

# 431 HAMPSHIRE GAZETTE.

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## From the CONNECTICUT COURANT. To the LAND HOLDERS and FARMERS.

### NUMBER VI.

He that is first in his own cause stretcheth forth his hand, and his neighbour cometh and searcheth him. —  
THE publication of Col. Mason's reasons for not signing the new Constitution, has excited some truths that would otherwise in all probability have remained unknown to us all. His reasons, like Mr. Gerry's, are most of them *ex post facto*—have been revised in New-York by R. H. L. and by him brought into their present artful and insidious form. The factious spirit of R. H. L.—his implacable hatred to General Washington—his well known intrigues against him in the late war—his attempt to displace him and give the command of the American army to General Lee, is so recent in your minds it is not necessary to repeat them. He is supposed to be the author of most of the scurrility poured out in the New-York papers against the new constitution.

Just at the close of the convention, whose proceedings in general were zealously supported by Mr. Mason, he moved for a clause that no navigation-act should ever be passed but with the consent of two thirds of both branches; urging that a navigation act might otherwise be passed excluding foreign bottoms from carrying American produce to market, and throw a monopoly of the carrying business into the hands of the eastern states who attend to navigation, and that such an exclusion of foreigners would raise the freight of the produce of the southern states, and for these reasons Mr. Mason would have it in the power of the southern states to prevent any navigation act. This clause, as unequal and partial in the extreme to the southern states, was rejected; because it might be left on the same footing with other national concerns, and because no state would have a right to complain of a navigation act which would leave the carrying business equally open to them all. Those who preferred cultivating their lands would do so; those who choose to navigate and become carriers would do that. The issue of this question determined Mr. Mason against the signing the doings of the convention, and is undoubtedly among his reasons as drawn for the southern states; but for the eastern states this reason would not do. It would convince us that Mr. Mason preferred the subjects of every foreign power to the subjects of the United States who live in New-England; even the British who lately ravaged Virginia, that Virginia, my countrymen, where your relations lavished their blood—where your sons laid down their lives to secure to her and us the freedom and independence in which we now rejoice, and which can only be continued to us by a firm, equal and effective union—But do not believe that the people of Virginia are all thus selfish: No, there is a Washington, a Blair, a Madison and a Lee, (not R. H. L.) and I am persuaded that there is a majority of liberal, just and federal men in Virginia, who whatever their sentiments may be of the new constitution, will despise the artful injustice contained in Col. Mason's reasons, as published in the Connecticut papers.

The President of the United States has no council, says Col. Mason. His proposed council would have been expensive—they must constantly attend the president, because the president constantly acts. This council must have been composed of great characters, who could not be kept attending without great fatigue, and if their opinions were binding on the president, his responsibility would be destroyed—his divided, prevent vigour and dispatch; if not binding, they would be no security. The states who have had such councils have found them useless, and complain of them as a dead weight. In others, as in England, the supreme executive advises when and with whom he pleases; if any information is wanted, the heads of the departments who are always at hand can best give it, and from the manner of their appointment will be trust worthy. Secrecy, vigour, dispatch and responsibility, require that the supreme executive should be one person, and unlettered, otherwise that by which he is to ex-

There is no declaration of rights. Bills of rights were introduced in England when its kings claimed all power and jurisdiction, and were considered by them as grants to the people. They are insignificant: since government is considered as originating from the people, and all the power of the government now has its grant from the people: the constitution they establish with powers limited and defined, becomes now to the legislator and magistrate, what originally a bill of rights was to the people. To have inserted in the constitution a bill of rights for the states, would suppose them to derive and hold their rights from the federal government, when the reverse is the case.

There is to be no *ex post facto* laws. This was moved by Mr. Gerry and supported by Mr. Mason, and is exceptionable only as being unnecessary; for it ought not to be presumed that government will be so tyrannical, and opposed to the sense of all modern civilians as to pass such laws, if they should they would be void.

The general legislature is restrained from prohibiting the further importation of slaves for twelve years—But every state legislature may restrain its own subjects; but if they should not, shall we refuse to confederate with them? their consciences are their own, though their wealth and strength are blended with ours. Mr. Mason has himself about three hundred slaves, and lives in Virginia, where it is found by prudent management they can breed and raise slaves faster than they want them for their own use, and could supply the deficiency in Georgia and South Carolina; and perhaps Col. Mason may suppose it more humane to breed than import slaves—those imported having been bred and born free, may not so tamely bear slavery as those born slaves, and from their infancy inured to it; but his objections are not on the side of freedom, nor in compassion to the human race who are slaves, but that such importation render the United States weaker, more vulnerable, and less capable of defence. To this I readily agree, and all good men with the entire abolition of slavery, as soon as it can take place with safety to the public, and for the lasting good of the present wretched race of slaves. The only possible step that could be taken towards it by the convention, was to fix a period after which they should not be imported.

There is no declaration of any kind to prefer the liberty of the press, &c. Nor is liberty of conscience, or of matrimony, or of burial of the dead; it is enough that congress have no power to prohibit either, and can have no temptation. This objection is answered in that the states have all the power originally, and congress have only what the states grant them.

The judiciary of the United States is so constituted and extended as to absorb and destroy the judiciary of the several states; thereby rendering law as tedious, intricate and expensive, and justice as unobtainable by a great part of the community, as in England; and enable the rich to oppress and ruin the poor. It extends only to objects and cases specified, and wherein the national peace or rights, or the harmony of the states are concerned, and not to controversies between citizens of the same state (except where they claim under grants of different states) and nothing hinders but the supreme federal court may be held in different districts, or in all the states, and that all the cases, except the few in which it has original and not appellate jurisdiction, may in the first instance be had in the state courts and those trials be final, except in cases of great magnitude; and the trials be by jury also in most or all the cases which were wont to be tried by them, as congress shall provide, whose appointment is security enough for their attention to the wisdom and convenience of the people. In chancery courts juries are never used, nor are they proper in admiralty courts, which proceed not by municipal laws, which they may be supposed to understand, but by the civil law and law of nations.

Mr. Mason deems the president and senate's power to make treaties dangerous, because they become laws of the land. If the president and his proposed council had this power, or the president alone, as in England and other nations is the case, would the danger be less? or is the representative branch suited to the making of

treaties which are often intricate, and require much negotiation and secrecy? The senate is objected to as having too much power, and bold unfounded assertions that will destroy any balance in the government, and accomplish what usurpation they please upon the rights and liberties of the people; to which it may be answered they are elective and rotative, to the sense on the people; the populace can as well balance the senatorial branch there as in the states, and much better than in England, where the honors are hereditary, and yet the commons preserve their weight; but the state government on which the constitution is built will forever be secure enough to the people against aristocratic usurpation. The danger of the constitution is not aristocracy or monarchy, but anarchy.

I treat you, my fellow citizens, to read and examine the new constitution with candor; examine it for yourselves, you are most of you as learned as the objector, and certainly as able to judge of its virtues or vices as he is. To make the objections the more plausible, they are called *The Objections of the Hon. George Mason, &c.* They may possibly be his, but be assured they were not those made in convention, and being directly against what he there supported in one instance, ought to caution you against giving any credit to the rest; but his violent opposition to the powers given: congress to regulate trade, was an open decided preference of all the world to you. A man governed by such narrow views and local prejudices, can never be trusted; and his pompous declarations in the house of delegates in Virginia that no man was more federal than himself, amounts to no more than this, "Make a federal government that will secure Virginia all her natural advantages, promote all her interests regardless of every disadvantage to the other states, and I will subscribe to it."

It may be asked how I came by my information respecting Col. Mason's conduct in convention, as the doors were shut? To this I answer, no delegate of the late convention will contradict my assertions, as I have repeatedly heard them made by others in presence of several of them, who could not deny their truth. Whether the constitution in question will be adopted by the United States in our day is uncertain; but it is neither aristocracy or monarchy can grow out of it, so long as the present descent of landed estates last, and the mass of the people have as at present; a tolerable education; and were it ever so perfect a scheme of freedom, when we become ignorant, vicious, idle, and regardless of the education of our children, our liberties will be lost—we shall be fitted for slavery, and it will be an easy business to reduce us to obey one or more tyrants.

### A LANDHOLDER.

#### For the HAMPSHIRE GAZETTE.

MR. PRINTER,

IN your 68th number I observed a publication under the signature of Brutus, from the New York Journal, written with so great elegance of composition, political science and veiled artifice, as to merit public admiration. Of the remarks introductory to this elegant performance, I shall take no further notice than this one observation, viz. they appear to have been designedly calculated to conciliate and prepare the unwary reader for a ready reception of all that follows.

This writer with great judgment observes, "That men invested with power are ever disposed to increase it."—"This disposition implanted in human nature."—"That few if any instances can be produced in which rulers have willingly abridged their own authority." If these remarks are just, it is not obvious that men in high office in the state governments, are in danger from interested views, of being inclined to exert themselves to diffuse the people from adopting the federal constitution; and to that end alarm their fears and possess their minds with unreasonable prejudices against it; for if it be adopted some of the powers of state government are transferred to the federal government, and the authority of state officers, in some instances abridged. May not the federal constitution expect a more able and determined op-