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INTRODUCTION.

WHAT Archimedes said of the mechanical powers may be applied to reason and liberty. "*Had we,*" says he, "*a place to stand upon, we might raise the world.*"

The revolution of America presented in politics what was only theory in mechanics. So deeply rooted were all the governments of the old world, and so effectually had the tyranny and the antiquity of habit established itself over the mind, that no beginning could be made

in Asia, Africa, or Europe, to reform the political condition of man. Freedom had been hunted round the globe; reason was considered as rebellion; and the slavery of fear had made men afraid to think.

But such is the irresistible nature of truth that all it asks, and all it wants, is the liberty of appearing. The sun needs no inscription to distinguish him from darkness; and no sooner did the American governments display themselves to the

world than despotism felt a shock and man began to contemplate redress.

The independence of America, considered merely as a separation from England, would have been a matter of but little importance, had it not been accompanied by a revolution in the principles and practice of governments. She made a stand, not for herself only, but for the world, and looked beyond the advantages herself could receive. Even the Hessian, though hired to fight against her, may live to bless his defeat; and England, condemning the viciousness of its government, rejoice in its mis-carriage.

As America was the only spot in the political world where the principle of universal reformation could begin, so also was it the best in the natural world. An assemblage of circumstances conspired not only to give birth, but to add gigantic maturity to its principles. The scene which that country presents to the eye of a spectator has something in it which generates and encourages great ideas. Nature appears to him in magnitude. The mighty objects he beholds act upon his mind by enlarging it, and he partakes of the greatness he contemplates. Its first settlers were emigrants from different European nations, and of diversified professions of religion, retiring from the governmental persecutions of the old world, and meeting in the new, not as enemies, but as brothers. The wants which necessarily accompany the cultivation of a wilderness produced among them a state of society which countries long harassed by the quarrels and intrigues of governments had neglected to cherish. In such a situation man becomes what he ought. He sees his species, not with the inhuman idea of a natural enemy, but as kindred; and the example shows to the artificial world that man must go back to nature for information.

From the rapid progress which America makes in every species of improvement, it is rational to conclude that, if the governments of Asia, Africa, and Europe had begun on a principle similar to that of America, or had not been very early corrupted therefrom, those countries must by this time have been in a far superior condition to what they are. Age after age has passed away, for no other purpose than to behold their wretchedness. Could we suppose a spectator who knew nothing of the world, and who was put into it merely to make his observations, he would take a great part of the old world to be new, just struggling with the difficulties and hardships of an infant settlement. He could not suppose that the hordes of miserable poor with which old countries abound could be any other than those who had not yet had time to provide for themselves. Little would he think they were the consequence of what in such countries is called government.

If, from the more wretched parts of the old world, we look at those which are in an advanced stage of improvement, we still find the greedy hand of government thrusting itself into every corner and crevice of industry, and grasping the spoil of the multitude. Invention is continually exercised to furnish new pretences for revenue and taxation. It watches prosperity as its prey, and permits none to escape without a tribute.

As revolutions have begun (and as the probability is always greater against a thing beginning than of proceeding after it has begun), it is natural to expect that other revolutions will follow. The amazing and still increasing expences with which old governments are conducted, the numerous wars they engage in or provoke, the embarrassments they throw in the way of universal civilization and commerce, and the oppression

and usurpation they practise at home, have wearied out the patience and exhausted the property of the world. In such a situation and with the examples already existing, revolutions are to be looked for. They are become subjects of universal conversation, and may be considered as the *Order of the day*.*

If systems of government can be introduced less expencive and more productive of general happiness than those which have existed, all attempts to oppose their progress will in the end be fruitless. Reason, like time, will make its own way, and prejudice will fall in a combat with interest. If universal peace, civilization, and commerce are ever to be the happy lot of man, it cannot be accomplished but by a revolution in the system of governments. All the monarchical governments are military. War is their trade, plunder and revenue their objects. While such governments continue, peace has not the absolute security of a day. What is the history of all monarchical governments but a disgusting picture of human wretchedness, and the accidental respite of a few years' repose? Wearied with war, and tired with human butchery, they sat down to rest, and called it peace. This certainly is not the condition that heaven intended for man; and if *this be monarchy*, well might monarchy be reckoned among the sins of the Jews.

The revolutions which formerly took place in the world had nothing in them that interested the bulk of mankind. They extended only to a change of persons and measures, but not of principles, and rose or fell among the common transactions of the moment. What we now behold may not improperly be called a "*counter revolution*." Conquest and tyranny, at some earlier period, dis-

possessed man of his rights, and he is now recovering them. And as the tide of all human affairs has its ebb and flow in directions contrary to each other, so also is it in this. Government founded on a *moral theory, on a system of universal peace, on the indefeasible hereditary Rights of Man*, is now revolving from west to east by a stronger impulse than the government of the sword revolved from east to west. It interests not particular individuals, but nations in its progress, and promises a new era to the human race.

The danger to which the success of revolutions is most exposed is in attempting them before the principles on which they proceed, and the advantages to result from them, are sufficiently seen and understood. Almost everything appertaining to the circumstances of a nation, has been absorbed and confounded under the general and mysterious word *government*. Though it avoids taking to its account the errors it commits, and the mischiefs it occasions, it fails not to arrogate to itself whatever has the appearance of prosperity. It robs industry of its honours, by pedantically making itself the cause of its effects; and purloins from the general character of man, the merits that appertain to him as a social being.

It may therefore be of use in this day of revolutions to discriminate between those things which are the effect of government, and those which are not. This will be best done by taking a review of society and civilization, and the consequences resulting therefrom, as things distinct from what are called governments. By beginning with this investigation, we shall be able to assign effects to their proper causes and analyze the mass of common errors.

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CHAPTER I.

OF SOCIETY AND CIVILISATION.

GREAT part of that order which reigns among mankind is not the effect of government. It has its origin in the principles of society and the natural constitution of man. It existed prior to government, and would exist if the formality of government was abolished. The mutual dependence and reciprocal interest which man has upon man, and all the parts of civilized community upon each other, create that great chain of connection which holds it together. The landholder, the farmer, the manufacturer, the merchant, the tradesman, and every occupation, prospers by the aid which each receives from the other, and from the whole. Common interest regulates their concerns, and forms their law; and the laws which common usage ordains, have a greater influence than the laws of government. In fine, society performs for itself almost everything which is ascribed to government.

To understand the nature and quantity of government proper for man, it is necessary to attend to his character. As nature created him for social life, she fitted him for the station she intended. In all cases she made his natural wants greater than his individual powers. No one man is capable, without the aid of society, of supplying his own wants; and those wants, acting upon every individual, impel the whole of them into society, as naturally as gravitation acts to a centre.

But she has gone further. She has not only forced man into society by a diversity of wants which the reciprocal aid of each other can supply, but she has implanted in him a system of social affections, which, though not necessary to his existence, are essential to his happiness. There is no

period in life when this love for society ceases to act. It begins and ends with our being.

If we examine with attention into the composition and constitution of man, the diversity of talents in different men for reciprocally accommodating the wants of each other, his propensity to society, and consequently to preserve the advantages resulting from it, we shall easily discover that a great part of what is called government is mere imposition.

Government is no farther necessary than to supply the few cases to which society and civilization are not conveniently competent; and instances are not wanting to show, that everything which government can usefully add thereto, has been performed by the common consent of society, without government.

For upwards of two years from the commencement of the American War, and to a longer period in several of the American States, there were no established forms of government. The old governments had been abolished, and the country was too much occupied in defence to employ its attention in establishing new governments; yet during this interval order and harmony were preserved as inviolate as in any country in Europe. There is a natural aptness in man, and more so in society, because it embraces a greater variety of abilities and resources, to accommodate itself to whatever situation it is in. The instant formal government is abolished, society begins to act: a general association takes place, and common interest produces common security.

So far is it from being true, as has been pretended, that the abolition of any formal government is the dissolution of society, that it acts by a contrary impulse, and brings the latter the closer together. All that part of its organization which it had committed to its governments,

devolves again upon itself, and acts through its medium. When men, as well from natural instinct as from reciprocal benefits, have habituated themselves to social and civilized life, there is always enough of its principles in practice to carry them through any changes they may find necessary or convenient to make in their government. In short, man is so naturally a creature of society that it is almost impossible to put him out of it.

Formal government makes but a small part of civilized life; and when even the best that human wisdom can devise is established, it is a thing more in name and idea than in fact. It is to the great and fundamental principles of society and civilization—to the common usage universally consented to, and mutually and reciprocally maintained—to the unceasing circulation of interest, which, passing through its million channels, invigorates the whole mass of civilized man—it is to these things, infinitely more than to anything which even the best instituted government can perform, that the safety and prosperity of the individual and of the whole depends.

The more perfect civilization is, the less occasion has it for government, because the more does it regulate its own affairs, and govern itself; but so contrary is the practice of old governments to the reason of the case, that the expences of them increase in the proportion they ought to diminish. It is but few general laws that civilized life requires, and those of such common usefulness, that whether they are enforced by the forms of governments or not, the effect will be nearly the same. If we consider what the principles are that first condense men into society, and what are the motives that regulate their mutual intercourse afterwards, we shall find, by the time we arrive at what is called government, that nearly the whole of the business is performed by

the natural operation of the parts upon each other.

Man, with respect to all those matters, is more a creature of consistency than he is aware, or than governments would wish him to believe. All the great laws of society are laws of nature. Those of trade and commerce, whether with respect to the intercourse of individuals or of nations, are laws of mutual and reciprocal interests. They are followed and obeyed, because it is the interest of the parties so to do, and not on account of any formal laws their governments may impose or interpose.

But how often is the natural propensity to society disturbed or destroyed by the operations of government! When the latter, instead of being ingrafted on the principles of the former, assumes to exist for itself, and acts by partialities of favour and oppression, it becomes the cause of the mischiefs it ought to prevent.

If we look back to the riots and tumults which at various times have happened in England, we shall find that they did not proceed from the want of a government, but that government was itself the generating cause: instead of consolidating society it divided it; it deprived it of its natural cohesion, and engendered discontents and disorders which otherwise would not have existed. In those associations which men promiscuously form for the purpose of trade, or of any concern in which government is totally out of the question, and in which they act merely on the principles of society, we see how naturally the various parties unite; and this shows, by comparison, that governments, so far from being always the cause or means of order, are often the destruction of it. The riots of 1780 had no other source than the remains of those prejudices which the government itself had encouraged. But with

respect to England there are also other causes.

Excess and inequality of taxation, however disguised in the means, never fail to appear in their effects. As a great mass of the community are thrown thereby into poverty and discontent, they are constantly on the brink of commotion ; and deprived, as they unfortunately are, of the means of information, are easily heated to outrage. Whatever the apparent cause of any riots may be, the real one is always want of happiness. It shows that something is wrong in the system of government that injures the felicity by which society is to be preserved.

But as fact is superior to reasoning, the instance of America presents itself to confirm these observations. If there is a country in the world where concord, according to common calculation, would be least expected, it is America. Made up as it is of people from different nations,¹ accustomed to different forms and habits of government, speaking different languages, and more different in their modes of worship, it would appear that the union of such a people was impracticable ; but by the simple operation of constructing government on the principles of society and the rights of man, every difficulty retires,

¹ That part of America which is generally called New-England, including New-Hampshire, Massachusetts, Rhode-Island, and Connecticut, is peopled chiefly by English descendants. In the state of New York, about half are Dutch, the rest English, Scotch, and Irish. In New Jersey, a mixture of English and Dutch, with some Scotch and Irish. In Pennsylvania, about one-third are English, another Germans, and the remainder Scotch and Irish, with some Swedes. The States to the southward have a greater proportion of English than the middle States, but in all of them there is a mixture ; and besides those enumerated, there are a considerable number of French, and some few of all the European nations lying on the coast. The most numerous religious denomination are the Presbyterians ; but no one sect is established above another, and all men are equally citizens.*—*Author.*

and all the parts are brought into cordial unison. There the poor are not oppressed, the rich are not privileged. Industry is not mortified by the splendid extravagance of a court rioting at its expence. Their taxes are few, because their government is just : and as there is nothing to render them wretched, there is nothing to engender riots and tumults.

A metaphysical man, like Mr. Burke, would have tortured his invention to discover how such a people could be governed. He would have supposed that some must be managed by fraud, others by force, and all by some contrivance ; that genius must be hired to impose upon ignorance, and show and parade to fascinate the vulgar. Lost in the abundance of his researches, he would have resolved and re-resolved, and finally overlooked the plain and easy road that lay directly before him.

One of the great advantages of the American revolution has been, that it led to a discovery of the principles, and laid open the imposition of governments. All the revolutions till then had been worked within the atmosphere of a court, and never on the great floor of a nation. The parties were always of the class of courtiers ; and whatever was their rage for reformation, they carefully preserved the fraud of the profession.

In all cases they took care to represent government as a thing made up of mysteries, which only themselves understood ; and they hid from the understanding of the nation the only thing that was beneficial to know, namely, *that government is nothing more than a national association acting on the principles of society.*

Having thus endeavoured to show that the social and civilized state of man is capable of performing within itself almost everything necessary to its protection and government, it will be proper, on the other hand, to take

a review of the present old governments, and examine whether their principles and practice are correspondent thereto.

CHAPTER II.

OF THE ORIGIN OF THE PRESENT OLD GOVERNMENTS.

IT is impossible that such governments as have hitherto existed in the world, would have commenced by any other means than a total violation of every principle, sacred and moral. The obscurity in which the origin of all the present old governments is buried, implies the iniquity and disgrace with which they began. The origin of the present government of America and France will ever be remembered, because it is honourable to record it; but with respect to the rest, even flattery has consigned them to the tomb of time, without an inscription.

It could have been no difficult thing in the early and solitary ages of the world, while the chief employment of men was that of attending flocks and herds, for a banditti of ruffians to overrun a country and lay it under contributions. Their power being thus established the chief of the band contrived to lose the name of Robber in that of Monarch; and hence the origin of Monarchy and Kings.

The origin of the government of England, so far as relates to what is called its line of monarchy, being one of the latest, is perhaps the best recorded. The hatred which the Norman invasion and tyranny begat, must have been deeply rooted in the nation, to have outlived the contrivance to obliterate it. Though not a courtier will talk of the curfeu-bell, not a village in England has forgotten it.

These bands of robbers having parcelled out the world, and divided it

into dominions, began, as is naturally the case, to quarrel with each other. What at first was obtained by violence was considered by others as lawful to be taken, and a second plunderer succeeded the first. They alternately invaded the dominions which each had assigned to himself, and the brutality with which they treated each other explains the original character of monarchy. It was ruffian torturing ruffian. The conqueror considered the conquered, not as his prisoner, but his property. He led him in triumph rattling in chains, and doomed him, at pleasure, to slavery or death. As time obliterated the history of their beginning, their successors assumed new appearances, to cut off the entail of their disgrace, but their principles and objects remained the same. What at first was plunder, assumed the softer name of revenue; and the power originally usurped, they affected to inherit.

From such beginning of governments, what could be expected but a continued system of war and extortion? It has established itself into a trade. The vice is not peculiar to one more than to another, but is the common principle of all. There does not exist within such governments sufficient stamina whereon to engraft reformation; and the shortest and most effectual remedy is to begin anew.

What scenes of horror, what perfection of iniquity, present themselves in contemplating the character and reviewing the history of such governments! If we would delineate human nature with a baseness of heart and hypocrisy of countenance that reflection would shudder at and humanity disown, they are kings, courts, and cabinets that must sit for the portrait. Man, naturally as he is, with all his

¹ "A stamina" in the earliest editions, but altered to "sufficient stamina" in the seventh.
—H. B. B.

faults about him, is not *up* to the character.

Can we possibly suppose that if governments had originated in a right principle, and had not an interest in pursuing a wrong one, the world could have been in the wretched and quarrelsome condition we have seen it? What inducement has the farmer, while following the plough, to lay aside his peaceful pursuits, and go to war with the farmer of another country? or what inducement has the manufacturer? What is dominion to them, or to any class of men in a nation? Does it add an acre to any man's estate, or raise its value? Are not conquest and defeat each of the same price, and taxes the never-failing consequence? Though this reasoning may be good to a nation, it is not so to a government. War is the Pharo table of governments, and nations the dupes of the game.

If there is anything to wonder at in this miserable scene of governments more than might be expected, it is the progress which the peaceful arts of agriculture, manufacture and commerce have made beneath such a long accumulating load of discouragement and oppression. It serves to show that instinct in animals does not act with stronger impulse than the principles of society and civilization operate in man. Under all discouragements, he pursues his object, and yields to nothing but impossibilities.

CHAPTER IV. OF CONSTITUTIONS.

THAT men mean distinct and separate things when they speak of constitutions and of governments, is evident; or why are those terms distinctly and separately used? [A constitution is not the act of a government, but of a people constituting a government; and government without a constitution is power without a right.

All power exercised over a nation must have some beginning. It must either be delegated or assumed. There are no other sources. All delegated power is trust, and all assumed power is usurpation. Time does not alter the nature and quality of either.

In viewing this subject, the case and circumstances of America present themselves as in the beginning of a world; and our enquiry into the origin of government is shortened by referring to the facts that have arisen in our own day. We have no occasion to roam for information into the obscure field of antiquity, nor hazard ourselves upon conjecture. We are brought at once to the point of seeing government begin, as if we had lived in the beginning of time. The real volume, not of history, but of facts, is directly before us, unmutated by contrivance or the errors of tradition.

I will here concisely state the commencement of the American constitutions: by which the difference between constitutions and governments will sufficiently appear.

It may not be improper to remind the reader that the United States of America consist of thirteen separate states, each of which established a government for itself, after

the declaration of independence, done the 4th of July, 1776. Each state acted independently of the rest, in forming its government; but the same general principle pervades the whole. When the several state governments were formed, they proceeded to form the federal government that acts over the whole in all matters which concern the interest of the whole, or which relate to the intercourse of the several states with each other, or with foreign nations. I will begin with giving an instance from one of the state governments (that of Pennsylvania), and then proceed to the federal government.*

The state of Pennsylvania, though nearly of the same extent of territory as England, was then divided into only twelve counties. Each of these counties had elected a committee at the commencement of the dispute with the English Government; and as the city of Philadelphia, which also had its committee, was the most central for intelligence, it became the centre of communication to the several county committees. When it became necessary to proceed to the formation of a government, the committee of Philadelphia proposed a conference of all the committees, to be held in that city, and which met the latter end of July, 1776.

Though these committees had been elected by the people, they were not elected expressly for the purpose, nor invested with the authority, of forming a constitution; and as they could not, consistently with the American ideas of right, assume such a power, they could only confer upon the matter, and put it into a train of operation. The conferees, therefore, did no more than state the case, and recommend to the several counties to elect six representatives for each county, to meet in convention at Philadelphia, with powers to form a constitution, and propose it for public consideration.

This convention, of which Benjamin Franklin was president, having met and deliberated, and agreed upon a constitution, they next ordered it to be published, not as a thing established, but for the consideration of the whole people, their approbation or rejection, and then adjourned to a stated time. When the time of adjournment was expired, the convention re-assembled, and as the general opinion of the people in approbation of it was then known, the constitution was signed, sealed, and proclaimed, on the *authority of the people*, and the original instrument deposited as a public record. The convention then appointed a day for the general election of the representatives who were to compose the government; and the time it should commence; and having done this they dissolved, and returned to their several homes and occupations.

In this constitution were laid down, first, a declaration of rights; then followed the form which the government should have, and the powers which it should possess—the authority of the courts of judicature and of juries—the manner in which elections should be conducted, and the proportion of representatives to the number of electors—the time which each succeeding assembly should continue, which was one year—the mode of levying, and the accounting for the expenditure, of public money—of appointing public officers, etc., etc.

No article of this constitution could be altered or infringed at the discretion of the government that was to ensue. It was to the government a law. But as it would have been unwise to preclude the benefit of experience, and in order also to prevent the accumulation of errors, if any should be found, and to preserve a unison of government with the circumstances of the state to all times, the constitution provided that at the expiration of every seven years,

a convention should be elected for the express purpose of revising the constitution and making alterations, additions or abolitions therein, if any such should be found necessary.

Here we see a regular process—a government issuing out of a constitution, formed by the people in their original character; and that constitution serving not only as an authority, but as a law of controul to the government. It was the political bible of the state. Scarcely a family was without it. Every member of the government had a copy; and nothing was more common when any debate arose on the principle of a bill, or on the extent of any species of authority, than for the members to take the printed constitution out of their pocket and read the chapter with which, such matter in debate was connected.

Having thus given an instance from one of the states, I will show the proceedings by which the federal constitution of the United States arose and was formed.

Congress, at its first two meetings, in September, 1774, and May, 1775, was nothing more than a deputation from the legislatures of the several provinces, afterwards states; and had no other authority than what arose from common consent, and the necessity of its acting as a public body. In everything which related to the internal affairs of America, congress went no further than to issue recommendations to the several provincial assemblies, who at discretion adopted them or not. Nothing on the part of congress was compulsive; yet in this situation, it was more faithfully and affectionately obeyed than was any government in Europe. This instance, like that of the national assembly of France, sufficiently shews, that the strength of government does not consist of anything *within* itself, but in the attachment of a nation, and the interest which the people feel in

supporting it. When this is lost government is but a child in power, and though like the old government of France it may harass individuals for a while, it but facilitates its own fall.*

After the declaration of independence it became consistent with the principle on which representative government is founded, that the authority of congress should be defined and established. Whether that authority should be more or less than congress then discretionarily exercised, was not the question. It was merely the rectitude of the measure.

For this purpose, the act called the act of confederation (which was a sort of imperfect federal constitution) was proposed, and after long deliberation was concluded in the year 1781. It was not the act of congress, because it is repugnant to the principles of representative government that a body should give power to itself. Congress first informed the several states of the powers which it conceived were necessary to be invested in the union, to enable it to perform the duties and services required from it; and the states severally agreed with each other, and concentrated in congress those powers.

It may not be improper to observe that in both those instances (the one of Pennsylvania, and the other of the United States) there is no such thing as an idea of a compact between the people on one side and the government on the other. The compact was that of the people with each other to produce and constitute a government. To suppose that any government can be a party in a compact with the whole people is to suppose it to have existence before it can have a right to exist. The only instance in which a compact can take place between the people and those who exercise the government is that the people shall pay them while they choose to employ them.

Government is not a trade which any man, or any body of men, has a right to set up and exercise for his own emolument, but is altogether a trust in right of those by whom the trust is delegated, and by whom it is always resumable. It has of itself no rights; they are altogether duties.

Having thus given two instances of the original formation of a constitution, I will shew the manner in which both have been changed since their first establishment.

The powers vested in the governments of the several states, by the state constitutions, were found upon experience to be too great, and those vested in the federal government by the act of confederation, too little. The defect was not in the principle but in the distribution of power.

Numerous publications, in pamphlets and in newspapers, appeared on the propriety and necessity of new modelling the federal government. After some time of public discussion, carried on through the channel of the press, and in conversations, the state of Virginia, experiencing some inconvenience with respect to commerce, proposed holding a continental conference; in consequence of which, a deputation from five or six of the state assemblies met at Annapolis, in Maryland, 1786. This meeting, not conceiving itself sufficiently authorized to go into the business of a reform, did no more than state their general opinions of the propriety of the measure, and recommend that a convention of all the states should be held the year following.

The convention met at Philadelphia in May, 1787, of which General Washington was elected president. He was not at that time connected with any of the state governments, or with congress. He delivered up his commission when the war ended, and since then had lived a private citizen.

The convention went deeply into all the subjects; and having, after a

variety of debate and investigation, agreed among themselves upon the several parts of a federal constitution, the next question was, the manner of giving it authority and practice.

For this purpose they did not, like a cabal of courtiers, send for a Dutch Stadtholder, or a German Elector; but they referred the whole matter to the sense and interests of the country.¹

They first directed that the proposed constitution should be published. Secondly, that each state should elect a convention expressly for the purpose of taking it into consideration, and of ratifying or rejecting it; and that as soon as the approbation and ratification of any nine states should be given, that those states should proceed to the election of their proportion of members to the new federal government; and that the operation of it should then begin, and the federal government cease.

The several states proceeded accordingly to elect their conventions. Some of those conventions ratified the constitution by very large majorities, and two or three unanimously. In others there were much debate and division of opinion. In the Massachusetts convention, which met at Boston, the majority was not above nineteen or twenty in about three hundred members; but such is the nature of representative government, that it quietly decides all matters by majority. After the debate in the Massachusetts convention was closed, and the vote taken, the objecting members rose and declared: "*That though they had argued and voted against it because certain parts appeared to them in a different light to what they appeared to other members;*

¹ This and the two preceding paragraphs formed the second part of the information against Paine; but it was only thought necessary to omit the final one from the Symonds edition.—H. B. B.

yet, as the vote had decided in favour of the constitution as proposed, they should give it the same practical support as if they had voted for it."

As soon as nine states had concurred (and the rest followed in the order their conventions were elected), the old fabric of the federal government was taken down, and the new erected, of which General Washington is president. In this place I cannot help remarking that the character and services of this gentleman are sufficient to put all those men called kings to shame. While they are receiving from the sweat and labours of mankind a prodigality of pay, to which neither their abilities nor their services can entitle them, he is rendering every service in his power, and refusing every pecuniary reward. He accepted no pay as commander-in-chief; he accepts none as president of the United States.

After the new federal constitution was established, the state of Pennsylvania, conceiving that some parts of its own constitution required to be altered, elected a convention for that purpose. The proposed alterations were published, and the people concurring therein, they were established.

In forming those constitutions, or in altering them, little or no inconvenience took place. The ordinary course of things was not interrupted, and the advantages have been much. It is always the interest of a far greater number of people in a nation to have things right than to let them remain wrong; and when public matters are open to debate, and the public judgment free, it will not decide wrong, unless it decides too hastily.

In the two instances of changing the constitutions, the governments then in being were not actors either way. Government has no right to make itself a party in any debate respecting the principles or modes of forming, or of changing, constitutions. It is not for the benefit of those who

exercise the powers of government that constitutions, and the governments issuing from them, are established. In all those matters the right of judging and acting are in those who pay, and not in those who receive.

A constitution is the property of a nation, and not of those who exercise the government. All the constitutions of America are declared to be established on the authority of the people. In France, the word nation is used instead of the people; but in both cases a constitution is a thing antecedent to the government, and always distinct therefrom.

In England it is not difficult to perceive that everything has a constitution, except the nation. Every society and association that is established first agreed upon a number of original articles, digested into form, which are its constitution. It then appointed its officers, whose powers and authorities are described in that constitution, and the government of that society then commenced. Those officers, by whatever name they are called, have no authority to add to, alter, or abridge the original articles. It is only to the constituting power that this right belongs.

From the want of understanding the difference between a constitution and a government, Dr. Johnson and all writers of his description have always bewildered themselves. They could not but perceive that there must necessarily be a *controlling* power existing somewhere, and they placed this in the discretion of the persons exercising the government, instead of placing it in a constitution formed by the nation. When it is in a constitution it has the nation for its support, and the natural and the political controlling powers are together. The laws which are enacted by governments controul men only as individuals, but the nation, through its constitution, controuls the whole

government, and has a natural ability so to do. The final controlling power, therefore, and the original constituting power, are one and the same power.

Dr. Johnson could not have advanced such a position in any country where there was a constitution; and he is himself an evidence that no such thing as a constitution exists in England. But it may be put as a question, not improper to be investigated, That if a constitution does not exist how came the idea of its existence so generally established.*

In order to decide this question, it is necessary to consider a constitution in both its cases:—First, as creating a government and giving it powers. Secondly, as regulating and restraining the powers so given.

If we begin with William of Normandy, we find that the government of England was originally a tyranny, founded on an invasion and conquest of the country. This being admitted, it will then appear that the exertion of the nation at different periods to abate that tyranny and render it less intolerable, has been credited for a constitution.

Magna Charta, as it was called (it is now like an almanack of the same date), was no more than compelling the government to renounce a part of its assumptions. It did not create and give powers to government in the manner a constitution does; but was, as far as it went, of the nature of a re-conquest, and not a constitution; for could the nation have totally expelled the usurpation as France has done its despotism, it would then have had a constitution to form.

The history of the Edwards and

* This and the three following paragraphs formed the third part of the Attorney-General's information, and are omitted from the Symonds edition with this explanation: "Here follow on page 52 of the original edition four paragraphs, making about eighteen lines of the same close printing as in this edition. They are a continuation of the argument which shows the manner in

the Henries, and up to the commencement of the Stuarts, exhibits as many instances of tyranny as could be acted within the limits to which the nation had restricted it. The Stuarts endeavoured to pass those limits, and their fate is well known. In all those instances we see nothing of a constitution, but only of restrictions on assumed power.

After this, another William, descended from the same stock, and claiming from the same origin, gained possession; and of the two evils, *James* and *William*, the nation preferred what it thought the least; since, from circumstances, it must take one. The act, called the Bill of Rights, comes here into view. What is it but a bargain which the parts of the government made with each other to divide powers, profits, and privileges? You shall have so much, and I will have the rest; and with respect to the nation, it said, for *your share YOU shall have the right of petitioning*. This being the case, the Bill of Rights is more properly the bill of wrongs and of insult. As to what is called the convention parliament, it

which restrictions upon power originally assumed, have been mistaken for a constitution. But as those paragraphs are put into the information, and will publicly appear with the pleadings thereon, when the prosecution shall be brought to an issue, they are not verbally recited here, except the first of them which is added in the annexed note, for the purpose of shewing the spirit of the prosecuting party, and the sort of matter which has been selected from the work for prosecution. N.B.—The whole of the several paragraphs taken from the work for this purpose does not amount to two pages of the same printing as in this edition, and where they occur in the original edition they will be noticed in this." After reciting the first paragraph in a note, Paine continues: "Query: Does the prosecuting party mean to deny that instances of tyranny were acted by the Edwards and Henries? Does he mean to deny that the Stuarts endeavoured to pass the limits which the nation had prescribed? Does he mean to prove it libellous in any person to say that they did?"

was a thing that made itself, and then made the authority by which it acted. A few persons got together, and called themselves by that name. Several of them had never been elected, and none of them for the purpose.

From the time of William a species of government arose, issuing out of this coalition Bill of Rights; and more so since the corruption introduced at the Hanover succession, by the agency of Walpole, that can be described by no other name than a despotic legislation. Though the parts may embarrass each other, the whole has no bounds; and the only right it acknowledges out of itself is the right of petitioning. Where then is the constitution either that gives or restrains power?

It is not because a part of the government is elective, that makes it less a despotism, if the persons so elected possess afterwards, as a parliament, unlimited powers. Election in this case becomes separated from representation, and the candidates are candidates for despotism.

I cannot believe that any nation, reasoning on its own right, would have thought of calling these things *a constitution*, if the cry of constitution had not been set up by the government. It has got into circulation like the words *bore* and *quits*, by being chalked up in the speeches of Parliament, as those words were on window-shutters and door-posts; but whatever the constitution may be in other respects, it has undoubtedly been *the most productive machine of taxation that was ever invented*. The taxes in France, under the new constitution, are not quite thirteen shillings per head,¹ and the taxes in England,

¹ The whole amount of the assessed taxes of France, for the present year, is three hundred millions of livres, which is twelve millions and a half sterling; and the incidental taxes are estimated at three millions, making in the whole fifteen millions and a half; which, among twenty-four

under what is called its present constitution, are forty-eight shillings and sixpence per head—men, women, and children—amounting to nearly seventeen millions sterling, besides the expences of collecting, which are upwards of a million more.

In a country like England, where the whole of the civil government is executed by the people of every town and county by means of parish officers, magistrates, quarterly sessions, juries, and assize, without any trouble to what is called the government or any other expence to the revenue than the salary of the judges, it is astonishing how such a mass of taxes can be employed. Not even the internal defence of the country is paid out of the revenue. On all occasions, whether real or contrived, recourse is continually had to new loans and new taxes. No wonder, then, that a machine of government so advantageous to the advocates of a court should be so triumphantly extolled. No wonder, that St. James' or St. Stephen's should echo with the continual cry of constitution! No wonder, that the French revolution should be reprobated, and the *res-publica* treated with reproach! The *red book* of England, like the red book of France, will explain the reason.¹

I will now, by way of relaxation, turn a thought or two to Mr. Burke. I ask his pardon for neglecting him so long.

millions of people, is not quite thirteen shillings per head. France has lessened her taxes since the revolution, nearly nine millions sterling annually. Before the revolution, the city of Paris paid a duty of upwards of thirty per cent. on all articles brought into the city. This tax was collected at the city gates. It was taken off on the first of last May, and the gates taken down.—*Author.**

¹ What was called the *livre rouge*, or the red book, in France, was not exactly similar to the court calendar in England; but it sufficiently shewed how a great part of the taxes was lavished.—*Author.**

“America,” says he (in his speech on the Canada constitution Bill), “never dreamed of such absurd doctrine as the *Rights of Man*.”

Mr. Burke is such a bold presumer, and advances his assertions and his premises with such a deficiency of judgment, that without troubling ourselves about the principles of philosophy or politics, the mere logical conclusions they produce are ridiculous. For instance :

If governments, as Mr. Burke asserts, are not founded on the Rights of MAN, and are founded on *any rights* at all, they consequently must be founded on the right of *something* that is *not man*. What then is that something?

Generally speaking, we know of no other creatures that inhabit the earth than man and beast; and in all cases where only two things offer themselves, and one must be admitted, a negation proved on any one, amounts to an affirmative on the other; and therefore, Mr. Burke, by proving against the Rights of *Man* proves in behalf of the *beast*; and consequently, proves that government is a beast; and as difficult things sometimes explain each other, we now see the origin of keeping wild beasts in the Tower; for they certainly can be of no other use than to shew the origin of the government. They are in the place of a constitution. O, John Bull, what honours thou hast lost by not being a wild beast. Thou mightest, on Mr. Burke's system, have been in the Tower for life.

If Mr. Burke's arguments have not weight enough to keep one serious, the fault is less mine than his; and as I am willing to make an apology to the reader for the liberty I have taken, I hope Mr. Burke will also make his for giving the cause.

Having thus paid Mr. Burke the compliment of remembering him, I return to the subject.

From the want of a constitution in England to restrain and regulate the wild impulse of power, many of the laws are irrational and tyrannical, and the administration of them vague and problematical.

The attention of the government of England (for I rather chuse to call it by this name than the English government) appears since its political connection with Germany to have been so completely engrossed and absorbed by foreign affairs, and the means of raising taxes, that it seems to exist for no other purposes. Domestic concerns are neglected; and with respect to regular law there is scarcely such a thing.*

Almost every case now must be determined by some precedent, be that precedent good or bad, or whether it properly applies or not; and the practice is become so general as to suggest a suspicion, that it proceeds from a deeper policy than at first sight appears.

Since the revolution of America, and more so since that of France, this preaching up the doctrines of precedents, drawn from times and circumstances antecedent to those events, has been the studied practice of the English government. The generality of those precedents are founded on principles and opinions, the reverse of what they ought; and the greater distance of time they are drawn from the more are to be suspected. But by associating those precedents with a superstitious reverence for ancient things, as monks shew relics and call them holy, the generality of mankind are deceived into the design. Governments now act as if they were afraid to awaken a single reflection in man. They are softly leading him to the sepulchre of precedents to deaden his faculties and call attention from the scene of revolutions. They feel that

he is arriving at knowledge faster than they wish, and their policy of precedents is the barometer of their fears. This political popery, like the ecclesiastical popery of old, has had its day, and is hastening to its exit. The ragged relic and the antiquated precedent, the monk and the monarch, will moulder together.

* This paragraph was the fourth item in the indictment against Paine.—H. B. B.