

The *American Republic*

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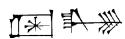
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THE American Republic

PRIMARY SOURCES

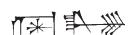
Edited by Bruce Frohnen



Liberty Fund

INDIANAPOLIS

This book is published by Liberty Fund, Inc., a foundation established to encourage study of the ideal of a society of free and responsible individuals.



The cuneiform inscription that serves as our logo and as the design motif for our endpapers is the earliest-known written appearance of the word “freedom” (*amagi*), or “liberty.” It is taken from a clay document written about 2300 B.C. in the Sumerian city-state of Lagash.

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Printed in the United States of America

C 10 9 8 7 6 5 4 3
P 10 9 8 7 6 5

Library of Congress Cataloging-in-Publication Data

The American Republic: primary sources / edited
by Bruce Frohnen.

p. cm.

Includes bibliographical references.

ISBN 0-86597-332-6 (alk. paper)—ISBN 0-86597-333-4 (pbk.:
alk. paper)

1. United States—History—Colonial period, ca. 1600—
1775—Sources. 2. United States—History—Revolution,
1775–1783—Sources. 3. United States—History—1783—
1865—Sources. I. Frohnen, Bruce.

E173.A7535 2002

973—dc21

2001038925

Liberty Fund, Inc.
8335 Allison Pointe Trail, Suite 300
Indianapolis, Indiana 46250-1684

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Introduction

In the latter decades of the twentieth century scholars working in various subfields of American history brought a great deal of formerly neglected material to light. This material concerns issues ranging from the role of religious arguments and leaders in public life, to the breadth of historical understanding characterizing public debate, to the specifically British memories and sensibilities of Americans, to the importance of early constitutional documents and Americans' constitutional sophistication. In each of these areas the new material has made it possible for scholars to reexamine and reevaluate existing theories regarding the development of American politics. These new discoveries have opened vast new areas for fruitful research concerning the influences and concerns motivating those who have helped shape the character of American politics and the American people. Unfortunately, very little of this material is available in a form suitable for classroom use. This has left teachers to seek out half-measures—summarizing on their own or assigning works they know will not be read—in attempting to present American history in something approaching its true diversity and depth.

Collections by Belz; Hall, Leder, and Kammen; Hyne-
man and Lutz; Lutz; McDonald; Morgan; Sandoz; and
White,¹ among others; have allowed scholars increased ac-
cess to constitutional documents, declarations, sermons,
and other public writings showing the factors that shaped
public life in America, both before and after the War for
Independence. Without diminishing the role accorded spe-
cifically ideological concerns and philosophical writings,
these new materials have helped scholars better evaluate
the sources and meanings of public acts ranging from co-

lonial settlement to the War for Independence, to the Constitution, and to the Civil War.

No single course, whether in high school, college, or even graduate school, could deal adequately with all the important materials unearthed in recent decades. However, by bringing together, in one manageable volume, key original documents and other writings that throw light on the cultural, religious, and historical concerns that have been raised, this volume aims to provide the means by which students and teachers may begin examining the diversity of issues and influences that characterize American history.

We now have access to crucial materials attesting to the importance of the context in which Americans spoke of practices such as liberty and religious freedom. A hitherto neglected literature now can enable scholars and students to discuss the American drive for liberty, not merely as a political concept, but as a religious idea, a historical practice, and a constitutional concern to be guaranteed and given substance through both national institutions and local customs.

The readings selected here represent opposite sides of important debates concerning, for example, American independence, religious establishment, and slavery. Conclusions regarding America's nature and development as a nation and as a people will vary, not least because American history is one of religious, ideological, and cultural conflict. Such conflicts have pitted the drive for community against the drive for individual autonomy, the call of God against the call of a wild nature to be confronted in near isolation, the desire for wealth against the desire to be held virtuous, and the demand for equality against respect for established authority. But exposure to the principal public acts and arguments engaged in these conflicts will provide a deeper and more nuanced understanding of their nature and sources—and of their influence on American history.

America's history has been characterized by both continuity and change. Even before the Civil War, at which point this volume leaves off, American traditions, with their roots deep in the histories of Great Britain, Rome, Greece,

1. Belz, *The Webster-Hayne Debate on the Nature of the Union*; Hall, Leder, and Kammen, *The Glorious Revolution in America*; Hyne-
man and Lutz, *American Political Writing during the Founding Era: 1760–1805*; Lutz, *Colonial Origins of the American Constitution*; McDonald, *Empire and Nation*; Edmund Sears Morgan, ed., *Prologue to Revolution: Sources and Documents on the Stamp Act Crisis, 1764–1766* (Chapel Hill: University of North Carolina Press, 1959); Sandoz, *Political Sermons of the American Founding Era: 1730–1805*; and White, *Democratick Editorials*.

and Israel, had been markedly transformed by changes in circumstances and public understanding.² But even traditions that have been transformed or weakened over time continue to influence public conduct, and with it the shape of both nations and peoples. By presenting readings from the perspectives of America's varied traditions, this volume seeks to help students learn how they might judge the strengths and weaknesses of the conflicting visions that have shaped American history.

ORGANIZATION OF THE WORK

This work is in nine sections, each composed of selections of public writings intended to illustrate the major philosophical, cultural, and policy positions at issue during crucial eras of American political and cultural development.

The first section, "Colonial Settlements and Societies," will provide documentary evidence of the purposes behind European settlement and the nature of settlements in practice. The second section, "Religious Society and Religious Liberty in Early America," will provide materials showing the pervasive public role of religion in early American public life as well as arguments concerning the importance of religious conscience and the limits that conscience should place on government support for religious orthodoxy. The third section, "Defending the Charters," will provide materials showing the American response to English acts—ranging from James II's revocation of colonial charters during the 1680s to parliamentary taxation during the 1750s—which Americans interpreted as attacks on their chartered, English liberties. The fourth section, "The War for Independence," will provide materials from all perspectives in the debate over independence—those centered on the chartered rights of Englishmen, those focusing on universal human rights, and those emphasizing loyalty and duty to Great Britain. The fifth section, "A New Constitution," will provide materials showing the roots of American constitutionalism in earlier English and colonial codes and charters, as well as the Articles of Confederation. In addition, it will provide important selections dealing with various "plans" or proposed constitutions, debates in the Constitutional Convention, and subsequent debates over ratification. The sixth section, "The Bill of Rights," will include Federalist and Anti-Federalist arguments concerning

the need to protect common law rights as well as the Anti-Federalist insistence that structural changes were needed in the proposed Constitution. The seventh section, "State versus Federal Authority," will present materials from both sides of issues related to the question of whether the states or the federal government held final authority in determining the course of public policy in America. The eighth section, "Forging a Nation," will provide materials regarding the debate over internal improvements and other federal measures aimed at binding the nation more closely together, particularly in the area of commerce. The final section, "Prelude to War," will focus on the political, cultural, and legal issues underlying the sectional differences that led to the Civil War. Debates concerning the morality and necessity of slavery, as well as attempts to secure political compromise regarding the status of "the peculiar institution," will be highlighted; their character and relative importance will be further illuminated by selections focusing on the relative power and position of various regions within the United States.

The volume ends with the prelude to the Civil War, stopping at that point for three interconnected reasons: (1) the need to produce a volume that does not reach an ungainly length, (2) the prevalence of courses on American history that split that history into the pre–Civil War era and the era commencing with the Civil War, and (3) recognition of the revolutionary changes wrought by the Civil War, making that event the natural stopping point for courses and this volume.

The placement of specific selections within this volume is intended to answer two pedagogical needs: that of chronological consistency and that of issue focus, so that students may see particular topics of importance in sufficient depth to give them serious examination. Consequently, while the sections into which the volume is divided generally follow a chronological order, materials within them at times overlap. For example, most writings presenting the Anti-Federalist critique of the Constitution are found in the section on the Bill of Rights rather than that on the Constitution. This has been done because the strongest Anti-Federalist arguments took the form of calls for revisions to the Constitution—revisions taken up under the rubric of amendments intended to protect the rights of the people. Not all Anti-Federalist concerns were addressed by the first Congress as it considered these

2. The classic work dealing with America's cultural inheritance is Russell Kirk, *The Roots of American Order* (Washington, 1991).

amendments. A key question in American history, however, concerns whether Anti-Federalist fears were addressed at all in that Congress or by those amendments we now call the Bill of Rights. Lincoln’s relatively late “Address to the Wisconsin State Agricultural Society” also might be seen as coming at an “unchronological” place in the volume—in this case in the section on “Forging a Nation,” before that on the “Prelude to War.” Again, the reasoning is thematic. In this address Lincoln lays out his vision of America and the cultural as well as the economic promise of industrialization. Such issues are closely tied to debates over internal improvements and other concerns

separating American regions. These concerns helped polarize the nation, but only after the slavery issue came to the forefront and exacerbated regional polarizations did they help to precipitate the Civil War.

Thanks are owed to the members of this volume’s advisory board. I also thank James McClellan for important suggestions during the early development of this volume and Donald Livingston, Clyde Wilson, and Robert Waters for helpful suggestions. Any mistakes in judgment, selection, or performance are mine alone. Finally, I owe a special debt of gratitude to my wife, Antonia, for her patience and support.

Note on the Texts

The editor has sought to make only a bare minimum of changes to the texts included in this volume, so as to convey the flavor as well as content of the writings. Changes are limited to the following: The use of asterisks to mark deleted text has been replaced with the use of ellipses. Asterisks inserted without clear meaning or intent have been deleted, as have marginalia, extraneous quotation marks, and page numbers from previous editions that had been inserted in various texts. The letters "f" and "s" have been properly distinguished. Some of the longer titles have been shortened in accordance with modern usage. Headings in which the original text used anachronistic fonts or, for example, all capital letters, have been modernized and standardized.

The work of preceding editors in modernizing punctuation and spelling has not been tampered with. The editors of these previous volumes all expressed a desire to maintain strict fidelity to the original text and thereby incorporated only such minor modernizations in spelling, grammar, and punctuation as were absolutely necessary to promote read-

ability and consistency. Those readers seeking specifics on such issues may find them in the relevant source volumes in the bibliography.

The principal issue of concern to the lay reader will be the inclusion of material in brackets. Such brackets denote material filled in by the editor, material questionable as to its true authorship, or in some instances text missing from the original.

Only those footnotes deemed necessary for understanding of the text have been reproduced here. However, in some instances (e.g., selections from Dickinson, Boucher, Noah Webster, and Story) footnotes are integral to the text, and in others explanatory notes are necessary. Footnotes of earlier editors are marked "Ed." and those few footnotes added by the current editor are marked "B. F."

In reproducing the fifth Lincoln-Douglas debate it was necessary to standardize fonts and to eliminate headings and subheadings inserted by the previous editors.

The *American* Republic

PART ONE Colonial Settlements and Societies

The FRAME of the
GOVERNMENT
OF THE
Province of Pennsylvania
IN
A M E R I C A :
Together with certain
L A W S
Agreed upon in England
BY THE
GOVERNOUR
AND
Divers FREE - MEN of the aforesaid
PROVINCE.

To be further Explained and Confirmed there by the first
Provincial Council and General Assembly that shall
be held, if they see meet.

Printed in the Year M D C LXXXII.

FAC-SIMILE OF TITLE PAGE OF PENN'S "FRAME OF GOVERNMENT, 1682."