

concerns the people, it will equally affect the lives, liberties and property of the fœderal representatives, senate and president—A most comfortable fact, and an effectual restraint on human folly and wickedness, against which government is intended to provide.

Some gentlemen of your state have believed, that however free the government may be, it is still exceptionable, as being consolidated and not fœderal. Permit me to ask your dispassionate attention to a few plain facts in the constitution itself.

The fœderal government contains no power to prohibit or punish the most atrocious murders or immoral crimes—nor to fix the qualifications which are to entitle their constituents to elect—they cannot appoint one militia officer, nor train the national militia—they cannot take any step towards the election of a senator, representative or president—they cannot erect or regulate courts for the determination of civil causes between citizens of the same state, or for the punishment of crimes committed within the jurisdiction of any state—nor can they appoint or commission any *state* officer, civil or military.—What nation is there now existing whose government cannot do these things? What nation can exist, if these things are not done and provided for? Does it not therefore follow, that the several members of the confederacy (i. e. the several state governments) must, as heretofore, do these and many other matters of a like nature, which are necessary to the good order, and even to the existence of society. Before we dismiss this point, it will be necessary to attend very particularly to one more fact relating to it. *The sovereign power* of altering and amending the constitution, or supreme law of the American confederacy, does not lie with this fœderal legislature, whom some have erroneously apprehended to be supreme—That power, which is truly and evidently *the real point of sovereignty*, is vested in the several legislatures and conventions of the states, chosen by the people respectively within them. The fœderal government cannot alter the constitution, the people at large by their own agency cannot alter the constitution, but the representative bodies of the states, that is their *legislatures and conventions*, only can execute these acts of sovereign power.

From the foregoing circumstances results another reflection equally satisfactory and important, which is, that as the fœderal legislature cannot effect dangerous alterations which they might desire, *so they cannot prevent such wholesome alterations and amendments as are now desired, or which experience may hereafter suggest.* Let us suppose any one or more alterations to be in contemplation by the people at large, or by the state legislatures. If two thirds of those legislatures require it, Congress *must* call a general convention, even though they dislike the proposed

amendments, and if three fourths of the state legislatures or conventions approve such proposed amendments, they become *an actual and binding part of the constitution*, without any possible interference of Congress. If then, contrary to the opinion of the eight adopting states, the federal government should prove dangerous, it seems the members of the confederacy will have a full and uncontrollable power to alter its nature, and render it completely safe and useful.

It cannot be doubted that a great majority of your honorable house think a federal constitution for the United States of America expedient and highly necessary. The object of their desires then must be to obtain the best that can be devised, but not to be disappointed in procuring it. Let me respectfully request of those who wish the proposed plan amended, that they seriously consider how much more easy it will be to obtain those amendments under the forms of the constitution itself, than by previously attempting another general convention. Three fourths of the states concurring will ensure *any amendments*, after the adoption of nine or more; but at present *all* must concur, or we lose not only the amendments desired, but unfortunately the union itself—and with that the prosperity of the country and the peace and happiness of the people. Will it not be better to ratify a constitution which was formed by men chosen by the state legislatures and the people, and which secures to the people and their state representatives full power to alter and amend it, and which provides that it shall not be altered by any other authority?

Should the proposed constitution not take effect, there can be little doubt but that a vigorous and serious plan of *co-operation* will be adopted by Connecticut and New-Jersey, to secure a share of your impost, in proportion to their consumption of your imports. They will have no occasion to appeal to arms. Cheaper and more effectual modes of procedure may be adopted. Their respective legislatures have already commenced *a war of laws* in the case of the light-house, and the small craft.¹ It is impossible for any vessel bound to or from New-York to determine whether she may or may not be obliged to anchor in Sandy-hook road: That place belongs to Jersey, and were they to pass a law that every vessel which should anchor therein should pay a duty of two and an half per cent. on all her goods, and a tonnage of one third of a dollar, to a collector who should be fixed there, it would be impossible to prevent the operation of the law. Congress at present have no power to prevent such a law, and Jersey might truly urge that all vessels that go into your ports pay such duties. Both Connecticut and Jersey might also pass acts at the same time, imposing exactly the same duties on all goods imported from your state, which are, or from time to time shall