation, must be known to every member in this convention; it is therefore needless to remind them of them. Is it not self-evident, that a trifling minority ought not to bind the majority? Would not foreign influence be exerted with facility over a small minority? Would the honorable gentleman agree to continue the most radical defects in the old system, because the petty State of Rhode Island would not agree to remove them?

He next objects to the exclusive legislation over the district where the seat of the government may be fixed. Would he submit that the representatives of this State should carry on their deliberations under the control of any one member of the Union? If any State had the power of legislation over the place where Congress should fix the general government, it would impair the dignity and hazard the safety of Congress. If the safety of the Union were under the control of any particular State, would not foreign corruption probably prevail in such a State, to induce it to exert its controlling influence over the members of the general government? Gentlemen cannot have forgotten the disgraceful insult which Congress received some years ago. And, sir, when we also reflect, that the previous cession of particular States is necessary,

before Congress can legislate exclusively anywhere, we must, instead of being alarmed at this part, heartily approve of it.

But the honorable member sees great danger in the provision concerning the militia. Now, sir, this I conceive to be an additional security to our liberties, without diminishing the power of the States in any considerable degree; it appears to me so highly expedient, that I should imagine it would have found advocates even in the warmest friends of the present system. The authority of training the militia and appointing the officers is reserved to the States. But Congress ought to have the power of establishing a uniform system of discipline throughout the States; and to provide for the execution of the laws, suppress insurrections, and repel invasions. These are the only cases wherein they can interfere with the militia; and the obvious necessity of their having power over them in these cases must flash conviction on any reflecting mind. Without uniformity of discipline, military bodies would be incapable of action; without a general controlling power to call forth the strength of the Union, for the purpose of repelling invasions, the country might be overrun and conquered by foreign enemies. Without such a power to suppress insurrections, our liberties might be destroyed by intestine faction, and domestic tyranny be established. . . .

Give me leave to say something of the nature of the government, and to show that it is perfectly safe and just to vest it with the power of taxation. There are a number of opinions; but the principal question is, whether it be a federal or a consolidated government. In order to judge properly of the question before us, we must consider it minutely, in its principal parts. I myself conceive that it

is of a mixed nature; it is, in a manner, unprecedented. We cannot find one express prototype in the experience of the world: it stands by itself. In some respects, it is a government of a federal nature; in others, it is of a consolidated nature. Even if we attend to the manner in which the Constitution is investigated, ratified, and made the act of the people of America, I can say, notwithstanding what the honorable gentleman has alleged, that this government is not completely consolidated; nor is it entirely federal. Who are the parties to it? The people—not the people as composing one great body, but the people as composing thirteen sovereignties. Were it, as the gentleman asserts, a consolidated government, the assent of a majority of the people would be sufficient for its establishment, and as a majority have adopted it already, the remaining States would be bound by the act of the majority, even if they unanimously reprobated it. Were it such a government as is suggested, it would be now binding on the people of this State, without having had the privilege of deliberating upon it; but, sir, no State is bound by it, as it is, without its own consent. Should all the States adopt it, it will be then a government established by the thirteen States of America, not through the intervention of the Legislatures, but by the people at large. In this particular respect, the distinction between the existing and proposed governments is very material. The existing system has been derived from the dependent, derivative authority of the Legislatures of the States; whereas this is derived from the superior power of the people. If we look at the manner in which alterations are to be made in it, the same idea is in some degree attended to. By the new system, a majority of the States cannot introduce amendments; nor are all the

States required for that purpose; three-fourths of them must concur in alterations; in this there is a departure from the federal idea. The members to the national House of Representatives are to be chosen by the people at large, in proportion to the numbers in the respective districts. When we come to the Senate, its members are elected by the States in their equal and political capacity; but had the government been completely consolidated, the Senate would have been chosen by the people, in their individual capacity, in the same manner as the members of the other House. Thus it is of complicated nature, and this complication, I trust, will be found to exclude the evils of absolute consolidation, as well as of a mere confederacy. If Virginia were separated from all the States, her power and authority would extend to all cases; in like manner, were all powers vested in the general government, it would be a consolidated government; but the powers of the Federal government are enumerated; it can only operate in certain cases: it has legislative powers on defined and limited objects, beyond which it cannot extend its jurisdiction.

But the honorable member has satirized, with peculiar acrimony, the power given to the general government by this Constitution. I conceive that the first question on this subject is, whether these powers be necessary; if they be we are reduced to the dilemma of either submitting to the inconvenience, or losing the Union. Let us consider the most important of these reprobated powers; that of direct taxation is most generally objected to. With respect to the exigencies of government, there is no question but the most easy mode of providing for them will be adopted. When, therefore, direct taxes are not necessary, they will not be recurred to. It can be of little advantage to those in power

to raise money in a manner oppressive to the people. To consult the conveniences of the people will cost them nothing, and in many respects will be advantageous to them. Direct taxes will only be resorted to for great purposes. What has brought on other nations those immense debts, under the pressure of which many of them labor? Not the expenses of their governments, but war. If this country should be engaged in war (and I conceive we ought to provide for the possibility of such a case), how would it be carried on? By the usual means provided from year to year? As our imports will be necessary for the expenses of government, and other common exigencies, how are we to carry on the means of defence? How is it possible a war could be supported without money or credit? And would it be possible for government to have credit, without having the power of raising money? No, it would be impossible for any government, in such a case, to defend itself. Then, I say, sir, that it is necessary to establish funds for extraordinary exigencies, and give this power to the general government; for the utter inutility of previous requisitions on the States is too well known. Would it be possible for those countries, whose finances and revenues are carried to the highest perfection, to carry on the operations of government on great emergencies, such as the maintenance of a war, without an uncontrolled power of raising money? Has it not been necessary for Great Britain, notwithstanding the facility of the collection of her taxes, to have recourse very often to this and other extraordinary methods of procuring money? Would not her public credit have been ruined, if it was known that her power to raise money was limited? Has not France been obliged, on great occasions, to recur to unusual means, in order to raise funds?

It has been the case in many countries, and no government can exist unless its powers extend to make provisions for every contingency. If we were actually attacked by a powerful nation, and our general government had not the power of raising money, but depended solely on requisitions, our condition would be truly deplorable: if the revenues of this commonwealth were to depend on twenty distinct authorities, it would be impossible for it to carry on its operations. This must be obvious to every member here: I think, therefore that it is necessary for the preservation of the Union that this power should be given to the general government.

But it is urged that its consolidated nature, joined to the power of direct taxation, will give it a tendency to destroy all subordinate authority; that its increasing influence will speedily enable it to absorb the State governments. I cannot bring myself to think that this will be the case. If the general government were wholly independent of the governments of the particular States, then, indeed, usurpation might be expected to the fullest extent: but, sir, on whom does this general government depend? It derives its authority from these governments, and from the same sources from which their authority is derived. The members of the Federal Government are taken from the same men from whom those of the State Legislatures are taken. If we consider the mode in which the Federal Representatives will be chosen, we shall be convinced that the general never will destroy the individual governments; and this conviction must be strengthened by an attention to the construction of the Senate. The Representatives will be chosen, probably under the influence of the State Legislatures: but there is not the least probability that the election of the latter will

be influenced by the former. One hundred and sixty members, representing this commonwealth in one branch of the Legislature, are drawn from the people at large, and must ever possess more influence than the few men who will be elected to the general Legislature. Those who wish to become Federal Representatives must depend on their credit with that class of men who will be the most popular in their counties, who generally represent the people in the State governments: they can, therefore, never succeed in any measure contrary to the wishes of those on whom they depend. So that, on the whole, it is almost certain that the deliberations of the members of the Federal House of Representatives will be directed to the interests of the people of America. As to the other branch, the Senators will be appointed by the Legislatures, and, though elected for six years, I do not conceive they will so soon forget the source whence they derive their political existence. This election of one branch of the Federal, by the State Legislatures, secures an absolute dependence of the former on the latter. The biennial exclusion of one-third will lessen the facility of a combination, and preclude all likelihood of intrigues. I appeal to our past experience, whether they will attend to the interests of their constituent States. Have not those gentlemen who have been honored with seats in Congress often signalized themselves by their attachment to their States? Sir, I pledge myself that this government will answer the expectations of its friends, and foil the apprehensions of its enemies. I am persuaded that the patriotism of the people will continue, and be a sufficient guard to their liberties, and that the tendency of the Constitution will be, that the State governments will counteract the general interest, and ultimately prevail. The

number of the Representatives is yet sufficient for our safety, and will gradually increase; and if we consider their different sources of information, the number will not appear too small.

Sir, that part of the proposed Constitution which gives the general government the power of laying and collecting taxes, is indispensable and essential to the existence of any efficient or well-organized system of government: if we consult reason, and be ruled by its dictates, we shall find its justification there: if we review the experience we have had, or contemplate the history of nations, there too we shall find ample reasons to prove its expediency. It would be preposterous to depend for necessary supplies on a body which is fully possessed of the power of withholding them. If a government depends on other governments for its revenues; if it must depend on the voluntary contributions of its members, its existence must be precarious. A government that relies on thirteen independent sovereignties for the means of its existence, is a solecism in theory, and a mere nullity in practice. Is it consistent with reason, that such a government can promote the happiness of any people? It is subversive of every principle of sound policy, to trust the safety of a community with a government totally destitute of the means of protecting itself or its members. Can Congress, after the repeated unequivocal proofs it has experienced of the utter inutility and inefficacy of requisitions, reasonably expect that they would be hereafter effectual or productive? Will not the same local interests, and other causes, militate against a compliance? Whoever hopes the contrary must forever be disappointed. The effect, sir, cannot be changed without a removal of the cause. Let each county in this commonwealth be supposed

free and independent: let your revenues depend on requisitions of proportionate quotas from them: let application be made to them repeatedly, and then ask yourself, is it to be presumed that they would comply, or that an adequate collection could be made from partial compliances? It is now difficult to collect the taxes from them: how much would that difficulty be enhanced, were you to depend solely on their generosity? I appeal to the reason of every gentleman here, and to his candor, to say whether he is not persuaded that the present confederation is as feeble as the government of Virginia would be in that case; to the same reason I appeal, whether it be compatible with prudence to continue a government of such manifest and palpable weakness and inefficiency.

RED JACKET



RED JACKET (Indian name SAGOYEWATHA), an orator chief of the Seneca tribe, was born at Old Castle, near Geneva, N. Y., about the year 1752, and died January, 1830, at Seneca village, New York State. In the War of the Revolution, he took the British side, and was useful as a scout and runner to the "red coats," an officer of which presented him with an elaborately embroidered scarlet jacket, which on high occasions he was fond of wearing—hence the appellation of "Red Jacket." The sachem had notable gifts as an orator, a specimen of which, in his speech at Fort Stanwix, in 1784, to secure a more favorable treaty between the Six Nations and the United States authorities, is appended here. In 1792, on a visit to the Capital, Washington gratified the chief by the gift of a silver medal, which he proudly added to his adornments. Unhappily, in his latter days, he was addicted to intemperance, that curse of his race; though in the War of 1812 he and his tribe gave loyal service to the United States, as allies during the war on the Niagara frontier. Prior to the war, he also gave to an agent of the United States government timely information of the hostile intentions of the Ohio Indians, under Tecumseh. Red Jacket lived out his dignified, though pagan and at periods dissolute, career on the Seneca reservation, N. Y., and his life was written by W. L. Stone, Albany, 1867.

SPEECH AT FORT STANWIX

[A succession of outrages upon the Indians residing along the Pennsylvania border, resulting at different times in the murder of several of their people, induced the Senecas and Tuscaroras in February, 1801, to send a deputation of their chiefs to the seat of the Federal government, which, since the last Seneca embassy, had been transferred from Philadelphia to the city of Washington. Red Jacket was at the head of this deputation, which was received formally, with an appropriate speech, by the acting secretary of war, Samuel Dexter, on the 10th of February. On the 11th Red Jacket replied, setting forth the business of his mission in the following speech:]

BROTHER,—We yesterday received your speech, which removed all uneasiness from our minds. We then told you that should it please the Great Spirit to permit us to rise in health this day you should hear what we have come to say.

Brother, the business on which we are now come is to restore the friendship that has existed between the United