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THE WORKS
OF
BENJAMIN FRANKLIN.

VOL. V.

FAC-SIMILE

Philad. July 5. 1775

Mr. Strahan,

You are a Member of Parliament,
and one of that Majority which has
doomed my Country to Destruction.
— You have begun to burn our Towns,
and murder our People. — Look upon
your Hands! — They are stained with the
Blood of ^{your} Relations! — You and I were
long Friends: — You are now my ene-
my, — and

I am,

Yours,
B. Franklin



Franklin's Seal.

1775. In-10. 2.

THE
WORKS
OF
BENJAMIN FRANKLIN;
CONTAINING
SEVERAL POLITICAL AND HISTORICAL TRACTS
NOT INCLUDED IN ANY FORMER EDITION,
AND
MANY LETTERS OFFICIAL AND PRIVATE
NOT HITHERTO PUBLISHED;
WITH
NOTES
AND
A LIFE OF THE AUTHOR.

By JARED SPARKS.

VOLUME V.

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require them for the common good of the empire. It was not till they chose to force us, and to deprive us of the merit and pleasure of voluntary contributions, that we refused and resisted. Those contributions, however, were to be disposed of at the pleasure of a government in which we had no representative. I am therefore persuaded, that they will not be refused to one in which the representation shall be equal.

My learned colleague has already mentioned that the present mode of voting by States, was submitted to originally by Congress, under a conviction of its impropriety, inequality, and injustice. This appears in the words of their resolution. It is of September 6th, 1774. The words are,

“Resolved, That, in determining questions in this Congress, each colony or province shall have one vote; the Congress not being possessed of, or at present able to procure, materials for ascertaining the importance of each colony.”

MOTION

FOR PRAYERS IN THE CONVENTION.

MR. PRESIDENT,

The small progress we have made, after four or five weeks' close attendance and continual reasonings with each other, our different sentiments on almost every question, several of the last producing as many *Noes* as *Ayes*, is, methinks, a melancholy proof of the imperfection of the human understanding. We indeed seem to *feel* our own want of political wisdom, since

we have been running all about in search of it. We have gone back to ancient history for models of government, and examined the different forms of those republics, which, having been originally formed with the seeds of their own dissolution, now no longer exist; and we have viewed modern states all round Europe, but find none of their constitutions suitable to our circumstances.

In this situation of this assembly, groping, as it were, in the dark to find political truth, and scarce able to distinguish it when presented to us, how has it happened, Sir, that we have not hitherto once thought of humbly applying to the Father of Lights to illuminate our understandings? In the beginning of the contest with Britain, when we were sensible of danger, we had daily prayers in this room for the divine protection. Our prayers, Sir, were heard;—and they were graciously answered. All of us, who were engaged in the struggle, must have observed frequent instances of a superintending Providence in our favor. To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful Friend? or do we imagine we no longer need its assistance? I have lived, Sir, a long time; and the longer I live, the more convincing proofs I see of this truth, *that God governs in the affairs of men*. And, if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, Sir, in the Sacred Writings, that “except the Lord build the house, they labor in vain that build it.” I firmly believe this; and I also believe, that, without his concurring aid, we shall succeed in this political building no better than the builders of Babel;

we shall be divided by our little, partial, local interests, our projects will be confounded, and we ourselves shall become a reproach and a by-word down to future ages. And, what is worse, mankind may hereafter, from this unfortunate instance, despair of establishing government by human wisdom, and leave it to chance, war, and conquest.

I therefore beg leave to move,

That henceforth prayers, imploring the assistance of Heaven and its blessing on our deliberations, be held in this assembly every morning before we proceed to business; and that one or more of the clergy of this city be requested to officiate in that service.*

SPEECH IN THE CONVENTION,

AT THE CONCLUSION OF ITS DELIBERATIONS.

MR. PRESIDENT,

I confess, that I do not entirely approve of this Constitution at present; but, Sir, I am not sure I shall never approve it; for, having lived long, I have experienced many instances of being obliged, by better information or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise. It is therefore that, the older I grow, the more apt I am to doubt my own judgment of others. Most men, indeed, as well as most sects in religion, think themselves in possession of all truth, and that wherever others differ from them, it is so far error. Steele, a Protestant, in a ded-

* *Note by Dr. Franklin.*—“The convention, except three or four persons, thought prayers unnecessary!”

ication, tells the Pope, that the only difference between our two churches in their opinions of the certainty of their doctrine, is, the Romish Church is *infallible*, and the Church of England is *never in the wrong*. But, though many private persons think almost as highly of their own infallibility as of that of their sect, few express it so naturally as a certain French lady, who, in a little dispute with her sister, said, "But I meet with nobody but myself that is *always* in the right." "*Je ne trouve que moi qui aie toujours raison.*"

In these sentiments, Sir, I agree to this Constitution, with all its faults, — if they are such; because I think a general government necessary for us, and there is no *form* of government but what may be a blessing to the people, if well administered; and I believe, further, that this is likely to be well administered for a course of years, and can only end in despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic government, being incapable of any other. I doubt, too, whether any other convention we can obtain, may be able to make a better constitution; for, when you assemble a number of men, to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a *perfect* production be expected? It therefore astonishes me, Sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear, that our counsels are confounded like those of the builders of Babel, and that our States are on the point of separation, only to meet hereafter for the purpose of cutting one

another's throats. Thus I consent, Sir, to this Constitution, because I expect no better, and because I am not sure that it is not the best. The opinions I have had of its *errors* I sacrifice to the public good. I have never whispered a syllable of them abroad. Within these walls they were born, and here they shall die. If every one of us, in returning to our constituents, were to report the objections he has had to it, and endeavour to gain partisans in support of them, we might prevent its being generally received, and thereby lose all the salutary effects and great advantages resulting naturally in our favor among foreign nations, as well as among ourselves, from our real or apparent unanimity. Much of the strength and efficiency of any government, in procuring and securing happiness to the people, depends on *opinion*, on the general opinion of the goodness of that government, as well as of the wisdom and integrity of its governors. I hope, therefore, for our own sakes, as a part of the people, and for the sake of our posterity, that we shall act heartily and unanimously in recommending this Constitution, wherever our influence may extend, and turn our future thoughts and endeavours to the means of having it *well administered*.

On the whole, Sir, I cannot help expressing a wish, that every member of the convention who may still have objections to it, would with me on this occasion doubt a little of his own infallibility, and, to make *manifest* our *unanimity*, put his name to this instrument.

[Then the motion was made for adding the last formula, viz. "Done in convention by the unanimous consent," &c.; which was agreed to and added accordingly.]

A COMPARISON
OF THE
CONDUCT OF THE ANCIENT JEWS AND OF THE ANTI-
FEDERALISTS IN THE UNITED STATES OF AMERICA.

A ZEALOUS advocate for the proposed Federal Constitution, in a certain public assembly, said, that “the repugnance of a great part of mankind to good government was such, that he believed, that, if an angel from Heaven was to bring down a constitution formed there for our use, it would nevertheless meet with violent opposition.” He was reprovèd for the supposed extravagance of the sentiment; and he did not justify it. Probably it might not have immediately occurred to him, that the experiment had been tried, and that the event was recorded in the most faithful of all histories, the Holy Bible; otherwise he might, as it seems to me, have supported his opinion by that unexceptionable authority.

The Supreme Being had been pleased to nourish up a single family, by continued acts of his attentive providence, till it became a great people; and, having rescued them from bondage by many miracles, performed by his servant Moses, he personally delivered to that chosen servant, in presence of the whole nation, a constitution and code of laws for their observance; accompanied and sanctioned with promises of great rewards, and threats of severe punishments, as the consequence of their obedience or disobedience.

This constitution, though the Deity himself was to be at its head (and it is therefore called by political writers a *Theocracy*), could not be carried into execution but

by the means of his ministers; Aaron and his sons were therefore commissioned to be, with Moses, the first established ministry of the new government.

One would have thought, that the appointment of men, who had distinguished themselves in procuring the liberty of their nation, and had hazarded their lives in openly opposing the will of a powerful monarch, who would have retained that nation in slavery, might have been an appointment acceptable to a grateful people; and that a constitution framed for them by the Deity himself might, on that account, have been secure of a universal welcome reception. Yet there were in every one of the thirteen tribes some discontented, restless spirits, who were continually exciting them to reject the proposed new government, and this from various motives.

Many still retained an affection for Egypt, the land of their nativity; and these, whenever they felt any inconvenience or hardship, though the natural and unavoidable effect of their change of their situation, exclaimed against their leaders as the authors of their trouble; and were not only for returning into Egypt, but for stoning their deliverers.* Those inclined to idolatry were displeased that their golden calf was destroyed. Many of the chiefs thought the new constitution might be injurious to their particular interests, that the profitable places would be *engrossed by the families and friends of Moses and Aaron*, and others equally well-born excluded.† In Josephus and the Talmud, we learn some particulars, not so fully narrated

* Numbers, ch. xiv.

† Numbers, ch. xvi. verse 3. "And they gathered themselves together against Moses and Aaron, and said unto them, 'Ye take too much upon you, seeing all the congregation are holy, every one of them; wherefore, then, lift ye up yourselves above the congregation?'"

in the Scripture. We are there told, "That Corah was ambitious of the priesthood, and offended that it was conferred on Aaron; and this, as he said, by the authority of Moses only, *without the consent of the people*. He accused Moses of having, by various artifices, fraudulently obtained the government, and deprived the people of their liberties; and of conspiring with Aaron to perpetuate the tyranny in their family. Thus, though Corah's real motive was the supplanting of Aaron, he persuaded the people that he meant only the public good; and they, moved by his insinuations, began to cry out, 'Let us maintain the common liberty of our *respective tribes*; we have freed ourselves from the slavery imposed upon us by the Egyptians, and shall we suffer ourselves to be made slaves by Moses? If we must have a master, it were better to return to Pharaoh, who at least fed us with bread and onions, than to serve this new tyrant, who by his operations has brought us into danger of famine.' Then they called in question the *reality of his conference* with God; and objected to the privacy of their meetings, and the preventing any of the people from being present at the colloquies, or even approaching the place, as grounds of great suspicion. They accused Moses also of *peculation*; as embezzling part of the golden spoons and the silver chargers, that the princes had offered at the dedication of the altar,* and the offerings of gold by the common people,† as well as most of the poll-tax;‡ and Aaron they accused of pocketing much of the gold of which he pretended to have made a molten calf. Besides peculation, they charged Moses with *ambition*; to gratify which passion he had, they said,

* Numbers, ch. vii.

† Exodus, ch. xxxv. verse 22.

‡ Numbers, ch. iii., and Exodus, ch. xxx.

deceived the people, by promising to bring them to a land flowing with milk and honey; instead of doing which, he had brought them *from* such a land; and that he thought light of all this mischief, provided he could make himself an *absolute prince*.* That, to support the new dignity with splendor in his family, the partial poll-tax already levied and given to Aaron † was to be followed by a general one, ‡ which would probably be augmented from time to time, if he were suffered to go on promulgating new laws, on pretence of new occasional revelations of the divine will, till their whole fortunes were devoured by that aristocracy.”

Moses denied the charge of peculation; and his accusers were destitute of proofs to support it; though *facts*, if real, are in their nature capable of proof. “I have not,” said he (with holy confidence in the presence of God), “I have not taken from this people the value of an ass, nor done them any other injury.” But his enemies had made the charge, and with some success among the populace; for no kind of accusation is so readily made, or easily believed, by knaves, as the accusation of knavery.

In fine, no less than two hundred and fifty of the principal men, “famous in the congregation, men of renown,” § heading and exciting the mob, worked them up to such a pitch of phrensy, that they called out, “Stone them, stone them, and thereby secure our liberties; and let us choose other captains, that may lead us back into Egypt, in case we do not succeed in reducing the Canaanites!”

* Numbers, ch. xvi. verse 13. “Is it a small thing that thou hast brought us up out of a land that floweth with milk and honey, to kill us in the wilderness, except thou make thyself altogether a prince over us?”

† Numbers, ch. iii.

‡ Exodus, ch. xxx.

§ Numbers, ch. xvi.

On the whole, it appears, that the Israelites were a people jealous of their newly-acquired liberty, which jealousy was in itself no fault; but, when they suffered it to be worked upon by artful men, pretending public good, with nothing really in view but private interest, they were led to oppose the establishment of the new constitution, whereby they brought upon themselves much inconvenience and misfortune. It further appears, from the same inestimable history, that, when after many ages that constitution was become old and much abused, and an amendment of it was proposed, the populace, as they had accused Moses of the ambition of making himself a prince, and cried out, "Stone him, stone him;" so, excited by their high priests and scribes, they exclaimed against the Messiah, that he aimed at becoming the King of the Jews, and cried, "Crucify him, crucify him." From all which we may gather, that popular opposition to a public measure is no proof of its impropriety, even though the opposition be excited and headed by men of distinction.

To conclude, I beg I may not be understood to infer, that our General Convention was divinely inspired, when it formed the new federal constitution, merely because that constitution has been unreasonably and vehemently opposed; yet I must own I have so much faith in the general government of the world by Providence, that I can hardly conceive a transaction of such momentous importance to the welfare of millions now existing, and to exist in the posterity of a great nation, should be suffered to pass without being in some degree influenced, guided, and governed by that omnipotent, omnipresent, and beneficent Ruler, in whom all inferior spirits live, and move, and have their being.

B. F.

QUERIES AND REMARKS

RESPECTING ALTERATIONS IN THE CONSTITUTION OF PENNSYLVANIA.

The first Constitution of Pennsylvania was adopted in 1776. Dr. Franklin was a principal agent in forming it. The following QUERIES AND REMARKS were written in reply to a paper, entitled "*Hints for the Members of Convention,*" which was published in the *Federal Gazette*, November 3d, 1789.—EDITOR.

I. OF THE EXECUTIVE BRANCH.

"Your executive should consist of a single person."

On this I would ask, Is he to have no council? How is he to be informed of the state and circumstances of the different counties, their wants, their abilities, their dispositions, and the characters of the principal people, respecting their integrity, capacities, and qualifications for offices? Does not the present construction of our executive provide well for these particulars? And, during the number of years it has existed, have its errors or failures in answering the end of its appointment been more or greater than might have been expected from a single person?

"But an individual is more easily watched and controlled than any greater number."

On this I would ask, Who is to watch and control him? and by what means is he to be controlled? Will

not those means, whatever they are, and in whatever body vested, be subject to the same inconveniences of expense, delay, obstruction of good intentions, &c., which are objected to the present executive?

II. THE DURATION OF THE APPOINTMENT.

“This should be governed by the following principles, the independence of the magistrate, and the stability of his administration; neither of which can be secured but by putting both beyond the reach of every annual gust of folly and of faction.”

On this it may be asked, ought it not also to be put beyond the reach of every triennial, quinquennial, or septennial gust of folly and faction, and, in short, beyond the reach of folly and of faction at any period whatever? Does not this reasoning aim at establishing a monarchy at least for life, like that of Poland? or to prevent the inconveniences such as that kingdom is subject to in a new election on every decease? Are the freemen of Pennsylvania convinced, from a view of the history of such governments, that it will be for their advantage to submit themselves to a government of such construction?

III. ON THE LEGISLATIVE BRANCH.

“A plural legislature is as necessary to good government as a single executive. It is not enough that your legislature should be numerous; it should also be divided. Numbers alone are not a sufficient barrier against the impulses of passion, the combination of interest, the intrigues of faction, the haste of folly, or the spirit of encroachment. One division should watch over and control the other, supply its wants, correct its blunders, and cross its designs, should they be criminal

or erroneous. Wisdom is the specific quality of the legislature, grows out of the number of the body, and is made up of the portions of sense and knowledge which each member brings to it."

On this it may be asked, May not the wisdom brought to the legislature by each member be as effectual a barrier against the impulses of passion, &c., when the members are united in one body, as when they are divided? If one part of the legislature may control the operations of the other, may not the impulses of passion, the combinations of interest, the intrigues of faction, the haste of folly, or the spirit of encroachment in one of those bodies obstruct the good proposed by the other, and frustrate its advantages to the public? Have we not experienced in this State, when a province under the government of the proprietors, the mischiefs of a second branch existing in the proprietary family, countenanced and aided by an aristocratic council? How many delays and what great expenses were occasioned in carrying on the public business; and what a train of mischiefs, even to the preventing of the defence of the province during several years, when distressed by an Indian war, by the iniquitous demand that the proprietary property should be exempt from taxation! The wisdom of a few members in one single legislative body, may it not frequently stifle bad motions in their infancy, and so prevent their being adopted? whereas, if those wise men, in case of a double legislature, should happen to be in that branch wherein the motion did not arise, may it not, after being adopted by the other, occasion long disputes and contentions between the two bodies, expensive to the public, obstructing the public business, and promoting factions among the people, many

tempers naturally adhering obstinately to measures they have once publicly adopted? Have we not seen, in one of our neighbouring States, a bad measure, adopted by one branch of the legislature, for want of the assistance of some more intelligent members who had been packed into the other, occasion many debates, conducted with much asperity, which could not be settled but by an expensive general appeal to the public? And have we not seen, in another neighbouring State, a similar difference between the two branches, occasioning long debates and contentions, whereby the State was prevented for many months enjoying the advantage of having Senators in the Congress of the United States? And has our present legislative in one Assembly committed any errors of importance, which they have not remedied, or may not easily remedy; more easily, probably, than if divided into branches? And if the wisdom brought by the members to the Assembly is divided into two branches, may it not be too weak in each to support a good measure, or obstruct a bad one? The division of the legislature into two or three branches in England, was it the product of wisdom, or the effect of necessity, arising from the preëxisting prevalence of an odious feudal system? which government, notwithstanding this division, is now become, in fact, an absolute monarchy; since the * * * *, by bribing the representatives with the people's money, carries, by his ministers, all the measures that please him; which is equivalent to governing without a Parliament, and renders the machine of government much more complex and expensive, and, from its being more complex, more easily put out of order. Has not the famous political fable of the snake, with two heads and one body, some useful instruction contained in it? She was going to a brook to drink,

and in her way was to pass through a hedge, a twig of which opposed her direct course; one head chose to go on the right side of the twig, the other on the left; so that time was spent in the contest, and, before the decision was completed, the poor snake died with thirst.

“Hence it is that the two branches should be elected by persons differently qualified; and in short, that, as far as possible, they should be made to represent different interests. Under this reason I would establish a legislature of two Houses. The upper should represent the property; the lower, the population of the State. The upper should be chosen by freemen possessing in land and houses one thousand pounds; the lower, by all such as had resided four years in the country, and paid taxes. The first should be chosen for four, the last for two years. They should be in authority coëqual.”

Several questions may arise upon this proposition. 1st. What is the proportion of freemen possessing lands and houses of one thousand pounds' value, compared to that of freemen whose possessions are inferior? Are they as one to ten? Are they even as one to twenty? I should doubt whether they are as one to fifty. If this minority is to choose a body expressly to control that which is to be chosen by the great majority of the freemen, what have this great majority done to forfeit so great a portion of their right in elections? Why is this power of control, contrary to the spirit of all democracies, to be vested in a minority, instead of a majority? Then, is it intended, or is it not, that the rich should have a vote in the choice of members for the lower House, while those of inferior

property are deprived of the right of voting for members of the upper House? And why should the upper House, chosen by a minority, have equal power with the lower chosen by a majority? Is it supposed that wisdom is the necessary concomitant of riches, and that one man worth a thousand pounds must have as much wisdom as twenty who have each only nine hundred and ninety-nine; and why is property to be represented at all? Suppose one of our Indian nations should now agree to form a civil society; each individual would bring into the stock of the society little more property than his gun and his blanket, for at present he has no other. We know, that, when one of them has attempted to keep a few swine, he has not been able to maintain a property in them, his neighbours thinking they have a right to kill and eat them whenever they want provision, it being one of their maxims that hunting is free for all; the accumulation therefore of property in such a society, and its security to individuals in every society, must be an effect of the protection afforded to it by the joint strength of the society, in the execution of its laws. Private property therefore is a creature of society, and is subject to the calls of that society, whenever its necessities shall require it, even to its last farthing; its contributions to the public exigences are not to be considered as conferring a benefit on the public, entitling the contributors to the distinctions of honor and power, but as the return of an obligation previously received, or the payment of a just debt. The combinations of civil society are not like those of a set of merchants, who club their property in different proportions for building and freighting a ship, and may therefore have some right to vote in the disposition of the voyage in a greater or less degree according

to their respective contributions; but the important ends of civil society, and the personal securities of life and liberty there, remain the same in every member of the society; and the poorest continues to have an equal claim to them with the most opulent, whatever difference time, chance, or industry may occasion in their circumstances. On these considerations, I am sorry to see the signs this paper I have been considering affords, of a disposition among some of our people to commence an aristocracy, by giving the rich a predominancy in government, a choice peculiar to themselves in one half the legislature to be proudly called the UPPER House, and the other branch, chosen by the majority of the people, degraded by the denomination of the LOWER; and giving to this upper House a permanency of four years, and but two to the lower. I hope, therefore, that our Representatives in the convention will not hastily go into these innovations, but take the advice of the Prophet, "*Stand in the old ways, view the ancient paths, consider them well, and be not among those that are given to change.*"