

LIBERTY AND EQUALITY:

AN

ORATION,

WHEREIN THE PRINCIPLES OF THE DECLARATION

OF INDEPENDENCE, ARE

ILLUSTRATED AND SUPPORTED;

AND

Some of the causes which may endanger the liberties of  
America, pointed out.

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DELIVERED, July 4 1800.

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AT MOUNT PLEASANT.

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BY RICHARD HILLIER.

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# ORATION.

FELLOW CITIZENS,

**A**NNIVERSARY Festivals are institutions of the highest antiquity ; yet though of high antiquity, their usefulness has not been commensurate with their age. Except the religious rites of the Jews, and the Egyptian rejoicings on the annual inundation of their country by the overflowing of the Nile, history records but few instances of public utility, being made the occasion of stated public festivity. On the other hand, not only have the splendid slaughters of Alexander, and of Cæsar, tempted their slaves to forget the sacrifice they cost; but from the reign of Pharaoh to that of the tyrant George, have the united efforts of Poets, Orators, and Musicians, been strained to celebrate the returning birth day of every contemptible creature who ever wore a crown.

“ Monarchs who with rapture wild,  
“ Hear their own praise with mouths of gaping wonder;  
“ And catch each crotchet of the birth-day thunder.”

We will not thus profane the day.  
“ Not now a venal tribe shall raise,  
The song of prostituted praise,  
To sovereigns who have seiz'd their powers;  
But at this gay, this liberal hour,  
We bless what heaven design'd,  
The health of human kind.”

The flattery sometimes bestowed on the people, is as pernicious as the praise of kings, it aspires to the same end, by the same means. Kings are men; they are made giddy by adulation, so are the peo-

ple. Hence both are occasionally the prey of sycophants, as they happen to be the source of power in a state.

Citizens. The principles of this day afford a more pleasing theme than the imperfections of men. The declaration of Independence contains a solemn national recognition of the principles of Liberty and Equality; from which the American people can never recede. Should these principles be generally exploded, or contradicted by the habitual conduct of our government, this continent would become the odium of the creation, and its inhabitants would be designated in history as a people undeserving the smiles of heaven. But should our practice aspire to the perfection of our theory, this declaration shall be a monument to our praise, when brass and marble shall be confounded in "The wreck of matter, and the crush of worlds."

Propriety forbids, that in the first country where these principles were nationally recognized, any should be ignorant of the full import of the terms.

Though the external appearance, the degrees of knowledge, the habits of thinking, and the modes of life are infinitely varied among men by the circumstances around them; Yet, all men are equal. They are all descended from the same parents; there is no internal difference in the structure of their bodies, or in the general capacity of their minds. The stature and longevity of the most remote nations, do not vary more than those of individuals in the same family; they all perform digestion, denitition, secretion, and excretion in the same manner; they are all agitated by the same passions, and all express them in the same natural gesticulations. All nations use the right hand in preference to the left. All are acquainted with the use of fire, and all have dominion over the brute creation. They are all liable to the same diseases, they all die the same death, and they all revert to the same original matter.

"I dreamt that buried in my fellow clay,  
Close by my side a common beggar lay;  
And as so mean an object hurt my pride:

Thus, like a corpse of quality I cried,  
 Scoundrel ! begone, and henceforth touch me not,  
 More manners learn, and at a distance rot.  
 Scoundrel ! in still more haughty tone cried he,  
 Proud lump of earth, I scorn thy pride and thee.  
 Here all are equal, my humble lot is thine,  
 That is thy rotting place, and this is mine.

In a well regulated community, men generally have an equal capacity for usefulness; every husbandman indeed, would not make a good magistrate, neither would every magistrate make a good husbandman.

The parallel might be extended to every department of life, and arguments deduced to prove, that talents differ in kind, rather than in degree.

This doctrine of equality takes from the virtuous poor, every motive of self abasement before his fellow man, and by attaching respect to usefulness alone, teaches condescension to those in exalted stations, and does not, like the Gothic prejudice of antiquity, make every thing bow down to property, which may be acquired by a villain, or inherited by a fool.

From the equality of man, naturally results his right to liberty. The liberty of doing what does not injure another. This includes Religious liberty, meaning thereby, the privilege of worshipping God my own way, or of not worshipping him in any way. No man should interfere between me and the Creator, because any man would be injured by my interference between the Creator and him.

Personal liberty. The right of setting a price on my own labour, and choosing my employer. No man should be allowed to have a property in my person, and whip me at his pleasure because any man would be injured by my having a property in his person, and whipping him at my pleasure.

Civil Liberty. The right of choosing persons to transact public business, in the same manner as other persons do who are taxed as I am.—

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This right, in the declaration of Independence, is said to be formidable to tyrants only.

Trial by Jury in all cases. No single man should have the power of banishing another in any case, because any man would be injured by being made liable to change places with a person so banished. No man should be punished for any offence against another, by any law, whereby any other man could not be punished for a similar offence against him.

In vain are these liberties acknowledged to be unalienable rights, unless they are guarded by liberty of communication of sentiment. For if the conduct of those who administer government be not a subject of investigation, their re-election is almost a matter of course, and thus the elective franchise may be rendered nugatory. Whereas it is the opinions of our best politicians, that the right of election, sagaciously exercised, by a people *really free*, is sufficient to defeat the most formidable conspiracy against liberty. An opinion which has the sanction of experience.

We have often been told that the will of the majority ought to govern; and this has been generally admitted as a sufficient definition of liberty. In some countries it is often the will of the majority that an individual should be roasted, and eaten. This may be constitutional, and the dying murmurs of the victim may be sedition; but it is not so easy to discern the liberty of the case. We only speak correctly when we say, that the will of the majority is law. And the principle of Equality, the test whereby we ascertain the consistency of that law, with liberty and right.

But it has been said, "that men give up a portion of their rights when they enter society; and that it is difficult to ascertain what rights should be given up, and what retained." Doubtless it is difficult, to deduce a solid conclusion from fantastic premises.

It would be as correct to say, that fishes lose the faculty of existing on land, when they betake themselves to the water; because man is no more found out of society, than fishes are found out of water. Human rights then all relate to society: They were sufficiently defined, when it was said, that a man has a right to do on-

ly that which will not injure another. In proportion as any community restrains its members equally or otherwise in this respect it may be said to approximate to, or recede from, a government of liberty.

It will be time enough to reason upon solitary rights, when our navigators find a solitary race of men.

Citizens. If we would form correct ideas of human jurisprudence, it is a shorter way to revert to the principles of our nature, than to flounder in the trammels of authors, whose Herculean task it has been, to reconcile the practice of despotism, with the theory of freedom.

The annals of mankind abundantly prove, that it is more easy to acquire freedom, than to preserve it. Without a general prevalence of virtuous sentiment, men are always ready to surrender their rights for temporary gratification: but worse than this, men of tolerably sober habits, have often such an aversion from application, that they shrink from their most obvious duties, and remaining ignorant of their country and its concerns, entrust both to the guidance of artful demagogues, whose object it is to convert the offices of the state into a fee simple for themselves; or an inheritance for their dependants.

A state like ours, can never fall at once, so many barriers are provided by our Federal and State constitutions, that the people cannot easily be taken by surprize. It is nevertheless proper to guard them against the operation of those causes which may place this country in the catalogue of nations, that have acquired and lost their liberties.

When the servants of the people assume the airs of masters, when they are urgent in their claims for confidence, when they boast loudly of former services, when they clamorously accuse those who oppose them of designs against the state, when their adherents advocate principles subversive of equality, when terror supercedes conviction, above all, when they seem to seek perpetuity of election, and by an appeal to force, confess their incapacity to persuade; the people should displace such servants the

first legal opportunity. They can do little good, and may do much evil.

Our liberties may be much endangered by the deplorable state of our militia laws. It is a pity though the history of the world is so full of the usurpations of standing armies, that all our states have so far neglected the safer mode of defence, as to afford a pretext, at least, for employing those dangerous protectors. A little reflection would convince us, that an armed and disciplined nation, would be so invulnerable, as to defy external violence, and a confidence resulting from a contemplation of the national force, would preclude the possibility of future governments, draining the public purse by expensive armaments, or alarming the credulous by the terrors of invasion. By our numbers and discipline, we should be always ready for war, and by our armies, consisting solely of the people on whom the expence would fall, we should always be disposed for peace.

We may incur some risk from defects in the constitution of our courts of justice, and also by a perversion of the forms of liberty. Man is much influenced by hope and fear. Judges in our courts are appointed by the executive, and hold their offices during good behaviour. They may by the same authority be appointed to other offices, during the time they continue to be Judges. They are not therefore so independent as they are capable of being made. It might be wise to place them without the reach of hope or fear. Future Presidents should have no dangerous influence in courts of justice. Of all the forms of liberty which may remain after the spirit is evaporated, trial by jury stands conspicuous. Juries are not necessarily proofs of freedom, unless they are fairly chosen. In all cases which occur between man and man, there is reason to believe they are fairly chosen; but when a contest takes place between an executive officer, and a private citizen; perhaps the mode of striking juries might be improved.

If the nature of a representative government be not well understood, it may also degenerate into the most incurable tyranny; because the more a form of government approaches to liberty, if the spirit is despotic, the greater is its probability

of permanence. It is a fiction of English common law, that every man is bound to obey the law, because he is present at the making of it, alluding to an ancient privilege called "Frankpledge," which, vested in every house keeper paying ordinary rates, all election rights, and this Frankpledge, or burgage tenure, or election right, was to be annually proved.

No less authority than Magna Charta, requiring view of Frankpledge, to be at the feast of St. Michael without occasion, that is, without waiting for any other circumstance than the return of the period we call Michaelmas. Magna Charta is obsolete. Frankpledge is lost. About twelve thousand men, now elect a majority of the British parliament; to which the boroughs of Midhurst and old Sarum, containing together two houses, send half as many members as the metropolis, which contains a million of souls. This mockery of representation which lawyers call virtual representation, is yet the sole ground on which that law claims obedience to itself. The American people were not satisfied with this virtual representation. In vain were they told that they were included in the manor of East Greenwich, which was again included in the county of Kent, and that they were as well represented as Leeds or Manchester. They claimed actual representation, or else exemption from external taxation. This was the sole cause of the war.

No sooner did peace allow our citizens time to form a regular government, than the principle of actual representation, was reduced to practice, both by apportioning the representatives to the constituents, and by requiring from the candidates, residence in the state they represent. This looks like freedom. The people cannot all be present, therefore they send a neighbour to say for them what he conceives they would say if they were present. The opinion of a majority so chosen, and so actuated, may fairly be called "the state's collected will."

Some on the other hand assert, that a legislator once chosen; is no more amenable to the people, but is to be influenced by his own judgment only. If this be true, he should be called the representative of himself, and the master of the people. Your



elections in this case, would only excel those of Great Britain in as much as you choose this master for a shorter period. It is of no consequence that he reside among you, for why should he be required to know a will, which is to have no bias on his own? The precaution of apportioning the representatives to the constituents, would on this theory, have been useless. For were they all to be chosen by a single individual, they might be fully adequate to every purpose of mere legislation. Since then it is obvious, that the constitution means, literally, that they should be representatives, let the people beware, lest when they want a servant, they hire a master.

Impartiality compels us to avow, that though the lust of power on the part of governors, is the general cause of the loss of liberty, yet it may be endangered by the licentiousness of the people.

Think not, O Citizens, that a turbulent, restless, litigious people, can long be free. It is of as much consequence, that you support lawful authority, as that you resist the encroachment of power.

He who obstructs the operation of just and equal laws, is as much the enemy of his country, as he who contrives or abets unequal and oppressive statutes.

He who indiscriminately censures the servants of the people, steels them against conviction; as much as he who bespatters with abuse, those who aim to stem the torrent of innovation, and to transmit to posterity their hard earned liberties.

How shall we vent our indignation on the men who rise in open arms against the constitutional acts of lawful governments? Let us rank them with those, who while they secretly rejoice at the excesses they affect to deplore, deduce from them arguments unfavorable to liberty; and thus betray the constitution "with a kiss."

Citizens. The permanence of liberty, presupposes in the people, knowledge, virtue, and political vigilance. Flatterers, (whose compliments cost them little) have often told you, that you pos-

less these qualities in a more eminent degree than any other people on earth. It would have been more candid, had they told you, that your knowledge might be much increased, that your virtues might be heightened, and that they themselves were the proper objects of your political vigilance.

**Citizens.** Though our sublunary state will ever be chequered with imperfections; we have this day great cause for thankfulness. Our local prosperity is perhaps, unexampled—our agriculture is improving—Literature excites attention—Education is growing into repute—Urbanity, and suavity of manners, encrease with population; and our political horizon is brightening.

Let each one lay his hand upon his heart and say, NOT UNTO US, O LORD, NOT UNTO US, BUT UNTO THY NAME GIVE GLORY.

