

James Madison to James Madison Sr., June 24, 1784. Transcription: The Writings of James Madison, ed. Gaillard Hunt. New York: G.P. Putnam's Sons, 1900-1910.

TO JAMES MADISON. MAD. MSS.

Richmond June 24, 84

Hond Sir, —Your letter by Capt: Cowherd with that of my brother's have been just put into my hand. I shall leave to him the sale of the Tobo belonging to Capt. Conway & Ambrose; not being at leisure myself to do it before he proposes to set out. I think it will be well to accept of Mr. Lawson's offer of the Madeira. I shall do the best I can towards satisfying the Treasury on acct. of Mr. Winslow. Majr. Lee's warrant has been ordered by the assembly, but Mr. Harvey being a little puzzled by the peculiarity of the case, could not make it out immediately on my first application, & I have not time now to repeat it. I hope the delay will not be inconvenient to Majr Lee. Much time has been lately spent by the assembly in abortive efforts for amendment of the constitution,¹ and fulfilling the Treaty of peace in the article

1 Notes of Speech on Proposed Amendment to the Constitution of Virginia. June, 1784:

“Virga. Legislature

“For Amending Constitution of Va. in 1784.

“Nature of a Constitution examd. see Massts. p. 7. 8. 15. 16. N. Y. p. 63.— Pena. p. 85. 86. Del. p. 106 N. C. p. 146–150. S. C. p. 188. Geo p.275. 186.

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“Convention of 1776. without due power from people.

“1. passed the ordinance for Constn. on recommendation of Congs. of May 15. 1776. prior to decln of independence: as was done in N. H. p. 1 & N. J. p. 78–84.

“2. Passed it from impulse of necessity.—See last clause of the preamble 3. before independence declared by Congs.

“4. power from people no where pretended.

“5. other ordinances of same Session deemed alterable as relative to Senators—oaths—Salt.

“6. provisions for care of West Augusta in its nature temporary.

“7. Convention make themselves branch of the Legislature.

“Constitution, if so to be called defective

“1. in a Union of powers which is tyranny Montesq.

“2. Executive dependent on Legislature. 1. for salary. 2. for character in the treial expulsion.—3. expensive—4. may be for life contrary to Art: 5 of Declaration of Rights.—

“3. Judiciary dependent for amt. of salary

“4. Privileges & wages of members of Legislature unlimited & undefined.

“5. Senate badly constituted & improperly barred of the originating of laws.

“6. equality of representation not provided for see N. Y. p. 65. S. C. p. 165

“7. Impeachmts. of great moment & on bad footing.

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"8. County Courts seem to be fixed p. 143. 144. also General Court.

"9. Habeas Corpus omitted.

"10. no mode of expounding constitution & and of course no cheek to Genl. Assembly

"11. Right of suffrage not well fixed—quere *if popish* recusants &c. are not disfranchised?
Constn. rests on acquiescence, a bad basis

"Revision during war improper—on peace decency requires surrender of power to people.

"No danger in referring to the people who already exercise an equivalent power.

"If no change be made in the Constitution, it is advisable to have it ratified and secured agst. the doubts and imputations under which it now labours."— *Mad. MSS.*

of British debts.¹ The residue of the business will not be completed till next week. If my brother W. is at leisure as before, I beg him to bring down the chair for me to be here by Wednesday next.

I am your dutiful son.

¹ "J. M.'s proposition to the Gen. Assembly [June—1784]. See Journal Whereas by the 4th. article of the Definitive Treaty of Peace ratified and proclaimed by the United States in Congress assembled on the 14th. day of Jany. last 'it is agreed that Creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts heretofore contracted': and whereas it is the duty and determination of this Commonwealth, with a becoming reverence for the faith of Treaties, truly and honestly, to give to the said article, all the effect, inasmuch as the debts due from the good people of this commonwealth to the subjects of G. Britain were contracted under the prospect of gradual payments, and are justly computed to exceed the possibility of full payment at once, more especially, under the diminution of their property resulting from the

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devastations of the late war: and it is therefore conceived that the interest of the British creditors them selves will be favored by fixing certain reasonable periods, at which divided payments shall be made:

" *Resolved*, that it is the opinion of this Committee, that the laws now in force relative to British debts, ought to be so varied & amended as to make the same recoverable in the proportions & at the periods following: that is to say, part thereof with interest of 5 per Ct. from the date of the definitive Treaty of peace, on the day of and the remaining on the day of And whereas it is further stipulated by art: 7th of the said Treaty, among other things, that 'his Britannic Majesty shall with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States; and from every post place and harbour within the same, leaving in all fortifications the American artillery that may be therein, and shall also order and cause all archives, records, deeds & papers, belonging to any of the said States, or their citizens, which in the course of the war, may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper States and persons to whom they belong,' which stipulation was in the same words contained in the Provisional articles signed at Paris on the 30th. day of November 1782 by the commissioners empowered on each part: and whereas posterior to the date of the said provisional articles, Sundry negroes the property of citizens of this commonwealth were carried away from the city of New York whilst in possession of the British forces, and no restitution or satisfaction on that head, has been made, either before or since the Definitive Treaty of peace; And whereas the good people of this commonwealth have a clear right to expect that whilst, on one side, they are called upon by the U. S. in Congress assembled to them by fœderal Constitution the powers of war & peace are exclusively delegated, to carry into effect the stipulations in favour of British subjects, an equal observance of the stipulations in their own favor, should, on the other side, be duly secured to them under the authority of the Confederacy.

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“ *Resolved*, that it is the opinion of this Committee; that the Delegates representing this State in Congress ought to be instructed to urge in Congress peremptory measures for obtaining from G. Britain satisfaction for the infringement of the article aforesaid; and in case of refusal or unreasonable delay of such satisfaction, to urge that the sanction of Congress be given to the just policy of retaining so much of the debts due from citizens of this commonwealth, to British subjects, as will fully repair the losses sustained from such infringement: and that to enable the said Delegates, to proceed herein with the greater precision & effect, the Executive ought to be requested to take immediate measures for obtaining & transmitting to them, all just claims of the citizens of this Commonwealth under the 7th. art: as aforesaid.”— *Mad. MSS.*