1786, and finally held at Philadelphia in 1787. That aſſembly was compoſed of gentlemen of different and even oppoſite principles of government; and the inſtrument produced was the reſult of mutual conceſſions. Some of the members wiſhed for what they termed a more energetic, or as others would call it a more ariſtocratic form. One gentleman in particular, who afterwards acquired a paramount influence with the party denominated Federaliſts, ſubſcribed the conſtitution, as his funeral Eulogiſt has informed us, under a conviction which he appears to have retained thro' life, and impreſſed on his political friends, that "it did not contain ſufficient means of ſtrength for it's own preſervation, and that, in conſequence, we muſt follow the fate of other Republics, and paſs thro' anarchy to deſpotiſm." Thoſe who were of that ſentiment, would, of courſe, endeavor, in practice, to accumulate the powers of the adminiſtration, in order to conform it to their ſtandard of good government. This accounts for a train of meaſures which were afterwards introduced, and on which the two parties ſeparated. On the other hand, many republicans were of opinion that the conſtitution originally needed more guards againſt the accumulation and abuſe of power; and heſitated as to the propriety of receiving it without explanatory and reſtrictive amendments. In the convention of Maſſachuſetts, after long deliberation, the turning queſtion was whether ſuch explanations and reſtrictions ſhould be inſiſted on as the condition of ratifying the conſtitution, or be left to the good ſenſe of the nation, to be added by way of ſubſequent amendment, in the mode provided by the fifth article. On this point the republicans were divided. At length a conciliatory propoſition, moved by JOHN HANCOCK, and ſeconded by his co-patriot SAMUEL ADAMS, containing an unconditional ratification, accompanied with a recommendation of amendments, turned the ſcale in favor of adoption. A ſimilar mode of deciſion was purſued in New-Hampſhire, New-York, Virginia, North Carolina, and South Carolina.

The government was organized, under the new form, March 4th, 1789; and, in the firſt Congreſs, Mr. MADISON, to whom perhaps more than to any other perſon, we are indebted for the conſtitution, as it now is, brought forward a motion, in conſequence of which two thirds of both Houſes of Congreſs, in purſuance of the recommendations of the ſtate conventions, agreed to twelve articles of amendment, ten of which were afterwards ratified by a conſtitutional majority of the ſtates. They were all of a republican character; and by their incorporation the republicans, as a party, were not merely reconciled, but firmly attached to the conſtitution.

The conſtitutional proceſs of amendment, requiring a propoſed alteration to be, in the firſt place, approved by two thirds of both Houſes of Congreſs, and afterwards to receive the ſeparate and ſucceſſive approbation of all branches of three-fourths of the ſtate Legiſlature, is wiſely calculated to admit the improvements dictated by experience, and to exclude dangerous and unneceſſary innovations. Such it was in theory, and ſuch it has proved in practice. Various further alterations have been attempted; but only two have prevailed; one of them upon the motion of Maſſachuſetts, declaring a ſtate not ſueable by a private citizen; and the other, requiring the electoral votes for Preſident and Vice Preſident to be diſtinguiſhed, like our votes for Governor and Lieutenant-Governor. Theſe, alſo, were republican amendments. The laſt was, indeed, originally patronized by both political parties, and recommended by almoſt unanimous reſolutions of New-Hampſhire, Vermont and Maſſachuſetts; but its actual propoſition by Congreſs, and final ratification by the ſtates, were ſtrenuouſly oppoſed by the whole federal party.

Thus twelve important amendments have been conſtitutionally introduced, agreeably to the ideas of the republicans, and not one in conformity with the wiſhes of their opponents. In this hiſtory of the formation, adoption and improvement of the conſtitution, we ſee the reaſons why it has been riſing in the eſteem of one party, and ſinking in the eſtimation of the other.

Two rival ſyſtems of government have long divided the attachment of the world. For the ſake of diſtinction, they may be called democratic and anti-democratic. Democracy is a compound term, derived from two original Greek words and ſignifying a government of the people. Such is that of the United States and of this Commonwealth. The very firſt words of the federal conſtitution, "We the People of the United States," indicate its democratic character; and the conſtitution of Maſſachuſetts in expreſs terms, declares that "the people of this Commonwealth have the ſole and excluſive right of governing themſelves." It is not, therefore, as has been pretended, a mere cant phraſe, but the plain unequivocal language of the conſtitution, that the people govern themſelves. Our government, then, is a government of the people, a democracy, in the common and proper ſenſe of the term, the only ſenſe in which there is a democrat in the United States. As the people perform this conſtitutional ſelf government, not by perſonally aſſembling all together, which would be impracticable, but through the agency of Repreſentatives, elected by them, acting for them, and reſponſible to them, its characteriſtic definition is a repreſentative democracy. It neceſſarily involves the idea that the people have the capacity, as well as the right, thus to govern themſelves.

The patrons of the oppoſite ſyſtem contend, that by the democratic doctrine, we only flatter the people, to obtain their favor and their votes; whereas, by reaſon of their ignorance, credulity and paſſions, they are in fact "their own worſt enemies," mere inſtruments of power in the hands of demagogues, incapable of ſelf-government, and requiring independent rulers "to ſave them from themſelves;" and that democracy, however conſtituted, promotes inſubordination, leads to anarchy and ends in deſpotiſm.—Hence they infer the neceſſity of a government leſs popular and free, but according to their opinion, more energetic and ſtable.

Here is the radical point of difference between the two parties or ſects, who have divided the political world.

In most countries and ages the anti-democratic system, under some of its various modifications and names, has prevailed and still prevails. The model most approved is the English government, in its compound theory of three independent orders, a hereditary executive, a permanent senate of nobles, and one popular, democratic or elective branch, representing the people, and possessing "an essential share in the sovereignty." It has been pronounced "the most stupendous fabric of human invention," by a gentleman once high in federal office, and still esteemed for his learning, integrity and revolutionary merits by many of those, who, habituated from early years to venerate the name of Adams, and give him their cordial support, have upon reviewing his political writings and reflecting on some of his public measures, felt themselves reluctantly constrained to dissent from his principles of government.

(TO BE CONTINUED.)

Congressional Register.

HOUSE OF REPRESENTATIVES

SATURDAY, FEBRUARY 1.

DEBATE ON THE YAZOO CLAIMS,
(Continued.)

MR. NELSON said he would not in imitation of the gentleman just sat down, address the passions of the members with the sweet scented flowers of eloquence, but he would in plain and homespun language make an appeal to their understandings—And he hoped to be able to demonstrate that the present claimants, one and all, were not entitled to a single foot of the land in question, in point of national justice, in point of law, and in point of equity, and that if Congress granted their request they would do an act of high injustice to the whole body politic of the nation.

It astonished me, (said Mr. N.) to hear the gentleman from N. Carolina (Mr. Holland) arguing in justification of the legislature of Georgia which made the fraudulent and villainous contract with the Yazoo speculators of 1795, and were I to go into an argument to prove his mistake I should be deemed one of the most absurd of mankind. I should be endeavoring to prove what no man will deny. Every gentleman I have heard on this floor, except himself, and every one out of doors, nay even the claimants themselves, admit the corrupt views of the legislature of 1795, and the fraudulent means employed by the speculators; a justification of such a contract coming from that respectable gentleman has indeed astonished me. Why, sir, the claimants rest their claim upon the ground of being innocent purchasers, admitting thereby that their granters were rogues. If it be now admitted, and I believe it will be admitted, by every gentleman in this house except the gentleman from North Carolina, that those men calling themselves the legislature of Georgia did make a fraudulent contract, a contract they were not authorised by the constitution nor called upon by the people to make, and which they could not make, with a set of unprincipled men as bad as themselves—if it be admitted that the contract was fraudulent, and made without power, it was void *ab initio*, in fact it never was a contract.

What was the power of the legislature under the constitution. Why, to make good and wholesome laws, to advance the happiness and secure the prosperity of the citizens. The legislature is to be considered the mere agent of the people, not their master. If as an agent it made a contract that was fair, or perhaps feasable, and within their powers of agency, it would be binding upon the principal. Such is the doctrine of agency in public as well as in private life. But if I authorise an agent to do certain things for my benefit, and he is detected in a combination with three or four other rascals making a contract to cheat and defraud me of my paternal estate, over which I had given him no authority, shall such a contract, though sanctioned with all the forms of law, be binding upon me, and shall I lose my estate by their knavery—No, sir, a court of justice, law or equity, would equally scout the idea—Yes, sir, I aver it, and will maintain it, that from the moment the legislature abandoned, or ceased to regard the interests of the people, which was the true rule of their conduct, from that moment they ceased to be the representatives of the people of Georgia, and all their acts done contrary to those interests were null and void.

If the act of 1795 was null and void, as I contend it was, and as every gentleman but one has admitted to be the case; then, I ask, how are the present applicants the innocent purchasers they claim to be?—Why, sir, if this tract of country, which gentlemen tell us contains 30,000,000 or 40,000,000 of acres, was on and before the year 1795, the property of the people of Georgia, and the legislature had no right to dispose of the same, and the people have never authorised a conveyance, I would ask whose it is at present? Why, sir, it belongs to the people of Georgia; the fraudulent claim of the claimants, called the Massachusetts' Mississippi Land Company, to the contrary notwithstanding. Yet some gentlemen hint that the legislature of 1796 had no right to rescind the act of 1795. Sir, they did not rescind this act, but passed a law declaratory of the nature of the act of 1795, that it never was of any avail, that it never did exist, that it was void *ab initio*, and that the representatives pretending to make it, never were vested with any power on that subject. And all this is verified by the course which was taken by the people afterwards. They assembled in convention to revise and alter their constitution, and in that constitution they have incorporated the declaratory act of 1796, as an indelible mark of their approbation. Will gentlemen say that the people of Georgia have not a right to change or abolish their constitution for their own security or for the promotion of their own welfare? I believe the right will not be denied, and they have exercised it. I cannot see after this, what ground of law, justice, or equity, the applicants can find to fix their claims upon. A great outcry has been made that they are innocent purchasers, and ought not to suffer for the faults of others. This outcry may take in a few weak men, but certainly this House, with a full knowledge of all the facts, are not to be swayed from the true balance of public and distributive justice. The number of innocent persons concerned in this transaction may be more or less. I know them not, and have only seen the names of two men; these call themselves agents, but agents of whom? Agents of the New-England Mississippi Land Company. If we could learn the names of the members of this New-England Mississippi Land Company, we might from our personal knowledge, or from common report, form some idea of their standing in life. But no, sir, they do not present their petition on their individual subscription, but artfully and cunningly conceal themselves under the cloak of their agents; and to be sure, under the cloak of those gentlemen's names, they may talk of innocency. I am sorry to say it, but I can know no man when I stand on this floor to pass between the claimants & the people of the U. States, that it looks too much like trick and concealment; all is not fair, or they would be open and above board in their application to the national legislature.

I believe if the names of the applicants were disclosed, we might find among them some men of worth and talents; but I believe, at the same time, we should be able to trace the names of some of the greatest and most desperate speculators, remarkable for their success in preying on the indigent; we should very probably find some of those persons in connexion with those who preyed upon your revolutionary soldiers and obtained their final settlement certificates for a mess of pottage; the universal abhorrence which is now entertained of such characters would condemn their claims, almost unheard, to the flames. Ah! sir, is there not something deep to be suspected when such names are concealed from the knowledge of this House? Viewing the subject in this light, I cannot consider the applicants as innocent purchasers; but rather as taking this color in order to avoid detection. How stands the fact? So far as we are informed, a set of men, combined from various parts of the union, practised upon a weak and corrupt legislative body in Georgia, to get an act or pretended act to pass for the disposal of a vast territory, travel to the north, and there with others of their associates, contrive to change the names of the holders of the property, in order that they may get their heads out of the halter, and leave it upon the innocent purchaser to procure what they knew they themselves would never be able to obtain. I look upon the case to be something like the thief who having stolen a horse, and being likely to be taken, dismounts, and gives the horse to an honest countryman he has overtaken, with a request that he would walk him along the road to the next tavern where he will wait for him. So the first set of speculators upon Georgia have made a third person an innocent purchaser, that they may obtain from this House, what they well knew they never could obtain in their own right. I say this looks too much like trick; but, it is, I trust, a trick too stale to impose upon the Congress of the U. States. It is a trick, sir, as old as the settlement of New-England itself, and will not pass beyond its boundaries.

But let us take these innocent purchasers on their own ground. An innocent purchaser may be defined a person who verily believes that the party selling has a fair and legal title to what he is about to dispose of. Now will this cap fit the New England Mississippi land company? No, sir, it will not. On the very face of the deed conveying the land, the brand of the fraud is found—Not a man that reads the deed but can see the fraud. Was it ever known that when a man buys land he is willing to take a special warrantee when he can have a general warrantee? But admitting that such might be the case, was it ever known that a man was willing to take a title without any warrantee whatsoever. Nay worse than no warrantee, that he would after paying his money, consent to stand in the shoes of another with all its risks and hazards, of which he has not even the smallest knowledge. Was such a man to come to you, Mr. Speaker, and make you such a proposition for the sale of an estate, would you not instantly conceive that the man was a rogue and meant to swindle you out of your money, or that he thought you a fool easily to be imposed upon? If this was not the course of thought your mind would pursue, what else could be your opinion of a proposition to stipulate such a covenant as there is recited in the deeds of the New England Mississippi land company? Their covenants say that they shall stand in the place and stead of the original grantees. If then the grant was not good to the original grantees, how, in the name of common sense, can it be good to those who by express covenant undertake to stand in their identical place and stead? If you state, sir, that you have no title, and yet I agree to give you money for a conveyance, and oblige myself to stand in your shoes, it is plain that I have not purchased any title. This, sir, is plain, sound sense, intelligible to every farmer and mechanic in the U. States, as well as the lawyers at the bar. This covenant is in their deed, and it appears to me that the purchasers were willing to enter on a gambling speculation of this kind. We will give one hundredth part of the value for your title, be it such as it is. If we lose we lose little, if we win we make a great estate—Sir, this spirit leads on to a practice well known to happen every day. A man buys a ticket in a lottery expecting to win the 50,000 dollar prize. Hundreds and thousands engage in the purchase of tickets; yet there is but one 50,000 dollar prize, and as all except one must miss of their aim, they ought and I believe they generally do set themselves down contented, although disappointed in their expectation. So, sir, was the case with the New England Mississippi land company, they no doubt expected to make 20 times, or a 100 times the amount of the money they risked in the Georgia land lottery; but they have drawn a blank, and ought to be content. Sir, it was nothing more than a gambling match between the gamesters of the north and the gamesters of the south. For this time the south has won; perhaps the north may on the next gambling match recover or double their stakes. As to the speculators from the south, they had the advantage in the toss up; they said heads, I win, tails, you lose; they could not lose any thing for they had nothing at stake. A gentleman who I have in my eye says, he pities these people; if he would condescend to take a view of them from the elevated stand I have taken, he would see little occasion for pity; he would no longer view them as innocent purchasers, but as gambling speculators, who, having adventured in a play they did not completely understand, have lost the game, and now, like gamblers of the lowest degree, they apply to Congress to return them their money.

The title of these men, as decided by the commissioners, and as yielded by themselves, is neither legal nor equitable; they only claim on the ground of policy, I do not understand that policy. If I have a tittle to an estate, I claim the whole, I never compromise. If these persons are entitled to the 50 millions of acres, I say in God's name give it them; do not bring them down to five millions, or less. When they apply to this house for this small pittance of their claim, every one must conceive that they do it in consequence of a defective title. The men, whose names I have seen, are not the kind of men to compound; I am surprised that they would put up with such a scanty provision, they generally, I think, exact to the last farthing. These innocent purchasers of fifty millions of acres of land, who claim your pity, and ask for a part of five millions of acres, are men, that if I do any thing for, it shall be justice. What kind of justice would this be considered in common life? My worthy friend from Baltimore, sells me goods to the amount of 500l, I tell him I am able to pay him the whole, but then it will be justice to pay him only 5l. What would he or the world think of me for such conduct? Congress to be sure, is a liberal body; I look round this chamber to see the men, who make donations; five millions of acres, with ten millions of dollars to be given—to whom? and for what? During the short time I have had the honor of a seat on this floor, I have been in the habit of presenting petitions, memorials, applications, &c. for a number of my old brother soldiers, worn down by disease & poverty who have establised the liberty, the independence, and the government of this country. I have never seen the committee of claims, to whom these petitions have been generally referred, recommend the allowance of a single cent; but your purse proud Yazoo speculators are to have ten millions of dollars, because they have the presumption to ask for it. *O tempora! O mores!*

MR. SLOAN. Mr. Speaker, In the course of this debate, the time of the Houſe taken up by the ſupporters of the reſolution has been ſix hours and thirty three minutes; and by the oppoſers five hours and two minutes, leaving a balance in our favor of one hour and thirty one minutes—Hence agreeable to equal juſtice it is our turn now.

I ſhall firſt obſerve that none more than I, regret the great warmth that has appeared in debating upon this important ſubject. No leſs important than whether the preſent Congreſs will in any degree, ſanction an act, which a former Congreſs has unequivocally declared to be fraudulent; and therefore to all intents and purpoſes null and void—this I take to be a true ſtate of the queſtion.

Reſpecting the warmth that has appeared, and which I acknowledge to have riſen to too great a height; yet I believe it to have been the product of an honeſt zeal in the oppoſers of the reſolution, from a conviction of the ſpeculative degree of fraud that evidently appears in the legiſlature of Georgia, and the original contractors of '95; and therefore, ought to be looked upon with a charitable eye; more eſpecially when full retaliation has been made by the ſupporters of the reſolution. Upon this ſubject, I ſhall only notice hereafter, ſome ungenerous alluſions made yeſterday to my worthy friend from Virginia, (Mr. Randolph) whoſe exertions in the ſacred cauſe of liberty rendered his name dear to me, long before I had the pleaſure of a perſonal acquaintance with him.

It has been ſaid, that the perpetrators, or at leaſt, parties to this act, are men of the firſt reſpectability in the union. To this I anſwer, that I do not know them, nor do I wiſh to know any man whilſt ſitting in the ſeat of judgement. But granting the fact, does it ſanctify the act? Is a fraudulent act leſs injurious to the community, for being perpetrated by a perſon, or perſons, that once poſſeſſed the confidence of the people, or by being clothed in purple and fine linen? God forbid that ever ſuch a ſentiment ſhould have place within theſe walls.

In the courſe of this debate, ſome have repreſented the New England ſpeculators as very wiſe; and others have repreſented them extremely ignorant. Permit me alſo to give my opinion, which is, that if their virtue was equal to their knowledge, they would ſhine as ſtars of the firſt magnitude in the firmament of the United States.

Mr. Speaker, I deſire that what I ſhall ſay upon this ſubject, may be conſidered as pointed at principles that I conceive to be wrong; and not at individuals, otherwiſe than as thoſe individuals eſpouſe and defend ſuch principles.

Believing as I do, that ſpeculation hath heretofore brought our country to the brink of ruin; I hope charitable allowance will be made, if in my ſubſequent obſervations I treat the ſubject (in the opinion of ſome) too ſeverely.

An alluſion was made yeſterday to my friend from Virginia, (Mr. Randolph) which I conſidered ungenerous; it was an intimation that he had bore no part in the revolutionary war. Mr. Speaker, if patriotiſm is confined to thoſe only who took an active part in that war, ſoon, very ſoon indeed, will patriotiſm be baniſhed from within theſe walls. Yet a little ſpace, until the all conquering, and irreſiſtible ſcythe of time, will cut down all the noble patriots who took an active part therein, and number them with the ſilent dead!

We were alſo told by a member from Vermont, (Mr. Elliot) from what ſource the greateſt evil, and injury to republicaniſm proceeds; viz. from ſuch demagogues as the member from Virginia before alluded to (Mr. Randolph.) But Mr. Speaker, notwithſtanding the high ground on which that member ſtands, and his preſent exalted ſtation, from whence he looks down upon the ſtripling and his friends, as one did in days of old upon little David; and notwithſtanding his ſuppoſed ſuperior ſtrains of eloquence, in which he has ſo emphatically pointed out the late reign of terror; and the propoſed union of honeſt men—as in this happy land of liberty, infallibility is attached to none, I ſhall take the freedom of oppoſing my opinion to his, and ſay, that not an extreme degree of honeſt zeal for juſtice; although the flame may not only have ſcorched the coſtly robes of ſpeculators, but have cauſed the body to ſmart; is the moſt dangerous ſource of evil to theſe United States; but the ſupporters of ſpeculation, and ſpeculators; thoſe moſt dangerous enemies of the juſt principles of our declaration of independence. This is the real ſource of danger, the pandora box from which our greateſt national evils have and do proceed.

I cannot boaſt of being a ſoldier in the revolutionary war, having been educated in a principle that doth not admit of bearing arms; but, Mr. Speaker, we have had a ſecond revolution; from the powers of a hoſt of ſpeculators, who,