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FOURTH OF JULY REFLECTIONS 2009[©]

Robert W. Smiley, Jr., Chairman

Once again it is time to commemorate the enduring significance of the Fourth of July. This year we highlight the lives of four more towering patriots, all signers of the Declaration of Independence, and all from what became the State of Pennsylvania: Benjamin Rush, George Ross, James Smith, and James Wilson. They, along with the other 52 signers, put their country ahead of their own interests and fortunes, and often their own personal safety.

Now is the time, perhaps more than ever before, to profoundly consider the incredible treasure we have had in the nation our Founding Fathers struggled for and fought to establish for us. Far too many of us collectively have grown exponentially ignorant, thoughtless, and uncaring when it comes to the unique freedom with which we were gifted. We no longer seem to be upholding the precious structure of government that the framers of the Constitution built for us. We need to reverse that erosion; to preserve what must continue to withstand the test of time. And we can only preserve it by abiding by it.

Consider these familiar, vital words from the Declaration of Independence: *“We hold these Truths to be Self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed.”* We, the governed, are seeing our Constitution bent and twisted, as directives are issued and laws are passed and enforced—without formally amending the Constitution. This is becoming a dangerous time where radically distorted interpretations of our Constitution are being made by those in power—interpretations that utterly disregard and dismiss as old-fashioned the intentions of the framers. Some people may desire these ends achieved by unconstitutional means, not understanding the underlying erosion of the very foundations of our government. We believe most people do not.

Remember the famous Benjamin Franklin response as the adoption of the Constitution was about to take place in 1787 and he was asked, *“Well, Doctor, what have we got, a republic or a monarchy?”* Franklin’s answer: *“A republic if you can keep it.”* Our Constitution, an amazingly structured blueprint, gave us checks and balances, distinctly separating the powers of the three branches of the federal government. And indeed, the new republic was structured specifically to put firm and inviolate limits on the power of the federal government. It delineated precise boundaries on what that government could do vis-à-vis the powers delegated to the states and the rights reserved to the people. Those in power appear to be ignoring the mandate of the Tenth Amendment: *“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”*

We hope our sending you these brief biographies upon which to reflect will increase your appreciation for the freedom these patriots bequeathed to us. We hope, that as you enjoy the Independence Day holiday once again, you will thank them for helping bring us the blessings of liberty we continue to enjoy today and that you will work to ensure, in the words of Abraham Lincoln, *“...that this nation under God shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the earth.”*

We look forward to continuing to send additional Fourth of July Reflections in the years to come. Please enjoy our earlier Fourth of July Reflections as well, at <http://www.benefitcapital.com/4threflect.html>

George Ross
Born: May 10, 1730* – New Castle, Delaware
Died: July 14, 1779 – Lancaster, Pennsylvania

George Ross was born into a large family, the son of an Episcopal clergyman. He and his siblings received fine classical educations at home. Young George's keen intelligence persuaded his father to give him the advantages of a higher education, and he undertook the study of law when 18, under an elder brother, John, who was already a practicing attorney in Philadelphia. Ross was admitted to the Pennsylvania Bar in 1750, in Philadelphia, when only 20, and established his office in Lancaster, where the same year he married Ann Lawler, a young woman from a family who were among his earliest clients.

Ross's law practice was very successful, and the young man earned an outstanding reputation both as an advocate and as a counselor. A Tory of the times, as was the case with most men of his day, he served as Crown Prosecutor (attorney general) for 12 years. He avoided politics until, in 1768, he was elected to represent the county of Lancaster in the Pennsylvania Provincial Assembly. It was now that he unavoidably came face to face with and gradually came to understand the escalating conflict between the colonial assemblies and the British. Eventually he found himself converted to an open and strong supporter of the movement for independence. He was reelected to the Provincial Assembly annually, even beyond 1774, when, while still serving in the Provincial Assembly he was elected as a delegate to the First Continental Congress in Philadelphia (a very popular choice and the only delegate to receive more votes was Benjamin Franklin.) At the time of becoming a delegate to the Continental Congress, Ross was still loyal to Britain.

During this period of dual service the Provincial Assembly gave him only general directions about what he should do in meeting with various colonies to arrive at and adopt a plan for redressing American grievances and ascertaining American rights while at the same time remaining respectful of England. While still serving on the Provincial Assembly in 1775 Ross was also a member of the Committee of Safety for his colony, which had been given the authority to formulate plans for the defense of the people and property, collecting arms and ammunition, and providing for the payment of all necessary associations that might be called out to repel any British attacks. Ross's turning to the Patriot side in 1775 resulted in the Provincial Assembly removing him from that still British-controlled provincial legislature.

Ross was very popular in the First Constitutional Convention, where he authored regulations for the Constitutional Convention, military rules, and an ordinance on treason and punishment. In 1776 he was elected Vice President of the First Constitutional Convention and elected to the Second Continental Congress. While he returned to Congress too late to cast his vote for independence, he was in time to sign the Declaration, and sign it he did, on August 2, 1776, in a boldly written, underscored fashion. When the tensions between the Colonies and the Crown escalated into outright war, Ross served as a colonel in the Continental Army.

Failing health led Ross to resign his seat in the Continental Congress in 1777, before its close. Though his Congressional career was comparatively brief, the esteem with which he was held by his constituents in the County of Lancaster was great. He was considered a statesman of wide views, and "cheerfully sacrificed his private interests for the public good." That high regard was expressed in his

constituents' resolution to reward him with money, but he refused to accept it, expressing the feeling that every man should do all he could for the welfare of his country without monetary reward.

Sadly, Ross did not live to see the independence for which he strove so hard. In 1779 he was appointed judge of the Court of Admiralty for the State of Pennsylvania, but after deciding a landmark case, he died suddenly, from a violent attack of gout just three months later, on July 14, 1779, at the age of only 49.

[*Please note that variations in birthdates for many of the Founders are due to calendar changes during this era involving a switch from the Julian to the Gregorian calendar.]

Benjamin Rush

Born: December 24, 1745 – Byberry, Pennsylvania

Died: April 19, 1813 – Philadelphia, Pennsylvania

In addition to being a patriot, Benjamin Rush was a social activist, abolitionist, and, at the time of his death, the most well-known physician in America. One of seven children, he was born into a family whose forebears had emigrated from England 62 years earlier. His father died when Rush was only six, but he was fortunate to have a mother who valued education and saw that he received a good one. The first part of his formal education was at an academy conducted by a clergyman who later became president of Princeton College. There he acquired a knowledge of languages and formed the solid base of his character. He went on to attend the College of New Jersey (now Princeton), earning his Artium Baccalaureatus (A.B.) degree in 1760, at not quite age 15.

At first, Rush was headed for a career in law, but he abruptly changed course and took up medicine. After four years of study, he spent the last two years of his medical education at the University of Edinburgh (Edinburgh was at the time regarded as the medical center of the world), where in 1768, at age 22, he earned his M.D. He remained in Europe a while (in England and France), and it was during that period that he began his friendship with Benjamin Franklin.

In 1769 Rush returned to America and became the very first professor of chemistry at the Philadelphia Medical College. That small college was merged 22 years later, and Rush was appointed full professor of medical theory and clinical practice in what had become the University of Pennsylvania. He ultimately became the most famous American physician and medical teacher of his generation.

Although historically Rush gained renown more for his prominence in medicine (for example, he is considered the “Father of American Psychiatry”, having published the first textbook on the subject in the U.S.). Rush was an early and fervent backer of the patriot cause. Soon after his return from abroad, he became involved in pre-Revolutionary movements. He was an active member of the Sons of Liberty, colonists joined together in protest against the British impositions on American economic freedom. And he wrote regularly regarding colonial rights. A member of the Provincial Convention of Pennsylvania, he championed the cause for Congress to declare independence. Elected to the first Continental Congress in 1774, Rush demonstrated his zeal for the colonial cause by riding out to meet the Massachusetts delegates. It was at this time that his warm and most-treasured friendship with John Adams began. In 1776, he was consultant to Thomas Paine on his authoring of the profoundly influential pro-independence pamphlet, “Common Sense.”

Rush served as surgeon to the Pennsylvania Navy from September 1775 to July 1776. In April 1777 he was appointed surgeon-general of the Continental Army, but did not hold the position long, for in February 1778 he resigned his military office in frustration over the incompetent and corrupt management of the hospital stores.

During his service as surgeon-general, however, even while constantly caring for the wounded in the battles of Trenton, Princeton, Brandywine, and Germantown, and for those ill at Valley Forge, Rush found time to write four long public letters to the people of Pennsylvania. He commented critically on the Articles of Confederation of 1776, urging revision because of the dangers of giving legislative powers to a single house.

Rush signed the Declaration on July 4, 1776. He reentered the political realm briefly in 1787 to advocate the ratification of the federal constitution and was appointed to the ratifying convention for Pennsylvania. As a result of Rush's lifelong patriotism and commitment to the American cause, President John Adams appointed him treasurer of the U.S. Mint in 1797, and he served in that position for the rest of his life, all while his accomplishments in the medical field continued to grow.

Rush married Julia Stockton in 1776 and they became the parents of 13 children, nine of whom survived Rush.

Upon Rush's death in 1813, at age 67, John Adams wrote in reply to a letter from Thomas Jefferson, "I know of no character living or dead who has done more real good in America."

James Smith
Born: 1719 – Ireland**
Died: July 11, 1806 – York, Pennsylvania

Although firmly ensconced in the annals of American History as a signer of the Declaration of Independence, James Smith is a signer about whom documentation is brief, as his office and papers were destroyed by fire near the time of his death. He became an ardent patriot when the tide toward separation from England began. He was reported to have been very intelligent and very pious as well as possessed of great wit. His lively personality was sometimes described as "comical," and he was well-liked.

The large family that included this future Declaration signer emigrated from Ireland in 1729. After completing his early education from a church minister who taught him Latin, Greek and surveying, James studied law under his older brother George. At first, he worked as both lawyer and surveyor near what is now Shippensburg, Pennsylvania, a frontier area where his surveying skills were in more demand than his legal services. After several years he moved to well-established York, where for many years he was the only practitioner at the bar. Simultaneously with his successful law practice, he was also involved in iron manufacturing and at the beginning of the Revolution had considerable property.

Smith was past half of his long life before he evidenced any interest in politics, but, when the time came, he took up the patriot cause early on. It was what we have come to know as "The Boston Tea Party" on December 16, 1773, that drew him in. In 1774, he served as delegate from the county of York to the meeting of all Pennsylvania counties that had convened to address whether or not to ban the importation of English goods and to assemble a general congress. There he served on the

committee tasked with reporting a draft of instruction to the general assembly, which was then about to meet. Here indeed he offered a paper he had written titled “Essay on the Constitutional Power of Great Britain over the Colonies in America,” offering a boycott of British goods and a General Congress of the Colonies as a measure in defense of colonial rights.

The prevalent sentiment at that time, due to the influence of the many Quakers among the populace, was to attempt to settle differences without resorting to armed conflict, but Smith was of a more confrontational bent. Upon returning to York, he joined in putting together the first volunteer corps raised in Pennsylvania in opposition to England’s armies. He was elected captain of the company, becoming its honorary colonel, and acted as an advisor after the company grew to become a regiment.

In January 1775 Smith became a member of the convention for the province of Pennsylvania, which resolved to resist any application of force by the British administration in order to make the colonies submit to “the late arbitrary acts of the British parliament.” But still, due to the predominance of Quakers among them, more Pennsylvanians than not were very much opposed not only to war but even to a declaration of independence. By May this opposition was softening, and the convention finally adopted a resolution that amounted to a declaration of independence.

In 1776 Smith was appointed to the Pennsylvania state constitutional convention, and while serving was elected to the Second Continental Congress. He retired from Congress early in 1777, then served again from December 1777 through all of 1778. With the Congress meeting in Philadelphia, he made his office available for meetings of the Board of War. Throughout his service in Congress, during the darker days of the Revolutionary conflict, his constant optimistic attitude and cheerfulness were reported to have done much to alleviate the despondency of some around him. In 1785, having held several state posts since leaving Congress, he was reelected to Congress but declined to attend because of advanced age.

Around age 40 he married Eleanor Armor, a girl 20 years his junior. They had five children, only two of whom survived him.

Smith died July 11, 1806, in York, close to 90 years of age.**

[**Mr. Smith never revealed his date of birth to anyone. Nor is it certain where in Ireland he was born. Some reports say Dublin, some Ulster. We do know that he was the second-born son of a prosperous farmer.]

James Wilson

Born: September 14, 1742 – Kaskerdo, Scotland
Died: August 21, 1798 – Edenton, North Carolina

James Wilson was a major force in the drafting of the Constitution of the United States. He was a leading legal theoretician and one of the six original justices appointed by George Washington to the Supreme Court in 1789. Wilson was so knowledgeable on the subject of government that he is considered the most scholarly of all the Founding Fathers. While less known by the general public than very many of the other signers, James Wilson stands tall in history as one of the most influential of them all.

In his native Scotland, Wilson studied at universities in Glasgow, St. Andrews, and Edinburgh, receiving instruction in rhetoric and logic, but, due to the death in 1761 of his father, he never achieved a degree. At first he intended to be a Presbyterian minister, but he ended up studying bookkeeping.

Following his formal education in Scotland, Wilson determined to seek independence in America, feeling no hope for it in his native land. And so, in 1765, he emigrated to Philadelphia, where he became tutor to the Philadelphia College and Academy, earning a reputation as the best classical scholar who had officiated as a tutor in the Latin department. After a short time, however, he went into law. This was also the time in his life that he began a lifelong fascination with land speculation. He was admitted to the Philadelphia Bar in 1768, and in 1775, he was elected a member of the Continental Congress.

Like his fellow Pennsylvanian James Smith, Wilson was not at first in favor of total independence for the colonies, being unwilling to vote against the will of his constituents. Yet, after a three-week delay in the proceedings of the Continental Congress, during which he received more feedback, it was his vote that broke the deadlock of the Pennsylvania delegation to Congress. He left Congress in 1777. In 1778, after a spell in Annapolis, Maryland, Wilson moved to Philadelphia, where he spent the rest of his life. For years he stood at the head of the Philadelphia bar and was so popular as an advocate that nearly every important case that came before the higher tribunals of that state was defended by him. In 1782, by which time the conservatives had regained some of their power, Wilson was reelected to Congress, and he served again from 1785-1787.

Wilson's influence in the Constitutional Convention in 1787 is considered to have been perhaps second only to that of Madison. He attended virtually every session, was on the Committee of Detail, and in many other ways applied his keen knowledge of political theory to problems with which the convention was confronted. He favored popular election of the president and of senators. He understood clearly the central problem of dual sovereignty (nation and state) and held a vision of an almost limitless future for the U.S. He was one of the early Congresses' greatest orators, addressing the Convention 168 times.

In 1789 Washington named him associate justice of the Supreme Court, but he had expected to be named Chief Justice. The same year he was selected the first law professor at the College of Philadelphia. He was passed over for Chief Justice again in 1795 and 1796.

He married Rachel Bird in 1771. In 1793, then a widower with six children, he married again, to Hannah Gray; their only son died in infancy.

Wilson's land speculations plunged him repeatedly into severe debt, and in 1797 he fled to Burlington, New Jersey, to avoid arrest. A son paid his debts, but he speculated and failed repeatedly. Another time he fled to North Carolina. He was briefly imprisoned twice. Under great mental distress, he died at age 55, of a stroke, in Edenton, North Carolina, on August 21, 1798, while still a resident of Philadelphia.

James Wilson's portrait appears on the \$10,000 Series EE Savings Bond issued by the U.S. Government.