



LELAND'S

Elective Judiciary.



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Elective Judiciary,

WITH OTHER THINGS,

RECOMMENDED IN A

SPEECH,

PRONOUNCED AT CHESHIRE, JULY 4, 1805.

BY JOHN LELAND.

*There is none that holdeth with me in these things, but
MICHAEL your Prince. DANIEL.*

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July, 1805.

An Elective Judiciary.

IN family registers and biographical writings, the *birth-day*, the *wedding-day* and *dying-day* of individuals are noticed with peculiar emphasis ; so with regard to nations ; the *rise*, *alliances* and *downfal* of empires and states, are articles of great notoriety with Historians. In this point of light, this *fourth of July* is the *birth-day* of the United States.—Twenty-nine years have elapsed since the British Colonies in North-America cast off the tyrants yoke and assumed a rank among the nations of the earth.

THE American Revolution has opened a scene—is the beginning of a drama, which will not close until time shall be no more. While we celebrate the day, the birth-day of long-lost freedom, returning to visit the earth and take up her abode with men, we will not be unmindful of the agents which the Almighty has used in his hand to effect that work ; for which, nations will arise and call them blessed.

WHEN the distresses of our country called forth a deputation from each Colony, who convened in Philadelphia, in the year 1776, their cry to heaven, in behalf of their constituents, was, "Lord, what wilt thou have us to do?" It was a bold attempt in *Richard H. Lee* to make the motion of INDEPENDENCE ; which was no sooner done, than the intrepid *Samuel Adams* seconded it. The motion was carried—the Declaration was made, which forever separated the United States from Great-Britain ; from her policy, her corruption and her debts. But *Lee* is gone to his long home—*Adams* sleeps in dust—*Randolph* is no more—*Hancock* is gone the way of all the earth—*Henry's* all persuasive voice no more is heard—*Franklin* commands the shafts of heaven no more. These worthies, with most of the fathers of the revolution, having served their generation, according to the will of God, have fallen asleep and seen corruption.

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BUT after the declaration was made, arduous was the struggle to support it. *Warren, Montgomery, Worcester, Mercer, Nash* and others, lost their lives in the field of battle; with thousands of our sons; equal, perhaps in virtue, though not in rank. Those who survived the contest, and saw the return of peace, found that mortality was not conquered. Yes, a WASHINGTON and a GREENE, the boasts of Virginia and Rhode-Island, and the triumphs of America, are no more. They were swifter than eagles, they were stronger than lions; but they are fallen by death. The *quincy* was an overmatch for Washington—a stroke of the sun too powerful for Greene. “How are the mighty fallen and the weapons of war perished!”—But notwithstanding the great destruction of those, who made destruction of tyranny, some of the fathers and patriots remain. JEFFERSON yet lives—may he long live—may he outlive all his enemies—may he live ’till the debt of the nation is entirely defrayed. CLINTON, the friend of man—the persevering republican, the long guide of New-York, is yet on the stage of action.

It is pleasing to contemplate, that though most of the fathers of the revolution have closed their eyes in death, yet their sons have risen up to maintain the same cause; so the young Elisha caught the mantle and a double portion of the spirit of Elijah, when, with a whirlwind, he rode to heaven in a fiery car. Among these, a BIDWELL is the boast of this district; like *Barnabas* of old a son of consolation; meek in temper and amiable in manners. His talents and integrity, which have appeared so conspicuous, as a writer, an advocate at the bar, a treasurer, a senator, &c. in the small circle of one State, will shine with a longer tail and more effulgence in the large orbit of the Union. May he ever enlighten, but never scorch.

WHILE I am eulogizing character (not for their names) but their works sake, I feel under some obligation to reply to several charges lodged against the President. His flight to Carter’s mountain—his attempt to cheat Mr. *Yones*—his intrigue with Mrs. *Walker*—and his sending from France after black *Sull*, are the *four* topics of censure. These crimes, it is said, were all committed between the years 1776 and 1790. I do not absolutely know but all the charges are true; but one thing I know to be true. I lived in Virginia from December 1776, until April 1791, not far distant from *Monticello*; yet I never heard a syllable of either of those crimes, till I read them in these eastern Newspapers; said to be extracts
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from Calender and Co. I shall therefore be an infidel in these reports, until I have better evidence.

THAT his public administration has been just and economical, I think no candid man will deny. Some, however, attribute the *means* to the former administration; and say that *Jefferson* and Co. rise upon the revenue which was left by the former administration in bank. The truth, I conceive to be this. The avenues of revenue were opened before the funding system and other collateral measures split the nation into two parties; after the split, the federal party, being paramount, added to the revenue by internal taxation. The internal taxes, at the close of Mr. *Adams's* administration formed one eleventh part of the revenue; but with all the impost and internal taxes, the debt of the nation was so far from being diminished, that it increased about one million of dollars per year. That the federal Congresses understood how to levy taxes and swell the revenue, no man denies; but that they put the money to the right use, is denied; so that if we give them the credit of procuring the *means*, we must certainly give to the present administration the praise of applying those means to their proper *ends*. One eleventh part of the taxes are taken off of the people, and with the ten elevenths, more than 12 millions of dollars of the national debt was reduced during the first four years of Mr. *Jefferson's* administration.

The auxiliaries in the executive department merit some attention, at this time. Mr. *Madison* is secretary of state.—From a child, he has been a pattern of sobriety, study and inflexible justice. From an intimate acquaintance with him, I feel satisfied that all the state of Massachusetts, for a bribe, would not buy a single vote of him. A saying of his is fresh in my memory. “It is ridiculous for a man to make use of underhanded means to carry a point, altho’ he should know that the point is a good one: It would be doing evil that good might come.” This saying of his better describes the man, than my pen can do. He has been in public life from the beginning of the revolution until now; and is at this time assisting to administer that government, which he (the first man in the United States) made a motion to call a Convention to form. Should *Jefferson* die or resign, on whom would the office of President fall with as much propriety and safety, as on Mr. *Madison*?

In the treasury department, Mr. *Calletin* is principal: a foreigner

a foreigner by birth, but by naturalization an American. Having filled many important offices in Pennsylvania, he was sent delegate to Congress; and was an able opposer of all those measures, which were so abhorrent to the people, as to cause a change of administration. In the Congressional debates, when the souls of men were tried, he discovered such financial talents, that his enemies prophesied, that if *Jefferson* became President, *Gallatin* would have charge of the treasury; which is the only part of federal prophecy that has ever come to pass. With propriety he may be called the American *Necker*. Never did *Sir Isaac Newton* search into the laws of gravitation, or explore the starry heavens and give to each star its magnitude, distance and orbit, with more depth of thought, accuracy and dispatch, than *Albert Gallatin* surveys all the sources of revenue, and points out the proper mode of collecting and applying the same, in a manner highly economical, making just allowances for contingent events, and closing his statements to the tenth part of a cent. We know he is wise—we believe he is honest. May his fiscal arrangements be such, as will sink the debt of the nation in a short period.

BUT while I am passing encomiums, it strikes my mind that the same reason which forbids us to write the history of a man, while he is living, warns us against being too lavish with eulogism on man, until they leave the theatre, where so many play the worst part of their lives, in their latest days.—*Arnold* was the song of '77, and many of the *quandums* of our country were famous, for a while; yet *Arnold* betrayed his trust, and the *quandums* have fallen into disgrace or sunk into the state of doubtful disputation. The saying of a citizen of *Tarsus*, "it doth not yet appear what we shall be," is applicable to statesmen, in the point of light before us. We have a recent instance before us, which proves, that a man may be one day contending for *liberty and equality*—the next be a *qualified Consul*—then *Consul for life*—after that *Emperor*—and with that have the *Crown* of another *Kingdom* placed on his head.

LET gratitude swell our bosoms, to render the tribute of praise to all who deserve well of their country; but let inflexible patriotism inspire us to withhold our suffrages from all the unworthy. By unworthy characters, I mean those who wish to plunge the nation into debt—make offices permanent and destroy responsibility—make government a mystery and induce the people to call neither men nor measures in question—use others as a ladder to climb the tree of eminence with,

with, and when once risen, kick down the ladder—join churches and make a great noise about religious qualifications in rulers, and at the same time be as void of them, as an ice-cake is of fire—plead much for the constituted authorities and the laws, while they themselves are in office, but speak evil of dignities when themselves are neglected. In such men, place no confidence; for they that are such, serve not their country, but their own belleys, and with good words and fair speeches deceive the hearts of the simple.

MEN, who are the best qualified for office, are generally the least ambitious after it; so it was with Moses, David, Scranus, Cincinnatus, Washington and others. Being furnished with rectitude and variety within, they court not the trappings and tinsel without: Yet, when duty calls, they will hazard their all to serve their country. Pleased, however, when the period arrives—when the object is gained, that they can, with true honor, quit the noisy world to enjoy *themselves*.—But I close my encomiastic and characteristic preface, and proceed to objects more sentimental.

THE Sages of America, declared, in the *Declaration of Independence*, that government was instituted for the good of the people and not for the aggrandizement of a few; and therefore, whenever the form of government did not preserve the lives, liberties and property of the people, they had an indubitable right to amend it, so as to answer those valuable purposes. This sage opinion, in the year 1776, was eagerly adopted by the people of the United States. In 1787, the patriotic fathers, in general Convention, held the same sentiment as dear as the ligaments of their hearts. Possessed with this *right*, in behalf of their constituents, they changed the then existing government, and in the machine of government which they formed, great care and wisdom were used to secure the same right to their children. The provision made in the Constitution for peaceable amendments, whenever defects are discovered, is one of the bright ornaments of that model of policy.

MEN, in political, as well as in agricultural, mechanical and scientific life are prone to conceive themselves nearly infallible, and often seek to erect barriers to prevent their children from forsaking the opinions and pursuits of their fathers; but, with wonder and gratitude we behold the American fathers assiduously engaged to leave to their children the golden legacy, of choosing their own form of government,

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making their own laws, without any danger of noise or convulsion. Hitherto it has been supposed that no government could be altered or amended without war and carnage abroad, and national injustice and bankruptcy at home ; but the people of the United States have acquired the art of changing their mode of government, as often as experience dictates the utility thereof, with as little danger as they repeal a law. Nor do, nor can any men wish to deprive the people of this privilege, except those who are something, or conceive themselves something in the existing order of things, and fear they shall be nothing, should a change take place.

As a number of amendments have been made to the national Constitution, since its first adoption, and others are now before Congress, with great diffidence I shall here propose *one*, which is an ELECTIVE JUDICIARY. Pagans have a notion, that certain Gods or Goddesses preside over certain limited countries ; whether their notion is substantial or fanciful, it appears very evident to me that *the election of all officers, to fill all parts of the government*, is the natural genius that presides over the United States, and if my conviction is just, there will be spasms and commotions in the States, until such an amendment takes place. I have labor'd under this conviction for a number of years, but as I never have born any office in state, to try my theory by experiment ; and as my calling in life is in another department, I have quieted myself in silence ; waiting, in the mean time, for some to plead the cause of an *Elective Judiciary*, or overcome the reasonings of my mind, by demonstrating the impropriety of such an establishment ; but neither, as yet, has taken place.

ALL the arguments which I have yet heard, to prove that *Judges* must hold their office for life, or during good behaviour, in order to make them independent, honest and impartial, have been as inconclusive, as the arguments are which are adduced to prove that *a national debt is a national blessing* : If the arguments, however, are more conclusive than I have conceived them to be, and support the doctrine, that *Judges*, once appointed, should have a life-lease of their office, except for high crimes and misdemeanors, they also prove something more ; they equally prove that the executive and legislative officers should hold their office by a coeval tenure, to make them independent, honest and impartial.

THE objections that are made against an *Elective Judiciary*, may be summed up under two general heads. *First*.
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“The body of the people have not wisdom and sedateness enough to select from among themselves those men who are the best qualified to be Judges.” *Secondly.* “If Judges hold their office by the tenure of periodical elections, they will have such strong temptations to please the strongest party, in order to secure their next election, that they will not judge uprightly.”

THE first of these objections, applies with all its force against the two other departments of government; for if men have not wisdom enough to choose the Judges, they have not enough to choose Presidents, Governors or Legislators, which notion saps the foundation of all representative governments and supports the monarchical. If men are incompetent to elect their Judges, they are equally incompetent to appoint others to do it for them.

GOVERNMENT, originating among men, is the cool result of reason against vicious passion. Men find within themselves and discover in others a number of vicious propensities, which reason condemns; to prevent these propensities from breaking out into overt acts, reason fixes a standard containing a number of rules, which *all* have to submit unto; and pray, have not the people, whose sovereign voice declares all these rules, *wisdom* enough to designate the agents to enforce them?—If the people, however, make an unwise choice, the cathedron of suffrage will correct the error; but when they are appointed for life (in substance) there is no remedy in the hands of the people.

JUDGES are above all the laws that the legislature can enact; being under oath to adhere to, the constitution, any law to the contrary notwithstanding: In one point of light, this power is proper; for legislatures may forget their political Bibles, in a gust of passion, and make laws unconstitutional and pernicious; the Judiciary, in such cases, have the power to prevent the mischief: But, tho’ the people have this Judiciary check against the usurpation of the legislature, what check have they against the usurpation of the Judiciary?—When Judges set up their opinion on the constitution, in opposition to the legislature, and in opposition to the great mass of the people, who can check them?—The people cannot, for they have no direct voice in setting them up or taking them down. The legislature cannot, except by impeachment, which in such cases would be no more than a whistle. The executive cannot, for they hold their office by a tenure which the executive cannot destroy.

THESE remarks are applicable to our national government, and to *some* of the state governments ; but not to all of them ; for in some of the states the Judges are chosen annually by the legislature, &c. In New-York they cannot serve after they are 60 years old. The second objection is, that if Judges are chosen by the people at periodical elections, they will have such strong temptations to please the strongest party, in order to secure their next election, that they will not judge uprightly ; and therefore they must be appointed three or four removes from the people, and hold their office by a tenure, that neither the two other arms of government, nor the people can disannul ; with an unvariable salary attached to the office ; in order for them to judge uprightly.

THIS doctrine appears to be founded on the opinion that *perfection* is attached to the Judicial office ; but the opinion is fallacious ; for once there was an unjust Judge, in a city, that feared not God nor regarded men ; and I will appeal to candor itself, if there are not Judges to be found, who are deaf, sovereign, insulting and superannuated. Is the board of appointments—is the legislature—or are the body of the people satisfied with the talents and conduct of *all* who are now in office ?—If all were satisfied with them at their first appointment, must the present inhabitants bear with them as long as they breath through their nostrils ?—My age authorises me to say, that the leading doctrine of the American Revolution has been, “ that responsibility was the best expedient to keep men honest.” And why this maxim should be inverted in the Judiciary establishment alone, I never could see.

THE more permanent and lucrative an office is, the more self-important and avaricious characters seek after it. And yet it is said, that, “ if offices are not permanent and lucrative, men of talents will not accept of them.” But if experience is to be our guide, we shall find such offices too much filled with aspiring, unfeeling men ; while those places of trust, which are more precarious, more responsible and less lucrative are filled with better characters.

TRIAL by Juries, is held as a sacred right in these states ; on their verdicts hang suspended life and death, poverty and wealth, in many cases. If Judges cannot judge uprightly without a permanent appointment, how can Jurors ?—Why not have standing Juries for life, with honorary salaries secured to them ?

If Judges should be elected by the people, common sense would dictate, that all, over whom they should have jurisdiction, should have a voice in the choice. This being the case, there would be but a very few cases, in which the parties, between whom they were to judge, would be so large as to affect their next election materially. Should a Judge in such cases discover partiality, it would disgust even his friends. Nothing would make him so popular, in his district, as a constant, uniform adherence to justice ; whereas in the present mode of appointing Judges, they are under no obligation (except their oath) to be just to any man or even to treat him with civility.

JUDGES should be independent and feel important enough to keep orders in court, direct the Jury in matters of law, keep the witnesses to the proper point, prevent the lawyers from eloping from the direct subject, &c. &c. which could be done as well by men who were chosen by the people for a limited term, as by those who are appointed by the executive or legislature for life ; and if the necessary work could be done as well, the evil of having superannuated, tyrannical, heady, unsociable judges would be prevented. In this case, Judges would not only feel the importance of judicial officers, but also the salutary obligation to be *men*. A judicial monarch, is a character, as abhorrent as an executive or legislative monarch, in my view.

CONSIDERING the habits and prejudices of my country, I have but small hopes that an *Elective Judiciary* will take effect very soon ; unless the state of Pennsylvania (which state has taken the lead in many of the American improvements) should introduce it. Well, if the Judiciary establishment must continue as it is—must be monarchical, while the executive and legislative departments are representative ; let us make the best of it, and have nothing to do with courts of judicature, that we can possibly avoid, but settle all our controversies by mutual arbitration ; then the host of lawyers, who infest our land like the swarms of locusts in Egypt, and eat up every green thing, will have nothing to do, but apply themselves to that happy vocation, which they now recommend to others, “ plough, hoe, go to meeting and learn good things.”

LAWs—Government—Courts of Judicature must exist, otherwise the injured could not arrest the guilty and bring him to the standard of justice ; but when controversies arise between
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tween man and man, *he* who is unwilling to have the dispute amicably settled by mutual arbitration, manifests a desire to injure his neighbour. In this particular, I am happy that I agree with the founder of Rhode-Island, ROGER WILLIAMS; who, through his life, and with his last breath recommended arbitrations as the best mode of adjusting variances.

THE right of suffrage is more fully and equitably enjoyed in the United States, I believe, than in any part of the world, and still it is a question whether that right may not be extended farther with safety. Place *all* men on a level, and the poor (who pay little or nothing for the support of government) can vote away the money of the rich; proscribe the poor from voting and the rich can vote away the labor of the poor. The rich have often oppressed the poor, by laws which they have made; but I have met with no account in history, neither have I known any instance where the poor have legally oppressed the rich. Government is designed to protect the life, liberty and property of individuals; the poor have life and liberty to be protected, but no property; here then is two arguments against one, in favor of the poor. Should every man, who is of age, be allowed the right of suffrage, without any of those prerequisites which are required, in almost all the states, the citizens would be more free, equally safe, and much more economical in the redemption of time.

I HAVE noticed, several times, the proceedings of Congress, which I conceive to be erroneous. The proceedings which I have in view, are, the confounding of justice and mercy together, in a manner to destroy both of them, by forcing the people, under the authority of law, to be merciful to those who had suffered by fire. Human laws reach no farther than to force a man to be *just* to his neighbour. The divine law enjoins on men, *bowels* and *mercies*. Mercy is a *moral* duty but not a legal one. No man can perform *moral* *virtue* when forced against his will. The volition of the will is essential to moral exercises. If men are *forced* to relieve the distressed, it cannot be *mercy*. To force a man to part with his hard-earned property, to relieve the needs of another, cannot be *just*. When men suffer by fire or otherwise, and are reduced to distress, let the members of Congress, as individuals, have compassionate hearts and liberal hands; and let the same glow of good will spread far and near; then it will be *mercy*. I see no clause in the constitution which authorizes Congress to dispose of the money in the treasury, for the relief of any sufferers by fire; therefore such laws

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must be *unjust* ; for whenever money is taken out of the national chest without a constitutional key, the nation sustains a fraud.

FROM a small error in government, great mischief *may*, and often *does* arise. "Behold how great a matter a little fire kindleth !" At first it is so small that great men hate to meddle with it, while little men do not perceive it ; but, like a nest egg, it does not continue alone ; it becomes a habit—a precedent—a plea for other errors of the same kind, but more fatal. Six hundred dollars a year is a trifle, far less than the *three pence* on a pound of tea ; distributed among the inhabitants of the United States, it would not be the tenth part of a mill per soul. It cannot therefore, of itself, ever be oppressive to the people. But the very *principle* upon which this money is given, has drenched the world with blood, and made fiery havoc of the most virtuous citizens.

THE two Chaplains to Congress, have about that sum annually : This money they receive for *religious services*, by the force of the laws of the National Legislature. That a *legal* compensation for *religious services*, is a species of *religious establishment*, will not be denied, it is presumed ; and to what extent this little horn may grow, is a matter of uncertainty.

THE *rulers* of the earth are under obligation to *serve the Lord with fear*, as much as other men ; and if they are disposed to have Chaplains, it is not to be reprehended ; but to support them by *law*, and make the nation pay for *their* devotion, is the thing to be reprobated.

THIS error, however, is perfectly congenial with the constitutions and laws of Massachusetts and New-Hampshire, and with the old habits and laws of Connecticut ; in which states religion is considered an *object*, and religious societies *creatures* of state policy.

THE evil of blending religion and property—religion and education—religion and commissions—religion and politics together has been abundantly exposed, but not yet forsaken. In addition to all the arguments which have been used to dissolve the firm, I shall here subjoin *two*, which I have seldom or never seen brought into the debate.

First. EVERY *article*, which is so mysterious and subtle
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in its nature, that natural men, as such, cannot understand; must be excluded from legislation, otherwise men would be called upon to legislate about that which they cannot understand. Now, the christian religion, "is not of this world—is hidden from the wise and prudent—the things thereof are not received and cannot be known by natural men." These sayings are prominent in the scheme itself. If, then, the christian religion be true, these sayings are true; and if these sayings are true, then natural men cannot understand what religion is; and if they cannot understand it, they are utterly incompetent to legislate about it.

BUT if the christian religion be false, it cannot be right to make laws to support it, for in so doing, government would undertake to support a lie. Whether, therefore, the christian religion be *true* or *false*, it is not an article of legislation.—In this case *bible* christians and deists, have an equal plea against *self-named* christians, who (because they are void of the spirit and ignorant of the precepts of the gospel) tyrannize over the consciences of others, under the specious garb of *religion and good order*.

To avoid the force of this argument, some undertake to support the idea, that none but saints should bear rule, and such characters do understand, and therefore are competent to legislate in matters of religion.

If this argument has any weight at all, it proves that government is founded in *grace*; and I appeal to the truth of history, if any governments have ever been so unjust and cruel, as those which have claimed a *gracious* foundation.—With this pretence the *mad-men* of Munster, esteemed it lawful to kill and plunder all the wicked princes. In the same view of the subject, the Spaniards justified themselves in the massacre of two hundred thousand South-American idolators. In the same point of light the Pope offered to give America away (the year after it was discovered) to his *christian* subjects. On the same foundation Cruisades have been formed (i. e. armies raised under the cross of Christ) to kill and take possession of all the property of ungodly infidels. And I appeal to experience, if any of the governments of the United States are so cruel, in matters of conscience, as these eastern States, where there is the greatest noise made about *religious* qualifications for rulers.

THESE consequences always have, and I believe always will

will follow the erroneous idea, that "*Government is founded in Grace.*" But

Secondly. If the affairs of the souls of men and eternity are articles of legislation, of course they are cognizable before the courts of judicature.

A FEW years past, a criminal was tried for his life, at Newport. The Counsel for the Prisoner at the bar, addressed the Jury thus—"Gentlemen, you have the life of the Prisoner in your hands; and with that, in some sense, the disposal of his *soul*; for should you condemn him to death, and his *soul* be unprepared, he would go to *eternal* woe."—"Hold! hold!" cried the Judge, "the Jury have nothing to do with his *soul* and *eternity*." "I know it," replied the crafty Attorney, "but the thought was so impressive that I could not forbear." The spectators beheld the art of the Barrister to affect the Jury, which in the event produced a verdict *not guilty*!—In this case, the great Judge and great Lawyer both agreed that courts of justice had no cognizance of the affairs of *souls* and *eternity*; and I conclude that all who hear me to day, approve of their judgment. Well, if courts of justice have nothing to do with those affairs, of course legislatures have not; otherwise there would be no correspondence between the judiciary and legislative departments. I know men often make use of that little indiscribable something, which is made any thing, every thing and nothing of (I mean conscience) to assist them to do that which reasons condemn and nature shudders at.

In the year 1780, when the Constitution of Massachusetts was formed, the third article of the Bill of Rights occasioned a long and close debate. A gentleman, at the head of his party, said, "we believe in our consciences, that the best way to serve God, is to have religion protected and ministers of the gospel supported *by law*, and we hope that no gentleman here will wish to wound our tender consciences."—The plain english of which is, "our consciences dictate that all the Commonwealth of Massachusetts must submit to our judgments, and if they do not, they will wound our tender consciences." Had a Jew and a Turk been in the same Convention, and founded a plea on *tender conscience*, the first to abstain from Hogs' flesh and the last to abstain from Wine, would the gentleman have been so careful of hurting the soft feelings of the son of Isaac and the son of Ishmael, that he would have abstained from pork and wine all his days? And yet

yet the Israelites were forbidden to eat swines flesh, and the Nazarites and Rechabites were forbidden to drink wine, in the sacred volume, *the Bible*; but where shall we turn to the page, in that blessed book, which gives orders to the rulers of this world, to make any laws to protect the christian religion, or support the preachers of it?

Why is my liberty judged, and why am I condemned by another man's conscience?—Condemned for *that*, for which I give thanks. But I forbear—I must suppress the feelings of my heart—to dwell longer on this subject, would not correspond with the arrangements of the day.

GENTLEMEN, this town, *Cheshire*, has been famous for republican principles. In those times, when no timber was put into the building but federal oak, and when no sentimental currency passed but that which came from federal mints; when it was sedition to question the infallibility of those in authority, and disorganization to dispute the divinity of every part of the administration; even then, the inhabitants of *Cheshire* were firm, and almost unanimous in their suffrages, for a change of measures. With placid patriotism, they saw their lands valued and their glass numbered, which let in the light of heaven to their houses; together with their paper stamped; all to support an army, which was raised for a war, that existed no where, but in the heads of those who adopted the measures: Yet no mean murmuring was heard amongst it all: But when your voices were constitutionally called for, you were decided for a change. Your exertions, with the exertions of others in the United States, have been crowned with success. A change has taken place—a change for the better—a change, which (without the internal taxes) has sunk millions of our debt, and added to the United States an extensive empire, without a drop of blood; which can be paid for without recourse to taxes, by continuing the sinking fund but three years longer than the time first allotted for the redemption of the debt.

In view of all these things, the words of an illustrious gentleman (who resided on the fertile banks of the Nile) to his brethren, are applicable:—"See that ye fall not out by the way." "Let us divide and conquer them," was the doctrine of Great-Britain, in the revolutionary war. "Let them be divided, and we shall yet conquer them," is the doctrine of the federalists. "United we stand, divided we fall," was the Song of the Whigs, through the war. "United we stand, divided

divided we fall," is still the watch word for republicans. In high federal times, we were assured that the men who were then in office were the exclusive friends of the people and of the constitution ; and that all the measures of government were pure—that no other men in the nation were equally able to wield the sceptre, and that a different line of administration would ruin the people. A change of men and of measures, however, has taken place, notwithstanding the hideous outcry. Upon this change, the hopes of the federalists were, *that the people would not be eased of their burthens, and that the debt would not be diminished*, that the hearts of the people might be weaned from the republican agents, and be turned to themselves : But herein their hopes have been blasted.— At present, their only hope seems to be, *that the republicans will fall out by the way, and that they themselves shall rise upon the ruins of the divided house.* Hence, the propriety of the text, "see that ye fall not out by the way." Sacrifice a thousand little electioneering quibbles, rather than loose sight of the great importance of union. Gentlemen, I plead for the rights of men to-day, against the insatiable thirst of ambitious mortals, to subjugate their fellow creatures to the lowest grade of vassalage. I plead the cause of my own life ; for should the federal party once more gain the ascendency, it is beyond calculation to tell at what point they would stop : From principle, and from the chagrin which they have had, it is reasonable to suppose that the measures of '93 would be no more than the first stair in the case. I honestly declare, that if that inauspicious day should come, I should esteem my life very insecure—I should hardly value my head at a cent ; and, empty as it is, I am fond of it : Should it be cut off, I question whether there is a head in the United States, that would suit my shoulders as well.

My words may be rude, but they are full of meaning ; they flow from the centre of my heart. For more than twenty years the rights of men, civil and religious, have been fostered in my bosom ; and (next to the salvation of the soul) have called forth the exertion of my small talents in their defence, against the attacks of tyrants, bearing what name soever. It is not the prospect nor the desire of any office that makes me take a decided part in the laws and modes of administration, but principle alone.

LET the people be sovereign—let their earnings be secured to them by law ; deducting therefrom what is necessary, for the protection of the rest—let their alienable rights be defended

defended by government—and their inalienable rights be sacred as the holy ark ; too awful for government to meddle with. Then (so far as happiness is to be expected from government) the sacred benediction is applicable : *Happy is the people that is in such a case.*

GOVERNMENT is frequently blamed for those evils which arise from other sources. Where people are indolent, profligate and quarrelsome, given to tattling, drunkenness, dissipation and debauchery, no government on earth, nor indeed in heaven itself, can make them happy. The habits of industry, frugality, friendship, sobriety and morality, must therefore be cherished among a people, or all the proficiency which they can make in constitutions and laws will not help them.

Here let me recommend to your view, as a model of life, the simple, balmy precepts of the gospel. I grant, the gospel has for its main object, the state of the soul, in a succeeding world ; yet the precepts of it are wonderfully calculated for the good of men in this present life. A few of them I will here extract. “ Lie not one to another—let every man speak the truth to his neighbour—see that ye love one another—live peaceably with all men—do good unto all men—owe no man any thing but to love one another—let not the sun go down on your wrath—use not your liberty for an occasion to the flesh, but by love serve one another—be courteous and tender hearted, forgiving one another—render unto all their due—remember them who are in bonds, as bound with them—study to be quiet, and to do your own business and to work with your own hands—be patient towards all men—see that none render evil for evil—speak evil of no man—be not overcome of evil, but overcome evil with good—whatsoever ye would that men should do unto you, do ye also unto them—be not forgetful to entertain strangers—husbands love your wives—wives obey your husbands—parents provoke not your children to wrath, lest they be discouraged—children obey your parents—masters give unto your servants that which is just and equal—servants obey your masters—let every soul be subject to the higher powers—thou shalt not speak evil of the ruler of thy people.—Finally, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report ; if there be any virtue and if there be any praise, think on these things.”

THESE

THESE extracts contain a few of the maxims and precepts of the New-Testament, written with amazing simplicity and perspicuity, enjoining a temper of mind and correspondent behaviour towards men, superlatively excellent ;— which every man must own, whether he believes in the atonement of a mediator, and a consequent pardon of sin, together with the resurrection from the dead, or not. No treatises on heathen morality, nor any code of ethicks, drawn by human pencil (unassisted by inspiration) that I have seen, bears any comparison therewith. How different the picturesque of virtue, given in the gospel, from that which is given by Pagan authors, which consists only in heroism, love of country, revenge and suicium. Let, then, these sacred essays be cherished among you ; they will greatly assist republicans—they will reform federalists, and make *something* of *nothingarians*—they are calculated to amend the hearts of the vicious and reform the lives of the profligate.

LET me also recommend to you, a line of proper decorum on days of election and at all your town meetings. If any thing on earth would disgust me at popular government, the disorders and confusion that too often attend such meetings, would do it. How painful it is to the presiding officer of the day, to grow hoarse calling *to order* ! How mortifying to a man of wisdom and prudence to be interrupted by the loud, unmeaning words of another ! It is true that men sometimes carry their points against wisdom and experience, by loud, insignificant declamation. In such cases, the wise had rather lose their object than to contend for it in a manner so impolite and clownish ; so stronger beasts yield their path to the skunk, rather than to contend with a combatant so disagreeable.

THE laws of this state give almost universal right of suffrage to men of age ; seeing then that ye have all an equal voice, strive to be equal—strive to excel in civil virtue. The good rule, laid down in an ancient book, is, “ ye may all speak one by one, that all may hear, all learn and all be edified.” A man has no excuse, in the rules of good manners, to interrupt another, when speaking, in common cases ; yet such interruptions are not only common, but the intruder often wins fame, as *a man of public spirit, contending for his right*.

THERE is a respect due to age ; the ancient should be treated as fathers. What can be more unseemly than for young
men,

men, with fierce spirits and high voices, to drown the voice of that wisdom which is gained alone by age and experience. To this, however, there is a counter evil. Old men often grow sovereign and sour—self conceited and dogmatical.—Their natural powers have failed (they will own) but their moral powers are in bloom: Their judgment, in particular, is in its meridian: And young men are but upstarts, hardly fit to be set with the dogs of their flocks. Such men do not rejoice that others increase, while they themselves decrease; nor exult that *Sparta* has fifty men more virtuous than *they* be; but strive to crush youthful ingenuity, lest it should supplant superannuated importance.

LET this fiend of society have no habitation among you, but cherish every appearance of talents in young men. Information is the very lungs of republicanism; for want of it, free governments languor and give way to despotism. It would be a laudable strife among the towns in Berkshire, to produce the best statesman: By a statesman, I do not mean the man who will be most noisy at town meetings, nor he who publishes most egotism in Newspapers—not the man who is always pleading for the prerogatives of government and forgetting the rights of the people—not the crouching sycophant, who will fish all day for a *royal nibble*, or a lucrative office.—But the man who understands the laws of nations, and the constitution and laws of his country—who can draw the proper line between the alienable and inalienable rights of men—who has distinct ideas of those objects which are legal and those which are moral—who can trace effects up to their cause, and follow the cause down to their effects—who conceives government to be a national compact, a simple agreement among the citizens, and not a mysterious monster—who can pursue the sly arts and arguments of monarchists and aristocrats (those curses to the world) through their various windings, and drive them from their intrenchments—who will not be decoyed by the flowery sophistry of a courtier, but abide firm by simple, fundamental principles—who will not buy an office by flattery and deceit, and then sell the people to pay for it—who loves responsibility, and is aiming to give rulers power enough to do good, and yet have it so counterpoised that they can do no hurt. Such men would be precious as gold, yea more precious than a golden wedge of ophir. Young gentlemen, here is a copy for you, and

“*Tho’ of exact perfection we despair*

“*Yet ev’ry step to virtue is worth your care.*”

LET

LET the vices and follies of the age shift for themselves, while you apply your hearts to the acquisition of wisdom.—While you think with the *wise*, you will often find it expedient to speak with the *vulgar*.

Veretas in puteo; as truth lies in a well, you will have to dig deep and draw long to get it. “How dark! how intricate the road that leads to intellectual light!”—As you gain wisdom you will grow in modesty, for *modesty* is the child of wisdom, and *impudence* the offspring of ignorance. Let your conclusions be the result of much study—form your judgments upon a preponderancy of evidence—let your arguments be dispassionate, and the reasons you offer exceed your assertions—never betray the smallest trust reposed in you—discharge every office you are entrusted with, with fidelity and dispatch—husband well your time, while your powers of body and mind are active—remember it is beneath the dignity of human nature to be employed about trifles—never foul your hands or spot your garments with the dirty contentions, scandals and prejudices of the age—finally be men—add human dignity to the genius of the mind—candor to information and bestow pity on ignorance. Never (with keen reply) consume the affections of those who stand astonished at the copious lustre of your arguments. Was a young *Randolph*, (that prodigy of genius) present, I would deal out the same lecture, nor think the admonition either unfriendly or ill-timed.

THE fundamental principle of republicanism is this, “that all powers of government are vested in, and consequently derived from the many individuals that form the body politic; and therefore all those who are raised to power, are responsible to their constituents for their conduct.”—With this sage maxim before your eyes, you will rarely err in your pursuits: And if this principle does not justify an *Elective Judiciary*, it is because there is no logical force in argument.

If my address, young gentlemen, appears too dictatorial, the labors which I have contracted, by my calling, the furrows in my cheeks, and the desire I have for you to excel, are my only apologies.

Dr. G. H. S.
1810