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To the Members of the General Assembly of Rhode-Island.

Friends and Fellow-Citizens :

A portion of the people of Rhode-Island request your patient attention to a plain statement of facts and principles. They have no interest in deceiving you, had they the wish or the power to deceive you. In common with you, they have a deep interest in whatever affects the peace, character and happiness of their native state.

They would not address your passions or your prejudices. They seek to gain a hearing, or to influence you through the medium of reason and justice, by increasing that spirit which has ever been the greatest curse of popular governments. They would warn you against the baneful effects of the spirit of party, in the words of Washington, in that address which is bound up with our laws, as worthy of our highest respect and reverence.

The greatness of Washington was most resplendent in his wisdom and goodness; happy would it be for our country if those among us who aspire after political distinction, would study more and imitate his character.

Listen to these, his farewell counsels :

“ I have already intimated to you the danger of parties in the state, with particular reference to founding them on geographical discriminations. Let me now take a more comprehensive view, and *warn* you, *in the most solemn manner*, against the baneful effects of the spirit of party, generally.”

“ This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists, under different shapes, in all governments, more or less stifled, controlled or repressed; but in those of the popular form, it is seen in its greatest rankness, and is truly their *worst enemy*.”

“ The alternate dominion of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism; but this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek *security and repose* in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns

this disposition to the purposes of his own elevation, on the ruins of public liberty."

How many in our country already despair of the républic, whose experience while it has taught them the wisdom of these counsels, has also impressed them with the fear, which Washington expressed, towards the close of his address, in this impressive language: "In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has *hitherto marked the destiny of nations*; but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to *moderate the fury of party spirit*, to warn against the *mischiefs of foreign intrigue*, to guard against the *impostures of pretended patriotism*; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated."

Would to God that such affection and such wisdom might reach all our hearts!

Washington warned us also upon another topic. He had seen and felt, during his administration of the government, the evil effects of political societies.

In 1792, in the words of Chief Justice Marshall, "certain Societies had constituted themselves the guardians of American liberty."

"By the French revolution, the force and power of these institutions had been fully developed; and their efficacy in *prostrating existing establishments* had been clearly ascertained."

The tendency of such societies, in organizing an opposition to government, and causing the citizen to forget the duties of allegiance, induced Washington to address his countrymen in the following language:

"The basis of our political systems is the right of the people to make and alter their Constitutions of Government; but the Constitution which at any time exists, till changed by an *explicit and authentic act of the whole people*, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, presupposes the *duty of every individual* to obey the *established government*."

"All obstructions to the execution of the laws, all combinations and *associations under whatever plausible character*, with the real design to *direct, control, counteract or awe*, the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force—to put in the place of the

delegated will of the nation, the will of a party, often a small but artful and enterprising minority of the community; and according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common counsels, and modified by mutual interests."

"However, combinaticus and associations of the above description may now and then *answer popular ends*, they are likely in the course of time and things to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to *subvert the power of the people*, and to *usurp for themselves the reins of government*; destroying afterwards the very engines which have lifted them to unjust dominion."

You may well suppose, that your attention has not been called to these sentiments of Washington, at this time, without some object. As the pious Christian resorts to the precepts of his Master, and the Scriptures of the new Testament, to strengthen his faith, and to enable him to conquer the evil propensities of his nature, so may the honest politician—by resorting to this pure fountain of political wisdom and patriotism, the testament of Washington—find his faith increased, his resolution strengthened, and his moral courage rising with the exigency of the times; so that, if he has any fear, it will be the fear of doing wrong, or of injuring his country by a failure to do his duty; or rather he will be filled with that "perfect love" to his country, "which casteth out fear."

It is not to be disguised, that we have arrived at a crisis in the affairs of our State, which demands all your wisdom and patriotism. It is not to be disguised that there is a party in the State which has become organized by means of a political society, which now seeks "to put in the place of the delegated will of the" State, "the will of a party," and to thrust upon us a Constitution formed exclusively by themselves and for themselves. Constitutions, more than all other things, should be the result of "consistent and wholesome plans, digested by common counsels, and modified by mutual interests," but the Constitution which they would give us, is but "the mirror of the ill-concerted and incongruous projects of faction."

It is not to be disguised, that, upon a subject which concerns alone the people of this State, we have felt "the mischiefs of *foreign intrigue*," which has given a new "*fury to party spirit*," and if, by their fruits ye shall know them," we require to be "guarded against the *impostures of pretended patriotism*."

A class of men who have become fanatical on one subject, have been so wrought upon by each other, that they have forgotten their

duties as citizens, and are now striving to impose upon this state a Constitution, made, to use their own language, "without law and against law," put out to the people by a Convention not called or authorized by a majority of the people, in any sense, but sitting alone, by their own usurped authority, and in contempt of a law by which a Convention to form a Constitution for the People of this state, is now organized and in being! Such a Constitution thus framed without law, put out to the people without law, has been voted upon, without law, by persons who, in no legal sense, are the people of this state, and under circumstances and pretended regulations which admitted of the grossest frauds. These regulations, judging by their own internal evidence, seemed to have been framed but for one purpose, to procure a majority, at all events, of votes to be counted and declared by this same illegal Convention.—A Constitution thus framed and thus pretended to have been adopted, as the voice of the people of this state, you are required to receive and obey as the supreme law of the land!

If such proceedings can for a moment be countenanced by you, revolutions which are to be justified only on the principles of the direst necessity, are to become our daily food, and the foundations of society are to be rooted up as often as faction after faction may find it for its interest to demolish the established government. Under such a system you must perceive that minorities can have no rights, and honest men no security. To-day it may be on a question of Suffrage, to-morrow it may be on a question of *property*. The same person who came from abroad to excite our citizens on the question of suffrage, gathering confidence from success, may again be heard among us, inculcating his agrarian doctrines on the subject of property. We allude to Mr. Augustus O. Brownson.

The history of our own country presents us with a case somewhat parallel. At the close of our Revolutionary War, there was much distress in the community, not upon a question of abstract right, but in relation to taxes and debts, there being very little specie in our country, and much excitement in relation to tender laws and paper money.

In Marshall's Life of Washington, Volume V, some account is given us of these troubles in New-England, and particularly in Massachusetts. In the latter they are known as "Shay's Rebellion."

In the words of this faithful Historian,

"The restlessness produced by the uneasy situation of individuals, connected with lax notions concerning public and private faith, and erroneous opinions which confound liberty with an exemption from legal control, produced a state of things which alarmed all reflecting men, and demonstrated to many the indispensable necessity of *clothing*

government with powers sufficiently ample for the protection of the rights of the peaceable and quiet, from the invasions of the licentious and turbulent part of the community."

This Historian continues, and here mark the parallel!

"This disorderly spirit was cherished by *unlicensed Conventions*, which, after voting their own constitutionality, and *assuming the name of the people*, arrayed themselves against the legislature, and detailed at great length the grievances by which they alleged themselves to be oppressed."

Those who composed the Suffrage Convention may think the case not parallel, as they did not vote expressly their own constitutionality; but they virtually did so by sitting at all, and especially by determining who should vote on their Constitution, which was, in fact, by their own authority, an alteration *per se* of the Constitution of the State.

The catalogue of grievances, which, it is contended, now justifies revolution in Rhode-Island, is very short. These grievances are more imaginary than real, and they all resolve themselves into the question of suffrage. We will presently examine the nature and history of this grievance in our State, which now presents itself in such magnitude.

It was suggested to Washington, that his presence and influence "among the seditious might bring them back to peace and reconciliation." He replied:

"You talk, my good Sir, of employing *influence* to appease the present tumults in Massachusetts. I know not where that influence is to be found; nor, if attainable, that it would be a proper remedy for these disorders. *Influence* is not *government*. Let us have a government by which our lives, liberties and properties will be secured; or let us know the worst at once. * * *

"These are my sentiments:" he continued, "*Precedents are dangerous things*. Let the reins of government then *be braced*, and held with a steady hand; and every violation of the Constitution be reprehended. If defective, let it be amended, but not suffered to be *trampled upon, while it has an existence*."

It may be supposed, perhaps, that if this insurrection in Massachusetts had been countenanced by the majority of the people, it would have changed its character, and have become a lawful revolution.—Not so reasoned the wise men of those days. They knew too well the nature and necessity of government, and that a majority to be rightful must be legal.

Judge Marshall (life of Washington, vol. 5, p. 117) says:

"Colonel Lee, a highly respectable member of Congress, who had performed a distinguished part in the war of the revolution, drew the following picture of the condition of the Eastern country at that time: 'General Knox has just returned, and his report, grounded on his own

knowledge, is replete with melancholy information. *A majority of the people of Massachusetts, are in opposit on to the Government. Some of the leaders avow the subversion of it to be their object, together with the abolition of debts, the division of property, and a reunion with Great Britain.*”

It was in answer to this letter from Col. Lee to General Washington, and which suggested that Washington might be called by Congress to use his influence in restoring quiet to the State, that Washington replied as above quoted, “Influence is not government.” “Let the reins of government then be braced and held with a steady hand.” What a violator must Washington have been of the rights of majorities, as now expounded in this “New Age” in Rhode-Island! Washington, no doubt, believed that government had some rights and some duties: that, among them, was the right and duty to protect itself, and that the minority had a right to look to it for protection against those, whether few or many, who raised the standard of anarchy against the Constitution and the Laws.

So also reasoned, and so acted, the Government of Massachusetts, in this emergency. They sent Gen. Lincoln against the insurgents.

Judge Marshall says :

“Urging his march with the utmost celerity, Lincoln soon came up; and pressing the insurgent army, endeavored, by a succession of rapid movements, in which the ardor of his troops triumphed over the extreme severity of the season, to disperse, or to bring it to action. Their Generals retreated from post to post with a rapidity, which, for some time, eluded his designs; and rejecting every proposition to lay down their arms, used all their address to produce a suspension of hostilities, until an accommodation might be negotiated with the legislature”!! “Applications were also made,” says General Lincoln, “by committees and Selectmen of the several towns in the counties of Worcester and Hampshire, praying, that the effusion of blood might be avoided, while the real design of these applications was supposed to be, to stay our operations until a *new Court should be elected*. They had no doubt, if they could keep up their influence until *another choice* of the legislature, and of the executive, that matters might be moulded in General Court to their wishes. To avoid this, was the *duty of Government*.” “In answer to these applications,” continues Marshall, “Lincoln exhorted those towns who sincerely wished to put an end to the rebellion without the effusion of blood, “to recal their men now in arms, and to aid in apprehending all abettors of those who should persist in their treason and who should yield them any comfort or supplies.”

“The army of government continued to brave the rigors of the climate, and to press the enemy without intermission. At length with the loss of a few killed and several prisoners, the rebels were dispersed,

their leaders driven out of the State, and this formidable and wicked rebellion was completely quelled."

"The same love of country which had supported the officers and soldiers through a perilous war, still glowed in their bosoms; and the patriot veterans of the revolution, uninfected by the wide spreading contagion of the times, arrayed themselves almost universally under the banners of the Constitution and laws."

Such was the spirit of 1787.—Such was the Constitutional law of Washington, Lincoln, Marshall, and the government of Massachusetts. They believed that a majority acting illegally, required to be put down by the government, that this "rebellion" was no less wicked, because it was "formidable," that this "contagion" was no less dangerous, because it was "wide spreading;" they believed, in fine, that "a majority of the people," infected by this "wide-spreading contagion," might be "in opposition to the government," and that it was still the "duty of the government," to put such an opposition down—the duty of the government to protect itself, and those whom they were bound to protect, against the temporary madness of the people.

That such also were the sentiments of the people of the United States, is manifested by the Constitution of the United States, which they adopted, containing a provision intended to protect the minority, under certain circumstances, and the government of the State, against the lawless acts of a *majority*, and so expounded to the people before its adoption by Mr. Madison in the Federalist. In the 43d number of the Federalist, Mr. Madison comments on that part of the Constitution which provides, that "the United States shall protect each State, on application of the Legislature, or of the executive, (when the legislature cannot be convened) against *domestic violence*."

Mr. Madison says:

"Protection against domestic violence is added with equal propriety. It has been acknowledged that even among the Swiss cantons, which properly speaking, are not under one government, provision is made for this object; and the history of that league informs us, that mutual aid is frequently claimed and afforded; and as well by the most democratic as the other cantons. *A recent and well known event among ourselves* has warned us to be prepared for emergencies, of a like nature."

Alluding to the insurrection in Massachusetts. He continues:

"At first view, it might seem not to square with the republican theory, to suppose, either that a *majority* have not the right, or that a minority will have the force to *subvert a government*; and, consequently, that the federal interposition can never be required, but when it would be improper. But *theoretic reasoning*, in this, as in most cases must be qualified by the *lessons of practice*. Why may not illicit combinations, for purposes of violence, be formed as well by a *majority* of

a State, especially a *small State*, as by a majority of a county, or a district of the same State; and if the authority of the State ought, in the latter case, to protect the local magistracy, ought not the federal authority, in the former, to *support the State authority*? Besides, there are certain parts of the State Constitutions, which are so interwoven with the federal Constitution, that a violent blow cannot be given to the one, without communicating the wound to the other."

Mr. Madison then asks:

"Is it true that *force* and *right* are necessarily on the same side in republican governments?"

He puts several cases to show that a majority having the *right* may not be able to contend with the *minority* having the *force*, and hence the necessity of the interposition of the federal authority to preserve the State from domestic violence. He then puts a case where a *majority of persons* in the State may have the *force*, but not the *right*, and in such a case the interposition of the federal authority would be needed. This latter case, as put by Mr. Madison, ought to settle the question of *right* which is now in controversy in our State, as it respects the right of a *majority* to do all things.

Mr. Madison says:

"May it not happen, in fine, that the minority of *citizens* may become a *majority of persons*, by the accession of alien residents, of a casual concourse of adventurers, or of those whom the *Constitution of the State* has not admitted to the *right of Suffrage*?"

Suppose a minority who have the right of suffrage, become a *majority of persons*, by the accession of those who have not, by the Constitution of the State, the *right of suffrage*? what then? Have such a majority a right to put down the government? Yes, say the Free Suffrage Party. No, say Mr. Madison and the Constitution of the United States. "On application of the Legislature, or of the Executive, in case the Legislature cannot be convened," the United States are bound to protect the State "against domestic violence" which may be caused by such a majority.

The Free Suffrage Party, in their late voting, called to their aid, alien-residents, non-residents, and persons who, by their own Constitution, are not entitled to the right of suffrage. They, in truth, have made their appeal to force, to numbers, "without law and against law," even against the law which they have made for themselves. No one can mistake their object. If they can overawe some, and deceive others, so as to induce you to abdicate and suffer them to seize the reins of government, their object is accomplished. In the absence of any other government in this State, they become the government *de facto*, if not *de jure*, that is the government *in fact*, if not *of right*, and

then there will be no rightful Legislature, no rightful Executive to apply to the government of the United States to defend this State and the rightful government thereof from "domestic violence." They know full well, at least their leaders do, that there can be no hope for them in their lawless movements, if you are firm and do your duty to yourselves and the State.

Here we might rest our appeal to you. The path of duty is the path of safety. No government can sanction doctrines which are suicidal, which go to its own destruction. It is the first duty of government to protect itself; if it fails in this duty, it cannot protect the citizens whom it is their duty to protect. The citizen owes allegiance to the government, the government owes protection to the citizen. These duties and the rights which grow out of them are reciprocal. The right of the government to require the obedience of the citizen, is no stronger than the right of the citizen to require protection from the government. And the duty of the citizen to obey the government, is no stronger than the duty of the government to protect the citizen. If the citizen fails to perform his duty to the government, he is punishable according to the magnitude of his offence. If he wages war against the government, it is treason. But is it any less treason in the government, though there is no power *on earth* to punish it, to abandon its duties to the citizen? If we are to judge of the enormity of crimes by their consequences, the government which proves false to its duties, and in the moment when protection is most required, abdicates its power, and leaves the citizen to the mercy of usurpers, is guilty of a much higher crime than the citizen who may be regardless of his allegiance. In the latter case the evil may extend to but few, and have a very partial operation; but when the government becomes regardless of its duties, the evil extends to all, anarchy ensues, and the community becomes the prey of lawless violence.

"Precedents are dangerous things," said Washington. "Let the reins of Government then be braced, and held with a steady hand; and every violation of the Constitution be reprehended. If defective, let it be amended, but not suffered to be *trampled upon while it has an existence.*"

Here we might stop, confident that you will never betray your trust, but that you will perform all those duties which the peace and safety of the State require at your hands.

So much, however, has been said on the right of suffrage, as connected with the right of revolution; and so much about the right of the people to revolutionize States at their pleasure; and the right of a

majority of the people to exercise this right in the name of the people, and to put up and put down governments at their will," without law and against law," that we would solicit your attention, a few moments, whilst we state a few principles in relation to these topics.

Who are the people of Rhode-Island?

This, you will perceive, is a fundamental question. It lies at the foundation of all the other questions. Whatever are the rights of the people of Rhode-Island, those who are not the people of Rhode-Island, in any legal or constitutional sense, have no legal claim to such rights. An attempt to exercise the rights of the people of Rhode-Island by those who are not the people of Rhode-Island, is an attack upon the rights of the people,—a crime against the State. Such a crime, the Athenians punished with death.

When writers state that the people have a right to establish and to alter their forms of government, what do they mean by the term people? Do they mean that all persons who, at any one period of time, are to be found and counted within the limits of a State, are the people, and that a majority of them have this right to put up and put down government? The question answers itself.

In a political sense, in which sense the word "people" is used by political writers, it is to be understood as applicable only, in a free State, to those who by its fundamental laws possess the political power. This question therefore is to be settled by the fundamental laws of every free State. These fundamental laws express the will of the people, in this respect, whether expressed mediately by their delegates, by an act of the Legislature, or by themselves, immediately, in the form of a written Constitution, adopted by their own votes.

Those who are desirous of throwing down all distinction between those who are, and those who are not the people, in a political sense, have been industrious in propagating the notion that we have no fundamental laws in this State, by which to settle this question. Their first work therefore has been to bring into contempt the charter, and the form of government which the people of this State adopted for themselves, and which has now existed for nearly two hundred years; a form of government under which we adopted the Constitution of the United States. And if the doctrine of those, who denounce the government of this State, as a usurpation, be true, then may they as rightfully refuse to obey the constitution and government of the United States, as the laws enacted by the General Assembly of this State. King Numbers has the same authority to nullify an act of Congress as an act of the General Assembly.

The charter, by the by, contains no provision on the rights of suffrage, leaving the people of this State to regulate this matter for themselves. Whatever, therefore, may be our fundamental laws, on the question of suffrage, the people of this State made them for themselves as they had a right to do; they were not imposed upon them by any foreign power. As the free and voluntary act of the people of this State, they are no less binding, on themselves and others, because the people owed allegiance to a King, who, on his part, owed them protection. At the revolution, the people of this State did not see fit to change their fundamental laws, or to repudiate their charter; they threw off a foreign yoke, but did not make a domestic revolution; having a form of government already sufficiently republican and democratic, and which they, no doubt, venerated as coming from those fathers, who have rendered themselves illustrious in the history of civil and religious liberty. They found it all-sufficient for the exigencies of 1776, and though they have frequently been invited since to adopt a written Constitution, they have, *by their votes*, returned this answer,—“We are unwilling to change our fundamental laws.”—Who have a right to say they shall be changed, when the people say they shall not? Who have a right to say in what form the people shall put their fundamental laws but themselves? Judge Story, in his Commentaries on the Constitution of the United States, says:

“It (Rhode-Island) still continues to act under the same Charter as a *fundamental law*, it being the only State in the Union which has not formed a NEW Constitution of government.”

In the origin of society, those who associate together for the purposes of government, became a body politic, each one of them being a member thereof. This body politic has a right to admit other persons to become members thereof, and, without such admission, no person can rightfully become members thereof. This power of admitting members, wherever it resides by the form of the government, is a very important power. Upon its proper exercise the well being, the existence of the State may depend.

But however such a body politic exercises its right, those, who are not members, have no right to complain, much less have they a right to force themselves upon the body politic, or to receive such admission from the hands of those who have no authority to admit them. Such an attempt, if successful, by the force of numbers, is conquest, and neither more nor less than conquest.

When, in 1636, Roger Williams, and his Associates, settled Providence, they incorporated themselves into a “town fellowship.” The

following ancient record escaped the destruction of the records in Philip's war, and is the first to be found, in an ancient book, dated August 20, 1637 :

"We, whose names are here under, desirous to inhabit in the town of Providence, do promise to subject ourselves in active and passive obedience to all such orders and agreements as shall be made for public good of the body in an orderly way, by the major consent of the present inhabitants, masters of families, incorporated together into a *town fellowship*, and *others whom they shall admit unto them*, only in civil things."

Without such admission as is herein specified, no person could become a member of this "*town fellowship*"

William Coddington, and his associates, settled on the Island of Rhode-Island, in 1637-8. Their compact reads thus :

"We, whose names are underwritten, do swear solemnly, in the presence of Jehovah, to *incorporate ourselves into a body politic*, and as he shall help us, will submit our persons, lives and estates, unto our Lord Jesus Christ, the King of Kings, and Lord of Lords, and to all those most perfect and absolute laws of His, given us in His holy word of truth, to be guided and judged thereby."

In 1641-2, they declared, that, their government was "a democracy," and that the power to make laws for their government, and to depute ministers to execute them, was "in the body of *freemen, orderly assembled*, or a major part of them."

The word "*freemen*," was not used by way of disparagement to those inhabitants who were not admitted members of the body politic, as if they were slaves, a sense which, for their own purposes, the suffrage party have attempted to give to the same expression in our fundamental laws; it is a word familiar to the common law of England, in reference to town corporations, and designates such as are members, or have been made free of the corporation.

Warwick was settled in 1642-3 by another body of men. So that there were three distinct settlements in this State, originally, entirely *independent of each other*.

Providence, Newport and Portsmouth, being desirous of uniting under one government, in 1643, Roger Williams went to England, to procure for them a Charter of government. It was procured, from the parliament, under the Commonwealth, and incorporated the towns of Providence, Portsmouth, and Newport, by the name of "The incorporation of Providence Plantations in the Narragansett Bay in New-England;" with full power to govern themselves, by such a form of government as they thought best, in conformity to the laws of England, "so far as the nature and constitution of the place would admit."

Under this Charter they formed for themselves a government in 1647, and admitted Warwick into the association.

At the restoration, in 1660, it was thought that a Charter, derived from the Commonwealth, would not be respected by the King. Exertions were therefore made by the people to secure the King's favor, and a committee, of three, from each town, were appointed to petition the King. A new commission was made out to Mr. John Clarke, then in England, appointing him their agent "for the preservation of their chartered rights and privileges."

The new Charter was received in November, 1663, by the Court of Commissioners at Newport, "at a very great meeting and assembly of the Freemen of the Colony," says the record. "Thanks to the King—thanks to Lord Chancellor Clarendon, and thanks, and a gratuity of one hundred pounds to Mr. Clarke, their agent, were *unanimously voted*. The next day after the Charter was received, the old government surrendered to the new.

Here was the full consent of the people by which this government was legitimately formed, and has legitimately continued. Where do we see any of the features of usurpation, which are said to stigmatize our government, by men who seek its destruction? The Charter was granted to the people in answer to their request, accepted by them with joy and gratitude, and constitutes, by its provisions in favor of liberty of conscience, one of the most glorious traits in the history of Rhode-Island. He must be the degenerate plant of a strange vine, who can see anything in this Charter, to abuse and vilify.

Under this Charter, power was given the General Assembly to choose such persons as they should think fit "to be free of the said Company and body politic, and them into the same *to admit*." This power the General Assembly continued to exercise, until they granted to the towns the power to admit freemen, or members of the body politic, under such regulations as they prescribed, and which have been re-enacted, twice, at least, since 1776, and, for more than one hundred years, have formed a part of our fundamental and Constitutional law. If this be usurpation, where is legitimacy?

Do you, members of the General Assembly, when you take your seats in the halls of legislature, feel as if you were usurpers? Do you acknowledge that your constituents are aristocrats, and tyrants, and that you ought to be hurled from your seats, to make way for those, who have admitted the Gauls into the Capitol, and whose commissions, they say, are signed by king numbers?

If governments derive "their just powers from the consent of the

governed," yours is such a government. The people were its founders, and it has continued ever since by the annual and semi-annual consent of the people. Those who have come into the State have consented to this government, or they had no right to come in. If they came in to overturn it, they came in as enemies and should be treated as such. Those who are born here owe allegiance to the government in return for the protection afforded them. When they arrive at manhood, they consent to the government by continuing in the State. So long as all are free to come, to go or to stay, their consent is given by coming and by staying. When we make an agreement, are we at liberty to violate it? When we have given our consent to a government, are we at liberty to withdraw that consent, to violate the rights of the government, and the duty of allegiance?

If the government to which we have consented either expressly or impliedly violates its duties to us, as the King of England violated his duty to our fathers, in the manner set forth in the declaration of Independence, "by every act which may define a tyrant;" if the government forfeits our allegiance by refusing its protection, then may we talk with some show of the right of revolution. Then, in order to protect ourselves, we should have a right to form a new government, and, if in so doing, we should be obliged to unsheath the sword in resistance to tyranny, then might we, in imitation of our patriot fathers in '76, with pure hearts and consciences, "appeal to the Supreme Judge of the world for the rectitude of our intentions." Then might we hope that all good men would be on our side, and, relying on divine protection, we might exclaim "God and our right."

But what profanity, to cite the example of the American revolution, to justify the revolutionary movement of the suffrage men of Rhode-Island?

What is the grievance of which the suffrage men complain? They are not allowed to vote! Are they injured by this—are they put out of the protection of the law—are their persons and their property in jeopardy? It may be, in truth, so far from this being the case, that they are better protected, and more safe in their persons and property, than they would be under a government of unlimited suffrage. We need only go to the City of New-York, to see how much less secure the people of that city now are, under the reign of free suffrage, than they were under a more restricted suffrage. It is, therefore, possible that what is complained of as a grievance, may, in truth, be a benefit. This often happens in regard to the government of God—

what we deem a curse, turns out a blessing—and it is often so in human governments.

But, it is said, all men are equal; and, therefore, all men have an equal right to suffrage. If this be admitted in the origin of society, it is not true after governments are formed.

Under the rule of equality there could be no practical government. The right of majorities is an infringement upon that rule. The governors and the governed are not, for the time being, on an equality. The officer and soldier are not equal. They are all equally amenable to law, and in this sense only are equal. For the great purposes of society, the good of the whole, some must command and others must obey. We see, therefore, that in society we must be governed, and cannot always govern, as we would wish. The right of suffrage, as it exists not in a state of nature, cannot be called a natural right. It exists only in society, and is the exercise of political power; it is therefore a political right, and to be exercised for the public good.—He who has it, and uses it for his own selfish purposes, is unfit to possess it, and society would do right to take it from him. In some States, therefore, he who sells his vote has been deprived of this right. As this is a right to be exercised for the public good, and not for private emolument, it is evident it should be placed only in such hands as will be most likely to use it for the public good. Who shall determine this question? the public or the individual? Every individual, no doubt, thinks this power safe in his own hands; and if it be left to him to determine this matter, as it is by the Free Suffrage Constitution, he would, no doubt, determine it in his own favor.

In the original formation of society, every man may have an equal voice in determining the question, but after it is determined, the fundamental laws of the society are the standard of right and wrong on this question, and those who are excluded have no right to complain that their individual rights are invaded. However, therefore, the fundamental laws may regulate this matter, it can afford no ground for the right of revolution, *per se*. There must be oppression, there must be tyranny; in the words of the declaration of independence, “when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce the people *under absolute despotism*, it is their right, it is their duty, to throw off such government.”

Is the regulation of the right of suffrage, as it now exists, such abuse, such usurpation, such despotism? Yes, say the free suffrage association. We have seen in our State its origin, by the will of the people; this therefore cannot be *usurpation*. Where is its abuse, where its

despotism? In the heated imagination of those who have been so wrought upon that they can see nothing in it but

“*Gorgons, Hydras, and Chimeras dire.*”

How have wise and sober men thought on this subject? Mr. Van Buren, in the New York Convention (Debates, page 277) said

“One word on the question before the Committee We had already reached the verge of *universal suffrage*. There was but one step beyond. And are gentlemen prepared to take that step? We were cheapening this invaluable right He was disposed to go as far as any man in the extension of rational liberty; but he could not consent to undervalue this precious privilege, so far as to confer it with an indiscriminating hand upon every one, black or white, who would be kind enough to *condescend to accept it*”

Again, Mr. Van Buren said: (page 367:)

“When fully urged, he knew that he would be able to convince every member of this committee of the dangerous and alarming tendency of that precipitate and unexpected prostration of all qualifications. At this moment, he would only say, that among the many evils which would flow from a *wholly unrestricted suffrage*, the following would be most injurious, viz:

“First—it would give to the City of New-York about twenty-five thousand votes; whilst under the liberal extension of the right, on the choice of delegates to this Convention, she had but about thirteen or fourteen thousand. That the character of the increased number of votes would be such as would render their elections rather a *curse* than a *blessing*: which would *drive from the polls all sober-minded people*; and such, he was happy to find, was the united opinion, or nearly so, of the delegates from that City.”

How has this prediction been verified! and what better has Providence to expect, as her numbers swell, by the increase of a foreign population?

In the same Convention, Mr. Rufus King said: (page 286:)

“If any gentleman had supposed him to be in favor of *universal suffrage*, as their language would seem to imply, they had grossly misapprehended his sentiments. In his view, such an extent of the elective franchise would be in the *highest degree dangerous—no government, ancient or modern, could endure it.*”

“The protection of property, and the encouragement of honest industry constituted the basis of civil society, and were the primary objects of government. The possession of property was generally an indication of other qualifications. He would exclude all who had not the capacity to discriminate between candidates, nor the independence to exercise the right discreetly. In his view *universal suffrage* was perilous to us, and to the country; and, if it were sanctioned, he should regret having been a member of this Convention.”

In the same Convention *Chancellor Kent*, said: (page 221)

“The tendency of universal suffrage, is to jeopardize the rights of

property, and the principles of liberty. There is a constant tendency in human society, and the *history of every age proves it*, there is a tendency in the poor to covet and to share the plunder of the rich; in the debtor to relax or avoid the obligation of contracts; in the *majority to tyrannize over the minority*, and trample down their rights; in the indolent and the profligate, to cast the whole burden of society, upon the industrious and the virtuous; and there is a *tendency in ambitious and wicked men, to inflame these combustible materials.*"

"The growth of the City of New York is enough to startle and awaken those who are pursuing the *ignis fatuus* of universal suffrage. It is rapidly swelling into the unwieldy population, and with the burdensome pauperism, of an European metropolis. New-York is destined to become the future London of America; and, in less than a century, that city, with the operation of *universal suffrage*, and under skilful direction, will govern this State."

In the Appendix, No. 1, to the Debates of the Virginia Convention 1829-39, is given the Address of Governor Giles,—an old-fashioned Jeffersonian democrat, formerly known as "Farmer Giles,"—to the Executive Committee, in which he says:

"He had been induced, to select New-York for this comparison, because the late Convention, of that State, had been frequently resorted to for precedents, to influence the measures of this Convention, but he hoped that they would be considered as precedents rather to be *shunned* than to be *followed*; for he had the *best reasons to believe*, that if the same members who formed that Constitution, had to act again, they would, themselves, *disavow the very precedents they had set*; for he believed that they had done more injury to the former Constitution, by the single provision which introduced the notion of *universal suffrage*, than could be compensated for by all the other amendments put together; and the very members who introduced that provision, would be the last to introduce it under the *experience of its practical operations*, whilst they had now nothing left but the *deepest lamentations for their own indiscretion.*"

Chancellor Kent, in his Commentaries on American Law, says:

"*Rhode-Island* and *New Jersey* are the only States in the Union that have brought down their Constitutions from 1776, *triumphantly against every assault*. The progress and impulse of popular opinion is rapidly destroying every constitutional check, every *conservative element*, intended by the sages, who framed the earliest American Constitutions, "as safeguards against the abuses of *popular suffrage.*"

"Such a rapid course of destruction of the former constitutional checks, is matter for grave reflection; and to counteract the dangerous tendency of such combined forces as *universal suffrage, frequent elections, all offices for short periods, all officers elective*, and an unchecked press; and to prevent them from racking and destroying, our political machines, the people must have a larger share than usual of that wisdom which is *first pure, then peaceable, gentle, and easy to be entreated.*"

Are these wise counsels of wise men worthy our attention? Is not universal suffrage bad enough, but must it be attended by usurpation, and revolution, lest our ruin should not be complete? Must we not only lose all the conservatism of our Constitution, but is our government to be trampled in the dust, and the character of the State destroyed? Men, regardless of morals, are often saved from utter profligacy, by some sense of shame. But we are not to have even this security.

Usurpation leads the van, *universal suffrage* brings up the rear; who after this, out of the State, will not be ashamed to hail from Rhode-Island? If the disgrace of these proceedings would fall upon those only, who have brought them upon us, it would be well; but it falls upon you, if you fail to do your duty; it becomes the inheritance of our children.

If such proceedings are to be sanctioned or tolerated, the history of Rhode-Island will never be written, except by those who may wish to hold us up, as a warning, to the contempt and execration of mankind.

In Massachusetts, it has been thought surprising how we got along so well in Rhode-Island, under our democratic system, and especially, with that judicial system, by which our Judges are elected, annually, by the Legislature. A great lawyer and statesman of Massachusetts said, nearly forty years ago, in relation to our judicial system, "the people of Massachusetts would not endure such a system for a single day."

The reason why the people of this State have enjoyed so much security under their system of government, is the *freehold qualification of suffrage*. A distinguished citizen of New Hampshire, in conversing with a Rhode Island man who stated the difficulty of adopting a written Constitution in Rhode Island, said:—"You have one feature in your Constitution, which of itself is worth more than most of our written Constitutions, your *freehold qualification*."

Under our system, we have, to quote again the words of Chancellor Kent, "frequent elections, all offices for short periods, all officers elective;" if these be "combined with universal suffrage," how can we, under such a Constitution, have any "constitutional checks?" Of how much more value will be such a written Constitution than the paper or parchment on which it is engrossed?

The great object of a written Constitution, made by the people, is to check the legislative power, and to give greater permanency to the fundamental law. How is this to be done? Principally by giving independency to the Judiciary, so that in deciding a case between

individuals, where a question arises as to the constitutionality of an act of the Legislature, the Judges may not be under the influence of the Legislature. Taking men as they rise, we have no right to expect that a small body of men, who are dependent on a large body of men, for their offices and their pay, will, to any effective purpose, control the larger body.

To secure that permanency to the fundamental laws which is the object of most written Constitutions, and which is so desirable, the Constitution should not be amendable by a bare majority of the people. As the right of majorities to rule depends entirely on the social compact, the people have a right to mould their Constitutions, in this respect, as in their judgment the safety of the State requires.

A Constitution which may be changed by a majority of the people, under a system of *universal suffrage*, it is evident, will be less permanent, than where the fundamental law depends on the legislature, elected by those who have a freehold qualification. The history of our State is a sufficient proof of this. Rhode-Island, therefore, would lose more than she would gain in this respect, by accepting the Constitution of the free suffrage Convention. The legislature, it is true, have the power of proposing amendments; but we all know, how under our systems of government, public men shun responsibility, and are ready enough to throw every thing upon the people.

Shall we gain in any other respect? The Judges are still left dependent on the legislature; they are "to hold their offices *for one year*, and until their places shall be declared vacant by a resolution to that effect which shall be voted for by a majority of all the members elected to the house, in which it may originate, and be concurred in by the same vote of the other house, without revision by the Governor."

The Governor it seems has no voice in this matter of removal; now he has a voice in the election, and would have in any attempted removal, a qualified one it is true, but which might be exercised, in some cases, by a good Governor, to save a good Judge. In this respect, therefore, there is less security for the Judges than under our present system. But there is one provision that no doubt was intended to present an appearance of stability. It is as follows:

"Such resolution shall not be entertained at any other than the annual session for the election of public officers."

What a check is this! it is tantamount to saying that the Judges shall not be removed but once a year! All the difference in favor of the Judges between this and our present system is, that now they are elected by the General Assembly in the same manner as is provided

in the free suffrage Constitution. Under our present system, they are elected annually, under the proposed system they are removable annually by joint resolution of the two houses, to be voted for by a majority of all the members elected. How much this is worth depends upon the annual elections, and upon the personal independence of the Judges. We know the prevailing party generally succeeds by a majority in both houses, and if the Judges render themselves obnoxious to the ruling party by daring to stop their progress, by deciding their laws to be unconstitutional, these provisions would be found mere cobwebs.

But when we consider the effect of universal suffrage upon the legislature, and that our Judges are to be annually at their mercy, we may indeed, ask, what "is to counteract the dangerous tendency of such combined forces?"

If we are to have universal suffrage, a more permanent Judiciary will be necessary to control the Legislature, and to protect life, liberty and property.

Under our present system of freehold qualification, our Judges of the Supreme Court, though annually elected, have held their places for many years, amidst the change of parties, the spirit of the people being, in this respect, better than our laws. And this better spirit might have been embodied in the free suffrage Constitution, were it not that leading politicians, of all parties, think it better for themselves, that as much power as possible should centre in their own hands.

It must, therefore, be seen at a glance, that the changes which universal suffrage would produce in the body politic, require more checks and balances, and a stronger government than may be necessary under the freehold qualification.

We have therefore the more reason to complain, that universal suffrage is not only sought to be imposed upon us, by the grossest usurpation, but a Constitution also, which has been the work of this party only. Their Convention was so called and constituted, that no person, other than those of their party, could conscientiously be a member of it. Thus a great majority of those who have the deepest interest in the State could not be represented, or have any voice in the formation of this Constitution. Such an insult to a free people is only to be equalled by the patience with which it has been borne!

Those who rob our Banks, may make their fortunes if they plunder largely; it is only the petty rogue who is in danger of the State's prison!

Have these politicians, speculated upon this trait in human nature?

The provision in the suffrage constitution extending the right of suffrage is as follows :

“ Every white male citizen of the United States of the age of twenty-one years, who has resided in this State for one year, and in any town, city or district of the same for six months, next preceding the election at which he offers to vote shall be an elector of all officers, who are elected, or may hereafter be made eligible by the people.”

This, you will perceive, is universal suffrage, so far as white men are concerned. This is a very rapid stride for any set of men to take, and more especially for those who were not authorized to hold a Convention, by a majority of the people, in any sense, and without any authority from the legislature. Such a precedent is truly dangerous, and a vital attack on the body politic. Of their own mere authority, they authorize men to vote, upon the adoption of this Constitution, who are not members of the body politic of this State.

This is a usurpation of the power of the State to admit members to the body politic. It is a usurpation of the authority which, by our Constitution, resides in the General Assembly, to regulate the admission of freemen, or citizens, to the exercise of political power.

Can such a usurpation legalize itself, by the votes of those thus illegally admitted ? If so, two wrongs may make a right, or rather as many wrongs as there were persons, of this description, necessary to make a majority.

A thousand men having no right to vote, cannot give to each other, by votes, what they had not themselves. A thousand cyphers can never make a unit.

But why confine the right of suffrage to citizens of the United States ? Have the citizens of the United States, as such, a right to exercise political power in this State, without the consent of the body politic, first had and obtained ? This is alarming doctrine to the States. It strips them of all power to regulate the right of suffrage for themselves ; and, in reference to a power so fundamental in its nature, so essential to State sovereignty, subjects them to the control of the federal government. This is, indeed, consolidation ! Where then, are State rights ? Was it ever supposed that such a consequence would follow, from giving to Congress the power of naturalization ? This is certainly a new discovery, to which, Rhode-Island, alone, is entitled to the honor. The authors of the Federalist, never dreamed that, by giving to Congress the power of naturalization, Congress had the power to give to all foreigners, the right of suffrage, in the States where they resided. But, if all foreigners, residing in Rhode-Island, become entitled, without the consent of the State, to the right of suffrage, by the simple act of naturalization, under an act of Congress, and so entitled to this right, that they have a right to take it, by their own authority, if they cannot obtain it without, then, indeed, are the States stripped of that power which is so necessary to self-preservation. If these foreigners have no right derived from the naturalization laws of Congress, to become members of the body politic of this State, with the right of suffrage, without the consent of the State, by what right have such persons exercised this right, and been allowed to vote for the

Free Suffrage Constitution? The same principle applies to persons born in other States, and coming here to reside. They come here, subject to our laws and owing allegiance to our government. If they did not like our laws, in relation to freehold qualification, why did they come here? What right have they to complain of our laws, to which they voluntarily submitted, and to which they voluntarily became subject, by the act of coming and residing among us? They make, indeed, but a poor return for the protection which has been afforded them, by seizing upon the political power, in violation of the fundamental laws of the State!

But we have all sorts of heresies let loose upon us at once; enough, indeed, to fill most minds with confusion, and to lead many honest men astray.

Is it not, then, the duty of government, at such a crisis, to make the path of duty plain to the citizen, that he may read his duties in your statutes, instead of learning them in that school of disorganization which is such an enemy to all orderly government?

Governments are practical things; the lives, liberties and property of peaceable citizens are not to be put in jeopardy to enable men to acquire political power, by making votes by the wholesale, and to accomplish this, to change, by their own usurped authority, the fundamental laws of the State. Neither are your lives, liberties and property to be put in jeopardy, to enable visionary men to run their theories into practical absurdities, and to form what they may think a more perfect system of government.

Such "precedents are indeed dangerous things." If there are some things about which we may doubt at the beginning, they show, in their progress, their true character.

So has it been with this free suffrage movement. The roasting an ox, the marching in procession with all sorts of banners flying, and listening to speeches from the orators of the human race, may have been considered as very harmless things, as a show, a comedy or a farce, for the amusement of the people. It has been suffered to go on, and its true character begins to appear. The fifth act of the drama is to come. Their government is to be set up, and the government of the State is to be put down. But, as yet, the leaders in this movement disclaim all idea of force. They only require that you should suffer them to put you down *peaceably*, and then they will act as peaceable citizens;—otherwise you are to be charged with all their guilt, if you compel them to put you down by *force*!

We see, therefore, how dangerous it is to suffer factions to rise up in a State, and to gather strength, which have for their object what they call reformation, "peaceably if they can, forcibly if they must."

We have had frequent occasion to use the term *faction*. Mr. Madison has given us a definition of it. He says:

"By a faction, I understand a number of citizens, whether amounting to a *majority or minority of the whole*, who are united and actuated by some *common impulse of passion or of interest*, adverse to the rights of other citizens, or to the **PERMANENT AND AGGREGATE INTERESTS OF the community.**"

How descriptive is this of the character of the men who, "united and actuated by a common impulse," have thrown our State into such confusion!

All attempts at reformation should begin by enlightening public sentiment, and if the public mind is sufficiently informed, and ready for the reform, it should be and may be accomplished through the medium of the government. In this way, all the Constitutions of the States have been formed or amended under authority derived from the Legislative power. This universal practice, shows the universal sentiment, and ought to be considered now as one of the canons of Constitutional law.

We see, by the progress of the free suffrage movement, how dangerous, to government is any other course, and experience has shown us not only what the law must be, but the true reason of it.

The enlightened State of Virginia has had on her Statute Book, for nearly sixty years, a law, which shows, in the strongest light, how her statesmen have viewed such a mode of reform as our suffrage men have attempted, and which shows also the wisdom of these statesmen in preventing the beginning of such commotions.

In the words of Washington :

"Commutations of this sort, like snow balls, gather *strength as they roll*, if there is no opposition in the way to divide and crumble them."

The Virginia law is as follows :

"Section 2. Also every person or persons who shall erect, or establish, or cause, or procure to be erected or established, any government separate from, or independent of the Government of Virginia, within the limits thereof, *unless by act of the Legislature of this Commonwealth, first obtained*; or who shall in any *such usurped government*, hold or execute any office, legislative, executive, judiciary or ministerial, by whatever name such office may be distinguished or called; or who shall swear, or otherwise solemnly profess allegiance or fidelity to the same, or who shall, under pretext of authority derived from, or protection afforded by *such usurped government*, resist or oppose the due execution of the laws of this Commonwealth, shall be adjudged *guilty of high treason*, and shall be proceeded against and punished in the same manner as other traitors may be proceeded against and punished."

"Sec. 3. Every person who shall attempt to establish such government, by any other means than *with the assent of the Legislature of this Commonwealth*, and, in pursuance of such attempts, shall join with any other person or persons, in any overt act for promoting such attempts; or who shall by writing or advised speaking, endeavor to instigate the people of this Commonwealth, to erect or establish such government, without such assent as aforesaid, shall be adjudged guilty of a high crime and misdemeanor; and, on conviction, shall be subject to such pains and penalties, not extending to life or member, as the Court, before whom the conviction shall be had, shall adjudge."

But why talk we of law? These gentlemen boldly proclaim their right to proceed, as they have done, "without law and against law," by the right of revolution!

In an address of the Executive Committee, of the Rhode-Island Suffrage Association, to the People of Rhode-Island, and published in their official, the "New Age," on the 24th of December last, they hold the following language:

"Instead of longer praying in vain, for what is your own, you have come to the DETERMINATION TO USE YOUR OWN PREROGATIVE AND TO TAKE IT."

In the same paper is an article, headed "THE LAST APPEAL," which holds the following decided language:

"You will be inquired of 'By what authority do you frame and adopt a Constitution, and go about to establish a government?' Be this your reply—'By the authority of the people themselves, and by which alone, either passively or formally granted, governments exist. The same authority by which our fathers, not only *without sanction of law*, but AGAINST LAW, erected these once colonies, into "*free sovereign and independent States*.'" This is our authority."

If you are prepared to submit to such authority, then must you suffer your government to be denounced as USURPATION; then must you acknowledge that yourselves and your constituents deserve to be branded with infamy as TYRANTS.

If any apology were needed for this address—it is sufficient that we are all embarked in one common bottom, and must sink or swim together.

We must settle this question for ourselves; it belongs not to Congress, nor to the Supreme Court of the United States. It is a question of State government, which, neither Congress nor the Supreme Court of the United States, have any constitutional authority to settle for us.

If you suffer your government to be put down, and the government of the suffrage men to become the Government of the State—Congress and the Supreme Court of the United States, will not inquire into the question of right. The only question will be the question of fact. Is it a government, *in fact*? Neither Congress, nor the Supreme Court has any authority to inquire further.

If, indeed, there are two Governments set up in the State, the question may arise, incidentally, in Congress, and in the Supreme Court of the United States, which is the lawful Government? But, in the mean time, what is to be the condition of our State?

FRIENDS AND FELLOW-CITIZENS!—Upon your prudence and discretion, and especially upon your *firmness*, depend our peace, and our character. Peace may be restored, but our character, once gone, it will not be for this generation to restore it.

Our motto is "HOPE." In God may we trust, and many unite in the prayer: GOD SAVE THE STATE OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS!