

A

*Summary, Historical and Political*

**Review**

OF THE

**Revolution, the Constitution and Government**

OF THE

**United States :**

AN

**ORATION,**

**DELIVERED AT SHEFFIELD,**

*JULY 4th, 1805.*

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*By the Hon.* BARNABAS BIDWELL, *Esq.*

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*THE Gentlemen, who politely requested the publication of the following plain statement of facts and principles, immediately after its delivery, will please to excuse a delay, which has been occasioned by circumstances uninteresting to the public.*

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# An Oration.



**BY** the Declaration of Independence, which has just been read, a nation was politically born in a day. On this 29th anniversary of our national birth, we are convened, my friends and fellow-citizens, to commemorate that event, and to unite in mutual congratulations.

A COMMEMORATION of Independence naturally leads the mind to a review of the Revolution, by which it was established. The revolutionary war occupied little more than seven years and a half, from the battle of Lexington, on the 19th of April 1775, to the signing of the Provisional Articles of Peace, on the 30th of November 1782. But the Revolution itself embraced a longer period, including the original dispute between the Colonies and the mother country, which was the cause of the war, and the establishment of a federal government, which was the consequence of national Independence.

THE controversy, which severed the Colonies from Great-Britain, began after the Peace of 1763. It was occasioned by Parliament's claiming a right to tax us without our consent. The first exercise of that claim was in the memorable Stamp act, passed under the auspices of Mr. Grenville in 1765. That long meditated commencement of a system of American revenue incurred the pointed opposition of the Colonies, especially of Virginia, whose spirited Resolutions, adopted May 28th, 1765, on the motion of the eloquent PATRIC HENRY, set an example to the other Colonies, and led the public sentiment on the great constitutional question of Parliamentary taxation. For thus laying the foundation of a revolution, their House of Burgesses were dissolved by the royal Governor.

IN June following the General Court of Massachusetts convened, approved the Virginia Resolutions, and added a proposal for a Continental Congress, which was accordingly holden at New-York, in October of the same year. That body, as well as the assemblies of most of the Colonies, resolved and petitioned against the Stamp act. Associations were formed for suspending the importation of British manufactures, until it should be repealed. The stamp officers were compelled to resign. Dr. FRANKLIN, then residing at London, as a Colonial agent, in a public examination at the bar of the House of Commons, persuasively pointed out the probable consequences of attempting to enforce the collection of the Stamp duties. The ministry was changed, and the obnoxious statute was repealed ; but the repeal was accompanied by a legislative declaration, " that the Parliament had, and of right ought to have, power to bind the Colonies in all cases whatever." The repealing and declaratory acts may be considered as one connected measure, the author of which was EDMUND BURKE, the soul of the Rockingham administration. The relinquishment of the Stamp duties, altho' a matter of joy at the time, was only a postponement of the rupture. The ground of contest still remained. In execution of the power declared, a subsequent administration, in 1767, introduced a Bill laying duties, in the Colonies, upon glass, paper, painter's colours and tea, and constituting a board of Commissioners to superintend the collection. The principle of this new revenue act was controverted, with great ability, by the celebrated JOHN DICKINSON, in a series of impressive Letters, addressed to the public, over the signature of a *Pennsylvania Farmer*. It became a subject of general discussion. The Representatives of Massachusetts addressed a Circular Letter, on the occasion, to the other colonial assemblies, recommending union and concert. They were afterwards required to rescind their vote on this subject, and were dissolved for refusing to comply with the requisition.—The Legislature of Virginia remonstrated against the duties, and responded the recommendations of Massachusetts, for which they also were the next day dissolved. The other Colonies generally concurred in the recommended concert. Resolutions, remonstrances and associations for non-importation were again resorted to.

PARLIAMENT determined on measures of coercion ;—but in 1770 repealed all the duties, except three pence a pound on Tea. That was retained, as a test of Parliamentary authority. For the same reason, it was resisted here. It was

not the amount, or the mode of the tax, but the principle, that was the ground of the revolutionary contest. The Colonists contended that Taxation and Representation ought to be mutual and inseparable counterparts. From the particular subject of taxation the dispute was extended to general legislation. In 1773 the question of the legislative supremacy of Parliament over the Colonies was discussed between Gov. Hutchinson and the two branches of the General Court of Massachusetts, in the form of Speeches and Answers.

To counteract the effect of non-importation agreements, and ensure the payment of the duty, as a practical acknowledgment of the right, the ministry engaged the East-India company to send out the dutied article, and vend it in this country, on their own account. The policy was understood. In some of the Ports the patriots prevented the landing of the Tea, and in others procured it to be re-shipped without sale. In Boston, neither of those objects being attainable, it was violently thrown over-board into the harbour, by persons in disguise. This outrage drew down British vengeance upon the capital and whole Province of Massachusetts. Troops were stationed in Boston. An act, for blocking up the Port, another for rendering the Governor, the Council and the Judiciary more independent of the People, and in other respects materially changing the charter of the Province; and other acts and measures, enumerated in the Declaration of Independence, were adopted by the King and Parliament.

As Judge MARSHALL, in his history of the life of WASHINGTON, justly observes, "it was expected, that by directing these measures of punishment particularly against Boston, not only the union between the Colonies could be broken, but Massachusetts herself could be divided. (a)

It was indeed a critical and distressing period. In the language of Dr. RAMSAY, another elegant Historian of the Revolution, "the patriots, who had hitherto guided the helm, knew well, that if the other Colonies did not support the people of Boston, they must be crushed; and it was equally obvious that in their coercion a precedent, injurious to liberty, would be established. It was, therefore, the interest of Boston to draw in the other Colonies. It was also the interest of the patriots in all the Colonies, to bring over the bulk of the People to adopt such efficient measures, as were likely to extricate the inhabitants of Boston from the unhappy situation,

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in which they were involved. To effect these purposes much prudence, as well as patriotism, was necessary. The other Provinces were but remotely affected with the State of Massachusetts. They were happy, and had no cause, on their own account, to oppose the government of Great-Britain.— That a people so circumstanced, should take part with a distressed neighbour, at the risk of incurring the resentment of the mother country, did not accord with the selfish maxims, by which States, as well as individuals, are usually governed. The ruled are, for the most part, prone to suffer, as long as evils are tolerable ; and, in general, they must feel, before they are roused to contend with their opposers ; but the Americans acted on a different principle.” (b)

THIS observation of the Historian was fully justified by the fact. Yes, fellow-citizens of Massachusetts, we ought not, in the midst of our prosperity, to forget that our sister colonies did not desert us in the hour of danger and distress. “The Legislature of Virginia, says Judge MARSHALL in his History, was in session, when the first intelligence of the Boston Port Bill reached that Province. The House of Burgesses appointed the first of June, the day on which the bill was to commence in operation, to be set apart for fasting, prayer and humiliation, to implore the divine interposition to avert the heavy calamity, which threatened destruction to their civil rights, and the evils of a civil war ; and to give one heart and one mind to the people, firmly to oppose every invasion of their liberties. Similar resolutions were adopted almost every where, and the first of June became, throughout the Colonies, a day of fasting, humiliation and prayer, in the course of which sermons were universally preached to the people, well calculated to inspire them with the utmost horror against the authors of the unjust sufferings of their fellow-subjects in Boston.

“ IN consequence of this measure the assembly was dissolved ; but, before their separation, an association was entered into, signed by eighty-nine members, in which they declared that an attack on one Colony, to compel submission to arbitrary taxes, is an attack on all British America, and threatens ruin to the rights of all, unless the united wisdom of the whole be applied in prevention. They, therefore, recommended to the Committee of Correspondence, to communicate with the several Committees of the other Provinces, on the expediency of appointing Deputies from the different Colonies

Colonies to meet annually in general Congress, and to deliberate on those general measures, which the united interests of America might from time to time render necessary." (c)

THESE facts, fellow-citizens, I have stated to you, in the very words of a Historian, whose authenticity will not be questioned. You will permit me to add, this was the third time the House of Burgesses of Virginia were dissolved, for their spirited measures in opposition to parliamentary encroachments on our common rights. Their two last dissolutions were incurred by exertions in support of their brethren in Massachusetts, particularly the suffering citizens of Boston. Such patriotic sympathy, such prompt and effective co-operation, in a time of need, received, at that day, a grateful acknowledgment, and is still entitled to an honourable recollection. Many of my hearers, whose heads are whitened with age, and whose memories reach back to those "times which tried men's souls," are living witnesses of the fact, that the oldest, the largest, the most unanimous of the States, took as leading a part, in the Republican cause, at the commencement and thro' all the successive stages of the Revolution, as at any later period of our government. But we did not then complain of "Virginia influence," "Virginia domination," and every thing else that either was, or was alledged to be Virginian. It was not then thought excuseable, much less patriotic, to array the Northern against the Southern States, and to stimulate their mutual envy, jealousy, antipathy and habitual hatred, by contrasting their customs and laws, by magnifying their real or imaginary diversities of interest, by traducing their favourite public characters, and touching all the little discordant strings of local prejudices and rival passions. On the contrary, it was esteemed a duty, of primary importance, enjoined alike by policy and sound morality, to conciliate, to unite and co-operate in the common cause of our country. Massachusetts and Virginia preeminently harmonized in the general objects of the Revolution. In such a spirit of union the proposed Congress met at Philadelphia, in September 1774, and again in May 1775, and were ~~these~~ continued through the revolution.

THE British troops commenced actual hostilities in April 1775. An army was raised for defence, and GEORGE WASHINGTON, of Virginia, was appointed commander in chief. The war progressed. But there was still a general hope of reconciliation. Independence was not originally the

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aim of the Colonies in their opposition to the claim of British supremacy. SAMUEL ADAMS, indeed, and a few other patriots of sagacious and enterprising minds, foresaw that there would be no practicable medium between unconditional submission, and absolute Independence, and early took measures to prepare for the latter. At first the idea was whispered in confidence. By degrees it became more generally diffused, till at length it was directly and openly advocated. The progress of the public sentiment, to that necessary conclusion, was accelerated by "Common Sense," the most popular pamphlet ever published, admired by patriots, who, with SAMUEL ADAMS, have reprobated and lamented some later publications of the same author on the subject of the Christian religion.— Boston and several other towns made serious advances towards a Declaration of Independence, by their patriotic votes. But Virginia was the first Colony, that set the bold example. As early as the fifteenth of May 1776, their Legislature instructed their Delegates to move the Resolution in Congress, and enforced their instructions by declaring that Colony an independent State, before the measure was sanctioned by Congress. On the seventh of June the motion was accordingly made by RICHARD HENRY LEE. It was ably supported by JOHN ADAMS. Notwithstanding many strong objections, and after fair and full discussion, it prevailed by a vast majority. The Declaration was drawn by THOMAS JEFFERSON; who, in the figurative language of the late Dr. STILES, President of Yale College, "poured the soul of the continent into the monumental act of Independence." It is familiarly known to you all that it was signed on the memorable fourth of July.

AFTER such a lapse of years, such a succession of events and such a change of circumstances, it is difficult, indeed it is impossible, even for those of you, who were then on the stage of active life, to go back and realize the anxious, interesting, eventful scene of 1776. History informs us, that in one of the ancient nations, when any man proposed an alteration in their government, he was required to appear, for that purpose, in an assembly of the People, with a halter round his neck; that, if his proposition was rejected, he might be hanged upon the spot. With halters about their necks, the signers of the Declaration of Independence set their names to an instrument, which, in case of failure, they knew must be their death warrant. Yes, my friends, had the Revolution been crushed, they would have been distinguished from common rebels, and signally executed or exiled, like the regicides of Charles the 1st, of England, or the Emmetts and other revolutionary



revolutionary martyrs of Ireland. The usual consequences of a suppressed rebellion would have pervaded the land. Is any one curious to know the details of wretchedness, which, in such an event, would have been the bitter portion of our fathers, of us and our children? Let him listen to the groans of wretched Ireland. Let him read the description of her oppressions and miseries, in the living pages of CURRAN, till his eyes are suffused with tears, and his heart melts with compassion; and, when he closes the volume, to bless God for the successful issue of the American Revolution, let him remember, with gratitude, the patriots of 1776, who, in the face of danger and death, declared our Independence, and for its support, with a firm reliance on the protection of divine providence, pledged "their lives, their fortunes and their sacred honour." While reaping the harvest, which they sowed, we ought, once a year at least, to think of them, and of their Declaration, the native political creed of the United States.

WHEN we ventured upon Independence, our State governments were but imperfectly organized, and we had no organization of a general government. The only authority, which Congress possessed, was contained in their respective credentials of appointment. Without power to enact and enforce laws, they could only recommend; and patriotism alone carried their recommendations into execution. A national constitution was requisite. Accordingly in 1777, Congress submitted to the States, "Articles of Confederation and Perpetual Union." In July 1778, ten States having agreed to those articles, they were signed in Congress; but, to give them validity, the concurrence of every State was necessary; and Maryland did not concur, until March 1st, 1781, when Independence had been maintained nearly five years, and the war had been prosecuted almost six.

By the Confederation an important point was gained.—The system, however, was radically defective; and the finger of experience soon pointed to its defects. Congress were not authorized to raise a revenue themselves; but only to determine the amount to be raised, and to apportion it among the States, in the form of requisitions. The very apportionment, by the rule prescribed, that is according to the value of improved lands and buildings, was found to be impracticable, as well as unjust. To remove that preliminary obstacle, in 1783 Congress proposed, by way of amendment to the Confederation, to substitute, for the rule of apportionment, the  
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number of inhabitants in each State, including three fifths, and excluding two fifths of the slaves. A resolution containing that Proposition, which was the result of long and thorough investigation, passed by nearly an unanimous vote. In an address reported by Mr. Madison, Mr. Ellsworth and Mr. Hamilton, and directed to the States, in explanation and enforcement of the Resolve, Congress said, "this rule, altho' not free from objections, is liable to fewer than any other that could be devised. The only material difficulty, which attended it, in the deliberations of Congress, was to fix the proper difference between the labour and industry of free inhabitants and of all other inhabitants. The ratio ultimately agreed on was the effect of mutual concessions; and if it should be supposed not to correspond precisely with the fact, no doubt ought to be entertained that an equal spirit of accommodation, among the several legislatures, will prevail against little inequalities, which may be calculated on one side or the other." In a temperate state of the public mind, such reasoning could hardly fail of being satisfactory. The general sentiment was strong in favour of the principle of the amendment. It was successively adopted by most of the States; and afterwards introduced, into the new Constitution, as the ratio of apportioning both taxes and Representatives, because, as Mr. King declared in the Convention of Massachusetts, "it was the language of all America." But before it had in fact become a part of the Confederation, the attention of the public was drawn to a more fundamental defect, the total want of authority in the national government to levy taxes for national uses, and to regulate trade, without the co-operation of all the state governments.

AFTER various ineffectual efforts to modify the confederation, by specific amendments, suggested by Congress and individual States, the legislature of Virginia, on the motion of Mr. MADISON, proposed a general Convention, which was partially attended at Annapolis in 1786, and finally held at Philadelphia in 1787. That assembly was composed of Gentlemen of different and even opposite principles of government; and the instrument produced was the result of mutual concessions. Some of the members wished for what they termed a more energetic, or as others would call it, a more aristocratic form. One gentleman, in particular, who afterwards acquired a paramount influence with the party denominated Federalists, subscribed the Constitution, as his funeral Eulogist has informed us, under a conviction, which he appears to have retained thro' life, and impressed on his political

al friends, that "it did not contain sufficient means of strength for its own preservation, and that, in consequence, we must follow the fate of other Republics, and pass thro' anarchy to despotism." Those who were of that sentiment, would, of course, endeavour, in practice, to accumulate the powers of the administration, in order to conform it to their standard of good government. This accounts for a train of measures which were afterwards introduced, and on which the two parties separated. On the other hand, many Republicans were of opinion that the Constitution originally needed more guards against the accumulation and abuse of power; and hesitated as to the propriety of receiving it without explanatory and restrictive amendments. In the Convention of Massachusetts, after long deliberation, the turning question was whether such explanations and restrictions should be insisted on as the condition of ratifying the Constitution, or be left to the good sense of the nation, to be added, by way of subsequent amendment, in the mode provided by the fifth article. On this point the Republicans were divided. At length a conciliatory Proposition, moved by JOHN HANCOCK, and seconded by his co-patriot SAMUEL ADAMS, containing an unconditional ratification, accompanied with a recommendation of amendments, turned the scale in favour of adoption. A similar mode of decision was pursued in New-Hampshire, New-York, Virginia, North-Carolina and South-Carolina.

THE government was organized, under the new form, March 4th, 1789; and, in the first Congress, Mr. MADISON, to whom perhaps more than to any other person, we are indebted for the Constitution, as it now is, brought forward a motion, in consequence of which two thirds of both Houses of Congress, in pursuance of the recommendations of the State Conventions, agreed to twelve articles of amendment, ten of which were afterwards ratified by a constitutional majority of the States. They were all of a Republican character; and by their incorporation the Republicans, as a party, were not merely reconciled, but firmly attached to the Constitution.

THE constitutional process of amendment, requiring a proposed alteration to be, in the first place, approved by two thirds of both Houses of Congress, and afterwards to receive the separate and successive approbation of all branches of three fourths of the State Legislatures, is wisely calculated to admit the improvements dictated by experience, and to exclude dangerous and unnecessary innovations. Such it was

in theory, and such it has proved in practice. Various further alterations have been attempted; but only two have prevailed; one of them, upon the motion of Massachusetts, declaring a State not sueable by a private citizen; and the other, requiring the electoral votes for President and Vice-President to be distinguished, like our votes for Governor and Lieutenant-Governor. These, also, were Republican amendments. The last was, indeed, originally patronized by both political parties, and recommended by almost unanimous resolutions of New-Hampshire, Vermont and Massachusetts; but its actual proposition by Congress, and final ratification by the States, were strenuously opposed by the whole federal party.

Thus twelve important amendments have been constitutionally introduced, agreeably to the ideas of the Republicans, and not one in conformity with the wishes of their opponents. In this history of the formation, adoption and improvement of the Constitution, we see the reasons why it has been rising in the esteem of one party, and sinking in the estimation of the other.

Two rival systems of government have long divided the attachment of the world. For the sake of distinction, they may be called democratic and anti-democratic. Democracy is a compound term, derived from two original Greek words, and signifying a government of the People. Such is that of the United States and of this Commonwealth. The very first words of the federal Constitution, "We the People of the United States," indicate its democratic character; and the Constitution of Massachusetts in express terms, declares that "the People of this Commonwealth have the sole and exclusive right of governing themselves." It is not, therefore, as has been pretended, a mere cant phrase, but the plain, unequivocal language of the Constitution, that the People govern themselves. Our government, then, is a government of the People, a Democracy, in the common and proper sense of the term, the only sense in which there is a Democrat in the United States. As the People perform this constitutional self-government, not by personally assembling all together, which would be impracticable, but through the agency of Representatives, elected by them, acting for them and responsible to them, its characteristic definition is a Representative Democracy. It necessarily involves the idea that the People have the capacity, as well as the right, thus to govern themselves.

THE patrons of the opposite system contend, that by the democratic doctrine, we only flatter the People, to obtain their favour and their votes ; whereas, by reason of their ignorance, credulity and passions, they are in fact " their own worst enemies," mere instruments of power in the hands of demagogues, incapable of self-government, and requiring independent rulers " to save them from themselves ;" and that Democracy, however constituted, promotes insubordination, leads to anarchy and ends in despotism. Hence they infer the necessity of a government less popular and free, but, according to their opinion, more energetic and stable.

HERE is the radical point of difference between the two parties or sects, who have divided the political world.

IN most countries and ages the anti-democratic system, under some of its various modifications and names, has prevailed and still prevails. The model most approved is the English government, in its compound theory of three independent orders, a hereditary Executive, a permanent Senate of Nobles, and one popular, democratic or elective branch, representing the People, and possessing " an essential share in the sovereignty." It has been pronounced " the most stupendous fabric of human invention," by a gentleman once high in federal office, and still esteemed, for his learning, integrity and revolutionary merits, by many of those, who, habituated from early years to venerate the name of Adams, and give him their cordial support, have, upon reviewing his political writings and reflecting on some of his public measures, felt themselves reluctantly constrained to dissent from his principles of government.

THE original sentiments of the American People were strongly opposed to the hereditary, and attached to the democratic system. The first step towards a change in the principle of our government was to turn the current of popular opinion. The power of fashion was thought supreme on political, as well as other subjects. In England, by annexing ridicule to the name, it had rendered the character and politics of a Republican odious. A similar process was attempted here. Hereditary authority was palliated by fashionable epithets. Instead of monarchical or aristocratic, it was plausibly termed energetic, independent and permanent. Its friends assumed the popular denomination of Federalists, and continued to appropriate it, until, from an apparent consciousness of the declining popularity of that perverted name, they

have latterly affected to style themselves Republicans. In the mean time natural Liberty and Equality, and Rights of Men, the very first doctrines asserted in the Declaration of Independence, and in our constitutional Declaration of Rights, were systematically ridiculed. The sovereign People were contemned. Those departments of our government, farthest removed from their immediate control, were distinguished with comparative praises. From the perversion of the French Revolution an inference was drawn unfavourable to the eventual issue of ours. The practicability of the elective system was first doubted, and then denied; and the necessity of a more energetic and stable form was lamented, but inculcated. Popular Elections were decried. Democrats were reproachfully stigmatized; and Democracy, the essential principle of our national and state constitutions, was charged with all the crimes of anarchy and atheism. Hundreds and thousands of real Republicans unsuspectingly followed this political fashion, as they conform to the prevailing mode of dress, till observation taught them its tendency and warned them of the consequences.

AN over-ruling Providence brings good out of evil.-- The discussions, which grow out of such a radical division of sentiments, and which have agitated our citizens for a number of years, altho' accompanied with much acrimony and abuse, have, upon the whole, produced salutary effects. The nature of government has been more thoroughly examined. Our political rights and duties are better understood. Popular errors have been corrected. The public mind, after partial and temporary aberrations, is brought back to first principles. The American Revolution has revived in popular esteem. The French revolutionary attempt has, in some measure, lost its power to bewilder and discourage the friends of freedom. The practicability of Republicanism is more generally admitted. The necessity of making our government more permanent by hereditary authorities, of increasing its energy by a military establishment, and attaching a powerful monied interest to its support by means of a funded debt, is exploded. Democracy is no longer considered criminal; and a Democrat is by no means felt to be a term of reproach. Party slander is so justly condemned, that it injures its authors more than the objects aimed at. Periodical elections are more highly valued and more punctually attended. The People are generally treated with respect. Their constitutional sovereignty is felt. Their elective decisions are acquiesced in; and their rights and interests are regarded.

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Their conduct, at the same time, evinces an increasing sense of the importance of supporting the constituted authorities, elected by a majority of their own suffrages, and of obeying and executing the laws, constitutionally enacted by a majority of their own representatives ; and thus practically refuting the objections of their anti-democratic enemies, and confirming the Republican maxim, that Representative Democracy is in reality the strongest, as well as the freest of human governments.

THE progress of political reformation has extended to measures, as well as sentiments. One of the sins, which most easily beset modern governments, is an extension of Executive patronage, by the multiplication of offices, the augmentation of taxes and the accumulation of debts. In each of these particulars, Great-Britain exhibits an awful example. Her list of offices, civil, ecclesiastical, military, naval and fiscal, has been multiplied to an extent, which would startle an American. Taxes, direct and indirect, are there loaded upon every article of property and every convenience and necessary of life ; and year after year increases the weight of their load. The art of taxation, which seems to be a principal qualification for the ministry, is carried to such refinement, that they now raise, by annual taxes, twenty times as much as the United States ; and yet their expenditures far exceed their income, that they annually add to their national debt, by laws, more than the whole amount of ours. Their debt already exceeds two thousand millions of dollars, and is progressing ad infinitum. No man, in his senses, now believes that any part of it will ever be redeemed. All this accumulation of burthens is the effect of the anti-democratic system of government, in the course of a little more than a century. At the æra of the Revolution in 1688, the English national debt was less than half a million sterling, their annual revenue two millions, and their expences within their revenue.

BOLINGBROKE, in his "State of the Nation," explaining the funding system, which was then introduced, observes, "It was said that a new government, established against the ancient principles, and actual engagements of many, could not be so effectually secured any way, as it would be if the private fortunes of great numbers were made to depend on the preservation of it ; and that this could not be done, unless they were induced to lend their money to the public, and accept securities under the present establishment. Thus the method

method of funding and the trade of stock-jobbing began."— He might have added, that the policy was fatally successful. It created an influential monied interest, and attached the holders of the funded stocks to the administration, who had assisted them to their fortunes, by advantageous loans. Thus too, the stock-holders of the United States, with a very few exceptions, have been politically attached to the party, who were the authors of our funding system.

ON the subject of offices, taxes and debts, our own history, though short, is full of instruction. A few facts only will be selected, on the present occasion.

UNDER the former administration, we had Ministers Resident at the Courts of England, France, Spain, Prussia, Portugal and Holland. At present we have them only at London, Paris and Madrid.

NEAR the close of the former administration, the federal judiciary, then consisting of six Judges of the Supreme Court, and one District Judge in each District, was nearly doubled by the creation of an additional grade of Circuit Judges.

THERE is a clause in the Constitution that no Senator or Representative shall be appointed to any civil office created during his term. The members of that Congress, therefore, could not be directly accommodated with the new official births. But a number of District Judges and Attorneys were advanced, and members of the Senate and House appointed to succeed them, without the previous acceptance or even knowledge of the promoted officers. That was not, indeed, a violation of the letter of the constitutional prohibition; but was it fairly reconcilable with the spirit of the Constitution? It certainly was attended with embarrassments. In one case, for instance, a District Judge was promoted to the Circuit Bench, and a Senator was commissioned as his successor. But the former, when consulted, declined his promotion, and the latter, therefore, took nothing by his appointment. Judge BEE is still the District Judge of South-Carolina; and Mr. READ, with a commission in his pocket, appointing him a Judge during good behaviour, has yet no office to serve in.— The first Congress, after the change of administration, repealed the Circuit law, and restored the old Judiciary establishment, with some improvements suggested by experience.



No measure of the Republicans encountered a severer opposition than this. Both its constitutionality and expediency were controverted. It was once a question for political discussion ; but we are now viewing it in the light of history.

THE tenure of judicial office, during good behaviour, was first introduced in England, thence transplanted to some of our state constitutions; and from thence engrafted into that of the United States. Its object was to secure Judges against arbitrary removals from existing offices ; but it had no relation to the continuance or discontinuance of the offices themselves. Thus the office of an English Judge is, and always has been, repealable by an act of the legislature, altho', in the technical language of their law, he holds it during good behaviour.

THE very act, creating the Circuit Courts, expressly abolished pre-existing Courts. Yet it was afterwards contended that the Courts created by that act could not constitutionally be abolished.

GENTLEMEN in Massachusetts, who had long advocated the abolition of our Courts of Common Pleas, with a view to the substitution of a different system, without the least doubt of the constitutionality of the measure, notwithstanding the Judges of those Courts hold their offices during good behaviour, became converts to the new doctrine, that the abolition of an inferior Court of the United States, without the consent of the Judges, would infringe their constitutional tenure of office during good behaviour.

IN Connecticut, also, gentlemen, who still defend their own state system, by which the Judges are not only appointable annually by the legislature, but dependent on them for the amount of their salaries, and the continuance of their offices, and removeable by them, at pleasure, any day of any session, were nevertheless alarmed, lest the repeal of the federal Circuit Courts should ruin the judiciary, that main pillar of the Constitution, by leaving all the Judges at the mercy of the legislature, and thus rendering them victims of political intolerance, or tools of the prevailing party.

SOME of the late Judges themselves protested against the repealing act ; and, in a petition to Congress, they have since given notice that they still claim their salaries during  
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life, provided they behave in such a manner as to avoid a removal by the process of impeachment.

UPON the point of expediency, it was asserted, that the remaining judges could not possibly accomplish the judicial business of the United States. But experience has now refuted that assertion, and sanctioned the discharge of those supernumerary Judges.

THE federal Bankrupt act supplied a multitude of offices, which were all swept away, when that law was repealed; and, to say the least, the morals of the community have received no injury from the repeal.

THE Provisional Army, which under an idea of repelling an expected invasion, had, for some time, furnished many offices and employments, was disbanded, after a change of administration had become morally certain; and a subsequent reduction in the military establishment still left officers, as well as privates, enough to garrison the forts and guard the frontiers.

THE acts for levying a federal direct tax, and for estimating lands and houses for that purpose, in addition to a host of temporary officers, created about a thousand permanent offices, § one in each assessment district, for the ascertainment of accruing variations in the state of buildings and the registry of transfers of real estate, with a view to succeeding taxes. By the discontinuance of direct taxation, those offices are all abolished.

THE stamp tax and other Excises employed 467 officers, at an expence of more than two hundred thousand dollars annually, as appears by the official returns for the year 1800.— With the repeal of the Excises, those offices also have ceased.

By a train of Republican measures, Executive patronage has thus been essentially restrained, and our annual expenditures diminished more, in amount, than the whole present expences of the legislative, executive and judiciary departments added together.

NATIONAL

§ This round number of the Surveyors of Revenue is stated upon estimate only, without the return necessary for an exact calculation.

**NATIONAL** as well as personal economy not only relieves us from burdens, but enables us to pay our debts.-- The same Congress, which repealed the internal taxes, made effectual provision for the extinguishment of the national debt, by a permanent appropriation of 7,300,000 dollars, to which have since been added 700,000 more, making in the whole eight millions of dollars a year.

**THE** names of those who voted for and against this Republican measure, are entered on the Journals of Congress, and will be recorded in the faithful pages of History.

**THE** effect of such a change of measures is already seen and felt; in our relief from direct taxes, stamps and all other internal duties, and more sensibly, perhaps, in the rapid reduction of the debt. In twelve years it had risen from about seventy to above eighty millions of dollars. A considerable part of the addition was made irredeemable for a stipulated time, and charged with eight per cent interest, payable quarterly. According to the policy then prevailing, such an augmentation, and on such terms, was considered necessary.— The ratio of increase was nearly equal to the progress of the English debt, during an equal period from its commencement after their revolution. It was seriously apprehended, that the plea of necessity would always continue, and produce here, as it had in England, a continued and inextinguishable progression of debt.

**THE** new administration succeeded March 4th, 1801. On the first treasury quarter day afterwards, that is April 1st, 1801, the balance of cash in the treasury was 1,794,044 dollars and 85 cents. On the 30th of September last, to which time the last annual treasury statement reached, the cash in the treasury amounted to 4,882,225 dollars and 11 cents, an increase of more than three millions; and, in the intermediate period of three years and a half, 13,576,881 dollars and 15 cents, of the principal, had been redeemed, besides the payment of the interest and the current expences of government.

No additional tax has been laid under the present administration, except the late temporary addition of two and a half per cent upon certain articles of Impost, estimated to produce 550,000 dollars the present year, constituting the Mediterranean fund, specially appropriated to the extraordinary

dinary expences of the naval armament, and limited to the duration of the Barbary war.

THE permanent ordinary revenue is 11,200,000 dollars ; which, after deducting the appropriated eight millions, leaves 3,200,000 dollars, a sum sufficient for the ordinary expences of government, which are now, indeed, within three millions a year, according to the last estimate. So that the appropriation need not be disturbed.

THE application of eight millions annually already reduces near 3,700,000 dollars of the principal. This annual reduction increases in a compound ratio ; and will, if continued, discharge the whole of the old debt in the course of the year 1817, and the remaining 13 millions of the price of Louisiana, in 1819. This is mathematically certain. Within 15 years, therefore, the United States will be freed from debt, provided the present system of œconomy and peace shall be maintained.

THESE, fellow-citizens, are facts and calculations, founded on authentic documents, which any person, who has leisure, and will take the trouble, can examine for himself.

IF the late re-election of President JEFFERSON, by 162 of 176 electoral votes, is a fair criterion of public opinion, more than eleven twelfths of the nation already approve the Republican measures now in operation. I am sensible they have been opposed, with great ingenuity and zeal, by a persevering minority in Congress, who are still supported by a respectable portion of the people in this and some other states. A part of the audience, whom I have the honor to address, are of that number. As the system, however, which they have thus been opposing, is now deliberately sanctioned by so decisive and increasing a majority of the nation ; as it has, in practice, already been productive of such beneficial effects, and, on reasonable grounds, promises such further benefits ; will they not feel it a duty to hesitate, to re-examine the foundation of their opinion, to review the series of contested measures by the lights of history and experience, and think seriously of the responsibility of pursuing their opposition any further ? What rational motive can they now have for striving to reverse the present order of things ? Can they hope, or even wish, to restore the federal measures which have been discarded ? Would they, for instance, revive the abolished Circuit Courts, after experience has proved them

to be unnecessary . Or would they grant the Ex-Judges the salaries they claim during life, when all the world is convinced there is no occasion for their services ? Would peaceable citizens be gratified to hear again of invasions and alarms and the drums of a Provisional Army, beating through our streets, to re-enlist their sons and apprentices, with mercenary vagabonds and convicts, for their companions ? Would our husbandmen, who eat their bread in the sweat of their brow, welcome the revisits of federal collectors of taxes on their houses and lands ? Are men of business desirous to have their negotiations embarrassed again with stamps ? Would it be matter of joy to our traders and manufacturers, to see five hundred Excise-men, dependent upon the pleasure of the executive, re-planted all over the interior of the country, with inquisitorial powers to enter their houses and workshops, any day, and any hour, to inspect their business, examine their books and administer oaths of discovery, for the purpose of collecting Excise duties, in a time of general peace, in all our towns and villages, at an expence of twenty per cent ; when a sufficiency of revenue, if managed with œconomy, can be raised from the Impost, collected in a few Ports, of those who have the most ready means of payment, without any additional officers, with little interruption to internal police, and with less than four per cent cost of collection, leaving the sources of internal taxation for a time of war or other national exigences ? Who, in the present state of things, is ambitious to have our public expences re-enlarged to their former amount ? Where is the man, who would willingly prevent or protract the redemption of the national debt ? Is there one in this assembly, who, if his life should be spared fifteen years, would not feel proud to behold his country out of debt ; or who would not, in case of his own intermediate decease, rejoice in such a prospect for his children ? If no such man is to be found among us, why, then, in the name of conscience and common sense, let me ask, why would any one be so inconsistent, as to oppose, or countenance others in opposing a system of measures now actually in train to produce so desirable a result ?

BUT these are questions, which I hope every man, who hears me, will revolve upon his pillow and answer his own heart.

IN the mean time let us not forget the appropriate duties of the day. Fellow-citizens of all parties and denominations,

ations, on this anniversary of Independence, let us honestly try ourselves by the maxims of the Revolution, and compare our politics with the principles of the Constitution. While we are celebrating the conquest of our enemies in the field, and the establishment of a national government, let us resolve to conquer our own political prejudices and establish a government over our party passions. Let us spread a broad mantle of charity over the petty animosities, which have too long divided us ; and, with grateful acknowledgments to the God of our fathers, for past interpositions, and a humble reliance on his grace, through the Saviour, for future blessings, let us unite our congratulations upon the happy prospect of our country.