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William Tilghman to Tench Coxe, Chester Town, 25 November 1787

I am much obliged to you for your last inclosing your publications--The press was stopt here before your letter came to hand--but that was of no consequence, as the Philadelphia papers have a much more extensive circulation even in this neighbourhood than the Chester Town one ever had--The four numbers of the American Citizen, in my opinion, are very much to your credit, & that, as far as I can understand is the general opinion--With your professional engagements, I wonder how you find time to give so much of your thought to Politics--The only parts of your performance which have struck me as exceptionable, are two positions in No. 4--You say that by the new System the Trial by Jury in Pennsylv. will be as heretofore--& that under the present constitution of all the States, a public Officer may be condemned to Death by Impeachment without a Jury--I think you will find on consideration, that in Pennsylv. all facts are tryed by Jury in the courts of common law. And altho the Court of Appeals may not make use of Juries, the reason is, that they determine on the record which states all the facts which have been ascertained in the Courts below either by Jury or consent of parties--But under the new Government, the supreme Court will have an appellate Jurisdiction on fact as well as law--As to the Trial by

Impeachment, I speak with certainty as to Maryland, that no Officer can receive Judgment of Death--It is here as in England, where the house of Lords cannot give Judgment of Death on an Impeachment by the Commons--& I incline to think that in most of the States, the Law is the same as in this--When I tell you that I think these assertions ill founded, & that I have no other fault to find, I shew you that I am candid, & that I think your piece very well written--

The foederal Government will be opposed here by Chase & all his adherents, tho' it is my opinion on the whole that there is a Majority for it--For my own part, I am for taking it, altho' I think there are some points objectionable--What I dislike most, is the power given to each state to put a negative on the erection of any new State within the Lines--this matter had better have been referred to the foederal Legislature entirely--for the State which thinks itself injured by a loss of territory, finding itself supported by the force of the whole Union, will be apt to indulge the passions of interest & resentment, & prefer a civil war to the common good--Another difficulty will be the Judicial power--I am afraid some confusion will arise from the foederal Courts taking cognizance of all disputes even on Bonds, book debts &c between Citizens

of different States--I cannot see any necessity for this innovation, & if exercised in its full extent, it may produce consequences destructive of many old established principles in the several States--I could say more on this head than time now permits--I am a friend to the new System, & therefore in conversation I avoid entering deep into the judicial department. Were I its enemy, I think I could erect a battery on this ground which would shake it--The truth is, there are too many people who abhor all laws which will enforce the payment of Debts--And if the people weremade to understand in Maryland, that under the foederal System, there would be more vigor & dispatch than under the State laws, I am apprehensive they would be alarmed--

There are many very good things in the proposed plan of government--& I observe in general, that men of property & Integrity are for it--When the System gets in motion, the legislature will have it in their power in alter some of the exceptionable parts--& they should be particularly careful to make such arrangements as will put the laws of property in each state, as near their present situation as possible--for men will not bear quick changes in matters of this kind--

Our Assembly are sitting--the Senate had not made a house

when I last heard--There will be no difference about calling a Convention--A motion has been made in the house of Delegates, to call the representatives to the late Convention before them--this I take to be a stroke of the antifoederalists--They want the Attorney General to harrangue on the mischievous intrigues & plots of the Convention--On this subject he is almost frantic & will talk for hours--I want to get Information on this important business, & shall thank you for any good publications on either side of the question--

We have had my Brother Phil for some Weeks with us-- he came out on a short leave of absence & talks of returning soon to England--I don't know whether I shall see you this Winter--I would fain do it, but I cannot just now determine-- I am extremely happy, that your apprehensions about Mrs. C's health are removed--With warm wishes for you both,