(X.LIIId YEAR.) THE (No. 2128.)

MARYLAND GAZETTE.

THURSDAY, OCTOBER 25, 1787.

The proceedings of the meeting at the ſtate-houſe, on Saturday evening laſt, are printed, chiefly, with a deſign to preſent to our ſubſcribers a ſketch of the excellent ſpeech, delivered by Mr. Wilſon, on that occaſion. It is the firſt authoritative explanation of the principles of the *new federal conſtitution*, and as it may ſerve to obviate ſome objections, which have been raiſed to that ſyſtem, we conſider it ſufficiently intereſting for publication in the preſent form.

ACCORDING to advertiſement, a very great concourſe of people attended at the ſtate-houſe on Saturday evening, to fix upon a ticket of repreſentatives for the enſuing general aſſembly.

Mr. Nixon was choſen chairman, and Mr. Tench Coxe ſecretary of the meeting.

Mr. Jackſon having ſpoken, Mr. Gurney reported from a committee that had been previouſly appointed, the following names, which were ſeparately offered to the conſideration of the citizens preſent, and approved of—viz.

William Will,
Thomas Fitſimons,
George Clymer,
Jacob Hiltzheimer,
William Lewis.

On motion of Mr. Donaldſon, the citizens of the reſpective wards were requeſted to meet on Monday evening, to appoint proper perſons for making out and circulating a ſufficient number of tickets in favour of the above perſons.

Mr. Wilſon then roſe, and delivered a long and eloquent ſpeech upon the principles of the federal conſtitution propoſed by the late convention. The outlines of this ſpeech we ſhall endeavour to lay before the public, as tending to reflect great light upon the intereſting ſubject now in general diſcuſſion.

Mr. Chairman and fellow-citizens,

Having received the honour of an appointment to repreſent you in the late convention, it is perhaps my duty to comply with the requeſt of many gentlemen whoſe characters and judgments I ſincerely reſpect, and who have urged, that this would be a proper occaſion to lay before you any information which will ſerve to explain and elucidate the principles and arrangements of the conſtitution, that has been ſubmitted to the conſideration of the United States. I confeſs that I am unprepared for ſo extenſive and ſo important a diſquiſition; but the inſidious attempts which are clandeſtinely and induſtriouſly made to pervert and deſtroy the new plan, induce me the more readily to engage in its defence; and the impreſſions of four months conſtant attention to the ſubject, have not been ſo eaſily effaced as to leave me without an anſwer to the objections which have been raiſed.

It will be proper, however, before I enter into the refutation of the charges that are alleged, to mark the leading diſcrimination between the ſtate conſtitutions, and the conſtitution of the United States. When the people eſtabliſhed the powers of legiſlation under their ſeparate governments they inveſted their repreſentatives with every right and authority which they did not in explicit terms reſerve; and therefore upon every queſtion, reſpecting the juriſdiction of the houſe of aſſembly, if the frame of government is ſilent, the juriſdiction is efficient and complete. But in delegating federal powers, another criterion was neceſſarily introduced, and the congreſſional authority is to be collected, not from tacit implication, but from the poſitive grant expreſſed in the inſtrument of union. Hence it is evident, that in the former caſe every thing which is not reſerved is given, but in the latter the reverſe of the propoſition prevails, and every thing which is not given, is reſerved. This diſtinction being recognized, will furniſh an anſwer to those who think the omiſſion of a bill of rights, a defect in the propoſed conſtitution: for it would have been ſuperfluous and abſurd to have ſtipulated with a federal body of our own creation, that we ſhould enjoy thoſe privileges, of which we are not divested either by the intention or the act, that has brought that body into exiſtence. For inſtance, the liberty of the preſs, which has been a copious ſource of declamation and oppoſition, what control can proceed from the federal government to ſhackle or deſtroy that ſacred palladium of national freedom? If indeed, a power ſimilar to that which has been granted for the regulation of commerce, had been granted to regulate literary publications, it would have been as neceſſary to ſtipulate that the liberty of the preſs ſhould be preſerved inviolate, as that the impoſt ſhould be general in its operation. With reſpect likewiſe to the particular diſtrict of ten miles, which is to be made the ſeat of federal government, it will undoubtedly be proper to obſerve this ſalutary precaution, as there the legiſlative power will be excluſively lodged in the preſident, ſenate, and houſe of repreſentatives of the United States. But this could not be an object with the convention, for it muſt naturally depend upon a future compact, to which the citizens immediately intereſted will, and ought to be parties; and there is no reaſon to ſuſpect that ſo popular a privilege will in that caſe be neglected. In truth then, the propoſed ſyſtem poſſeſſes no influence whatever upon the preſs, and it would have been merely nugatory to have introduced a formal declaration upon the ſubject—nay, that very declaration might have been conſtrued to imply that ſome degree of power was given, ſince we undertook to define its extent.

Another objection that has been fabricated againſt the new conſtitution, is expreſſed in this diſingenuous form—"the trial by jury is aboliſhed in civil caſes." I muſt be excuſed, my fellow citizens, if upon this point, I take advantage of my profeſſional experience to detect the futility of the aſſertion. Let it be remembered then, that the buſineſs of the federal convention was not local, but general; not limited to the views and eſtabliſhments of a ſingle ſtate, but co-extenſive with the continent, and comprehending the views and eſtabliſhments of thirteen independent ſovereignties. When therefore, this ſubject was in diſcuſſion, we were involved in difficulties which preſſed on all ſides, and no precedent could be diſcovered to direct our courſe. The caſes open to a trial by jury differed in the different ſtates, it was therefore impracticable on that ground to have made a general rule. The want of uniformity would have rendered any reference to the practice of the ſtates idle and uſeleſs; and it could not, with any propriety, be ſaid that "the trial by jury ſhall be as heretofore," ſince there has never exiſted any federal ſyſtem of juriſprudence to which the declaration could relate. Beſides, it is not in all caſes that the trial by jury is adopted in civil queſtions, for cauſes depending in courts of admiralty, ſuch as relate to maratime captures, and ſuch as are agitated in courts of equity, do not require the intervention of that tribunal. How then, was the line of diſcrimination to be drawn? The convention found the taſk too difficult for them, and they left the buſineſs as it ſtands, in the fulleſt confidence that no danger could poſſibly enſue, ſince the proceedings of the ſupreme court, are to be regulated by the congreſs, which is a faithful repreſentation of the people; and the oppreſſion of government is effectually barred, by declaring that in all criminal caſes the trial by jury ſhall be preſerved.

This conſtitution, it has been further urged, is of a pernicious tendency, becauſe it tolerates a ſtanding army in the time of peace—This has always been a topic of popular declamation; and yet, I do not know a nation in the world, which has not found it neceſſary and uſeful to maintain the appearance of ſtrength in a ſeaſon of the moſt profound tranquillity. Nor is it a novelty with us; for under the preſent articles of confederation, congreſs certainly poſſeſſes this reprobated power, and the exerciſe of that power is proved at this moment by her cantonments along the banks of the Ohio. But what would be our national ſituation were it otherwiſe? Every principle of policy muſt be ſubverted, and the government muſt declare war, before they are prepared to carry it on. Whatever may be the provocation, however important the object in view, and however neceſſary diſpatch and ſecrecy may be, ſtill the declaration muſt precede the preparation, and the enemy will be informed of your intention, not only before you are equipped for an attack, but even before you are fortified for a defence. The conſequence is too obvious to require any further delineation, and no man, who regards the dignity and ſafety of his country, can deny the neceſſity of a military force, under the control and with the reſtrictions which the new conſtitution provides.

Perhaps there never was a charge made with leſs reaſons than that which predicts the inſtitution of a baneful ariſtocracy in the federal ſenate. This body branches into two characters, the one legiſlative, and the other executive. In its legiſlative character it can effect no purpoſe, without the co-operation of the houſe of repreſentatives, and in its executive character, it can accompliſh no object, without the concurrence of the preſident. Thus fettered, I do not know any act which the ſenate can of itſelf perform, and ſuch dependence neceſſarily precludes every idea of influence and ſuperiority. But I will confeſs that in the organization of this body, a compromiſe between contending intereſts is diſcernable; and when we reflect how various are the laws, commerce, habits, population, and extent of the confederated ſtates, this evidence of mutual conceſſion and accommodation ought rather to command a generous applauſe, than to excite jealouſy and reproach. For my part, my admiration can only be equalled by my aſtoniſhment, in beholding ſo perfect a ſyſtem, formed from ſuch heterogeneous materials.

The next accuſation I ſhall conſider, is that which repreſents the federal conſtitution as not only calculated, but deſignedly framed, to reduce the ſtate governments to mere corporations, and eventually to annihilate them. Thoſe who have employed the term corporation upon this occaſion, are not perhaps aware of its extent. In common parlance, indeed, it is generally applied to petty aſſociations for the eaſe and conveniency of a few individuals; but in its enlarged ſenſe, it will comprehend the government of Pennſylvania, the exiſting union of the ſtates, and even this projected ſyſtem is nothing more than a formal act of incorporation. But upon what pretence can it be alleged that it was deſigned to annihilate the ſtate governments? For, I will undertake to prove that upon their exiſtence, depends the exiſtence of the federal plan For this purpoſe, permit me to call your attention to the manner in which the preſident, ſenate, and houſe of repreſentatives, are propoſed to be appointed. The preſident is to be choſen by electors, nominated in ſuch manner as the legiſlature of each ſtate may direct; ſo that if there is no legiſlature, there can be no electors, and conſequently the office of preſident cannot be ſupplied. The ſenate is to be compoſed of two ſenators from each ſtate, choſen by the legiſlature; and therefore if there is no legiſlature, there can be no ſenate. The houſe of repreſentatives, is to be compoſed of members choſen every ſecond year by the people of the ſeveral ſtates, and the electors in each ſtate ſhall have the qualifications requiſite for electors of the moſt numerous branch of the ſtate legiſlature,—unleſs therefore, there is a ſtate legiſlature, that qualification cannot be aſcertained, and the popular branch of the federal conſtitution muſt likewiſe be extinct. From this view then, it is evidently abſurd to ſuppoſe, that the annihilation of the ſeparate governments will reſult from their union; or, that having that intention, the authors of the new ſyſtem would have bound their connexion with ſuch indiſſoluble ties. Let me here advert to an arrangement highly advantageous, for you will perceive, without prejudice to the powers of the legiſlature in the election of ſenators, the people at large will acquire an additional privilege in returning members to the houſe of repreſentatives—whereas, by the preſent confederation, it is the legiſlature alone that appoints the delegates to congreſs.

The power of direct taxation has likewiſe been treated as an improper delegation to the federal government; but when we conſider it as the duty of that body to provide for the national ſafety, to ſupport the dignity of the union, and to diſcharge the debts contracted upon the collective faith of the ſtates for their common benefit, it muſt be acknowledged, that thoſe upon whom ſuch important obligations are impoſed, ought in juſtice and in policy to poſſeſs every means requiſite for a faithful performance of their truſt. But why ſhould we be alarmed with viſionary evils? I will venture to predict, that the great revenue of the United States muſt, and always will be raiſed by impoſt, for, being at once leſs obnoxious, and more productive, the intereſt of the government will be beſt promoted by the accommodation of the people. Still, however, the objects of direct taxation ſhould be within reach in all caſes of emergency; and there is no more reaſon to apprehend oppreſſion in the mode of collecting a revenue, from this ſource, than in the form of an impoſt, which, by univerſal aſſent, is left to the authority of the federal government. In either caſe, the force of civil inſtitutions will be adequate to the purpoſe; and the dread of military violence, which has been aſſiduouſly diſſeminated, muſt eventually prove the mere effuſion of a wild imagination, or a factious ſpirit. But the ſalutary conſequences that muſt flow from thus enabling the government to receive and ſupport the credit of the union, will afford another anſwer to the objections upon this ground. The ſtate of Pennſylvania particularly, which has encumbered itſelf with the aſſumption of a great proportion of the public debt, will derive conſiderable relief and advantage; for, as it was the imbecility of the preſent confederation, which gave riſe to the funding law, that law muſt naturally expire, when a competent and energic federal ſyſtem ſhall be ſubſtituted—the ſtate will then be diſcharged from an extraordinary burthen, and the national creditor will find it to be his intereſt to return to his original ſecurity.

After all, my fellow-citizens, it is neither extraordinary or unexpected, that the conſtitution offered