

frequently, be assured that the regular Correspondence of a Relation & Friend for whom I have the greatest Affection & esteem would add very much to my Happiness—

We have at length formed a Congress but as only Seven States are yet fully represented no Business of Consequence has been taken up. I shall bring forward the Kentucky Address at as early a Period as possible, from the soundings which I have been able to make, have sanguine hopes of Success;<sup>2</sup> but with me it is an object of such consequence that I shall not be free from Anxiety until it is finally determined. I think little is to be feared from the Project for ceding the Navigation of the Mississippi to Spain almost a total change of Sentiment upon that Subject has taken place, the Opposition has acquired great Strength from the Sales of Western Territory; many Inhabitants of the Eastern States of great Influence & powerful Connections have become Adventurers in that Country & are now engaged in forming Settlements at Muskingum Miami &c.<sup>3</sup>—The fate of the New Constitution becomes every day more precarious—Connecticut & the Three States South of this have adopted it. in this it will meet with Opposition the Convention of Massachusetts is now sitting but the event of their deliberations is extremely doubtful—such warmth has already prevailed as had well nigh ended in total confusion—both parties are equally confident of Success—should it be rejected in that state I fear the consequences will be fatal to the Plan. The hope of its succeeding is the only Prop which at present supports the Federal Government—If it was finally rejected I fear we should immediately experience the dire effects of Anarchy—& the total dissolution of our Confederacy—But we will not yet despair there is still room to hope. Count Mutiers<sup>4</sup> Ambassador from [France] arrived here a few days past, he is shortly to be recd. by Congress we shall have much Scraping & Bowing no doubt—Peace is established in Europe—If you have had any information from our Relations in Botetourt or Montgomery<sup>5</sup> pray communicate it to me; In what manner could Letters be conveyed into that Country? My Complts. to Jammy I wrote to him last Post—Adieu—live contented & happy

1. RC, Breckinridge Family Papers, ViU. Brown and Breckinridge were cousins.

2. On 29 February Virginia's congressional delegates submitted an address from "the people of Kentucky in convention" and moved that Congress approve the "Compact" between Virginia and the District of Kentucky for making the latter a separate state. The address and motion were submitted to a committee of the whole house. On 2 June the committee recommended that Kentucky be made a separate state, and the next day a grand committee of a delegate from each state was appointed to report an act granting statehood to Kentucky. On 2 July the grand committee asked to be discharged. Brown made a motion, seconded by Edward Carrington, that Congress ratify and confirm the compact between Virginia and Kentucky. The next day the motion was postponed and

another motion was adopted to defer the statehood question to the new Congress under the Constitution (JCC, XXXIV, 72–73, 194, 198, 287, 287–94).

3. In October 1787 Congress sold land in the Northwest Territory (southeastern Ohio) to the Ohio Company, a New England-based group. In the spring of 1788 groups of New Englanders began to settle in that territory.

4. Comte de Moustier, France's minister plenipotentiary to the United States, presented his credentials to Congress on 26 February (JCC, XXXIV, 62–65).

5. One of the relations was John Preston of Montgomery.

### James Madison, Sr., to James Madison 30 January

For this letter, see Orange County Election (II below).

### Philadelphia Freeman's Journal, 30 January<sup>1</sup>

By private accounts from Virginia, we learn, that political disputes run very high in that State; that the advocates of the proposed Constitution are losing ground daily; that they avoid all argument, and depend principally upon the magic of Names, declamation, songs &c; that there will be two to one against it in their Convention, which meets next June; that their Assembly had passed an act to set apart a sum of money for the expences of deputies to propose, to the other States, amendments;<sup>2</sup> that it was currently reported in that State, that all opposition had ceased in Pennsylvania to the proposed Constitution: That the North Carolina Convention would meet in June; and that the people to the southward were all kept in the dark by the stoppage of the newspapers in the Post Office.<sup>3</sup>

1. Reprints by 25 February (10): Mass. (4), R.I. (2), N.Y. (2), N.J. (1), Pa. (1). The *Boston Gazette* reprinted this item on 18 February, and the next day the *Massachusetts Gazette* noted: "A correspondent remarks, that little heed is to be given to the paragraph in yesterday's Gazette, respecting the progress of anti-federalism in Virginia; as information has been received from undoubted authority, that federalism daily gains ground in that state; and it has been reported that many of the LEE faction have changed their ground, and joined the federal interest."

2. See "The General Assembly Adopts an Act for Paying the State Convention Delegates," 30 November–27 December (above).

3. On 6 February the *Norfolk and Portsmouth Journal* stated: "A disappointment in not receiving the Northern mail as usual (after waiting to the latest hour), renders an apology to our kind Subscribers necessary, in ushering to their presence a barren sheet for this week's Number. . . . The Public will please to cast a favorable eye on this day's publication, and generously ascribe its vacuum to the real cause above assigned" (CC:Vol. 4, p. 550).

### Civis Rusticus Virginia Independent Chronicle, 30 January<sup>1</sup>

(The following was written previous to the publication of that in Mr. Dixon's paper of the 5th instant,<sup>2</sup> but not sent to the printer when written from want of a conveyance, the person who wrote it living at a distance from Richmond.)



as will enable the merchants of the northern and eastern states not only to demand an exorbitant freight, but to monopolise on the purchase of the commodities at their own price, for many years, to the great injury of the landed interest, and impoverishment of the people: And the danger is the greater, as the gain on one side will be in proportion to the loss on the other: Whereas requiring two thirds of the members present in both houses would have produced mutual moderation, promoted the general interest, and removed an insuperable objection to the adoption of the government.

9th. Under their own construction of the general clause at the end of the enumerated powers, the Congress may grant monopolies in trade and commerce, constitute new crimes, inflict unusual and severe punishments, and extend their power as far as they shall think proper; so that the state legislatures have no security for the powers now presumed to remain to them; or the people for their rights.

10th. There is no declaration of any kind for preserving the liberty of the press, the trial by jury in civil causes; nor against the danger of standing armies in time of peace.

11th. The state legislatures are restrained from laying export duties on their produce.

12th. The general legislature is restrained from prohibiting the further importations of slaves for twenty odd years; though such importations render the United States weaker and more vulnerable, and less capable of defence.

13th. Both the general legislature and the state legislatures are expressly prohibited making ex post facto laws; though there never was, nor can be a legislature but must and will make such laws, when necessity and the public safety require them; which will hereafter be a breach of all the constitutions in the union, and afford precedents for other invocations.<sup>6</sup>

This government will commence in a moderate aristocracy; it is at present impossible to foresee whether it will, in its operation produce a monarchy, or a corrupt oppressive aristocracy, it will most probably vibrate some years between the two, and then terminate between the one and the other."

*Ob.* 1st. This objection proves too much, it goes against all sovereignty, "it being paramount to all laws of the several states, the declaration of rights in the separate states are no security," if the declaration of rights in the separate states be no security, which it is confessed are not repealed, neither would a general declaration of rights be any security, for the sovereign who made it could repeal it; "the very title of sovereignty shews the absurdity of an irrevocable

law." The people have every security of enjoying the benefits of the common law, and all acts of parliament previous to the fourth of James the first, they ever had—they remain unrepealed,<sup>7</sup> and are the palladium of the rights of the people: as long as *they* retain the spirit of freedom, these rights will exist, amidst the mighty shock of revolutions, the crush of power, the fall of colonies, and the rise of empires.

There are only five states in the union that have declarations of rights<sup>8</sup>—the proposed government is thoroughly popular—the house of representatives are immediately chosen by the people, the senate immediately by their representatives in Assembly, and the president by electors, in such manner as the legislature of the state may direct—at the end of four years, he may, and will be removed from his situation, unless he discharge the duties of it, to the approbation of the people, and to the glory and advantage of America. A government thus constituted stands in need of no bill of rights; the liberties of the people never can be lost, until they are lost to themselves, in a vicious disregard of their dearest interests, a sottish indolence, a wild licentiousness, a dissoluteness of morals, and a contempt of all virtue.

2d. "The house of representatives is not numerous enough," and yet they exceed in number the present Congress:" there was a time when these could acquire information, and why should not their successors? the number from this state will be ten, besides two senators; the number at present only five.—The reason of not augmenting the representation, I take to be this; the fear of augmenting the expences of government; and considering the condition of America, it is wise to pay a particular respect to this circumstance.

3d. "The senate have the power of altering money bills;" and why not? because the Lords in England, an hereditary aristocracy, have not, of late years, been permitted by the commons to exercise this power, shall the senate, a rotatory body, chosen by the representatives of the people, be deprived of this essential right of legislation? the people cannot be taxed, but, by the consent of their immediate representatives.

They can fix no salaries without the consent and approbation of the president: Here they are checked; if we suppose both these bodies colluding, (which would at once demonstrate their wickedness and folly) and setting salaries at an infinitely exorbitant pitch, and above services; will not the house of representatives reclaim against such measures, and refuse all grants of money, 'till these are altered, and redressed? Of this truly respectable part of the constitution, in my idea, there is not the least ground for apprehension or fear: they cannot take their seats, 'till thirty years of age: the presumption is not a violent one,