

The following notes refer to page 1 of the original manuscript.

MdHR P 1592-4 "Mr. Chase" no date (1 sheet)

Front of paper - Nicholas Hammond Esq

Cambridge

Dorchester County

Maryland

(East: Sho: POST:)

free

D (?) Kearny

Dype Dejpe?

Inside

Mr. Chase-

Convention exceeded their powers-- State Governmt annihilated - power
of taxing unlimited-- States prohibited from laying duties or imposts, &
consequently will be unable to lay any but direct taxes - impossible to
discharge their debts-- Hales opinion on change of laws, his cautions &
remarks on the various passions producing them-- Judicial power of
states destroyed-- Confessed by Maddison, Jay, & Hamilton that they
meant to abolish States--

Fi. Fa [fierī facias] law - Farmers letters proving that the power of
taxation exercised by Britain, would destroy Colonial Legislatures--
Rhode Island & Georgia have paid nothing & there is no power of
compelling them-- Expences of 2 governments will induce the people after
sometime to surrender their State Governments entirely-- Tender laws
cause of this change-- Bill of rights & constitution of Maryld destroyed

- excellent mode for making alteration prescribed by Constitution of Maryland-- Trial by Jury taken away-- Power of taxing, 'raising' troops, etc should have been at least restrained by requiring more than a majority of congress to join in exercising those powers--

The following notes refer to page 2 of the original manuscript.

Recommendation of AssY to submit it to Convention of Delegates--

- / Document of instruction: to be brot forward--
- / Necessary for late Convention to go beyond instructions--
- / Convention agitated by heat of passion - Col. Mason--
- / Freedom of America not to hear or read--
- / Part of Constitution mistaken--
- // Have other parties Let up--
- // The Convention acted as private men--
- //

MdHR P 1592-9 "Notes of Mr. Chase's Arguments in Convention." no date
(2 sheets)

The following notes refer to page 1 of the original manuscript.

Mr. Chase-

Convention exceeded their powers-- State Governm.ts annihilated -
States prohibited from laying imposts or duties - can lay none but direct
taxes - impossible to pay State debts--

Ld? Hales opinion on new laws - his cautions, & remarks on various
passions producing them-- Judicial powers of State destroyed-- Avowed
by Jay, Maddison & Hamilton, that they meant to destroy State Governments
- Fi. Fa. law - Farmers letters proving that power of taxation exercised
by Britain wd destroy State legislatures - Rhode Island & Georgia have p^d
nothing & can't be compelled by this constitutn-- Expences of 2
Governm.ts will induce people to surrender State governm.ts entirely--
Tender laws cause of this change - Bill of rights & constitution of
Maryland destroyed - excellent mode of making alterations prescribed by
constitution of Maryld-- Trial by Jury taken away - power of taxing,
raising troops etc. should have been at least restrain'd by requiring
more than a majority of congress to join in exercising those powers--

-Friday - Mr C.

Convention guilty of treason if they attempted to make a new Governm.t
without authority--

/ I speak the sense of my constituents - amendments proposed must appear
if only one member moves it

/ Chains rivetted if no amendmt proposed by man of such influence/

The following notes refer to page 2 of the original manuscript.

/ There shd be a requisition before tax laid

/ poll tax unjust

/ Census bad, including 3/5 of slaves - better to have had a smaller number & lost some of our representation

/ poll tax agt bill of rights - poor pay as much as rich

/ If congress pay their Exp.s & interest of debt, they must have recourse to direct taxes

/ Annual Exp.s of congress in Peace 400,000 dolls - 80 delegates 80,000 more

/ 167:800 - to pay Int. of forn pt

600:000 - Int. of Domest. Dt?

// 750,000 the suppos'd amt of 7/6 land tax - Excise 1/8 Doll per Gall. for spirits & 5 per C+ import. Letter from Finances (1781 - 3 Feb.) rec^d

	Dollr
5 p C+ Impost.....	5,000,000
Land tax.....	5,000,000
Excise.....	5,--
	<u>5,000--</u>
750,000 =	2,000000 [sic]

/ Land tax at 7/6 per 100 acrs particularly injurious to Maryld because land in Eastern States of more value

/ 3. art. Doct. rights repealed - Comm. Law of Engld Strictly by Jury- it may be taken in all - in some it is expressly

/ remedy for every freeman for injury according to law of land (bill of

rights) repealed
/ 28 sec. do art. Soldiers quartered etc. - repealed
// 26 sec. do art. standing armies - rep.d consent of 3/4. (& could?) be
in time of Peace--
/ National Legislature will not be ours--
Militia marched out without consent of legislature - agst laws of Engd?
/ Liberty of press - (bill of rights-) Congress may infringe it.
/ Last article of do - rights of Conscience - I believe a national
religion will be made to strengthen a bad Governmt & that which is
most numerous
[page sequence does not follow, sense is lost]

The following notes refer to page 3 of the original manuscript.

represent.s will not be chosen by people-
Either the whole people must chuse, or they must chuse by districts - If
the whole chose, they must either chose those they don't know, or confine
themselves to their county - & this may be taken away (4 sec. 1 art.)
(Senate were for Elections 1.st week JanY - & convention 3rd. week)
/ number of represents too few - confin'd to 200. but not provided that
the rule shall be observed as far as that number--
/ number of Senate too few - 25. too few to trust with dearest rights -
may be bribed. Britain & France will influence them-

Holland

/ America may turn the bal.e of France & England.
/ The President will bribe Legislat.e
/ Nomination of officers = to appointmt
/ Britain has one Delegate for 15,000

/ Number should be too great for corruption & too few for Mob.

7. Northern States - 35

6. Southern - 30

/ Local influence will follow represent^s

/ Approve of unequal represent.ⁿ in house of represent^s - these rights do not affect individuals

/ -A few men can't know the interest of America - rich man, nobles, poor, plebeians

/ Merchants & Farmers will have no representation - mechanics the same - rich & well born will have everything - they have neither knowledge of the poor, nor feeling for them--

/ Senate perpetual body, - always 2/3. of the body in Existence--

/ they will class, so as to turn out the obnoxious men-

/ Mr King - average of senators time 4. years - mistake/

The following notes refer to page 4 of the original manuscript.

shall not reason on all object.^{es}

/ President shd not be eligible for life - nominate to office - pardon before conviction--

Judicial Power--

All cases arising under laws of United States. - Suppose Excise Officer abuses an individual - can he be tryed in State Court?--no--

/ Officer may enter without oath - Assembly refused Excise to Congress

/ Husbands, fathers, & brothers take care of officers - rich may find remedy, poor none--

/ Trial by Jury taken away between citizens, (expressly) - of different states - because an appeal lyes on fact-

Change

Change

- / Title of land in Maryland, may be tryed by feigned lease made to foreigners
- / Grant Trial by Jury, on facts, & in suits agt officers, & I will agree to Judicial
- / Object to power of regulating trade
- / Treaties supreme law of Land
- Provision for Amendments--
- 2/3 must propose - 3/4 agree
- // The Governmt tho bad, will be strengthened by officers & dependts
- / State debt will remain, without means of payment
- / Holders of continental securities, deeply interested in adopting the Governm^t
- / Massachusetts dissatisfied - small majority.- New Hamshire doubtful - New York doubtful-- Jersey has taken it - Virginia doubtful-.
- No Carolina has given no opinion
- / So. Carolina, no opinion, but doubtful--
- / Georgia, like Delaware, has taken it--

The following notes refer to page 5 of the original manuscript.

- / Would take it thro' necessity, if Virginia did -- but what if Virginia should refuse - & N. York-Commerce wd fly there - Merchants, as a body, unfavorable to liberty.
- / If the majority adopt the Governmt, I shall acquiesce--
- / Senate to be chosen by legislature - suppose congress should alter mode of chusing by joint ballot, & give each house an = vote--/

or receive the profits of any other Office under Congress during the Time they hold their Commissions-----

- 8 That all Warrants without Oath or Affirmation of a person conscientiously scrupulous of taking an Oath to search suspected places, or to seize any person or his property, are Grievous and Oppressive; And all general Warrants to search suspected places, or to apprehend any person suspected without naming or describing the place or person in special are dangerous and ought not be granted-----

The following notes refer to page 3 of the original manuscript.

- 9th --That no Soldier be enlisted for a longer Time than four Years except in Time of War and then only during the War-----
- 10th --That Soldiers be not quartered in Time of peace upon private Houses without the Consent of the Owners.
- 11th --That no Mutiny Bill continue in force longer than two Years-----
- 12th --That the Freedom of the press be inviolably preserved-----
- 13 --That the Militia shall not be subject to martial Law except in Time of War, Invasion or Rebellion----- (agreed to in Conv^{tn}.)

// Amendments intended to be proposed to Conv^{tn}- by Mr. S. Chase-----

1. That the Militia unless selected by Lot or voluntary Inlistment shall not be marched beyond the Limits of an adjoining State without the Consent of their Legislature or Executive.-----
- 2.d* That Congress shall have no power to alter or change subsisting Regulations respecting the Time, place or Manner of holding Elections for Senators or Representatives-- (*this paragraph has a slash through it and is replaced by paragraph 2 on last page of original)
- 3.d That in every Act of Congress imposing direct Taxes the Collection thereof shall be suspended for a certain reasonable time therein limited and that on payment of the Sum by any State by the Time appointed such Taxes shall not be collected--

The following notes refer to page 4 of the original manuscript.

- 2.d Congress shall have no power to alter or change the time place or manner of holding election for Senators or representatives, unless a State shall neglect to make regulations, or to execute its regulations, or shall be prevented by invasion or rebellion in which case only Congress may interfere untill the cause be removed-----

/ Easy for president to keep up the Army, by influencing the legislature.

-whipping Militia - Congress proposed a Prussian Discipline in the year 1781-

/ Black: Comm: on military & maritime state-

/ Even in France the Militia are on a freer footing than here - after 6 yrs service they are discharged for life - in England after 3 yrs service, & there too, they may find substitutes-

Militia

/ Convention made improper alterations, because too much fatigued to consider the matter.

-Objects to direct taxation without previous requisition, but would give that up if judged necessary-

/ Jer. Chase -

/ 1. General power of taxation -

/ no mode can be devised to make election so as to represent the whole people - the rich & powerful will prevail-

/ what injury could arise from a previous requisition from State Legislature-

2. Trial by Jury -

The trial by Jury is expressly saved in criminal cases-

The following notes refer to page 5 of the original manuscript.

if meant so in Civil, why not say so?

/ the appeal given on points of fact, shews that it was meant to take away trial by Jury-

/ rule of construction - "if Jurisdiction is given to a new Court, all other Jurisdictions are excluded"-

Appeal

/ If the State courts have concurrent jurisdiction - even then their trial by Jury is destroyed, because of the appeal on fact-

/ Power to provide for General defence & welfare includes all powers of Legislation. Congress will avail themselves of these General expressions- Assembly of Maryland took advantage of words less proper, to lay a partial poll tax.

/ 3: Rights of Conscience not Secured--

/ 4: Power of taxing by Excise - (Proceedings of 1. congress 1774 - address to inhabitants of Britain - "Excise, the honor of a free Governments.")

/ 5-- Poll Tax--

/ 6. Standing Army - power should be circumscribed by limiting number of men, requiring assent of more than a majority of States--

/ 7-- Power over Militia - felt for people who might suffer by this, tho I did not apprehend any thing for myself. The rich will get a substitute - but the poor must turn out-- Will a freeman consent to be whipped?

The following notes refer to page 6 of the original manuscript.

The consent of Assembly should be had for Militia Laws - because they would be afraid to oppress the people--

If Government established, I shall acquiesce but cannot give it an active support--

/ Mr. S. Chase - no other Gentleman in opposition to Speak--

The president will not be chosen by Electors chosen by the people--91. Electors in 13. States are to make the Election - after the 1. Election (Genl W.) no one man

S. Chase

S. Chase

will have the votes of a Majority of the Electors - in that case the house of represente are to elect (by States) one of the 5 highest--

/ The Judges must determine according to the national laws--

/ Convention have established a partial bill of rights-- The liberty of America has been traded away for the liberty of importing Slaves

/ Congress had an appeal in Admiralty cases, & under that power they heard facts, admitted new Evidence, & reversed verdicts of Juries--

/ Government once established cannot be changed but by the Affirmative voice of a Majority of the people--

The following notes refer to page 7 of the original manuscript.

Mercer -

our treaties are such that we are under more advantages with nations with whom we have no treaty, than those with whom we have--

/ The States in arrears can't pay up, if there was power to call on them - because their revenues are taken away--

/ Senate, have too much of the Executive power--

/ No responsibility in represente.

/ President should have a Council--

/ President & Senate have power to make treaties, to bind the Legislatures of the several States-- Poland destroyed by a power like this--

/ Affirm-- 63--

Neg-- 11--