

Dear Sir

Paris Dec. 20. 1787.



My last to you was of Oct. 8. by the Count de Moustier. yours of July 18. Sep. 6. & Oct. 24. have been successively received, yesterday, the day before & three or four days before that. I have only had time to read the letters, the printed papers communicated with them, however interesting, being obliged to lie over till I finish my dispatches for the packet, which dispatches must go from hence the day after tomorrow. I have much to thank you for. first and most for the cyphered paragraph respecting myself. These little informations are very material towards forming my own decisions. I would be glad even to know when any individual member thinks I have gone wrong in any instance. if I know myself it would not excite ill blood in me, while it would assist to guide my conduct, perhaps to justify it, and to keep me to my duty, alert. I must thank you too for the information in Tho. Burke's case, tho' you will have found by a subsequent letter that I have asked of you a further investigation of that matter. it is to gratify the lady who is at the head of the Convent wherein my daughters are, & who, by her attachment & attention to them, lays me under great obligations. I shall hope therefore still to receive from you the result of the further enquiries my second letter had asked. — the parcel of rice which you informed me had miscarried accompanied my letter to the Delegates of S. Carolina. Mr. Bourgois was to be the bearer of both &  
Mr. Madison

10713 a

and both were delivered together into the hands of his relation here  
who introduced him to me, and who at subsequent moment under-  
took to convey them to Mr. Bourgois. This person was an engraver  
particularly recommended to Dr. Franklin & Mr. Hopkinson,  
perhaps he may have mislaid the little parcel of rice among  
his baggage. — I am much pleased that the sale of Western lands  
is so successful. I hope they will absorb all the Certificates  
of our Domestic debt speedily, in the first place, and that then  
offered for cash they will do the same by our foreign one.

The season admitting only of operations in the Cabinet, and  
these being in a great measure secret, I have little to fill a let-  
ter. I will therefore make up the deficiency by adding a few words  
on the Constitution proposed by our Convention. I like much the  
general idea of framing a government which should go on of itself  
peaceably, without needing continual recurrence to the state legis-  
latures. I like the organization of the government into legislative,  
Judiciary & Executive. I like the power given the Legislature to  
levy taxes, and for that reason solely approve of the greater house  
being chosen by the people directly. for tho' I think a house chosen  
by them will be very illy qualified to legislate for the Union, for  
foreign nations &c. yet this evil does not weigh against the good  
of preserving inviolate the fundamental principle that the people  
are not to be taxed but by representatives chosen immediately  
by themselves. I am captivated by the compromise of the opposi-  
-ite

the claims of the great & little states, of the latter to equal, and  
the former to proportional influence. I am much pleased too with  
the substitution of the method of voting by persons, instead of that  
of voting by states: and I like the negative given to the Executive  
with a third of either house, though I should have liked <sup>it</sup> better  
had the Judiciary been associated for that purpose, or invested  
with a similar and separate power. There are other good things  
of less moment. I will now add what I do not like. first the  
omission of a bill of rights providing clearly & without the aid of  
sophisms for freedom of religion, freedom of the press, protection against  
standing armies, restriction against monopolies, the eternal & unre-  
mitting force of the habeas corpus laws, and trials by jury in  
all matters of fact triable by the laws of the land & not by the laws  
of Nations. to say, as Mr Wilson does, that a bill of rights was not  
necessary because all is reserved in the case of the general govern-  
ment which is not given, while in the particular ones all <sup>is</sup> given  
which is not reserved, might ~~be considered~~ for the audience to  
show it was <sup>addressed</sup> ~~proven~~, but is surely a gratis dictum, opposed by strong  
inferences from the body of the instrument, as well as from  
the omission of the clause of our present confederation which had  
declared that in express terms. it was a hard conclusion to say  
because there has been no uniformity among the states as to the  
cases triable by jury, because some have been so incautious as  
to

to abandon <sup>this mode of</sup> ~~trial by jury~~, therefore the more prudent states shall  
be reduced to the same level of calamity. it would have been much  
more just & wise to have ~~concluded~~ concluded the other way that as  
most of the states had judiciously preserved this galley, those  
who had wandered should be brought back to it, and to have este-  
-let me add that a bill of rights is what the people are entitled to against every govern-  
-ment on earth, general or particular & that no just government should refuse or rest on inference  
-blished general right instead of general wrong. <sup>the second fea-</sup>  
-ture I dislike, and especially dislike, is the abandonment in every  
instance of the necessity of rotation in office, and most particularly  
in the case of the President. experience concurs with reason in  
concluding that the first magistrate will always be re-elected  
if the constitution permits it. he is then an officer for life. this  
once observed it becomes of so much consequence to certain nations  
to have a friend or a foe at the head of our affairs that they will  
interfere with money & with arms. a Galloman or an Angloman  
will be supported by the nation he befriends. if once elected, and  
and at a second or third election outvoted by one or two votes,  
he will ~~pretend~~ false votes, foul play, hold possession of the reins  
of government, be supported by the states voting for him, especi-  
-ally if they are the central ones lying in a compact body them-  
-selves & separating their opponents: and they will be aided  
by one nation of Europe while the majority are aided by another.  
the election of a President of America some years hence will be  
much more interesting to certain nations of Europe than ever the  
election of a king of Poland was. reflect on all the instances in  
history

history ancient & modern, of elective monarchies, and say if  
they do not give foundation for my fears. The Roman emperors,  
the popes, while they were of any importance, the German emperors  
till they became hereditary in practice, the kings of Poland,  
the Deys of the Ottoman dependencies. it may be said that if e-  
lections are to be attended with these disorders, the seldomer they  
are renewed the better. but experience shows that the only way  
to prevent disorder is to render them uninteresting by frequent  
changes. an incapacity to be elected a second time would have  
been the only effectual preventative. The power of removing him  
every fourth year, is a power which will not be exercised.  
The king of Poland is removable every day by the Diet, yet  
he is never removed. — smaller objections are the appeal in  
fact as well as law, and the binding all persons Legislative  
Executive & Judiciary by oath to maintain that constitution.  
I do not pretend to decide what would be the best method  
of procuring the establishment of the manifold good things  
in this constitution, and of getting rid of the bad. Whether by  
adopting it in hopes of future amendment, or, after it has  
been duly weighed & canvassed by the people, after seeing  
the parts they generally dislike, & those they generally approve,  
to say to them We see now what you wish. send together  
your deputies again, let them frame a constitution for you  
omitting that you have condemned, & establishing <sup>the powers</sup> ~~what~~ you

approve even these will be a great addition to the energy of your  
government. — at all events I hope you will not be discourag-  
ed from other trials, if the present one should fail of it's  
full effect. — I have thus told you freely what I like & dislike:  
merely as a matter of curiosity, for I know your own judgment  
has been formed on all these points after having heard every  
thing which could be urged on them. Now I am not a friend  
to a very energetic government. it is always oppressive. The  
late rebellion in Massachusetts has given more alarm than  
I think it should have done. calculate <sup>that</sup> one rebellion in  
13 states in the course of 11 years, but one for each state  
in a century & a half. no country should be so long without  
one. nor will any degree of power in the hands of government  
prevent insurrections. France with all it's despotism, and  
two or three hundred thousand men always in arms has  
had three insurrections in the three years I have been here  
in every one of which great numbers were engaged than in  
Massachusetts & a great deal more blood was spilt. in Tur-  
key, which Montesquieu supposes more despotic, insurrec-  
tions are the events of every day. in England, where the head  
of power is lighter than here, but heavier than with us they  
happen every half dozen years. compare again the ferocious  
depredations of their insurgents with the order the moderation  
& the almost self extinguishment of ours. — after all, it is my prin-  
ciple

that the will of the Majority, should always prevail. if they  
approve the proposed Convention in all it's parts, I shall concur  
in it cheerfully, in hopes that they will amend it whenever  
they shall find it work wrong. I think our governments will  
remain virtuous for many centuries; as long as they are  
chiefly agricultural; and this will be as long as there shall  
be vacant lands in any part of America. When they get  
piled upon one another in large cities, as in Europe, they  
will become corrupt; <sup>as in Europe.</sup> above all things I hope the education  
of the common people will be attended to; convinced that  
on their good sense we may rely with the most security  
for the ~~liberty~~ preservation of a due degree of liberty.

I have tired you by this time with my disquisitions  
& will therefore only add assurances of the sincerity  
of those sentiments of esteem & attachment with  
which I am. Dear Sir your affectionate friend &  
servant

M. J. T. M.

P.S. the instability of our laws is really an immense evil.  
I think it would be well to provide in our constitutions that  
there shall always be a twelvemonth between the ingrossing a bill  
& passing it: that it should then be offered to it's passage without  
changing a word: and that if circumstances should be thought  
to require a speedier passage, it should take two thirds of both  
houses instead of bare majority.

10719