

In electing you our Deputies to the Convention to be held in June next to take into consideration the new plan of government we have confided to your care and management the greatest trust in our power to delegate - Government is a subject upon which virtuous and well informed men differ. The most approved writers however we think however the most approved writers on political liberty concur in the opinion that free government is best maintained by a mixture of the simple forms, wherein the legislative, Executive and judiciary are kept separate and distinct - these sentiments were generally prevalent when the people formed their State constitutions - the federal compact has indeed departed from these principles, the whole power of the Union being vested in one body of State representatives, each State having an equal vote in the decision of all questions. To this imperfect organization may in great degree be ascribed the misbehaviour of the government, and hence the necessity of additional powers. We presume not to decide on the various parts and combinations of the proposed system, but cannot avoid expressing our disapprobation of the great power of the Senate, and the undefined, unlimited, and we think unnecessary power of the judiciary - To such propositions therefore as shall be made tending to confine the Senate to the exercise of legislative powers only, and for vesting the Executive powers in the president aided by a proper Council of advise ^{making them responsible for their conduct} we desire and expect your concurrence we desire and expect your concurrence in such propositions as shall be made tending to limit and more clearly define the powers of the judiciary Department. Although we think the true principles of federal government would have required the vesting the Congress organized as we have proposed with full power over all external concerns running to the States the management of internal matters, yet as the general Convention after long deliberation have decided in favor

of the political experiment of a consolidation of the States for the accomplishment whereof extensive powers are necessary we feel a reluctance in giving you pointed instructions on this branch of the system lest we ~~might~~ ^{should} impair the powers essential to the execution of the government - care should however be taken to preserve the rights of the people and protect them from burlesque and oppressive operations of this branch of the government - we recommend therefore to your consideration the propriety of vesting the State Courts with the cognizance of all internal concerns and also of external matters where the party shall in the first instance choose to institute process with an appeal to the federal court of appeals in the latter cases - The appellate Court should have also original jurisdiction in all external matters. The appellate court should not review facts but be confined to the record - The trial by jury should be secured in civil as well as criminal cases. The laying and collecting ^{internal} Taxes & Duties although deemed necessary for the support of government will we fear in its operation produce mischief, if therefore the expedient of requisitions before the general government exercises the power shall be thought proper and effectual it may be well to ~~try~~ ^{make} the experiment - These and other objections that have been and may be made we leave to your prudence and judgment confiding in your integrity to do the best you can for the common good. Although we have expressly required your concurrence to certain propositions for amendment yet we mean not thereby to break the Union which it is our determination to preserve and do hereby authorize you in case some States shall have accepted the government before the decision takes place in our Convention that you agree to accept and ratify the same protecting all our

from into the system.
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