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"Ours are the plans of fair, delightful peace,
Unwarped by party rage to live like brothers."

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CONSOLIDATION.

An account of Parties in the United States, from the Convention of 1787, to the present period.

"The authority of constitutions over governments, and of the sovereignty of the people over constitutions, are truths which are at all times necessary to be kept in mind, and at no time perhaps more necessary than at the present."

PREFACE.

What is meant by Consolidation? What is the distinctive character of the Federal and Anti-Federal parties? Many persons use the words without any accurate ideas annexed to them. To throw some light on the subject, I have drawn up a brief history of the two parties, which I submit to the reader's consideration; assuring him that, however I differ from the politicians who have been, and usually are, called Federalists, I concede the same right to them that I take to myself. I firmly believe the majority of that party are as intelligent, as honest and as patriotic as their opponents; and that the ultimate good of the country is the object of both. The mode of pursuing it makes the difference in opinion, and in conduct.

The following is the statement of an Anti-Federalist; who believes it to be true, and submits it to the consideration of his fellow-citizens. He disapproves of the measures, but gives full credit to the motives of those who differ from him. The tribunal of the public is the proper Court of Appeal.

DECLARATION OF INDEPENDENCE.

We, the Representatives of the U. States, in general Congress assembled, do solemnly publish and declare, that these United Colonies are, and of right ought to be free, sovereign, and independent states; and, that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent states may of right do, 1776.

This language was adopted by the confederation of 1777, which called itself the United States of America; and which declares that each state retains its sovereignty; adopting as the end and design of their meeting, "the common defence and general welfare" of the states thus united. The proceedings of the confederation of 1777, were not to be valid till they were confirmed by the several legislatures of all the United States. The probability that this might not be finally obtained to an instrument containing so many provisions, occasioned the subsequent agreement in 1787, that the constitution then adopted should be valid, when ratified by nine out of the thirteen United States.

In each of these cases, the confederation of 1777, and the convention of 1787, consisted of delegates, or representatives, not from the people of the U. States, but from the several and respective states, in their capacity of states, free, sovereign and independent of each other, as of all the rest of the world. The people of the respective states chose that this should be the mode of transacting the business of the confederation, and they acceded to it when finished. Had they chosen to send representatives in their character of the people of the U. States, or of North America, or of the heretofore British Colonies, they might have done so; but they directed, or permitted their state representatives to send delegates representing each separate, sovereign and independent state; and to ratify the constitution, framed, and adopted, in their character as representatives of states, and not as representatives of the people. This mode of transacting the business, throughout the whole period of meeting and debate was, and ever since has been, acceded to by the people.

The independence and separate sovereignty of each state of the Union, therefore, never was at any moment conceded, or in any manner or degree renounced. The confederated states consented that this sovereignty should not be exercised on the objects committed exclusively to the federal government by the constitution of 1787. These objects are separately stated, defined, and limited by the constitution; many powers and objects proposed during the debates on the constitution, were rejected; and finally, by the tenth article of the amendments to the constitution, it is declared, that "the powers not delegated to the U. States by the constitution, nor prohibited by it

to the states, are reserved to the states respectively, or to the people." Demonstrating beyond all doubt, that the constitution of the U. States was an instrument conveying specific, expressed, and limited powers, and those only; and that the federal government was a creature of the several independent states that consented to it; and that so far from being sovereign, independent, and uncontrollable, it was originally created, is now kept in force, and may be altered, limited, controlled, or annulled, at the will of the several independent states or sovereignties, who united to give it existence.

All this agrees with the plain and obvious meaning of the state instructions to the deputies from the twelve states who met in Philadelphia to form the constitution of the U. States; and particularly with the language of South Carolina; whose delegates were instructed to meet on that occasion, and "devise such alterations as may be thought necessary to render the federal constitution entirely adequate to the actual situation and future good government of the confederated states." None of the credentials contained a word of a national government or national union. This delegation of state, (not national,) representatives, met and was organized at Philadelphia; on the 29th of May, 1787. There were at that time three distinct parties in the delegation, as we learn from the propositions actually made and debated, in Mr. Justice Yates's account of their proceedings, and the notes taken and published by Mr. Luther Martin, of Baltimore, which are the only authentic documents of the proceedings of that assembly now extant; Maj. Jackson's, and Mr. Madison's notes will probably be published after their decease. Many accounts and anecdotes might be obtained from private recollections, but they do not exist to the public. Lloyd's Congressional Register embraces an early period of Congressional debates after the constitution was adopted. Indeed, so fearful were the members of that federal delegation of their proceedings and designs alarming the people, who were at first the majority, particularly the Consolidation party, that "the members were prohibited even from taking copies of resolutions on which the convention were deliberating, or extracts of any kind from the journals, without formally moving for, and obtaining a vote of permission for that purpose." *Martin's Secret Proceedings of the Convention, p. 12.*

The three parties were these:—
1. One whose object was, to abolish and annihilate all state governments, and to bring forward one general government over this extensive continent, of a monarchical nature, under certain restrictions and limitations. The characteristic expression and countersign of this party was, "NATIONAL." The leaders of this party were Col. Hamilton, whose plan of government to this purpose, was read and proposed by him, in convention, on the 18th June. It was too coercive, and did not succeed. Mr. Randolph, Mr. Pierce Butler, Mr. Gouverneur Morris, Mr. Chas. Pinckney, Mr. Madison, were in favor of establishing a NATIONAL government in lieu of a federal union; of giving to this government supreme power; and of annulling every state law that interfered with the acts of the supreme and paramount general government; not much differing from Col. Hamilton's proposal, which converted the several states into provinces. The leading opponents of this plan, and the defenders of state rights, were Mr. John Dickinson, author of the Farmer's Letters, and Mr. Patterson. The consolidation members were at first, six out of eight. Mr. Dickinson's plan of a federal government was rejected the day after Col. Hamilton's project was read, viz. June 19th. His party was characterized by the word "FEDERAL."

By this time eleven states had appeared, and the federal, or state party, had increased to five; the consolidation, or national party, remaining six. The deputies from New-Hampshire came in on June 23d. The great question came to issue on June 25th, when it was proposed and seconded, to erase the term NATIONAL, and to substitute the word UNITED STATES, which passed in the affirmative; thus then ended the struggle between the party of Col. Hamilton, of Messrs. Randolph, Butler, Morris, Pinckney and Madison, and that of Mr. John Dickinson and his adherents, who were in favor of the preservation of state independence, state sovereignty, & state

rights, in every case not specifically and clearly conceded in the instrument then under debate, called the Constitution.

The second party did not advocate the abolition of state sovereignty, or state rights; but they wished to establish such a system as would give their own states some preponderance. This party and the first coalesced for the most part.

The third party consisted of the real friends of a federal, not a national consolidated government; to be instituted as the creature of the several states, acting in their sovereign and independent characters; and conceding so much power, and no more, as was necessary to promote the general welfare of this union of states; expressing, limiting, and defining the specific powers so conceded, as cautiously as the occasion seemed to require.

We have seen that this party, (until about the year 1790, called the Federal party,) succeeded on the 25th of June. The term national, the watchword of the party in favor of consolidation, was therefore relinquished, in all the subsequent proceedings of the convention. On the 18th August it was proposed to empower the legislature of the United States, to grant charters of incorporation in cases where the public good may require them, and the authority of a single state may be incompetent; and to establish an university. These, with some other similar propositions, made by the consolidation party, were referred to a committee which had been raised on 23d June. The two propositions above mentioned, were debated, and finally negatived on the 14th September. Affording a full and decisive proof, that the powers conceded to Congress are specific, limited, enumerated powers; that do not emanate as of course from any abstract principle of what the public good may require; but from the deliberate concessions and absolute will of the sovereign and independent states, who then met in convention to define and declare how many, and what powers were required by the public good. If Congress sits upon this vague and comprehensive principle of the general welfare; it assumes a power not delegated; and it usurps the authority of the convention, by whose will it was created. The object of the convention was to ascertain what kind and degree of authority the public good actually required to be delegated to congress. The members of that convention met for that purpose, and for that purpose only; they deliberated, they settled, and enacted whatever they thought necessary for that purpose, and they committed to congress no part of their own peculiar power. If congress do exercise the authority of a convention, it is exercised by usurpation; and whether it be done by the ingenious subterfuge of implication and construction—by management and contrivance—in any covert and indirect way—or openly, boldly, and directly, it is in either case a fraud on the community. Congress was created and appointed, not as a supreme, but subordinate authority; to put in force the powers committed to its charge by the constitution—not to delegate at its own will and pleasure new powers to itself, unknown to, unthought of, unexpressed, and unsanctioned by the framers of that instrument—a body of men certainly paramount in authority to congress, which owes its powers, properties, and existence to that convention.

The secrecy enjoined on the members of the convention at the early period of their meeting; and when the national, or consolidation party, were six to two, was a most suspicious circumstance. For who would desire to keep the public in ignorance, but those who wish to take some advantage by means of secrecy? It is clear that the propositions made in the early part of that convention, were deemed unpopular by the proposers, or their conduct would have challenged public inquiry, instead of shrinking from it. For all these facts and the correctness of the preceding statement, I appeal to the minutes of that convention, published by Judge Yates, the notes taken by Mr. Luther Martin, and the remarks founded on them by the late John Taylor, of Caroline, in his new views of the constitution. Colonel Hamilton and Mr. Madison, notwithstanding their dissonance, very honorably signed the constitution. Mr. Randolph took time for the purpose. Congress first met in March 1789. Before this, the series of papers called the *Federalist* was published, written chiefly by Colonel Hamilton, partly by Mr. Madison, and partly by Mr. John Jay, for the purpose of reconciling the people to the new constitution which the convention had framed in 1787. As we might expect, the party distinctions that took place in the convention are rather concealed than brought into view in that work. It was a conciliatory publication, and the motives of the authors did them honour. But it is ridiculous to cite them as authority for the real views of the

prevailing party; to which Colonel Hamilton and Mr. Madison did not at that time cordially accede. After this period, the adherents of Col. Hamilton and the consolidation party gradually assumed the denomination of federalists, hitherto applied with great propriety to their opponents; and the real "federalists," the supporters of the independence of the respective states that form our federal union, have been at different times since, branded with the appellation of anti-federalists, jacobins, republicans, democrats, and radicals. Of the fraternity of politicians thus variously designated by the ingenious maneuvering of the federal leaders, who well knew the force and value of a nickname, the writer of these pages requests to be considered as a member; stating it as an historical fact, with the knowledge of every man conversant with the history and progress of our republican government, that the distinctive character of the two great leading parties in the United States, usually known as Federalists and Democrats are these.

The *Federalist* approving rather of an American Nation, than of the United States; of a consolidated and single, than a limited and federal government—are desirous of extending the power and authority of the executive, legislative and judicial branches of that government: of encroaching the military and naval establishments of the United States, of augmenting the salaries, the rank and popular estimation of all public functionaries; and of putting the U. S. into a situation to take part, if necessary, in European politics, and of making them a great and energetic nation, one and indivisible. Hence they would repress the interference, and depress the influence of state authorities, and keep state rights and pretensions in subordination to the powers of the general government. Hence also they are advocates for the extension of the general or what is now called federal authority, by any means of implication and construction, rather than by an appeal to the states under the prescribed form of an amendment to the constitution; their policy being to keep state interference as much as possible out of view, in theory and in practice. Hence also, the absolute and dangerous control exercised by the Supreme Court of the United States, over state laws, and state decisions. Hence also, the power formerly assumed by this party when the reins of government were in their hands, of limiting the rights of the people, and checking the inconvenient practice of free discussion by alien and seditious laws. Hence also, their dislike, not merely to the horrid practices to which the French people were driven or tempted during the French Revolution, but also to the principles of that revolution; and their predilection of the British government and its forms. Hence also, some of the prominent federalists were, and still are, admirers of a limited monarchy; and advocates of course, for Col. Hamilton's energetic plan of government with a President and Senate eligible during good behavior, an absolute veto over all state proceedings, and a President over each state, to be appointed by the general government.—This party, however, neither is, or was numerous; the far greater portion of federalists being real friends to a republican form of government, but with a tendency to consolidation as the leading trait of it: the whole of their policy tending to establish one consolidated national government, under the control of one system of authority, instead of a mere confederation of separate states, delegating expressed and limited powers, for expressed and limited purposes. The origin of modern federalism, the distinctive character of the party in its commencement and in its progress, was, consolidation of the states under one government, paramount in all respects; and to this object all their proposals lead. For want of an accurate knowledge of the history of parties in our Republic, and the leading objects of the two great divisions, many of the republicans have been tempted to coincide with federal policies, and many of the federalists are found in the ranks of their usual opponents. Indeed party divisions are productive of consequences so unpleasant, that good men of all sides are desirous of forgetting and of dropping political differences; especially when federalists and republicans; the more they see of each other in common society, the more they are inclined, to respect each other's motives, and to approve of each other's general conduct, the public good being indubitably the object of the great majority of both parties.—Still it is the duty of a good man, whether of the one party or of the other, to adopt those political measures, and to support that class of public men, whose general opinions and the line of conduct tend to advance the public welfare, according to the leading principles which he deems best calculated to promote it. These leading principles will, on examination, be found to be a single consolidated government, at the expense of state sovereignty; in a federal government, with powers strictly limited, under the authority delegated by independent states; and to be altered and amended by an appeal to them, and in no other way.

In examining therefore the character and conduct of public men, we must apply this test to their doctrines and practices. So far as they tend to exalt and increase the character, the powers, and the patronage of the general government, at the expense of the control of, and without appealing to the state governments, they bear clearly the features and physiognomy of federalism, whoever be the proposer, or whatever may be his professions.

The *Anti-Federalist*, Republican, Democratic, Radical, (quocunque nomine gaudeat) is of opinion, that as history clearly shews the tendency of all power to exceed its proper limits, no more power should in any case be delegated, than the circumstances imperiously require, to produce the good intended.

"It is his high time, said Mr. Fenno, (Government printer during the reign of Mr. J. Adams) that we should get rid of this bugbear with her farrow of pigs"—alluding to the general government and the thirteen states.

That the holders of all power should be responsible for the use of it, to those who gave it.—That if any excess be excusable on either side, it is better to concede rather too little than too much, as it is much more easy to add than diminish. They are of opinion, that the people and the state governments of this country never meant to institute a magnificent, imposing, expensive, national government, with extensive powers, and high prerogatives, calculated to control or prostrate the quiet unpretending, cheap and salutary governments of the separate states—but a government with so much power and no more, as might be necessary to manage the political transactions of common and general interest in which each and every state had the same common concern; interfering with state authorities as little as possible. That the more ample the apparatus, the fewer the officers of government, and the less they required state rights to be conceded, the better. That if power sufficiently great be not conceded, it ought not to be boldly seized by direct usurpation, or clandestinely obtained by taking advantage of verbal ambiguity, by implication and construction, but applied for by submitting the case under the constitutional form of an amendment to the legislatures of the respective states; this being the mode of proceeding specially designated by the framers of our constitution, to meet the case. They are of opinion, that although parsimony be one thing and frugality another, the cheapest government is the best government, if it answers the purpose in other respects. They particularly object to expensive standing armies, and even to a great extent of naval power in time of peace; not that these institutions should be reduced to insignificance, but kept under control.—They hold, that the public character and conduct of all public men and public bodies, from the President to a Tide Waiter, is a fair subject for temperate remark; that nothing brings a government so surely into contempt as its dread of discussion and examination; and that in all such cases the verdict on trial, ought to be with the jury, on the law and on the fact, uncontrolled by the court. They adhere to the principles of public liberty, as set forth in the Declaration of Independence, and in the Federal Constitution particularly claiming a free press, untrammelled by any previous restriction, and extending to every subject of human investigation, as the dearest and most valuable characteristic of a truly republican government.

For my own part, I go further, and review the events of the last thirty years, I am decidedly of opinion, that the republican party has forgotten, in great part, the principles that originally characterized it; and they have permitted and acquiesced in one encroachment after another, till the power of the President of the United States, the power of the Congress of the United States, the power of the Supreme Court of the United States (the most dangerous body in the Union) HAS INCREASED, IS INCREASING, AND OUGHT TO BE DIMINISHED. But on the present occasion, I must abstain from the detailed investigation that would establish my opinion; an opinion however, which no man, who has observed the progress of our government as long and as anxiously as I have done, will be inclined to deny.

The former opposers of a federal and advocates of a national government, now seized upon the name by which the series of essays was designated, containing evidence of the Constitution of 1787, and an exposition of the principles on which it was founded: an exposition, not likely to be in all respects accurate and entire, when made by gentlemen, who had opposed its leading features and principles; and who were induced to defend it, from the truly honorable and disinterested motive of promoting obedience and acquiescence in what had been settled upon the best and most deliberate views that could be taken of a very difficult and complicated subject. Mr. Madison, I believe, gradually changed his views of a national government, and came round to the sentiments of the majority of the republican leaders of his own state. Colonel Hamilton and Mr. John Jay, continued of the "national party," who from 1788 to 1790, gradually assumed the denomination of FEDERALISTS. In all Col. Hamilton's papers in the "Federalist," the expression national government is sedulously preserved; and he expressly declares, in number thirty-three, that the principal aim of that series of papers was to inculcate the danger which threatens our political welfare from the encroachments of the state governments. To which he might have added, the labored justification of the extended powers given to the national government, in the formation of treaties, the regulation of commerce, the imposition of taxes, and the maintenance of a standing army and navy. To the equality of power among the states, he was strenuously opposed.

Mr. Madison, in numbers 45 and 46, is of the same opinion as Col. Hamilton as to the power and influence of the state governments. These were wise and honest men, but I think experience has shewn that they were bad prophets. The publication called the *Federalist*, is of a complexion truly federal, in the modern sense of that word; but it did much good at the time, and strongly tended to reconcile the people to a constitution which contains, after all, but one capital defect, viz. the want of a clause appointing a periodical revision of it every thirty years.—See numbers forty-nine and fifty of the "Federalist." The Pennsylvania Council of Censors had an admirable effect, and I think should never have been dropped.

(To be continued.)

† Naval power. The principle of the democratic party, was, not to keep up such a military or naval establishment as might tempt us into any contest that could be prudently avoided. But the circumstances of Europe have shewn, that we cannot avoid a naval establishment on a more extended scale, than was contemplated at the commencement of Jefferson's administration.