GEORGE MASON

OF VIRGINIA Va.

AN ADDRESS

BY

LEWIS H. MACHEN

PRESENTING A

PORTRAIT TO FAIRFAX COUNTY

MAY 20th, 1901

GEORGE MASON
OF GUNSTON, VIRGINIA
1725–1792

PRESS OF BYRON S. ADAMS.

INTRODUCTION

HIS speech of Mr. Machen is such a complete summary of the life, character and works of George Mason, and the occasion of its delivery one so interesting, not only to the relatives of all the distinguished men whose portraits were presented, but to all Virginians who love their State and are proud of her history, that an apology for this effort to preserve the record in more permanent form is scarcely needed.

It was desired to have the entire record of that occasion, including all the speeches and all the portraits, gathered into one volume. But finding this too large an undertaking, I leave it to some future historian of the records of old Fairfax.

At the request of several representative members of the family, this work is undertaken primarily for the purpose of placing in the hands of every descendant of Mason a reliable sketch of their ancestor, of whom most of them know very little beyond the name.

It is hoped that many who read this will seek to study his history more fully in that admirable biography written by Miss Kate Mason Rowland, and published in 1892 by Putnam's Sons, to which work we are indebted for most of the data in this booklet.

In his eloquent introduction to Kate Mason Rowland's life of George Mason, General Fitzhugh Lee says: "He was indeed the people's man in a people's government. The

tent of his faith was pitched upon the bed-rock of the freedom of the citizen. Great was his belief in the security of a purely republican form of government. Sublime was his reliance in the power of the people.

"This life of Mason is proper and opportune. A period in our history has been selected to which we should more frequently recur, by calling attention to the services of a man with whose career we should become more familiar. * * * 'The people should control the Government, not the Government the people', was his war cry."

The assembling of their delegates in Richmond to revise and alter the constitution of their State gives to the people of Virginia a peculiar interest in reviewing, at this time, the lives and works of the "master-builders" who, in those early days, framed the first constitution of this good old commonwealth.

Judge Goode, the chairman, in his admirable address at the opening of this convention, on the 12th of June, is reported thus:

"It has been said that the greatest of all builders are the builders of states. The time has been when Virginians were recognized as master-builders in the work of framing constitutions. They promulgated the first written constitution for a free and independent commonwealth ever known to mankind. The convention which framed that constitution met in the old Colonial Capitol at Williamsburg on the 6th day of May, 1776.

It was composed of men whose names are linked with immortality; men who will be held in grateful remembrance by their admiring countrymen as long as liberty shall have a votary upon earth. It is no exaggeration to say that the Declaration of Rights, drawn by George Mason and adopted by that convention, is the most complete summary of the

Rights of Men and the principles of free government that has ever been furnished to the world."

May God grant that the convention over which Judge Goode so ably presides be guided to frame for the Old State a constitution worthy of her history and founded on the everlasting principles of right and justice.

Mason appears nowhere greater than in his opposition to the Federal Constitution.

His unerring judgment, his wonderful foresight and his keen power of analysis are nowhere more clearly to be seen than in his arguments against certain clauses of the Constitution proposed by the Philadelphia Convention.

Mr. Machen has given some attention to the "Slave Trade" clause which was opposed by Mason. I want to direct particular attention to that clause because it is usually supposed to have been a concession to the South. Historians treat it in that way, and a text-book on the Constitution which I have recently seen is misleading.

In Mrs. Archibald Dixon's "True History of the Missouri Compromise and Its Repeal"—a most interesting and instructive book, which everyone should read—there is a full account of this matter. It may be summed up thus: South Carolina and Georgia wanted the Slave Trade continued for twenty years. The New England States wanted to defeat a proposed clause requiring *two-thirds* majority in Congress to pass Commercial and Navigation laws. These States agreed to vote with South Carolina and Georgia for the continuance of the Slave Trade, provided the latter would vote with them against the "two-thirds majority" clause. Virginia and the other Southern States voted against this combination and were defeated.

To obtain the Slave Trade South Carolina and Georgia voted against their real interest and were vastly losers in the long run.

The Northern majority, prudently preferring profits to principles, procured for themselves, by *their* votes, advantages which enabled them to coin millions of money—and not the least of these was the privilege of carrying on the Slave Trade for twenty years.

Mason denounced this bargain as the plague spot of all evil, which was to bring ruin upon the country. For this and other reasons he refused to sign the Constitution.

B. R. M.

PREFACE

On Monday, May 20, 1901, a number of portraits of distinguished former residents of Fairfax County, Virginia, were presented to the county and hung in the court-house. This was the culmination of a movement which had been inaugurated about a year previous. At a meeting of the Fairfax bar held in the spring of 1900 Messrs. R. Walton Moore and R. E. Thornton and Mrs. Joseph E. Willard were appointed a committee to secure the portraits, in which they were successful.

The ceremonies attracted quite a number of visitors from a distance, and a large and representative gathering of county people filled the court-house to overflowing. Hon. James M. Love, Judge of the County Court, and Hon. Charles E. Nicol, Judge of the Circuit Court, presided simultaneously. On motion of Mr. R. Walton Moore the ordinary business of the Court was laid aside for the special business of the day. The following portraits were then presented, the speeches of presentation being made by the gentlemen named:

General George Washington, by Mr. R. E. Lee, Jr., of the Washington bar; Judge John Webb Tyler, by General Eppa Hunton, of the Warrenton bar; Judge Henry W. Thomas, by Judge James Keith, of the Court of Appeals; Colonel George Mason, by Mr. Lewis H. Machen, of the Fairfax bar; Lords Thomas and Bryan Fairfax, by Mr. Albert Fairfax, of the New York bar; Clerk F. D. Richardson, by Mr. R. Walton Moore, of the Fairfax bar; Judge D. M. Chichester, by Mr. Lewis H. Machen, of the Fairfax bar;

General Walter Jones, by Mr. Joseph Packard, of the Baltimore bar.

These speeches were published in the *Fairfax Herald* of May 24th and 31st, 1901. For the sake of greater permanence some members of the Mason family determined to publish Mr. Machen's address on George Mason in the present form, with an Appendix, which it is hoped will add interest to the publication. As the address has been delivered once and published once, it has been thought best to reproduce it here substantially as it was delivered.

ADDRESS

May it please the Court:

N behalf of members of the Mason family I desire to present the portrait of their ancestor, George Mason, of Gunston Hall. I share the keen regret of those present that Mr. Justice Harlan, who was expected to present this portrait, is prevented by the business of the Supreme Court from doing so. As a member of his law class some years ago I had the pleasure of hearing him lecture on George Mason, and I can assure you that by his absence you are deprived of a rare treat.

Being called upon at a few days' notice to perform a task which had been allotted to Judge Harlan, to discourse before such an assembly, after such distinguished speakers as you have just heard, upon such a theme as the life and character of George Mason, I remind myself of a canoe upon which has suddenly been unloaded the cargo of an ocean steamer. I am simply foundered, as it were, and overwhelmed by the burden. Though naturally complimented by this commission, I accepted it with reluctance, hoping that the generous indulgence you have shown me on former occasions would be shown again to-day.

Now, regarding one of the donors of this portrait, at whose stubborn insistence I have placed myself in this embarrassing situation, just to get even, I will make a remark that I know he will not approve; that it is altogether appropriate that he should have his name coupled in this manner with that of his distinguished relative. For the founding and upbuilding of a young ladies' seminary, the teaching of the feminine idea to shoot, is as noble (I will not say as

difficult) a task as the planting and rearing of a republic. And the time may come when the memory of George Mason, of Gunston Hall, may not wholly eclipse the memory of Beverley Mason, of Gunston Institute.

Meagre Data

It is a strange and melancholy fact that of George Mason, that illustrious Fairfaxian, that giant figure of Colonial and Revolutionary Virginia, that great American, who became a national character as soon as this country became a nation, there is not much known. The first biography of him was issued from the press just one hundred years after his death. While the public libraries groan beneath the lives and writings of a host of his contemporaries, this single work, by one of his devoted relatives, Miss Kate Mason Rowland, is all that a whole century has given us of him. His grandson, George Mason, contemplated a biography and wrote for data to President Madison, who replied that "it was to be regretted that, highly distinguished as he was, the memorials of his services on record or perhaps otherwise attainable, were more scanty than those of many of his contemporaries far inferior to him in intellectual powers and public services." Many subsequent attempts to write his life proved abortive, and were much hindered by several destructive fires in which valuable papers were lost.

George Mason wrote no autobiography, like Franklin and Jefferson; he kept no journal, like Washington and Adams; he never published essays on government and kindred topics, like Hamilton and Madison; he declined to sit in either the Senate or the House of Representatives, where his speeches would have been fully reported; he was never in the presidency, where his utterances would have been carefully prepared and permanently preserved; he was never the avowed leader of a party whose members would have had a personal interest in idealizing his character and propagating his teachings. Many of his great efforts, not being recorded, were forgotten with the occasion that called them forth. His speeches were made chiefly in the Virginia Assembly where no record of them was kept, and in the constitutional conventions of Virginia and the United States at

Philadelphia, of which the record is very imperfect. Aside from these, the memorials of his work are a small pamphlet on Virginia charters, the Fairfax County Resolves, the Virginia Bill of Rights, the first draft of the first Constitution of Virginia, his summary of his objections to the Constitution of the United States, his will, which is recorded in that clerk's office, and his correspondence, a large part of which has been collected by Miss Rowland. But these are enough to secure for him a high place in the pantheon of our immortals. He was careless of his own fame. His friends and immediate descendants, who should have taken pains to preserve it, did not, and more recent historians, written and published at the North, by people who did not relish some of his teachings, and who had other heroes nearer home to celebrate, have not assigned him to his proper place. May this first public recognition of his greatness, in this county where he lived and which he served so many years, be the forerunner of many testimonials of like character until finally a noble monument be here raised to show the world that though the Republic may be ungrateful, Fairfax County is not. May the splendid biography of Miss Rowland be the first of a long series of works which shall teach the people of this country their debt of gratitude to this illustrious commoner and place his fame above all cavil, where it may be seen of all the world.

To know and understand a man's life, to estimate the character of his work and to measure its worth, one must know the source from which he sprung and the surroundings amid which he lived. The twin forces of heredity and environment must first be taken into account.

Ancestry

The George Mason of whom I am speaking was the fourth of that name since the family was transplanted from England to America. Tradition says that the first George fled from England in 1651, after the battle of Worcester, in company with many other cavaliers, the faithful but dispirited adherents of Charles II. He landed at Norfolk, came up the Potomac and settled at Accohick, near Pohy-

tanzy, where he spent the rest of his days. It must have been a rude transition from the high civilization to which he was accustomed to what was then a magnificent wilderness, filled with savage beasts and scarcely less savage men. But the family appeared to prosper. After the Restoration they received large land grants, were active in business, prominent in negotiations with the Indians, held offices of importance, grew in wealth and influence and, though aristocrats, showed democratic tendencies in their modes of thought and life. Our Fairfax statesman was born at what is now Mason's Neck, in this county, but was then a part of Stafford, in 1725. When he was ten years old he lost his father by drowning, and being the oldest son, as the law then was, he inherited the entire estate, which was very considerable. His mother, though a young and beautiful woman when left a widow, never married again, but devoted herself to the care of her children and her property, which she did most successfully. From her our statesman must have inherited much of his sound business sense and other characteristics. It is a common saying that a man of genius usually inherits it from his mother, from which we are led to infer that if such men are so scarce it is mainly because great women are not more numerous.

Domestic Life

Whether young George had a tutor at home or attended a school in the neighborhood is not known. Certain it is that he never went to college. Probably his uncle by marriage, John Mercer, who was a distinguished lawyer of that day and one of his guardians, directed the boy's studies. At any rate none can read Mason's writings without perceiving the depth and breadth of his scholarship. Upon attaining his majority he appears to have left his mother's house and established a home for himself in Mason's Neck, to which four years later he took his sixteen-year-old bride, the beautiful and charming Miss Anne Eilbeck, the only daughter of a wealthy neighbor. About this time he erected the historic mansion, Gunston Hall, named for the old home of his ancestors in Staffordshire. Young, handsome,

wealthy, happily married, surrounded by congenial friends among the Colonial gentry, devoted to the cultivation of his large estate, surely he had all that could make life serene and joyous. His studies and business cares were relieved by hunting, fishing and sailing, and we are told that he was the best shot and keenest sportsman of his neighborhood.

He was one of the presiding justices of the county; was vestryman of Pohick Church; was a member of the Board of Trustees of Alexandria; represented Fairfax County in the Virginia Assembly. In 1762 he lost his mother and eleven years later his devoted wife, to whose memory he has left a tribute which deserves a permanent place in marital literature. She must have been a woman of firmness as well as gentleness. One of her children recording his recollections of her said that she was fond of horseback riding and kept a small green riding whip, which she sometimes used for other purposes and which the children respectfully called the "green doctor."

In 1780, George Mason married Miss Sarah Brent, a lady of fifty, who survived him. The children of his first marriage were five sons and four daughters, all of whom lived to maturity. He seems to have been greatly beloved by his family. His letters to his sons and daughters breathe a paternal devotion which is truly beautiful.

Among his descendants have been numbered one United States Senator, James Murray Mason, of the Mason and Slidell *Trent* affair, and many others prominent as educators, lawyers, ministers and business men. Indeed, if George Mason had been distinguished for nothing else, the number, high character and personal attractiveness of his posterity would be sufficient to make him famous.

Early Politics

His character as patriot, statesman and political philosopher will now be noticed as briefly as the interest and importance of the subject will permit. It has already been seen that George Mason's ancestors, though devoted to the cause of royalty and loyally attached to the ancient government of Great Britain, were also devoted to the principles of

liberty. This fact inclined the second George Mason to the popular side in Bacon's Rebellion. Our Virginia statesman inherited this instinctive love of justice and hatred of oppression, and doubtless received instruction in political philosophy from those who had received it from his father and grandfather, and certainly his own reading and reflection had embedded it deep in his mind. The fundamental principles of human freedom, of which he became one of the first if not also the greatest expounder upon this continent, early engaged his attention. He was seven years older than George Washington, whom he became acquainted with when Washington was 18 years of age, and with whom he was intimately associated before either began to play his great part upon the theatre of the Revolution. We have seen that both represented Fairfax County in the Virginia Assembly; both witnessed the encroachments of Great Britain upon the liberities of the colonies, and together they earnestly discussed the best means of preserving these threatened liberties. In 1769 Mason drew up the famous non-importation resolutions, which were presented in the Virginia Convention by Washington, and unanimously adopted. One of these resolutions pledged the colonists to purchase no slaves that should be brought into the country after November first of that year.

Fairfax Resolves

But on July 18, 1774, one of the greatest events that ever transpired in America occurred at the county seat of this county, which was then Alexandria. This was the adoption of the celebrated Fairfax County Resolves. George Washington was chairman of the meeting, and Robert Harrison secretary. George Mason wrote the resolutions throughout, which were twenty-four in number, and which were unanimously adopted. This was the first clear and emphatic statement of the rights of the colonies, and I can give no idea of their tremendous significance except by quoting in full several of these resolutions. The first was: "Resolved, That this Colony and Dominion of Virginia cannot be considered as conquered territory; and if it was, that the present

inhabitants are the descendants not of the conquered but of the conquerors. That the same was not settled at the national expense of England, but at the private expense of the adventurers, our ancestors, by solemn compact with, and under the auspices and protection of, the British crown, upon which we are in every respect dependent as the people of Great Britain, and in the same manner subject to all his Majesty's just, legal and constitutional prerogatives. That our ancestors, when they left their native land and settled in America, brought with them (even if the same had not been confirmed by charters) the civil constitution and form of government of the country they came from; and were, by the laws of nature and nations, entitled to all its privileges, immunities, and advantages which have descended to us their posterity, and ought of right to be as fully enjoyed as if we had still continued within the realm of England.

"Second. Resolved, That the most important and valuable part of the British Constitution, upon which its very existence depends, is the fundamental principle of the people's being governed by no laws to which they have not given their consent, by representatives freely chosen by themselves; who are affected by the laws they enact equally with their constituents; to whom they are accountable, and whose burdens they share; in which consists the safety and happiness of the community; for if this part of the constitution was taken away, or materially altered, the government must degenerate either into an absolute and despotic monarchy, or a tyrannical aristocracy, and the freedom of the people be annihilated."

I defy all literature to produce a clearer statement of this political truth, and I challenge any historian to show any earlier announcement of it on American soil.

"Fifth. Resolved, That the claim lately assumed and exercised by the British Parliament of making all such laws as they think fit, to govern the people of these colonies, and to extort from us our money, without our consent, is not only diametrically contrary to the first principles of the constitution, and the original compacts by which we are dependent upon the British crown and government; but is

totally incompatible with the privileges of a free people and the natural rights of mankind, will render our own legislatures merely nominal and nugatory, and is calculated to reduce us from a state of freedom and happiness to slavery and misery.

"Sixth. Resolved, That taxation and representation are in their nature inseparable; that the right of withholding or of giving and granting their own money is the only effectual security to a free people against the encroachments of despotism and tyranny; and that whenever they yield the one they must quickly fall a prey to the other."

The seventeenth resolution which follows shows the thought and feeling of Virginia statesmanship on the subject of the slave trade: "Resolved, That it is the opinion of this meeting that during our present difficulties and distress no slaves ought to be imported into any of the British colonies on this continent; and we take this opportunity of declaring our most earnest wishes to see an entire stop forever put to such a wicked, cruel, and unnatural trade."

Soon after this, similar resolutions, written by Thomas Jefferson, were adopted by the county of Albemarle.

Bill of Rights

In the last Colonial Assembly in Virginia prior to the Revolution, George Mason represented Fairfax County. Bancroft says of him that he held most sway over the minds of the convention. Here it was that he drew up the immortal Bill of Rights which, with few changes, was adopted by the convention, and which is in effect a part of every constitution in the land to-day, and part of which is embraced in the first ten amendments to the Constitution of the United States.

In a general way most of us are familiar with the Bill of Rights, but it is so complete and symmetrical a statement of fundamental principles and is so obviously a forerunner of the Declaration of Independence that I cannot forbear quoting it at length, just as it came from the head and hand of George Mason:

"A Declaration of Rights made by the representatives of the good people of Virginia,—assembled in full and free

Convention, which Rights do pertain to them and their posterity as the basis and foundation of Government.

"1. That all men are created equally free and independent and have certain inherent natural rights, of which they cannot by any compact deprive or divest their posterity; among which are the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

"2. That all power is by God and Nature vested in, and consequently derived from the people; that magistrates are their trustees and servants, and at all times amenable to them.

"3. That Government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community. Of all the various modes and forms of Government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that whenever any government shall be found inadequate or contrary to these purposes, the majority of the community hath an indubitable, unalienable and indefeasible right, to reform, altar or abolish it in such manner as shall be judged most conducive to the public weal.

"4. That no man or set of men are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator or judge to be hereditary.

"5. That the Legislative and Executive powers of the State should be separate and distinct from the Judicial; and that the members of the two first may be restrained from oppression by feeling and participating the burthens of the people, they should at fixed periods be reduced to a private station, and return into the body from which they were originally taken and the vacancies be supplied by frequent, certain and regular elections.

"6. That Elections of members to serve as representatives of the people in the Legislature, ought to be free and all men having sufficient evidence of permanent common

interest with, and attachment to, the Community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own Consent, or that of their Representatives so elected, nor bound by any law to which they have not, in like manner, assented for the common good.

"7. That all power of suspending Laws, or the Execution of Laws, by any Authority, without the Consent of the Representatives of the people, is injurious to their Rights, and ought not to be exercised.

"8. That in all capital or criminal prosecutions, a Man hath a Right to demand the Cause and Nature of his Accusation, to be confronted with the Accusers and Witnesses, to call for Evidence in his Favour, and to a speedy Trial by an impartial Jury of his Vicinage, without whose unanimous Consent He cannot be found guilty, nor can he be compelled to give Evidence against himself; and that no Man be deprived of his Liberty, except by the Law of the Land, or the Judgment of his peers.

"9. That excessive Bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

"10. That in Controversies respecting property and in suits between Man and Man, the ancient Trial by jury is preferable to any other, and ought to be held sacred.

"11. That the Freedom of the Press is one of the great Bulwarks of Liberty, and can never be restrained but by despotic Governments.

"12. That a well regulated Militia, composed of the Body of the people trained to Arms, is the proper, natural, and safe Defence of a free State; that standing armies, in Time of peace, should be avoided as dangerous to Liberty; and that, in all cases, the Military should be under strict subordination to, and governed by the Civil power.

"13. That no free Government, or the Blessing of Liberty, can be preserved to any people, but by a firm Adherence to Justice, Moderation, Temperance, Frugality and Virtue, and by frequent recurrence to fundamental principles.

"14. That Religion, or the Duty which we owe to our Creator, and the manner of discharging it, can be directed only by Reason and Conviction, not by Force or Violence, and therefore that all Men should enjoy the fullest Toleration in the Exercise of Religion, according to the Dictates of Conscience, unpunished, and unrestrained by the Magistrate; unless under Colour of Religion, any Man disturb the Peace, the Happiness, or the Safety of Society; and that it is the mutual Duty of all to practice Christian Forbearance, Love and Charity towards each other."

Mason, in a note to the original draft, said that a few changes were made by the Virginia Convention, some of them no: for the better. A comparison with the present Bill of Rights in the Constitution of Virginia will show that a number of changes have been made by subsequent conventions, some of them decidedly for the worse.

During the Revolution

Jefferson was eighteen years younger than Mason, and no one who is familiar with the teachings of the Sage of Monticello can doubt that he had drunk deep of the fountain of knowledge and wisdom which he found in the Sage of Gunston.

Like Washington and many of the patriots of that day, Mason long loped for a reconciliation with the mother country. The Fairfax Resolves declared the reports of a desire for independence to be malicious falsehoods. Mason hoped that the non-importation resolutions, by giving a blow to British trade, would compel the British Ministry to treat the Colonies with justice. But when it was seen that nothing remained but a choice between submitting to tyranny or a submission of the controversy to the arbitrament of the sword, he threw himself, heart and soul, into the struggle, and helped to glorify the name of rebel. During the Revolution he was almost constantly a member of the Virginia Assembly. He was also instrumental in raising troops and provisions. But this was the period when he was a widower, and he devoted as much time as possible to the care of his helpless little family. When in 1777, having

declined to allow his name to be proposed for Congress, he was elected in spite of his refusal, he went before the Assembly and gave the domestic reasons which forced him to decline in such touching terms that the whole body was profoundly impressed and tears streamed down the face of the presiding officer. His lingering at home to look after his family more than once caused him to be brought to the Assembly in the custody of the sergeant-at-arms. But when once in the Assembly he was immediately put upon the most important committees and performed the most valuable services. Of these services I have not time to speak, but must proceed to notice the part he played in the convention which framed the Constitution of the United States.

Constitutional Convention

No one can get an adequate idea of the conspicuous and impressive part played by George Mason in the Constitutional Convention of 1787 without reading the Madison Papers and Elliot's Debates. And even in these there is scarcely more than a summary of the earnest, profound, wise and patriotic speeches that he made day after day upon almost every subject which came up for discussion. Virginia was represented in that convention by George Washington, George Mason, Edmund Randolph, John Blar, James Madison, George Wythe and James McClurg. Patrick Henry had declined an appointment, and Thomas Jefferson was in Europe. Washington presided and took ittle part in the debates. Madison was young, and at thattime was inclined to the Federalists, though he afterwards became Republican. It will thus be seen that George Mason was the most prominent and potential member of the Virginia delegation on the floor of the Convention. Unquestionably, he was the most ardent champion of the people and the strongest friend of republican government, as we now understand it, in that wonderful assembly. He had to combat the powerful and astute influence of Alexander Hamilon and Gouverneur Morris, who were strongly imbued with monarchical tendencies and fearful of confiding much power to the people. I believe it may be said that Mason stood more nearly than

any of the rest where Jefferson would have stood if he had been present. I believe also I do no injustice when I say that the earliest effective advocate of democratic principles in America after the Revolution was not Jefferson, but Mason.

Pros and Cons

In the main, then, he insisted strenuously upon broadening the base of the National Government, and placing the pillars of our political structure upon the people as the only sure foundation. I have not time to point out the modes in which he proposed to accomplish this object. I will mention some of the contrary tendencies which he opposed. He opposed a single executive, as likely to bring about finally an elective monarchy. If there was to be but one man, he wished him to be chosen for a term of seven or eight years and to be ineligible to re-election. Washington's example in declining a third term has made it an unwritten amendment that no man shall serve as President longer than eight years, else Mason's fears might have already been realized, nor is it yet too late for such a catastrophe. He proposed an Executive Council to advise with the President, for he feared if such a cabinet were not provided, the President would select one from the heads of the Departments, which would be one of the worst that could be devised, because they could screen one another in case of malfeasance. Mason also opposed the provision for the Vice President, saying that he was a useless officer and probably foreseeing that he would usually be a nonentity. He protested against his presiding over the Senate, thus mixing the executive and legislative departments, and always giving some State an undue advantage and three votes in case of a tie.

As treaties were made the supreme law of the land he opposed giving the President and Senate the right to make them ; since the executive and one branch of the legislative department would then have the power of legislation to the exclusion of the popular branch. He opposed giving the Senate the power of originating money bills. He feared that the Senate would become an aristocratic body and he thought the pursestrings should not be placed in its hands.

He urged that the House of Representatives should be elected by the people of the States and from separate districts in the States to prevent rich men, who could not be elected at home, from buying up boroughs as they did in England. He insisted upon its being plainly stated in the Constitution that the powers not therein granted were reserved to the States.

He favored the militia but opposed standing armies in time of peace. He did not wish to see the President commander-in-chief of the army and navy, lest he might have the power some time, if so inclined, to make himself dictator or emperor. He endeavored to provide against every form of oppression. When treason against the United States was defined to be adhering to their enemies, he thought that form too vague and added the words "giving them aid and comfort."

He thought that tariff bills and commercial measures generally should require a two-thirds vote of both branches of Congress, because he saw that the majority section in such legislation would always discriminate against the minority. He said "The gentleman has shown us that though the Northern States had a most decided majority against us, yet the increase of population among us would, in the course of years, change it in our favor. A very sound argument indeed, that we should cheerfully burn ourselves to death in hopes of a joyful and happy resurrection." Verily, from that day to this we of the South have been burning our money upon the altar of this tariff legislation by the majority, yet we have never seen it ascend except in the smoke of the northern factories.

He opposed every form of monopoly. He opposed some features of the Federal judiciary on the score of the great expense to poor litigants, a most disinterested attitude considering his own wealth. He opposed counting all the slaves in the representation because he thought it unfair, although such a mode would have given Virginia the advantage.

He opposed the general welfare clause which he called "the sweeping clause," because he thought it would be

seized upon as the excuse for the despotism of Congress. He opposed the Federal power to regulate elections because he saw in it a menace of the force bills which have since threatened us. He said that the States were not free when their right to choose their own representatives could be interfered with.

The Slave Trade

But his most notable protest was against the clause which allowed the importation of slaves until the year 1808. We have seen his opposition to the slave trade in the Fairfax Resolves as far back as 1774. In the convention he said, "Mr. Chairman, this is a fatal section, which has created more dangers than any other. The first clause allows the importation of slaves for twenty years. Under the royal government this evil was looked upon as a great oppression, and many attempts were made to prevent it; but the interest of the African merchants prevented its prohibition. No sooner did the Revolution take place than it was thought of. It was one of the great causes of our separation from Great Britain. Its exclusion has been a principal object of this State and of most of the States of the Union. The augmentation of slaves weakens the States, and such a trade is diabolical in itself and disgraceful to mankind; yet, by this constitution, it is continued for twenty years. As much as I value a union of all the States, I would not admit the Southern States into the Union, unless they agree to the discontinuance of this disgraceful trade, because it would bring weakness and not strength to the Union. And though this infamous traffic be continued, we have no security for the property of that kind which we have already. There is no clause in this constitution to secure it; for they may lay such a tax as will amount to manumission. And should the government be amended, still this detestable kind of commerce cannot be discontinued till after the expiration of twenty years; for the fifth article, which provides for amendments, expressly excepts this clause. I have ever looked upon this as a most disgraceful thing to America. I cannot express my detestation of it. Yet they have not secured us the property of the slaves we

have already. So that they 'have done what they ought not to have done and have left undone what they ought to have done.'" Let it be remembered that upon this point he was answering Mr. Sherman, of Pennsylvania, who favored the clause as it stood.

Though Mason elsewhere expressed his disapproval not only of the slave trade but of slavery, saying that it would bring the judgment of Heaven on a country, though he was a large slaveholder, yet he was not an abolitionist in the modern sense. He saw that slavery would weaken and probably destroy the Union—as it came near doing—yet he thought the question should be dealt with upon a property basis. And what a saving of blood and treasure would there have been had his advice been followed! He did not sympathize with the squeamishness of Northern statesmen about recognizing property in slaves. For if slaves were such property as the Northern people could sell, surely they were such property as the Southern people could buy and hold. And he saw that forcible manumission would be confiscation, which, unless justified by the necessities of war, would be robbery.

There is a striking bit of history which he gives us as explaining how this clause came to be adopted as well as certain other clauses which he deemed inexpedient. When this clause was under consideration Gouverneur Morris remarked "these things may form a bargain among the Northern and Southern States." The bargain was made and kept. Mason said, in a speech in the Virginia convention: "I will give you, to the best of my recollection, the history of that affair. This business was discussed at Philadelphia for four months, during which time the subject of commerce and navigation was often under consideration, and I assert that eight States out of twelve, for more than three months, voted for requiring two-thirds of the members present in each house to pass commercial and navigation laws. True it is that it was afterward carried by a majority as it stands. If I am right there was a great majority for requiring two-thirds of the States in this business, till a compromise took place between the Northern and the Southern States, the Northern States agreeing

to the temporary importation of slaves and Southern States conceding in return that navigation and commercial laws should be on the footing on which they now stand. If I am mistaken let me be put right." Washington speaks of this transaction as "a dirty bargain." Thus were the Northern States partly responsible for the continuation of the slave trade for twenty years, against the protest of George Mason.

Last Days

When the Constitution was completed, Mason and Randolph, of Virginia, and Gerry, of Massachusetts, refused to sign it. Returning to Virginia, Mason, as we all know, opposed its ratification by the State, on the grounds I have mentioned and because it contained no bill of rights. Whether he was wise in this we cannot know. The attempt to hold a new convention might have destroyed the hope of a successful union; or it might have produced a union that would not have been shaken by civil war, and one less capable of abuses than that which we now have. However that may be, Mason was overruled by his State, the Constitution was ratified, and he returned to his home, for which he had eagerly longed, to spend the rest of his days in quiet and retirement. Governor Beverley Randolph appointed him to fill the unexpired term of William Grayson in the Senate, but he declined the appointment and James Monroe was appointed in his stead. But his race was almost run, and having long suffered from the gout, he was attacked in 1792 by fever and died at Gunston Hall, where he was buried, in the 67th year of his age. Some of the newspapers of the day contain brief notices of his death. A modest stone, erected a few years ago by his descendants, marks his grave.

Estimates

Such is an imperfect outline of this scholar, orator, patriot, this master-builder of States, this devoted and disinterested friend of human freedom. John Adams wrote of him, "I have often heard from the best patriots of Virginia that Mr. George Mason was an early, active, and able advocate for the liberties of America." No doubt Wash-

ington was one of his informants. Madison said that Mason sustained throughout the proceedings of the constitutional convention the high character of a powerful reasoner, a profound statesman, and a devoted republican. Jefferson, who came peculiarly under the power of his influence, who visited him constantly, the last time but a few days before Mason's death, wrote of him: "He was a man of the first order of wisdom among those who acted on the theatre of the revolution; of expansive mind, profound judgment, cogent in argument, learned in the lore of the former constitution, and earnest for the republican change on democratic principles." William Wirt said, speaking of the great constitutional convention: "The Roman energy and Attic wit of George Mason were there." John Randolph of Roanoke greatly admired him, and in the Virginia constitutional convention of 1829 used to attend daily with crepe on his hat and sleeves, "in mourning," he said, "for the old constitution drawn by George Mason."

Patriotic Opinions

That he was an unselfish patriot none can deny. Though the Revolution, as he tells us, cost him ten thousand pounds sterling he did not hesitate to inaugurate it. Though he was one of the heavy losers by the non-importation resolutions, he advocated them. Though loving his home life well enough to refuse to go to the House and the Senate, yet he left it when he thought he could serve his country better.

When in the Philadelphia Convention there was some talk of adjournment, he said that "it could not be more inconvenient for any gentleman to remain absent from his private affairs than it was for him, but he would bury his bones in this city rather than expose his country to the consequences of a dissolution of the Convention without anything being done." Writing to Washington about the non-importation Resolutions, he says: "Our all is at stake, and the little conveniences and comforts of life, when set in competition with our liberty, ought to be rejected, not with reluctance, but with pleasure."

He anticipated Washington and Jefferson in opposing foreign alliances. In a letter to his son, who was in Paris

after the Revolution, he said: "We reflect with gratitude on the important aids that France has given us; but she must not, and I hope will not, attempt to lead us into a war of ambition or conquest, or trail us around the mysterious circle of European politics." In the instructions to Fairfax County's delegation in the Assembly, which are accredited to Mason, it is said: "Nature having separated us, by an immense ocean, from the European nations, the less we have to do with their quarrels or politics, the better."

Though a member of the aristocratic class, he was thoroughly democratic, had a passionate devotion to republican government, and strenuously opposed whatever "squinted" in the opposite direction. Speaking of the re-eligibility of the President, he said: "Nothing is so essential to the preservation of a republican government as a periodical rotation. Nothing so strongly impels a man to regard the interests of his constituents as the certainty of returning to the general mass of the people, from whence he was taken, where he must participate their burdens." He said again: "We know the advantage the few have over the many. They can with facility act in concert and on a uniform system; they can join, scheme and plot against the people without any chance of detection." In speaking of the organization of Congress, he said that "we ought to attend to the rights of every class of the people. He had often wondered at the indifference of the superior classes of society to this dictate of humanity and policy, considering that, however affluent their circumstances or elevated their situations might be, the course of a few years not only might, but certainly would, distribute their posterity throughout the lowest classes of society. Every selfish motive, therefore, every family attachment, ought to recommend such a system of policy as would provide no less carefully for the rights and happiness of the lowest, than of the highest, order of citizens." In 1775, in an address to the Fairfax company of militia, Mason said: "We came equal into this world, and equal shall we go out of it. All men are by nature born equally free and independent. Every society, all government, and every kind of civil compact, therefore, is, or ought to be,

calculated for the general good and safety of the community. Every power, every authority vested in particular men is, or ought to be, ultimately directed to this sole end ; and whenever any power or authority extends further, or is of longer duration than is in its nature necessary for these purposes, it may be called government, but it is in fact oppression. In all our associations, in all our agreements, let us never lose sight of this fundamental maxim—that all power was originally lodged in, and consequently is derived from, the people. We should wear it as a breastplate, and buckle it on as an armor." And this before the Declaration of Independence was thought of.

There are not many better statements of the value of suffrage than he has given us. "The essential difference between the citizens of a free country and the subjects of arbitrary or despotic governments, or, in other words, between freemen and slaves, consists principally in this: That the citizens of a free country choose the men who are to make laws for them, and are therefore governed by no laws, but such as are made by men of their own choosing, in whom they can confide, who are amenable to them ; and if they abuse their trust can be turned out at the next election. But the subjects of arbitrary governments having no such right of suffrage, in electing their own lawmakers, are governed by laws made by men whom they do not choose, who therefore are not amenable to them, over whom they have no control, in whom they have no confidence, with whom they have no common interest or fellowship. Hence proceed partial and unjust laws, oppression and every species of tyranny. From these premises it is evident that this right of suffrage, in the choice of their own lawmakers, is the foundation and support of all the other rights and privileges of freemen. And whenever they shall be deprived of it, all their other rights and privileges must soon moulder away and tumble to the ground. Whenever it shall be impaired and weakened, all the other rights and privileges of a free people will be impaired and weakened, in the same proportion. And whenever, under any pretence whatever, the substance of this fundamental and precious right of suf-

frage shall be so far undermined or invalidated as to leave the name or shadow of it only to the people, from thenceforward, such people will possess only the name and shadow of liberty, which, without the substance is not worth preserving."

The oft-quoted advice to his sons, contained in his will, drawn in 1773, is worth quoting again:

"I recommend it to my sons from my own experience in life, to prefer the happiness of independence and a private station to the troubles and vexation of public business, but if either their own inclinations or the necessity of the times should engage them in public affairs, I charge them on a father's blessing never to let the motives of private interests or ambition induce them to betray, nor the terrors of poverty and disgrace or the fear of danger or of death, deter them from asserting the liberty of their country and endeavoring to transmit to their posterity those sacred rights to which themselves were born."

His literary powers, as shown by his letters and other writings, would have made him immortal if he had devoted himself to literature. Madison declared that his conversation was a feast. One fine specimen of his wit has been preserved. When his opponent for the Assembly charged that George Mason was losing his mind, he retorted that if his adversary's mind should fail, nobody would discover it.

Physique

To his other attractions were added a magnificent physique. A portrait of him made in 1750, with his lovely girl wife, shows him in the fashionable short wig of the day which effectually conceals his own dark hair. His features are regular, the eyes hazel and full of expression, the complexion clear and dark, the expansive brow betokens intellectual ability, while the chin in its firm, strong contour is indicative of character and will-power. Grigsby has pictured him as he arose to address the Virginia convention in opposition to the ratification of the Constitution of the United States. "In an instant the insensible hum of the body was hushed, and the eyes of all were fixed upon him.

How he appeared that day as he arose in that assemblage, his once raven hair white as snow, his stalwart figure attired in deep mourning, still erect, his black eyes fairly flashing forth the flame that burned in his bosom, the tones of his voice deliberate and full as when in the first House of Delegates he sought to sweep from the statute books those obliquities which marred the beauty of the young republic, we have heard from the lips and seen reflected from the moistened eye of trembling age."

Let us hail this august figure as one of the greatest on the canvas of our national life. Let us bow in humble admiration of an intellect so vast, a character so noble. Let us often turn our reverent attention to the lesson of his life, and having learned it well, do what in us lies to transmit its teachings to future generations, to secure to them the blessings of that liberty for which he labored, and to insure the lasting glory of this Republic which he loved.

APPENDIX

Genealogy

These scanty notes are taken from Miss Rowland's Life, to which those desiring fuller information are referred:

The second George Mason married Mary Fowke, daughter of Gerard Fowke.

The third George, their son, married Ann Thomson, daughter of Stevens Thomson, Attorney-General of Virginia during the reign of Queen Anne.

The fourth George, their son, and the subject of this memoir, married Anne Eilbeck, of Charles County, Md.

Their sons:

(1) George Mason, of Lexington,	married Elizabeth Mary Anne Hooe.
(2) William	married Anne Stuart, daughter of Parson Wm. Stuart of King George County.
(3) Thomson, of Hollin Hall,	married Mary Chichester.
(4) John, of Analostan Island,	married Anna Murray of Maryland.
(5) Thomas	married Sarah Hooe.

Daughters:

(1) Anne Eilbeck	married Rinaldo Johnson of Aquasco, Md.
(2) Sarah	married Daniel McCarty.
(3) Mary	married William Thornton.
(4) Elizabeth	married John Cooke.

The Portrait

Soon after their marriage, in 1750, the portraits of Mr. and Mrs. Mason were taken by Hesselius, the early instructor of Charles Wilson Peale.

They are now in the possession of Mrs. Jennie Cooper Dawson, a granddaughter of Gen. John Mason of Analostan Island.

A copy of the portrait, kindly loaned by Mrs. Dawson, was made by Mr. Carl Gutherz of Washington, D. C. This copy was declared by good judges to be an excellent likeness and worthy of the distinguished artist who made it.

Entry of Marriage

"In the Gunston Bible there is to be found, as the first entry, in George Mason's own clear calligraphy, the record of this marriage":

"George Mason, of Stafford County, Virginia, aged about twenty-five years, and Ann Eilbeck, the daughter of William Eilbeck, merchant, of Charles County, Maryland, aged about sixteen years, were married on Wednesday, the 4th day of April, in the year 1750, by the Rev. Mr. John Moncure, Rector of Overwharton parish, Stafford County, Virginia."

In the same Bible is recorded, in his own handwriting, the death of his wife, on the 9th of March, 1773:

"Her funeral sermon was preached in Pohick Church by the Rev. Mr. James Scott, Rector of Dettingen Parish in the County of Prince William, upon a text taken from the 23d, 24th and 25th verses of the seventy-third Psalm." * * *

Then follows this touching tribute to her memory:

"In the beauty of her person and the sweetness of her disposition she was equalled by few, and excelled by none of her sex. She was something taller than the middle size and elegantly shaped. Her eyes were black, tender and lively; her features regular and delicate; her complexion remarkably fair and fresh. Lilies and roses (almost without a metaphor) were blended there, and a certain inexpressible air of cheerfulness and health. Innocence and sensibility diffused over her countenance formed a face the very reverse of what is generally called masculine. This is not an ideal but a real picture drawn from the life, nor was this beautiful outward form disgraced by an unworthy inhabitant.

'Free from her sex's smallest faults,
And fair as womankind can be.'

"She was blessed with a clear and sound judgment, a gentle and benevolent heart, a sincere and an humble mind, with an even, calm and cheerful temper to a very unusual degree; affable to all, but intimate with few. Her modest virtues shunned the public eye; superior to the turbulent passions of pride and envy, a stranger to altercation of any kind, and content with the blessings of a private station, she placed all her happiness here, where only it is to be found, in her own family. Though she despised dress she was always neat; cheerful, but not gay; serious, but not melancholy. She never met me without a smile! Though an only child, she was a remarkably dutiful one. An easy and agreeable companion, a kind neighbor, a steadfast friend, a humane mistress, a prudent and tender mother, a faithful, affectionate, and most obliging wife; charitable to the poor,

and pious to her Maker ; her virtue and religion were unmixed with hypocrisy or ostentation. Formed for domestic happiness, without one jarring atom in her frame ! Her irreparable loss I do and ever shall deplore, and though time, I hope, will soften my sad impressions, and restore me greater serenity of mind than I have lately enjoyed, I shall ever retain the most tender and melancholy remembrance of one so justly dear."

An altar-shaped tomb was erected by Colonel Mason to his wife's memory. On one side is the following inscription :

"Ann Mason Daughter of William Eilbeck
(of Charles County in Maryland Merchant
departed this life on the 9th day of March 1773
(in the 39th year of her age after a long and
painful illness, which she bore with uncommon
(Fortitude and Resignation.—
" Once she was all that cheers and sweetens Life ;
The tender Mother, Daughter, Friend and Wife :
Once she was all that makes mankind adore ;
Now view this Marble and be vain no more."

After his death the following lines found in his pocket-book were preserved by his daughter, Sarah (Mrs. McCarty)—ending thus :

* * * * *

" Alas ! what can the honors of the world impart
To soothe the anguish of a bleeding heart."

Indifference to Distinction

He was a man formed by nature for domestic happiness. Some one reports him to have said that he was never entirely happy when out of sight of the smoke from the chimneys of Gunston Hall. Edmund Randolph says of Mason :

"How he learned his indifference for distinction, endowed as he was with ability to mount in any line ; or whence he contracted his hatred for pomp, with a fortune competent to any expense and a disposition not averse from hospitality, can be solved only from that philosophic spirit which despised the adulterated means of cultivating happiness."

We add

Some Comments of the Press on Miss Rowland's Life of George Mason

"The general reader will find the charm of the book in its portrayal of ante-revolutionary and Colonial life. Gunston Hall was a fine old mansion on the Potomac, in a neighborhood thick with historic names. * * * The wonder is that such important work which has shaped the destiny of the Union could have been done with such simplicity and apparently spontaneous effort as one of the manifold duties of a busy man who was first perhaps a great landholder and then a patriot.—*Hartford Courant.*

"It was these clear-minded, stout-hearted, resolute Englishmen who created this greater England of ours in the new world, and we owe it to ourselves, as well as to them, to know who they were, what they thought, felt, and did, for in knowing this we know what is best in our blood, and what we can never know too much of—how a great people was made. If we care for ourselves, we must care for men like Mason."—R. H. STODDARD, in *N. Y. Mail and Express.*

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* * * "Mason was a type of these men, a civic type of the highest order, a Virginia planter, who was capable, like Jefferson and Madison, of drawing up a great State paper as well as of managing great estates successfully. * * * The career of this interesting Colonial and Revolutionary figure is followed with extraordinary care and minuteness by Miss Rowland in these two octavos."

—*The Critic, N. Y.*

"This work adequately depicts and sympathetically commemorates the life and services of a wise and busy man, whose innate modesty persistently veiled his actions. * * * Besides minutely relating the public offices of Mason and many of his illustrious contemporaries, this history reveals much of the grand home-life of those days. Those Virginia gentlemen lived ideal lives. Controlling the affairs of State with a wisdom and prudence that laid the foundation on which our Republic now rests, they yet devoted large time to social pleasures, the description of which, in these unromantic days, reads like romance."—*N. Y. World.*

"This is, to begin with, one of those well-made books that it warms one's heart to get hold of in these degenerate days. * * * Then, too, this labor of love has not been wasted, as it too often is, on a theme unworthy of so fine a dress. George Mason deserves this stately and enduring memorial."—*N. Y. Examiner.*