

Met as we are for framing a constitution or permanent form of government  
for this infant state, we are about to be engaged in the most interesting &  
important undertaking, that <sup>can</sup> be entrusted to the departed wisdom  
& virtue of any society. Man is ~~then~~ employed in his noblest avocations  
when prescribing laws for his own government. As the noblest of God's  
works, an intellectual free agent, he is exerting his noblest faculty  
to the noblest <sup>of all</sup> purposes. He is organizing a civil society, for the protection  
the perpetuation & amelioration of a portion of the human race. He is  
constituting an individual state, to play its part among the nations,  
in the great drama of the world. These considerations are sufficient  
without any minute detail, to impress us with the importance of the  
subject upon which we are about to engage. It is an occasion which  
fills me with feelings of exultation & pride, which language is inadequate  
to express. But they are feelings that will meet kindred emotions  
in the bosom of every one who hears me, when I tell you that  
it is the pride & exultation of an American citizen, in the exercise  
of that <sup>great</sup> right, which we have achieved for ourselves & our  
posterity, the right of self government. It is this which gives us our  
proud distinctive characteristic, over all the nations of the earth.  
That bosom must be dead indeed to the true feeling for country,  
that does not swell with exultation, & painful pride at the reflections  
which such a suggestion must call up. It is a subject worthy  
of the most reiterated recurrence. The present occasion necessarily  
called it to mind. But it recurs in after times, <sup>as often as it may</sup> it will never  
recur once too often. Nothing is better calculated to place  
our country, where it should be, in the centre of the affections  
of its people. Nothing is better calculated ~~to~~ <sup>the performance of</sup> render <sup>our</sup>  
greatest earthly duty, the duty to our country, a work of love



& affection instead of an extorted obedience.

The governments of all other countries have been the result of chance or force. A blind necessity driving to accidental combinations, or the selfish power of a few over the many, exerted for its own perpetuation, originated all of them. The subsequent alterations they have undergone are the results of the collisions between hostile factions, in the scramble for power, or the sparse & forcible reclamations of the governed from the usurped powers of their governors. All the valued features of the government of the freest people of modern Europe, are such reclamations from the divine right of the king. The constitution of England, if it can be said to have one, is made up of reservations from & restrictions & restraints upon the power of the king. The sole change produced by the fierce civil wars of centuries, has been from an absolute monarchy, to that of an absolute, but regulated aristocracy. The baneful principle of hereditary office & hereditary power, never was more deeply rooted in any country, than it still is in England.

How differently does government originate with us! Driven together by no fear, no necessity, no blind accident, our societies are constituted out the voluntary agent, of unfettered, self controlling freemen. In devising a form of government for ourselves & our posterity, we are unshackled by any preexisting institutions or preconceived prejudices. <sup>There is</sup> ~~No~~ existing interest of the few or the many, to bias our judgment or choice in the selection of that form which may appear most conducive to the good of the whole now & hereafter. No single man's opinions, dead or living, is decked by us with the sanctimonious reverence of imputed infallibility. In effecting our political, we have achieved also our mental emancipation. We will resort to history even, but as the great



store house of human wisdom & experience. We are fools to  
 use & receive the full benefit of ~~all~~ the experience of all  
 past ages; the wisdom of all legislators whether ancient or  
 modern, whether of our own or a foreign lineage & by  
 an unbiased comparison of the effects of other systems  
 upon human happiness, choose that which to our  
 deliberate judgments may appear the best, for every  
 anticipation we can form of its operations upon us.  
~~But~~ whilst exulting & exulting over this state of perfect  
 freedom in which we act, let it not be supposed <sup>that</sup> we mean  
 to deny the experience & wisdom of other men & other times.  
 Experience is the best, if not the only safe teacher. Without  
 it, all is mere conjecture, vague speculation & surmise.  
 With it, if properly understood, our course is safe & comparatively <sup>easy</sup>  
 & if not infallible, it at least furnishes the safest <sup>beacons</sup> ~~beacons~~  
 to steer by. The same causes will produce the same effects.  
 The difficulty exists in tracing effects up to their true cause.  
 Our greatest ~~extent~~ of reason is necessary to understand &  
 appreciate the examples before us. Could we do this properly  
 then government in America would be, <sup>indeed</sup> ~~would be~~ the empire  
 of pure reason alone.

The idea of perfection in government is a mere chimera.  
 The most to be hoped for is the greater not the perfect  
 good. All government is in itself an evil. It is but the  
 better alternative between it & the greater evil anarchy.  
 We should not even anticipate any great improvements.  
 Hazardous novelties should not be attempted. Experience  
 ought to be followed. The courage of a legislator should be



like that of a commander, who commits his own, with the lives & fortunes of those he commands. It is rather a proof of rash tenacity, than of virtue, knowledge or even true courage, to risk his country's safety on the issue of a perilous experiment.

The great purposes of good government, are: First, to promote the public happiness & general welfare: Second, to secure to individuals, the great essential <sup>rights</sup> natural ~~not~~ given up to society, such as, life & liberty & the enjoyment of those acquired by entering into society, such as property.

The first ~~great~~ inquiry in forming a government is to ascertain, what powers are necessary to its attaining these great purposes of its institution. Such as are necessary should be given. The means should be proportioned to the end to be attained. Where there is no limitation to the good to be obtained, or the evil to be guarded against, it will be very difficult, if not impossible, to limit with safety the means to be used. For when the latter fail, the former must be lost.

A weak government must necessarily terminate, in either a dissolution, for the want of proper powers, or the usurpation of powers necessary for the public safety. There is less danger in giving them at first. Tyranny is often produced, by making it necessary to assume power, than by giving large powers in the first instance.

The government must have the power necessary to accomplish its objects & fulfill its trusts. Such degree of power, not inconsistent with, but necessary to liberty. It has more to dread from the abuse, than the extent of powers in a government.



Civil liberty does not consist in an unrestrained freedom, but in the power of doing what we ought to will and the not being constrained to do what we ought not to will. Each man gains more, by others being restrained from injury <sup>to</sup> him, than he loses by being himself restrained from injuring others. This is the substance of the whole argument in favour of all government. Liberty consists, not in being restrained by no law, but in being subject only to such as are equal & properly made. Extreme liberty is near to & generally produces slavery. Government must be strong enough, to compel confidence & respect in the people, or they will resort to expedients that in the end will destroy it.

Confidence must be placed somewhere. The necessity of this, apparent from the very act of delegating power. Better to hazard its abuse, than incur certain detriment by not placing it somewhere. If <sup>it</sup> cannot be safely placed somewhere, it is as idle to attempt to rear a republic for the security & promotion of the common good, as any other form of government. Liberty is much <sup>in danger from</sup> ~~endangered by~~ the abuse of liberty, as from the abuse of power. The one to be as much guarded against as the other. This only to be done by giving sufficient power to check it. Excess of liberty is but another term for anarchy, which is the more precursor & first step to tyranny.

Next to ascertaining what powers are necessary to be given to government, our most important inquiry will be, as to the most effectual means of guarding against the abuse of those powers.



Though it would be improvident & unwise, to deny a government the necessary powers, every consideration requires, that those powers should be so distributed, as to give the greatest possible security against their abuse.

men were much sooner & more fully impressed with the necessity of giving government sufficient power, than with the necessity of checking that power. They were still taken in discovering the proper means of checking it. Their first attempts were wholly ineffectual. The primitive plan was to give full power, but to give it only to the best & most virtuous citizens and trust their moderation not to abuse it. Experience soon proved the inefficacy of this plan. It is the nature of man not to be content with what he has, but to reach after more than he possesses & the nature of power to beget a love & desire of more power. A general would be a king; a king an emperor. Unrestrained power in the hands of man, is as certain of abuse as that he follows the bent of his nature. The few instances to the contrary to be found in the whole history of his race, are of such very rare & infrequent occurrence, as to prove, rather than disprove his unworthiness of the trust. The vice is a constituent element of his character. It must never be overlooked, but always guarded against. The next plan was to limit the amount of power given. But this <sup>was</sup> found to serve no other purpose but to enable the possessor to assume other powers not given. It served little or none the purposes of a barrier against ambition. Experience has proved the only effectual mode to be, to make ambition restrain ambition & power check power, by setting a few to watch & control the few.



7

This<sup>is</sup> effected by dividing the same power which was at first given to one man, or one set of men, amongst different men or different bodies of men, and making the concurrence of the whole necessary to any one measure. This has been found to give sufficient or at least the best, practical security against the abuse of power. The great security of a people for the proper conduct of their governors, is the maintenance of a perpetual community of interest between the governors & the governed. This is destroyed by the uniting of all power in the same hands. By dividing ~~improper~~ power out into different hands, an improper step of one will be opposed by the others. The interest of the man is connected with that of the officer. They both stimulate him to such opposition. For instance, a legislator will be less apt to pass an improper act, where its execution has to be entrusted to another & he himself is subject to it; the executive will not enforce a law oppressively where another is to judge of his conduct; and the judge will be more apt to declare an unconstitutional law void & punish the executive for tyranny, where he can be a member of neither the legislative or executive department & may be injured by the improper conduct of both.

A combination between the several departments, is not to be dreaded, where a proper rotation of office in the <sup>executive</sup> legislative departments is provided for. A change of officers will most probably always secure the proper corrective. But should it not, the right of resistance may & must be resorted to, before any such combination can be



effected to a dangerous extent. No person would have a right to resist power assumed without their consent, so they must have the same right, when ~~more~~ a different power from that delegated, is assumed; or when that which was given by them for their benefit, is used for their destruction.

To have a good government - you must first enable the government to control the governed & next oblige it to control itself; - you must provide mutual checks among the several departments of power; - all power must be derived through different channels from the people; be distributed through different branches, each branch independent of the others: ~~and~~ all dependant on the people.